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<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preface</td>
<td>5</td>
</tr>
<tr>
<td>The Global International System and Lithuania</td>
<td>9</td>
</tr>
<tr>
<td>The Annexation of Crimea and Attempts to Justify It in the Context of</td>
<td>11</td>
</tr>
<tr>
<td>International Law</td>
<td></td>
</tr>
<tr>
<td>Erika Leonaitė, Dainius Žalimas</td>
<td></td>
</tr>
<tr>
<td>South Asia and Lithuania</td>
<td>65</td>
</tr>
<tr>
<td>Laimonas Talat-Kelpša</td>
<td></td>
</tr>
<tr>
<td>The Changing European Security Area</td>
<td>83</td>
</tr>
<tr>
<td>The West’s Debt to Lithuania/Lithuania’s Challenge to the West</td>
<td>85</td>
</tr>
<tr>
<td>George Weigel</td>
<td></td>
</tr>
<tr>
<td>Leadership Revised: How Did the Ukraine Crisis and the Annexation of</td>
<td>101</td>
</tr>
<tr>
<td>Crimea Affirm Germany’s Leading Role in EU Foreign Policy?</td>
<td></td>
</tr>
<tr>
<td>Wolfgang Koeth</td>
<td></td>
</tr>
<tr>
<td>Lithuania’s Eastern Neighbourhood</td>
<td>117</td>
</tr>
<tr>
<td>Putin’s Russia: the Nature and Contradictions of the Regime</td>
<td>119</td>
</tr>
<tr>
<td>Marius Laurinavičius</td>
<td></td>
</tr>
<tr>
<td>Hybrid Warfare: an Orientating or Misleading Concept in Analysing</td>
<td>139</td>
</tr>
<tr>
<td>Russia’s Military Actions in Ukraine?</td>
<td></td>
</tr>
<tr>
<td>Kęstutis Kilinskas</td>
<td></td>
</tr>
<tr>
<td>The Perception of National Security in Georgia</td>
<td>159</td>
</tr>
<tr>
<td>Gela Merabishvili, Annamária Kiss</td>
<td></td>
</tr>
<tr>
<td>National Security Issues</td>
<td>179</td>
</tr>
<tr>
<td>Nuclear Smuggling and Threats to Lithuanian Security</td>
<td>181</td>
</tr>
<tr>
<td>Eglė Murauskaitė</td>
<td></td>
</tr>
<tr>
<td>The Concept of Fear and the Matter of Emotions in Lithuania’s Foreign</td>
<td>197</td>
</tr>
<tr>
<td>Policy</td>
<td></td>
</tr>
<tr>
<td>Benas Brunalas</td>
<td></td>
</tr>
</tbody>
</table>
Preface

The Strategic Research Centre of the Lithuanian Military Academy, alongside its partners at Vilnius University and Vytautas Magnus University, present their readers with the fourteenth volume of the “Lithuanian Annual Strategic Review”, devoted to security problems of Lithuania and the Baltics in 2015-2016. Attention is focused on in-depth research topics of contemporary relevance related to various aspects of Lithuania’s national security as well as to that of the entire Baltic region. Geopolitical changes and their multifaceted consequences that took place in Eastern Europe in 2014 continue to dominate the security agenda of this region and thus the themes of the regular publication the “Lithuanian Annual Strategic Review” as well.

Continuing the established tradition, we have categorized all the studies published in the journal into four groups. The first group, “The Global International System and Lithuania”, is comprised of two articles. In the first of them, International Law specialists Erika Leonaitė and Dainius Žalimas analyze and deconstruct Russia’s attempts to justify the annexation of Crimea carried out in 2014. The article discloses how attempts are made in the works of Russian law-related scholars to create a favourable position for the Russian Federation, to attribute a different content to the concepts of the International Law and form a pseudo-legal narrative beneficial to Russia’s political interests. The second study, prepared by Lithuania’s Ambassador to India Laimonas Talat-Kelpša, acquaints the reader with the South Asian region so far scarcely researched in Lithuania and the Baltic States and directs attention not only to the fundamental problems of this region but also attempts to understand and estimate the variants and possibilities of greater Lithuanian involvement in South Asia.

The second part of the “Lithuanian Annual Strategic Review” – “The Changing European Security Space” – also consists of two studies. The author of the first article is an eminent American theologian, the biographer of the Pope John Paul II, George Weigel. In the text specially written for the “Lithuanian Annual Strategic Review”, the author directs the reader’s attention to the fact that the security architecture established after the Cold War is facing a serious danger because Russia’s attitude, which is becoming more and more aggressive, has not yet received an appropriate response from the West. Therefore, according to the author, Lithuania and other NATO borderline member countries, due to their unique liberation experience, have an absolute moral right to urge the Alliance to publicly and unambiguously take upon itself anew the obligation in case of necessity to comply with Article 5 of the North Atlan-
tic Treaty. Wolfgang Koeth, the author of the other study of this part from the Netherlands, an expert on European Union policy, explores and assesses the significance for Lithuania of changes in the formation of the European foreign policy. The author reveals how Germany established itself, albeit reluctantly (particularly because of the Ukrainian crisis that began in 2014), as the key initiator of decisions pertaining to the Common Foreign and Security Policy of the European Union and became a de facto leading country in preparing the Union's response to Russia.

The third, traditional part of the journal “Lithuania’s Eastern Neighborhood” again focuses on Russia, the greatest neighbour from the East that most significantly changed its foreign and security policy in 2014. This time Russia’s policy and warfare has attracted the attention of four researchers. Marius Laurinavičius, a political analyst on Russia, at present residing in the USA, prepared a comprehensive study in which the author presents his attitude about the nature of the current political regime of Russia. The author critically estimates the opinion that the essence of the regime is the “Power Vertical” at the top of which is the absolute ruler President Putin. On the basis of numerous sources, the author provides arguments that the ruling system of Russia would be more accurately defined if it were named as a conglomerate of clans and groups competing among themselves over resources whereas Putin in this system is not so much an autocrat but a judge and a mediator. The other study of this part, prepared by the historian Kęstutis Kilinskas, is devoted to the deconstruction of the concept “hybrid war”. The author seeks an answer to the question whether the concept of the hybrid war is more orientating or misleading in analyzing Russia’s military actions in Ukraine and ultimately comes to the conclusion that the analysis limited to just this category would be a simplification without sufficient basis. No less significant and perhaps even a greater role was played not by the principles of the hybrid war but by the unique political, economic, social and military conditions of Crimea and Eastern Ukraine, which were effectively exploited by Russia in implementing its criminal intents. The third article of this part is devoted to security problems of Georgia, a state of South Caucasus important for Lithuania. Hungarian researchers Gela Merabishvili and Annamária Kiss thoroughly analyze the dynamics of the changes in perception about the security problem in Georgia in connection with the most important political and geopolitical events of the country. The authors point out that the security concept of Georgia is not constant – it is characterized by great changes ranging from expectations of closer cooperation with Russia to undisguised hostility towards it. In a similar manner, the perspective of the
rapprochement with the West, first of all with NATO and also with the EU, is not always estimated to be unambiguously positive.

The fourth part of the “Lithuanian Annual Strategic Review” traditionally analyses urgent aspects, problems and cases of the Lithuanian national security. This time readers have the opportunity to get acquainted with the work of two authors. A scholar from the University of Maryland (USA), Eglė Murauskaitė, explores the lesser studied though highly topical problem of nuclear smuggling. The author points out that the situation, destabilized by the conflict in Ukraine, creates additional preconditions for smuggling nuclear substances and warns that Lithuania might face a threat—relatively new to the country—for which no adequate preparation has been done. The author of the other article, a researcher Benas Brunalas, whose article provides substantiation of a solid theoretical basis intended for reflection on the meaning of emotions and fear in foreign policy, estimates the impact of the changed geopolitical situation in 2014 on the formation of Lithuanian foreign policy. The author states that the number of decisions based on the logic of fear and para bellum is obviously growing; therefore, the article poses the question awaiting further polemics of whether the new ideological trend that is getting established in Lithuanian foreign policy will become an inflexible system of convictions that in the future might hinder the optimal shaping of foreign policy.

We hope this new research will engage and interest our readers. Please note that this and previous volumes of the “Lithuanian Annual Strategic Review” can be found at the General Jonas Žemaitis Military Academy of Lithuania Internet website as well as in various international databases, including the open access platform of our publisher De Gruyter.

Vilnius, June 2015

Editor-in-Chief
The Global International System and Lithuania
The Annexation of Crimea and Attempts to Justify It in the Context of International Law

The article carries out an assessment of the “reunification of Crimea with Russia” from the point of view of contemporary international law and examines the arguments of Russian legal scholars who try to deny the annexation, i.e. the acquisition of territory by force. The assessment reveals recent changes in the interpretation of the principle of the self-determination of peoples in the Russian official position and legal doctrine, compared to the interpretation of this principle prevalent before the International Court of Justice adopted the Advisory Opinion on Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo. The analysis carried out in the article identifies the arguments and strategies that are employed in seeking to offer an interpretation of international legal norms that corresponds to the political interests of the Russian Federation. The examination reveals how new content is attached to international legal concepts in the works of Russian legal scholars who construct a position favourable to the Russian Federation, and in what way legal arguments are combined with statements and theoretical constructs that are irrelevant from the point of view of contemporary international law, thus deleting the boundaries between legal and non-legal reasoning and producing a pseudo-legal narrative that serves the political interests of Russia.

Introduction

The annexation of part of the territory of Ukraine – namely, the Crimean peninsula – was unexpected by both the international and academic community. It was conducted in violation of the fundamental principles applicable to interstate relations, in particular, the prohibition of the use of force and the  
principle of territorial integrity, which have been regarded as the basis of sta-

bility in the European region since World War II. The annexation was widely
identified as a major challenge to the contemporary system of international
law. This shocking incident, as well as the subsequent and ongoing armed hos-
tilities in the Donbas region of East Ukraine, generated intense discussions
about the relationship between the concepts of armed attack and aggression,
about the content of the principle of the self-determination of peoples, the
legal meaning of referendums, the nature and extent of the duty of non-reco-

gnition, and the role of international law in conflicts of interests of major po-
wers. These discussions are reflected in the plethora of recent publications and
monographs analysing political and legal aspects of the so-called “Ukrainian

1 crisis”. The actions of Russia in Ukraine have also found their reflection in
broader studies, such as studies analysing the attitude adopted by Russia to-
wards international law.

The scholarly discussion providing legal assessment of the actions of
Russia in Ukraine and examining the ensuing challenges to international law
is dominated by Western authors, whereas the number of publications by Rus-
sian legal scholars on these questions is rather limited. Nevertheless, the pub-
lications of the latter authors, in particular those making attempts to justify
the actions of Russia, are important for identifying how the established inter-
national legal concepts, norms, and principles are adjusted for the purpose of
justifying prima facie unlawful actions.

The article aims to assess the actions of Russia towards Crimea from the
perspective of contemporary international law and to identify the arguments
and strategies used in the Russian academic sphere for justifying the incorpo-
ration of Crimea into Russia, thus denying the fact of illegal annexation.

1 The current relevance of the assessment carried out in the article should
be associated not only with its informative function, but also with the need to
understand the ways in which international law is manipulated in the Russian
academia. In this respect, the concept of “lawfare”, which has been increasingly
employed and assumes particular importance in the context of hybrid war,

1 E.g., Thomas D.G., Aggression against Ukraine. Territory, Responsibility, and International Law, Palgrave
Macmillan, 2015; Задорожний А., Российская доктрина международного права после аннексии
Крыма (under preparation for publication). Mention should also be made about the collections of publica-
tions on issues related to the incorporation of Crimea into the Russian Federation, e.g., the papers of the
Symposium “The Incorporation of Crimea by the Russian Federation in the Light of International Law”,
published in Zeitschrift für ausländisches öffentliches Recht und Völkerrecht. Heidelberg Journal of Interna-
tional Law, Vol. 75, No. 1, 2015, Special issue of German Law Journal (German Law Journal 16 (3), 2015,
is especially significant. In general terms, this concept means the use of law through the exploitation of legally unfounded arguments in order to weaken the positions of the opponent in the international arena, as well as to shape public opinion.\(^3\) As pointed out by Christian Marksen, “Since Russia is powerful enough to pursue its interests anyway, it does not need an ultimately convincing legal justification. A justification that is at least not totally absurd, but somehow arguable, is already good enough for making a case in the international political sphere”.\(^4\) A similar position is taken by Christian Borgen, who maintains that “using legalistic rhetoric can muddy the waters, even when the legal argument is doctrinally weak”.\(^5\) Given the close link between the Russian official rhetoric and the absolute majority of publications by Russian legal scholars on the issue of “the reunification of Crimea with Russia”,\(^6\) the arguments that are set out in these publications and develop the position expressed in the official statements of Russian politicians should be viewed as promoting the implementation of a “lawfare” strategy.

The article starts with a discussion of the main aspects relevant to the assessment of the annexation of Crimea from the point of view of international law. Next the analysis identifies the arguments and strategies used by Russian legal scholars for constructing an evaluation of the situation that is favourable to the Russian Federation. In view of the fact that Russia has denied its involvement in the armed conflict in the Donbas region of Eastern Ukraine, as well as that the corresponding position has been followed in Russian academia, the article concentrates only on publications expressing legal evaluations with regard to “the reunification of Crimea with Russia”.

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\(^6\) An alternative position is taken by Elena Lukyanova and Vladimir Kryazhkov, the scholars of the Higher School of Economics (see Кряжков В., “Крымский прецедент: конституционно-правовое осмысление”, Сравнительное конституционное обозрение, 5, 2014, с. 82-96; Lukyanova E., “On the Rule of Law in the Context of Russian Foreign Policy”, *Russian Law Journal* 3 (2), 2015, p. 17-36); also Maria Isaeva, a specialist in international law (e.g., see Давлетбайев М., Изагева М., “Архаичные языки российской дипломатии”, http://www.vedomosti.ru/opinion/articles/2014/08/13/arhaichnyj-yazyk-rossijskoj-diplomatii, 10-10-2015).
1. The Annexation of the Crimean Peninsula: the Perspective of Contemporary International Law

1.1. The Principle of the Prohibition of the Use of Force

For the legal assessment of the Russian annexation of the Crimean peninsula, the most important principles of international law are the prohibition on the threat and use of force and the free self-determination of peoples. Although, in the context of the events that took place in Crimea, both principles are closely interrelated, the first principle is crucial for evaluating the actions of Russia, whereas the second one is important considering the arguments about the right of Crimea to unilateral secession from Ukraine in terms of international law.

The principle of the prohibition of the use of force is entrenched in Article 2(4) of the UN Charter, which consolidates the duty of the Member States to refrain from “the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations”.

According to the prevailing interpretation, this principle is violated in the event of any use of armed force by one state against another state, irrespective of the scope and aims of the use of force, unless force is used in realising the inherent right of self-defence or in carrying out collective security operations authorised by the UN Security Council. It should be noted that the prohibition on the unauthorised use of armed force in interstate relations is established as one of peremptory norms, i.e. *jus cogens*, which permit no derogations.

The content of the prohibition on the use of armed force is tightly linked with the concepts of aggression and armed attack. The concept of the use of force is regarded as broadest among them; it includes both the direct

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9 E.g., see International Court of Justice, Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America), Judgment of 27 June 1986, § 190.
10 The direct use of force occurs when, under the responsibility norms applicable to states, armed actions are attributed to a state (e.g., actions by regular military units, irregular forces, or other armed groups acting under instructions or control of that state).
indirect\textsuperscript{11} use of armed force. However, not every instance of the use of force amounts to aggression, which is deemed to be “the most serious and dangerous form of the illegal use of force”.\textsuperscript{12} The concept of aggression was defined in the UN General Assembly Resolution on the Definition of Aggression of 1974, which was adopted to provide guidance for the Security Council in determining the existence of acts of aggression. Although this resolution, as a source of international law, is not in itself binding, its provisions reflect international customary law and serve as a source of reference for the UN International Court of Justice (ICJ).\textsuperscript{13} Moreover, the principal provisions of this resolution, including the list of enumerated acts of aggression, were transposed to Article 8bis of the Rome Statute of the International Criminal Court, which consolidates the definition of the crime of aggression.

Under Article 1 of the Definition of Aggression, “Aggression is the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations, as set out in this Definition”. Article 2 of this resolution provides that the use of armed force by a state in contravention of the UN Charter constitutes \textit{prima facie} evidence of an act of aggression; Article 3 establishes an inexhaustive list of acts that qualify as acts of aggression.

Under Article 3(a) of the aforementioned resolution, aggression is “the invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof”. In the event of the actions taken by Russia in Crimea, the use of force was exercised through the operations carried out by the deployed armed forces of the Black Sea Fleet of the Russian Federation and Russian Special Forces (including the so-called “little green men”). During these operations, state institutions were seized, Ukrainian military units were blocked, and the coastal blockade was carried out, thus providing conditions for holding the so-called “referendum”, which served as a pretext to formalise the annexation. It must be observed that the aforementioned operations, which were carried out with the support of local separatists, and the following process of

\textsuperscript{11} The indirect use of force generally means the technical or organisational involvement of a state in an international armed conflict, or else in a non-international armed conflict, for example, by providing one of the conflicting sides with weapons, armed bands, or mercenaries. Sayapin S., \textit{The Crime of Aggression in International Criminal Law}, the Hague: Asser Press, 2014, p. 83-84.


\textsuperscript{13} Sayapin, (\textit{supra} note 11) p. 107.
formalising the annexation, took place at a time when the authorisation by the Federation Council of the Russian Federation to use Russian armed forces on the territory of Ukraine was in force. In view of these circumstances, the annexation of the Crimean peninsula definitely meets the definition of an act of aggression.

In qualifying the above-mentioned actions of the Russian Federation as aggression, due consideration should also be given to Articles 3(c) and 3(e) of the Definition of Aggression. Under Article 3(c), an act qualifies as aggression if it constitutes “the blockade of the ports or coasts of a State by the armed forces of another State” and, under Article 3(e), if it constitutes “the use of armed forces of one State which are within the territory of another State with the agreement of the receiving State, in contravention of the conditions provided for in the agreement or any extension of their presence in such territory beyond the termination of the agreement”. The Black Sea Fleet of the Russian Federation was deployed in Crimea on the grounds of the agreements between the Russian Federation and Ukraine that were concluded in 1997 and entered into force in 1999. In accordance with Article 6(1) of the Agreement on...
the Status and Conditions of the Black Sea Fleet Stationing on the Territory of Ukraine, Russian military units were obliged to “respect the sovereignty of Ukraine, observe its legislation and do not allow interference in the internal affairs of Ukraine”. In addition, under Article 15(5) of the same agreement, movement associated with the activities of military units outside their areas of deployment could be carried out after coordination with the competent authorities of Ukraine. Thus, there are no doubts that the use of these armed forces for seizing strategic objects, blocking Ukrainian troops, and blockading ports amounted to a substantial breach of the conditions agreed for the presence of the armed forces of the Russian Federation on the territory of Ukraine (e.g., in February 2014, the Balaklava Bay border control unit and the Belbek airfield were blockaded; on 5 March 2014, the Russian Black Sea Fleet sank a mothballed cruiser in the inlet to Donuzlav Lake, thus blocking access to the sea for the Ukrainian warships trapped in the port of Novoozerne).

The actions taken by Russia in Crimea provoked certain discussions about whether an act of aggression can be carried out without significant military confrontation or the actual use of arms. The necessity of the evidence of actual armed confrontation for determining acts of aggression was referred to by Vladimir Putin in his speech of March 18, 2014 (“Crimean speech”), addressed to the members of the State Duma and the Federation Council, heads of Russian regions, and representatives of civil society. In this speech, Putin maintained that he could not “recall a single case in history of an intervention without a single shot being fired and with no human casualties”. Analogous discussions ensued regarding the concept of an armed attack (aggression armée), which, under Article 51 of the UN Charter, gives rise to the inherent right of self-defence.

As is clear from Article 1 of the Definition of Aggression, the key fact in defining aggression is the conduct of military actions by a state against the
sovereignty, territorial integrity, or political independence of another state; in addition, considerable importance is placed on the consequences of such actions. It is obvious that the actions by the Black Sea Fleet and special forces of the Russian Federation were taken with the aim of preventing the Ukrainian government from exercising its sovereign powers in the Crimean peninsula, as well as with the aim of creating conditions for a smooth scenario of the annexation of Crimea, i.e. these actions were aimed against the sovereignty and territorial integrity of Ukraine. The crucial role performed by Russian forces in creating the conditions for holding the “referendum” has been recognised in the publications of Russian authors; moreover, the importance of Russian forces in “returning Crimea to Russia” has been publicly admitted by Putin. In light of these circumstances and, eventually, the consequences of these processes, i.e. the annexation of part of the territory of Ukraine, there should be no doubt about the existence of the fact of aggression. In fact, not only the ultimate annexation, but also the seizure of actual control over the territory by Russian forces before the formalisation of the annexation should be treated as aggression. This position is confirmed by the use of the concept of aggression in the documents adopted by international organisations, e.g. the Resolution of the European Parliament on the Invasion of Ukraine by Russia (13 March 2014), the Resolution of the European Parliament on Russian Pressure on Eastern Partnership Countries and in Particular the Destabilisation of Eastern Ukraine (17 April 2014), the Resolution of the Parliamentary Assembly of the Council of Europe on Recent Developments in Ukraine: Threats to the Functioning of Democratic Institutions (9 April 2014), and the Resolution of the OSCE Parliamentary Assembly on the Continuation of Clear, Gross and Uncorrected Violations of OSCE Commitments and International Norms by the Russian Fed-

23 E.g., see Zorkin V., Civilization of law and development of Russia, Petersburg: St. Petersburg International Legal Forum, 2015, p. 264; Томсинов В.А., “Международное право с точки зрения воссоединения Крыма с Россией”, Законодательство 7, 2014, с. 19.
Such a consensus reached at multilateral political forums by states on the actions of Russia in Crimea should be regarded as significant proof attesting to the view taken by the states (opinio juris) with regard to the concept of aggression as not necessarily involving the intense use of arms.

In this respect, the conclusion set out as early as in the judgment of October 1, 1946, by the International Military Tribunal at Nuremberg regarding the Austrian Anschluss is worth quoting:

> It was contended before the Tribunal that the annexation of Austria was justified by the strong desire expressed in many quarters for the union of Austria and Germany; that there were many matters in common between the two peoples that made this union desirable; and that in the result the object was achieved without bloodshed. These matters, even if true, are really immaterial, for the facts plainly prove that the methods employed to achieve the object were those of an aggressor. The ultimate factor was the armed might of Germany ready to be used if any resistance was encountered.

In the same vein, the purported assent by the state to the act of aggression was exploited to justify the actions of the Third Reich against Czechoslovakia, Denmark, Belgium, and Luxembourg; the same method was used by the USSR in order to carry out the occupation and annexation of the Baltic States.

Once the actions taken by Russia qualify as aggression, doubts about whether Ukraine had the right to self-defence might seem rather odd. As is evident from the jurisprudence of the ICJ, although the exercise of the right to self-defence is associated with the use of force against the state concerned to the scope exceeding “a mere frontier incident”, there is no rule requiring an invasion on a significant scale. For instance, in the *Oil Platforms* case, the ICJ did not exclude the possibility that the mining of a single military vessel...

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might be sufficient to give rise to the right of self-defence. Additionally, the “threshold” for the exercise of the right to self-defence should be considered to have been met in those cases where the use of armed force (even without resort to the actual use of arms) is directly aimed against the sovereignty, territorial integrity, or political independence of a state. Otherwise, a paradoxical conclusion may be reached that not every act of aggression amounts to an armed attack, and, therefore, it is possible that, in certain cases, a state may not have the right to self-defence even though it is directly faced with aggression, which, as mentioned before, is deemed to be the most dangerous form of the illegal use of force. Such an interpretation would contradict the essence of the inherent right of states to the defence of their sovereignty, territorial integrity, and political independence.

As noted by Marxsen, the use of force in Crimea was systematic; it was conducted on a rather large scale; and it served the purpose of ensuring that Ukrainian military forces would not dare to oppose the military actions taken in Crimea. In addition, creating a scenario in which Ukraine would be unable to oppose the separatists was the aim publicly declared by Russia. Therefore, the “threshold” of the gravity of an “armed attack” (which must not become an obstacle for the state concerned to take effective measures to defend its territorial integrity) was undoubtedly met in the case of the Crimean events. Consequently, Ukraine had the right to self-defence exercised in accordance with the criteria of necessity and proportionality, as established in customary international law (however, as Marxsen observes, the conclusion that there was the right to self-defence is not related to the assessment whether it would have been politically advisable to exercise this right). The right of Ukraine to necessary and proportionate self-defence remains equally valid after the annexation has been accomplished; the conclusion to the contrary “would ultimately justify the fait accompli forcefully imposed by the aggressor”.

As aggression constitutes a grave violation of the peremptory norm of international law, the duty arises for the international community not to reco-

gnise any alterations in the status of the Crimean peninsula. It is noteworthy that, in general terms, the international community has fulfilled this duty; Crimea as part of the Russian Federation has so far officially been recognised only by several states. The principal position of Lithuania, expressing support for the Ukrainian territorial integrity, condemning the Russian aggression, and affirming the duty of non-recognition, is consolidated in the Resolution “On the Situation in Ukraine” passed by the Parliament (Seimas) on April 24, 2014.

The conclusion should be drawn that the actions of Russia in conducting the annexation of the Crimean peninsula violated the principle of the prohibition on the use of force and amounted to aggression and an armed attack. It must be noted that these actions also violated other fundamental international legal principles entrenched in the UN Charter (1945), the Declaration of the UN General Assembly on Principles of International Law (1970), and the Helsinki Final Act (1975), including the principle of non-interference in the internal affairs of another state, which prohibits interference by means of coercion in the internal and external policy areas belonging to the exclusive competence of the state, as well as the principles of territorial integrity and the inviolability

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37 It should be noted that legal (de jure) recognition must be formulated explicitly and unambiguously. An example of such recognition is the announcement by the office of the President of Afghanistan about the official recognition by Afghanistan of new borders (see Rosenberg M., Breaking With the West, Afghan Leader Supports Russia’s Annexation of Crimea, http://www.nytimes.com/2014/03/24/world/asia/breaking-with-the-west-afghan-leader-supports-russias-annexation-of-crimea.html?ref=asia&_r=1, 25-11-2015). Ambiguous statements, e.g., regarding support for the “self-determination of Crimean people”, should not be treated as constituting the legal recognition of the Crimean annexation. Neither was the Crimean annexation officially recognised by vote against the Resolution of the UN General Assembly (No. 68/262) on Territorial Integrity of Ukraine, which called on all states not to recognise alterations in the status of Crimea; such a vote should be regarded as a political move, with no legal effect. All the more so, the recognition of annexation cannot be associated with membership in international organisations to which Russia is a member (e.g., membership in the Eurasian Economic Union). The list of states that have recognised the annexation of Crimea in Internet sources can include Afghanistan, Cuba, Syria, Venezuela, Nicaragua, and Nauru (e.g., Russia testing recognition of its annexation of Crimea, http://gucaravel.com/russia-testing-recognition-of-its-annexation-of-crimea/, 25-11-2015). Providing a concrete list of the states having recognised the annexation of Crimea, however, would require additional investigation based on a detailed analysis of the position taken by each state.
39 For a detailed assessment of the justifications provided by Russia, such as the invitation by President of Ukraine Viktor Yanukovych, the application of the responsibility to protect, and the protection of Russian citizens, see Bilkova, (note 16) p. 37-49; Маркссен К., “Крымский кризис с точки зрения международного права”, Институт Макса Планка по зарубежному публичному и международному праву, Дайджест Публичного Права 3, 2014, с. 207-217, http://dpp.mpil.de/03_2014/03_2014_201_230.pdf, 25-11-2015.
of borders, which imply the illegality of territorial alterations accomplished through the illegal use of force. At the same time, the bilateral agreements concluded with Ukraine were violated, in particular the Treaty on Friendship, Cooperation, and Partnership between Ukraine and the Russian Federation (1997), the above-mentioned Agreement on the Status and Conditions of the Black Sea Fleet Stationing on the Territory of Ukraine (1997), and the Treaty between the Russian Federation and Ukraine on the Russian-Ukrainian State Border (2003). In addition, the Budapest Memorandum (1994) must be mentioned; by this trilateral statement, the Russian Federation, along with the USA and the UK, reaffirmed their political commitment to respect the independence, sovereignty, and existing borders of Ukraine.

1.2. The Principle of the Self-Determination of Peoples

The principle of equal rights and self-determination of peoples, referred to in Article 1(2) of the UN Charter, in later international documents, such as the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966), the Declaration on Principles of International Law (1970), the Helsinki Final Act (1975), and the Vienna Declaration (1993), is defined as meaning, among other things, that all peoples (peuples, народы) have the right to freely determine their political status and freely pursue their economic, social, and cultural development.

In spite of the universally recognised importance of this principle and the fact that, by its very nature, this principle is an erga omnes norm binding

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on the whole international community, the content of the principle remains a subject of ongoing debate insofar as this principle is applicable to peoples other than those of former colonies, non-self-governing territories, or occupied or annexed territories. First of all, neither international treaties nor soft law documents that do not create formally binding legal obligations consolidate the concept of a “people” as an entity holding the right to self-determination. There is general agreement that “a people” in the sense of an entity entitled to self-determination refers to, collectively, all inhabitants of a non-self-governing territory and, collectively, all inhabitants of an occupied or annexed territory (the latter is connected with the concept of peoples subjected “to alien subjugation, domination and exploitation” as consolidated in the Declaration on Principles of International Law), as well as to the entire population of a state (political nation). However, the question as to which subgroups existing within a state should be treated as “peoples” in terms of the right of peoples to self-determination remains unresolved. In legal doctrine, a “people” as a subgroup of the population of a state is often defined by invoking both objective (a historical relationship with a particular territory, common ethnic origin, language, religion, etc.) and subjective (collective identity, the perception of themselves as a unique group – “a people” – distinct from other groups) criteria. In this respect, a people can be understood not only as an ethnic community, but also as a political community that has a connection with a certain territory and holds a group identity distinct from other peoples. Nevertheless, there is no common consensus on this issue; little clarity was provided by the ICJ in its Advisory Opinion of 22 July 2010 in respect of Kosovo, as the Court did not assess whether Kosovars should be treated as a “people”. Therefore, international law gives no conclusive answer whether and, if so, under what conditions the inhabitants of an administrative territorial unit of a state, or another subgroup within a state, are to be unequivocally considered a “people” in the sense of an

48 International Court of Justice, Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion of 9 July 2004, § 155.
50 For more, see Borgen, (note 5) p. 225-227.
51 For more, see Laurinavičiūtė L., “‘Peoples’: the Perspective of International Public Law”, Jurisprudencija 20 (1), 2013, p. 108-112.
entity entitled to self-determination. For this reason, the question whether, at least theoretically, it would be possible to claim that there exists a multi-ethnic “Crimean people”, who perceives themselves to be a unique community distinct from Russians, Ukrainians, and Tatars, remains open. In reality, however, the existence of such a people is denied by the fact that, before the Russian intervention in Ukraine, there was no indication of any either already existing or evolving identity of the “Crimean people”.

Due to the indeterminacy of the notion of a “people” as an entity entitled to self-determination, the interpretation of the principle of the right of peoples to self-determination has been focused mainly on the forms of the realisation of self-determination.

According to the prevailing understanding of the principle of the self-determination of peoples, this principle includes both internal and external aspects; with regard to subgroups existing within a state, priority is given to the internal aspect of self-determination, i.e. the possibility for a subgroup to freely determine their political status and freely pursue their economic, social, and cultural development within the existing state. This means that self-determination in the case of these groups is primarily associated with the possibilities of their political or cultural autonomy, as well as with the possibility of their full-fledged participation in political processes, the development of their identity, and so forth.

The external aspect of the principle of the self-determination of peoples, which is understood as meaning the determination of the political status of a territory inhabited by a certain “people” (creation of an independent state, accession to another state, etc.), is mainly associated with the situations of non-self-governing territories, occupation, etc. As held by the ICJ, “During the second half of the twentieth century, the international law of self-determination developed in such a way as to create a right to independence for the peoples of non-self-governing territories and peoples subject to alien subjugation, domination and exploitation.”52 With regard to other situations, the Court only pointed out that whether the principle of self-determination “confers upon part of the population of an existing State a right to separate from that State is, however, a subject on which radically different views were expressed” by the states. Similar differences were established regarding the issue of whether international law provided for the right of “remedial secession” (i.e. the right to secede from the existing state if the rights of a certain people in that state

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52 International Court of Justice, Accordance with international law of the unilateral declaration of independence in respect of Kosovo, Advisory Opinion of 22 July 2010, § 79.
are blatantly violated) and, if so, in what circumstances.\textsuperscript{53} In other words, the Court did not find there was any sufficiently unanimous position (\textit{opinio juris}) among the states on the applicable international law leading to the conclusion on the existence of the right to secession in general (customary) international law. However, neither did the ICJ, taking account of the practice existing in the states, establish that there was any customary norm prohibiting the declaration of independence outside the contexts of decolonisation or external exploitation.\textsuperscript{54}

This situation is generally described as the “silence of international law” with regard to secession: on the one hand, there is no sufficient ground for admitting the existence of the right to secession in international law; on the other hand, international law does not, in principle, prohibit the unilateral declaration of independence, either. As noted by Borgen, “international law treats secession as a fact”\textsuperscript{55} rather than as a legal claim or prohibited action.

Nevertheless, as emphasised by Theodore Christakis, international law is not “neutral” on this matter and stands clearly on the side of central governments, which enjoy the right to take any legal measures to defend the territorial integrity of their state; in addition, state practice creates a presumption against the effectiveness of secession (the secession of an entity must be not a temporary, but an irreversible situation); above all, international law prohibits secession when it results from a violation of a fundamental norm such as the prohibition of aggression.\textsuperscript{56}

The latter aspect was revealed by the ICJ in its advisory opinion on Kosovo. The opinion of the Court makes it clear that, under international law, unilateral declarations of independence are illegal if they are connected with the unlawful use of force or other egregious violations of general international legal norms (i.e. international customary rules binding on international community), in particular, those of a peremptory character (\textit{jus cogens}).\textsuperscript{57} In this respect, the Court, among other things, invoked the resolutions of the Security Council urging not to recognise Northern Cyprus and the Republika

\begin{footnotesize}
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\item \textsuperscript{53} \textit{Ibidem}, § 82.
\item \textsuperscript{54} \textit{Ibidem}, § 79.
\item \textsuperscript{55} Borgen, (note 5) p. 229.
\item \textsuperscript{56} Christakis T., “Self-Determination, Territorial Integrity and \textit{Fait Accompli} in the Case of Crimea”, \textit{Zeitschrift für ausländisches öffentliches Recht und Völkerrecht. Heidelberg Journal of International Law} 75 (1), 2015, p. 92-99.
\item \textsuperscript{57} Peremptory international legal norms (\textit{jus cogens}) are universally binding norms from which no derogation is permitted in any circumstances. Norms of such a nature have been declared by the UN International Court of Justice to include the norms prohibiting aggression, genocide, war crimes, and crimes against humanity.
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Srpska and to respect the territorial integrity of the Republic of Cyprus and Bosnia and Herzegovina, respectively.\(^58\) Therefore, the fact alone that the “Crimean referendum” on accession to Russia was conducted in the context of the threat and use of armed force – in the presence of Russian and Russia-controlled illegal military and paramilitary forces who performed an actual takeover of the territory of Crimea, in the face of wide-scope military manoeuvres along the Ukrainian borders, as well as the constant declarations of the preparedness to use force – is sufficient to deny the legality of the Crimean declaration of independence and “secession”. Against this background, the circumstance that the “referendum” did not comply with the minimum international standards that guarantee the free expression of will\(^59\) assumes a secondary role. The broad consensus among the states on this issue is expressed in the UN General Assembly Resolution (No. 68/262) on the territorial integrity of Ukraine, adopted on March 27, 2014. This resolution calls on all states to refrain from any attempts to modify the borders of Ukraine through the threat or use of force or other unlawful means; it underlines that the referendum of March 16, 2014, has no validity and urges all states not to recognise any alteration in the status of the Autonomous Republic of Crimea and the city of Sevastopol.\(^60\) The illegality of the “referendum”, which took place under control by Russian armed forces, is also acknowledged in the resolutions adopted by the European Parliament, the Parliamentary Assembly of the Council of Europe, and the OSCE Parliamentary Assembly.\(^61\) Thus, the involvement of Russia in the process of the Crimean secession excludes the possibility of invoking the principle of effectiveness, which, under the conditions of the silence of international law on the issue of

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\(^58\) International Court of Justice, *Accordance with international law of the unilateral declaration of independence in respect of Kosovo*, Advisory Opinion of 22 July 2010, § 81.


\(^60\) General Assembly, Resolution No. 68/262 on Territorial Integrity of Ukraine of 27 March 2014, http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/68/262, 10-10-2015. The resolution received votes in favour from 100 states and was voted against by 11 states, with 58 abstentions; representatives from 24 states did not participate in voting.

secession, could provide a ground for the legality of a successful and irreversible secession only in the absence of any circumstances violating fundamental international norms (ex factis jus oritur – “the law arises from the facts”).

The norm that rules out the legality of the declaration of independence, as well as of secession, in the context of military intervention should be considered an expression of the general legal principle ex injuria jus non oritur. This norm can also be linked to the provision of the Declaration on Principles of International Law that specifies the content of the principle of equal rights and self-determination of peoples and prohibits invoking this principle as an instrument for violations of the principle of territorial integrity: “Every State shall refrain from any action aimed at the partial or total disruption of the national unity and territorial integrity of any other State or country”.

Ultimately, as far as “remedial secession” is concerned, consideration should be given to the position set out in the Opinion of March 21, 2014, by the European Commission for Democracy through Law (Venice Commission), acting as an advisory institution of the Council of Europe on issues of constitutionalism. Having observed that “remedial secession” remains controversial under international law, the Venice Commission indicated that:

<…> a secession would only be an option of last resort in a situation where a people's right to internal self-determination has been persistently and massively violated and all other means have failed. Such a secession would thus have to be based on the mentioned material conditions and also be pursued in forms and procedures satisfying international law. If a people sought to secede from a state under the given narrow conditions, exercising its right to self-determination, it would be free to decide whether it will establish a new state or become a part of an already existing one. A state that would unify with such an entity or would incorporate it into its territory, would not act in violation of international law.

It is obvious that, in the case of Ukraine, it is not possible to speak about discrimination against the Crimean population, which has been granted broad autonomy under the Ukrainian Constitution, or discrimination against any other inhabitants of Ukrainian territories, or about the prohibition on participation in the process of making political decisions, or the prohibition on the development of national identity, etc. For example, in the report by the Office of the UN High Commissioner for Human Rights, it was assessed that Russian-

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62 UN General Assembly, Declaration on Principles of International Law (note 45).
speakers in Crimea had not been subject to threats; whereas serious concerns were expressed regarding the violations of civil and political rights of the Crimean inhabitants not supporting the processes taking place in Crimea. Thus, the report by the Office of the UN High Commissioner for Human Rights, also the Opinion of the Venice Commission on “Whether the decision taken by the Supreme Council of the Autonomous Republic of Crimea in Ukraine to organise a referendum on becoming a constituent territory of the Russian Federation or restoring Crimea’s 1992 constitution is compatible with constitutional principles,” as well as other sources, indicate that the organisation and conduct of the “Crimean referendum” did not meet the established international standards, and that additionally there were no negotiations among the stakeholders. In the light of this, the so-called “safeguard clause” of the Declaration on Principles of International Law (stipulating that the principle of the self-determination of peoples may not be “construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples as described above and thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed or colour”), which constitutes the basis for the reasoning provided by the proponents of the legality of “remedial secession”, becomes yet another argument in favour of the territorial integrity of Ukraine.

2. The Assessment of the Crimean Annexation in the Publications of Russian Legal Scholars

The publications of Russian authors dealing with the legal assessment of “the reunification of Crimea with Russia” are not numerous. In part this can be accounted for by the challenging task facing these authors, which requires them to find original decisions falling outside the existing consensus on the interpretation of international legal norms relevant to the assessment of the situation in question. It is also evident that the arguments provided by these scholars mainly develop the official position of the Russian Federation; in par-

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64 “It is widely assessed that Russian-speakers have not been subject to threats in Crimea” (Office of the United Nations High Commissioner for Human Rights, Report on the Human Rights Situation in Ukraine of 15 April 2014, § 89).
65 See note 59.
66 UN General Assembly, Declaration on Principles of International Law (note 45).
ticular, they extensively reflect statements put forward in the “Crimean speech” by Putin, even if there is no direct reference to this speech. A close connection between the statements by Russian officials and the publications justifying the actions of Russia determines that, in these publications, along with legal arguments, a lot of attention is given to political considerations; in addition, legal reasoning is deliberately intertwined with arguments that appear to be irrelevant or obviously erroneous from the point of view of contemporary international law. For example, after Putin had contended that the change of regime in Ukraine could be considered a revolution, as a result of which there had emerged a new state, with which Russia had signed no binding agreements, this argument equating the concept of statehood with one of its criteria – the government – was reiterated as purportedly a legal one in the publication of Kira Sazonova.

The aspect of the self-determination of peoples invoked with the aim of justifying the legality of the “secession” of Crimea is dominant in the Russian official rhetoric, as well as in Russian scholarly argumentation. Whereas the principle of the prohibition of the use of force and, at the same time, possible justifications for the actions of Russia in connection with the use of armed force are, as a rule, excluded from the scope of analysis or are mentioned only fragmentally. The self-determination of peoples is referred to in the preamble to the “treaty” on the accession of the Republic of Crimea to the Russian Federa-

67 “Yes, but if this is revolution, what does this mean? In such a case it is hard not to agree with some of our experts who say that a new state is now emerging in this territory. This is just like what happened when the Russian Empire collapsed after the 1917 revolution and a new state emerged. And this would be a new state with which we have signed no binding agreements” (Владимир Путин ответил на вопросы журналистов о ситуации на Украине, стенограмма пресс-конференция от 4.3.2014, http://kremlin.ru/events/president/transcripts/press_conferences/20366/audio, 10-10-2015). This is an application of the soviet international law postulate that no legal obligations of the tsarist Russia were binding on the USSR (Маркссен, (note 39) с. 207).


69 This can be accounted for, among other things, by the position expressed in the “Crimean speech” by Putin that there are no grounds for speaking of aggression in the situation “without a single shot being fired and with no human casualties” (see Обращение Президента Российской Федерации от 18 марта 2014 года, http://kremlin.ru/events/president/news/20603, 10-10-2015). In addition, the arguments aimed at justifying the use of Russian military forces in Ukraine are mostly used in connection with the decision of the Federation Council of 1 March 2014, which allowed Putin to use the military forces of the Russian Federation on the territory of Ukraine.
Furthermore, the expression of the will of the population of Crimea (the referendum results) serves as a ground for such documents as the Executive Order of the President of the Russian Federation (No. 147) “On Recognising the Republic of Crimea” of 17 March 2014 and the Federal Constitutional Law “On Admitting to the Russian Federation the Republic of Crimea”. Therefore, for the purposes of this article, focus is placed on the main aspects of the interpretation of the principle of self-determination in the Russian legal doctrine, as well as on the application of this principle to the situation of Crimea.

