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LEGITIMIZATION OF RUSSIAN ANNEXATION OF CRIMEA THROUGH DISCURSIVE PRACTICES

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ABSTRACT

Russian annexation of Crimea in 2014 has had broad repercussions and has been debated in both academia and international politics in terms of its legality according to international legal norms. As context of Russian declarations over the issue has pointed out, for Russian perspective, Crimean intervention was both legal and legitimate. In this regard, this paper aims at examining Russian discursive practices concerning annexation of Crimea. In accordance with its aim, this paper will briefly cover the course of events in Crimea in 2014 that was concluded with Russian annexation of the peninsula. Then, it will focus on alleged legality of the annexation in question in accordance with the principles of self-determination in international law. Finally, this paper will analyze Russian discourses about Crimean annexation. As a result of the aforementioned analysis, this paper will conclude with the argument that Russian authorities legitimized illegal annexation of Crimea through discursive practices.

Keywords: Crimean Annexation, Russia, Vladimir Putin, Self-Determination Principle

Introduction

Foreign policy-making is a complex and intertwined process to understand and analyze. Both ideal and material dimension of this process create a slippery slope for foreign policy analysis. Thus, poststructuralist research design focuses on multidimensional feature of decision-making in foreign policy and takes both dimensions into consideration (Hansen, 2013, p. 2). On this basis, material dimension of this process is relatively easy to track since it is based on physical capabilities such as military and economic capability. However, ideational dimension of the process is rather complex since it is an abstract combination of political history and identity, which form their basis upon social phenomena such as history, geology, culture, ethnicity and collective memory.

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Ideational dimension in question constructs and reconstructs itself within discursive practices by both governmental sources and communication channels such as TV programs, newspapers, magazines etc. These practices are strongly related with identity, because, identity itself is a product of social and political heritage of a society as well as its imagination of itself and the other (Anderson, 1991, p. 184). Moreover, when it comes to foreign policy-making, discursive practices of government agencies legitimize state actions. On the other hand, communication channels function as consolidator of these discourses in the minds of people to produce legitimacy, which government seeks for (Hansen, 2013, p. 28). Thereby, these practices become a useful political tool and constitutes a legitimate basis for government's policy actions concerning an issue. On this basis, legitimacy is significant in terms of providing a wide sphere of maneuver by forming public opinion: thus, identity becomes a tool for legitimation and at the same time legitimation constructs identity (Campbell, 1992, pp. 8–9). This situation manifests an ongoing formulation of public opinion in accordance with changing discourses as a result of changing political conjuncture. Thus, it could be argued that discourses utilized in policy-making indicate an overall political tendency, which grants a political framework to state actions in foreign relations.

In case of Russian foreign policy after the collapse of the Soviet Union, ideational dimension became even more intertwined. Since the collapse of the Soviet Union, three main discourses have prevailed in different periods of Russian Federation: (i) liberal discourses, (ii) centrist discourses and (iii) conservative discourses (Hopf, 2016, p. 228). Whereas liberal discourses centralize upon cooperation with the U.S. and the E.U. under neo-liberal economic norms and European identity, conservative discourses focus on the Soviet and Russian Imperial past and therefore have an imperial aspect. In the middle of these two, centrist discourses position itself in accordance with political conjuncture that Russia has being witnessing: centrist discourses have a wide maneuver space, they may possess both conservative and liberal aspects at the same time (Hopf, 2016, pp. 228–236).

In the past twenty-seven years, each discourse had its own golden age per se. During Kosovo War of 1999, conservative discourse was popular in the sense of ethnonational features of Russia that have been shared with the Balkan region. However, political developments following 9/11 incident of 2001 led liberal discourse prevailed in terms of vital necessity to cooperate with the U.S. in the struggle against Islamist radicals, which were directly related to Chechen movement in Russia. Since mid-2000s, centrist discourse has become very

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popular. As its range is so wider that it could contain both conservative and liberal aspects, it leaves a wider space to maneuver in a changing political environment (Hopf, 2016, pp. 228–236).

Starting from 2010, centrist discourse has tent to conservative aspects in its contextual domain. Increasing emphasis on description of Russianness in an imperial sense has manifested itself within both security perceptions and foreign policy-making at the same time. Under these perceptions and measures, the term *Novorossiya* (New Russia) has become more of an issue.

