

The Tale of Three Legitimacies

THE SHIFTING TONE AND ENDURING SUBSTANCE OF MOSCOW'S UKRAINE POLICY

PONARS Eurasia Policy Memo No. 431

June 2016

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The ongoing military conflict between Russia and Ukraine is a stark reminder that shifts in political tone and military tactics do not necessarily correlate with each other or represent substantive shifts in a state's foreign policy goals. In fact, such shifts can serve to obfuscate policy continuities. A systematic analysis of official Russian statements and military conflict data over the last two years reveals that Moscow has no plans to accept Ukraine's sovereignty over the Donbas. The Kremlin's enduring Ukraine policy is to stall genuine conflict resolution unless the Donbas is provided political autonomy on Moscow's terms, essentially turning the region into Russia's client statelet.

Softer Words, Harder Bombings

The Kremlin's characterizations of the political situation in Ukraine are only partially suggestive of Russia's militarized support for its client insurgents in the Donbas. Back when the conflict started in 2014, there appeared to be a clear relationship between the harshness of Moscow's political tone and its military actions in Ukraine. The Kremlin's virulently aggressive characterizations of Ukraine's post-Euromaidan pro-Western leadership ("rampaging neo-Nazis") closely preceded Russia's intervention in Crimea and the Donetsk and Luhansk regions (the Donbas). In August 2014, Vladimir Putin [framed](#) Ukraine's effort to retake territory captured by Moscow-backed insurgents in the Donbas as akin to the Nazi siege of Leningrad in World War II. The following month, regular and irregular Russian forces and mercenaries surrounded and massacred hundreds of Ukrainian government troops near Ilovaisk.

However, the softening of the Kremlin's tone toward Ukraine at the end of 2014—Putin stopped making parallels between Nazis and Ukrainians, for example—did not lead to a reduction in violence. Moscow's militarized support to the Donbas continued. Russia and its proxies drove Ukrainian government troops out of the Donetsk international

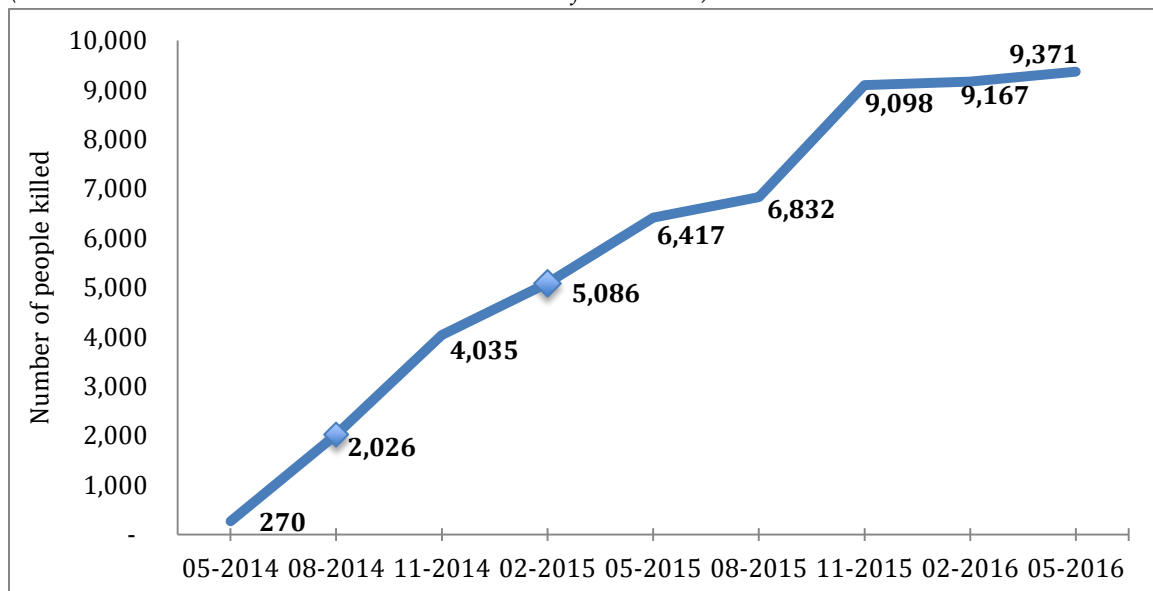
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airport, annihilated Ukrainian troops near Debaltseve in early 2015, battled down the Azov Sea coastline toward Mariupol, and launched deadly rocket and artillery attacks across the Luhansk region.