2.1. The Reinterpretation of the Principle of the Self-Determination of Peoples in the Russian Official Position and Legal Doctrine

2.1.1. The Interpretation of the Principle of the Self-Determination of Peoples “Before Kosovo”

In Russian legal doctrine, the concept of the principle of the self-determination of peoples, insofar as it applied to the context outside the decolonisation process, could for a long time be defined by certain characteristic features.

Firstly, in view of the existing indeterminacy of the notion of a “people” in international law, the general position was that a “people” as an entity entitled to self-determination must be understood in broader terms than a “nation” in the ethnic sense, but must not be equated with the population inha-

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71 “Given the declaration of will by the Crimean people in a nationwide referendum held on 16 March 2014, the Russian Federation is to recognise the Republic of Crimea as a sovereign and independent state, whose city of Sevastopol has a special status” (Указ «О признании Республики Крым», http://kremlin.ru/events/president/news/20596, 10-10-2015).

biting a certain part of the territory of the state. In other words, priority was given to the concept of a “people” as a *people-populus*, which can be multi-ethnic, rather than a *people-natio*; thus, a “people” was primarily perceived as the entire population of a state. For example, Stanislav Chernichenko maintained that the right to self-determination belonged to the whole people of Cyprus, whereas the creation of a separate Turkish state contradicted the principle of self-determination and violated the territorial integrity of Cyprus. Although it was recognised that the right to participate in the process of self-determination and not to be subject to discrimination must be equally guaranteed to persons not belonging to the so-called title-nation of the state, the possibility of recognising the right of national minorities to secession was categorically rejected.

Secondly, although an emphasis was placed on self-determination exercised primarily within the framework of the existing state (internal self-determination), the right to “remedial secession” as a form of realising self-determination was recognised, as well. Nevertheless, the right to secede from the existing state was linked with exceptional situations: where internal self-determination was impossible, as well as where a given people were not represented in the government and certain ethno-territorial parts of a state were discriminated. At the same time, it was stressed that, before resorting to secession, all the attempts to secure the rights of a given people through internal self-determination must be exhausted.

Thirdly, the provision, deriving from the documents consolidating the principle of the self-determination of peoples, that self-determination must be realised “freely, without outside interference” was emphasised and the illegality of armed intervention by third states without authorisation by the UN Security Council was underlined.

Fourthly, it was recognised that a state was entitled to use force, inclu-
ding armed force, in defence of its territorial integrity where the question of self-determination was raised in contravention of the constitutional order and violence was used.  

Fifthly, in cases of external self-determination, the necessity was also recognised for taking account of the rights and interests of other peoples, and due consideration was given to challenges posed by the abuse of the principle of self-determination where “political, nationalist, separatist, or other factors become the driving force in the use of this principle for self-interest”. For example, in summing up the Russian international legal doctrine concerning the relationship between the principles of the self-determination of peoples and the territorial integrity of states, Aleksey Moiseyev pointed out that:

if the territorial self-determination of peoples is connected not with a voluntary peaceful expression of the will of the whole people of the state [emphasis added], but with serious international disagreements and conflicts, then the acquisition of political sovereign independence is in conflict with international law.

Stanislav Chernichenko and Vladimir Kotliar, when commenting on the final documents adopted at the Americas’ and European legal conferences on the issues of secession in 2001, claimed that the position of the USA and Western Europe, according to which international law remained neutral on the matter of the right to secession, was inadequate to protect against separatism and terrorism, since it left open the possibility of proclaiming any separatist movement as legitimate. According to these authors, the position of CIS lawyers was more advantageous, since the recognition of the legality of unilateral secession in cases where secession is opted by peoples as an ultimate resort to achieve self-determination, at the same time, underlined the aim of secession – i.e. the achievement of self-determination – and, thus, precluded the use of secession for purposes other than the realisation of self-determination.

It should be noted that the issue of self-determination was raised in the Russian Federation not only in theoretical discussions, but also in constitutional justice cases. On March 13, 1992, the then Constitutional Court of the Russian Soviet Federative Socialist Republic passed the judgment on the constitutionality of the Declaration on the State Sovereignty of the Tatar Republic

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80 Ibidem, p. 79-80.
81 Блищенко И.П., «Международно-правовые проблемы государств, входящих в СНГ», Российский ежегодник международного права 1996-1997 1, с. 5; Кузнецов В.И., Тузмухамедов Б.Р., (note 77), c. 186.
82 Кузнецов В.И., Тузмухамедов Б.Р., (note 77), c. 186-187.
83 Моисеев А.А., Суверенитет государства в международном праве, Москва: Восток-Запад, 2009, c. 50.
84 Chernichenko, S.V., Kotliar V.S., (note 73) p. 84-85.
and the decision to hold a referendum on the state status of the Republic of Tatarstan. Based on the Declaration of the UN General Assembly on Principles of International Law, the Helsinki Final Act, and other international documents, the Constitutional Court of the RSFSR emphasised that “without denying the right of a people to self-determination, realised through the legal expression of will, regard should be had to the fact that international law restricts it by requiring conformity with the principles of territorial integrity and respect for human rights.”

The Court held that “any actions aimed at violating territorial integrity and the national unity of the people undermine the constitutional order of the RSFSR and are incompatible with international norms regulating human rights and the rights of peoples.”

Interpreting the principle of the self-determination of peoples from the perspective of the combination of different principles, the Constitutional Court held that the only legitimate and fair means of solving the question of the status of Tatarstan was the negotiation process that must be based on law and involve the participation of all the interested subjects of the RSFSR.

The relationship between the principles of the self-determination of peoples and the territorial integrity of states, albeit indirectly, was also addressed in the judgment of the Constitutional Court of the Russian Federation of July 31, 1995, on the use of the armed forces on the territory of the Chechen Republic. In this judgment, the Constitutional Court pointed out that “the constitutional aim of preserving the integrity of the Russian State is in conformity with the universally recognised international norms concerning the right of peoples to self-determination”; in addition, the Court noted that the international treaties to which the Russian Federation was a party (e.g., the Additional Protocol (II) to the Geneva Conventions relating to the protection of victims of non-international armed conflicts) were “premised on the possibility of using armed forces by a state to defend its national unity and territorial integrity.” Thus, the Constitutional Court of the Russian Federation declared the use of armed forces for the purpose of preserving the territorial integrity of the state to be in conformity with the international obligations of Russia, including the obligation to respect the principle of the self-determination of peoples.

Ultimately, in the judgment of June 7, 2000, on the constitutionality of

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87 Ibidem.
88 Ibidem.
certain provisions of the Constitution of the Republic of Altai, the Constitutional Court of the Russian Federation ruled that the sovereignty of the Russian Federation belongs to “the multinational people of Russia taken as a whole” and that:

under the Constitution of the Russian Federation, the sovereignty of the Federation, as well as the constitutional legal status of the constituent republics of the Federation, is linked not with the expression of the will of these republics in the form of a treaty, but with the expression of the will of the multinational Russian people, which, realising the principle of the equality and self-determination of peoples, constituted the revived sovereign statehood of Russia as the historically established state unity in the present federal form. [...] The republics, as constituent subjects of the Russian Federation, have no right to endow themselves with features of a sovereign state, even on the condition that their sovereignty would be recognised as limited.90

The Constitutional Court also held that peoples living on the territory of the constituent subjects of the Russian Federation must be guaranteed the protection and use of land and other natural resources, as the basis of their lives and activities; nevertheless, no constituent subject of the Russian Federation may proclaim ownership over natural resources on its territory, since this would violate the sovereignty of the Russian Federation.91

From the above-mentioned judgments, it is obvious that the Constitutional Court of the Russian Federation expressed the position in favour of such understanding of the principle of the self-determination of peoples that guarantees the preservation of the territorial integrity of a state; the Court declared the people of the entire state (of the Russian Federation) to be an entity entitled to self-determination and rejected the possibility of entitlement to self-determination for the constituent entities of the federation and, respectively, for the population of these administrative-territorial units.

A similar interpretation of the principle of the self-determination of peoples oriented towards the protection of the territorial integrity of states was set out in the written statement of the Russian Federation submitted to the ICJ in the case on Kosovo. In this written statement, it is indicated that:

the population […] of an existing state, taken as a whole, undisputedly, qualifies as a people entitled to self-determination. Whether and under which conditions an ethnic or other group within an existing state may qualify as a “people” is said to be subject to extensive debates.92

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91 Ibidem.
In assessing the situation of Kosovo, the Russian Federation maintained that neither the Constitutions of 1991-1992 and of 1999 of the Socialist Federal Republic of Yugoslavia, nor the position of the international community, had ever provided any grounds for considering the population of Kosovo to have been a people entitled to self-determination, in particular, in terms of the creation of an independent state.\textsuperscript{93} In addition, the Russian statement set out a particularly strict view on the circumstances determining the legality of unilateral secession. It was noted that the primary purpose of the “safeguard clause” of the Declaration on Principles of International Law\textsuperscript{94} was to serve as a guarantee of the territorial integrity of states, and that, although this clause might be construed as authorising secession under certain conditions, those conditions should be limited to truly extreme circumstances such as an outright armed attack by the Parent state, threatening the very existence of the people in question. Otherwise, all efforts should be taken in order to settle the tension between the Parent state and the ethnic community concerned within the framework of the existing state.\textsuperscript{95}

Thus, in the official statement submitted to the ICJ, the right to secession was associated not with every manifestation of discrimination, but with situations that, in principle, would amount to genocide, ethnic cleansing, crimes against humanity, or war crimes.

2.1.2. The Reinterpretation of the Principle of the Self-Determination of Peoples

The official Russian position and, at the same time, the Russian doctrine on the principle of the self-determination of peoples took a new direction in the context of the armed Russian-Georgian conflict and the subsequent formation of certain territorial entities. For instance, during the round-table discussion held by the Russian Ministry of Foreign Affairs on September 5, 2008, it was emphasised that “the constant threat from the Georgian side to resolve the problem of South Ossetia and Abkhazia by military means has given the right to the peoples [emphasis added] to raise the issue of separation”. During the discussion, it was argued that military action against South Ossetia and the preparation of military actions against Abkhazia determined that “the princi-

\textsuperscript{93} Ibidem, § 90-91, 97, Conclusions.
\textsuperscript{94} See the text at note 66.
\textsuperscript{95} Accordance with international law of the unilateral declaration of independence in respect of Kosovo (Request for Advisory Opinion). Written Statement of the Russian Federation, § 88.
ple of territorial integrity in these circumstances was no longer applicable.”\footnote{«Круглый Стол» в Дипакадемии МИД РФ, http://www.dipacademy.ru/news288.shtml, 25-11-2015.}

Along with these statements, contrasting with the previously mentioned conclusions of the Constitutional Court of Russia that point to a people as the entire population of a state and give priority to the territorial integrity of a state, pseudo-legal rhetoric was developed. In his article, Sergey Lavrov, the Russian Minister of Foreign Affairs, contended the following:

> We cannot regard people as an “ adjunct” of whoever’s territory that may arbitrarily, without their consent, pass under the sovereignty of a state in breach of the principles of international law, especially as the Tbilisi authorities, having proclaimed independence in 1991, referring to the Soviet Law on Secession of Union Republics from the USSR, denied the autonomies within the Georgian SSR the right to decide their own fate, as required by the same Law.\footnote{Lavrov S., “Russian Foreign Policy and a New Quality of the Geopolitical Situation”, Diplomatic Yearbook 2008, http://archive.mid.ru//brp_4.nsf/0/19E7B14202191E4AC3257525003E5DE7, 25-11-2015.}

Accordingly, the arguments used to present the incorporation of Crimea to Russia as a legitimate case of the realisation of self-determination can be viewed as a coherent continuation of the position and rhetoric developed in the context of the South Ossetian and Abkhazian “secessions”. In substance, this position is at variance with the way the right of peoples to self-determination was interpreted by Russian lawyers before the Advisory Opinion of the ICJ on Kosovo.

The examination of arguments of the Russian legal specialists constructing the narrative of the “reunification of Crimea with Russia” brings to light certain aspects characterising the “new” interpretation and application of the principle of self-determination and of an entity entitled to self-determination in the context of the Crimean situation. The following analysis focuses on five key aspects of this “new” interpretation.

First, the adopted line of reasoning draws on a flexible concept of a “ people”. In this usage, the term denotes a certain population that inhabits a particular territory and shares common political self-consciousness. For example, Anatoly Kapustin argues that the inhabitants of Crimea have developed into a political-ethnic community that should be considered entitled to self-determination. According to this author, in the referendum on independence a multi-ethnic people of Crimea, composed of all ethnic groups living in Crimea, “showed themselves as one self-determined people and overwhelmingly opted for a reunification with Russia.”\footnote{Kapustin A., “Crimea’s Self-Determination in the Light of Contemporary International Law”, Zeitschrift für ausländisches öffentliches Recht und Völkerrecht. Heidelberg Journal of International Law 75 (1), 2015, p. 115.} Based on the conclusions by the Internatio-
nal Commission of Jurists on East Pakistan (Bangladesh), as well as on the precedent of Kosovar Albanians, Vladislav Tomsinov similarly contends that the inhabitants of Crimea have every reason to be considered a people holding the right to self-determination. The political character of a people is also underlined by Vladislav Tolstykh. In his opinion, the understanding that a people is a political union, which considers that the right to self-determination, including the right to secession, can be invoked by groups excluded from political communication, since such an exclusion implies that these groups are concurrently excluded from the people of the state.

Although the authors defending the “secession” of Crimea avoid disclosing the features of “the people of Crimea” in greater detail, these features could be linked with the arguments about the historical and cultural relationship of Crimea with Russia as the “historical homeland”, as well as with the arguments about the “Russianness” of Crimeans. For example, Tomsinov maintains that the political and cultural autonomy of Crimea, consolidated in the Constitution of May 6, 1992, adopted by the Supreme Council of the Crimean Autonomous Republic,

 ensured the retention of its Russianness [emphasis added here and afterwards]. This autonomy was a compromise, on the one hand, between Russia and Ukraine and, on the other, between Crimea and Ukraine. Such a compromise gave the Russian people [russkim lyudiam] a possibility for the full-fledged realisation of their right to self-determination without seceding from Ukraine, i.e. within the Ukrainian state.

An open letter addressed to the Executive Council of the International Law Association, signed by Kapustin on behalf of the Executive Board of the Russian Association of International Law, emphasises that ethnic Russians

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99 The International Commission of Jurists held that the population of East Pakistan (Bangladesh) should be considered to constitute a “people” in the sense of the principle of the right of peoples to self-determination. In its conclusions, the Commission held that certain general characteristics possessed in common, such as historical, racial, ethnic, religious, linguistic, etc. common features, are not by themselves either essential or sufficiently conclusive to prove that a particular group constitutes a people; a people begins to exist only when it becomes conscious of its own identity and asserts its will to exist; therefore, the fact of constituting a people is a political phenomenon (The Events in East Pakistan. A Legal Study by the Secretariat of the International Commission of Jurists, Geneva, 1972, § 70, http://icj.wpengine.netdna-cdn.com/wp-content/uploads/1972/06/Bangladesh-events-East-Pakistan-1971-thematic-report-1972-eng.pdf, 25-11-2015; also Tomsinov V.A., “Крымское право”, или Юридические основания воссоединения Крыма с Россией, Вестник Московского университета. Серия 11. Право, 5, 2014, с. 17).

100 Tomsinov, (note 99) c. 17-18, 29.


in Crimea are not a minority, since Crimea historically was part of Russia.\footnote{Открытое письмо в Исполнительный совет Ассоциации международного права, http://www.ilarb.ru/html/news/2014/5062014.pdf, 10-10-2015.} Thus, although this discourse is formally about the multi-ethnic “people of Crimea” (the official documents on the incorporation of Crimea into the Russian Federation refer to “Crimean peoples”), emphasis is placed on the importance of the ethnic Russians. At the same time, attempts are made to deny their status as a national minority (a group holding no right to self-determination in the form of secession under the established doctrine).

Secondly, in order to substantiate the right of Crimea to unilateral secession, the concept of “remedial secession” is brought into play. For this purpose, two interrelated lines of argumentation are used: the first line, which is dominant, centres around the alleged restrictions on the Crimean autonomy and the exclusion of Crimeans from participation in political processes; the second one highlights the alleged violations of human rights and threats faced by “the people of Crimea”. Although priority is declared to be given to internal self-determination,\footnote{E.g., Tomsinov argues that “only when the right to self-determination is realised internally within the state, this right is properly compatible with the territorial integrity of states, which is particularly important for the contemporary international legal order, the foundations of which rest upon both of these principles” (Томсинов, (note 99) c. 29).} suggesting that self-determination through secession can be invoked only in exceptional circumstances,\footnote{E.g., Kapustin indicates that “without prejudice to the radical approach to the right to self-determination, allowing its implementation by all peoples, including ethnic groups, we consider a more cautious approach, which allows secession of a territory […] only in exceptional circumstances” (Kapustin, (note 98) p. 106-107).} continuity with the previously prevailing official and doctrinal provisions concerning the content of the right to self-determination becomes totally formal. In order to validate the right of Crimea to unilateral secession, the conditions for the exercise of the right to secession and the concept of internal self-determination itself are reformulated in substance.

For example, Kapustin maintains that the people of Crimea initially sought “national independence within the framework of Ukraine”; but, as the process of the Crimean statehood was terminated by Ukraine, Crimeans acquired the right to secession:

[Autonomy] was the result of a long and consistent struggle of the people of Crimea. [...] Consent to be a part of Ukraine was expressed freely in the Constitution of Crimea in 1992, but it was accompanied by the proclamation of its supremacy in relation to natural resources, material, cultural and spiritual values and the exercise of sovereign rights within the whole territory of the Crimean Republic. It was also established that the Republic of Crimea in the face of its public bodies and officials shall have in its
territory all powers, except those which the Republic voluntarily delegates to Ukraine [...]. Nevertheless, the development of the Crimean State was forcibly terminated by the central government of Ukraine, without any hint of a desire to take into account the will of the people of Crimea. The republic was deprived of all its rights, except the right to be called an Autonomous Republic.

Ukraine did not allow the people of Crimea to freely determine its will by means of internal democratic procedures (plebiscite, referendum, etc.). This can be interpreted in the spirit of the Friendly Relations Declaration of 1970 as depriving a people of the right to internal self-determination, rather than acting in a spirit of respect for that right and promoting and assisting in its implementation. This illegal coercion prevented the free exercise of the right to internal self-determination. However, this coercion brings into play the right to external self-determination and freedom to choose the path of its development, including the right to determine freely its historical destiny in accordance with international law.  

Similar arguments, which evidently contradict the position of the Constitutional Court of the Russian Federation concerning the indivisibility of state sovereignty, are provided by Tomsinov, who considers the autonomy of the Crimean Republic as consolidated in the Constitution adopted by the Supreme Council of Crimea in 1998 definitely insufficient.

This line of argumentation about the purportedly denied possibility of internal self-determination distorts the concept of “internal self-determination”, which is generally understood as the right to certain autonomy and the possibility of full-fledged participation, free of any discrimination, in the political life of the state. Instead, the above-mentioned authors equate the internal form of the realisation of self-determination with the right of the inhabitants of a certain part of the state territory to determine unilaterally their political status, including the opportunity to seek sovereignty. As a result, the boundaries between internal and external self-determination are blurred. Furthermore, Kapustin goes as far as to directly accuse Ukraine of having not created the proper conditions for the separation of the Republic of Crimea. He points out that, on 5 May 1992, the Supreme Council of Crimea adopted the act on state independence of the Republic of Crimea, which was suppo-
sed to take effect after confirmation by the Crimean referendum, scheduled for September 2 of the same year. However, on 13 May 1992, the Supreme Council of Ukraine found the proclamation of the act on state independence and on the referendum to be unconstitutional, suspended the actions of the Supreme Council of Crimea, and dissolved the Crimean Parliament. On 9 July 1992, the Supreme Council of Crimea declared a moratorium regarding the decree on the referendum. According to Kapustin, “this suggests that the people of Crimea was clearly refused its right to external self-determination”.

Ultimately, Kapustin claims that the inhabitants of Crimea were excluded from political representation. He points out that “an unconstitutional coup […] deprived the Crimean people of the right to representation in the central government of Ukraine”. This argument is elaborated by Tolstykh, who links the direct exclusion of the Crimean population from participation in political communication with the removal of Viktor Yanukovych from the office of the President of Ukraine, also with the campaign directed against the Party of Regions and the Communist Party of Ukraine, as well as with an inadequately representative transitional Ukrainian government and the lustration process.

The arguments aimed at showing the consistent striving of the Crimean inhabitants towards self-determination and underlining the concurrent denial of their possibilities of exercising this right are supplemented with statements about threats posed to “the people of Crimea”. Kapustin considers these threats

110 Ibidem, p. 111.
112 “The right to secession arises when a nation is excluded from internal political communication, when its will is not taken into account in political decision making” (Толстых В.Л., «Воссоединение Крыма с Россией: правовые квалификации», Евразийский юридический журнал 5 (72), 2014, § 5, http://www.eurasialaw.ru/index.php?option=com_content&view=article&id=6186%3A2014-06-25-08-34-35&catid=442%3A2014-06-25-08-30-09&showall=1, 25-11-2015); also “Indeed, a number of pieces of evidence suggest that after the coup d’etat at the end of February 2014 in Ukraine, the Crimean population found itself in that position. For example, the coup removed from power the president who had been elected in 2010 by 78.24% of voters in Crimea and 84.35% in Sevastopol (Ukraine in total – 48.95%). Secondly, after the coup a campaign directed against two parliamentary parties was started: the Party of Regions, which in 2012 was supported by 52.26% of voters in Crimea and 46.90% in Sevastopol (Ukraine in total – 30%) and the Communist Party of Ukraine (19.41%, 29.46% and 13.18%, respectively). At the official level these parties have been declared anti-national, certain functionaries have been harassed, party offices and party members have been attacked, including during parliamentary sessions; about 80 of 180 deputies left the Party of Regions faction in Parliament. Thirdly, after the coup the transitional government was formed representing only two of the five parliamentary parties: “Batkivshchyna” and “Svoboda”, which collectively received 36% of votes in the parliamentary elections of 2012 […]. Fourthly, almost all branches and levels of government were subject to lustration; the key positions were occupied by the representatives of the political forces that came to power. Fifthly, the new government refused to carry out measures aimed at restoring the social consensus (referendum, parliamentary elections, and negotiations with other stakeholders)” (Толстых, (note 101) p. 135.
by employing the terminology of the Russian position in the case on Kosovo and by referring to the alleged human rights violations and a threat of the emergence of mass-scale violations:

Radical nationalist elements came to power in Kiev; they openly expressed threats against all those disagreeing with them, especially persons acting for the preservation of the Russian language and culture in the territory in which they lived. The population of Crimea […] did not hide their cultural and linguistic affinity to Russia. […] In the Crimean situation the physical existence of the people was at stake [emphasis added] and therefore a secession from Ukraine was justified under the requirements of “remedial secession”. Of course, compared to Bangladesh, Kosovo and other examples of this kind, the situation in Crimea was different. In fact there were no mass killings of civilians or full-scale military actions, but this was not to the merit of the Ukrainian government or the international community.

[…] the political and legal situation prevailing after the unconstitutional coup in Ukraine caused a real threat to the life, health and human rights of the majority of the population of Crimea, which from the beginning rejected unconstitutional methods of political struggle.113

The strategy combining arguments about the continuity of aspirations for self-determination and a threat to the physical existence of peoples was also used in 2008 in a statement by then Russian President Dmitry Medvedev concerning the decision to recognise the independence of South Ossetia and Abkhazia:

Saakashvili opted for genocide to accomplish his political objectives. By doing so he himself dashed all the hopes for the peaceful coexistence of Ossetians, Abkhazians and Georgians in a single state. The peoples of South Ossetia and Abkhazia have several times spoken out at referendums in favour of independence for their republics. It is our understanding that after what has happened in Tskhinvali and what has been planned for Abkhazia they have the right to decide their destiny by themselves.114

The threat to the existence of “the people of Crimea” is constructed in a different way by Tomsinov and Tolstykh, who emphasise the cultural rather than physical aspect of this threat and, thus, take a position completely different from the official position of the Russian Federation as submitted to the ICJ in the case on Kosovo.

According to Tolstykh, the purpose of the principle of self-determination is to ensure participation in the political process rather than to protect human rights (the latter function is fulfilled by the principle of human rights). Consequently, the observance of human rights does not constitute sufficient proof that political communication involves the participation of all the authorised subjects. For this reason, “the absence of human rights violations in Cri-

113 Kapustin, (note 98) p. 116-117.
mea similar to those that had taken place in Kosovo may not serve as a ground for refusing its population, excluded from political communication, the right to self-determination.” As maintained by Tolstykh:

the political meaning of the principle of self-determination […] involves not only ensuring the possibility of participation in the political process, but also ensuring the possibility of retaining the identity of a nation. Therefore, the violation of the principle of self-determination occurs not only in cases where a nation is directly excluded from the political process, but also where the identity of a nation is threatened as a result of a destructive impact on its subjective and objective features […]. In this respect, it is also possible to speak about exclusion from the political process: not a direct but an indirect one – carried out through the imposition of cultural requirements, which can be overcome only at the expense of the loss of the identity of a nation.

Some events in Ukraine can be viewed as an attempt to impose the aforementioned requirements; such events include the initiative for the repeal of the law on regional languages, numerous cases of the demolition of monuments to Lenin (which are rather national than political symbols), anti-Russian proclamations […], as well as forced spreading of ideas of European integration and European identity. […] A massive scale and systematic character of these events and support or approval from the new government heightened the threat posed by these measures and have justified the separation of Crimea to a significant extent.

The imposition of cultural requirements can be qualified as genocide, though not in the narrow sense as defined by the Convention on Genocide […], but in the broad sense as defined by Lemkin.

In addition, “the choice made by Crimea is not only political but also ideological”, since, by opting for incorporation into Russia, the Crimeans rejected the liberal systems that have served as an instrument for the ideology of Western colonisation in the 21st century.

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115 Толстых, (note 112) § 8.
118 Толстых, (note 112) § 9. Authors’ note: Raphael Lemkin, the author of the term "genocide", understood genocide not just in terms of the mass killing of individuals belonging to a certain national group, but also as "a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves. The objectives of such a plan would be disintegration of the political and social institutions, of culture, language, national feelings, religion, and the economic existence of national groups, and the destruction of the personal security, liberty, health, dignity, and even the lives of the individuals belonging to such groups. Genocide is directed against the national group as an entity, and the actions involved are directed against individuals, not in their individual capacity, but as members of the national group" (Lemkin R., Axis Rule in Occupied Europe, Clark, New Jersey: The Lawbook Exchange Ltd, 2005, p. 79); Article 2 of the UN Convention on the Prevention and Punishment of the Crime of Genocide consolidates the concept of genocide that underlines the physical destruction of a national, ethnical, racial, or religious group: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; forcibly transferring children of the group to another group (https://treaties.un.org/doc/Publication/UNTS/Volume%2078/Volume-78-I-1021-English.pdf, 10-10-2015).
119 Толстых, (note 112) § 10.
Cultural threats faced by “the people of Crimea” are similarly highlighted by Tomsinov, who indicates that situations where a people cannot realise its self-determination unless seceding from the existing state and creating its own independent and sovereign state, or being incorporated into another state (as happened in the case of Crimea), should be linked not only with colonial dependence, but also with the cases where part of the population of a state is persecuted on national, ethnical, or cultural grounds:

The preservation of a people is inconceivable without the preservation of its culture, language, faiths, way of living, historical memory, and sanctities. Therefore, egregious violations of human rights, coercion against a people and its annihilation, should be understood as meaning not only genocide, the physical extermination of a people, but also a policy conducted by state authorities on the eradication of all the enumerated elements of the spiritual life of a people.

The first [...] steps [of radicals-zapadniks] on the state arena, their first assertions, showed the Crimeans that virtually the principal aim of the activity of these people was the eradication of the Russian culture, the Russian language, and the historical memory of the Russian and Ukrainian peoples.

For that matter, there were all grounds for the people of Crimea to make the decision about the impossibility of ensuring its right to self-determination within the framework of the Ukrainian state.120

The third aspect that becomes evident in the publications of the authors justifying the “secession” of Crimea and its incorporation into Russia is an emphasis on the importance of a referendum, thus assigning international legal significance to the institute regulated at the level of national law. For example, according to Viacheslav Evdokimov and Timur Tukhvatulin, “the only proper way of creating new states is the separation of a part of the state upon the decision of its population, expressed in a general voting according to democratic principles and norms of international law”.121

Although international law does not consolidate “the right to a referendum”, Sazonova maintains that, based on the International Bill of Human Rights, the conclusion can be drawn that the right of the inhabitants of Crimea to the referendum derives from fundamental human rights rather than from national legislation.122 A similar position is followed by Georgiy Velyaminov, who argues that assertions about the illegality of the Crimean referendum directly contradict the Covenants of 1966, which consolidate the right of peoples to self-determination. According to this author, states are under the obligation to ensure that their legislation makes a provision for the effective guarantee

120 Томсинов, (note 99) c. 29-30.
122 Сазонова, (note 68).
of the right to self-determination. Because all-state voting prevents the self-determination of a specific people, Article 73 of the Constitution of Ukraine, under which the territory of Ukraine may be altered only by an all-Ukrainian referendum, is claimed to be inconsistent with the international legal obligations of Ukraine to comply with the principle of self-determination. Finally, according to Tomsinov, “the legality of the referendum should not raise any doubts: in the light of the Western European legal tradition, conducting a referendum is considered legitimate even where no provision for it is made by the Constitution of the state concerned”. However, he provides no further arguments to support this conclusion.

The weight attached to referendums is also pointed to by Borgen; with respect to the official rhetoric of Russian politicians, he notes that the process of referendums becomes a substitute for the substantive law of self-determination, and notes that referendums and plebiscites, although they “are emblematic of democracy”, have been more than once historically used as a mask for territorial expansion.

The role of the referendum in the process of the Crimean annexation is definitely reflected, among other things, in the words of Valery Zorkin, President of the Constitutional Court of the Russian Federation: “Russia had – and, besides, once again – to react urgently (among other things, through the agency of the Constitutional Court) to a new threat faced by the citizens living in Crimea. This time—by considering and adopting legal decisions, following from the lawful and democratic expression of the will of those citizens [emphasis added]”. Zarkin emphasises the importance of the referendum and subsequent Crimean population surveys as denying “the myth of armed Russian annexation of the peninsula”. Velyaminov similarly argues that “under international law, the right of Russia to incorporate Crimea would have been restricted only in the event of a forceful incorporation, the annexation of the territory of a self-determined people. But, as the results of the referendum showed, the incorporation was, in principle, the shared aspiration of the people of Crimea”.

123 Вельяминов, (note 68).
124 Томсинов, (note 99) с. 28.
125 Borgen also draws on the examples given by Wilhelm Grewe: e.g., to disguise the policy of territorial expansion, Napoleonic France used the language of self-determination, as well as the process of referendums; the 1795 plebiscite in Austrian Netherlands (present Belgium) was later called a “bitter comedy” (Borgen, (note 5) p. 248).
127 Zorkin V., Civilization of law and development of Russia, Petersburg: St. Petersburg International Legal Forum, 2015, p. 265.
128 Вельяминов, (note 68).
Along these lines, Kapustin draws attention to the circumstance that the transfer of Crimea to Ukraine in 1954 “was a purely domestic administrative matter [...] [which] did not take into account the will of the population living there, especially since no referendum was held on the issue.”

A particularly radical position in terms of the importance of the referendum is expressed by Tomsinov, who contends that:

from the perspective of the contemporary Western European legal tradition, founded on the principle of government by the people, *the principal legal ground for the reunification of Crimea with Russia* [emphasis added] was the referendum of 16 March 2014, which showed the genuine striving of the overwhelming majority of Crimeans to join Russia.

Thus, this author regards the referendum as an independent and, in principle, unconditional ground for the “secession” of Crimea. Nevertheless, from the perspective of international law, the most original position, suggesting that “the will of a people” is absolute, was expressed in the open letter of the Russian Association of International Law, where it was held that

the destiny of Crimea was decided by the expression of the will of the Crimean people and the people of its historical homeland – Russia. Mass meetings in all big cities of Russia in support of reunion with Crimea after twenty three years of a break are a peculiar will expression of the multimillion people of Russia concerning its historical rights for Crimea.

At the same time, while most authors remain silent on the circumstances of the organisation of the “referendum” in Crimea, Tolstykh sets out his distinct approach to international standards for organising referendums. In his view, these standards (e.g., the Code of Good Practice on Referendums, adopted by the Venice Commission in 2007),

regardless of their legal force, should not be considered as addressed to the nation; rather they are addressed to third States ascertaining the fact of formation of the general will. The circumstances enumerated in the standards (peacefulness; universal, equal, free and secret voting; freedom of the media and the neutrality of the government; international supervision; exhaustion of negotiations and others) should be treated as convincing evidence of the general will’s blamelessness. The absence of some of them, however, should not automatically entail the conclusion that the general will was vicious. Such a conclusion can only be made on the basis of an examination of the particular situation and in the presence of strong evidence of fraud, error or external coercion. Thus, the military presence of a third state may be considered as a coercion only if it was accompanied by an impact on the general will; in other cases (for example, when it was intended to protect the free formation of the general will) it does not disqualify a referendum.

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129 Kapustin, (note 98) p. 110.
130 Томсинов, (note 99) с. 28.
131 Открытое письмо в Исполнительный совет Ассоциации международного права, (note 103).
132 Tolstykh, (note 101) p. 133-134, 137.
Failure to observe the freedoms of expression and assembly, even if this was the case, can hardly be regarded as fraud. Finally, the question of secession of Crimea from Ukraine and of its unification with Russia is clear (unlike the question of the association of Ukraine and the European Union); in this context it is difficult to assume that the population of Crimea made its choice under error. The referendum results were determined by other factors, much more stable, powerful and obvious – notably the historical and cultural links between Crimea and Russia, which came to the fore as a result of the coup.\footnote{\textit{Ibidem}, p. 138.}

The fourth aspect crucial for unfolding the narrative constructed by the Russian authors on “the reunification of Crimea with Russia” is the interpretation of the role of Russian military forces in Crimea. Russian international legal doctrine, as well as the position submitted in the case on Kosovo, was formerly consistent in underlining the provision, deriving from the Declaration on Principles of International Law, that the right to self-determination must be exercised “through the free choice by the people concerned, without outside interference”.\footnote{\textit{Accordance with international law of the unilateral declaration of independence in respect of Kosovo (Request for Advisory Opinion). Written Statement of the Russian Federation, }\S\textit{ 80, http://www.icj-cij.org/docket/files/141/15628.pdf, 10-10-2015.}} The main strategy currently adopted in order to circumvent this norm is the assertion that the aim of the Russian armed forces was not to influence the expression of free will, but to create conditions for expressing this will, i.e. to help “the people of Crimea” to realise self-determination. As Velyaminov notes, “there has not been a single reliable fact established about any kind of pressure or, the more so, pressure imposed by the force of arms on people who came to the referendum”.\footnote{Вельяминов, (note 68).} According to Tomsinov, the Russian forces were called upon “to protect the people of Crimea against the forcible actions by the Ukrainian authorities or radical nationalists depriving the citizens of the possibility of holding the referendum”.\footnote{Томсинов В.А., «Международное право с точки зрения воссоединения Крыма с Россией», Законодательство 7, 2014, c. 19.} As claimed by this author, under the Declaration on Principles of International Law, peoples who strive to realise their right to self-determination and face obstacles in their way have the right to resist forcible actions, to seek support in their pursuit of self-determination, and “to receive support in accordance with the purposes and principles of the Charter”.\footnote{\textit{Ibidem.}} In this way (ignoring the provision of the same declaration that “Every State shall refrain from any action aimed at the partial or total disruption of the national unity and territorial integrity of any
other State or country”), Tomsinov puts forward the position that stands in contrast to the dominant interpretation of the content of the Declaration on Principles of International Law, according to which military force in support of self-determination outside the decolonisation context can be linked at the most with the application of the doctrine of “the responsibility to protect”, i.e. when it comes to preventing or stopping genocide, ethnic cleansing, crimes against humanity, or war crimes.

Kapustin and Zorkin use rhetoric associated with the doctrine of “the responsibility to protect”, as well as with the highly controversial conception entrenched in Russian national law regarding the protection of Russian nationals abroad. In fact, these authors do not mention that, according to the existing interpretation of the doctrine of “the responsibility to protect”, as based on the consensus of states, the use of armed force in response to genocide, ethnic cleansing, crimes against humanity, or war crimes may be implemented as a means of last resort, acting through the UN Security Council. Irrespective of this, Kapustin maintains that the discussions in the United Nations, the OSCE, and European Institutions on the “Crimean issue” are strongly one-sided. This confirms that the people of Crimea had to rely on their own strength and that a remedy through the international community was not to be expected. Rather, only an appeal to neighbouring states, in this case Russia, for assistance in ensuring the basic right to life and the right to freedom of expression, promised to secure the right to self-determination of the Crimean people.

A similar position is expressed by Zorkin:

Did Russia help to hold this referendum? Certainly it did. The Russian Black Sea Fleet in Crimea blocked both the attempts of Crimea-based terrorist Islamic organisations (Hizub ut-Tahrir and others) to destabilize the socio-political situation, and the attempts of armed neo-Nazi militants from Western and Central Ukraine to break into the peninsula for “pacification” of Russians.

May these actions on behalf of Russia seem questionable according to international law? I assume they might. However, I must emphasize that it was a necessary and

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138 UN General Assembly, Declaration on Principles of International Law (note 45).
139 See Bilkova, (note 16) p. 43-45.
140 It should be pointed out that the official Russian position is highly critical of this doctrine as, purportedly, enabling the arbitrary use of armed force by Western states against third states. In the Foreign Policy Conception of the Russian Federation approved on 12 February 2013, it is maintained that “It is unaccept- able that military interventions or other forms of outside interference, undermining the foundations of international law based on the principle of the sovereign equality of states, be carried out under the pretext of implementing the ‘responsibility to protect’ conception” (Item 31(b)) (Концепция внешней политики Российской Федерации, http://archive.mid.ru//brp_4.nsf/0/6D84DEDEDBF7DA644257B160051BF7E, 25-11-2015).
142 Kapustin, (note 98) p. 117.
inevitable response to blatantly illegal actions of the Kiev authorities that performed a coup, as well as to a direct military threat to security of the Russian population of Crimea by Islamic and Ukrainian neo-Nazis. Russia could not regard these threats as anything but military. And we all know that a military threat has a different legal framework of action as opposed to peacetime.\textsuperscript{143}

Russia could not fail to call to memory still another, relatively recent, fundamental international legal principle, which has not yet been officially included in the UN Charter, but has already been universally recognised and widely applied. Namely, we speak about the principle of “the responsibility to protect”, which requires that international community directly defend the citizens of a state that flagrantly violates their fundamental rights, including the right to life and security, and does not wish or is unable to stop these violations.\textsuperscript{144}

A notably unconventional interpretation of the role of Russia in Crimea is further developed by Tolstykh. Along with the assertions that the participation of Russia was not aimed at interfering with the process of the formation of the will of Crimeans and that, thus, the actions of Russia, which prevented the Kiev government from intervening in the course of events, cannot be viewed as coercion against the inhabitants of Crimea, this scholar indicates that “the main circumstance justifying the participation of Russia in the process of Crimean self-determination is the breakup of the statehood of Ukraine”.\textsuperscript{145} Invoking the ideas of Jean-Jacques Rousseau, this author argues that, due to the coup that took place in Ukraine, the Ukrainian state broke up; as a result, the social contract was broken and the inhabitants of Crimea were transferred to the state of nature. Therefore, the configuration of international relations changed: instead of Russian-Ukrainian relations, relations between Crimea and new Ukraine, between Crimea and Russia, and between Russia and new Ukraine have emerged. The actions of Russia, which prevented the extension of the jurisdiction of the new Ukraine to the territory of Crimea, were lawful, since they were based on the consent of the population of Crimea. These actions cannot be qualified as support for one of the sides in a civil war, as, from the moment of the breakup, Crimea and the new Ukraine ceased to be parts of one state. In these circumstances, the additional arguments provided by Russia (invitation by the President, right to self-defence, humanitarian intervention) are unnecessary.\textsuperscript{146}

It should be noted that such an interpretation, obviously transcending the “boundaries” of international law, is not a case of an isolated occurrence. From the point of view of international law, rather absurd or legally irrelevant arguments are similarly set out in the publications of other Russian scholars of international law. Such arguments, for the most part reflecting the related

\textsuperscript{143} Зоркин, (note 127) p. 264.
\textsuperscript{144} Зорькин, (note 126).
\textsuperscript{145} Толстых, (note 112) § 11.
\textsuperscript{146} Ibidem.
statements of politicians, are apparently intended to reinforce the narrative of self-determination and to construct the legality of “the reunification of Crimea with Russia”. The use of this type of argument constitutes the fifth aspect of the way in which the principle of self-determination is exploited by Russian scholars in the context of the Crimean events. In this respect, the key role should be attributed to arguments concerning the restoration of “historical justice”; they include the statements on the unconstitutionality of the transfer of Crimea to the Ukrainian SSR in 1954, as well as statements highlighting the historical belonging of Crimea to Russia. Crucially, this historical argument was dominant in the “Crimean speech” by Putin and was used by Vitaly Churkin, Russian Ambassador to the UN, in his address of March 27, 2014, to the UN General Assembly:

> Historical justice has triumphed. For ages Crimea has been an integral part of our country, we share history, culture and, the main thing, people. And only the voluntaristic decision by the USSR leaders in 1954, which transferred Crimea and Sevastopol to the Ukrainian Republic, although within one state, has distorted this natural state of affairs.\(^\text{147}\)

Invoking the historical argument, Tomsinov maintains that the status of Crimea as part of Ukraine was factual rather than legal, since the transfer of Crimea to Ukraine was carried out in blatant violation of the constitutional norms of the USSR; therefore, this transfer should be considered legally null and void from the very beginning.\(^\text{148}\) Kapustin, though admitting that “a reference to the historical basis is extremely rare in international law” (the historical argument is recognised in cases of historically established rights to certain coastal areas, e.g., the right to historic bays or the right to transit passage), nevertheless, indicates that

> [historical justification] also cannot be ignored when it comes to reuniting historically united nations. The division of Russia and Crimea was largely artificial and in the process of the disintegration of the USSR a satisfactory legal settlement of territorial issues was, for historical reasons, not implemented. Subsequently, the conclusion of bilateral agreements between the Russian Federation and Ukraine, as well as documents of the Commonwealth of Independent States stated only the *status quo* and did not address the question of the legal status of some of the disputed territories, which means that there are still some unresolved territorial disputes and conflicts on the territory of CIS member states.\(^\text{149}\)


\(^\text{148}\) Томсинов, (note 99) c. 21.