Alongside with indicating a new political direction for Russian Federation, the term *Novorossiya* is also significant in reference to historical background for alleged natural boundary of Russia. After all, *Novorossiya* also refers to a region including eastern part of Ukraine, which is a neighbor region to Crimea includes cities of Sevastopol and Odessa. Furthermore, the region has historically been considered concomitantly with Crimea under the reign of Crimean Khanate. After its subjugation from Ottoman Empire, the region started to be known as southern part of Russian Empire. However, the region seceded from newly formed Soviet Union after the Bolshevik Revolution. After the secession, it became a part of Ukrainian Soviet Republic. However, since the dissolution of the Soviet Union, it has always hosted separatist groups that demanded accession to Russian Federation on grounds of common cultural and ethnic heritage they have shared with the Russian state. Especially in 1994, requisition of accession was frequently expressed by those groups (Laruelle, 2016, p. 56). Thereby, Crimean issue could be interpreted as prolongation of historical and geographical debates upon Russia's natural boundaries as well as Ukraine's sovereign territory.

On grounds of aforementioned historical background of the alleged natural boundaries of Russia; its scope in terms of territorial inclusion of Crimean Peninsula and discursive practices of Russian Federation since 1991, this paper problematizes the relation between Russian narratives about Russian annexation of Crimea and legitimation of it. On this basis, the paper starts with a summary of what happened in Crimea in 2014. After a brief summary, it analyzes the course of events that took place in Crimea in 2014 in terms of its compliance with international law. Then, the paper conducts an in-depth analysis towards Russian narratives about the Crimean issue. Lastly, it concludes with an argument that discourses that Russian authorities and media contextually utilized are practiced in order to legitimize Russia's illegal annexation of Crimea.

1. Crimean Crisis of 2014

Political events, which eventually concluded with Russian annexation of Crimea in March 2014, became a worldwide issue of interest. Unrest in Crimea started in February 2014 when pressures to the then President of Ukraine Viktor Yanukovych became intense. Yanukovych was exposed to an intense pressure after he enacted a law that had restrained utilization of minority languages as official correspondence language in the regions that minority population was over 10% of total population (Biersack & O'Lear, 2014, p. 249). This new law concerned Russian minority in Crimea, whose population density is 58.5% according to 2001 census[1]. Although the language law was repealed by Oleksandr Turchynov (2014, p. 249), the then acting President of Ukraine after Yanukovych, social unrest it caused has been continuing. In March 2014, an armed group called *little green men*, which was seen as a Russian intervention to Crimea by the international community, took control of the peninsula quickly. After armed intervention of *little green* men, decision to hold a referendum in Crimea regarding its inclusion to Russian Federation was taken by Autonomous Republic of Crimea (ARC). On 17 March 2014, referendum took place, ARC declared its independence and applied for unification with Russian Federation (Van Den Driest, 2015, p. 330). Russian arguments over the issue centralized upon the principle of self-determination in international law. According to these arguments, Crimean people have chosen to be a part of Russian Federation in accordance with their inherent right that was secured under international legal system. On this basis, in order to have a wider picture of Russian arguments' accuracy, it is arguably necessary to analyze the course of events in Crimea with regard to legality of the issue in terms of principle of self-determination in international law.

2. Self- Determination under International Law: Legality of Crimea's Separation?

Crimea and Russia interpreted the accession of Crimea to Russian Federation as the consequence of the right to self-determination of Crimean people and developed their arguments on this basis (Gürseler, 2014, p. 92). At this point, the principle of self-determination and remedial secession is important to focus on in order to have a legal understanding and analysis over the issue.