The attacks continue today. Casualty data unequivocally defy the notion that the war between Russia and Ukraine ended in early 2015. The OSCE reports hundreds of weekly violations of the Minsk ceasefire accords, mostly by Russia-backed separatists. Official data from the United Nations is even more telling. As **Figure 1** shows, U.N. human rights agencies reported that 4,364 people were killed in the Russia-Ukraine conflict between April and December 2014. Since then, the death toll has continued to climb, however, reaching a casualty count of 9,371 by late May 2016. Most deaths have resulted from offensive operations by Russia-backed separatists. The death toll of about 4,285 for the period from last February to May is more than four times the annual rate that international relations scholars use to classify armed conflicts as wars.

Figure 1. Death Toll in Russia-Ukraine Donbas War (UN Data)ⁱ

(Note: Markers show the Minsk I and Minsk II ceasefire accords.)



Since March of this year, there has not been a major spike in violence, but this too does not mean the war is over. It only means that Kremlin-backed military operations have become more circumspect. There was some hope when the cumulative death toll from December 2015-February 2016 increased by the lowest margin (69 deaths) of any three-month total. However, a spike of military operations originating in the separatist-controlled territories resulted in another 204 deaths from February to May 2016.

More than that, softer rhetoric and military tactics have not equated to a greater acceptance of Ukraine's sovereignty and right to choose its own geopolitical

orientation—in other words, even less military conflict does not mean an increased prospect of resolution.

That becomes clear if one looks at the Kremlin's position on three key issues regarding the legitimacy of a) Ukraine's sovereignty within the borders it inherited from Soviet times; b) its post-Euromaidan government leaders and institutions; and c) the Moscow-backed insurgent governments in the Donbas.

Putin: "What is Ukraine?"

A Google and Lexis/Nexis news search with keywords of "Putin" and "Ukraine" from January 1, 2000 through January 1, 2016 reveals no indication—direct or oblique—that Putin has abandoned his long-standing insistence that Ukraine lacks a legitimate claim to be an independent sovereign state within its internationally recognized borders (if at all).

At a closed session of the Russia-NATO Council in 2006, Putin, according to the Russian newspaper *Kommersant*, "blew up" and turned to then-President George W. Bush, saying, "As you must understand, George, Ukraine is not even a sovereign state! What is Ukraine? Part of its territory is Eastern Europe, and another part, a significant part, was our gift to them!" *Kommersant*, which at that time was relatively independent from the Kremlin, [interpreted Putin's statement](#) as a thinly veiled threat that if NATO granted Ukraine a path to membership, Russia would dismember Ukraine.

In his nationally televised call-in show in April 2014, Putin reiterated this view, [claiming](#) that the entire eastern part of Ukraine was "New Russia" (*Novorossiia*) and that the Bolsheviks "gifted" it to Ukraine in the 1920s "for God knows what reason."

In Putin's most recent public statement on the topic, he tied Ukraine's sovereignty to its geopolitical orientation. In a September 2015 interview on the U.S. news program *60 Minutes*, Putin [implied](#) that Ukraine has no right to sovereignty if its government decided to leave what he considers to be Russia's sphere of influence. Putin said, "Respect for sovereignty means not to allow unconstitutional action and coup d'états, the removal of legitimate power." The reference was to the February 2014 ouster of the pro-Moscow government of Viktor Yanukovich and the arrival to power of a pro-EU and pro-NATO government. Putin has never publicly disavowed or revised these views.

Post-Euromaidan Government: Damning with Faint Recognition

Despite the softening of rhetorical aggression vis-à-vis Kyiv since early 2015, Moscow has continued to view Ukraine's government as illegitimate and hostile to Russia. Critically, its acceptance of a freely and competitively elected Ukrainian president, parliament, and local government structures has been conspicuously guarded or

cursory – particularly when compared to the Kremlin’s characterizations of the ousted Yanukovich administration and of other entrenched autocratic governments. An additional Google News search from January 2015 through May 2016 has yielded no reports suggesting otherwise.

