Russia's relationship with norms compromising sovereignty has long been difficult. The emphasis on non-intervention and territorial integrity pre-occupied the official thinking of post-Soviet Russia. It began to change in 2008 as the short Russo-Georgian war broke out with Russia pushing for the application of the Responsibility to Protect which should have provided a legitimate basis for Russia to enforce peace, although it simply was “beautiful wrapping” for Moscow’s disproportionate reaction.

The principle of Responsibility to Protect (R2P) should be invoked if “a particular state is clearly either unwilling or unable to fulfill its responsibility to protect or is itself the actual perpetrator of crimes or atrocities”. It basically means that sovereignty is not confined to the effective control of the territory. The ‘sovereign’ should be not allowed to do anything he desires. The state’s autonomy and the scope of action are limited.

In sum, R2P comprises responsibility of each state to protect its population, the commitment of the international community to assist States in meeting those responsibilities and “respond collectively in a timely and decisive manner”. Note that R2P should not be equated with military intervention, since “assistance” can comprise a variety of non-military measures which have to be exhausted before the military option can be
The Russian foreign policy conception issued in 2008 criticized tendencies of “arbitrary usage” of international norms like sovereignty and non-aggression. Ironically, it was Russia who resorted to such “arbitrary usage” a couple of weeks later in Georgia. The conception adopted in 2013 named Responsibility to Protect specifically as a threat to sovereignty: “It is impermissible that under the pretext of implementing “Responsibility to Protect” military interventions and other forms of external interference are carried out which undermine the very foundations of international law resting upon the principle of sovereign equality of the states.”

Despite stability in its official position, Russia’s use of R2P has varied throughout different crises. What were the reasons for this inconsistency and what does it mean for international norms?

Georgia

Russia’s justification narrative for the intervention in Georgia was an exemplary ‘copy-paste’ job from UN documents. During the Security Council meeting on August 10, Russian Ambassador Vitali Churkin accused Georgia of having launched “an aggressive action against the people of South Ossetia”, violating international law and failing “the obligation to protect civilians from dangers related to military operations” which “calls into question Georgia’s viability as a State and its viability as a responsible member of international community.” Summarizing these accusations, Churkin asked: “How can we not recall the responsibility to protect that we hear so much about in the United Nations?” Well, we could have, had it really been the case.

Responding to the criticisms that Russia’s use of force had been disproportionate, Ambassador Churkin pointed with sarcasm at the humanitarian “track record” of the United States, “a country whose actions we are aware of, including with regard to civilian populations in Iraq, Afghanistan and Serbia.”

This argumentative trick, or “whataboutism”, was probably made with aim of avoiding blame. Russia’s use of force was disproportionate and unjustified, since other non-military measures had not been exhausted as R2P requires. Russia simply acted unilaterally as if it was up to any single state to decide whether “it is genocide or not”. Instead of responding to these legitimate concerns, the Russian representative pointed to unilateral and uncooperative actions of the U.S. and its allies in Serbia and Iraq implying that if the U.S. can misuse a norm, why cannot Russia?

It is crucial to note that principles like R2P and norms in general are not “hard facts”, nor are they objects, which exist regardless of what we think of them and how we engage them. Norms are what we make of them. That is why the NATO operation in Yugoslavia, however morally justified, and the U.S. intervention in Iraq – cases that were not decided by the international community and the UN - gave Russia the possibility (although not the right) to refer to this “precedent”. Bad actions can undermine a norm und Russia used this.

Libya, Syria and great power posture

Russia agreed to the intervention in Libya (the first proper implementation of R2P) by abstaining from the UNSC vote, but it has massively contributed to the stalemate over Syria. Russia did not even agree to resolutions blaming the Assad regime for atrocities. The Russian stance described the implementation of the UNSC mandate in Libya as going far beyond its content. The agreement on protecting civilians had been supplemented by regime change on the ground. Russians were motivated by the desire to avoid further regime changes.

Whereas there has been much talk about Russian interests in Syria, another commentator notes, that in Syria “Russia has another stake in this game – the recognition of the fact that no significant international problem can be solved without [Russian] assistance and that this assistance should not always be taken for granted.”

The self-imposed identity of great power compels the Kremlin to demand that it be treated not as a “normal country”, but at least as an equal, even if it is clear that Russia does not match Soviet Union and some contemporary countries in capabilities. The UN Security Council remains the only place where Russia can demonstrate its “greatness”, whereby the main recipients of the message should be Russians themselves, who are thereby kept oblivious of problems within the country.
Russia’s meddling in Crimea

Commenting on the decision of the Federation Council (the upper-chamber of Russian parliament) to permit Vladimir Putin the use of force in Ukraine “until the civic and political situation there has been normalized”, the Permanent Representative of Russia (still Churkin) pictured “ongoing threats of violence by ultranationalist agents against the security, lives and legitimate interests of Russians and all Russian-speaking peoples” and concluded that Russia could not allow the alleged ultranationalist threat to materialize in Crimea.

The actions Russia was about to take (and was covertly undertaking at the time of the meeting) showed little evidence for the use of R2P. Russia instead constructed the narrative of an alleged threat to millions of Russian-speaking people in the Crimean peninsula. If one follows this Russian logic, it was a kind of “preventive” humanitarian intervention.

The Crimean case is similar to the Russo-Georgian war except that this time the threat was massively exaggerated (if not completely fabricated) and R2P was not mentioned whatsoever. However, it is worth noting that such an approach is at first blush consistent with the latest foreign policy conception (see above). But this consistency is deceptive. Conscious of its own experience with R2P, the Kremlin simply opted for exclusive protection of Russian-speakers and ‘non-linear’ fighting.

Conclusion

Two conclusions can be drawn, which are two sides of the same coin.

First, the reason for not playing the R2P card may have been the fact that Russia already misused R2P once in Georgia. Although, Russia does not seem to have come to believe in the legitimacy of coercive humanitarian actions after having called for Responsibility to Protect in South Ossetia, the unwelcoming reaction of many (not only Western) countries in 2008 may have at least prevented Moscow from misusing the norm once again. So, it is at least positive that Russia does not apply the norm in such a cynical way as it did in Georgia.

Having done this, Russia actually may have contributed to the consolidation of the emerging norm of R2P. It is of crucial importance for a new, emerging, norm to be clearly defined and properly implemented to avoid its dilution and demise, since norms are what states make of them.

Second, with the annexation of Crimea and meddling in East Ukraine Russia showed that it can effectively circumvent norms (like sovereignty and non-interference) by denying its involvement. In the end, it does not matter much if Russia uses R2P properly or does not misuse it, since it did not prevent Moscow from intervening in Ukraine. Striking (and frightening) is that in parallel to official condemnation of R2P the conception of “non-linear fighting”, or hybrid war, has come to light. In other words, bad news is that Russia may seem to respect some norms while pursuing dubious goals covertly and saying ‘nyet’ to all accusations.

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