Newly acquainted idea that is based on a presumption that citizens of a state

[1] Statistical data is obtained from All-Ukrainian Population Census in 2001, to see the detailed population proportion: http://2001.ukrcensus.gov.ua/eng/results/general/nationality/Crimea/ (Accessed on 28 August 2018)

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have an inherent right to determine their own future pointed out a responsibility of a state over its citizens and thus, it brought peoples' right to self-determination up for discussion (Senaratne, 2013, p. 465). Especially after dissolution of Ottoman and Austro-Hungarian empires, idea of self-determination became prominent (Hannum, 1990, p. 27). However, despite all of these developments in the world, self-determination concept remained limited within the political domain and was considered as a political matter rather than a legal concept: after all, there was no place for self-determination as a legal right within the Covenant of the League of Nations (Senaratne, 2013, p. 465). In the Aaland Island question, a report submitted to the Council of the League of Nations shows lack of legality of self-determination:

> "This principle (self-determination) is not, properly speaking a rule of international law and the League of Nations has not entered it in its Covenant" (Council of the League of Nations, 1921, p. 3).

However, after WWII, with the establishment of the United Nations (UN), since UN Charter Article 1(2) stated its aim as "to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace", principle of self-determination gained a legal status (Senaratne, 2013, p. 466).

Within scholar, self-determination is analyzed in two dimensions, which are internal and external self-determination: Basically, the former one can be understood as people's right to determine domestic political affairs of their state and the latter can be understood as people's right to determine international status of their state (Saul, 2011, p. 614).

In Crimean case, external dimension of self-determination was the basic argument as it was mentioned above and this argument was based on two emphasis, which are emphasis on cultural right and emphasis on notion of "peoples" who have right to self-determination (Gürseler, 2014, p. 92).

First of all, emphasis on cultural rights is not considered under the framework of external self-determination. External self-determination is seen as a response to colonial rule (Senaratne, 2013, p. 474). Minority rights, on the other hand, are considered as the issue of domestic affairs of Ukraine, not the right to self-determination of Crimean people, as the Committee on the Elimination of Racial Discrimination clearly stated in its forty-eighth session that:

> "The external aspect of self-determination implies that all peoples have the right to determine freely their political status and their place in the

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> international community based upon the principle of equal rights and exemplified by the liberation of peoples from colonialism and by the prohibition to subject peoples to alien subjugation, domination, and exploitation"(1966, para. 4).

However, unilateral secession may be considered as a legal basis. In fact, for some, this concept stems from the right to self-determination (Van Den Driest, 2015, p. 334). However, the most important element of unilateral secession under international law is constitutional base for secession under parent state's constitution and even if there is a constitutional base, it is a must to invoke to secession without any external influence to the peoples in question (Van Den Driest, 2015, p. 338). However, if the peoples in question suffer from serious atrocities, those peoples have a right to secede from parent state whether parent state's constitution enables it or not: that is called "remedial secession"(Van Den Driest, 2015, p. 113). However, one should keep in mind that remedial secession is *ultimum remedium,* in other words "last resort" even in these circumstances (Van Den Driest, 2015, p. 113). In the case of Crimea, it is hard to invoke such resort because of several reasons. Firstly, in Ukrainian Constitution, there is no right to secede for ACR, despite Crimean authorities claims upon non-bindingness of Ukrainian constitution, which stemmed from the violation of it with the overthrown of Viktor Yanukovych (Gürseler, 2014, p. 92). Secondly, in remedial secession, peoples in question should have diverse from the majority of the people in parent state in terms of (a) common historical tradition, (b) racial or ethnic identity, (c) cultural homogeneity, (d) linguistic unity, (e) religious or ideological affinity, (f) territorial connection, (g) common economic life (UNESCO, 1989, para. 22).

Moreover, giving a decision on which peoples have a right to self-determination led different interpretations. In terms of determining "who else (other than the population of an overseas colony) is a 'people', whether other peoples have a right to self-determination, and, if so, how they can exercise their right of self-determination" (Knop, 2002, p. 56), there are doctrinal debates and because of that reason, there is no consensus over it (Summers, 2004, p. 326). According to the Declaration on the Granting of Independence to Colonial Countries and Peoples (1960, para. 5), emphasis on "the inhabitants of trust territories and non-self-governing territories" in terms of a right to self-determination is in case. However, on the other hand, in some legal documents of the UN such as common Article 1(1) of International Covenant on Economic, Social and Cultural Rights and also International Covenant on Civil and Political Rights have a broader statement that all people

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have a right to self-determination (United Nations General Assembly, 1966b, 1966a, para. 1). Under these circumstances, a clear interpretation, therefore a clear breach of international law is not in case. On this basis, in Crimean case, lack of certainty makes a legal analysis over the issue difficult, but in terms of emphasis on liberation from colonial rule in the 1960 Declaration, it can be argued that (especially, when one considers about the importance of territorial integrity in maintaining peace), in contemporary international law, this interpretation is neither prohibited nor favorable (Van Den Driest, 2015, p. 331).