\(^\text{149}\) Kapustin, (note 98) p. 113.
In the open letter of the Russian Association of International Law, it is also pointed out that, as a result of “holding the Crimean referendum, the expression of will in favour of the return of the Crimean people to the historical homeland – Russia became the restoration of historical justice, realization of historically developed legal grounds”. In this way, as noted by Borgen, shared history is presented as a factor that somehow lessens the sovereign rights of Ukraine over its territory, thus bringing back the times of pre-UN Charter norms.

At the same time, the works of some Russian international legal specialists include an even more ambitious application of historical argumentation. From the perspective of the USSR constitutional law, Alexander Salenko evaluates not the actions of Nikita Khrushchev when transferring Crimea to Ukraine, but the liquidation of the USSR as an international legal entity. He comes to the conclusion that the decision-makers of the RSFSR who prepared, signed, and ratified the Belavezha Accords concerning the termination of the existence of the USSR violated the will of the people of Russia on the preservation of the USSR in the form of a renewed federation, as expressed in the Soviet Union Referendum of March 17, 1991. According to this author, since the Belavezha Accords on creating the CIS was not approved by the Congress of People’s Deputies of the RSFSR, it was thus illegal and had no validity with regard to the termination of the existence of the USSR. Furthermore, since “the results of the Referendum of the USSR […] retain validity”, the reunification of Crimea with the Russian Federation:

became a practical realisation of the initial will and aspiration of the people to live in one single democratic and constitutional state, which was clearly stated in the Soviet Union Referendum on 17 March 1991 and was clearly expressed again in the Crimean Referendum on 16 March 2014.

It is obvious, however, that arguments substantiating the illegality of the disintegration of the USSR have a potentially much broader area of application than the justification of the “return” of Crimea. These arguments perfectly fit

150 Открытое письмо в Исполнительный совет Ассоциации международного права, (note 103).
151 Borgen, (note 5) p. 255.
152 The Belavezha Accords is an agreement signed on 8 December 1991 by RSFSR President Boris Yeltsin, Ukrainian President Leonid Kravchuk, and Belarusian Parliament Chairman Stanislav Shushkevich. The agreement declared that “the USSR, as a subject of international law and a geopolitical reality, is ceasing its existence” and established the Commonwealth of Independent States (CIS) in its place (for the text of this agreement, see http://rusarchives.ru/statehood/10-12-soglashenie-sng.shtml, 25-11-2015).
with the fluid concept of the “Russian World” (*Russkyj Mir*), designed in order to justify actions in the so-called “Near Abroad”. As described by Marlene Laruelle,

the concept of the Russian World offers a particularly powerful repertoire: it is a geopolitical imagination, a fuzzy mental atlas on which different regions of the world and their different links to Russia can be articulated in a fluid way. This blurriness is structural to the concept, and allows it to be reinterpreted within multiple contexts. First, it serves as a justification for what Russia considers to be its right to oversee the evolution of its neighbours, and sometimes for an interventionist policy. Secondly, its reasoning is for Russia to reconnect with its pre-Soviet and Soviet past through reconciliation with Russian diasporas abroad. Lastly, it is a critical instrument for Russia to brand itself on the international scene and to advance its own voice in the world.\(^{154}\)

Before concluding the analysis of different aspects characterising the application of the principle of self-determination to the case of Crimea by Russian legal scholars, we note that it is apparently not coincidental that, in the judgment of the Constitutional Court of the Russian Federation of March 19, 2014, in the case “On the verification of the constitutionality of the international treaty, which has not yet entered into force, between the Russian Federation and the Republic of Crimea on the accession of the Republic of Crimea to the Russian Federation and the formation of new constituent entities within the Russian Federation”, there is not a single mention—not even a formal one—of Article 15 of the Constitution of the Russian Federation, under which universally recognised principles and norms of international law, as well as international agreements of the Russian Federation, should be an integral part of its legal system. The Constitutional Court did not carry out any assessment of the nature of the “treaty” (whether this agreement can indeed be considered an international treaty), nor of the compliance of the content of the “treaty” with international law. The sole aspect in connection with which reference is made to international law in this judgment is the possibility of the operation of an international treaty before its ratification and entry into force. Specifically, in assessing the provisions under which Crimea was considered incorporated into the Russian Federation before the moment of the ratification of the treaty, the Constitutional Court invoked the provisions of the Vienna Convention on the Law of Treaties that provide for such a possibility.\(^{155}\) For this reason, it is in some way ironic that, in its judgment of July 14, 2015, when assessing whether the decisions of the European Court of Human Rights were binding

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for the Russian Federation, the Constitutional Court held that the principle of the sovereign equality of states and respect for the sovereign rights of states and the principle of non-interference in the internal affairs of another state are peremptory international legal norms (*jus cogens*).\(^\text{156}\)

In summary, Russian legal specialists, in constructing the narrative on the legality of the “secession” of Crimea and its “incorporation” into Russia, revise the interpretation of the content of the right to self-determination followed by Russia before the case on Kosovo. Concepts such as “internal self-determination”, “remedial secession”, and “free expression of will” appear to be given new content, pre-modelled for a concrete case (and, possibly, for other similar cases). The concept of “remedial secession” is applied to the Crimean situation based on the interpretation of the conditions required for the exercise of self-determination that is contrary to the Russian view expressed in the case on Kosovo: a different definition of a “people” is favoured; considerable significance is placed on the aspirations of a territorial entity for statehood; instead of an “outright attack” and a “threat to the very existence of a people”, hypothetical and mostly ideological and cultural “threats” are viewed to be sufficient to remove the necessity of exhausting all possible means “to settle the tension between the parent State and the ethnic community concerned within the framework of the existing State”;\(^\text{157}\) consequently, the right of a state to defend its territorial integrity is denied. The issues of the organisation of referendums and the constitutionality of the change of government are raised to the level of international legal significance, irrespective of the fact that they constitute matters for regulation under national law. Finally, the concepts of international law are supplemented with irrelevant historical and philosophical arguments, blurring the boundaries between legal and non-legal reasoning.

### 2.2. The Strategies of Manipulating International Law to Deny the Crimean Annexation

The arguments used by the authors examined above clearly rest on particular strategies. In this section consideration is given to the strategy directed at diminishing the sovereignty and statehood of Ukraine; then, the discussion concentrates on the strategy of a “distorted reflection”, which exploits the Cri-

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\(^{157}\) Accordance with international law of the unilateral declaration of independence in respect of Kosovo (Request for Advisory Opinion). Written Statement of the Russian Federation, § 88.
mea-Kosovo parallel, distorts the established content of international legal concepts, and questions the adequacy of international law with regard to Russian geopolitical interests.

2.2.1. Arguments Diminishing the Sovereignty and Statehood of Ukraine

At the core of the narrative constructed by Russian politicians and lawyers to deny the annexation as an illegal acquisition of territory is the coup d’etat carried out in Ukraine by right-wing radicals in February of 2014, which was followed by the purported collapse of the Ukrainian state; consequently, Crimea, holding close ties with Russia, and its population, fearing possible persecution, acquired the right to secede from Ukraine and join Russia. In this narrative, questioning the status of Ukraine as a sovereign state fulfils an important role. This questioning is based on the arguments pointing to the unconstitutionality of the coup, as well as to the influence exerted by Western states on the new Ukrainian government. For example, at a meeting of the UN Security Council, Churkin claimed that:

the implementation of the right of self-determination in the form of separation from the existing state is an extraordinary measure. In Crimea such a case apparently arose as a result of a legal vacuum, which emerged as a result of unconstitutional, violent coup d’etat carried out in Kiev by radical nationalists, as well as direct threats by the latter to impose their order on the whole territory of Ukraine.158

In this context, it is essential to point out that a coup d’etat and the issues of constitutionality in general are matters of national rather than international law. In terms of international law, importance falls not on the constitutionality of the government, but on its effectiveness, i.e. its capability to efficiently control the territory of the state and to ensure compliance with international commitments. Even where the government is unable to carry out effective control (in political science, the concept of a “failed state” is used to refer to these cases), relations with such a state must be continued based on the principles of sovereign equality, the prohibition of the use of force, respect for territorial integrity, and other fundamental international legal principles; other states are not released from the obligations with respect to this state. Additionally, the international legal status of a state is in no way affected by the change

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of government, even if it takes place in the form of a coup d’état.

Irrespective of this, a completely different approach is taken in the publications of the Russian authors. According to Tomsinov, one of the features determining the specificity of the Crimean secession is that:

the reunification of Crimea with Russia took place largely as a result of the perception by the people of Crimea that periodic state coups, […] the inability of the changing governments to ensure smooth economic development and the essential conditions of normal human life are not accidental: they indicate not temporary ailments of Ukrainian society and of its political and legal consciousness, but its permanent vices precluding the emergence of normal self-reliant Ukrainian statehood. The inability of Ukrainian society to create a full-fledged state capable of ensuring the essential conditions of normal human life to all its citizens […] provides one more reason for the separation of Crimea from Ukraine and its reunification with Russia.159

As Tomsinov argues, political instability in a recently built sovereign state serves as a sufficient ground for solving the question of the secession of its certain territory not under the norms of internal law, but under international law.160 In support of this statement, the disintegration of the USSR is referred to as a precedent:

All the declarations on independence and sovereignty that were adopted by the union and autonomous republics in 1990-1991 violated the USSR Constitution. For example, the USSR Constitution was violated by the Declaration on State Sovereignty of Ukraine […] [These events] took place at the time when the state was already deprived of power capable of maintaining the constitutional order, i.e. its constitution, although not repealed de jure, ceased to exist de facto. […] Consequently, in such situations, legal grounds must be derived not from the letter but spirit of […] international law.161

At the same time, such a position suggests that, in the case of “stable states”, priority should be given to national (constitutional) law; thus, it seems to exclude questions of the right to self-determination, for example, in the case of entities within the Russian Federation.

The statehood of Ukraine is similarly questioned by Tolstykh, who, as mentioned before, puts forward the argument concerning the disintegration of the state to justify the participation of Russian armed forces in organising the referendum in Crimea. In addition, according to Tolstykh,

having not been involved in the coup d’état, Russia cannot be held responsible for its consequences, one of which came to be the transfer of the population of Crimea to the state of nature. In this respect, the Russian policy with regard to Crimea can be contested only by the Crimean population; the referendum results, however, clearly at-

159 Томсинов, (note 99) c. 30.
160 Ibidem, c. 6-7.
161 Ibidem, c. 9-10.
test support for this policy.\textsuperscript{162}

After contending that the dissolution of the Soviet Union was illegal and illegitimate from the perspective of the USSR constitutional legislation, Salenko draws the conclusion that a “warped legal groundwork” was laid as a foundation of the statehood of the new independent states, including Ukraine, because the elite of nine republics consciously violated the will of the people, expressed in the referendum of 17 March 1991 on the future of the USSR.\textsuperscript{163} Furthermore, according to Salenko,

the violation of the initial and obligatory will of the people of Ukraine and the unilateral arbitrary revision of the results of the Soviet Union Referendum have become the main reasons for the disintegration of Ukraine, including the recent acts of self-determination of Crimea whose people were the least enthusiastic about the separatism of Kiev in 1991.\textsuperscript{164}

Attempts to diminish the sovereignty of Ukraine are also obvious when the situation in Ukraine after the annexation of Crimea is described. As the holding of the election in October 2014 removed the possibility of relying on the argument about the unconstitutionality of the government, this line of argumentation has shifted towards views highlighting the subordinate status of Ukraine. Tomsinov presents this view in rather extreme terms:

The reluctance by the leaderships of the USA and the European Union, as well as by the Ukrainian ruling groups, which are completely dependent on the USA and EU, to solve the question of the belonging of Crimea by way of negotiation [...] leaves the only actually possible means of solving this controversy, i.e. the total disintegration of the existing Ukrainian state and its liquidation as an international legal entity. Such a possibility of releasing the relationship of Russia with Western states from the burden of the Crimean problem is completely implementable in practice, mainly as a result of increasing destructive processes within the Ukrainian state. These processes have an objective character and cannot be stopped by means of any external forces.

[...] As a result, Ukraine has definitely become subordinate to the governing Western groups, primarily those of the USA, and, in principle, has lost even that small degree of independence of its state that it had been granted after the dissolution of the Soviet Union. Decisions primarily important and essential to the Ukrainian state are being made not in Ukraine. The Ukrainian authorities, including the President and the Head of the Government, are mere agents of foreign will, executives of decisions made by the leaderships of the USA and the European Union.

A particular weakness of the current Ukrainian state renders its ruling layer [...] absolutely ineffective in fulfilling its role as the agent of Western policy [...]. Namely this circumstance does not allow the West to prevent the ultimate demise of the Ukrainian state.\textsuperscript{165}

\textsuperscript{162} Толстых, (note 112) § 5.
\textsuperscript{163} Salenko, (note 153) p. 162.
\textsuperscript{164} Ibidem, p. 165.
\textsuperscript{165} Томсинов В.А., “Крымское право”, или Юридические основания воссоединения Крыма с Россией, Москва: Зерцало, 2015, с. 118-119.
Borgen is correct when he writes that sovereignty in the Russian rhetoric “becomes ephemeral” and shifts from being the core value, protected by international law, to simply a fact that may or may not come into play in particular circumstances. At the same time, sovereignty itself becomes redefined in such a way that enhances the scope of Russian sovereignty, while minimizing the sovereignty of post-Soviet states (“Near Abroad”).

2.2.2. The Strategy of a “Distorted Reflection”

As the foregoing assessment of the aspects characterising the narrative constructed by Russian legal scholars on the right of Crimea to secession has revealed, specific meanings designated for a particular case are attached to the established concepts of international law. This strategy employed by Russia has been aptly defined by Lauri Mälksoo, who indicates that such concepts as “peacekeepers”, “genocide”, or occasionally even “international law” are used like in a simulacrum or concave mirror, compared to their Western uses; the words are the same, but the meanings are different. In developing these ideas, it should be noted that, in the context of the annexation of Crimea, it is possible to witness not only an unconventional interpretation of international legal norms, but also the tendency to draw parallels between the cases that are unparalleled in legal terms; the latter tendency can be identified as the strategy of a “distorted reflection”.

One of the most obvious manifestations of a “distorted reflection” in the official Russian discourse is the so-called Crimea-Kosovo parallel, employed to deny the illegal annexation of Crimea. A reference to the Advisory Opinion of 22 July 2010, in which the ICJ stated that unilateral, i.e. declared without the consent of the central government of Serbia, declaration on the independence of Kosovo is not in violation of international law, is included in the Preamble to the Declaration of Independence of the Autonomous Republic of Crimea and the City of Sevastopol, adopted on 11 March 2014. In his “Crimean speech”,

168 “We, deputies of the Supreme Council of the Autonomous Republic of Crimea and the Sevastopol City Council, having regard to the Charter of the United Nations and a whole range of other international documents and taking account of the confirmation of the status of Kosovo by the United Nations International Court of Justice on 22 July 2010, which states that unilateral declaration of independence by a part of the state does not violate any international norms, make this decision jointly […]” (Декларация о независимости Автономной Республики Крым и г. Севастополя, http://www.crimea.gov.ru/news/11_03_2014_1, 27-11-2015).
Putin referred to Kosovo 7 times, including quotes from the position of the USA in the case on Kosovo.\(^{169}\) The parallel with Kosovo is either made directly or occurs as a reflection of the “special case” rhetoric used by Western powers. For example, in one of his interviews, Lavrov emphasised that “Crimea was a very special case”\(^{170}\).

Undoubtedly, where the case of Kosovo and the Advisory Opinion of the ICJ are invoked, there is no mention of the circumstance that “the referendum of Crimea” took place in an atmosphere of the threat and use of Russian armed force, including the takeover of the territory of Crimea by the military and paramilitary forces controlled by Russia, the conduct of large-scale military manoeuvres along the borders of Ukraine, and the constant emphasis on the preparedness to use force; however, this circumstance alone is sufficient to deny the plausibility of the Crimea-Kosovo parallel. It should also be stressed that, in the case of Crimea, the state that used force had the direct interest to incorporate the territory of “self-determining” Crimea. Moreover, those who compare the situations of Crimea and Kosovo “forget” that the Russian Federation has up to now refused to recognise the statehood of Kosovo.

Regardless of the aforementioned circumstances, Russian legal scholars establish parallels between Crimea and Kosovo. For instance, Tomsinov relies on argumentation that is in substance identical to the statements of Russian politicians when he claims that there is a range of common aspects between Crimea and Kosovo: the peoples of Crimea and Kosovo were subjected to persecution, their autonomy was violated, their secession took place in contravention of the constitution of the parent state, and, ultimately, both cases were special.\(^{171}\) The treatment of the Crimean secession as a “special case” is grounded by Tomsinov in the fact that there will be no more such situations as the disintegration of the USSR; hence, there will be no more analogous situations; the incorporation of Crimea into Russia is the continuity of the process of the USSR disintegration and rearrangement of the space of this empire, similar to the case of Kosovo, which emerged as a consequence of the disintegration of Yugoslavia.\(^{172}\) The specificity of the Crimean case is also linked by this author with the supposed perception of the vices of the Ukrainian statehood by the

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\(^{171}\) Томсинов, (note 99) c. 24-25.

\(^{172}\) Ibidem, c. 19, 5.
inhabitants of Crimea.\footnote{Ibidem, c. 30.}

At the same time, the publications of Russian authors include more attempts to draw parallels between substantially different situations. For example, Tolstykh compares the role of Russian forces in organising the referendum on the independence of Crimea with the presence of US forces in the US-administered territories of Puerto Rico and the Northern Mariana Islands at the time when the inhabitants of these territories were determining their status in the referendums of 2012 and 1975, respectively,\footnote{Tolstykh, (note 101) p. 134.} although the US forces had no impact on the voting. It is obvious that, at the very least, such parallels are ill-drawn, since the presence of US forces in the US-administered territories cannot be compared with an intervention by a foreign state interested in annexation.

In addition, Salenko draws a parallel between the secession of Crimea from Ukraine and the separation of Ukraine from the USSR. He indicates that, reacting to the Putsch of 1991 in Moscow, the Supreme Soviet of the Ukrainian SSR adopted the Declaration of Independence of Ukraine, which referred to “the mortal danger surrounding Ukraine in connection with the state coup in the USSR on 19 August 1991”. Salenko underlines that this declaration was adopted three days after the end of the August Putsch, and also that, as a result of the said state coup in Moscow, only three people were killed, whereas “the mortal danger” to the population of Crimea was much more tangible and explicit, considering 106 victims killed in “Euromaidan [sic]”, 48 killed in the Trade Unions Buildings in Odessa, and thousands of people killed in the military operations in the East Ukraine;\footnote{Salenko, (note 153) p. 159-160.} thus Salenko also includes the events following the annexation of Crimea.

Furthermore, according to Salenko, the Ukrainian referendum of December 1, 1991, held on the Act of Declaration of Independence, not only clearly violated the applicable legislation (as neither the Ukrainian authorities, nor the citizens of Ukraine, had the right to unilaterally revise the decision adopted by the Soviet Union Referendum, the results of which could be changed only by a new all-Union referendum, which, according to the law regulating exit from the USSR, could be held not earlier than in 10 years),\footnote{Ibidem, p. 161.} but also failed to meet any of the criteria against which the Venice Commission
assessed the Crimean referendum of 2014:\textsuperscript{177} in 1991, Ukraine did not have any law regulating a republican referendum; in addition, on 11 October 1991, the Verkhovna Rada confirmed the Act of Declaration of Independence of Ukraine, and this “raised doubt with respect to the legal effects of the referendum and the neutrality of the authorities”; the principles that “authorities must provide objective information” and “public media have to be neutral, in particular, in news coverage”, were obviously violated, since, in 1991, the authorities of Ukraine “conducted a one-sided information campaign and whipped up mass hysteria by the broad use of the slogan ‘the mortal danger surrounding Ukraine’”. Instead of promoting unilateral secession, the author claims that “serious negotiations among all stakeholders” should have been organised. Moreover, no regard was paid to the most important provision of international law and an essential element of the basic democratic principles that self-determination must primarily be understood as internal self-determination within the framework of the existing state.\textsuperscript{178} Consequently, Salenko comes to the conclusion that “besides the personal ambitions of the Ukrainian political leadership and mass hysteria about the ‘bloody putsch’ and the unspecified ‘mortal danger surrounding Ukraine’, there were no other rational arguments in favour of the secession of Ukraine.”\textsuperscript{179}

Unsurprisingly, when drawing the Crimea-Ukraine parallel, Russian legal scholars do not mention the fact that the declaration of the independence of Ukraine did not result from any external military intervention carried out by a state interested in the incorporation of a certain part of the territory of Ukraine. In addition, by drawing this parallel, these authors deny the significance of the Belavezha Accords (whereby the founding states of the USSR declared the termination of the existence of the USSR) and “forget” that the Russian Federation, as the legal continuator of the USSR, has recognised the statehood of Ukraine.

A peculiar application of the strategy of a “distorted reflection” emerges in connection with Salenko’s arguments about the “secessions” of Lithuania, Latvia, and Estonia as purportedly having laid the foundation for the direct

\begin{flushleft}\textsuperscript{177} On 21 March 2014, the Venice Commission adopted the Opinion on “Whether the decision taken by the Supreme Council of the Autonomous Republic of Crimea in Ukraine to organise a referendum on becoming a constituent territory of the Russian Federation or restoring Crimea’s 1992 constitution is compatible with constitutional principles”, where the Venice Commission drew the conclusion that the circumstances in Crimea did not allow holding a referendum in line with European democratic standards (http://www.venice.coe.int/webforms/documents/default.aspx?pdfid=CDL-AD(2014)002-e, 10-10-2015).
\textsuperscript{178} Salenko, (note 153) p. 164-165.
\textsuperscript{179} Ibidem, p. 164-165.\end{flushleft}
negligence of the existing legal requirements.\footnote{Ibidem, p. 156.} These arguments assessing the restoration of the independence of the Baltic States illustrate well how law is manipulated by ignoring the fact of the illegal occupation and annexation of the Baltic States. According to Salenko, President of the USSR Mikhail Gorbachev and other participants of Novo-Ogaryovo meetings, who, on April 23, 1991, signed a treaty between the central leadership of the USSR and nine union republics (which had to turn the Soviet Union into a federation of independent states), consciously violated the fundamental constitutional norms of the USSR, since the results of the Soviet Union referendum of March 17, 1991, were obligatory to all union republics, including those six (Lithuania, Latvia, Estonia, Georgia, Armenia, Moldova) that had boycotted the referendum.\footnote{Salenko, drawing on Tretyakov, maintains that “The Soviet Union Referendum on 17.3.1991 became an indicator that those union republics striving for independence from ‘Soviet Imperialism’ aimed to create their own microempire and, having received […] freedom for their own nations, do not want to give even a little of this freedom to other nations living in territories of their states” (in Salenko, (note 153) p. 149).} Salenko maintains that, in an attempt to preserve the unity of the state in the “format 9+1”, Gorbachev took extraordinary steps. He officially recognised the independence of “the self-proclaimed Baltic republics”; these actions constituted a direct violation of the applicable law, because none of the three republics fulfilled any requirement of the USSR law “Concerning an order of the solution of the questions with regard to an exit of the union republic from the USSR” of April 3, 1990. In addition, Salenko claims that the leaderships of these republics failed to comply with the democratic standards recognised at the international level.\footnote{Ibidem, p. 156-157.}

Another manifestation of a “distorted reflection” unfolds with the ideas expressed by Tomsinov about “the revolution of legitimacy” in international law, as well as about the inadequacy of existing international law. According to this author, the majority of assessments of the reunification of Crimea with Russia are made from the perspective of the international law that was prevalent before the dissolution of the USSR. The international law of the bipolar world (the USA vs. the USSR) was essentially founded on the principles of sovereign equality, non-interference in the internal affairs of another state, the inviolability of borders, and territorial integrity; thus, from this perspective, the illegality of the Crimean referendum is associated with the violation of the principle of the prohibition of the use of force.\footnote{Томсинов В.А., «Международное право с точки зрения воссоединения Крыма с Россией», Законодательство 7, 2014, с. 21.} However, upon the disintegration of the USSR and the rise of the USA as the sole major power, a unipolar order was created
and accordingly reflected in international law. Tomsinov maintains that “new international law” found its significant reflection in the report of the Independent International Commission on Kosovo, in which the Commission held that the NATO military intervention in 1999 was “illegal but legitimate”.\(^{184}\)

Tomsinov further argues that, since international law is formed on the grounds of consensus, its normative content has always contained gaps and contradictions. Therefore, a legal assessment of certain events frequently requires addressing not the letter, but the spirit of international law, interpreting international legal norms, and referring to the case law of the ICJ as well as actual events in search of legal arguments.\(^{185}\) According to Tomsinov, the actions of states as a general rule are never in full conformity with international law. International law appears to be even less capable of performing its role of the regulator of interstate relations in times of acute international crises. Thus, where it is impossible, either fully or at least partly, to justify the legality of one or another action of a certain state, the concept of legitimacy comes as a way out, which is based not only on legal, but also moral norms, also on the practice of international dispute solving, legal consciousness, works of international legal specialists, and opinions of internationally influential political groups.\(^{186}\)

Consequently, Tomsinov draws the conclusion that events similar to the reunification of Crimea with Russia can be fully understood if they are viewed objectively not only in terms of international law, moral values, and the political situation, but also in terms of the geopolitical interests of Russia, Ukraine, and leading world powers.

Namely such, the broadest possible, attitude to international events is presupposed once these events are assessed against the concept of legitimacy.\(^{187}\)

In other words, Tomsinov advocates attaching international legal significance to the geopolitical interests of major powers (derzhav) and interpreting international law in the context of geopolitical interests, since the balance of the economic, political, and cultural interests of major powers, “as cement mortar, is laid in the foundations of international law”.\(^{188}\) The domination of the interests of Western states, in particular those of the USA, in the interpretation of international law is identified by Tomsinov to be the greatest fault of existing international law, whereas the recognition of the geopolitical interests

\(^{184}\) Ibidem, c. 22-23.

\(^{185}\) Ibidem, c. 24.

\(^{186}\) Ibidem, c. 25.

\(^{187}\) Ibidem.

\(^{188}\) Томсинов В.А., «Украинский кризис»: метаморфозы геополитики и международное право, Законодательство 8, 2014, с. 11.
of Russia is regarded as a critically important direction in the development of international law:

[The case of Crimea] should have been assessed [...] against the criteria of both legality and legitimacy. [...]  
[This case] could have stimulated the development of international law, could have contributed to its renewal and enrichment with a wealth of new ideas. Instead of this, it [...] showed what a deplorable state the international community [...] and international law are in. [...]  
The Ukrainian crisis [...] has become a convincing testimony to a complete atrophy of the mechanisms indispensable to international law in the practice of international relations for reconciling divergent geopolitical interests. And the main responsibility for this falls on leading Western states".189

Thus, as Borgen notes, “Russia is building a revisionist conception of international law to serve its foreign policy needs”.190 From the above-cited works, it is clear that these aims are not disguised; they are openly declared by certain Russian scholars.

Conclusions

From the point of view of contemporary international law, the actions of the Russian Federation in the Crimean peninsula, which is part of the territory of Ukraine, constitute an illegal use of force and should be qualified as aggression. These actions meet the concept of an “armed attack”, which gives rise to the right of Ukraine to self-defence under Article 51 of the UN Charter. In view of the fact that the Crimean peninsula remains annexed, this ongoing annexation should be considered continuing aggression (since annexation is a form of aggression). Although in a general sense international law does not regulate the right to secession, the systemic interpretation of the principle of the self-determination of peoples, along with the principle of the prohibition on the threat or use of armed force and the principle of territorial integrity, determines that independence may not be proclaimed under conditions of the use of armed force by a foreign state. For this reason, the “secession” of Crimea, which took place as a result of the use of the armed force of Russia, as well as the incorporation of Crimea into Russia, is illegal in terms of international law and cannot be interpreted as a case of the realisation of the right of peoples to self-determination.

The publications of Russian legal scholars who adopt a position favourable to the Russian Federation mainly develop the line of arguments put forward

189 Томсинов, Международное право с точки зрения воссоединения Крыма с Россией (note 183), с. 26.
190 Borgen, (note 5) p. 279.
by Russian politicians. Consequently, when producing their arguments, these authors manipulate international legal concepts, attach new content to the established terminology, combine legal and pseudo-legal reasoning with considerations and theoretical constructs that are irrelevant from the point of view of contemporary international law, claim that contemporary international law is inadequate with regard to Russian geopolitical interests, and, ultimately, blur the borderlines between legal and political argumentation.

The purportedly legal assessment of “the reunification of Crimea with Russia”, as provided by the aforementioned Russian scholars, does not consistently draw on international legal norms, the jurisprudence of the ICJ, and international legal doctrine. The interpretation of the content of the principle of self-determination is based on the construction of a position that is contrary to that which predominate in the official Russian discourse and legal doctrine before 2010: a new definition is attached to a “people” as an entity entitled to secession; the right of a state to defend its territorial integrity is denied; and the right to “remedial secession” becomes, in principle, absolute, i.e. the exercise of the right to “remedial secession” is justified not only on the grounds of an actual physical threat to a certain political-territorial community, but also on the grounds of vague cultural and ideological threats, or temporary political instability in the state. It is obvious that such an interpretation is intrinsically linked to an ad hoc evaluation of the situation, which shows that in the Russian Federation the science of international law has become a political instrument used for constructing concepts and meanings necessary for the realisation of geopolitical interests or territorial ambitions.

The analysis of the ways in which international legal concepts are manipulated reveals that these manipulations pose a threat in cases when the boundaries between law and politics are blurred and an alternative pseudo-legal reality is constructed. At the same time, these threats highlight the necessity to defend the established interpretation of the content of international legal norms and principles; this can be achieved by, among other things, clear identification of cases violating the fundamental provisions of international law, as well as by a principled response to such violations. Otherwise, preconditions will be created for an unrestrained realisation of visions of the “Russian World” where this process is disguised under a veil of international legal concepts.

December 2015
Interest in South Asia among Lithuanian scholars is rather low. For a long time the region has remained off the radar screen of Lithuanian foreign policy makers, who were largely focused on Lithuania’s Euro-Atlantic integration and international consolidation issues. But the situation is changing and South Asia is emerging as an increasingly important political and economic partner for Lithuania. This article attempts to outline the general characteristics of the South Asia region, its geographical and geopolitical limits, and its current key issues, in the backdrop of which Lithuania’s relations with the nations of the region are assessed. Arguably, at present Lithuania has little to offer in addressing the fundamental problems of the region, but its role in individual niches can be quite useful. Lithuanian exports of lasers and laser-related technologies to India, along with the growing number of South Asian students in Lithuanian higher education institutions, are brought in as two small but illustrative examples.

Introduction

Interest in the South Asian region in Lithuanian academic research is still comparatively low. An entry of the query “South Asia” into the database of Lithuanian Academic Electronic Library (eLABa) returns 156 links, of which only 11 are in Lithuanian¹. Only three links refer to authentic works by Lithuanian scholars: an academic article titled “Security dynamics within South Asian regional security complex” by Vytautas Magnus University graduate Ieva Karpavičiūtė (published in 2006)², a BA thesis “India’s soft power in Afghanistan” by Vilnius University graduate Goda Karazijaitė (published in 2006)².

¹ © Laimonas Talat-Kelpša, 2016
² © Military Academy of Lithuania, 2016

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2 Judgments and ideas presented in this article are, without any exception, the ideas of the author and can never be regarded as an official position of the Ministry of Foreign Affairs of the Republic of Lithuania or that of the Departments of the said Ministry.

and a Master’s thesis “Buddhism modernization trends in the twentieth century South and Southeast Asia” by a graduate from Vilnius University’s Centre for Oriental Studies named Ieva Bruzgelevičiūtė (published in 2008). Other Lithuanian-language links in the eLABa database refer predominantly to travel books, translations of various Soviet-time publications, etc.

From this perspective, a researcher choosing to delve into South Asian waters would face a difficult task. On the one hand, in the context of the prevailing ignorance she or he would need to accommodate the populist temptation to speak about ‘a little bit of everything’ with the strict requirements of academic discipline. On the other hand, the Lithuanian researcher of South Asia is hardly more advanced and knowledgeable than her or his inquisitive reader, therefore the outcome of their literary encounter is highly unpredictable. The ambassador’s hat of course puts additional limitations on the character of the speaking. Therefore, this article deals with South Asia in most general terms, but through Lithuanian lenses: what is important for Lithuania and its contemporary geopolitics in a region containing one-sixth of the world’s population?

The article consists of three sections: the first attempts to define the South Asian region, highlighting its general characteristics. The second aims to outline and catalogue the social, economic and geopolitical challenges faced by the South Asian nations. The third part is dedicated to the analysis of how these collective South Asian interests match with the individual interests of Lithuania. This comparison underlies the effort of developing a larger agenda for Lithuania in the South Asian region, which in the future may play an increasingly important role in the national foreign policy framework.

1. What does South Asia Represent?

The most common definition of South Asia includes seven countries: Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka. Once subjects of the British Crown, these nations share a significant part of their modern political identity coming from the era of post-colonialism. In 1985, the seven nations formed a regional group, the South Asian Association for Regi-

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1 Karazijaitė G., Indijos švelnioji galia Afganistane: bakalauro darbas [India’s soft power in Afghanistan], Vilnius: Vilniaus universitetas, 2014.
onaal Cooperation (SAARC), which in 2004 was complemented by the South Asian Free Trade Agreement (SAFTA). For this reason, the seven countries are often called the SAARC Group.

Afghanistan joined the SAARC in 2006 and SAFTA in 2011. Interestingly, the World Bank also attributes Afghanistan to the South Asian region\(^5\). Afghanistan shares geographic proximity and close historical and cultural bonds with this region; however, these are equally true regarding the Central Asian states. Afghanistan’s intermediary position is best explained by its geographical characteristics: the country is divided by several mountain ranges, attributing its river basins to different watersheds (one belongs the Indus catchment area, another to the Aral Sea basin). Afghanistan is rather poorly integrated in the contemporary South Asian economic and security framework. It also has foreign (US) troops on its soil. Thus, Afghanistan best epitomizes what in regional security studies is called a “buffer state” – a country tucked in between different regions and lacking the power to pool them together into one whole\(^6\).

The United Nations Statistics Division includes Iran in the list of South Asian nations as per its classification of macro geographical (continental) regions\(^7\). The former British colony of Myanmar sometimes also ranks as part of the region, along with Mauritius, a tiny Indian Ocean island off the African coast, which 48.2% of population is Hindu\(^8\).

From the Lithuanian Foreign Service point of view, South Asia is divided into three parts: five nations (Bangladesh, Bhutan, India, the Maldives, Nepal and Sri Lanka) are covered by the Lithuanian Embassy in New Delhi\(^9\). The Lithuanian diplomatic representative to Pakistan and Iran is accredited from Ankara (Turkey), and a Lithuanian Special Mission operates in Kabul (Afghanistan).

This article follows the most traditional pattern of regional classifi-

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\(^7\) Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings, as defined by UN Statistics Division, [http://millenniumindicators.un.org/unsd/methods/m49/m49regin.htm](http://millenniumindicators.un.org/unsd/methods/m49/m49regin.htm)


\(^9\) Lithuanian Embassy in New Delhi is officially accredited to the Republic of India, People's Republic of Bangladesh and Federal Democratic Republic of Nepal. Accreditation to the Democratic Socialist Republic of Sri Lanka is in the pipeline. Lithuania has no diplomatic relations with the Kingdom of Bhutan, however Lithuanian Embassy in New Delhi has been designated as a contact point for this purpose.
cation, wherein South Asian region is composed of seven SAARC countries: Bangladesh, Bhutan, India, the Maldives, Nepal, Pakistan and Sri Lanka (i.e. Afghanistan is not included). This approach is already gaining a foothold in the nascent South Asian school of Lithuania.\textsuperscript{10} Moreover, given Afghanistan’s special role in Lithuanian foreign policy, there is little reason to believe this definition of South Asia will be expanded in the future.

So, what do South Asian nations represent?

First, the South Asian republics are rather young political entities which have emerged in the wake of World War II, after the British Empire crumbled (see Table 1). Bhutan and Nepal have existed as independent kingdoms since time immemorial. However, in 1910 Bhutan signed a renewed treaty with British India wherein it gave up part of its sovereignty (delegated its foreign relations) to the British in exchange for the recognition of the new dynasty and increased subsidies. A similar contract was drawn with the newly independent Republic of India in 1949. Thus, the year 1949 can be considered a certain reference point defining Bhutan’s current international status. In a similar manner, a Peace and Friendship Treaty was signed between India and Nepal in 1950. However, Nepal is currently undergoing a period of significant transformation: in 2008, the monarchy was abolished and a republic declared. Maybe some time in the future the Nepalese will officially refer to 2008 as the beginning of their state (republic); but the fact that it took five years to proclaim a new national day, the Republic Day, to replace the previously celebrated king’s birthday, shows the scope of the complications experienced by Nepal during its current transition\textsuperscript{11}. Future relations with India are rather unclear as well\textsuperscript{12}.

\textsuperscript{10} Karpavičiūtė I., „Saugumo dinamika Pietų Azijos regioniniame saugumo komplekse“ [Security dynamics within South Asian regional security complex], 


\textsuperscript{12} For instance, in September 2015 India imposed a ‘silent’ restriction on the entry of certain goods to Nepal after the Nepalese Constitutional Assembly failed to address the Indian concerns and moved to adopt a new constitution. A BBC article on the subject available here: http://www.bbc.com/news/world-asia-34469494 (visited on Oct 9, 2015)
Table 1. General overview of South Asian nations

<table>
<thead>
<tr>
<th>Country</th>
<th>Independent since</th>
<th>Population 2015 (in thous.)</th>
<th>Area (sq.km)</th>
<th>Population density (per sq.km)</th>
<th>Medium age of population (years)</th>
<th>GNI per capita (World bank data 2015), US$</th>
<th>HDI ranking 2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bangladesh</td>
<td>1971</td>
<td>160 996</td>
<td>147 570</td>
<td>1 103,59</td>
<td>24,3</td>
<td>1 080</td>
<td>0,558</td>
</tr>
<tr>
<td>Bhutan</td>
<td>*1949</td>
<td>775</td>
<td>38 394</td>
<td>19,90</td>
<td>26,2</td>
<td>2 390</td>
<td>0,584</td>
</tr>
<tr>
<td>India</td>
<td>1947</td>
<td>1 311 051</td>
<td>3 166 414</td>
<td>388,22</td>
<td>27,0</td>
<td>1 570</td>
<td>0,586</td>
</tr>
<tr>
<td>Maldives</td>
<td>1965</td>
<td>364</td>
<td>300</td>
<td>1 065</td>
<td>27,1</td>
<td>7 170</td>
<td>0,698</td>
</tr>
<tr>
<td>Nepal</td>
<td>*1950</td>
<td>28 514</td>
<td>147 181</td>
<td>180</td>
<td>22,9</td>
<td>730</td>
<td>0,540</td>
</tr>
<tr>
<td>Pakistan</td>
<td>1947</td>
<td>188 925</td>
<td>881 912</td>
<td>237,25</td>
<td>22,6</td>
<td>1 410</td>
<td>0,537</td>
</tr>
<tr>
<td>Sri Lanka</td>
<td>1948</td>
<td>20 715</td>
<td>65 610</td>
<td>309</td>
<td>31,8</td>
<td>3 400</td>
<td>0,750</td>
</tr>
</tbody>
</table>

* Bhutan and Nepal exist as independent states since very long time. In their case, the dates signify the year when bilateral treaties with India were signed defining the current scope of Bhutan and Nepal’s international position.

Second, the South Asian nations are among the world’s most populous. India is home to the world’s second largest population, Pakistan ranks as number six and Bangladesh as number eight. South Asia as a whole has a population of 1.7 billion, which makes it almost one-fourth of the world’s total population. Since 2005, the number of people in the region has grown by almost 20%, or by more than 250 million. In addition, the average age of a South Asian is around 26 years. The complicated demographic situation translates into a no less complicated social and economic environment.

Third, the majority of South Asian nations belong to the lower-middle-income group, as per World Bank’s economic classification ($1,046 to $4,125 per capita). The Maldives is the only exception, with per capita income reaching $7,170 in 2014. However, this small island economy is heavily dependent on external income (tourism). In addition, higher per capita income does not necessarily ensure better social conditions for the people, as the compari-

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15 See World Bank list of countries and lending groups, http://data.worldbank.org/about/country-and-lending-groups#Lower_middle_income
son of the Maldivian and Sri Lankan Human Development Index demonstrates. Five out of seven South Asian nations score a Human Development Index lower than 0.6, which puts them in the category of medium to low human development (see Table 1).

South Asia’s combined GDP in 2014 reached $2.6 trillion, of which $2.1 trillion was India’s GDP (World Bank figures\(^\text{17}\)). This amounted to 3.6% of the world’s economic output. However, South Asian intra-regional trade accounted for only 5% of its total trade (while in the neighboring ASEAN region it accounted for 25%)\(^\text{18}\), amounting to $820 million at the beginning of 2013\(^\text{19}\). From this point of view, South Asia continues to be an economically less integrated region.

2. South Asian Agenda

2.1. Regional Security Architecture

Although the security situation in South Asia has improved over the last decade, the level of mutual trust remains low. State borders remain largely non-delimited and non-demarcated (except for the naturally defined borders, such as those of Sri Lanka and the Maldives), while the Indo-Pakistani territorial disputes, which sometimes escalate to full-scale armed conflicts, pose the greatest threat to regional stability. Historical grievances mar the bilateral relations between Bangladesh and Pakistan (for the latter’s attempt to forcefully suppress the Bangladeshi national movement in 1971), between Nepal and Bhutan (for the Bhutanese government’s 1985 decision to expel the residents of Nepali origin, a total of around 100 thousand people), as well as between India and Sri Lanka. Against this background, India’s recent decision to ratify the 1974 border agreement with Bangladesh and thus conclude a decades-long territorial dispute over the small enclaves along the border serves as a welcome exception (the treaty ratified in June 2015)\(^\text{20}\).


\(^{19}\) Data published by SAARC Secretariat, http://saarc-sec.org/areaofcooperation/detail.php?activity_id=5. In comparison, Lithuania’s trade only with Finland in 2013 was around $930 million.

\(^{20}\) For more details on the India-Bangladesh state border see: http://www.mea.gov.in/Uploads/Publication-Docs/24529_LBA_MEA_Booklet_final.pdf
In political scientists’ theories, the South Asia region is commonly defined as a bipolar region\(^{21}\). It has long witnessed fierce competition between India and Pakistan—a throwback to the Cold War era, where the US backed Pakistan and the USSR aligned with India. This situation has changed dramatically since, with Bangladesh divorcing with Pakistan, the USSR divorcing with its own existence, and the Indo-American relations moving to an entirely new level. India’s demographic, military, economic and geopolitical weight puts the country far ahead of its neighbors. Many claim the only reason that Pakistan remains so important is its nuclear weapons and the unresolved territorial dispute over Kashmir, which continues to play a critical role in India’s foreign and domestic decision-making. However, in the coming years, South Asia has the chance to transform into a unipolar (one power-dominated) region.