The Kremlin first delayed and then obfuscated congratulations to Petro Poroshenko on his victory in Ukraine’s presidential elections in May 2014. Three days after the polls closed and the results were evident, the Kremlin [claimed](#) that it was waiting for the complete count. When the count was announced at the start of June, Moscow [was silent](#). Some days later the Russian presidential administration did refer to Poroshenko as the “president of Ukraine,” while reporting on a phone call in which Poroshenko reportedly [congratulated](#) Putin “on the occasion of Russia Day.” However, though the phone call was [confirmed](#), and there does not appear to be any public documentation of when, where, and how Putin formally congratulated Poroshenko on his election victory.

The Kremlin’s official response to Ukraine’s 2014 presidential election, as expressed by Security Council Secretary Sergey Ivanov, was to “treat the choice of the Ukrainian people with respect.” At the same time, Russia’s Kremlin-controlled mass media continued to accuse Kyiv of mass polling violations ([based](#) solely on reports from separatist territories). It also used the same phrase to characterize the unrepresentative and unverifiable results in the insurgent-held territories of the Donbas.

Meanwhile, in two other countries, Putin quickly and unambiguously endorsed the uncompetitive rubber-stamped re-elections of entrenched post-Soviet autocrats Nursultan Nazarbayev of Kazakhstan and Aleksandr Lukashenko in Belarus. He referred to the [former’s](#) election as “evidence of wide-ranging popular support” and the [latter’s](#) as “strong evidence of popular respect and trust.” The Kremlin issued no such endorsement for any of the major elections in Ukraine (presidential, parliamentary, or local) even though, unlike in Belarus and Kazakhstan, Ukraine’s elections were certified as free, competitive, and well-organized by international observers. Finally, breaking with tradition, the Kremlin [did not](#) issue standard protocol congratulations to the Ukrainian government on Ukraine’s Independence Day in 2014 or 2015.

Donbas: Legitimizing Insurgent Clients

The Kremlin firmly insists that the Donetsk and Luhansk “people’s republics” (DNR and LNR) represent the will of the majority of the local population and deserve a high degree of autonomy, including in foreign policy. They claim this despite the fact that these are warlord-ravaged enclaves, organized and defended by Russia, and from which as many as two million people have fled. The Kremlin’s position on the DNR and LNR is particularly indicative of its overall anti-Western geopolitical stance. (The names of the DNR and LNR parallel Moscow’s Soviet-era naming of client communist dictatorships in Eastern Europe as “people’s democracies.”)

In May 2014, the DNR and LNR held referendums on “state independence.” Even though the referendums were hasty, haphazard, and unrepresentative, Moscow “[respected](#)” these acts as “expressions of popular will.” Two months later, the Russian military and its local client forces defeated Ukrainian border guards and occupied several hundred kilometers of Ukraine’s internationally recognized border with Russia. The Kremlin then dispatched Vladimir Antyufeev to *de facto* run the separatist entities. Antyufeev is a seasoned Russian official who spent a quarter-century successfully institutionalizing the Russian client statelets of Transnistria, Abkhazia, and South Ossetia. Russian military assistance also increased, enabling the DNR and LNR armed forces to launch a counter-offensive and inflict mass casualties on Ukrainian troops attempting to reclaim insurgent-occupied lands.

Moscow legitimated further uncompetitive and unrepresentative elections in the separatist entities. In November 2015, Putin’s influential advisor, Vladislav Surkov, in his capacity as a representative of the Russian president’s administration, [congratulated](#) DNR leader Alexander Zakharchenko on the anniversary of his “election,” a courtesy not extended to Petro Poroshenko.

Moscow’s insistence on the DNR/LNR’s legitimacy has been the cornerstone of its bargaining position in international negotiations on the conflict. Most notably, it uses the conflict to hold Ukraine’s sovereignty hostage. Moscow applies pressure on Kyiv to grant the Donbas de facto state sovereignty, something that would legitimate the entities nominally within Ukraine but, for all intents and purposes, keep them under Moscow’s rule.