Under legal norms of international system, when one compares the principle of self-determination under international law and Crimean-Russian arguments over Crimean Peninsula, it could be said that there is no overlapping. On this basis, Crimean-Russian arguments does not have a legal basis.

3. Russian Narratives over the Issue: New Russia?

As argued above, discursive production that state officials and media channels have been practicing since mid-2000s has tent to be conservative (Hopf, 2016, p. 241). This, of course, could be interpreted as a result of Vladimir Putin's ambitious assertation of Russia, which aims at regaining the losses of great Russian political heritage in its previous political landscape (Biersack & O'Lear, 2014, p. 251). In this regard, three different perspectives (the red, the white and the brown) upon mythmaking concerning Novorossiya region constitute the bigger picture of Russian side of the story. The red one promotes its ideals in terms of the Soviet past while focuses on the great heritage that the Soviet Union left. The white, on the other hand, idealizes Russian imperial past. Finally, the brown considers the unification as an opportunity to revive Aryan supremacy throughout Europe. After all, according to the brown perspective, Europe is degenerating by suppressing Aryan supremacy (Laruelle, 2016, pp. 70–71). All of these perspectives share one common ground above all: they all have a conservative aspect towards what is happening in the immediate environment of Russian Federation. Their understandings are directly related with Vladimir Putin's image that he has wanted to construct for years: a national hero, who has looked out for every Russian individual that lives both in Russia and outside of the motherland (Chaisty & Whitefield, 2014, p. 157).

Along with Vladimir Putin's political ambition, people, who wanted to secede from Ukraine and integrate with Russian Federation, have also contributed nationalist/conservative narratives that Russia had been constructing. After the

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annexation, Novorossiya authorities stated their desire to "integrate their own history into the historical course of the Russian state" and changed their flag to Russian imperial tricolor flag consists of white, yellow and black details. (Laruelle, 2016, p. 63).

Conservative aspects in political discourses concerning Crimean issue also stem from changing perspective upon Russianness. After the collapse of the Soviet Union, Russian officials, especially Yeltsin used the term *rossiyskiy* to describe the population, which refers to non-ethnic features of being a Russian (Teper, 2016, p. 381). However, since mid-1990s, the description has transformed into an ethnic reference namely *russkii* that includes Russian population lives outside of Russian Federation (Newton & Tompson, 2010, p. 122).

On this basis, Crimean issue becomes an ultimate point for conservative discourses that Russia have been experiencing for years. During Crimean crisis, alongside with increasing nationalist concerns that focus upon greater Russian community in the world, combined with anti-Westernism and thus, conservative centrist discursive practices emerged. A well-known Russian conservative Egor Kholmogorov's statement in *Politika* TV Show of Channel One upon his belonging to "a generation whose whole adult life experienced only defeat, [and] endless humiliation of what came after '91" reveals increasing conservative and nationalist feelings in Russia during the Crimean crisis ("Politika," 2014). Starting from Crimean issue arose, Russian media had attributed a negative image towards the West - the U.S. and the E.U. in particular (Hutchings & Szostek, 2014, p. 174). Narratives concerning the issue focused on an alleged sponsorship of particularly the U.S. in carrying out a genocide in Crimea against Russian minority (2014, p. 176). Thus, Russian annexation of Crimea in 2014 became a hybrid identification of Russian discourses that has been positioned between conservative and centrist discourses (Hopf, 2016, p. 236). Nationalist feelings with anti-Western concerns constituted a very aggressive tone in official and public discourses in legitimization of the annexation in question.