With Pakistan’s importance fading, doors are opening for countries like China to fill the gap. The expanding Chinese investment in the Sri Lankan and Maldivian infrastructure has already caused certain caution in India, albeit suppressed\(^{22}\). In other parts of the region the hidden rivalry between the two Asian giants has turned into open competition. For example, after the 2015 devastating earthquake in Nepal, which wrought colossal damage and cost the lives of 9,000 people, the local and international media alike was speculating with great interest as to which country – India or China – will come to help Nepal more quickly and on a larger scale\(^{23}\). China has in principle ignored India’s protests over the plans to build, under the framework of China-Pakistan Economic Corridor, a road through the Pakistan-occupied Kashmir\(^{24}\). The Sino-Indian border itself remains a story to be completed, occasionally causing increased tension due to the deployment of troops in the disputed areas. Containing China’s influ-

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ence is likely to demand increasingly more attention in the future, whereas the growing power game between Asia’s (and the world’s) two largest nations will undoubtedly affect the security situation of South Asia’s smaller states.

2.2. Domestic Tensions, Terrorism

Complicated inter-state relations are just a piece in a larger security mosaic of South Asia. Virtually all of the nations of the region suffer from domestic tension, even if it has by and large remained under the government’s control. For example, for seven years Nepal was a witness to a constitution-making drama, which has caused massive polarization and, by different estimates, brought the country to a political standstill. The political dialogue between the Bangladeshi government and the opposition is practically broken, the latter making its case on the streets rather than through an institutionalized debate. The Sri Lankan civil war ended only in 2009, leaving scars that will take time to heal and a legacy that still evokes calls for an international investigation. The former president of the Maldives has been accused of power abuse and has been sentenced, a decision that has divided the Maldivian society and provoked mass protests.

Various conflicts in India have been smoldering for decades now, with their intensity level going up and down at different times. Kashmiris, along with several states of the Indian North-East, claim larger self-rule. The government’s response has been mixed. In August 2015, the Government of India succeeded in striking a peace deal with the separatists in Nagaland, thus effectively ending a decades-long unrest. However, the ongoing Naxalite-Maoist insurgency in East India has already claimed a toll of almost 7,000 lives since 2005 and is showing no signs of improvement.

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Inter-communal relations represent another highly sensitive field, where a small sparkle can start a truly great fire. For example, in the 2013 clashes between Hindus and Muslims in Muzaffarnagar, North India, at least 48 people were killed and more than 50,000 forced to flee from their homes. Overall, the country saw 479 riots in 2013, with 107 people killed and 1,697 injured.

The security situation is even more complicated in Pakistan, where swaths of the country’s territory have slipped out of government control and turned into hideouts for terrorists. The estimated death toll from the terrorist attacks in Pakistan since 2003 has reached 20,000 people. Only during January–November 2015, a total of 1,172 people (312 military and 860 civilians) have been killed by the terrorists. Pakistan’s failure to get the situation under control is affecting the security of its neighbors, first of all that of countries like India. Also, lack of cooperation from the Pakistani authorities in investigating terrorist crimes only reinforces the neighbors’ suspicions that the government may be directly involved in the conspiring and funding of terrorist activities.

The developments in the immediate neighborhood (Afghanistan, Middle East) will continue to play a significant role in the overall security situation of South Asia. The rising tide of Islamic radicalism may not only destabilize Pakistan but also stir instability in India, home to one of the world’s largest Muslim populations (172 million), Bangladesh (135 million), Sri Lanka (2 million) and Nepal (1.2 million). The economically disadvantaged and culturally and politically suppressed South Asian Muslim communities can become an easy target for such terrorist organizations as the ‘Islamic State’.

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32 Ibid.
34 Ibid.
35 See, for example, the official statement by India’s representative at the UN General Assembly on Sept 30, 2015: http://www.mea.gov.in/Speeches-Statements.htm?dtl/25873/Statement_by_India_exercising_In dias_Right_of_Reply_during_the_General_Debate_of_70th_session_of_UN_General_Assembly_Septem ber_30_2015
2.3. Access to Natural Resources

South Asia is a predominately import-oriented economic region. All its members have demonstrated negative trade balance in the past decade. The reasons are many. First, the region's population has been growing faster than the supply generated by local economic production. Since 2004, the population of South Asia has grown by 250 million. Second, the region depends heavily on the import of raw materials and energy resources. India alone imports about 4 million barrels of crude oil per day and ranks as the world's third largest oil importer. All South Asian nations, except for Bhutan, produce less primary energy than they consume (see Table 2). For this reason, they are very sensitive to price fluctuations in the global energy market.

Table 2. Economic characteristics of South Asian nations

<table>
<thead>
<tr>
<th>Country</th>
<th>Average GDP growth during a given period</th>
<th>Total primary energy production (trillion Btu)</th>
<th>Total primary energy consumption (trillion Btu)</th>
<th>Energy balance (trillion Btu)</th>
<th>Agricultural land (% of total land area)</th>
<th>Foreign trade to GDP ratio (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bangladesh</td>
<td>5.64% (1994-2014)</td>
<td>850</td>
<td>1,094</td>
<td>-244</td>
<td>70.1</td>
<td>55.9</td>
</tr>
<tr>
<td>Bhutan</td>
<td>7.43% (1996-2014)</td>
<td>66</td>
<td>52</td>
<td>14</td>
<td>13.6</td>
<td>--</td>
</tr>
<tr>
<td>India</td>
<td>6.01% (1951-2015)</td>
<td>15,874</td>
<td>23,916</td>
<td>-8,042</td>
<td>60.3</td>
<td>54.2</td>
</tr>
<tr>
<td>Maldives</td>
<td>7.69% (1997-2014)</td>
<td>0</td>
<td>15</td>
<td>-15</td>
<td>23.3</td>
<td>223.6</td>
</tr>
<tr>
<td>Nepal</td>
<td>4.40% (1994-2014)</td>
<td>34</td>
<td>87</td>
<td>-53</td>
<td>28.7</td>
<td>45.7</td>
</tr>
<tr>
<td>Pakistan</td>
<td>4.92% (1952-2014)</td>
<td>1,809</td>
<td>2,644</td>
<td>-835</td>
<td>35.1</td>
<td>33.8</td>
</tr>
<tr>
<td>Sri Lanka</td>
<td>6.58% (2003-2015)</td>
<td>33</td>
<td>266</td>
<td>-233</td>
<td>42.9</td>
<td>57.9</td>
</tr>
</tbody>
</table>

In addition to oil, the South Asian nations also heavily import cotton (Bangladesh), gold (India), coal (India, Pakistan), and palm oil (Bangladesh,  

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40 The trade balances of individual South Asian nations available here: http://www.tradingeconomics.com/country-list/balance-of-trade (visited on Oct 8, 2015)
Pakistan)\textsuperscript{44}. The cultivated agricultural land area, ranging from 13.6% in Bhutan to 70.1% in Bangladesh\textsuperscript{45}, is not sufficient to feed the growing armies of the population, therefore food items must also be imported. Dependence on imports adds to South Asia’s overall vulnerability. This may explain why the individual trade policies of the South Asian nations are considerably protectionist and their intra-regional trade, despite formally abolish trade barriers, remains relatively low.

2.4. Demographic Challenges

South Asia is by and large an overpopulated region. The average population density stands at about 385 inhabitants per square kilometer, which is seven times higher than the world average. In several countries (such as Bangladesh, or the Maldives) the population density exceeds 1,000 inhabitants per square kilometer (see Table 1). Even where population density is statistically low, the country’s geographical conditions, like the share of mountainous land area unfit for economic activity, must be taken into account.

The South Asian population is also very young. The median age across the region is 26 (see Table 1). Every year millions of young people enter the labor market demanding new jobs and high-quality education. It is no surprise that both the labor market and the education system in South Asia are under severe strain. The lack of job and education opportunities causes millions of people to move both inside the countries and abroad. As reported by the International Labor Organization, the registered outflow of migrant workers from Bangladesh in 2008 was 875,000; from India 848,000, and from Pakistan, Nepal and Sri Lanka around 250,000 each\textsuperscript{46}. Yet, the scope of internal migration is even more overwhelming: in 2012, in India alone the number of internal migrants was 309 million, of which 70.7% were women\textsuperscript{47}.

Rapid urbanization, scarce land resources and deteriorating ecological environment are among the other factors that cause people to move. Migration

\textsuperscript{44}Data by The Observatory of Economic Complexity, see: https://atlas.media.mit.edu/en/profile/country/bgd/ (for Bangladesh), individual country data can be accessed by selecting a country in the Country search field.


not only reshapes the landscape of the cities and entire countries, but also creates a lot of new social tensions. These, in turn, seize the attention of the South Asian governments and further promote their self-centered, inward-looking approach.

Third, South Asian societies are predominately male-dominated. Only in Nepal and Sri Lanka is the sex ratio 93 and 95 males per 100 females respectively. In Bhutan, this figure is 116, in India 107, in Pakistan 105, in Bangladesh – 102 males per 100 females. There are many reasons why families prefer boys over girls. Part of those reasons are religious: for example, since the time of Rig Veda one son in a family is essential, as only a son can perform funeral rites for his father and thus ensure his safe transit to the other world. Another key reason is the supposed financial and social burden imposed by a girl on the family. In South Asia, a dowry is a very big thing and the wedding costs normally fall on the bridal family’s shoulders. In order to prevent unwelcome (and often financially unsustainable) expenses, the parents opt for sex-selective abortions. For this reason, in countries like India ultrasound examination is officially forbidden.

In a male-dominated society, a different set of values evolve. For example, in South Asia, where the role of women is less prominent than in Europe, the consumer behavior is also different. Thus, media advertising focuses more on men-oriented than women-oriented products. These differences are important to know and understand for both companies and foreign governments which seek to develop closer contacts with South Asia region.

3. South Asia and Lithuania

The historical evidence of Lithuania-South Asia relations is rather scarce. It is established that the first Lithuanian to visit India, a Jesuit Andrius Rudamina, landed in Goa in 1625, together with a group of Portuguese missionaries. The first European colonizers of the region brought to their homes

49 Ibid.
52 Vita et mors P. Andree Rudomina, ex litteris P. Benedicti de Matos, Socii Eiusdem in Missione Sinensi, Archivum Romanum Societatis Jesu [Roman Archive of the Society of Jesus], 1638, Sin. 000, ff. 307r-308v.
various spices, precious stones, and other South Asian bounties, which later spread across the European continent and reached the royal court of the Grand Duchy of Lithuania. The Catholic Church registries of the 18-19th century mention at least two Lithuania-born bishops of India. A famous Lithuanian traveler, Antanas Poška, who came to India on a motorbike at the beginning of the 20th century, left after him a vast legacy of publications on South Asia, which was later collected and published in a series of volumes. However, these contacts could hardly resemble institutionalized interstate relations, as many South Asian nations became internationally recognized entities only after World War II, when Lithuania had already lost its independence (see Table 1).

Diplomatic relations between Lithuania and South Asia were mainly established in the 1990s (see Table 3). The first country in the region to recognize the restored independence of Lithuania was Bangladesh (on September 7, 1991), and the first one to establish diplomatic relations was India (on April 27, 1992). Diplomatic relations with Bhutan are yet to be established, as per Lithuania's officially communicated interest to do so.

However, the dynamism of the 1990s was followed by a decade-long pause, caused by a number of factors, including Lithuania's strategic focus on the objectives of Euro-Atlantic integration (EU and NATO membership). Lithuania's first envoy in South Asia was appointed only in 2008, when Lithuania decided to open its diplomatic mission in India (see Table 3). Currently Lithuanian diplomatic representatives to India, Bangladesh and Nepal are accredited from New Delhi and Pakistan is covered from Ankara.

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56 See the official list of countries with which Lithuania has established diplomatic relations: https://www.urm.lt/default/lt/sarasas-valstybiu-su-kuriomis-lietuva-yra-uzmezgusi-diplomatinius-santykius (visited on Oct 9, 2015)
57 Ibid.
Table 3. **Dynamics of Lithuania-South Asia relations**

<table>
<thead>
<tr>
<th>Diplomatic relations established in:</th>
<th>Lithuanian embassy opened (first ambassador accredited) in:</th>
<th>Trade with Lithuania in 2014 (thousands of euro)</th>
<th>Trade with Lithuania in 2004 (thousands of euro)</th>
<th>Exports from Lithuania in 2014 (thousands of euro)</th>
<th>No. of visas issued by Lithuanian Embassy in New Delhi (Jan 1, 2009 – Sept 30, 2015)</th>
<th>Of them, national (D) visas:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bangladesh</td>
<td>1992 2011</td>
<td>5,269.4 622.9</td>
<td>4,461.4</td>
<td>166 28</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bhutan</td>
<td>-- --</td>
<td>0 0 0 0</td>
<td>0 0</td>
<td>0 0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>India</td>
<td>1992 2008</td>
<td>61,755.1 33,130.6</td>
<td>16,350.6</td>
<td>4,149 1,035</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maldives</td>
<td>1999 --</td>
<td>43.7 0 43.7</td>
<td>0 0</td>
<td>0 0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nepal</td>
<td>2005 2014</td>
<td>82.5 45</td>
<td>52.1</td>
<td>444 118</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pakistan</td>
<td>1994 2013</td>
<td>27,864.6 18,669.3</td>
<td>6,934.3</td>
<td>-- --</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sri Lanka</td>
<td>1996 --</td>
<td>3,522.6 2,834.4</td>
<td>420.7</td>
<td>325 193</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>98,537.9 55,302.2</strong></td>
<td><strong>28,262.8</strong></td>
<td><strong>5,084 1,374</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Lithuania’s trade with the South Asian nations in 2014 amounted to almost 100 million EUR, of which Lithuanian exports was around 30 million EUR. Over a decade, trade turnover has nearly doubled; however, it still remains comparatively low. In this respect, Lithuania is hardly different from the rest of the European Union, whose trade with South Asia in 2014 reached 100 billion EUR and equaled to only 2.1% of the EU’s international trade\(^6\). During the seven years of its operation, the Lithuanian Embassy in New Delhi has issued more than five thousand visas, of which 81% were issued to the Indian citizens. Of high dignitaries, only the Lithuanian Prime Minister visited India in 1995 and the Lithuanian President in 2001. Return visits from South Asia to Lithuania have been lower-level and even less frequent.

Why have Lithuania’s relations with South Asia stayed passive and what keeps them from growing faster? To find an answer, one would need to revisit the broader South Asian agenda discussed earlier and check how much of it

\(^59\) Sources: Lithuanian Ministry of Foreign Affairs, Statistics Lithuania

\(^60\) Data by the European Commission Trade Division (EU Trade), http://ec.europa.eu/trade/policy/countries-and-regions/ (visited on Oct 9, 2015)
corresponds to Lithuania’s capabilities to deliver. As it stands now, there seems to be little synergy between the two. Lithuania can hardly expect to be a game-changer in the developing new South Asian security architecture. Her experience can add only a limited value to addressing South Asia’s fundamental internal security issues, such as domestic violence and the fight against terror. Lithuania has no natural resources which would be of strategic importance to South Asian economies. Finally, Lithuania is hardly capable of helping the region solve its immense demographic problems.

In a larger European context, Lithuania is no exception: a similar lack of synergy is experienced by many other EU members and, to a certain point, by the EU itself. The situation could change if the EU develops a more focused and better coordinated policy towards South Asia (for example, while the EU is India’s largest trade partner, India still hardly reflects the EU as a single body). Also, Lithuania’s persistent efforts to find individual niches for itself would also pay off.

A few success stories can already be noted. For example, in 2014 the largest Lithuanian export commodity to India was lasers and laser-related technologies. The growth in this product category was almost six times (see Figure 1). At present, lasers are mostly required by Indian universities and research institutes, but they can easily be adapted to larger industrial needs. Another success story is developing in the field of higher education, where education needs of the overpopulated South Asian nations are perfectly matching the excess in supply offered by the higher education institutions of Lithuania, a country of declining population. Thus, 81 students from South Asia studied in Lithuanian universities in 2012, 257 in 2013, and 404 in 2014. During the most recent period of admission (May-September 2015), 346 visas were issued to prospective students by the Lithuanian Embassy in New Delhi.

In the future, the following cooperation areas may emerge as potentially the most fruitful ‘synergy points’ between Lithuania and South Asia:

- The role of the EU and the United States as important ‘balancing powers’ should increase in the emerging South Asian security architecture. The diminishing role of Russia, which used to have strong positions in South Asia, will only facilitate this transition. While traditionally sharing a strong and robust relationship with the US, Lithuania as a member of the EU is directly involved in the EU policy making. Thus, new opportunities open up. However, tapping of these opportunities may be inhibited by the growing importance of China, which also wants a say in South Asia and with which everyone wants to maintain good relationship.
- Export of services, knowledge and technology. Although Lithuania is not particularly rich in natural resources, but it has accumulated considerable experience in the area of state reforms, which might be interesting to the South Asian nations. The technology applied in agriculture allows Lithuania to annually export agricultural products worth almost 4 billion EUR. Thus, along with lasers, other technologies could also find their way to the South Asian markets. Finally, given Lithuania’s geographic location and strong traditions in transport and logistics, good cooperation prospects open up in these service sectors as well.

Source: Statistics Lithuania
• While Lithuania is a demographically dwindling nation, South Asia suffers from massive overpopulation. In this respect, the benefits of mutually overlapping interests are already visible in the education field. Fruits of success can also ripen in the labor market, where a few small examples already tell a fascinating story. For example, since 2009 the Lithuanian Embassy in New Delhi has issued more than 1,300 national (D) visas, which are normally granted to persons going for study or working purposes (see Table 3). This number is already larger than the number of potential refugees from Syria and elsewhere, which Lithuania plans to receive as part of the EU designated quota. In proportional terms, Sri Lanka stands out as the single most significant source of labor ‘imports’ from South Asia to Lithuania. A well-considered and coordinated national migration policy would allow Lithuania to increase cooperation in this area on mutually beneficial grounds.

Conclusions

In Lithuania, South Asia is still a region largely unknown and highly underexplored. Scarcity of available sources and publications in Lithuanian is the first thing a local Lithuanian researcher of the region would encounter. The government institutions too have started discovering South Asia only recently, after Lithuania opened an embassy in New Delhi in 2008. Before that, the contacts with the region were largely episodic.

In order to better understand Lithuania’s opportunities in South Asia, the region’s general parameters and the problems South Asia is facing must be taken into account. From the political point of view, South Asia is a comparatively young region, in which the majority of members have emerged as modern independent republics only after World War II. Practically all of the South Asian nations face serious social and political tensions, and their mutual cooperation is rather low. The South Asian Free Trade Agreement (SAFTA), which will soon turn 10 years old, has yet to deliver the expected results. Trade among SAARC/SAFTA countries in 2013 amounted to only $820 million – roughly the same volume as Lithuania’s bilateral trade with Finland the same year.

South Asia’s self-centered approach is determined by a number of factors. First of all, the level of mutual trust in the region is rather low. The bipolar division of the Cold War era is still alive, even if India has all the potential to become the region’s dominant power. However, since China’s influence in the region is expanding, local actors may be prompted to go search for outside
support to balance it out. Second, issues related to the prevention of terrorism and curbing domestic violence, as well as ensuring access to natural resources and fighting demographic problems, make the domestic realm a natural priority. Foreign partners often are needed only as much as their involvement helps South Asian governments solve these domestic problems.

Lithuania’s ability to detect niches of mutual interest will define the success of its future South Asia policy. A few success stories have already emerged, primarily in the fields of high technology (including scientific lasers, which are increasingly exported to countries like India), and higher education (which already benefits from the ‘imports’ of South Asian students to Lithuanian universities). Exports of other technologies (including agricultural technology) and services (education, transport, and tourism) can surface as the main areas of future cooperation. Needless to say, Lithuania’s active involvement in the shaping of European and transatlantic policies towards South Asia would of course complement her own efforts to gain firmer ground in this increasingly important region.

November 2015
The Changing European Security Area
The West’s Debt to Lithuania/
Lithuania’s Challenge to the West**

The present strategic disarray of the western democracies is both a by-product of the West’s failure to grasp the moral-cultural dimension of the end-game of the Cold War and a reflection of the crisis of civilizational morale that has beset western Europe in recent decades. Thus it is important to revisit the distinctive character of the Revolution of 1989/1991 in central and eastern Europe and the former Soviet Union. That dramatic transition in European politics was born from many factors, including the re-armament of the West under the leadership of U.S. President Ronald Reagan. But the political Revolution of 1989/1991 was also the result of a revolution of conscience in central and eastern Europe, in which the reclamation of national identity and culture eventually gave rise to “soft power” tools of resistance that the hard power typically deployed by communist regimes in the face of dissent could not match. Lithuania, which embodied the oft-ignored truth that a tenacious national culture can, over time, produce democratic political change, is thus in a position to remind the West that freedom is never free; that the dignity of the human person, human rights, and the rule of law must be affirmed culturally by a robust civil society if they are to be defended politically and militarily; and that moral relativism is an insecure foundation on which to build, sustain, or defend the institutions of democratic self-governance.

Introduction

As I write in late 2015, the basic security architecture that has guided the West since 1947 – the concepts, the diplomatic and legal arrangements, and the capacities that made victory in the Cold War possible and that once seemed likely to preserve that peace in a pan-European democratic space long into the future – is being dismantled.

It is being dismantled by the Obama administration, whose senior figures never seem to have understood what the Cold War was about, why it had to be fought, or how it was won.
It is being dismantled by western European states that have neither the will nor, given their national priorities, the resources to contribute significantly to maintaining the peace, even on the far borders of NATO.

And it is being dismantled by the revanchist policies of Vladimir Putin’s Russia, for whom the effective deconstruction of NATO is a prime imperative and a necessary condition for reversing what President Putin has called the greatest strategic disaster of the twentieth century, namely, the collapse of the Soviet Union.

Unless this pattern of western fecklessness and Russian aggression is reversed, the great hopes for peace, security, and freedom in Europe that were born from the Revolution of 1989 in east central Europe and the implosion of the USSR in 1991 are going to be severely frustrated – and at considerable human cost, as events since Ukraine’s Maidan revolution of 2013-14 have demonstrated in blood. What might Lithuania, a frontline NATO state with a distinctive history and Cold War experience, contribute to such a reversal?

It may seem an odd question to pose, given Lithuania’s size, exposed position, and limited resources. Yet I think the question is an important one, and not just for Lithuania. Thus the burden of this article will be to suggest that Lithuania has much to contribute to a restoration of strategic wisdom in the West. But the form my proposal will take is more anecdotal than analytic, as befits an author who is not a military strategist but a theologian and papal biographer — albeit a theologian and papal biographer with a longstanding interest in world politics and the Catholic just war tradition of moral reasoning. In any event, I hope these reflections will be of some service in “stretching” the idea of “strategy” as the political and military leadership of the West thinks about the future, and as Lithuania makes its distinctive contribution to that western reflection.

1. Discovering Lithuania

I grew up in Baltimore, Maryland, a city with a small but vibrant Lithuanian-American population, whose communal life was centered on St. Alphonsus Church in the heart of the city. The leading figure in the Lithuanian-American community when I was young was Father Casimir Pugevicius, who served the parish at St. Alphonsus while working on the local Catholic weekly newspaper, the Catholic Review. I first met “Father Cas,” as he was universally known, in the 1960s, and while I cannot reconstruct any particular conversation with him, he must have planted in me a seed of interest in Lithuanian affairs, which would flower in unexpected ways in the mid-1980s.
In those days, I was doing some consulting work with a Seattle-based Republican congressman, John Miller, who, like me, had a passionate interest in U.S. human rights policy, which we both believed was one of the keys to resolving the Cold War in favor of the West. With the six hundredth anniversary of Lithuania’s conversion to Christianity on the horizon in 1987, I suggested to Congressman Miller in 1985 that he establish a Lithuanian Catholic Religious Freedom Caucus in the U.S. House of Representatives, to support the struggles of Lithuania’s Catholic Committee for the Defense of Believers’ Rights, with whose heroic work I had become familiar over the years since the *Chronicle of the Catholic Church in Lithuania* began to circulate in the United States – thanks to the work of Father Casimir Pugevicius, who had been released by the archbishop of Baltimore for full-time work with Lithuanian Catholic Religious Aid, a non-governmental organization then headquartered in Brooklyn, New York.

With Congressman Miller’s encouragement, I went to Brooklyn to meet Father Cas for the first time in many years, and to inform him of our hopes to get a support-group for religious freedom in Lithuania established in the U.S. House of Representatives. Father Cas was enthusiastic, and introduced me to two of the young people then working for him, Ginte Damusis and Victor Nakas, who would become friends and colleagues in this and other projects in support of Lithuania over the years. Through Pugevicius, I also met Bishop Paulius Baltakis, O.F.M., then serving as bishop for the spiritual assistance of Lithuanians living outside Lithuania.

All that remained was to find a Democratic partner for Congressman Miller in establishing the caucus. A quick study of voter-demographics suggested that a Cleveland-area congressman named Edward Feighan might be naturally sympathetic. So after Mr. Miller had called Congressman Feighan and outlined the plan, I went to meet Feighan’s chief-of-staff, a then-obscure young Democratic activist named George Stephanopoulos, who would later become a household name as an aide to President Bill Clinton and a major television personality. George agreed to assign one of his staff to work with me, and the Lithuanian Catholic Religious Freedom Caucus was duly launched.

At the time, three of the principal figures in the Lithuanian Catholic Committee for the Defense of Believers’ Rights were in Gulag camps: Sister Nijolė Sadūnaitė, Father Alfonsas Svarinskas, and Father Sigitas Tamkevičius, S.J. So the caucus focused some of its attention to giving visibility to their cases in the Congress and urging the U.S. Department of State and the Reagan administration to keep pressuring the Gorbachev regime in the USSR for their release – a goal that, with the help of many others, we achieved before the
collapse of the USSR. Congressmen Miller and Feighan also sponsored, and I
drafted, House Resolution 192, on “the denial of freedom of religion and other
human rights in Soviet-occupied Lithuania.” H.Res. 192 was co-sponsored by
forty-four Members of the House of Representatives and was passed in time to
mark the 600th anniversary of Lithuanian’s Christian conversion. On that occa-
sion, the caucus also sponsored a large reception and rally in the U.S. Capitol,
at which various Congressmen and Senators spoke in defense of Lithuanian
religious freedom and Lithuanian independence, the entire program being
broadcast to Lithuania by Radio Liberty and Radio Free Europe. At the end of
the reception and rally, Bishop Baltakas came up to me and said, with tears in
his eyes, “George, everyone in Lithuania will know about this tomorrow.”

The Lithuanian Catholic Religious Freedom Caucus remained active
throughout the end-game of the Cold War. In 1988, for example, its members
helped distribute and promote An Appeal for Religious Freedom in the Soviet
Union on the Occasion of the Millennium of Christianity in Kievan Rus’, which
I drafted in consultation with scholars specializing in Soviet religious policy.
The Appeal was signed by virtually every major religious leader in the United
States and presented to President Ronald Reagan in the White House, prior to
the 1988 Moscow Summit. Themes from the Appeal were echoed in the presi-
dent’s memorable address at Moscow’s Danilov Monastery on May 30, 1988.

In the years that followed, I had the honor of meeting Sister Nijolė, Fat-
ther Svarinskas, and Father Tamkevičius when they came to Washington. Those
“reunions” were replicated over twenty years later, in September 2013, when,
in my capacity as John Paul II’s biographer, I made my first visit to Lithuania
to help the Lithuanian Bishops Conference mark the twentieth anniversary of
Pope the late pope’s epic visit to Lithuania. In a series of speeches and lectures
at the Parliament, at the cathedrals in Vilnius and Kaunas, and at Vilnius Uni-
versity, I spoke of John Paul II’s conviction that, just as a revolution of consci-
ence had preceded and made possible the Revolution of 1989 in central and
eastern Europe, a similar revolution of conscience had informed Lithuania’s
self-liberation from the USSR in 1990 and sustained the Lithuanian people in
the face of Soviet attempts to break the Lithuanian independence movement.
That visit also gave me a long-anticipated opportunity to make a pilgrimage to
the symbolic heart of Lithuania’s revolution of conscience, the Hill of Crosses
in Šiauliai, an experience that I later used as the centerpiece for a chapter on
the Catholic martyrs of the twentieth century in the revised and expanded
edition of my book, Letters to a Young Catholic.¹

2. Why the Cold War Ended the Way It Did

These experiences and the memory of them would be of no particular interest to anyone but me, except for one fact: my work on behalf of Lithuanian religious freedom and Lithuanian independence became an integral part of the analysis of the end-game of the Cold War that I first sketched in *The Final Revolution: The Resistance Church and the Collapse of Communism* (the first book, I believe, to make the argument that John Paul II and the Catholic Church had had something to do with the communist crack-up), and in the two volumes of my John Paul II biography: *Witness to Hope* and *The End and the Beginning*. And that analysis, in turn, helped shape the argument of *The Cube and the Cathedral: Europe, America, and Politics Without God*, in which I first raised the alarm about the spiritual roots of what I termed Europe’s “crisis of civilizational morale.” That crisis, I wrote in 2005, was likely to have unfortunate, even dangerous, geopolitical consequences – a suggestion that, unfortunately, has been borne out by the events of recent years.

In brief, what I learned from the experience of Poland, Lithuania, and other self-liberated countries of east central and eastern Europe during the 1970s and 1980s was that the material explanation for the West’s victory in the Cold War was insufficient. And by “material explanation,” I mean those explanations that focused exclusively on the inability of the USSR in the late-Brezhnev and Andropov-Chernenko-Gorbachev eras to complete economically (and thus militarily) in a strategic environment newly dominated by information technology and the other vast changes caused by the micro-chip and fiber-optic revolutions.

Those material explanations are not without merit: I take it as an established fact that the Reagan rearmament program in the United States, and especially the Strategic Defense Initiative, threatened to bankrupt an already ramshackle Soviet economy, which simply could not match American capacities in the relevant fields; realizing that, Mikhail Gorbachev was thus prepared to loosen Moscow’s grip on its Warsaw Pact “allies” (a point he seems to have made to the “allies” as early as 1986) and to contemplate some forms of economic and political liberalization within the Soviet Union itself (a process he

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mistakenly thought he could control through the chimera of “reform communism”). All of that is true enough. But as I argued in the above-cited books, that material explanation is an insufficient answer to the question, “Why did the Cold War end when it did, and how it did?”

The Soviet Union and its imperial hegemony over central and eastern Europe, it now seems clear, was a doomed enterprise, given the Soviet system’s manifest economic incapacities – that is, the Soviet Union and the Soviet empire would, at some point, have collapsed of their own implausibility and inability to compete with the West at some point. But why did this happen in 1989/1991, not 1999/2001, 2009/2011, or even 2019/2021? And why, in the main, did the Cold War and the Soviet Union end without mass violence, which was, unfortunately, the normal method of effecting dramatic social change throughout the bloody twentieth century?

Viewed through the lens of those questions, it seems to me essential to take account of the human rights revolution that began to gather significant momentum in the USSR and in the Warsaw Pact countries in the aftermath of the 1975 Helsinki Final Act. Leonid Brezhnev undoubtedly signed the Helsinki Accords on August 1, 1975, in the belief that he was signing a perpetual lease on central and eastern Europe while concurrently securing the Community Party’s “leading role” in a Soviet Union permanently configured as it had been since World War II. In fact, however, the Basket Three human rights provisions of the Helsinki Final Act (which Brezhnev likely thought as having no more consequence for the USSR and its empire than the Universal Declaration of Human Rights) energized human rights activists behind the Iron Curtain. Just as importantly, it gave those activists a new link to the West; there, “Helsinki Monitoring Groups” of various sorts were established and began to pressure their own governments to hold Moscow accountable to its Helsinki commitments. The Lithuanian Catholic Committee for the Defense of Believers’ Rights, and its supporters in the West such as Lithuanian Catholic Religious Aid and the Lithuanian Catholic Religious Freedom Caucus in the U.S. House of Representatives, were one of many examples of this unexpected dynamic of the “Helsinki process.”

To be sure, none of this was foreseen at Helsinki when the Final Act was signed in the summer of 1975; as no less an authority than Henry Kissinger wrote of the Helsinki Accords and their ultimate impact, “rarely has a diplomatic process so illuminated the limitations of human foresight.” But does lifting up the role of the Helsinki Final Act in the Cold War end-game

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diminish the importance of key leadership in the West. It made a considerable difference that the post-Helsinki West was led by figures like Ronald Reagan, Margaret Thatcher, Helmut Schmidt, and Helmut Kohl, who in their various ways and at various moments in time, came to believe that the Cold War could be won, not simply managed, and that the division of Europe agreed to at the World War II Tehran and Yalta conferences was not a permanent fixture of the international scene.

Yet this gallery of key western leaders (and, more broadly, of leaders of the party of freedom) during the end-game of the Cold War would be incomplete without including Pope John Paul II. Indeed, America’s premier historian of the Cold War, Yale’s John Lewis Gaddis, who is not a Catholic and is thus free of any charge of special-pleading, stated bluntly in The Cold War: A New History that “when John Paul II kissed the ground at the Warsaw airport on June 2, 1979, he began the process by which communism in Poland – and ultimately everywhere – would come to an end.”

My only friendly correction to Professor Gaddis would be to change the verb “began” to “ignited.” Much had been happening in central and eastern Europe before the nine days of John Paul’s epic pilgrimage to his Polish homeland in June 1979. The human rights movements that had been launched by brave “dissidents” throughout the region had been given new energy by the Helsinki Final Act and, as I noted above, a new and politically important lifeline to the West through the various Helsinki Monitoring Groups. The first issue of the Chronicle of the Catholic Church in Lithuania, manually produced on typewriters and smuggled to readers throughout Lithuania and to the West, had been published on March 19, 1972, and was on its way to becoming the samizdat journal with the longest record of unbroken publishing in the history of the Soviet empire. Charter 77 had been founded in Czechoslovakia, and the beginning of conversations between Catholic “dissidents” and “dissidents” who were non-believers had been organized in Poland. Then, precisely a month after John Paul’s first public Mass as pope, with its clarion call to “Be not afraid!”, the Lithuanian Catholic Committee for the Defense of Believers’ Rights was established on November 22, 1978 – shortly after John Paul’s cardinal’s zucchetto had arrived at the Aušros Vartai (Ostrabrama) shrine in Vilnius, a gift from the new Bishop of Rome and a tribute to a local Church that, like its Polish neighbor, had become the safe-deposit box of national memory and identity against the communist attempt to rewrite Lithuanian history and reconstruct Lithuanian identity. That small red skullcap would also be a permanent reminder that,

as John Paul put it in Assisi shortly after his election, the “Church of Silence”
would no longer be silenced, because it now had a voice – his.6

So there was a lot of tinder on the ground in central and eastern Europe
when John Paul II arrived in Poland on June 2, 1979. What he did, that day and
the following eight days, was to ignite the tinder and fan it into a bright flame
of conscience. Throughout his nine days in Poland, John Paul never spoke once
of politics or economics. Rather, in numerous variations on one great theme, he
said, if I may paraphrase, “You are not who they say you are. Permit me to remind
you who you really are. Reclaim you authentic culture – your true identity – and
you will discover tools of resistance that communism cannot match.”7

And that was as true for Lithuania as it was for Poland: the key to
self-liberation lay in national moral and cultural renewal, which typically took
the form of what Czech playwright and “dissident” Václav Havel called “living
in the truth”: living “as if” one were free, living in quiet but unmistakable de-
fiance of the communist culture of the lie that Havel dissected so brilliantly in
his essay, “The Power of the Powerless.”8 “Living in the truth” about oneself,
one’s culture, and one’s national identity was indeed a weapon of resistance
that communism could not match. Why? Because “living in the truth” was a
spiritual weapon, and as such, it could not be dulled or blunted by superior
material force. And that spiritual weapon would, over time, help those who
wielded it find the appropriate political tools to fight a different kind of politi-
cal struggle for freedom.

Or so John Paul II believed. History would, over the course of the 1980s,
vindicate that conviction.

Thus John Paul II’s “grand strategy” in respect of the captive nations of
central and eastern Europe and the Soviet Union was, in a phrase, a “culture
first” strategy. Culture, he believed, is the driver of history over the long run
of history. Politics matters; economics matters; but culture matters most, for
culture is the most dynamic force in human affairs and the guarantor of na-
tional identity over time. Thus, in the Cold War environment, and in the face
of overwhelming material power, expressed in the military assets and secret
police forces by which communist regimes maintained control of restive po-

dulations, Havel’s “power of the powerless” – John Paul II’s revolution of con-
science – was morally, strategically, and tactically appropriate.

6 See: George Weigel, The End and the Beginning: Pope John Paul II – The Victory of Freedom, the Last Years,
7 See ibid., p. 109-16.
8 The essay may be found in Václav Havel et al., The Power of the Powerless: Citizens Against the State in
It was morally appropriate, because it summoned people to resist communism by living in resistance as they wished to live after communism: in the truth about the dignity of the human person, the truth of human rights as inherent and inalienable, and the truth about just governance as based on the consent of the governed. Thus “living in the truth” helped lay the groundwork for successful democratic transitions, having given the “dissidents” who would become leaders in a democratic future an experience of democratic process.

It was strategically appropriate because it struck communism at its most vulnerable point: its claim to a superior morality. That claim, in turn, rested on communism’s claim to have read the human condition and the dynamics of history correctly, which in turn underwrote communism’s claim to historical inevitability. That claim, if accepted, however grudgingly, made resistance futile. “Living in the truth,” in a national revolution of conscience rooted in a reclaimed national culture and identity, helped display the hollowness of communism’s moral and historical claims.

And it was tactically appropriate, because the hard experiences of 1953 in East Germany, 1956 in Hungary, and 1968 in Czechoslovakia had demonstrated that the weapon of “living in the truth” was the only weapon available to those who wanted to resist the communist usurpation of their liberties. Moreover, it was a weapon that, when picked up by different hands, made the forging of new coalitions of resistance possible: coalitions between workers and intellectuals; coalitions made up of city people and rural people; coalitions composed of religious believers and non-believers, who could see in each other men and women of principle.

3. Resisting the Tyranny of the Possible: Lessons Insufficiently Learned

Put another way, the lesson that John Paul II taught with such effect on the political history of central and eastern Europe was that the tools of moral and cultural resistance can be effective in resisting the tyranny of the possible: the auto-constructed tyranny by which we convince ourselves that some things just are the way they are, and nothing can be done about them. Things like the Tehran/Yalta division of Europe into two permanently divided camps. Things like the forced incorporation of Lithuania and the two other Baltic states into the USSR. Things like the Berlin Wall. When we convince ourselves that things cannot change, things don’t change. When we understand that resistance to
the tyranny of the possible is indeed possible, given enough strategic and tactical wisdom about the means of resistance, things can change.

To be sure, things changed in the end-game of the Cold War because the “soft power” tactic of “living in the truth” unfolded within a strategic context of “hard power”: the American-led rearmament of the West, which made the kind of response the Soviet Union had made in East Germany in 1953, Hungary in 1956, and Czechoslovakia in 1968 impossible in 1989. No serious student of this history denies that important dimension of the Cold War end-game. But that was not all there was to the end-game. For if the hard power context favorably shaped the strategic environment so that the “soft power” of “living in the truth” could work, that soft power revolution of conscience, and the strong coalitions of resistance it made possible, were what had been missing in 1953, 1956, and 1968, and in the Polish workers’ risings of 1970 and 1976. The answer to the question of the relationship between “hard power” and “soft power” in the end-game of the Cold War is “both/and,” not “either/or.”

Yet much of the West, in which political science has been reduced to a sub-division of statistics, failed to understand this. And the fact that much of the West failed to grasp the moral-cultural dimension of the Cold War end-game turned out to have strategic consequences. For when Ukraine rose up in the Maidan Revolution of 2013, none of the major powers of NATO or the European Union seemed to recognize on the streets of Kyiv an analogy to what had happened at the Gdańsk shipyard in 1979, or on the streets of Vilnius in 1990: a revolution of conscience that deserved support because it appealed to what the West proclaimed as its own core values – civility, tolerance, human rights, and the democratic rule of law, all rooted in convictions about the dignity of the human person that could be known from both reason and revelation. Failing to recognize that analogy, the West, in the main, did nothing to reverse the illegal Russian annexation of Crimea, and did little in response to the Russian invasion of eastern Ukraine, which has rendered a considerable part of that country ungovernable while putting Ukraine’s entire national awakening and democratic breakthrough in jeopardy.

Lithuania was an exception to this western blindness, in part because it seemed that it might be next on Vladimir Putin’s menu, and in part because some of Lithuania’s political class still understood that the country’s self-liberation in 1990-91 had had a profound moral-cultural dimension. Thus former Head of State Vytautas Landsbergis, pondering the future of Europe, asked his countrymen to remember the night when the power of the powerless, expressing itself through a renewed sense of national identity and culture, faced down brute, material force:
We have to recall the night of the thirteenth of January, 1991...when two worlds confronted each other in our capital city of Vilnius. One of them comprised the tens of thousands of Lithuanian citizens who had gathered that late evening. They had not known one another beforehand, but they stood together, united by love, but facing another world. That other world was made up of armed men, foreign soldiers, standing sullen in serried rows, looking down in cold hatred, their eyes filled with contempt....

Only oaths and swear words came from these aggressors, but the thousands defending the TV tower had prayers in their hearts as their lips united in one simple word which expressed love for our homeland and the desire for freedom: Lie-tu-va! Lie-tu-va! Yes, Lie-tu-va, Lie-tu-va! Of course, they were naming Lithuania not in the sense of geography, but because its naming announced their rejection of the violence they faced and the slavery which it stood for...

We Lithuanians survived that January 13th night because brotherly love – love of freedom and love for our homeland – won its victory against the tanks. Such things do not happen often. Let us be aware of this testimony, and remember.9

Landsbergis concludes his essay on the future of Europe with the hope that the European Union would build its future on a firm moral-cultural foundation, warning that a “promising living standard” must be found, “not in the global shops, but in our hearts.”10 Yet is it not precisely that sense of democratic solidarity – indeed, human solidarity – that has been missing from so much of the EU’s response, and NATO’s response, to Russian aggression in Ukraine? Has the West forgotten the moral and strategic lesson engraved on the Korean War Veterans Memorial in Washington: “Freedom Is Never Free”? The first two years of the West’s response to Russian aggression in Ukraine and elsewhere suggest that those questions are not misplaced.