Moscow has also largely [remained silent](#) on most of the 12 points in the Minsk Agreements, placing almost exclusive emphasis on issues pertaining to DNR/LNR political autonomy (items 4, 5, and 11 in the Package of Measures). In a November 2015 press conference, Putin was adamant that the insurgent DNR and LNR governments receive formal legitimacy through certain changes in Ukrainian law that will give them de facto veto power over Ukraine’s domestic and foreign policy. Until that happens, Russia [will not allow](#) Ukraine to control its international border. Putin reiterated this position in a January 2016 [interview](#) with *Bild* magazine, in which he also accused the Ukrainian government of delaying constitutional reforms that would accommodate the demands of the DNR and LNR.

The Russian Foreign Ministry has articulated similar arguments. In an October 2015 press interview, Foreign Minister Sergey Lavrov symptomatically [singled out](#) only three of the Minsk measures for conflict settlement: amnesty for DNR/LNR insurgents, special status (autonomy) for the DNR/LNR, and constitutional reform in Ukraine.

Implications

U.S. and European governments need to recognize that as long as the Kremlin does not change its stance on the relative legitimacy of the Ukrainian state, its leadership, and the separatist entities, expectations of diplomacy resolving the Donbas conflict are naïve at best. The Kremlin's rhetoric indicates that international negotiations on conflict resolution for the Donbas are part of a larger Kremlin strategy to block Ukraine's integration with the EU and NATO by strengthening and internationalizing the legitimacy of the DNR and LNR. Any disagreements about their autonomy enable Moscow to delay a political settlement indefinitely and hold Ukraine's sovereignty hostage to the Kremlin's geopolitical ambitions. Russia's signing of international agreements on resolving the conflict is not an indication of military restraint or any other change in policy.

What can Western policymakers do to make their diplomacy more effective? First, given the tenacity of the Kremlin's line, the West's position on any internationally-negotiated settlement will be significantly strengthened if the United States—the only actor with military capabilities superior to Russia's—rejoins the process. Moscow will not change its strategy based on its convictions, but it could do so out of uncertainty about further military costs. This means graduating away from the Minsk format to a quadrilateral U.S.-EU-Ukraine-Russia format.

Second, Western policymakers should consider revising their bargaining strategy to decouple tradeoffs between political and military issues. Trading off Ukraine's restoration of border control for Donbas autonomy is a recipe for impasse and protracted military conflict. Instead, the West could insist that tradeoffs be issue-symmetric. Military withdrawal and cessation of hostilities should come first and be considered separately, with further sanctions on Russia if Ukrainian forces are not allowed to regain control of the entire length of its internationally-recognized eastern border. Separately, political tradeoffs could be negotiated. Ukraine would be more open to Donbas autonomy if Moscow publicly recognized the legitimacy of Ukraine's sovereignty and its post-Euromaidan elected leadership.

ⁱ **Figure 1. Sources**

(Note: The first date below corresponds to the date in the chart; the second date is the publication date.)

05-2014: <http://www.bbc.com/news/world-europe-27804611> (06/11/2014)

08-2014: <http://www.theguardian.com/world/2014/aug/13/un-escalating-trend-violence-aid-convoy-death-toll> (08/13/2014)

11-2014: <http://www.rferl.org/content/un-says-4000-killed-in-ukraine/26669172.html>
(11/01/2014)

02-2015: <http://www.un.org/apps/news/story.asp?NewsID=49882> (01/23/2015)

05-2015: <http://www.ibtimes.com/ukraine-conflict-death-toll-surpasses-6400-amid-new-evidence-russian-military-1946761> (05/05/2015)

08-2015: <http://www.worldbulletin.net/news/162562/un-Donbas-death-toll-almost-7000>
(07/29/2015)

11-2015: <http://www.theguardian.com/world/2015/dec/09/ukraine-conflict-9000-dead-says-un> (12/09/2015)

02/2016: http://www.ohchr.org/Documents/Countries/UA/Ukraine_13th_HRMMU_Report_3March2016.pdf (03/03/2016)

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