Vladimir Putin's address to the people on 19 March 2014 questioned the West's political aim by imposing sanctions to Russian Federation and he blamed some Russian citizens of being national traitors, who were criticizing his actions. He stated that he was not sure if their ultimate goal is "an action by

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fifth column[2], this disparate bunch of 'national traitors' or worsening social and economic condition so as to provoke public discontent" (Percha, 2014, para. 58). In the first place, Russian narratives described Crimean annexation as *reunification of Crimea*. Vladimir Putin declared on 4 December 2014 in Federal Assembly that:

> "Of course, we will talk about this year's landmark events. You know that a referendum was held in Crimea in March, at which its residents clearly expressed their desire to join Russia. After that, the Crimean parliament – it should be stressed that it was a legitimate parliament that was elected back in 2010 – adopted a resolution on sovereignty. And then we saw the historical reunification of Crimea and Sevastopol with Russia." (Putin, 2014c, para. 4)

Furthermore, Vladimir Putin indicated the main reason of Crimean annexation as follows:

> "…we could not allow NATO forces to eventually come to the land of Crimea and Sevastopol, the land of Russian military glory, and cardinally change the balance of forces in the Black Sea area. This would mean giving up practically everything that Russia had fought for since the times of Peter the Great, or maybe even earlier – historians should know…" (Putin, 2014b, para. 7)

In this sense, Russia's action became a preventive action that stemmed from a possible NATO activity in Crimea. With his reference, Putin's discourses have gained both anti-Western and historical aspects that aimed at constituting a legal legitimacy to Russian actions.

Similarly, Russia's official speaker of lower house of the parliament (State Duma) stated on 11 July 2014 that after all, that was Ukraine, which annexed Crimea in 1991 in the first place (Biersack & O'Lear, 2014, p. 247). The first Deputy Chairman of the Crimean Council of Ministers claimed in *Politika* TV Show of Channel One that Crimean case "the symbol of a new Russia, and the movement back to the lands where Great Russia once was" ("Politika," 18 March 2014). Thereby, discourses emphasizing New Russia (*Novorossiya*) became the center of conservative centrist discursive practices concerning the Crimean issue. Vladimir Putin's 17 April 2014 address in TV Program *Direct Line with Vladimir Putin* that:

> "…I would like to remind you that what was called Novorossiya (New

[2] The term 'fifth column' commonly refers to a group of people, who sabotages actions of a party in a conflict in which it belongs, for the benefit of the enemy in the conflict in question.

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> Russia) back in the tsarist days – Kharkov, Lugansk, Donetsk, Kherson, Nikolayev and Odessa – were not part of Ukraine back then. These territories were given to Ukraine in the 1920s by the Soviet government. Why? Who knows. They were won by Potyomkin and Catherine the Great in a series of well-known wars. The centre of that territory was Novorossiysk, so the region is called Novorossiya. Russia lost these territories for various reasons, but the people remained…" (Putin, 2014a)

Thus, his references towards Russia's historical rights in Crimean territory formed its basis upon the term *Novorossiya* and its historically inherent involvement to Russian Federation. Moreover, Russia's alleged historical right stems from common ethnic and cultural grounds they share with Crimean people in consequence of long-standing territorial inclusion of Crimean Peninsula to Russian territory.

Conclusion

Annexation of Crimean Peninsula by Russian Federation in 2014 has become a controversial issue among scholar and international political arena. Russian/Crimean arguments on legality of the annexation are based upon Crimean people's inherent right to self-determination that arose from historical ties between them.

On this basis, before, during and after the annexation, Russian narratives have focused on its historical right within the framework of Crimean people's inherent right to secede from Ukraine and be a part of Russian Federation that stem from common ethnic and cultural grounds they share. However, international legal norms tells a different story. Russian involvement to Crimea constitutes a breach of international law concerning self-determination principle.

According to international legal norms concerning principle of self-determination of peoples, Russian and Crimean authorities' arguments do not have a legal basis because of both unclear description of the term *peoples* and lack of constitutional basis in accordance with Ukrainian constitution.

Thus, as a result of analysis upon the context that Russian and Crimean authorities and media channels utilized concerning the Russian annexation, this paper concludes with the argument that national/conservative discourses that have rooted to historical, ethnic and religious references were utilized to legitimize illegal action that Russia has pursued in Crimean Peninsula in 2014.

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