4. Lithuania’s Challenge to the West

Lithuania and the other post-Cold War members of the European Union may have entered the EU imagining that the moral-cultural foundations for European unity, as conceived by such European founding fathers as Robert Schuman, Alcide de Gasperi, and Konrad Adenauer, were still reasonably intact. These Christian Democratic statesmen – a Frenchman born in Luxembourg, an Italian born in the Tyrol when it was part of Austria-Hungary, and a German from the Rhineland – understood that the horror of Europe’s mid-twentieth century would only intensify unless something were done to re-knit the unity of Europe that began to fracture with the breakdown of the Carolingian empire, and that splintered even more dramatically with the Reformation

10 Ibid., p. 181.
and the rise of the modern nation-state system. Schuman, de Gasperi, and Adenauer were realists enough to recognize that “Christendom” could not be reconstituted. But they imagined that something resembling that continental-wide civilization could find political form if the work of reconstruction began by eliminating competition for basic resources (hence the European Coal and Steel Community) and then enlarging that enterprise into a unified economic space (the European Common Market). Functional, economic integration, these founders of the post-war European project believed, could smooth out the rough edges of nationalism; moreover, they thought, Europe’s ancient cultural resources, including biblical religion and that confidence in the powers of human reason that first took philosophical form in classical Athens, could help build a new sense of pan-European solidarity, which would eventually find its own political expression – which is today’s European Union.

The problem, it now seems clear, is that the bet the founding fathers of today’s Europe made on the state of Europe’s cultural foundations was misplaced. For as economic integration was being complemented by political integration in an enlarged EU “space,” European high culture was being beset by various demons: a skepticism about the human capacity to know anything with certainty, including moral truths; a nihilism that found its most dramatic expression in history’s first self-induced demographic winter, as total fertility rates throughout the EU plummeted below replacement level and remained there; a moral relativism that led to state-enforced political correctness inside Europe (thus eroding such basic human rights as freedom of speech and religion), and that left Europe defenseless against other civilizational enterprises with very different ideas of the human future, including Putin’s Russia and jihadist Islam. This cultural crisis found political expression during the debate over the new EU constitutional treaty, during which two of the continent’s most prominent intellectuals, Jürgen Habermas and Jacques Derrida, argued in a widely-circulated article that the new, expanded EU must be “neutral between worldviews” – as if any stable, democratic political community could be constructed on the basis of such principled relativism.11

The political signs of this European crisis of civilizational morale, and the concomitant European unwillingness to maintain minimum standards of order in Europe’s own neighborhood, were first evident in the crisis caused by the post-Cold War break-up of Yugoslavia: an entirely foreseeable dissolution that Europe ought to have managed, but which, absent European leadership,

quickly spiraled downward into a humanitarian crisis into which Europe only managed to restore a measure of order (which considerable American military assistance) when genocide was well underway.

The signs became more ominous when France, the Netherlands, Belgium, Great Britain, and other EU members states failed to deal with the challenge of jihadist Islam within their own national borders, allowing sharia law to prevail in Muslim-dominated neighborhoods in open defiance of established local laws banning forced marriage, honor killings, female genital mutilation, and so forth.

Then came Ukraine. And while Europe did manage to impose economic sanctions on Putin’s Russia for its aggression, it seemed prepared to go no farther than that, even as the fundamental international legal norm of the inviolability of borders was brazenly violated by Russian actions in Crimea and the Donbas region of eastern Ukraine. Russian actions to foment internal discord in the Baltic States got precious little attention in the West, thus raising the specter that a Russian aggression in Lithuania, Latvia, or Estonia would not trigger the NATO response mandated by Article Five of the North Atlantic Treaty – an abrogation of responsibility that would, de facto, put an end to history’s most successful defensive alliance.

It is certainly true that the historical ignorance and strategic blindness of the United States under the Obama administration has gravely exacerbated the threat to the European security order posed by Putin’s Russia – as indeed that same ignorance and blindness has seized defeat from the jaws of victory in the Middle East while replacing a modicum of order with lethal chaos. But the Obama administration’s course might have been tempered had the EU and the European members of NATO taken the leadership that is properly theirs in dealing with the Ukraine crisis. Be that as it may, the question remains, why is Europe so feckless in the face of the gravest threats to its security since the darkest days of the Cold War?

I suggest that Europe is strategically blind and politically feckless in the face of Islamist terrorism and Russian aggression because of its crisis of civilizational morale. That crisis has now reached such a state of gravity that Europe cannot even bring itself to defend the superiority of the democratic way of life against the new authoritarianism of Russia and the jihadist totalitarianism of radical Islam. Europe is largely defenseless politically and militarily because it does not want to defend itself morally and culturally; instead, too much of Europe wants to be left alone with its pleasures.

Europe has become, in a word, decadent. And cultural decadence ine-
vitably leads to political decadence, as the history of the West from the late Roman Empire to the Weimar Republic illustrates. If Europe is to find a different path to the future than those historical entities took, Europe needs deep, moral and cultural renewal, based on a nobler understanding of freedom than self-indulgence.

And that, at the end of a long journey of reminiscence and analysis, leads to a final question: What might Lithuania do about that?

As a frontline NATO member-state, Lithuania certainly ought to press for a major expansion of NATO facilities and personnel (including heavy-armed U.S. brigades) in the Baltic states and Poland, and a rapid development of western broadcasting and social-media capabilities to counter the barrage of Russian propaganda that has accompanied Putin's aggression in the past and will likely accompany it in the future. Lithuania might also urge a reconsideration of the Obama administration's ill-advised decisions on ballistic missile defense emplacements in Poland and the Czech Republic. Beyond this Lithuania and other frontline NATO member-states should urge the alliance to recommit itself publicly, and in an unambiguous way, to Article Five of the North Atlantic Treaty, thus making clear to President Putin the meaning of aggression against a NATO member-state.

But there is more. Lithuania would also serve the cause of the future of freedom in the West if it reminded its North Atlantic partners of the truth of its own recent historical experience. That experience has taught – or certainly should have taught – Lithuania that, while “grand strategy” involves reflection on how the various instruments of national power can be deployed in a coordinated way to achieve the goals of peace, security, and freedom, those “instruments of power” include the moral and cultural power of the West’s distinctive civilizational identity. That identity, in turn, is not merely geographical, ethnic, or linguistic. It is built out from a vibrant public moral culture that teaches new generations respect for the inalienable dignity and value of every human person; responsibility for the common good, not just private or individual goods; self-command; and a sense of solidarity that reaches across religious, familial, and class lines to build genuine political community.

Much of Europe has forgotten much of that; too much of America is in the process of forgetting it. In the aftermath of the collapse of the Soviet Union, Lithuanians may well have thought, and with reason, that the West owed Lithuania a great debt of gratitude for helping bring down history’s worst tyranny. Now, in the second decade of the twenty-first century, the challenge before Lithuania may be even greater. For those who care about the future of
the West and the future of freedom – a future that looked so promising with the collapse of the Soviet order – must now look to the new democracies of central and eastern Europe to remind all of us that freedom is never free, and that freedom understood as mere license is always freedom's own undoing.

November 2015
Leadership Revised: How Did the Ukraine Crisis and the Annexation of Crimea Affirm Germany’s Leading Role in EU Foreign Policy?

The recent string of existential crises in Europe – the Euro crisis, Russia’s aggression in Ukraine and the refugee crisis of 2015 – have resulted in new dynamics within the European Union. In Brussels, Germany has emerged as the hardly contested nexus of decision making. It was in particular through the Ukraine crisis and the annexation of Crimea by Russia in 2014 that Germany found itself assuming a leadership role also in the EU’s foreign policy, a role it has shunned in the past. However, for Berlin this new role is far from obvious – it is only gradually that Germany grew comfortable with its enhanced role, which is due more to external circumstances than by its own design. Conscious of its own image abroad and, due to the still prevalent feeling of historical guilt, the fear of being perceived as a dominating power has so far prevented Germany from occupying the forefront of the stage, preferring to pulling strings from behind and presenting itself as the EU’s “Chief Facilitation Officer”.

This article analyses how Germany, in particular through the Ukraine crisis starting in 2014, affirmed itself – albeit reluctantly – as a nexus of decision making in the EU’s Common Foreign and Security Policy (CFSP) and became the de facto leading nation for defining the EU’s response towards Russia. The article points out the internal and external consequences of this new role and, in particular, its impact on the Baltic States.

Introduction

The Annexation of Crimea by Russia in March 2014 and Russia’s destabilizing role in eastern Ukraine have put an end to the EU’s illusion that Europe had for good arrived in the post-modern world, where military conflicts and
territorial conquests would belong only to history books. For the last decade, the EU had built its foreign policy on the assumption that, in the absence of classical military threats, security challenges would stem from non-state actors: terrorism, failed states, organized crime and Balkan-style regional conflicts. Brussels generally assumed that, in the twenty-first century, foreign policy was based on the projection of norms and values abroad rather than on military strength. The belief that this post-modern policy approach would have the power also to transform former Soviet republics into modern European states was the main driver behind the association agreements signed between the EU and Ukraine, Georgia and Moldova in 2014.

In line with its post-war pacifist traditions, Germany has been a strong promoter of a rules-based multilateral foreign policy. Its own foreign policy has been characterized by its role as a civilian power and its Ostpolitik or special relationship with the countries of the former Soviet bloc. Also, the German-Russian relationship had been significant for Germany not only in economic terms, but also in political terms, as it raised Berlin’s significance in both EU and NATO. Therefore, the annexation of Crimea and Moscow’s thinly disguised military aggression in Eastern Ukraine had a strong impact on German foreign policy, which not only prompted Berlin to reconsider the nature of its relations with Moscow, but also changed the dynamics in the European Union, where Germany saw its leadership role strengthened, although rather by accident than by design. This emancipation of Germany as an active player in EU foreign policy already became visible in Kosovo and in Afghanistan, after the Kohl government had been replaced by a Red-Green coalition in 1998. While not seeking out a leadership role, Berlin would also no longer avoid such a role, thus finding itself in a position of accidental leadership.

This article analyses how Germany, in particular through the Ukraine crisis starting in 2014, affirmed itself – although reluctantly – as a nexus of decision making in the EU’s Common Foreign and Security Policy (CFSP) and became

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3 For the EU, these norms and values are defined in art. 2 of the EU Lisbon Treaty: “The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail”.

4 In this article, “Germany” and “German Foreign Policy” refer, for the period 1949-1989, to Western Germany (the FRG), which became the template for the foreign policy of unified Germany after 1990. In the former GDR, the space for an autonomous foreign policy was strongly limited and defined by the USSR.

the de facto leading nation for defining the EU’s response towards Russia. The article points out the internal and external consequences of this new role, also with regards to other policy fields, and, more in particular, for the Baltic States. For this, we first need to look a closer look at the tenets of German foreign policy and at the specificity of German-Russian relations.

1. German Foreign Policy: Coming in from the Cold (War)

For the casual observer, it might sometimes be difficult to understand the policy drivers behind German foreign policy. Whereas most countries see foreign policy as an instrument to defend their political and economic interest abroad by influencing other countries to behave in a certain manner, attempts to use foreign policy as a means to gain influence have been, for decades, a taboo for post-war Germany. Although in the first twenty years of the FRG’s existence revisionist tendencies were still present in the country, the total rejection of the nationalistic ideology was one of the founding pillars of post-war Western German identity. This new approach to foreign policy, partly driven by a sense of guilt and shame about the Nazi past, partly driven by fear of the spread of communism, eradicated the concepts of “national interest” and identity from the mainstream political vocabulary.

Germany’s uneasy relationship with its past, its reliance on its Western allies and its need to redefine its place in Europe and the World made the country a champion of European integration. The process of European integration allowed the Federal Republic to assume a new role among the civilized nations that would be compatible with its economic interests (access for its industrial products to the common market). This desire was perfectly compatible with the desire of Germany’s neighbours to keep Germany in check through supranational cooperation mechanisms that would prevent it from again going its own Sonderweg (special path), while allowing them to benefit from the dynamism of the German industry. Thus, the FRG became the poster boy of European integration: a positive and productive role for Germany in international politics existed only in and through Europe.

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7 The other two pillars being Euroatlantic integration and its redefinition of patriotism as Verfassungspatriotismus or constitutional patriotism, where the allegiance moved from the ethnic nation state towards a value system, expressed in the Grundgesetz (basic law)
Whereas Germany’s Euro-Atlantic integration proved to be a win-win situation for both Germany and its allies, it was the relations with the Soviet Union and the countries of the Eastern bloc that became, in the 1960es and 1970es, the litmus test of West German foreign policy. The geopolitical situation of Germany demanded a degree of pragmatism: the division of Germany, family ties of many Germans behind the Iron Curtain, and the question of West Berlin (a Western enclave within the GDR) made reasonable working relations mandatory. The Ostpolitik of chancellor Brandt in the early 1970es (symbolized by the famous Kniefall (genuflection) towards the victims of the Warsaw Ghetto uprising in 1970) had the triple benefit of facilitating human exchanges, opening markets for the (West) German industry and allowing the FRG to occupy the “moral high-ground” vis-à-vis Eastern Germany, since it assumed the responsibility for its past.

The possibility to promote freedom and democracy not only on behalf of itself, but on behalf of the whole Western world, helped Germany to even more reinforce its new post-modern identity based on multilateralism and “soft power”, which is still the driving force of German policy today. When the GDR collapsed in 1989, the magnetic attraction of the West German model combining economic wealth with democracy and the rule of law, moral superiority and a positive international reputation became thus irresistible for Eastern Germans.

2. Germany and the CFSP: the Slow Emancipation of Germany’s Foreign Policy in a European Context

The “2+4” agreement of 1990 finally put an end to the old cold war order and restored Germany’s sovereignty in foreign policy as well. Initial fears among its Western partners about the hegemony of a united Germany in Europe – in particular after Germany’s uncoordinated recognition of Croatia and Slovenia in 1991 – resulted in the setting up of the EU’s Common Foreign and Security Policy (CFSP) with the 1993 Maastricht Treaty. The CFSP was defined as a greater diplomatic operation and balance of power exercise in which the Member States sought to firmly embed an enlarged German State in a stronger European entity.\textsuperscript{8} Also, in this period of major geopolitical changes, in which Europe had suffered a loss of face during the Gulf and Yugoslav crises, CFSP was seen as a tool to strengthen European identity.\textsuperscript{9}

\textsuperscript{8} Stephan Keukeleire, Tom Delreux (2014), \textit{The Foreign Policy of the European Union}, Palgrave, p. 46.
\textsuperscript{9} Ibid, p. 47
Tellingly, during the design phase of the Maastricht treaty, Germany was among the states that advocated a more supranational CFSP, including decisions made by qualified majority voting (which would have abandoned national veto rights) and a greater involvement of the European Parliament – proposals that were strongly rejected by two other major foreign policy players, the UK and France. From an outside view, it could seem that Germany allowed its policy space in foreign policy to be reduced through its integration into the CFSP. However, it was the “uploading” of its foreign policy into the CFSP that enabled Germany to emancipate itself as a foreign policy actor within the EU framework.

But being a part of a European policy framework also made it more difficult for Germany to pursue its former policy of avoiding political responsibility by the means of Scheckbuchdiplomatie (cheque-book diplomacy) which consisted in financially contributing to policies implemented by its partners while staying itself out of the limelight. Taking political responsibility required Germany to overcome its patterns of avoidance and of military non-engagement (as in the 1991 Gulf war or in the first two Balkan wars).

This was not uncontroversial: when German troops started to participate in international peace-keeping missions in the 1990s, parts of the German political spectrum warned of an infamous return to a militaristic tradition that would fuel fears about a new German hegemony and imperialism: fears, that were, in general, more voiced within Germany itself than outside the country. It was in Kosovo in 1999 when Germany definitively managed to move beyond its history and accepted that its own military intervention was justified – as part of an US-led coalition – in order to honor its post-war commitment to the slogan of “never again” with regards to genocides and concentration camps.

With hindsight, the fear of Germany abandoning the European project in favour of a Sonderweg proved unjustified: the Kohl government, dominated by a generation of politicians that were still traumatized by the experience fascism and WWII, were still wholeheartedly committed to the European project and had a natural dislike of any German attempts of domination. Instead, its economic power, demography and geographical position made Germany gravitate towards the power center of Europe. This role, which became very obvious with the financial crisis from 2008 on, was not only accepted, but actively supported by many of its central and eastern European neighbours. The attitude of these countries was best expressed by Polish foreign minister Sikorski when he publicly stated in 2011 that – within the context of the Euro crisis – “I fear German power less than I am beginning to fear German inactivity.”

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10 Radek Sikorski, “I fear German power less than I am beginning to fear German inactivity”, Financial Times, 28 November 2011.
Within the EU, Germany’s close partnership with France had allowed the country to stay out of the limelight while still actively shaping EU policies in line with its own interests. Major initiatives (as the economic and monetary union) were prepared in close cooperation and then proposed as a joint endeavour: this matched the desire of France to increase and of Germany to decrease its profile as driving force behind shaping the European policy agenda. But not always did the interests of Berlin and Paris match: the enlargement process, which started in the second half of the 1990s (and culminated with the accession of ten mainly central and eastern European states in 2004) was, above all, driven by Germany striving to export stability to its Eastern neighbours while expanding the EU’s single market eastwards. Paris saw enlargement rather as a threat to a closer political union and as a weakening of the French/German leadership in the EU.

Within the CFSP, the special relationship with Russia proved to be significant for Germany, not only in economic, but also in political terms. First of all, this relationship was highly symbolic, Russia being the country that had suffered most from German atrocities in WWII. Good relations with Russia served Germany as a way to exhort its militaristic past. Also, the privileged relationship gave Germany additional significance within the EU and NATO, thus compensating for a lack of military power. Therefore, Europe quite naturally started looking at Germany – which had already taken on a leadership role in the post 2008 Euro crisis – after the annexation of Crimea by Russia. Again, in order to properly assess Berlin’s attitude in the Ukraine crisis, one would have to look at the history of German-Russian relations.

3. The Specificity of German-Russian Relations

Through the centuries, Germany and Russia have always played a key role for each other in their respective foreign policies. Both countries share many similarities: neither country has natural borders; both have historically expanded at the expense of their neighbour’s liberty and sovereignty in an attempt to increase their influence and power,\textsuperscript{11} and both countries have repeatedly cooperated in this regard, as in Rapallo or with the Molotov-Ribbentrop Pact. In the twentieth century, both countries justified imperialist tendencies with ideology – and both found their imperial ambitions defeated by history. For both countries, the redefinition of their national identity can be explained by

their past. Whereas Germany managed to acquire a new post-modern identity through a complete break with its past, Russia went the opposite way: trying to reconnect with the past by reclaiming its former glory.

The combination of historical guilt, the gratitude to Russia for having enabled German unification and the departure of Soviet troops, combined with its economic interests, may explain why Germany counted as one of the most fervent supporters of Russia in the early 1990es. At this time, Russia – as were the other successor states of the Soviet Union – was faced with a profound economic and social crisis. For Germany, the demise of the Soviet Union and the emancipation of Central and Eastern European nations were seen as the confirmation of Francis Fukuyama’s “End of History”, in which European values like democracy and human rights were shared from Lisbon to Vladivostok.

But Germany underestimated the sense of humiliation of many Russians, who were more likely to suffer the dramatic fall of standards of living than to profit from the geopolitical benefits brought about by the end of the Cold War. The mismatch of perceptions was symbolized in the figure of Michael Gorbachev, who enjoyed pop star status in Germany,12 but who was despised in Russia for bringing down living standards and for humiliating a nation that had been transformed in less than one decade from a fear-inspiring superpower to a pity-inspiring recipient of humanitarian assistance.13

The ascendance of Vladimir Putin, a young KGB official in Dresden at the time when the GDR imploded, to the Russian Presidency in 2000, coincided with a period of rising commodity prices, in particular for gas and oil it exported, which boosted standards of living to previously unknown levels. The enlargement of NATO and the EU in 2004 was grudgingly accepted by Russia, which did not have the means to prevent it, since it was still tied up with the second Chechnya war and other internal challenges. Russia also did not respond to the EU’s initiative of an “European Neighbourhood Policy” regrouping all of the enlarged EU’s neighbours in 2004, as it refused to be reduced to the role of a mere object of EU foreign policy.

Putin never dissimulated his disregard for the EU and his preference for a “divide-and-rule” approach which consisted in exploiting potential divisions between member states. In particular, Putin reminded Germany that Russia had

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12 But for different reasons: whereas many on the German left saw him as a reformer of socialism, those on the right (and in Eastern Germany) cheered him for bringing down the Soviet Union and for enabling German unification

13 The agenda of the EC’s Maastricht Summit of December 1991, where the Member States discusses the Maastricht Treaty that would two years later give birth to the EU, also features the issue of the food supply situation in Moscow and St. Petersburg.
been supportive and had enabled the process of German unification against the resistance from France and the UK. In this regard, the building of the North Stream pipeline bringing Russian gas directly to Germany, while bypassing the Baltic States and Poland, was a main strategic achievement of Russia.

When Angela Merkel replaced Gerhard Schroeder in 2005 as chancellor of Germany, the relation between the two leaders drastically changed. Schroeder, who had qualified Putin as a crystal-clear democrat, had developed a strong Männerfreundschaft (male bond) with Putin. Merkel, socialised in the former GDR and knowing the mechanisms of authoritarian power from the inside, was much less susceptible than Schroeder to the wooing of Putin. Still, being one of Germany’s major trade partners, and in line of German traditions of economic diplomacy, Russia remained an important building block of Germany’s foreign policy. This reflects the continuity of Germany’s policy of Wandel durch Annäherung (change through rapprochement or détente with the Eastern bloc through a bottom-up small scale cooperation which would ease the tensions), introduced by former chancellor Willy Brand in the late 1960es.

Throughout the building up of the Ukraine crisis Merkel had sought a close cooperation with her European partners. While firmly rejecting any calls for an accession perspective for Ukraine (highly unpopular on the political agenda), Germany strongly supported the EU association agreement with Ukraine as a basis for closer integration. For the EU – and for Germany – the association agreements had been designed as an instrument to export European norms and values, such as democracy, the rule of law and a free market economy, to its partner states. This approach had been perceived as uncontroversial, since it presupposed the will and the ability of every partner states to make sovereign policy choices.

But, born in a time where the EU was the sole integration model on the European continent, this approach now collided with Russia’s plans to set up a Eurasian (Customs) Union. Therefore, the simple fact that another state could not only oppose its plans, but also openly try to challenge them, not shying away from a military conflict, had been unimaginable before March 2014. But unlike the EU, Russia has not yet arrived in a post-modern world: it rather sees its interest through the prism of the first-half of the twentieth century zero-sum realpolitik, where geopolitical influence comes as a result of military and economic power. This was already apparent with Russia’s military incursion into Georgia in 2008, although not widely acknowledged at the time. Thus, Russia

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14 Russia is Germany’s 11th biggest trading partner. In 2013, Germany exported goods and services worth € 23 bn to Russia
interpreted the signing of the Association Agreement as a direct challenge to its geopolitical aspirations, which demanded a harsh response.

Whereas Russia had, until 2008, presented itself as the paragon of the inviolability of borders and national sovereignty, it had started shedding these principles already in 2008 in Northern Ossetia and Abkhazia, where it operated a dramatic rhetoric U-turn. Abandoning all references to territorial integrity and inviolability of borders, it cited the unilateral declaration of Kosovo – recognized by Germany and 23 other EU member states – as a precedent and militarily supported the secession of Abkhazia and Southern Ossetia, referring to the right of citizens to self-determination and alleged human rights violations, of which Russian speakers were the victims.

The lack of reaction from the EU to the de-facto annexation of Abkhazia and Southern Ossetia in 2008 – except for a few diplomatic protest notes from the EU and the MS – and the fact that business in Berlin and in Brussels went quickly back to normal also gave the impression to Putin that the West would not dare to confront Russia by intervening in what it still considered as its “bliźni zarubeż” or “near abroad”.

4. German Reactions to the “Euromajdan” and to the Annexation of Crimea

German chancellor Merkel has never been known for bold politics. Her profound dislike of taking risks and her avoidance of decisive action had over one decade of being at the helm of the German government, become something of a trademark. Politically, her wait-and-see approach paid off, since she has hit record high ratings in the polls and has been re-elected twice. Staying out of the limelight in political controversies allowed the chancellor to foster her image of “mother of the nation”.

Nevertheless, during the Euromajdan which started in late 2013 and culminated in the fleeing of president Yanukovich and the annexation of Crimea by Russia in March 2014, Merkel issued a number of stern statements that in other European capitals were perceived as a sign that Germany might

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15 These principles were frequently quoted by Russia for refusing to endorse in 2007 the UN-led Ahtisanari plan to settle the Kosovo status, since it would encroach upon Serbia’s sovereign rights and territorial integrity.
16 Even adding a new entry into the German dictionary: “merkeln”, meaning to be unable to take decisions or give your own opinions. http://www.politico.eu/article/words-young-germans-just-merkeln-dictionary-jugendwort-smombie/
be willing to assert its resolve and leadership. The Russian state media were quick to exploit German support for the Euromajdan for their own purposes, presenting their leaders to the domestic audiences as fascists and not refraining from drawing parallels between the fate of Russians in Ukraine and the fate of Jews in Nazi Germany.

In particular the annexation of Crimea by Russia in March 2014 sent a shock wave through Berlin: Russia, by annexing Crimea, had thrown overboard the post-cold war consensus based upon the respect of national sovereignty and democratic process, thus turning the clock back to nineteenth-century policy of territorial conquest by power. Merkel immediately reacted by condemning the annexation as illegal, later even qualifying it as “criminal”. While calling for a strategic rethink of Germany’s and the EU’s energy dependence upon Russia and favouring further sanctions (and thus risking to alienate her support base among the German industry), she also insisted on dialogue and cooperation. Merkel has spoken to Putin almost daily during the build-up of the Ukraine crisis and even after since the Russian leader sent troops into Crimea.

It was only after the shooting down of civil aircraft MH17 in July 2014 that an increasingly frustrated Germany went beyond rhetorical condemnation of Russia. Although not itself a strong proponent of harsh sanctions, Germany took a clear lead in consolidating a common sanctions policy. Still, Berlin constantly reminded its partners that the door towards a peaceful solution must be kept open and that emotions should not be allowed to be a policy driver. Germany also took its role as broker – together with France – of the Minsk II ceasefire agreement very serious, even as other states started losing their faith in this process.

Berlin was so keen to avoid a rhetorical escalation that, in spite of its high level of indignation, it specifically rejected any use of historical parallels: a number of German observers pointed out that, ironically, the annexation of Crimea had taken place on the template of the annexation of the Sudentenland

17 http://www.kiew.diplo.de/Vertretung/kiew/de/08/03__Politik/Merkel__2401.html
19 https://www.bundestag.de/dokumente/textarchiv/2014/49865952_kw11_de_regierungserklaerung_ukraine/216288
by Nazi Germany in 1938. But when German minister of finance Wolfgang Schäuble (because of his age and reputation the most outspoken government member) openly pointed out the Sudetenland analogy, the reactions back home were unforgiving: even an indirect comparison of a European leader with Adolf Hitler was seen as a step too far, as it could serve to banalise the Nazi regime through means of historic comparison. Merkel, short of reprimanding her minister, immediately took her distances from him, declaring that the annexation of Crimea was a sui generis case.

The Sudetenland comparison highlighted the sensitivity of German-Russian relations in Germany’s internal debate. Even if the annexation of Crimea was condemned by virtually the entire political class, there is still a strong opposition to being confrontational with Russia. Opposition comes not only from the far left side of the political spectrum, as from Die Linke party descending from former East German communists with a still strong anti-American and anti-NATO bias. Additionally, parts of the Social Democrats, such as former chancellors Gerhard Schröder and Helmut Schmidt, have come out with statements condemning the harsh approach towards Russia. These members of the intelligentsia expressing empathy for Russia and Putin are often referred to by the rather sarcastic term of Russlandversteher (“those who understand Russia” or Russia apologists). But by no means are the Russlandversteher confined to the political left: on the far right, Putin enjoys a degree of sympathy among the populist Alternative für Deutschland (AfD), and board members of some of Germany’s large companies have been heavily lobbying against the impositions of sanctions. However, the Green Party, in spite of its pacifist origins, is strongly favouring a tougher line towards Moscow.

As a Social Democrat and former protégé of then-chancellor Schröder, Foreign minister Frank-Walter Steinmeier was also politically closer to the Russlandversteher. But Putin’s blunt and undiplomatic behaviour during the crisis made it easier for Steinmeier – and, at a later stage, for Merkel – to shed their reluctance, as any attempts to revive the more cooperative Ostpolitik approach of the 1970s the present context would have looked naïve and would have risked undermining Germany’s standing among its transatlantic and European partners.

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22 A part of Czechoslovakia bordering Germany with an ethnic German majority until their expulsion in 1947. The Sudetenland was annexed by Nazi Germany in 1938. This was motivated by Hitler with the alleged oppression of ethnic Germans by the Czechoslovak authorities and by their desire to live within the borders of the German Reich.


Assuming that most countries see the relations with Russia through the lens of their own individual history, experience and interests, Germany is not different from the other EU Member States. The particular sensitiveness of German-Russian relations can explain why Germany has, from the beginning, taken a cautious and even ambiguous position. Whereas the UK, Poland, the Baltic and the Scandinavian states followed a rather US-like confrontational approach, most of the Southern and South-East European members are – for economic reasons or fear of harming energy supplies – loathe to see relations with Russia souring over Ukraine. In this context, the question is how a common EU position can be more than the lowest common denominator of 28 individual national positions? This is where the question of leadership comes into play.

5. The Impact of the Ukrainian Crisis on Germany’s Leadership Role in the EU

In January 2014, beyond the background of the Euromajdan, German President Joachim Gauck pleaded at the Munich security conference for a new German foreign policy strategy based on more active engagement on the international stage, and embedded into the EU framework. Although as a president Gauck has a mere ceremonial role, his speech hit a nerve among German politicians born after the war. A number of government ministers, including foreign minister Steinmeier, openly acclaimed Gauck, even if this could be seen as an open challenge of the chancellor. In fact, this statement was not only intended as a signal to Germany’s European partners. It was also meant as a “wake-up-call” for Merkel, seen as lacking resolve not only in foreign policy matters. According to Gauck (who, in his inauguration speech, had defended the German culture of military restraint), Germany should get rid of its habit of “looking the other way” when facing an international crisis.

The home-grown drive for a more active role of Germany coincided with an obvious lack of political leadership not only within the CFSP, but also globally: entangled in their own internal problems, the US were not ready to assume a leadership role; unlike the Bush administration, Barack Obama does not feel a specific responsibility of the US for Europe. He expects Europeans to take the lead with regards to crises on their own continent. Given the inability of

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26 In particular under Steinmeier’s predecessor at the ministry of foreign affairs, Guido Westerwelle, the MFA was perceived as being non-relevant
27 Joachim Gauck, inauguration speech at the Munich security conference,
the EU to speak with one voice, the EU institutions were also unable to take on any leading role. The other potential leaders at the European level, the UK and France, were too entangled by their own domestic problems. Whereas Britain, with its double identity crisis highlighted by the Scottish referendum and the uncertainty of its European future, has retreated into “unsplendid isolation,” France is on a nearly permanent basis absorbed by its own economic and political woes.

The annexation of Crimea had challenged German foreign policy in several regards. Germany is a strong supporter of a common EU foreign policy, since the EU, like Germany, has consistently favoured norms and rules over power in international relations. Also, the German-Russian relationship has been significant for Germany not only in economic terms, but also politically, as a source of Berlin’s significance in the EU and NATO. With these elements of its foreign policy being challenged, and the US standing with Europe but not taking the lead, all eyes were turned towards Berlin to coordinate the EU’s response.

Still, it was only after the shooting down of flight MH17 in July 2014 – allegedly by Russian supported separatists – that Merkel fully assumed the role the rest of Europe was expecting from her. Although not itself a strongponent of harsh sanctions, Germany became the clear leader in consolidating a common sanctions policy in the second half of 2014.

It was not the first time that Berlin found itself, without France as a co-pilot, in the EU’s driver’s seat. With the economic and financial crisis that started in 2007/2008 the political center of gravity within the EU has shifted from Brussels towards the capitals of the EU member states. In particular, the crucial role played by Berlin in the Eurozone’s sovereign debt crisis (and Germany’s economic strength in general) shifted Germany towards the nexus of EU decision making. As in the Euro crisis, Germany found itself at the top of EU foreign policy in the wake of the Ukraine crisis, not by design, but rather as consequence of the vacuum of leadership within and beyond the EU.

Germany’s restraint in terms of foreign policy has always been more prominent than in other policy fields. It was only gradually, at the turn of the century, that the country became to act like a “normal” foreign policy actor and gradually shed its “leadership avoidance reflex” by assuming responsibilities in

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29 Joseph Janning, “German foreign policy and the EU: Leader by default?”, *ECFR commentary*, 5/2/2015.
Kosovo and Afghanistan. But assuming a leadership role meant also taking a
risk, since the fear of being accused of hegemony was always present in Berlin.
With a reason, as in particular any unilateral moves towards Moscow were met
with suspicion in the “new” EU member states. In April 2006 Radosław Sikorski,
then Poland’s defence minister, compared the North-Stream gas pipeline project
between Russia and Germany that would bypass the Baltic States and Poland
to the infamous 1939 Molotov-Ribbentrop Pact between the USSR and Nazi
Germany.32

Although most member states see the Ukraine conflict through the lenses
of their own experiences and interests, in practice most EU members generally
closely align themselves with Germany’s position. This informal acceptance of
German leadership is partly due to Berlin’s combined advantage of sufficient
diplomatic capacities and privileged access to information, which significantly
enhances its authority among its peers. But it is even more due to the European
credentials of Germany, which is generally perceived as less self-interested and
more sensitive with regards to the positions of the smaller countries than the
other big EU member states.

In addition, the practice of “informal governance”, where key decisions
are hammered out in informal meetings between the EU leaders before they are
formalised in an official way, and the strong bonds between Berlin and Warsaw,
helped to reassure Germany’s partners to accept German leadership in order to
realize the EU’s shared foreign policy ambitions: to stop Moscow from pushing
back EU and NATO and from regaining control over what Putin still considers
its “near abroad”.

On the Russian side, given Putin’s obsession with status and prestige, it
is also unlikely that Moscow would have accepted to deal in substance with a
less “heavyweight” interlocutor than Germany, since both France and the UK
were unable or unwilling to fulfill this role. The choice of key interlocutor is
supported by the personal relations between Merkel and Putin, who speak
each other’s language. Furthermore, Moscow is aware that Germany, due to the
weight of history and of its economic stakes in Russia, is less keen on damaging
bilateral relation and therefore likely to adapt a more moderate approach. Thus,
it can be concluded that Russia, through the annexation of Crimea, its military
intervention in Eastern Ukraine and its clear preference for a dialogue with
Berlin rather that with Brussels, indirectly promoted Germany as a key player
in the EU’s foreign policy.

32 http://www.spiegel.de/wirtschaft/indirekter-hitler-vergleich-polnischer-minister-poltert-gegen-schroed-
er-und-merkel-a-413931.html
What does this mean from a Baltic perspective? For Russia, with a worsening economic situation, the defense of its citizens against perceived outside enemies (which includes the Baltics) has replaced economic wellbeing as a source of legitimacy. By escalating tensions, Putin can deflect public anger about falling living standards and direct them against the West. Although sheltered against a direct military aggression from Russia through their NATO membership, as direct neighbours, Lithuania, Latvia and Estonia are among the first to suffer from the political and economic fallout. Seen from Vilnius, Riga or Tallinn, Germany's moderating influence on Russia might look as an indicator of lacking firmness. However, any further rhetorical escalation would only contribute to strengthening the Putin system, as it would allow the Kremlin to further justify the increasing hardship of ordinary Russian citizens while fighting off internal opposition.

Conclusion

The three successive crises – Euro, Ukraine, and refugees – that shook the EU in just a few years have exposed wide rifts among its Member States and put into question some basic assumptions about the EU’s internal cohesion. In all three crises, Germany found itself in the driver's seat, first reluctantly, but with increasing comfort. The Euro crisis exposed the objective need for a strong leadership, and this leadership went to Berlin as a default solution. Boosted by the mainly positive reception of its new role by most of its partners, and in view of another leadership gap during the Ukraine crisis, Germany grew more assertive also in the field of foreign policy – much facilitated by Russia's increasing hubris and gross violation of both European core values and international law.

Seen from Vilnius, Riga or Tallinn, the spectre of a possible German hegemony in Europe currently looks like the “least worst option”. As the EU’s resistance to its leading role faded away, Berlin saw its approach of uploading its foreign policy to the EU vindicated, as it had managed to conciliate the defense of its own interests with strengthening its image as a value-driven society, upholding the EU's norms and values.

Beyond this background, Berlin's role in the third European crisis - the 2015 refugee crisis - might seem illogical, given that Germany, by opening its borders widely to Muslim refugees from Syria and other war-torn regions, took the risk of alienating its European partners and of undermining its leadership acceptance. However, a second look reveals some logic behind Berlin's attitude. The policy space of post-war Germany is today bigger than ever, as its leadership
role is now widely accepted externally, and given that internally there is no destruc-
tive populist opposition strong enough to seriously harm the government. As a result, Berlin can therefore afford the “luxury” to implement a value-driven policy to an extreme by opening its borders to Muslim refugees.

Berlin hopes that the short-term negative impacts and the unpopularity of this measure at home and abroad is likely to be outweighed by the long-term benefits in terms of perception management and economic growth. At a time where nationalism, populism and religious intolerance are making a forceful global comeback, Germany’s reputation as a value-driven, open and tolerant nation is likely to stand out brighter than ever, making its brand name increasingly attractive on the global markets. When it comes to “Made in Germany”, values and interests are never far apart.

For Berlin, the preferred option would certainly be to “upload” its refugee policy to the EU – thus sharing both the risks and the opportunities that come with this approach. But the present political climate in the EU does not support such hopes. In the end, German leadership risks being weakened and centrifugal forces in the EU strengthened as a consequence. This is a perspective which, bearing the alternatives in mind, does not look attractive, neither to Berlin and Brussels, nor to Vilnius, Riga and Tallinn.

August 2015
Lithuania’s Eastern Neighborhood
Putin’s Russia: The Nature and Contradictions of the Regime

The article surveys public information which casts doubt on the traditional definition of Vladimir Putin’s regime as the “Power Vertical” concept; i.e. the assumption of the same chain of reasoning that it was Putin who created this regime and that the beginning of its creation should be identified with Putin’s coming to power in Russia in 2000 is also questioned. The article attempts to substantiate the fact that processes resulting in what we now call the Putin regime began well before the collapse of the Soviet Union and were developing in Russia throughout the entire period of the so-called Boris Yeltsin’s democracy. They are related to the Soviet Union reformation plans of the KGB secret service, considered as omnipotent even in the Soviet Union itself, to the redistribution of assets after the collapse of the Soviet Union and to people who were either specially trained for the mentioned reformation of the USSR or were themselves KGB representatives; now it is they who are established in the highest echelons of Russia’s power. The objective of this article is to reveal the side of the nature of the Putin regime which considerably changes the customary picture.

Introduction

During recent years, Russia’s president Vladimir Putin continually amazes the West not only by more and more aggressive actions in different places of the world but also by the fact that his regime supposedly undertakes actions which, at least judging by the logic and reasoning of the West, might lead to its collapse.1
Therefore, an ever louder-sounding question about the ultimate objective of the Kremlin constantly arises. It is equally important to establish whether this is the policy of Putin himself, who is perhaps concerned solely about his own survival or is not even in touch with reality, as it was formulated by the Chancellor of Germany Angela Merkel\(^2\), or the objectives and aspirations of Russia’s entire current power system, which are unlikely to change even if Putin were to resign from his post.

In order to answer these two questions, an exploration of the nature of the Putin regime becomes the essential and irreplaceable basis of any assumption. Without taking into consideration the nature of the Putin regime, it is hard to believe that it is possible to understand both his actions and the logic of these actions.

It is even possible to state that an erroneous perception of the Putin regime may be one of the essential reasons preventing not only a better understanding of what the Kremlin is after by undertaking actions which, following the logic of the West, might lead to the regime’s collapse, but at least partly predict further threats and challenges to the West posed by this regime.

1. Who Is Putin Himself in Putin’s Regime System?

1.1. The “Power Vertical” Concept Dominates in the West

*The New Tsar: the Rise and Reign of Vladimir Putin* is the title of the book by Steven Lee Myers, a famous The New York Times journalist and fellow-employee of Wilson Center, one of the most influential former analytical centers of the USA, published in the autumn of 2015, best illustrates the currently existing perception by both the West and Lithuania of Russia’s current power system in which president Putin himself is considered not only as its symbol but also as the creator of the system, its autocratic arbiter (or simply the new tsar), the architect of all the successes and failures of this system and even the guarantor of its survival. Robert D. Kaplan, a guru of US geopolitics, in praise of Myers’ book writes that: “Personalities determine history as much as geography, and there is no personality who has had such a pivotal effect on the 21st century Europe as Vladimir Putin. ‘The new tsar’ is a riveting, im-

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mensenly detailed biography of Putin that explains in full-bodied, almost Shakespearian fashion why he acts the way he does”\(^3\). This confirms the prevailing in the world attitude towards the nature of the Putin regime and the principles of its operation.

The concept of “Power Vertical” essentially defines the regime of Russia as a system of faithfulness, loyalty and complete subordination to one person. In it there supposedly reigns the creator of this system, president Putin, while all the other power links make up a downward extending pyramid, the mission of which is to carry out the directions and implement the ideas of the top of the vertical (or of the “tsar”). Supposedly because of this, while creating this system, Putin has brought to power his personal friends and comrades who now ensure the functioning of the vertical structure.

Fiona Hill and Clifford G. Gaddy, well-known experts on Russia, define the concept of the “Power Vertical” in their book *Mr. Putin: Operative in the Kremlin* in the following way:

Everybody knowing what they have to do and when they have to do it – as well as knowing that they are accountable to the man at the top – is the idealized essence of Putin’s system. This is the key element of the Power Vertical (*vertikal' vlasti*) which Putin tried to create in centralizing the state apparatus in the 2000s. The man at the top lays out the mission and sets the goals. Everyone else from the top to the bottom of the federal state apparatus has a larger or smaller set of responsibilities for trying to achieve those goals. The same happens at the regional level.\(^4\)

It is true that in the works of Western analysts it is possible to find attempts to at least partly doubt the reality of the traditional “Power Vertical” concept when concrete details of the operation of the regime are touched upon; or at least to question whether this system is really functioning successfully. Such doubts, particularly in exploring the so-called “tandem” phenomenon of Putin and the then president Dmitry Medvedev, as early as 2011, were formulated by another famous expert on Russia Andrew Monaghan, the then analyst of NATO Defense College and now that of Chatam House\(^5\).

Still earlier, one more West-acknowledged expert on Russia, Richard Sakwa, in his book published in 2010, provided a very eloquent detail. Supposedly, the political analyst, a long-term member of the State Duma and head of the Fund “Russky Mir”, Vyacheslav Nikonov, who was considered one of the “soldiers” of the Putin regime, had counted that “more than 1,800 Putin’s presi-

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dential decrees (not instructions or assignments but policy-shaping decisions) had not been implemented by the time he left his post in 2008.

It would seem that such details, which illustrate the functioning of the Putin regime, should form the basis for more serious doubts concerning the concept of the “the power pyramid” and the role of Putin as the tsar. Being aware that the directives of the “tsar” cannot be carried out on a massive scale leads to two alternative assumptions: that Putin is truly not an omnipotent “tsar” or that he is at least a “very weak tsar”, a statement not issued by a single proponent of the “Power Vertical” model.

However, at least in the West, these doubts have not been expanded to cause a more serious challenge to the established traditional concept of Russia’s regime.

1.2. The “Putinocentrist” Russian Attitude Has Been Challenged More than Once

In Russia itself, the traditional concept that Putin is the “alpha and omega” of the current state system of Russia has lately been challenged more than once, though it should be acknowledged that earlier the same “putinocentrist” attitude dominated there as well.

Initiators/participants of wars have become qualitatively less dependent on varied provisions of the implicit “Putin’s elite’s convention” that was shaped during the first part of the first decade of the twenty-first century; among them, on the principle “do not wash your dirty linen in public”. Putin’s elite does not consider itself a close-knit totality; thus in cases of conflict they could confine themselves to methods and instruments which do not destabilize the entire system. The destabilization of the system is no longer considered too great a price in the bureaucratic/corporative war (skirmish, battle). This is also a typical symptom of the “restructuring”. In December 2013 Stanislav Belkovsky, a well-known political analyst previously considered close to the Kremlin itself, in his analytical survey wrote that “FSB Report: Russian wars: the biggest

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8 Belkovsky uses pun in this abbreviation: FSB is also an abbreviation of both the Russian Federal Security Service (Federalnaja sluzhba biezopasnosti), a successor of the KGB, and of the institution established by Belkovsky himself “The Fund of Stanislav Belkovsky” (Fond Stanislava Belkovskogo).
bureaucratic, corporative, informational conflicts in Russia in 2013. Though it should be acknowledged that quite a few of Belkovsky’s insights (particularly about another “restructuring” period awaiting Russia) were not confirmed, the description of the regime itself even then was hardly compatible with the usual image of the “Power Vertical”.

Russian power is by no means a rigid vertical structure controlled by one man. The “Power Vertical” is no more than just a propaganda cliché. Russian power is a conglomerate of clans and groups that compete with one another over resources. Vladimir Putin’s role in this system remains unchanged – he is an arbiter and a moderator but a powerful arbiter who has the last word, at least for the time being, in conflict situations. In the 2000s, a number of factors led to the formation of a political decision-making style which more and more resembles the Politburo of the Soviet Union’s Communist Party. The focus of creating state corporations, which was practiced both in politics and economy, contributed to the shift towards this model. A specific feature of the “Politburo 2.0” is that, firstly, it never holds general meetings. Secondly, the formal status of its members does not always reflect the real influence on the decision-making process. And, thirdly, several elite circles, which can be conventionally referred to as “security”, “political”, “technical” and “business” have been formed around the “Politburo 2.0”. On the one hand, these circles support the “Politburo 2.0” in the process of domination, but, on the other hand, they continually compete with one another for the influence on the “Politburo 2.0”, particularly, by nominating their candidates to it.9

This is the wording of the opinion on the actual structure of the Russian power, based on the results of an extensive research covering more than 60 different experts and persons close to power, which the “Minchenko Consulting” center, headed by the well-known consultant on Russian policy Yevgeny Minchenko, expressed still earlier, namely, after Putin’s return to the presidential post in 2012.

The famous Russian sociologist Olga Kryshtanovskaya, who has long been researching the elite of the Putin regime, claims that even during Dmitry Medvedev’s presidency, the period which was considered in the West as an attempt to turn Russia towards a different policy and a different governing, not a single one out of 75 crucial persons of the regime called by him the “kliucheviki” (key men) lost his post10.

This would mean that the system remained absolutely stable even at the time when from the outside it seemed that Russia started moving in a considerably different direction. In analyzing the entire system of the Putin regime (because now it would most probably be difficult to argue that Medvedev’s rule was only a constituent part of the same regime and a failed but not some

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essential attempt to transform this regime) this is another very important fact
that is worth keeping in mind while seeking answers to the questions raised.

Additionally, the very term “kliucheviki” has been chosen as the opposite
to the established term “siloviki” (force men) by emphasizing that, in spite of all
the influence, it is not only the representatives of security structures chosen to
create Putin’s Power Vertical and supposedly brought to power by Putin himself,
that control Russia. The system is much more complicated and in the analysis,
published in April 2013 (thus, after Putin had returned to the head-of-the-state
post for the second time) the American expert Donald N. Jensen defines the role
of Russia’s president himself not as the image of the “tsar” but rather as that of
the “Puppet Master”11 who ensures his presidential decision-making autonomy
by smart manipulations (the opposite to the “hard fist” control of the tsar).

Keeping in mind the fact that in the “Power Vertical” system: the man
at the very top (Putin) lays out the mission and sets the goals and everyone
else from the top to the bottom of the federal state apparatus has a larger or
smaller set of responsibilities for trying to achieve those goals it would be hard
to explain why the tsar still needs smart manipulations in order to ensure his
presidential decision-making autonomy.

2. What Do Continual Wars Among the Elite Reveal
About the Regime System?

2.1. The Constant Feature of the Regime under Discussion
since Putin’s Coming to Power

It is important to note that the model of Putin’s Russian system as a
continual fight among the rival power clans over resources and influence is not
a novelty. Though now it is often not recalled, as early as during Putin’s first
term in office at the beginning of the last decade, the whole world was often
involved in the discussion about the so-called constant opposition between the
afore-mentioned “siloviki” (representatives of force structures) and “liberals”
in Russia and the decisions determined by the results of their fighting12.

11 Jensen D. „Putin the Puppet Master“, Institute of Modern Russia, April 16, 2013,
www.jamestown.org/single/?tx_ttnews%5Btt_news%5D=28025&tx_ttnews%5BbackPid%5D=223&no_cache=1#.VjaO7tIrLa0
Such a model of continual elite wars over resources and influence (but not due to Putin’s favor or influence on him) substantially contradicts the model of the “power pyramid” or the role of Putin as the tsar, particularly acknowledging that the fight is and has always been going on not only over the home decisions in Russia but also over the foreign policy of the country. On the same grounds it is acknowledged that the course of the Russian state, even in the area of foreign policy, is not determined by Putin’s personal decisions, with which, after the beginning of the war in Ukraine, a large part of Russia’s elite is dissatisfied or even “filled with horror.”

Though it is possible to state that the concept that the continual fight between the “liberals” and the “siloviki” (or, as it is now rephrased as the fight among “soldiers”, “traders” and “believers”) is a considerably simplified reflection of real processes in Russia, it at least more realistically shows that decisions in Russia do not depend on Putin alone.

2.2. Putin’s “Friends” Also Become Victims of Wars

Another wide-spread myth determined by the concept of “putinocentrism” about Putin’s model of Russia is that the entire system is supposedly based on personal relations of the personified power centers of this system with Putin himself.

That is why the news item, announced in August 2015 about the resignation of the long-term head of the “Russian Railways”, Putin’s former colleague in KGB structures and even the celebrated member of the cooperative “Ozero”, Vladimir Yakunin, was received as a piece of news capable of nearly


\[17\] Сетдикова Д., „Непотопляемый член кооператива “Озеро“, Радио Свобода, 17.06.2014, http://www.svoboda.org/content/article/25425252.html
shattering the entire system or perhaps even changing it.

Nothing similar to that happened and, apparently, will not happen. The Putin regime did not show any signs of change after the resignation of Yakunin. It is even possible to state that Yakunin’s resignation, notwithstanding the fact that this man had long been considered a representative of Putin’s inner circle, is the logical outcome of the clan fight between Yakunin and the “liberal” wing members of Dmitry Medvedev’s government. In addition, it is worth remembering that it is not the first time when Putin’s so-called “friends” or representatives of his “inner circle” became victims of the afore-mentioned inter-fighting of the regime.

The most distinct example is Sergei Pugachev, once called “Putin’s banker” and one of the persons of the closest presidential circle. The oligarch, hiding from the Kremlin in Great Britain or France right now, even claims that he personally brought Putin to power. How much Pugachev’s statements have in common with reality is an issue for another discussion. However, Pugachev’s story is at least completely different from the fates of, say, Boris Berezovsky or Vladimir Gusinsky, who had to escape abroad for having personally challenged Putin himself, or Michael Khodorkovsky who did not only mount the same personal challenge to Putin, but started posing at least a theoretical threat to the entire power system in Russia.

Pugachev, just like Yakunin and many other influential Russian players that lost their lives in fighting among clans and were earlier considered nearly personal friends of Putin, not only refrained from posing any personal challenge to the president of Russia but did not even attempt to change the power system as was the case with Berezovsky, Gusinsky and Khodorkovsky-

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21 Baker P., Glasser S., Kremlin Rising: Vladimir Putin’s Russia and the End of Revolution, New York, 2005

ky. Nevertheless, though personally bearing no guilt concerning Putin, these former representatives of supposedly the closest circle to Putin, having found themselves in the common in Russia inter-fighting of the elite, for some reason did not receive any rescuing or at least intercession at the hands of the leader, frequently called the tsar, though at the time they were obviously attacked by rivals who were as if less close to Putin.

For example, Pugachev’s business empire was divided among many; however, one of the most obvious beneficiaries was the leader of Chechnya Ramzan Kadyrov, or, to be more exact, Ruslan Baisarov, who is responsible for Kadyrov’s business in Moscow.

2.3. Influence Is Not Just Posts in Power

Pugachev’s story of the transformation from “Putin’s banker” into a refugee of the regime only once more confirms the fact that Putin’s Russia is a system of constant inter-fighting of clans and not a „Power Vertical“. However, fighting goes on not only between the “siloviki” and the “liberals’ or between the “siloviki” and the “oligarchs”. As early as 2007, one of the then leaders of clans, Director of the Federal Drug Control Service Viktor Cherkesov, openly wrote in an immensely popular article in the daily Komersant about the constant fighting of the “siloviki” clans themselves. This article by him was probably the first echo of the wars of the “siloviki” clans that gained publicity.

Putin then considerably restricted the power of both the warring parties but it was Cherkasov himself who gradually lost most of the influence. Being dismissed from the post of the Director of the Federal Drug Control Service in 2008, he was still appointed to the post of the Director of the Federal Agency for Supply of Armaments; but in 2010 he resigned from that post.

His further career developed particularly unexpectedly. In 2011, Cherkasov successfully participated in the parliamentary elections yet not as a representative of the ruling party the “United Russia” but as one of the communists. Now he is the Vice Chairman of the Duma Committee for Security and Fighting against Corruption.

Cherkesov’s example reveals the model of the Russian clan system in several aspects. First of all, it once again denies the myth that in this system it is Putin’s closest friends and comrades that can feel untouchable. Cherkesov was always considered to be one of them; he had worked with Putin in the Leningrad KGB and for a long time was called a representative of Putin’s inner circle.

Besides, it is the clan system that is revealed by the fact that even having lost his former personal status granted by the high position, Cherkesov retains sufficient influence. Although this former KGB officer, who became a politician, does not claim to be included into the list of Minchenko’s “politburo”, he is enjoying power which, according to Minchenko, does not always correspond to his status in decision-making.

The best example of this is Cherkesov’s wife Natalia Cherkesova, who still controls somewhat liberal and so far influential (given the conditions in Russia) media outlets: the news agency “Rosbalt” and the Saint Petersburg newspaper “Peterburgskij Chas Pik”. The preservation of this control is considered an even more significant sign because attempts were made to shut down “Rosbalt”, one of the most quoted media agencies in Russia, using a scheme that is common in Russia. The agency was accused of violations, and the court decreed to revoke its license. Yet in spring of 2014, already after the aggression in Crimea, when a new wave of media oppression began in Russia, the Russian Supreme Court repealed the decrees of lower courts and reinstated the licence of “Rosbalt” considered a rather liberal media agency²⁴.

Therefore, it is really too early to “write off” the aforementioned Yakunin as a regime member who has supposedly lost his influence. It could rather be said that Yakunin and his clan lost a chance to strengthen their positions at the expense of the “Russian Railways” and all Russia’s taxpayers, and this opportunity was given to another clan. However, it is too early to “write off” Yakunin even being aware that he refused to become a member of the Federation Council as was reported at the start.

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3. Can the Power Vertical Exist Without Clear Rules?

3.1. Loyalty to Putin Does Not Necessarily Become “An Insurance Policy”

One of the main rules which Putin supposedly introduced when he came to power was considered an unwritten agreement that oligarchs and their accumulated wealth would be safe as long as they did not challenge Putin and the entire power system.

It has already been mentioned that after Putin’s coming to power, only those oligarchs who personally challenged Putin or the entire system – Khodorkovsky, Gusinsky and Berezovsky – found themselves in prison or “in exile”.

In this context, it could seem that some marked changes in the regime were illustrated by the oligarch Vladimir Yevtushenkov’s so-called case which was widely nicknamed “Yukos 2.0”\(^{25}\). However, the previously mentioned story of the banker Pugachev obviously contradicts this assessment.

There are more cases like that.\(^{26}\) It is yet another example of the elite wars, and the crackdown on “an oligarch” launched by Putin’s “pyramid of power” or even the “siloviki” whom he brought to power. With regard to the elite wars, it is necessary to note that even the most powerful clans established in Moscow are not always capable of defending themselves against attacks of even the regional elite.

From the very beginning assessing the case of Yevtushenkov not in the context of Putin’s supposed “pyramid of power” but in the context of the fighting of clans, one could easily predict that it was far from being “Yukos case 2.0”; it is not just one more “friend” of Putin and a member of “the inner circle”, the head of “Rosneft” Igor Sechin, but the new power elite of Bashkiria that seek the control of the company “Bashneft”. The outcome of the case that the “Bashneft” will be taken over by the state (to be more exact, will get under the control of the Bashkir government) and Yevtushenkov will not share the fate of Khodorkovsky—this was also predicted\(^{27}\).

However, it was necessary to assess Yevtushenkov himself as an oligarch

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\(^{27}\) Ibidem.
who at the very start was creating his business empire on the basis of KGB clans and who could now be considered a member of one of the most powerful power groups in the country. We should not just superficially judge that this case means some essential breakthrough, as if the unwritten agreement was broken, or that the supposedly absolute ruler of Russia, Putin, would not interfere with large business of Russia as long as it is loyal to those in power. This rule simply does not exist. There is no doubt that not a single oligarch is allowed to encroach on the very system of power or Putin’s authority, yet loyalty cannot protect them from a possibility of becoming victims of the inter-fighting.

3.2. The Assassination of Boris Nemtsov in the Context of Putin’s Absolute Rule

One more example of the total breaking of the rules of the Putin regime is the assassination on February 27, 2015, of one of the leaders of the country’s opposition, Boris Nemtsov. While analyzing this assassination in the context of other crimes of the Putin regime, a lot is revealed about the regime itself. The main conclusion, however, is that this regime has long had no boundaries which it did not overstep before—killings have become part of this regime, and human life is completely worthless.

Meanwhile, in the context of the “Power Vertical” everything is much more complicated. It does not matter whether we assess this assassination as the one directly commissioned by Putin, as some members of the Russian opposition still claim, or, quite the opposite, as a challenge to Putin himself. From the perspective of the “Power Vertical” the rules in this case were obviously broken.

If the assassination of Nemtsov was ordered by Putin, the question arises of why the arrested suspects are not just “scapegoats” but people from the entourage of the Chechen president Ramzan Kadyrov, who is considered one of the confidants of Putin himself. And why Putin, being an absolute “tsar”, does not put an end to the war which became almost open after Nemtsov’s assassination and is waged by representatives of security services against his middleman Kadyrov.

29 Ibidem.
Supposing the killing is a challenge to Putin himself, how does it fit in with the concept of the “Power Vertical” and Putin’s role of the “tsar”, especially when none of the influential players of the regime was either punished or simply sacrificed on the altar of strengthening the power of Putin?

It was immediately after Nemtsov’s assassination that this crime, regarding its possible impact on the future of Russia, was even mistakenly compared with Sergei Kirov’s murder, which is considered a prelude to the so-called Joseph Stalin’s “great terror”. This erroneous comparison is also likely to be caused by the false assumption that the Putin regime is “the Power Vertical” where Putin holds the role of the “tsar” (or even that of Stalin).

4. What is the Nature of the Putin Regime?

4.1. A Radical Transformation or a Different Form of Oligarchy and Kleptocracy?

Although it is commonly stated that Putin has essentially changed the structure of power in Russia in comparison to Yeltsin’s time, such a statement is not entirely accurate. As early as 2007, Daniel Treisman in his resounding article “Putin’s Silovarchs” revealed that the oligarchic form of the governance of the state established in Yeltsin’s time was, in essence, replaced by only its different form, namely, “silovarchy”.

“Silovarchies” are states in which veterans of security services and armed forces dominate both in politics and business. They have existed in various countries, including South Korea and Indonesia. They differ from ordinary oligarchies in that “silovarchs” can employ security structures, state prosecutors, and armed force to intimidate their business rivals or even expropriate their assets, claimed Treisman at that time.

Concerning Russia, this characterization is only partly correct. There is no doubt that former and current representatives of security structures (including those of other “people with shoulder-straps” – the army, militia, intelligence services) dominate in both Russia’s politics and business.

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32 Treisman D., „Putin’s Silovarchs“, 2007 http://www.sscnet.ucla.edu/polisci/faculty/treisman/Papers/siloct06.pdf
33 Ibidem.
Yet it is also obvious that security structures, state prosecutors and other force enforcement structures even during Yeltsin's rule were and still are employed by both oligarchs and officials supposedly not related to security structures (among them, Treisman first of all refers to Anatoly Chubais, one of the most influential representatives of Yeltsin's presidency). By the way, it is important to mention that the absolute majority of these oligarchs and even a considerable number of officials who had a great influence under Yeltsin, to a greater or lesser extent also retained their positions after the “silovarchy” established itself; although according to the theoretical model, at least the major part had to give positions to “silovarchs” or had to be simply expropriated by them.

4.2. The “Siloviki” Came to Power as Early as Yeltsin’s Time

To understand the nature of the Putin regime, still more interesting and more important is the myth that it was Putin who brought the “siloviki” to power. This myth is best denied by the diagram drawn by Kryshtanovskaya (see Figure 1); it shows which part of the government representatives was made up of the “siloviki” from the time of the last president of the USSR Mikhail Gorbachev, throughout the entire period of Yeltsin’s reign and, finally, in the first years of Putin’s rule – until 2003.

This figure clearly shows that the entrenchment of the “siloviki” was highly consistent and proportional throughout the entire period of post-Soviet Russia and is associated not only with Putin’s coming to power. Already in the third year of Putin’s presidency, the “siloviki” made up almost 60 percent of the national government of Russia. Yet, it is also true that in the last years of Yeltsin’s term, in the state government of Russia there were already nearly 50 percent of the “siloviki”, whereas even at the beginning of Yeltsin’s term, in 1993, they made up over 30 percent while during Gorbachev’s presidency this figure did not exceed more than a few percentage points.
Therefore, in order to understand the nature of the Russian regime, one has to take a much closer look. “Putin’s ascent to the presidency of Russia was the result of a chain of events that started at least a quarter of a century earlier, when Yuri Andropov, the former head of the KGB, succeeded Leonid Brezhnev as General Secretary of the Communist Party”, notes a 2007 article in “The Economist” containing comprehensive analysis on the topic. In the book *FSB Blowing up Russia*, written by the former FSB agent

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Alexander Litvinenko, who was granted asylum in London and was later poisoned with polonium, and the historian Yuri Felshtinsky, who emigrated to the US in 1978, there is an eloquent quote regarding the survival of the KGB after the collapse of the USSR. This quote reveals a lot about the nature of the Putin regime, which, as was noticed by “The Economist”, lies as far back as Andropov’s rule. In their book Litvinenko and Felshtinsky state that:

This long sequence of restructuring and renaming, initiated by the very security agency, was intended to shield the state security service as a structure and to preserve not only the organization itself, albeit in a decentralized form, but also the cadre, the archives and the agency. A pivotal role in saving the KGB from destruction was played by Yevgeny Savostianov in Moscow and Sergei Stepanish in Leningrad, both of whom had the reputation of being democrats, appointed in order to reform and control the KGB. In fact, however, both Savostianov and Stepanish were first infiltrated by the state security into the democratic movements and only later appointed to leading positions in the new special services, in order to prevent the destruction of the KGB by the democrats. Although, as the years went by, very many full-time and free-lance officers of the KGB-MB-FSK-FSB left to go into business or politics, Savostianov and Stepanish did succeed in preserving the overall structure. Furthermore, the KGB had formerly been under the political control of the Communist Party which served to some extent as a certain brake for services since no significant operations were possible without the sanction of the Politburo. After 1991, however, the MB-FSK-FSB began operating on Russian territory absolutely independently and unrestrainedly.35

It should be added that one of the most influential people in Yeltsin’s entourage from the very outset of his rise to power in Russia was Alexander Korzhakov, who was Yuri Andropov’s personal bodyguard. The roots of the absolute majority of the most influential representatives of the Putin regime can be found in the KGB itself or its structures which, according to Andropov’s plan had to prepare the cadre for the reformation of the Soviet Union36.

Felshtinsky writes that: “a structure was established that had to be a rival to the Presidential Security Service headed by Korzhhakov, a parallel FSB (SB-FSK) structure. After that, Gusinsky-Bobkov-Luzhkov-Primakov saw Putin-Abramovich-Berezovsky-Voloshin as their rivals. The latter won a victory. The former could win. There would have been no difference.”37 This is how

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37 Litvinenko A., Фельштинский Ю., (supra note 35).
Felshtinsky describes the formation of the system which was being established on the basis of the former KGB employees and oligarchs close to them under Yeltsin as well as Putin’s coming to power. Felshtinsky’s words were indirectly confirmed in one of the interviews of another Russian oligarch Berezovsky whom many consider the key figure that brought Putin to power.

In 2002, when he had to hide from the Putin regime in London, Berezovsky gave an interview to the well-known Russian journalist Yulia Latynina. When Latynina asked why Berezovsky, being so strong, found himself not in the Kremlin but an émigré in London, the oligarch in exile confessed: “I made one systemic mistake. I thought that the main force hindering reforms was the communists. But it was the FSB, to be exact, the KGB of the USSR”.

The journalist did not find this response convincing. She started arguing that a similar idea had been raised by Felshtinsky and Litvinenko in *FSB Blows up Russia*, but Latynina, supposedly, did not find the argument serious.

This is how Berezovsky’s answer to such reasoning of Latynina sounded:

This organization has survived as the brotherhood of the spirit, the brotherhood of crime. The KGB was the backbone of the Soviet state, it consisted of people who were taught to commit crimes and who were told that these were not crimes. And these people did not vanish anywhere. So, the KGB split into many rival groups, serving their own or foreign interests. It turned out, however, that the disintegration was merely a form of mimicry. Let us take, for example, Alexander Korzhakov. This person was Andropov’s personal bodyguard. He had been “X-rayed” a dozen times. And you think he stayed with the dismissed Yeltsin on his own will. I witnessed how they tried to show Yeltsin as an alcoholic, a total zero. Do you think it is also accidental?

### 4.3. Accidents Turn into a Logical Chain

There is a lot of public information about the plan Andropov master-minded to reform the Soviet Union, about the cadre trained for the implementation of this plan, institutions where the training was conducted, and, finally, the distribution of the Soviet Union assets, the vanished money of the KGB and the Communist Party, money laundering during the period of the collapse

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39 Ibidem.
of the Soviet Union, and the establishing of the KGB in business. When analysing all this systematically, the seeming accidents fall into a logical chain. The more so since 1) the USSR reform plan masterminded by Andropov truly existed; 2) associated with it were the so-called “young reformers” who, in essence, supported the government in Russia after the collapse of the Soviet Union; and 3) this plan was prepared by the structures where they were employed. All this was publicly, though indirectly, confirmed by Aleksey Uliukayev, Minister for Economic Development of the current government of Putin.

Once, when asked whether the project of the economic reform of the USSR, supervised personally by Andropov and involving all “young reformers,” really existed, Uliukayev answered: “Of course, it did! All key institutes were working for it – first of all, the All-Union Scientific Research Institute for Systemic Research, the Institute of Economics and Forecasting of Scientific and Technical Progress and the like. Yet our “supervisors” did not provide for any qualitative changes.”

The obvious fact is that after the failure of the 1991 August coup, it was the three economists who went through this school – Pyotr Aven, Yegor Gaidar and Anatoly Chubais – that were suddenly assigned top posts in the Russian Government. Significant evidence about the careers of Gaidar, Chubais and Aven is provided in the book of the current deputy of the Russian Duma Alexander Khinstein How Russia is Being Murdered by Michail Poltoranin who was Vice Prime Minister in the Russian government under Yeltsin. After the collapse of the USSR, he headed a special commission which investigated secret archives of the Politburo and had to declassify them. According to Poltoranin, all the three of them – both Gaidar and Chubais and Aven – were under constant control of the KGB. M. Poltoranin claims that he saw the documents testifying to this with his own eyes.

What is more, according to Poltoranin, among those who were being trained to take over power at the time when the USSR was collapsing were not only Gaidar, Chubais and Aven, but also the representative of “Alfa Group” Michail Fridman, the second wealthiest person in Russia, as well as Berezovsky.


41 Калашникова Н., „Восьмидесятники“, Iogi, №12 / 719 (22.03.10), http://www.itogi.ru/nashe/2010/12/150106.html

and the oligarchs Khodorkovsky and Gusinsky, who did not obey Putin and, therefore, were destroyed.

With regard to the further formation of the Putin regime and, in particular, how and why its roots lie in non-transparent schemes of the distribution of assets after the collapse of the Soviet Union—this is all thoroughly described in Karen Dawisha's book *Putin’s Kleptocracy: Who Owns Russia*.

**Conclusions**

The analysis provided reveals, above all, the fact that the traditional concept of the Putin regime as the “Power Vertical” is in conflict with the actual processes going on in Russia or is, at least, hardly compatible with them.

Such an analysis also makes it possible to state that the origins of the Putin regime go much farther back than the time when Putin came to power in 2000. Moreover, Putin was but one of the three most realistic candidates to become Yeltsin's successor and it was only due to favourable circumstances and the victory of the clans supporting him against the rivals that made him the president of Russia.

Yet two of the three most realistic candidates to replace Yeltsin were also representatives of the KGB – the afore-mentioned Stepashin, who, according to Litvinenko and Felshtinsky, was the one who personally saved the KGB from destruction in Saint Petersburg, and Yevgeny Primakov, who stood at the origins of Andropov’s Soviet Union reformation plan.

Therefore, even if Putin had not become the president, not much would have essentially changed in Russia. Keeping that in mind, Putin’s words addressed to his colleagues from the successor of the Federal Security Service (FSB) right before he officially became Russia’s president sound totally different: “A group of FSB employees sent to work under cover in the Russian Federation Government have successfully accomplished their mission”.44

One cannot claim that the Putin regime is a direct outcome of the implementation of Andropov’s plan since Andropov could hardly have been suspected of wishing for the collapse of the USSR, and Putin himself has called this collapse the greatest geopolitical catastrophe of the twentieth century.

However, it seems fair to state that the KGB, according to Berezovsky, split into many rival groups, serving their own or foreign interests, was consis-

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tently and methodically seeking to return to power since the very collapse of
the Soviet Union.

That is why both the current clan- and KGB-based Putin regime system
and the research of Russia in this particular aspect enforce the conclusion that
among many Russian analysts, public figures and even politicians the rather
long-established term “collective Putin” characterizes the current power sys-
tem of Russia much more precisely than the “Power Vertical”.

This indicates that the role of Putin himself (though actually not insi-
ignificant) is most often overestimated, whereas that of the system itself, which
brought Putin to power, is played down too much. Decisions made in this
country are certainly not one-man decisions, and Putin, in fact, is only a sym-
bol of this power system, although, of course, still holding the role of the arbi-
ter or moderator.

This “collective Putin” determines decisions which often are truly not
unambiguous or corresponding to the concept of “the Power Vertical”, not
only in Russia but also in its foreign policy.

The “collective Putin” possesses the mentality of the Soviet Union KGB.
Therefore, the key objective of this regime has always been and will continue
to be not only the return of the status of a global power to Russia, but also the
defeat of the West, the USA in the first place. Thus, its aggressive policy should
come as no surprise. Nevertheless, the means and tactics that different wings
of the regime are in favour of may differ greatly.

This regime is based on corruption and criminal activity because it was
upon this basis that it was created. Therefore, it would be naïve to expect that
this regime will gravitate at least towards Western business standards and the
rule of law.

Most important, though, is the fact that all this analysis shows that it
is naïve to hope that this regime could in some way essentially change even if
Putin, for one or another reason, left the post.

Washington, October-November 2015
Hybrid Warfare: an Orientating or Misleading Concept in Analysing Russia’s Military Actions in Ukraine?

Hybrid warfare is perhaps the most frequently used concept in seeking to explain and define Russia’s military actions in Ukraine. This article thoroughly analyses the development of the theory of hybrid warfare and circumstances of its formation, draws a line between hybrid warfare and hybrid threats, and discusses the perception of hybrid warfare in the armies of Western states and Russia. Actions of the Russian army in Crimea are analysed on the grounds of the provisions of the theory of hybrid warfare formulated by Frank Hoffman through revealing the impact on a military operation not only of the changing warfare tendencies but also of political, cultural, demographic and military conditions that existed on the Crimean peninsula. The article ends with an assessment of the capability of the hybrid warfare theory, as an analytical category, to explain Russia’s military actions in Crimea.

Introduction

Hybrid warfare is the term used by representatives of mass media, politicians, professional military personnel, leaders of defence institutions and experts of military warfare to define actions of the Russian army in occupying Crimea and invading the territories of East Ukraine. It is natural that statements by authoritative politicians, officers and defence experts helped make the concept of hybrid warfare popular and helped it to become an inseparable part of the public discourse defining military actions taking place in Ukraine. However, it should be pointed out that the concept of hybrid warfare is used in public discourse without going deeper into its meaning, content or context that created conditions for the creation of this concept. Most probably that is why recently in the academic circles there has emerged ever strengthening
doubts as to the purposefulness of using the concept hybrid warfare and its ability to explain Russia’s military actions in Ukraine. With the expansion of fighting between the Russia-backed separatists and Ukrainian state forces in East Ukraine, some scientists of Western states have started doubting the originality and novelty of the war concept applied by Russia. In fact, the Soviet Union has a rich historic experience with how to seize the territory of other states or carry out military interventions via manipulating political, economic and military means. Soviet invasions into Hungary, Czechoslovakia, Afghanistan and Georgia testify most distinctly to this.

A year after the beginning of military actions in Ukraine, a famous US researcher of warfare, Roger McDermott, called hybrid warfare a myth. A little later, Michael Koffman and Mathew Rojanski followed the way laid by McDermott and claimed that the concept of the hybrid war was more suitable to define the spread of Russia’s power yet could hardly be used as a new war model. The opinion of these authors partly reflects discussions and concerns that broke out among US warfare scientists when the concept of the hybrid war was included into the strategic documents regulating USA army actions.

The concept of the hybrid war looks particularly suspicious in the context of the history of the Baltic States. These states experienced, in between the wars, the covert impact of diplomatic, economic and military leverages of the Soviet Union and Germany. Judging from the historic perspective of the Baltic States, the annexation of Crimea carried out by Russia is more similar to well-known (to these Baltic states) instruments and impact mechanisms of the spread of Russia’s power with which Western states are but slightly familiar. Parallels between the subversive activity of the Nazis in the Klaipeda region at the end of the fourth decade and the occupation scenario, executed by Russia

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1 McDermott R., „ Does Russia’s Hybrid war really exits?, “http://www.jamestown.org/programs/edm/single/?tx_ttnews%5Btt_news%5D=43989&cHash=442fe213f503ae45d5505da34dc34c3#.VaZNv_ntmko, 20 06 2015
2 Ibid.
in Crimea, have been discerned by historian Vytautas Jokubauskas⁶. The Estonian researcher Merle Maigre discovered similarities between Russia’s military actions in Ukraine and the attempts of the soviets to launch a Bolshevik coup in Estonia in 1924⁷. In the daily newspaper *Gazeta Bałtycka* published in Poland, the Polish historian Marcin Siekański, compared the occupation of Crimea with the march of General Lucjan Żeligowski to Vilnius in 1920⁸.

It is obvious that historic parallels are not in short supply, while the examples provided indicate that discussions on hybrid warfare in the academic circles and the interpretations of hybrid warfare as well as a particularly broad use of this concept poses the question of whether the concept of the hybrid war can help explain and understand military actions executed by Russia in Ukraine. Is this a new paradigm of reasoning and an analytical category, helping to better understand changes taking place in warfare? Or maybe the use of the hybrid war concept rather misleads than contributes to a more comprehensive and deep cognition of the war in Ukraine? I contend that a thorough research of the hybrid war concept would not only answer the questions raised, but would help society to better orientate itself and more accurately assess threats towards the state as well as enable the institutions, responsible for the defence of the state, to prepare appropriate state defence instruments.

The objective of this study is to analyse the concept of hybrid war and research, by applying it, the actions of Russia’s military forces during the occupation of Crimea. Seeking to implement the objective of the research, the article takes up these tasks:

- To disclose the genesis and development of the concept of hybrid war.
- To apply the theoretical concept of the hybrid war in reconstructing Russia’s military actions on the Crimean peninsula.
- To assess the capability of the hybrid war concept to explain the actions of Russia’s armed forces in occupying Crimea.

The chronological limits of the research cover the period from February 21–23, 2014 to March 18, 2014. These chronological limits were dictated by important political developments associated with the occupation of Crimea.

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On February 21–23, 2014, Russia’s military activeness in Crimea and by the eastern border of Ukraine escalated and, less than a month later, on March 18, the agreement on the incorporation of the Crimean Autonomous Republic into the Russian Federation was signed. Russia’s military operation is perceived by the author of this research as actions carried out by Russia’s armed forces on the Crimean peninsula within the defined chronological limits.

The structure of the article is devised in compliance with the objectives of the research. The first part of the article discloses the circumstances of the creation of the hybrid war concept and its genesis and touches upon Russia’s attitude to changes taking place in warfare. The second part researches, on the grounds of the concept of the hybrid war, Russia’s military actions in Crimea.

The research has been prepared on the basis of a wide range of scientific monographs, academic publications, mass media reports, and official state documents of international organizations. Analysis of the changes that took place at the end of the 20th and the beginning of the 21st century is substantiated by Mary Kaldor’s9 and Martin Creveld’s10 monographs. The research makes use of military terms and concepts defined in field manuals11 of the US army. The genesis and development of hybrid threats and hybrid war concepts are explored on the grounds of the publications by the originator of this concept Frank Hoffman12 and David Kilcullen13, US National Security Strategies for 2005 and 200614, as well as statements in mass media by high-ranking US military commanders. The attitude toward hybrid threats, existing within the NATO organization, is revealed on the basis of NATO’s Strategic Concept for 2010 and publications by the Estonian researcher Maigre15, Martin Zapolski16 and Dominic Bachmann17. Articles which criticized the concept of the hybrid

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11 US Army Field Manuals were used for the research: *U.S. Army Field Manual 3-0 Operations C-1*, Washington, DC: February 2011 ir *Army special operation forces unconventional warfare*, FM3- 05.130 1 – 4, Washington, 2008.
war, written by the critics of the hybrid war concept Koffman, Rojanski\textsuperscript{18} and McDermott\textsuperscript{19}, were also of service to the research. The perception of new warfare forms in Russia’s armed forces was disclosed in the text by the Chief of Staff of the armed forces of the Russian Federation Valery Gerasimov\textsuperscript{20} and in Margaret Klein’s analysis\textsuperscript{21} of Russia’s military doctrine published in 2014.

The course of the military operation and actions of Russia’s armed forces in Crimea are reconstructed on the grounds of the research by the above-mentioned McDermott, Emanuel Karagiani\textsuperscript{22}, Stephen Cimbal\textsuperscript{23}, Andras Racz\textsuperscript{24}, as well as information reports in the internet mass media reflecting the course of the military operation. Studies, carried out by Lada Roslycky\textsuperscript{25}, John Biersac\textsuperscript{26} and Johan Norberg\textsuperscript{27}, assisted in understanding Russia-employed mechanisms and means of the spread of the soft power on the Crimean peninsula.

1. Genesis of the Concept of Hybrid Warfare and Theory Formation

The beginnings of the concept of hybrid warfare can be traced back to the last decade of the 20\textsuperscript{th} century when, after the end of the Cold War, the nature of armed conflicts and wars started changing. Modern, ready-for-wide-scope-conventional-war armies of Western states found themselves face-to-face with new-type forms of organized violence in Africa, the Balkans, Afghanistan, Iraq and Lebanon. At that time, in the West, there appeared the

\textsuperscript{18} Koffman M, Rojanski M, „A closer look at Russia „Hybrid war“, http://www.wilsoncenter.org/publication/kennan-cable-no7-closer-look-russia%E2%80%99s-%E2%80%9Chybrid-war%E2%80%9D, 15 05 2015

\textsuperscript{19} McDermott R., „Does Russia’s Hybrid war really exist?, “http://www.jamestown.org/programs/edm/single/?tx_ttnews%5Btt_news%5D=43989&cHash=442fe213f503ae45d5505da34dc34c3#.VaZNv_ntmko, 20 06 2015

\textsuperscript{20} Г ерасимов В., „Ценность науки в предвидении“, http://www.vpk-news.ru/articles/14632, 14 06 2015


\textsuperscript{22} Karagianis E, „The Russian interventions in South Ossetia and Crimea compared: military performance, legitimacy and goals“, Contemporary security policy, 35: 3, 2015, p.400 – 420.


\textsuperscript{24} Racz A., Russia’s hybrid war in Ukraine, Helsinki, 2014.


\textsuperscript{27} Norberg J., „The use of Russia’s military in the Crimean crisis“, http://carnegieendowment.org/2014/03/13/use-of-russia-s-military-in-crimean-crisis, 08 06 2015
first studies in which scientists attempted to reflect upon and explain new-type wars. The first to notice the beginnings of new wars and disappearing lines between war and politics, conflict and peace, military person and civilian, between war and peace zones and the increasing decentralization of violence was Thom Hammes. He formulated the generation-four war concept that was related to threats posed by non-governmental military actors. The US political analyst and sociologist Kaldor considered non-political objectives and motives of new wars, sought by non-governmental armed organizations, as the difference between the old and new wars. She emphasized that, in new wars, the line between the war (a state when fighting sides seek political goals) and organized crime (a state when private persons or their groups seek private interests) has disappeared. Kaldor formulated the concept of new wars on the basis of the analysis of the First Gulf War and civil wars in Somalia and the former Yugoslavia. This author based her thinking on the assumption that globalization, while changing social relations in society, would also inevitably transform the phenomenon of war.

After the First Gulf War, the Israel war historian Creveld started exploring changes that occurred in warfare. He predicted that conventional wars would disappear due to the dilemma, created by the use of nuclear weaponry (the threat of bilateral destruction – the author’s note), and the ever increasing number of low intensity conflicts, which in the nearest future would replace high intensity conventional conflicts. According to Creveld, low intensity conflicts proved their advantages and the provided political benefits during the Cold War. Creveld also forecast that eventually states would lose the monopoly of the use of power and coercion in their possession which would be replaced by non-governmental players, military actors, employing warfare forms typical of low intensity conflicts.

After the terrorist attacks in the USA in 2001, the wars that started in Afghanistan and Iraq and acquired the generalizing title of “Global war on terrorism,” as if confirming Kaldor’s and Creveld’s theoretical considerations. In these wars, the main opponents of the USA and coalition partners became the terrorist organization Al Qaeda and other non-governmental organizations, and non-conventional attacks carried out by them forced Western states to

28 Williamson S., „From fourth generation warfare to hybrid warfare”, US army college, 2009, p. 4-5.
30 In the US Army Field Manual FM 100 – 20, (FM 100 – 20 Fundamentals of low intensity conflict, the level of confrontations between states or interest groups when the employed armed force does not turn into a wide-scale conventional war) is considered as low-intensity conflicts.
seek effective warfare strategies. It is important to understand that the military thinking of the USA in the years of the Cold War was more orientated towards conventional war; however, the opponents’ tactics and warfare conditions in Afghanistan and Iraq were different – unusual and unfamiliar non-conventional threats, a response to which had yet to be found. It was then that the renewed and newly adapted insurgency–counterinsurgency theory\(^3\), employed during the Vietnam War, was recalled in the USA. In this strategy, *insurgency uprising* is perceived as the “strategy undertaken by groups incapable of achieving their political objectives by conventional means” and characterized as lasting for a certain period of time asymmetrical violence, advantages of terrain, psychological war and political mobilization – everything that helps insurgents to sustain and eventually change the balance of forces to their own advantage\(^3\). The definition indicates that the spectrum of insurgents’ actions is much wider than that of non-regular military threats and includes political mobilization, influence, propaganda as well as searching for ways to impact upon the military power of the US by non-conventional means. Insurgency and counterinsurgency theory was the earliest stage of the development of the concept of hybrid warfare and prompted the impulse to further develop the concept.

The threats that emerged in the Afghanistan and Iraq Wars were summarized in the US National Security Strategy published in 2005 and categorized into four types: traditional, irregular, terrorist and disruptive threats. This document notes that, in the future, it will be not governmental organizations or armed groups that will seek synergy in employing all the enumerated threats\(^3\) as a complex and claims that the USA is strong in the context of traditional military threats; therefore, the activity of hostile organizations and groups will be directed towards finding and taking advantage of weak points of the USA. The US National Defense Strategy, published in 2006, also emphasizes that non-conventional type of war will dominate in the future, while the concept of hybrid threats is developed as a quadrennial defense strategy\(^3\)

In the National Defense Strategies for 2005–2006, the probability of the enumerated military threats and the opinion that future threats are predicted correctly were still further enhanced by the war between Israel and Lebanon


\(^{34}\) Hoffman F., Conflict in the XXI st century: the rise of the hybrid war, Virginia, 2007, p. 7

in 2006 in which the terrorist organization Hezbollah used modern, conventional weapons and non-regular tactics against the conventional Israel army. After the incident at Israel–Lebanon border, Israeli tanks and armored personnel carriers, invading the territory of Lebanon, were met with fire from modern guided antitank missiles, volleys of field artillery, unmanned aerial reconnaissance vehicles and fortified terrorist positions. After 34 days of intensive battles, military actions were stopped by the international community. The Lebanon War demonstrated that non-governmental organizations with a broad arsenal of modern weapons (ranging from conventional automatic guns to guided anti-aircraft and anti-tank missiles, artillery pieces, unmanned reconnaissance vehicles, controlled by technically and tactically well-prepared combatants) can successfully counter modern conventional military forces.

After the war between Israel and Lebanon, the US war theorist Hoffman put quadrennial threats together to form a single theory of hybrid war. Hoffman considers hybrid war to be hybrid warfare that incorporates a range of different modes of warfare including conventional capabilities, irregular tactics and formations, terrorist acts, including indiscriminate violence and coercion and criminal disorder. He points out the following five features of hybrid war which distinguishing it from conventional war:

- **Modality** – a method of warfare combining the four modes.
- **Synchrony of actions** – actions of all the four types carried out simultaneously.
- **Fusion** – a common objective sought by actions of all the fighting groups.
- **Multimodality** – variety and complexity of military actions.
- **Criminality** – criminal actions creating the environment of fear and distrust.

Hoffman claimed that the theory of hybrid warfare formulated by him better explains the then-on-going military conflicts than the insurgency–counterinsurgency theory, questions the perception of the existing binary conventional and non-conventional mode of fighting, and helps predict and forecast future threats. This concept attracted much attention and criticism in US military and academic publications; however, despite the criticism, many of the newly-created terms defining the new threats did not manage to outdo

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the concept of the hybrid war developed by Hoffman; consequently, in time, Hoffman’s concept got established in the US high-ranking military circles. For example, the Chief of Staff of the US Land Forces, General George Casey wrote in 2008 that hybrid threats comprise “conventional, irregular, terrorist and criminal threats”. The US Joint Military Command considers the hybrid threat as “any adversary that simultaneously and adaptively employs a fused mix of conventional weapons, irregular tactics, terrorism and criminal behavior in the battle space to obtain desired political objectives”. This is how the former Chief of Staff of the US Joint Forces, General Raymond Odierno, defined hybrid threats “in the future it would be increasingly common for the army to operate in environments with both regular military and irregular paramilitary or civilian adversaries, with the potential for terrorism, criminality and other complications.” According to the US Marine Corps General James Mettis, hybrid wars were associated with failed states when paramilitary organizations, guided by ethnic motives, make use of the seized weaponry or even weapons of mass destruction of failed states’ conventional armies. The term hybrid war found its way into the US Field Manuals in 2011. All this indicates that the concept of the hybrid war was created and established in the USA in 2005–2011, and its formation was determined by the aspiration of the USA to explain the threats that the US army had encountered while fighting the “global war on terrorism”.

NATO’s interest in hybrid threats emerged much later than the discussions on the topic in the USA. This was determined by the relatively limited involvement of NATO in military operations in Afghanistan and Iraq. The beginnings of hybrid threats can be traced back to the Strategic Concept of NATO adopted in Lisbon in 2010 which is the key document of the organization, providing NATO objectives, assessing the security environment and defining relationship with other actors of the international system. In this document quite a lot of attention is given to new-type threats, first of all to cy-
ber-attacks, terrorism and disturbances of energetic security. In the Strategic Concept of NATO, hybrid threats are threats posed by adversaries, with the ability to simultaneously employ conventional and non-conventional means adaptively in pursuit of their objectives. It should be pointed out that NATO does not use the term hybrid war concept; however, on the basis of the experience acquired in the Afghanistan War, it names new-type hybrid threats. In 2011, NATO-initiated workshops were held in Estonia and Belgium with the aim of discussing challenges, posed by hybrid-type threats, and attempting to find ways for their neutralization. At the seminars, it was stated that the response to new-type threats must comprise political, military and civilian instruments. Most probably, the attempts of NATO to reflect upon hybrid threats limited themselves to the Strategic concept 2010 and not beyond it.

Considerations of military conflicts that took place after the Cold War were also underway in Russia. In 2013, the Chief of the General Staff of the armed forces of the Russian Federation, General Gerasimov, published an article in which he outlined his attitude towards changes and processes taking place in warfare, development of military technologies and determined directions of future research for Russia’s warfare scientists. According to the General, the nature of war has changed the line between war and peace, making it effectively disappear; nowadays wars are not declared before they start, and present-time military conflicts in Afghanistan, crisis in Libya and coloured revolutions in Arab countries clearly testify to the on-going changes in the forms of fighting. In the General’s opinion, the times of great battles and fighting by conventional military forces are gone. At present, society and not territory has become the object and goal of war; therefore, new instruments of war comprise a wide spectrum of political, economic, humanitarian, and information means in employing which, the importance of Special Forces has considerably grown. He emphasized that of late, “the significance of non-military means for achieving political and strategic aims has increased”.

Gerasimov rhetorically asked what kind an army should look and be like in the future. What kind of war should it get ready for? What weapons should it be armed with? According to him, warfare science should help deal

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47 Ibid.
48 Ibid.
49 Герасимов В., „Ценность науки в предвидении”, http://www.vpk-news.ru/articles/14632, 14 06 2015
50 Ibidem.
with these questions and the problems of the changing warfare. Military forces must be multi-tiered and ready to respond to different military conflicts. The text written by a high-ranking Russian military official confirms the fact that on the basis of the experience of Western states, high military command of Russia reflects on and perceives the changing nature of warfare. It is demonstrated by the military operation, carried out by Russia in Crimea, and by the Russian Military Strategy issued in 2014, which provides for the use of political, military, informational and non-military instruments. Russia’s most recent Military Doctrine states that military intervention can be conducted in a covert form, taking advantage of public discontent, protests and by funding and guiding the activities of political and social movements. These considerations show that in Russia, the recent experience of military conflicts is being reflected upon and analysed and attempts are made to predict the nature of the future warfare. In academic circles of warfare researchers, there is a general consensus that Russia’s military actions in Crimea were different from the Russo-Georgian War that took place in 2008; however, the question arises whether the military actions of Russia in Crimea can be called a hybrid war? We will try to answer this question in the next section.

2. Analysis of Military Actions of the Russian Armed Forces in Crimea

The only author who provided a consistent theory of the hybrid war is Hoffman; therefore, for the explanation and interpretation of the military actions executed by Russia’s army, we will use the theory of hybrid war developed by him. We should note again that Hoffman considers the hybrid war as military actions when any adversary that simultaneously and adaptively employs a fused mix of conventional weapons, irregular tactics, terrorism and criminal behaviour in the battle space to obtain desired political objectives. It should be pointed out that Hoffman does not elaborate on the features by which conventional or non-regular military actions can be categorized and divided; therefore, in this study we will employ concepts and terms given in US Army Field Manuals. In these manuals, regular forces are armed individu-

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als or groups of individuals who are members of a regular armed force, police or other internal security force. Non-conventional or non-regular forces are operations conducted by, with or through irregular forces in support of resistance movement or insurgency, or conventional military operations. We will also use these concepts to define regular and irregular way of warfare.

The actions of the Russian army in Crimea were going on in specific, characteristic of only the Crimean peninsula, conditions which determined the choice of the military operation strategy. The most important conditions were the following: favourable for Russia ethnic composition of the Crimean population and their political views, the presence of the Black Sea naval base on the territory of Ukraine and the poor readiness of the Ukrainian armed forces as well as their non-resistance to the Russian aggression.

The Autonomous Republic of Crimea on the Crimean peninsula is a sovereign territory of the Republic of Ukraine, but the population of Crimea is 2.5 million. 60 percent of the population of the peninsula are ethnic Russians; a still higher number of Russians live in Sevastopol, the city where the Russian naval base is situated. Apart from Russians, in Crimea, there are 24 percent of Ukrainians and 12 percent of Crimean Tartars. The ethnic composition created favourable conditions for Russia to instigate separatist moods. It is worth mentioning that as early as 1991-1992, quite a few of Russian politicians started doubting the legitimacy of the Ukrainian authorities on the Crimean peninsula and already in 1992, Russian separatists, encouraged by Moscow, announced the Declaration of Independence of Crimea, which was soon withdrawn; however, approximately at the same time, Russia’s Parliament voted on the transfer of the peninsula in 1954 as unconstitutional. Thus, we can see that from the very collapse of the Soviet Union, Russia started instigating separatist sentiments on the Crimean peninsula. Russia’s subversive actions on the Crimean peninsula also continued in the first decade of this century. This fact was mentioned in 2006 by the then President of Ukraine Viktor Yushchenko, Ukraine’s former Intelligence Chief Viktor Nalyvaichenko, and Ukrainian journalists.

53 Army special operation forces unconventional warfare, FM3-05.130 1 – 4, https://fas.org/irp/doddir/army/fm3-05-130.pdf, 28 05 2015
54 Ibid.
55 Ibid.
56 Jekelįyk S., Ukraina modernios nacijos ginimas, Vilnius, 2007, p. 309
Crimean peninsula. The official task of Russian special services in this region is not only counterintelligence in seeking to protect the Sevastopol military base, but also collection of information on the military, political, economic and social situation in Crimea as well as instigation of pro-Russian and separatist attitudes through pro-Russian public organizations and the mass media.\textsuperscript{58}

The Russian Black Sea naval base located on the Crimean peninsula is an object of utmost strategic importance that provides access for the Russian fleet to the Black and the Mediterranean Seas. This base has a significant symbolic meaning testifying to Russia’s military victories during the Crimean War and World War II\textsuperscript{59}. In 1997, the Treaty of Friendship between Russia and Ukraine was signed, according to which the lease on the Russian Navy’s military base in Ukraine was extended until 2017, yet having become the president, Viktor Yanukovich extended this term until 2042.\textsuperscript{60} The legal status of this treaty remains controversial since, according to Article 16 of the Constitution of Ukraine, the presence of foreign military bases on the territory of Ukraine is prohibited. This has been mentioned on several occasions by Arseniy Yatsenyuk.\textsuperscript{61}

The Black Sea Fleet base also affected the ethnic and social structure of the Crimean peninsula. Russian citizens that are called up for mandatory military service or officers who have graduated from military institutions come to the peninsula, do their military service and afterwards stay in Crimea.\textsuperscript{62} In Sevastopol, there is the Black Sea Branch of Moscow University where former officers of Russian special services work as teachers, and young graduates stay to work in the mass media operating in Crimea or in state institutions of the Autonomous Republic of Crimea. There is also a wide circle of political and non-governmental organizations supported and financed by Russia which are united by the Russian Community of Crimea established in 1991. This organization is a kind of umbrella which, through political, economic and social networks brings together 25 non-governmental organizations comprising 15,000 members. The major Russian organizations operating in Crimea are the people’s front Sevastopol-Crimea-Russia, the youth organization Proryv, the Eurasian Youth Union and Nashi. In 2006, the Ukrainian authorities prohibited the activity of the first two organizations because of the terrorist nature of

\begin{itemize}
\item \textsuperscript{58} Ibid., p. 303
\item \textsuperscript{59} Jekelčyk S., \textit{Ukraina modernios nacijos gimimas}, Vilnius, 2007 p. 309 - 310
\item \textsuperscript{60} Karagiannis E., „The Russian interventions in South Ossetia and Crimea compared: military performance, legitimacy, goal“, \textit{Contemporary Security Policy}, 35:3, 2014 , p. 407
\item \textsuperscript{61} Roslycky L., “Russian smart power in Crimea: sowing seeds of thrust”, \textit{Southeast European and Black Sea Studies}, 11, 2011, p. 302.
\item \textsuperscript{62} Bartles C., McDermott R., „Russia military operation in Crimea“, \textit{Problems of Post-Communism}, 61:6, 2014, 46 - 63
\end{itemize}
their activity. Seeking to increase the number of Russian citizens in Crimea and find a pretext to justify a possible military aggression, Russia started pursuing an active policy of granting citizenship in Crimea. In recent years, the Russian citizenship could be granted and passports issued to up to 170,000-200,000 people of Crimea and East Ukraine.

The collected data indicates that Russia’s military infrastructure (military bases on land, military naval and air ports) on the peninsula of the Russian Crimea provided favourable conditions to transport Russian army units to the Crimean peninsula and operate from it, whereas the attitudes of the Crimean population favourable to Russia created a “friendly” atmosphere and helped the Russian army to occupy the Crimean peninsula without major military clashes. The fact the Ukrainian military forces were poorly prepared and inadequately armed, not trained and not ready to show resistance was also useful for Russia; therefore, the probability of resistance was low. Russian intelligence services were aware that after Yanukovych became Ukraine’s President in 2010, the cooperation between Ukrainian and Russian defense and security structures became more intensive; thus, it is reasonable to assume that Russia had information about the situation in the Ukrainian army. Besides, when the military operation started, Ukraine’s police units in the Crimea, subordinate to Kiev, only observed how rallies were going on, roads were being blocked and government buildings were being seized, yet they did not take any action. These factors determined the character of the actions of the Russian armed forces in Ukraine.

The actions of regular military forces, related to the military operation in Crimea, started on February 26, when the Russian Federation’s Western and Southern Military Districts launched a military exercise in which 150,000 troops participated. This exercise had political and military objectives. The political goal of Russia was to demonstrate resolve to defend its interests in Ukraine by military means and dissuade any external forces from a possible intervention. Under the pretext of military exercises near the border of Ukrai-

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63 Roslycky L., „Russian smart power in Crimea: sowing seeds of thrust“, Southeast European and Black Sea Studies, 11, 2011, p. 303
65 Gotz E., „It’s geopolitics is stupid: explaining Russia’s Ukraine policy“, Global Affairs, 1 – 1, 2015, p. 4
69 Ibid.
ne, military forces were amassed so that, in case the Ukrainian forces showed resistance, they could provide support for Russian military units in Crimea.

The activity of the Russian Special Forces on the Crimean peninsula started on February 21, after the President Ukraine Yanukovych fled the country. Then, taking advantage of the increased level of military readiness due to Sochi Olympic Games\textsuperscript{70}, the 3\textsuperscript{rd} Special Forces Brigade of the Main Intelligence Directorate of the General Staff of the Russian Federation was transported to the 810\textsuperscript{th} Marine Brigade based in Sevastopol; following negotiations with the Crimean politicians, the troops of this Special Forces brigade alongside the officials of the Main Intelligence Directorate of the General Staff of the Russian Federation started to instigate and organize pro-Russian rallies directed against the Ukrainian authorities\textsuperscript{71}. The favorable demographic situation of the Crimean population, their political views as well as the decision of the Ukrainian authorities to abolish the status of Russian as an official language contributed to the instigation of these rallies\textsuperscript{72}. The rallies were aimed at instilling the idea that the democratically elected President Yanukovych had been overthrown in an illegal way and Russian speakers in Crimea were facing a threat.\textsuperscript{73}

On February 27–28, with the rallies still going on, units of the Special Forces of the Main Intelligence Directorate disguised as civilians and operating together with pro-Russian population, irregular and criminal groups, seized the strategic objects: the Parliament of Crimea and the buildings of the Council of Ministers in Simferopol, Simferopol international airport and Belbek airport, the TV station, Ukrainian air defense installations, and blocked the military units deployed in Crimea as well as the Ukrainian naval base in Balaklava bay.\textsuperscript{74} They cut off lines of communications and disrupted radio and Internet connection.\textsuperscript{75} They established control and check points on major roads leading to the Crimean peninsula near Dzhankoy and Armyansk\textsuperscript{76}. These acts, by faking discontent of the Crimean population, were carried out by the troops of the 2\textsuperscript{nd}, the 3\textsuperscript{rd}, the 10\textsuperscript{th}, the 16\textsuperscript{th} and the 22\textsuperscript{nd} Brigades of the Special Forces units of the Main

\textsuperscript{70} Gorenburg D., Crimea taught us a lesson, but not how the Russian military fights, www.warontherocks.com, 05 07 2015
\textsuperscript{72} Ibid.
\textsuperscript{73} Ibid.
\textsuperscript{74} Karagianis E., „The Russian interventions in South Ossetia and Crimea compared: military performance, legitimacy and goals“, Contemporary Security Policy, 35:3, 2015, p. 409
\textsuperscript{75} Bartles C., McDermott R., „Russia military operation in Crimea“, Problems of Post-Communism, 61: 6, 2014, p. 63
\textsuperscript{76} Karagianis E., „The Russian interventions in South Ossetia and Crimea compared: military performance, legitimacy and goals“, Contemporary Security Policy, 35:3, 2015,p. 408
After these actions of the Russian Special Forces, the Crimean peninsula was cut off from the communication with the continental part of Ukraine and got de facto under control of the Russian army.

On February 28, by airlift and sea transportation, additional military forces were deployed to Crimea, the servicemen of which soon got to cities and were later referred to as “green men” by the mass media. Research by Western scientists indicates that it was airborne divisions related to the Russian Rapid Reaction Forces that were transported to Crimea: the 7th (deployed in Novorossijsk), the 76th (deployed in Pskov) and the 31st (deployed in Ulyanovsk). A little later, a still larger contingent of military units suitable for conventional fighting was brought to Crimea: the 727th Separate Marine Brigade, the 291st Artillery Brigade and the 18th Motor Riflemen Brigade. These military forces had to deter the Ukrainian army from making attempts to launch military actions against the Russian army.

Shortly after that, no insignia bearing Russian servicemen, who would suddenly appear on the streets of Crimea and around the most important strategic objects, were used to create an image that these were peaceful forces seeking to protect the population of Crimea from the reigning chaos. (This had been caused by military formations and criminal elements controlled by Russia itself.) At that time, the mass media showed sights where the “green men” took pictures with women and children, helped civilians, behaved politely and did not loiter in streets. In addition to the military function, the role of the “green men” had a representative function and fulfilled Russia’s ambition to shape the opinion in the information space that military forces had been deployed to protect Russian-speaking population from the reigning chaos. Meanwhile, the Ministry of Foreign Affairs of Russia denied that Russian troops were involved in military actions on the Crimean peninsula.

The activity of non-regular military formations, criminality and the actions of criminal actors comprise the second and third aspects of Hoffman’s concept of the hybrid war. During the occupation of Crimea, the actions of non-regular formations and criminal elements were closely integrated with the actions of Russian Special Forces troops and intelligence officials, and it was Russia’s military authorities that controlled the activities of these forma-

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78 Ibid., p. 8

This aspect slightly complicates the application of Hoffman's theory of the hybrid war since, according to Hoffman, criminal activities are intended to cause disorder and total chaos within the zone of military actions\textsuperscript{81}, whereas the aim of irregular formations and criminal gangs that operated during the occupation of Crimea was the assault on strategic objects and not the infliction of total chaos. However, it should be noted that in legal terms, irregular military formations and criminal groups should be qualified as illegal military structures acting on the territory of Ukraine\textsuperscript{82}, while the actions carried out by them may be treated as actions of illegal coercion executed by actors having no legal authorization\textsuperscript{83}. Thus, the operation of these groups can be considered a crime; but we should point out that their actions only partly match the concept of the hybrid war suggested by Hoffman.

In public discourse, the term Crimean self-defence units was widely used to define non-regular military formations, but they were composed of groups comprising different people: employees of private security agencies\textsuperscript{84}, Kuban Cossack formations\textsuperscript{85}, veterans of the Afghan and Chechen Wars\textsuperscript{86}, members of the Night Wolves biker club\textsuperscript{87}. The spectrum of actions of the mentioned groups is particularly wide, quite often involving activities characteristic of non-regular military formations and criminal gangs. Crimean Cossacks alongside Russian special operations forces and employees of security firms stormed the building of the Crimean Parliament\textsuperscript{88}, Simferopol airport and other strategic objects on the Crimean peninsula\textsuperscript{89}. A little later, they illegally detained, kidnapped and tortured pro-governmental activists Andrei Schekun and Reshat Akhmetov\textsuperscript{90}, established illegal check points and checked people

\textsuperscript{80} Jane's Intelligence Review, „The rising influence of Russian special forces”, http://www.janes360.com/images/assets/299/46299/The_rising_influence_of_Russian_special_forces.pdf, 12 07 2015
\textsuperscript{81} Hoffman F., Conflicts in the XXI century rising the hybrid warfares, Virginia. 2007, p. 29
\textsuperscript{84} Karagianis E., „The Russian interventions in South Ossetia and Crimea compared: military performance, legitimacy and goals”, Contemporary Security Policy, 35:3, 2015, p. 408
\textsuperscript{85} Wright W., „Meet the cossaks wolves, doing Russia’s dirty work in Ukraine“, http://time.com/95898/wolves-hundred-ukraine-russia-cossack/, 30 05 2015
\textsuperscript{86} Thomas T., „Russia’s military strategy and Ukraine: indirect, asymmetric – and Putin led”, Journal of Slavic Military Studies, 28:3, 2015, p. 455
\textsuperscript{88} Ibid.
\textsuperscript{89} Rač A., Russia’s hybrid warfare in Ukraine: breaking enemies will to resist, http://www.fiia.fi/en/publica-
tion/514/russia_s_hybrid_war_in_ukraine/,
\textsuperscript{90} Ibid.
and vehicles, disrupted the work of journalists. Crimean Cossacks maintained close relations with the Russian organizations ‘Proryv’ (Sally), the Eurasian Youth Union and ‘Nashi’ (Ours). As previously mentioned, the activity of the first two organizations was prohibited in 2006. Members of the Night Wolves biker club, which is close to the Russian President, attacked the objects belonging to the Ukrainian Navy in the city of Sevastopol.

Alongside the non-regular formations, criminal gangs that connected with the future Prime Minister of Crimea Sergey Aksionov were also operating. In the 1990s, Aksionov was a member of the criminal organization Salem acting on the Crimean peninsula. The activity of this criminal gang is related to racketeering and smuggling through the port of Sevastopol. Later, Aksionov got involved in the process of privatization, and in 2010 he engaged in the political activity of the party United Russia. During the occupation of Crimea, a 700-man strong battalion subordinate to Aksionov was formed on the basis of criminal elements and the mentioned party and participated in military actions.

The data collected indicates that the activity of non-regular criminal groups was a very significant constituent of the military operation that provided conditions for Russia to act unexpectedly disguise military actions and form a favourable role concerning the information about the events in Crimea. While operating in the background of demonstrations and rallies taking place in Crimea, these gangs stormed and seized the most important strategic objects, faked a threat to the Russian-speaking population; all this was followed by sending in conventional military forces. In terms of tactics, the activities of irregular formations complicated a possible response from the Ukrainian police, because the use of police force against the alleged Russian-speakers could provide a pretext to send in Russian armed forces. The activity of these groups on the territory of Ukraine was illegal, but the character of their criminal activity does not match Hoffman’s concept of the hybrid war. Due to political motives of the criminal activity, this activity is more similar to terrorist acts, which Hoffman considers to be the fourth feature of hybrid war. Despite many existing definitions of terrorism, a generalized definition of terrorism may be considered an intentional use of violence against civilians or

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92 Roslycky L., „Russian smart power in Crimea: sowing seeds of thrust“, Southeast European and Black Sea Studies, 11, 2011, p. 303
93 Wright W., „Meet the cossaks wolves, doing Russia’s dirty work in Ukraine“, http://time.com/95898/wolves-hundred-ukraine-russia-cossack/, 30 05 2015
civilian targets in the pursuit of political goals. According to Egdūnas Račius, peacetime attacks against power structures of one's state can, in exceptional circumstances, be qualified as terrorist attacks, yet only in those cases when these actions have clear political motivation and aspiration to change the social or political system of the state. There were no major terrorist acts during the occupation of Crimea, but in certain actions, carried out by non-regular military formations and criminal gangs, some evidence of terrorist activities could be detected when the aim, under the threat of violence, is to change the political leadership of the state. The capture of pro-Ukrainian political activists and threats to the representatives of the national minority of Crimean Tartars can be attributed to such actions. However, actions of this character did not gain wider scope; besides, it is unlikely that they could have become means to attract public attention and announce political demands or declarations. These actions should be treated as the activities of criminal or irregular groups intended to threaten political opponents and restrict their behaviour.

Having analysed Russia's military actions on the basis of Hoffman's concept of the hybrid war, we can state that actions executed by Russia completely correspond to two aspects of the theory of the hybrid war as formulated by Hoffman: the activity of conventional military forces and irregular military formations. Meanwhile, the character of the activity of non-regular criminal groups and poor evidence of terrorist activity in Crimea differed from the provisions established in Hoffman's concept of hybrid war. This means that the theory of the hybrid war can only partly explain the actions of the Russian army during the occupation of Crimea.

It is important to point out that the specific features characteristic of the Crimean peninsula and determining the choice of the type of the military operation contributed more to the success of the military operation than the theory popular in the West of the hybrid war, on the basis of which through the experience of the last two decades attempts are made to define Russia's military actions in Crimea. The concept of hybrid war was created on the basis of the concrete experience of military conflicts in Afghanistan, Iraq and Lebanon; yet, because of the differing circumstances of the aforementioned conflicts, this concept can-
not be applied to explain the military actions in Ukraine. Therefore, in order to learn a lesson from the scenario of the occupation of Crimea and predict future threats, we should better understand not only the new tendencies of warfare but also conditions, possibilities and mechanisms of Russia’s geopolitical spread to the Baltic States based on which new threat scenarios may be constructed.

Conclusions

Geopolitical changes in the world that occurred at the end of the 20th century essentially transformed the security environment and forced Western states to get involved in a new type of asymmetric military conflicts with non-state actors, terrorist organizations and criminal syndicates. New-type threats, variety of military conflicts and the search for an effective response require reconsideration, generalization, and assessment of the most recent military experience and formulation of theoretical concepts that would help prepare and operate effectively within the zone of military conflicts. These conditions led to the formulation and establishment of new military theories, including the theory of hybrid war.

The theory of the hybrid war developed by Hoffman includes four aspects: conventional forces, non-regular tactics, terrorism and criminal acts within a single battle space. Having analysed Russia’s military actions in Crimea, we can state that they correspond to only two aspects of Hoffman’s theory of hybrid war. During the military operation, Russia employed conventional military forces and non-regular military formations, but the character of crimes committed by criminal actors as well as scarce evidence of terrorist actions differed from those defined in Hoffman’s theory.

Our comprehensive study of Russia’s military actions in Crimea raises doubts about the analytical value of Hoffman’s theory of hybrid war, since the essential fact in choosing the mode of military operation was the specific conditions characteristic of the Crimean peninsula, taking advantage of which the military operation was executed. Therefore, in attempting to forecast possible military conflicts in the post-Soviet space and seeking to better understand future threats, we should analyse not only the newest warfare theories, but also thoroughly study political, economic, social and military conditions that can provide a basis for the opponent to make military interventions or destabilize the situation in the Baltic States.

Vilnius, June – August 2015
The Perception of National Security in Georgia

This article examines how the on-going confrontation between Russia and the West affects perceptions of security in Georgia. Our angle is twofold: in addition to comparing previous National Security Concepts of Georgia we examine both governmental and public perceptions of security in the light of Georgia's foreign policy priorities, its relationship with neighbouring countries and conflict resolution policy. Since Georgia declares 20 per cent of its territory to be occupied, the article focuses particularly on the crisis in Ukraine and its effect on security debates in Georgia. As the upcoming parliamentary elections in Georgia in autumn 2016 are highly important to maintain the current foreign policy course and secure achievements, the paper also tries to answer how these global and regional developments may be interpreted and reflected in the next National Security Concept of Georgia (whenever it might be published).

Introduction: Security Landscape of Georgia

Shortly after the dissolution of the Soviet Union and the re-establishment of independent Georgia, the new state has found itself in an extremely unpredictable and volatile internal political situation. Wars in Abkhazia and South Ossetia, and the civil war in Tbilisi in the early 1990’s, consumed the high hopes of ordinary citizens for a peaceful and better life. Besides psychological relevance, the problem of the internally displaced persons (IDPs) also...
burdened the state budget. Parallel to armed conflicts and consolidation of the central power, Georgia underwent another painful process – transformation from a planned to a market economy – which resulted in widespread poverty and a steep fall of all macroeconomic indicators. Throughout the 1990s the Georgian government’s main task was to reach economic stability, create a favourable investment climate and functioning institutions of the economy, and firmly integrate into the world market. Even if the 2000s brought relative economic stability, most of the key problems stayed in the new century: rampant corruption, high crime rate, state’s inability to deliver basic social services, and the failure to bring democracy. Disenchantment of the population with the governing regime and the fragmentation of the political elite resulted in the euphoric Rose Revolution in 2003 and the ouster of President Shevardnadze.¹

Securing positive developments in the economy, boosting investments, eliminating corruption and strengthening the state’s capacity were domestic priorities of the new government led by Mikheil Saakashvili. Despite achieving many of these goals, the government did not manage to transform economic growth into welfare, leaving mass poverty and unemployment intact; elimination of petty bribery at the expense of granting unchecked power to security and law enforcement agencies resulted in the culture of fear and public resentment towards the government; and on top of these, the country engaged in a war with Russia in 2008 and lost, which led to the Russian recognition of the statehoods proclaimed by Abkhazia and South Ossetia earlier. These are some of the key factors leading to the convincing victory of the Georgian Dream party in the 2012 parliamentary election, which effectively ended the rule of Saakashvili’s United National Movement (UNM).

When the Georgian Dream came to power in autumn 2012, its critics from UNM raised concerns that the new government would pursue normalization of relations with Russia at the expense of pro-Western foreign policy. Contrary to this criticism, the Georgian Dream coalition proved its strong commitment to pro-Western orientation by adopting in March 2013 the bipartisan parliamentary Resolution on Basic Directions of Georgia’s Foreign Policy.² The document underlined the importance of having strong, stable and developing relations with the “US-NATO-EU triangle”. Cooperation with

the US is based on the Charter on Strategic Partnership from 2009. It traces back to 1992, substantially deepened after 2003, and since 2008 the sides work within the framework of the NATO-Georgia Commission (NGC), the forum where both political and practical tasks are discussed and supervised.

The pro-Western foreign policy orientation of Georgia has a two-decades-long history; it was not Saakashvili but Eduard Shevardnadze (from 1992 the head of the country’s governing council, and president from 1995 until 2003) who first turned his country towards the West. His successor, Saakashvili, secured this course in part due to his exceptionally good personal relations with many officials in the U.S. government and the Congress. Disregarding the Russian insecurity about having a new NATO member on its southern border, Saakashvili’s Georgia prioritized membership in the military alliance, seeing it as the best way to achieve security and solve the territorial problems. Georgia went above and beyond, for example, contributing the highest number of soldiers (among non-member states of NATO) to the ISAF mission in Afghanistan. In addition, it also participates in the EU missions in Central African Republic and Mali. Nonetheless, to date Georgian efforts were met with mostly with statements acknowledging the progress Tbilisi has made toward becoming a member of NATO, and not membership itself (which in fact was promised already in 2008 NATO Bucharest Summit).

Georgia also pursues membership in the European Union. The EU is important to Georgia both for economic and strategic reasons. According to the latest figures, the EU accounts for 31% of Georgia’s total trade. The EU single market plays a huge role in diversifying Georgia’s foreign trade and allows Tbilisi to diminish economic dependence on Moscow and mitigate security risks emanating from such dependency. Amid strong Russian opposition Georgia signed an Association Agreement (including the Deep and Comprehensive Free Trade Agreement - DCFTA) with the EU in June 2014, and the Georgians expect to start traveling visa-free in Europe’s Schengen zone in the coming months. Many Georgian decision-makers believe the visa-free travel

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3 http://www.state.gov/p/eur/rls/or/121029.htm
4 “United States-Georgia Charter on Strategic Partnership”, U.S. Department of State, Bureau of European and Eurasian Affairs, January 9, 2009.
5 Georgia has been assisting ISAF since 2004 and committed to support the post-2014 mission as well. In the peak of its contribution in October 2013 Georgia had 1560 troops deployed (in Helmand Province and Kabul), what made the country not only the biggest non-NATO member but also the fifth largest contributor overall.
7 According to National Statistics Office of Georgia.
and the future membership of Georgia in the EU (which implies fast improvement of economic conditions) would work as a magnet for Abkhazia and South Ossetia, encouraging them to reconcile and reintegrate with Georgia.

The Georgian Dream’s normalization policy towards Russia was the key novelty in the country’s foreign and security affairs, without questioning the prioritization and prolongation of the Euro-Atlantic choice. It served to minimize the hostile bilateral attitudes between the countries, an effect of the 2008 war. The new Georgian government persuaded the northern counterpart to lift the ban on Georgian agricultural products (which led to the rise of Russia’s share in Georgian trade) and re-establish regular flights between the two capitals. However, the ‘red lines’ between Tbilisi and Moscow – hampering full-fledged normalization instead limiting it – are still in place. The first red line is Georgia’s European choice, which undermines Russia’s Eurasian project aimed at consolidating Moscow’s influence in the post-Soviet space and competing with key global actors, first and foremost with NATO and EU. The second red line is the Russian recognition and support of Abkhazian and South Ossetian statehood, which runs contrary to Georgia’s understanding of its sovereignty and territorial integrity.

The Georgian approach towards Abkhazia and South Ossetia is an engagement without recognition while the Russian is an engagement with recognition but without incorporation. The latter means that Russia has become the ultimate guarantor of the security of the two entities after the 2008 war, while prior to the war was also distributing Russian passports to Abkhazians and South Ossetians (this policy which is known as “passportizatsiya”). Moreover, Russia provides the bulk of both de facto states’ national budgets. It has been rising over the years and currently it amounts to 70% in Abkhazia’s budget and 90% in case of South Ossetia.

The current National Security Concept of Georgia (2011) reflects the point that sovereignty and restoration of territorial integrity are number one priorities, while the Law on Occupied Territories (2008) leaves no question that these territories are Georgian and that Russia is the aggressor. The 2010 State Strategy on Occupied Territories offers a corrected and less restrictive approach. Yet, the overarching goal stays the same: “The Strategy is part of Ge-

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orgia’s overarching determination to achieve the full de-occupation of Abkhazia and South Ossetia, reverse the process of annexation of these territories by the Russian Federation, and peacefully reintegrate these territories and their populations.”

De-occupation, restoration of territorial integrity and pro-Western orientation still represent the pillars of Georgia’s foreign and security agenda. However, since 2011, when Georgia published its latest National Security Concept, significant changes have happened both within the country and in the immediate neighbourhood. First, the Georgian Dream’s normalization attempt with Russia is a significant departure from an openly hostile rhetoric that the UNM government employed vis-a-vis Moscow. The current approach aims at decreasing the possibility of armed conflict by accommodating some of the Russian interests, or at least, not provoking additional tensions with the neighbor. Second, political polarization has increased in the country and relations with Russia in particular, but also wider foreign and security policy, have become key points of disagreement and debate among the two biggest political parties: Georgian Dream and United National Movement. Such polarization affects the public attitudes, which have evolved since 2011 and have made the NSC somewhat outdated. Third, the Russian intervention in Ukraine, ongoing since early 2014, has re-energized the national security debates in Georgia and affected public opinion which should perhaps lead to reassessment of both NSC 2011 and the current government’s security policies. Fourth, all of the above mentioned changes have led to another question: how to keep the speed of development of the chosen foreign policy orientation given the fact that Georgia is performing well however getting everything but membership perspective in NATO and the EU; and, how to legitimize its drive if the country is doing more but not getting more in return? These are the key reasons behind this article’s goal to explore the evolution of national security perceptions in Georgia and the factors shaping them.

Following the introductory overview of Georgia’s internal and external security environment, we address how the government’s perception of national security evolved in the past decade. The analysis is based on the comparison of two key official documents: National Security Concepts (NSC) of 2005 and 2011. Afterwards we review public opinion polls to learn about public perception of security issues as opposed to those of governing elite. In the final part we discuss the effects of Ukrainian crisis on the security perceptions in Georgia, as an example of external dynamics shaping domestic views on security.

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10 Ibid. p. 1.
1. The National Security Concepts of Georgia, in Comparative Perspective

The first National Security Concept of Georgia was adopted in July 2005 while the second one was adopted in December 2011. In spite of having an almost identical structure, the two documents differ significantly in their tone and focus. The major changes revolve around Russia; this is not surprising, because the August 2008 war had an immeasurable impact on Georgian security environment and led to re-evaluation of threats and priorities.

NSC 2005 ranked the presence of Russian military bases on the territory of Georgia as a lower security risk than international terrorism, which seems like a huge underestimation in retrospect. Based on the Russian promise to remove the military bases from Georgian territory, the 2005 Concept assumes that the Russian military bases are “no longer a direct threat to Georgia’s national security.”\(^{11}\) Other security risks, such as organized crime groups, paramilitary formations, possibility of conflict spill-over from North Caucasus through Abkhazia and South Ossetia, get more attention in the NSC 2005 than potential Russian military attack. In fact, the document states that “the likelihood of an open military aggression against Georgia is low.”\(^{12}\)

Instead, the 2005 document aspires to friendly relations with all neighbours, which also includes Russia, even if not explicitly mentioned. One can easily notice in the tone and content of NSC 2005 “the overall optimism of the new, pro-Western leadership that came to power with the Rose Revolution in 2003. Hence, according to the 2005 document the Tbilisi government perceived neither the separatist conflicts in Abkhazia and South Ossetia, nor Russia as serious military threats anymore.”\(^{13}\) In general, NSC 2005 emphasizes soft security risks, while hard security is given little attention. For example, state-building and strengthening of democratic institutions and economy take more central role in the document than the territorial conflicts, although the Concept emphasized the need for a peaceful settlement vis-à-vis the separatist territories.

NSC 2005’s benign view of Russia is nowhere to be found in NSC 2011. Instead, it identifies Russian military aggression and occupation as the top

\(^{11}\) National Security Concept of Georgia, 2005
\(^{12}\) National Security Concept of Georgia, 2005
threat and risk to national security. The ending of the Russian occupation of Abkhazia and South Ossetia is listed as the number one priority. The document also provides a broader picture for evaluating the threat emanating from Russia:

In the light of the 2014 Ukraine crisis, the NSC 2011 turned out to be rather prophetic when stated: ‘Russia’s disrespect for the sovereignty and territorial integrity of states – and its attempts to change the European and Euro-Atlantic security architectures and restore the principle of “spheres of interests” – endanger not only Georgia, but also all states that are neighbors of the Russian Federation as well as European security in general.’ Though at the time when the NSC was adopted in December 2011, such an assessment was probably intended to serve mostly domestic political objectives, particularly in the light of the approaching 2012 parliamentary elections, finally it turned out to be more than accurate.14

Other changes that are not directly about Russia still provide additional layers for understanding how Tbilisi started to view Moscow after the 2008. For instance, the chapter on national values “sovereignty and territorial integrity” replaced the term “independence” to underscore the vital importance of indivisibility of the country within the constitutionally recognized borders. 2011 NSC further specified the definition of this national value - sovereignty - by including “forcible change of country’s foreign policy,” as a breach of Georgia’s sovereignty:

Such a modification does not only reflect the impact of the war with Russia. By including foreign policy orientation as a decisive element of state sovereignty, the authors of the document hinted at what they believed the Russian motive behind the aggression was. Ever since August 2008, the government had been reiterating that Russian aggression meant to derail the process of Georgia’s integration with the West.15

The National Security Concept of 2011 paid much stronger attention to questions of hard security. This difference is quite visible in the assessment of Western actors’ role in Georgia’s security. If the first National Security Concept views NATO membership in terms of facilitator of Georgia’s internal reform processes, the second, updated, Concept focuses on upgrading the country’s defense capabilities through cooperation with NATO and acquiring certain security guarantees through membership in the Alliance. In case of the European Union, NSC 2011, in contrast to the original Concept of 2005, expects from the EU, “as the mediator of the Russian-Georgian Ceasefire Agreement of August 12, 2008 [to] exercise effective influence on the Russian Federation to fulfill the norms of international law and the international obligations it has undertaken.”16

15 Ibid. p. 185
16 National Security Concept of Georgia, 2011
2. The National Security Concept and Public Opinion

Even though a country’s foreign policy orientation and goals may be congruent with those of the public, a strategic document of a given country, such as a National Security Concept, should not necessarily mirror them. It is considered to be a long term vision of the country’s security – and as such, constructed by the elites. Georgian foreign policy is considered to be elite driven, so it is the elite that predominantly defines the needs and priorities.\(^{17}\) Yet, the identity and perceptions of the population do shape foreign policy, thus, one may found it a legitimate component as well. Security is featured as a number one issue for Georgians in the public opinion polls conducted after 2008 August war between Georgia and Russia. In the 2008 Caucasus Barometer survey conducted three months after the war, territorial integrity and relations with Russia were perceived to be two top issues facing the country, jobs following them on the third place. Over time, the issue of unemployment became number one issue while the national security concerns have faded. Already in 2011, at the time of NSC publishing, 55% considered unemployment as the single most important issue, while only 12% answered territorial integrity.\(^{18}\) In 2015, not only unemployment (45%), but also economic development (17%) as an issue surpassed territorial concerns (14%) as the main problem facing Georgia.\(^{19}\) Devaluation of Georgian Lari, which was occurring for the most of 2014 and 2015, could be the reason for the rising importance of economic concerns for the public.


\(^{18}\) “Caucasus Barometer 2011 Georgia”, public opinion poll, The Caucasus Research Resource Center (CRRC), Tbilisi, Georgia.

\(^{19}\) “Public Opinion Survey: Residents of Georgia”, public opinion poll, International Republican Institute, 2015.
Figure 1 illustrates this decline of concern over territorial integrity.\textsuperscript{20} If in 2009 jobs and territorial integrity are virtually in the same 50-60 percent region, in 2015 the latter falls well behind the former as well as other economic concerns: rising prices and poverty. Slight uptick at the end of 2013 and beginning of 2014 could be explained by the Russian activities of erecting border fences to separate South Ossetian territory from the rest of Georgia. The so-called “borderization” gained much media attention around the fall of 2013, which coincides with the brief upwards trajectory of territorial integrity in the graph above.

NSC 2011 viewed NATO primarily as a guarantor of national security and regional stability and expected the EU to pressure Russia into fulfilling its obligations of 2008 ceasefire agreement and in a more general terms, play more active role on the conflict settlement process. The public, just like NSC 2011, views NATO predominantly as a military organization. The most common expectation respondents have from the membership in the Alliance is

\textsuperscript{20}“Public attitudes in Georgia: Results of April 2015”, public opinion poll, \textit{National Democratic Institute}, The survey was carried out for NDI by CRRC Georgia.
greater security for Georgia, mentioned by 57%, according to the latest polls from 2015. But not as many are sure that the membership will improve Georgia’s chances to restore territorial integrity (16%) or that it will protect Georgia from Russia (9%). This discrepancy could suggest two assumptions. First, many people may be aware of the fact that deepening relations with NATO means a better trained and armed Georgian army. The trainings with NATO armies are a massive added value and investment into the future of the national army and yet, it obviously would not be enough to counter Russia if it comes to that. Second, while Georgians do not generally believe that NATO forces will fight the Russia’s to defend Georgia, the country’s membership in the North-Atlantic Alliance will provide enough reason to the Kremlin not to attack the neighbor. Membership in NATO prevents potential Russian military intervention and makes Georgia more secure than it is now.

Attitudes towards the EU are somewhat different. In 2009, 33% of respondents believed that the EU membership would significantly increase possibility of restoring territorial integrity. However, over the years, the figure declined to 6% in 2015. A similar downward trend can be noticed in the questions where CRRC replaced “possibility of restoring territorial integrity” with “level of national security” from 34% in 2009 to 8% in 2015. This declining trend could perhaps be attributed to lack of actual progress in reconciliation with Abkhazia and South Ossetia despite deepening the level of integration with the EU. Besides, absence of any visible EU efforts in supporting the process of reconciliation could have influenced the trend. These figures run contrary to the government’s belief that closer EU integration would help the country to reintegrate these regions.

Yet, the EU as a potential contributor to Georgia’s security still retains some credibility in the Georgian public: in 2015, as a reason for supporting the country’s accession in the EU, second and third most common answers were “Georgia would be better protected from foreign threats” (23%) and “Georgia would have a better chance at achieving territorial integrity” (18%). But the reasons related to security trailed well behind the most common response that the membership in the EU would improve respondents’ economic con-

21 “Public attitudes in Georgia: Results of a November 2015”, public opinion poll, National Democratic Institute. The survey was carried out for NDI by CRRC Georgia.

22 “Knowledge and attitudes toward the EU in Georgia”, The Caucasus Research Resource Centers, 2009, Tbilisi, Georgia and Knowledge and attitudes toward the EU in Georgia, The Caucasus Research Resource Centers, 2015, Tbilisi, Georgia.
Another survey from 2015 showed that Georgian public two top expectations from the EU are economic development (26%) and visa-free movement (16%). Based on these numbers, we can assume that the next NSC will tone down the inflated expectations the NSC 2011 has regarding the EU’s security role in the country.

The polls show that the EU can be viewed as a threat, not just as contributor of Georgian security. It is impossible to find this view in the NSCs but it happens to on the rise steadily among the public. If in 2009 only 23% agreed that the EU threatens Georgian traditions, in 2011 the figure grew to 29% and already in 2015 a staggering 45% shared this idea. This trend could be viewed as confirming the intensification of Russia’s soft power and propaganda reach in Georgia aimed at, among others, supporting the spread of anti-western myths and stereotypes. NSC 2011 has spectacularly failed to notice this aspect of Russian threat to Georgia’s national security. These public surveys are good indicators that the threat of Russia is not limited to hard power and needs a more detailed focus in the new NSC.

Rising suspicions about the EU are coupled with the steep decline in popularity of the bloc as a partner. Among the respondents of the question, with whom should Georgia have the closest political cooperation, the EU had ratings in mid-sixties from 2009 to 2013, followed by sharp decline down to 49% in 2015. This is in contrast to the progress Georgia has made in its European integration process in the past few years.

Similarly to the EU, the US rating as desired closest political partner has declined significantly since 2011 from 71% to 46% in 2015. Yet, the US still maintains its position as Georgia’s most important friend with 39%. Decline of US popularity did not happen only in Georgia. According to the Levada Centre, positive attitudes towards the United States among Russians fell from

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25 “Knowledge and attitudes toward the EU in Georgia”, and “Knowledge and attitudes toward the EU in Georgia, The Caucasus Research Resource Centers, Tbilisi, Georgia, 2011 and “Georgia and Knowledge and attitudes toward the EU in Georgia”


27 “Knowledge and attitudes toward the EU in Georgia” of 2009, 2011, 2013 and 2015, CRRC, Tbilisi, Georgia

28 “Knowledge and attitudes toward the EU in Georgia” of 2011 and 2015

29 “Public Opinion Survey: Residents of Georgia”, 2015
55-60% in 2010-2011 to under 20% in 2015. Anti-American propaganda spread by Russian media with its reach in neighboring countries, especially activated after the Ukrainian Maidan and Crimea’s annexation, could be cited to explain decreasing American appeal both in Russia as well as in Georgia.

As for Russia itself, in 2011 only 4% of Georgians considered Russia to be Georgia’s biggest friend, while 51% perceived the northern neighbor as the biggest enemy. In the same year, 71% believed that Russia threatened Georgia’s security, while only 9% believed otherwise. Four years later, Russia still maintains the huge lead as the nation’s biggest enemy (76%), even though its image as the most important partner has been somewhat restored (18%).

These figures very much reflect the way the NSC 2011 portrays Russia as a key threat and enemy. However, unlike the NSC 2011, perception of Russia among the Georgians is multifaceted and even self-contradictory. For instance, according to the 2015 survey, more people would like Georgia to have the closest political cooperation with Russia (54%) than with the EU (49%) or the US (46%). Even more surprising, the figure for Russia (54%) was identical in 2009, a year after the 2008 war and at the height of very anti-Russian government in Tbilisi. It shows the disjuncture between the public’s and the government’s opinion of Russia at the time of writing the NSC 2011. The document views Russia solely as a threat to Georgian security, while public opinion polls show that fear and love can be complementary emotions when it comes to attitudes towards Moscow.

One way to interpret the discrepancy between the UNM elite’s strictly hostile attitude towards Russia and the rest of the populations ambivalent stance is to argue that after the loss of 2008 war the government struggled to maintain domestic and to an extent, international legitimacy. Its post-2008 discourse of unconditional pro-Western foreign policy and fierce anti-Russianism was devised to create a nationalist narrative, to monopolize modern Georgian identity and shape it in a way that favored the UNM’s policies and actions. In essence, it was a classic “rally ‘round the flag” strategy. As George Khelashvili, Georgian scholar of the country’s foreign and security policies, argued in 2011, “[p]aradoxically, the war of August 2008, despite Georgia’s spectacular military

31 “Caucasus Barometer Georgia”, 2011
32 “Public attitudes in Georgia: Results of a March 2011”, public opinion poll, National Democratic Institute, The survey was carried out for NDI by CRRC Georgia.
33 “Public Opinion Survey: Residents of Georgia”, 2015
34 “Knowledge and attitudes toward the EU in Georgia”, 2015
35 “Knowledge and attitudes toward the EU in Georgia”, 2009
defeat, increased the popular basis of his pro-Western and anti-Russian political rhetoric. [P]opular mobilization in the face of the Russian threat [became] one of the major political tools in the hands of Saakashvili, which helped him to remain in power. Through this narrative, the UNM then sought to marginalize political opponents. Frederik Coene and Donnacha Ó Beacháin call it “a legitimacy management strategy,” while British political scientist and observer of Georgian politics, Neil MacFarlane, explains this political intent in the following way:

Although the empirical/analytical merits of the Concept’s characterization of the threat from Russia and the risks attending that threat may be questioned, the political value of this image for the Georgian government is clear. In the domestic arena, a strong enemy image can be used to justify the concentration of power at the expense of democratic process. It also helps in the debate with the opposition. To the extent that this image is accepted by the public, it is likely to support the government in the face of a foreign threat to Georgia’s survival, as happened after Georgia’s defeat in the 2008 war. Those opponents who suggest exploring the possibility of accommodation with Russia can be caricatured as naïve or, worse, as creatures of Russia. Such accusations are frequent in Georgian political discourse.

This tactic became especially apparent in the run-up to 2012 elections, when the key point of attack against Ivanishvili and Georgian Dream was his and his party’s association with Russia. It is interesting to note that the 2011 NSC, which contained all the major tenets of the aforementioned national narrative, was adopted in late December 2011, just a few weeks after Ivanishvili declared about his intention to challenge Saakashvili in the 2012 elections and established his Georgian Dream political movement, which later turned into political party.

Apart from containing diverse and conflicting viewpoints, Georgians’ perception of Russia and its role in the country’s security has been dynamic and changing over the past years. Figure 2 shows that prior to the 2012 elections, when the Georgian Dream coalition came to power, almost half of the respondents believed Russia to be a real and existing threat. The United National Movement applied this narrative quite liberally, trying to cast out the

36 George Khelashili, “Georgia’s Foreign Policy Impasse: Is consensus crumbling?” PONARS Eurasia Policy Memo No. 187, September 2011
37 Donnacha O Beachain & Frederik Coene, Go West: Georgia’s European identity and its role in domestic politics and foreign policy objectives, Nationalities Papers: The Journal of Nationalism and Ethnicity, 42:6, 923-941
opposition. “Georgian Dream was depicted as a willing pawn of the Kremlin’s larger geopolitical design to dominate Georgia and re-orientate the country away from the West and toward Russia,” write Coene and Ó Beacháin, “[but] the charge that Ivanishvili was a fifth columnist, however, never achieved the traction necessary to be a game-changer, not least because no hard evidence was produced to sustain the allegation.”

The narrative quickly changed after the elections when the new government tried to take a more moderate and pragmatic stance towards Russia. The elite’s approach apparently affected the public mood as well: share of people perceiving Russia as an existing threat significantly diminished, until the beginning of 2014, which can only be explained by the Ukrainian events. In March 2014 Russia annexed Crimea and soon after that manufactured a whole new separatist war in Donbas, yet another one in the region. Many in Georgia see direct parallels between the situation in Ukraine and in Abkhazia and South Ossetia; hence the feeling of continuous Russian aggression and threat.

Figure 2. Whether Russia is a threat to Georgia, 2015
Source: National Democratic Institute

The narrative quickly changed after the elections when the new government tried to take a more moderate and pragmatic stance towards Russia. The elite’s approach apparently affected the public mood as well: share of people perceiving Russia as an existing threat significantly diminished, until the beginning of 2014, which can only be explained by the Ukrainian events. In March 2014 Russia annexed Crimea and soon after that manufactured a whole new separatist war in Donbas, yet another one in the region. Many in Georgia see direct parallels between the situation in Ukraine and in Abkhazia and South Ossetia; hence the feeling of continuous Russian aggression and threat.

40 Ó Beachain & Coene, Go West, p. 935
3. The Ukrainian Crisis in the Georgian Debates on National Security

Ukraine has always been one of Georgia’s closest partners. This tie became even stronger during the presidencies of Mikheil Saakashvili and Viktor Yushchenko in the second half of the 2000s. Many Georgians live and work in Ukraine and many Ukrainians tourists visit Georgia every year. Therefore, it is not surprising that, first, the Maidan demonstrations, and then Russian military intervention in Ukraine, in the beginning of 2014 found significant reverberation in Georgia both among public and the political elite.

When it became apparent in the beginning of March 2014 that Russia was undertaking a military operation in Crimea, the key officials in the Georgian government, among them Prime Minister Garibashvili, criticized the Russian moves:

The decision of the Russian government to send additional troops to Ukraine is a clear violation of Ukraine’s sovereignty and international law. The international community, especially the European Union and the United States of America, must use all efforts to ensure against the violation of Ukraine’s sovereignty and territorial integrity. The international community must respond immediately to these processes and compel Russia to give up its forceful actions. Otherwise, we may end up facing yet another wave of aggression and occupation, which Georgia has experienced firsthand.41

The opposition UNM party was not, however, satisfied with the government’s reaction to the developments in Ukraine and demanded more active words and steps, among them a parliamentary resolution, calling for sanctions on Russia. While both parties, GD and UNM, agreed on the content and the message of the resolution – declaring moral support for Ukraine and condemning the Russian intervention – the wording became a bone of contention. Specifically, the lawmakers could not agree on the inclusion of word “sanctions” demanded by the opposition. In the end, the Parliamentary majority adopted a resolution which “calls on the international community, primarily the European Union and the United States, to take efficient political, economic and diplomatic measures to assist Ukrainian people, to protect Ukraine from Russian Federation’s aggression, to avoid armed conflict and to achieve Georgia’s de-occupation.”42 The UNM lawmakers did not vote for this version of

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41 “West Must Compel Russia to Stop Forceful Actions Against Ukraine”, citing Irakli Garibashvili, Prime Minister of Georgia, Civil Georgia, 2 March 2014. Available from: http://www.civil.ge/eng/article.php?id=26996
resolution and accused the GD members of being “more loyal towards Russia rather than towards Georgia’s interests.” The common response from the GD coalition suggested that the UNM tried to “create its “political platform” out of developments in Ukraine”.

Since assuming the role of opposition, foreign policy and relations with Russia have been key attacking points for UNM against the governing coalition. Therefore, the party probably hoped to win some domestic political points by accusing GD of accommodating Russia. On the one hand, this accusation seems at least partially true. The GD’s opposition to including the following wording – “calls on the Georgian government to carry out active diplomatic campaign for the purpose of diplomatic isolation of and imposing sanctions against the Russian Federation” – in the resolution indicates that the government tried to stick with its pragmatic and moderate approach with Russia in its response to the Ukrainian issue. The GD’s more restrained and rather diplomatic rhetoric, compared with the much more hostile tone of the UNM proposal, also echoes the initial GD-proposed draft of resolution on foreign policy that the Parliament had adopted a year before with several changes. In the initial draft, the GD proposed that “Georgia’s policy should not be directed towards performing a role of a strategic player in the process of ongoing confrontation on a global and regional scale. It is in the interests of Georgia that its factor to no longer be in the list of differences between the West and Russia.”

However, the moderate position that the GD government tried to maintain seems to be very much in tune with the public opinion of the time. According to the April 2014 polls, 63% approved and only 15% disapproved the government’s action condemning Russia. Although 46% believed that more effort had to be taken to support Ukraine (against 30%), only 14% of those considered economic sanctions on Russia as an appropriate additional action. An overwhelming majority (69%) thought that humanitarian assistance was the best way to show support to Ukraine. The government’s approach, reflected in the adopted resolution on Ukraine on 6 March 2014, takes a middle ground between the positions of UNM, on the one side, and the wider public, on the other. The resolution “appeals the Government of Georgia to render

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43 Ibid.
44 Ibid.
47 “Public attitudes in Georgia”, 2014
meaningful humanitarian aid to brotherly Ukrainian people” and urges the international community “to take efficient political, economic and diplomatic measures to protect Ukraine from Russian aggression”, which obviously implies the sanctions without explicitly mentioning the S-word.\textsuperscript{48} In the end, Georgia did not join the international sanctions on Russia and limited its support to Ukraine to humanitarian aid in the form of medical supplies. According to April 2014 polls by NDI, 67% approved the government’s response to the Crimean crisis, while only 13% disapproved.

If GD’s policy decisions were closer to \textit{vox populi}, UNM’s alarmist views appeared more in tune with the changing public attitudes. As mentioned already in the previous section, starting from the early 2014 more Georgians began to worry about the Russian threat. Between November 2013 and April 2014, when Crimea was already annexed and fighting was about to start in Donbass, the percentage of those who viewed Russia as real and existing threat rose from 36 to 50. In general, the Georgian public overwhelmingly took the Ukrainian side in the events: 62% perceived Russia as the responsible side in the Ukrainian crisis and 66% disapproved Crimea uniting with Russia.\textsuperscript{49}

A similar change in the public’s threat perception can be observed in the IRI survey. In November 2012, right after the GD victory in the October parliamentary elections, 23% believed that Russian aggression against Georgia is over and unlikely to resume, which was significantly higher than just 4% who thought so only a few months earlier in March 2012. But then, between May 2013 and February 2014, at the height of Maidan revolution, the number significantly decreased to its UNM-era lows (7% in 2014 and 6% a year later). Meanwhile the share of those who thought that Russian aggression against Georgia is ongoing rose from mid-40 percentages in late 2012 and throughout 2013 to 71% in February 2014.\textsuperscript{50}

In a 2015 poll, a NDI survey somewhat vindicated the UNM’s allegation that GD policies favors Russian interests in Georgia. 44% of the surveyed believed that Russian influence increased in Georgia since 2012; more than some of those who thought that it stayed the same or decreased. However, another NDI poll at the end of 2015 brought vindication this time to GD and its approach towards Russia. Almost 9 out of 10 Georgians, according to the poll, support a cautious policy towards Russia, promoted by GD, and only about 1 in 5 would like to see assertive policies vis-a-vis Russia, which more associated

\textsuperscript{48} “Parliament Adopts Resolution on Ukraine”, 2014
\textsuperscript{49} “Public attitudes in Georgia”, 2014
\textsuperscript{50} “Public Opinion Survey: Residents of Georgia”, 2015
with UNM’s approach. Additionally, a solid 65% fully support dialogue with Russia as of February 2015; however, it should be noted that the number has significantly decreased since the start of the Ukraine war; in 2013 the figure stood at 82%.\(^5\)

Conclusions

In the past decade, perceptions of national security have been constantly fluctuating. If in the wake of Rose Revolution the UNM government expected close partnership with Russia, while excluding serious security risks coming from the Kremlin, the mood drastically changed in just a few years, and even faster after the 2008 war. The change in perception became particularly apparent in the second edition of National Security Concept, published in 2011. The document significantly differed from its 2005 predecessor in identifying the threats in focusing mostly on Russia and its ongoing occupation of Abkhazia and South Ossetia. Following the 2012 parliamentary elections which brought the Georgian Dream coalition in power, the country’s policies towards Russia became more moderate; so too have the public attitudes changed. In 2012 and 2013, fewer people tended to believe that Russia was a national threat to Georgia. But this did not last long. With the Maidan and the Crimean annexation, Russia as a national security threat started to grow again not just in Georgia, but in other post-Soviet and eastern European countries as well.

Georgian national security debates are very much guided by larger ongoing geopolitical dynamics. The question of the secessionist regions of Abkhazia and South Ossetia are directly linked to Russia. It is a mainstream understanding in Tbilisi that Moscow, not Sukhumi or Tskhinvali, is the principal opponent of Georgia’s territorial integrity. When it comes to finding ways to solve these conflicts, the Georgian government views NATO and EU as the best option(s). In these two major issues of security – de-occupation and Euro-Atlantic orientation – a consensus within the elite exists; however, within that consensus there are differing opinions about which different tools deserve favour and what the proper time frames are for reaching these goals. A polarized view of the outside world is the key feature of the 2011 National Security Concept, which replaced the more balanced 2005 version.

The overview of public attitudes shows that the population does not share the polarized view of security in which the Western actors are the only

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\(^5\) “Public Opinion Survey: Residents of Georgia”, 2015
force for good, while Russia poses the only threat. Public surveys reflect more nuanced positions that people of Georgia have towards the outside actors: they view Russia as hostile; however, a significant part of the population would like to have close cooperation with Moscow. Meanwhile, more and more citizens perceive the EU as a threat to Georgia, albeit in a non-traditional way: a threat to change the country’s conservative values and way of life, rather than directly harming its national security.

The case study on the effects of the Ukrainian crisis on the debates on national security in Georgia explains the divergence between public and elite perceptions. The case showed that foreign and security policy is quite often a tool in the hands of politicians to undermine political opponents. Therefore, the narratives pronounced by the elite groups quite often might derive from political calculations and might aim at shaping the electorates’ opinion(s), instead of reflecting the popular attitudes and following a rational understanding of national security needs.

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Nuclear Smuggling and Threats to Lithuanian Security

The article explores threats related to illicit trafficking of radioactive materials and dual-use goods applicable in state level nuclear programs, actualizing the global trends for the Baltic region. The article points to Eastern Europe’s changing risk profile in this respect, as increasing penetration of Russian criminal groups inside Ukraine and the destabilized situations in neighboring countries create an environment where the risk of nuclear smuggling is on the rise. Criminal entities can be seen forming new bonds, with trafficking routes intersecting and zones of influence shifting – consequently, an unusual level of criminal involvement in nuclear smuggling is observed, alongside a geographic shift of smuggling patterns. In addition, states seeking materials and technologies for their military programs have taken a notable interest in this region as a way of circumventing international transit regulations. The article looks at the likely implications of these new nuclear smuggling trends for the security of the Baltic states. It suggests that Lithuania may soon be facing a relatively new threat, and one that it is ill-prepared to counter. The article discusses the risk factors and indicators to watch before that risk becomes reality, and offers ways for Lithuania to contribute to addressing these increasingly acute problems on a regional level.

Introduction

The recent years have seen growing Western concern over an increasingly aggressive Russian posture, particularly regarding threats to the Baltic states. Russia has increasingly resorted to using large-scale manoeuvres of military equipment, information warfare, and means of economic sanctions to dial up the pressure. In a broader sense, this has challenged not only the stability of the Baltic region, but also the unity of the NATO alliance. Among the consequences of this multi-pronged hybrid warfare we can count the continuing unrest in Ukraine, as well as the conflicts in Abkhazia, South Ossetia, and Transnistria, which continue to simmer (with regular efforts to stir them up). However, not all forms of aggression or its ensuing consequences are immediately

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obvious. As Lithuania and other Baltic states strengthen their cooperation with 
NATO partners, and improve their ability to stand up against an armed attack -
which might come in the form of air strikes, tank invasion, or “little green men”
- it is important to consider the so-called unconventional threats, often treated
as less acute for this region, albeit with potential consequences to its security and
stability that are just as painful. As Russia’s hybrid warfare is gaining momentum
across all fronts, increasing flow of dangerous contraband – with ensuing discre-
diting of key national structures – could become yet another tool in this fight.

Unconventional threats include terrorism, cyber-attacks, and threats re-
lated to chemical, biological, radiological and nuclear (i.e. radioactive) materi-
als. Among these, smuggling of radioactive materials stands out as a threat area
where Lithuania should step up its efforts the most. Traces of nuclear smuggling
and related activities have regularly surfaced in the country since it regained
independence, and for several years now Lithuania has been contributing to the
US and EU nonproliferation efforts - yet it still does not view this threat as acute.
Illicit transit of dual-use materials (and related financial flows) is a category of
nuclear smuggling still lesser known and understood in Lithuania, although ot-
ther countries actively monitoring such activities report this type of contraband
to be much more frequent than transfers or radioactive materials.

The article starts with a brief overview of the nuclear smuggling trends
and the relevant scholarly literature. It then discusses the changing trends in
nuclear smuggling in Eastern Europe related to the ongoing crisis in Ukraine,
instability in its neighboring states, and Russian hybrid warfare efforts. The
article points to the historic instances of nuclear trafficking in the Baltic sta-
tes and Lithuania, comparing their nature and trends to the global patterns
and discussing Lithuania’s risk profile in this respect. The article seeks to in-
troduce the reader to the different aspects of nuclear contraband, associated
risk factors, and shifting trends in Eastern Europe, actualizing these threats
to Lithuania. Monitoring and recognizing related phenomena helps to assess
the emerging threats more accurately and to devise more effective preventive
measures to ensure long-term security on both national and regional levels.

1. Nuclear Smuggling: Clients, Facilitators,
and Trafficking Trends

It is helpful to view the process of nuclear smuggling as elements in a
supply chain, the internal dynamic of which tends to change depending on
the circumstance and specific items involved, while the main features remain:
- The manufacturer or source of the items in question (may willingly assist the operation, or cooperate unwittingly - unaware of the true nature of transaction);
- Brokers/intermediaries;
- Logistical chain;
- Financial transactions;
- Methods of concealment (for the items in question, their end use, logistical and financial flows, etc.).

![Figure 1. Elements of Nuclear Smuggling](image)

It is also helpful to categorize nuclear smuggling by clientele and materials involved.

<table>
<thead>
<tr>
<th>Clients</th>
<th>Materials</th>
<th>Dual-use</th>
<th>Radioactive</th>
</tr>
</thead>
<tbody>
<tr>
<td>States</td>
<td></td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Criminal/Terrorist Groups</td>
<td></td>
<td>-</td>
<td>X</td>
</tr>
</tbody>
</table>

The most common type of nuclear smuggling involves states using intermediaries to illicitly acquire dual-use goods for their nuclear programs. Such materials or technologies (e.g. uranium corrosion resistant paint, marra-

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ging steel, or ball bearings of certain dimensions) are not inherently dangerous and thus they are not sought by criminal or terrorist groups. Procurements of dual-use goods tend to be demand-driven, corresponding with particular needs of unfolding nuclear programs. There are no known instances of states attempting to acquire nuclear materials on the black market. States tend to either internally enrich them to weapons grade or receive them from other states in the form of assistance to a new nuclear energy program.

In contrast, instances of radioactive materials’ smuggling are less frequent – most suspects detained with such cargo turn out to be carrying materials of low levels of radioactivity or peddling a hoax. Nevertheless, these types of cases tend to receive more media attention (psychologically, an reported scheme to use a dirty bomb in a densely populated area is more disconcerting with its perceived immediacy, compared to the prospect that a state could use its budding nuclear program as a tool of political pressure five or more years later).

One of the greatest popular concerns is that a terrorist organization could seek to acquire radioactive materials for an attack of massive psychological impact – but no such attempts are known thus far. Based on available research studies on terrorism, it appears that groups whose finance, expertise, and scope of activities could allow for carrying out an attack using radioactive materials, find such attacks unacceptable for ideological reasons and the need to maintain grassroots support over the long term, while groups that have no such inhibitions tend to lack the necessary resources.²

Another common fear is that a criminal group could use radioactive materials for targeted killings. But over the past 20 years this has been a particularly rare phenomenon³. However, there are concerns that professional criminal elements could get involved in related financial and logistical transactions (i.e. not seeking radioactive materials for their own needs but organizing their transit or other elements of the supply chain). Usually organized crime structures deem even this type of involvement too risky,⁴ but in recent years their involvement in nuclear smuggling related activities is on the rise in Eastern Europe.

⁴The reasons behind this are discussed in section 2.
When a cargo of radioactive material is detained, its origin is usually identified, along with the individual or group behind the trafficking operation, but the clients who sought it tend to remain unknown (unless the client is an undercover agent in a sting operation). In terms of intermediaries, brokers, and other participants of the logistical chain, these are usually small groups gathered for this specific task. Participating individuals tend to have prior experience in moving other types of contraband (e.g., cigarettes, luxury items, etc.) and only get involved in a once-off operation, hoping to turn a fast profit. Unlike dual-use goods’ smuggling, this activity is supply-driven: persons with access to radioactive materials attempt to put together schemes for selling them, often involving acquaintances or relatives.

Meanwhile, networks of intermediaries, brokers, or their groups involved in smuggling dual-use materials tend to be more professional and stable. Such activity is often undertaken alongside legitimate businesses (e.g., sales of metals to EU members – as well as to states of restricted access to such goods). Regular flow of goods is ensured using personal connections to bureaucrats in transit states (or resorting to transit document forgery). An important enabling element is concealment of related financial transactions and the goods in transit – usually by routing material and financial transfers through several jurisdictions, masking their true origin and end use(r).

The problem of illicit financial flows is particularly acute for the Baltic states: increasingly frequent attempts by Eastern European (particularly Ukrainian) criminal elements to use the Baltic financial institutions for money laundering have been observed since 2010. Lately, as large capital flows are exiting not only Ukraine but also Russia, the prospect of illicit transactions related to dangerous contraband or to groups involved in moving it is increasing.

2. Nuclear Smuggling in Unstable Regions

Regions where state functions are weakened by ongoing armed conflict (civil war, separatist movement, or other forms of conflict) create an environment where all types of criminal activity can flourish. For instance, in 1985

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Charles Tilly described state formation as a fight for the monopoly of violence, comparing the state apparatus to a legitimized criminal structure. However, even in states with existing governance structure traditions, when the ruling powers lose control of the state apparatus, the country can revert back to the pre-state form of chaos, with new powers vying for the monopoly of violence again. Under these circumstances, border control grows weaker. Along with the whole bureaucratic apparatus, new criminal groups are forming, and territorial control is shifting. Such an environment is particularly accommodating for all types of illicit trade, but the nature of goods changes along with territorial stability. First, once-off dealings can be observed, where demand is met for suddenly scarce items (these goods are mostly legal but difficult to acquire – such as medication or even food). Second, newly available trafficking routes and newly formed connections to bureaucratic or criminal elements eventually allow for larger and riskier trades (e.g., illicit trade in arms and radioactive materials would fall into this category). Third, as such connections stabilize and deepen, and the state remains in turmoil, new networks are formed for handling more regular flows of contraband (e.g., drugs and/or cigarettes; dual-use goods would also fall into this category).

For instance, a restructuring of the Slavic criminal world could be noted already in 2014, along with intensifying flows of various types of contraband in Ukrainian and Crimean ports, and new logistical tendencies. The flow of counterfeit cigarettes via Crimea has turned towards Turkey, the volume of drug trafficking from Latin America (cocaine) and Afghanistan (heroin) has increased, stolen cars from Scandinavia have started to flow via Ukraine, as have arms from European manufacturers. In addition, a growing presence and vying for influence by Russian criminal groups has been observed in this region: for instance, the Solntsevo gang has reportedly initiated talks with leaders of Crimea’s criminal groups even before the 2014 referendum for its territorial status was held, and other groups are also striving to forge new or strengthen existing connections in Ukrainian and Crimean criminal, bureaucratic, and political circles. Intersection of these various illicit trafficking routes and criminal activities may have future repercussions for the movement

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of more nefarious goods. Cultivated connections at the border or means of transportation acquired by cigarette or drug smugglers could also be used for moving dual-use and/or radioactive materials.

Regions that contain simmering conflict tend to see a rise in various types of illicit trades, and an increased risk of nuclear smuggling, although the associated risk factors may be noticed only later. In literature analyzing both radioactive and dual-use smuggling, there presently is no consensus as to what pushes persons to get involved in this trade. However, based on multiple interviews with one-time offenders, as well as brokers facilitating such transactions repeatedly, financial motives seem to dominate\(^{10}\) (although are a few known cases of persons acting out of ideological reasons\(^{11}\)). It is therefore particularly important to monitor the conditions that may allow such activity to unfold.

Over the past decade, studies analyzing illicit trafficking flows in the former Soviet republics as well as Latin America note that organized crime groups tend not to get involved in the trade of radioactive materials.\(^{12}\) Compared to smuggling cigarettes, drugs, or arms – activities that bring in a regular cash flow – dealings in nuclear contraband are infrequent and carry a high risk. Most criminal gangs thus tend to stay clear of it, unwilling to risk jeopardizing their “regular trades” by attracting the attention of authorities or compromising their bureaucratic ties. Nevertheless, Phil Williams and Paul N. Woessner have analyzed over 700 nuclear smuggling incidents that unfolded in the post-soviet space of 1990s and constituted criminal involvement in one-fifth of the cases. They suggested that the turmoil of this period and newly available market opportunities have reduced the risk of nuclear smuggling to such an extent that it became acceptable to criminal groups (i.e., the inhibiting

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factors discussed above no longer held). This unusual aspect is noteworthy because, in contrast to global trends, criminal involvement in nuclear smuggling could also be observed in Ukraine in recent years, and local criminal elements have been known to be involved in dual-use goods’ smuggling for over two decades. Involvement of Slavic criminal elements in nuclear smuggling is also observable in neighboring Moldova and Georgia. Presently, these countries also have greater capacity for identifying and stopping such contraband, thus suggesting that the situation in Ukraine may be worse than indicated by the data collected and publicized under the local conditions of conflict.

After the fall of the Soviet Union, control of nuclear and radiological materials in the territories of its former republics became a pressing issue: there were fears that impoverished workers with access to such materials would steal them and sell them to criminal or terrorist groups, or that unemployed nuclear scientists will offer their knowledge to states seeking to build nuclear weapons. Active preventive measures were launched in response to these concerns: the Nunn-Lugar initiative started in 1991 has been financing retraining of scientists; elimination of chemical, biological, and nuclear weapons; securing such materials (including safe transport) and improving border security in an effort to prevent their contraband (in 2013 the US allocated 1.65 billion dollars for this program). Despite these efforts, the smuggling of radioactive materials from FSU territories intensified over the 1990s. Over the past ten years materials originating from this region still comprise the majority of the radiological and nuclear contraband (in some cases it is recently diverted materials, but there have also been a number of attempts to sell materials stolen in the 1990s and hidden since then). Back in the 1990s, this dangerous cargo was being moved through the poorly controlled post-soviet space towards Western Europe, including transit through the Baltic states. Over the past decade these transit routes have shifted east, with popular routes stretching across Georgia and Moldova, as well as their separatist territories, and the Crimea region.

However, with continuing unrest in the Ukrainian neighborhood, there is a growing risk that these threats could touch the Baltic states more acutely again.\textsuperscript{16}

3. Incidents in Lithuania and Other Baltic States

Today, Lithuania is among the US Eastern European partners actively advancing nonproliferation efforts. At the Nuclear Security Center of Excellence established under the Medininkai border security school, international experts regularly share their best practices in this field.\textsuperscript{17} Still, it should be remembered that in the early years of Lithuanian independence radioactive materials’ smuggling routes, stretching across Eastern Europe towards the West, also included this country.

The 1992 incident when a nuclear fuel rod weighing around 270 kg (2\% enriched uranium \textit{u}-235) was stolen from Ignalina’s Nuclear Power plant (INP) is by far the best known, though certainly not the only such case in Lithuania.\textsuperscript{18} For instance, in May 1996, six businessmen from Klaipeda were detained after attempting to sell 13 kg of uranium-238, which they were suspected of stealing from a military base in Ukraine.\textsuperscript{19} Earlier that same year, FBI officers seized a large contraband of cesium-137 in Lithuania,\textsuperscript{20} and local officials had stopped six Lithuanians and two Georgians attempting to sell 100 kg of uranium-238 stolen from a company responsible for nuclear waste management at INP.\textsuperscript{21} Furthermore, smuggling of radioactive materials was not a phenomenon associated exclusively with the early years of independence: in 2002, six Lithu-


\textsuperscript{17} Nuclear Security Center of Excellence, news: http://www.nscoe.lt/?lng=en, 10 09 2015.

\textsuperscript{18} Over the 10 years following this theft more than 80 kg of the stolen uranium fuel pellets have been recovered (see: “Rasta pries 11 metų pavogta kuro kasetė” [“Fuel Rod Stolen 11 Years Ago has been Recovered”], BNS, Kovo 21, 2003, http://www.delfi.lt/news/daily/crime/rasta-pries-11-metu-pavogta-branduolinio-kuro-kasete.d?id=2078037, 26 09 2015 (in Lithuanian)).


\textsuperscript{20} Freeh L. J., Director of the Federal Bureau of Investigation, Statement Before the Senate Appropriations Committee Subcommittee on Foreign Operations, Hearing on International Crime, March 12, 1996.

\textsuperscript{21} “Chronology of Nuclear Smuggling Incidents,” Appendix to Deutch J., Director of Central Intelligence Agency, Testimony before the Senate Permanent Investigations Subcommittee on global proliferation of weapons of mass destruction and illicit trafficking of nuclear materials, March 20, 1996.
anians were detained in Vilnius with a large contraband of cesium-137, which they had brought in from an unnamed FSU republic. It is also worth noting that the 1992 theft of the INP fuel rod was an inside job, and even after introducing stricter controls at this strategic object, the insider threats seem to remain (although their nature has changed): in 2007, several INP employees and collaborating border guards were detained for stealing over 40,000 euros worth of supplies from the power plant territory.

Over the period of 1992-2014, a total of 24 incidents involving nuclear material thefts and smuggling have been recorded in all three Baltic states (see Figure 3). Although this number is relatively small, Lithuania accounted for 14 out of the 24 incidents, the last one of which was recorded in 2009. In half of these cases (mostly in the beginning of the period of analysis) Lithuanian citizens were involved in nuclear smuggling, while the rest of the incidents involved radiocative materials or contaminated metals being transported through Lithuanian territory (including the last three cases). Overall, Lithuania was mostly involved in cases of enriched uranium smuggling, while in Latvia and Estonia attempts to transfer or sell stolen cesium-137 were more common.

![Figure 2. Annual Number of Radiological/Nuclear Material Trafficking Incidents in the Baltic States](image)

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The neighboring Kaliningrad region is another potential source of nuclear smuggling risk for Lithuania. Several incidents have been reported in the area, mostly involving criminal elements from Russia or other FSU republics. For instance, in 1994, three Russians were detained in Kaliningrad after attempting to sell an unspecified geological device weighing 60 kg and containing radioactive elements. In 1996, 7 kg of enriched uranium was stolen from a Russian Pacific fleet base in the sea of Okhotsk. 2.5 kg of this material subsequently found its way into Kaliningrad in the form of contraband. Again, thinking that the 1990s wave of dangerous contraband has subsided would be a mistake. In 2007, a citizen of Ukraine was detained in Georgia, carrying uranium that he had acquired from a Russian citizen in Kaliningrad in 1991.

Seeing how Russia is employing criminal connections to destabilize Ukraine and Georgia, and provoking NATO and the Baltic states with pointed emphasis on nuclear deployments in Kaliningrad, an increase in nuclear, as well as other types of contraband in this region could become yet another means of Russian political pressure. For instance, in the 2014 Estonian Internal Security Services emphasized that Russia is actively using criminal groups to expand its influence abroad, and called on the Baltic states to engage with the previously under-appreciated link between organized crime and national security. Furthermore, Europol has identified the Baltic states among the principle hubs of organized crime in the EU, with Lithuanian gangs said to cultivate a particularly well-developed international criminal network and acting as one of the main transit hubs for counterfeit cigarettes smuggled into Europe (frequently through or from Kaliningrad). Therefore, there is a growing risk that as Slavic criminal elements utilize these connections and increase their

presence in Lithuania, the country could become part of the logistical chain in nuclear smuggling schemes. There is also another plausible scenario involving less centralized control. Historically, the ports of Odessa and Sevastopol have been a haven for a large number of former Russian special operatives, who leverage their bureaucratic and criminal connections and infrequent inspections of the navy vessels to profit from moving various types of contraband. As new organized crime elements (including large Russian gangs) establish themselves in these territories, the navy connections and logistical capabilities could be put to use for moving nuclear contraband. Furthermore, just like in the 1990s, these smuggling operations could come to include the Russian Baltic fleet stationed in Kaliningrad.

4. Incidents in Ukraine and the Neighboring Region

Scholarly literature often distinguishes the Black Sea region (especially Georgia and Moldova) as particularly problematic in terms of illicit smuggling of radioactive materials facilitated by continuing internal turmoil, as well as unrest in their separatist regions of Abkhazia, South Ossetia, and Transnistria. As these states join the US in actively countering proliferation of dangerous materials, border posts are strengthened and efforts go into fostering security culture locally. Consequently, a larger portion of occurring nuclear smuggling cases gets reported, although it is not clear whether the volume of

33 Sevastopol is the home port of Russia’s Black Sea fleet.
such occurrences has declined. The West continues to view proliferation of nuclear materials and related technologies as a high priority threat, fearing a shift of trafficking routes towards Ukraine and westward. According to the data published by NTI and CNS, over the period of 1992-2014, the number of nuclear smuggling incidents in Ukraine far exceeded those that occurred in Georgia (51) and Moldova (20). This suggests that Ukraine may be under-appreciated as a problem area in this respect, with the situation likely to grow worse as the crisis continues.

Between 1992 and 2014, there were at least 78 instances of radioactive materials’ smuggling (nearly half of which unfolded over the last decade) unfolding in Ukrainian territory or involving Ukrainian citizens – an average of 3-4 incidents each year. One-fifth of these cases involved thefts and attempted sales of industrial and medical equipment using radioactive elements. There were 21 recorded cases involving attempts to illicitly divert, transport, or sell cesium-137 and two cases involving cobalt-60. There were also instances of thefts from nuclear power plants and attempts to sell spent nuclear fuel: 15 recorded cases involved uranium of varying levels of enrichment, three involved plutonium, and another five involved unidentified spent fuel sources.

The ongoing conflict over Crimea and other Ukrainian territories has compromised the country’s ability to register nuclear smuggling incidents, particularly given that not every such incident was disclosed even during peacetime. Furthermore, the difficulties in ensuring continuous border security during conflict, reduced financing for customs officials and border patrols, and the overall bureaucratic turmoil, also cast doubt on Ukraine’s ability to stop (not just accurately report) the nuclear contraband – particularly in light of the overall increase of criminal activity in the area and the environment that is increasingly suitable for nuclear smuggling.

Of particular concern is the growing involvement of criminal elements in attempted diversions of and trade in radioactive materials in Ukraine. Since 2002, six such cases have been reported. That is 15% of radioactive mate-

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39 Some sources include the incidents involving scrap metal contaminated with radioactive elements; in addition, sometimes the case gets recorded twice – first referring to the diversion and then – recovery of radioactive materials; according to NTI, in 2011 24 instances of increased radiation were reported in Ukraine’s Boryspil airport, although no details have been provided about their nature or actual level of radiation.
rial smuggling cases recorded there in the past decade. This emerging trend is highly unusual, compared to the global nuclear smuggling tendencies. As previously noted, criminal groups tend not to get involved in this trade due to the high risk of compromising their regular sources of income (e.g., smuggling drugs or counterfeit cigarettes). It is also worth noting that in the two incidents reported in 2010, where members of criminal organizations were involved in trading radioactive materials, most persons participating in the logistical chain had prior criminal convictions. This stands in contrast to global nuclear smuggling trends that show recidivism to be a particularly rare phenomenon, with most offenders having no prior criminal record.

The CNS 2015 annual review of global incident and trafficking trends noted that most cases reported over the period of 2013-2014 involved thefts of radioactive sources used in industrial and medical equipment (incidents involving nuclear materials, i.e. uranium, plutonium or thorium isotopes, constituted less than 10% of all known cases).\(^{40}\) Notably, the report suggested that the risk of theft was particularly high during transportation of such equipment (e.g., retiring old devices). Turning back to the situation in Ukraine, security of non-strategic objects and sites (e.g., cancer treatment facilities or construction sites) has likely grown weaker under the current turmoil, making the dangerous materials stored at such locations easier to access; for the same reason, transit security also seems to have been on a decline. Thus, in an environment where opportunities for theft and transit of nuclear materials grow increasingly abundant, and groups with previously demonstrated interest in such materials are increasingly present in the region, it is particularly important to follow these trends closely as they unfold, noting the indicators of possible threat increase and accurately calibrating preventive measures.

In case of Ukraine it is also worth considering the opening up of illicit trafficking routes for dual-use materials and technologies sought by proliferating states (e.g., North Korea). Several US security agencies have indicated that Ukraine has played an important role in logistical chains for moving dangerous contraband between North Korea and Iran since 1995. In a number of reported instances (the last one in 2013) local planes were used to transport ballistic missiles and their components, RPGs, and MANPADS between these two countries.\(^{41}\) Brokers and intermediaries, facilitating illicit procurements


for these and other countries, are always on the lookout for new territorial and logistical links to Western Europe. The situation in Ukraine makes it an increasingly attractive target for such smuggling operations.

Conclusions

The article discussed current international trends in nuclear smuggling and the Baltic experience with these threats from a historical perspective, emphasizing their changing nature in the aftermath of events in Ukraine. Traditionally, Lithuania has treated the risk of nuclear smuggling as less acute, and thus far the country has not been targeted by ideological groups seeking to use radioactive materials for blackmail or an attack. However, in the face of shifting trafficking routes and a new dynamic in nuclear smuggling, it is important to respond to the changing nature of this risk.

Unlike the threat of a military or terrorist attack – low-probability, but high-and immediate-consequence events – nuclear smuggling is a threat that grows slowly, with enabling factors gradually lining up across a broad spectrum of illicit activities. The article presented the components and catalysts of nuclear smuggling – a region destabilized by conflict, restructuring of the criminal elements, and intersection of illicit trafficking routes, enabling the formation of new criminal entities and opening up new logistical opportunities. All of these factors and trends can already be seen unfolding in Ukraine. As their territorial spectrum continues to expand, Lithuania could once again find itself at the intersection of nuclear trafficking routes. It is therefore important to raise awareness of the related risk factors and the interplay between them, carefully monitoring the criminal world for early indicators of change and actively engaging in preventive measures. Just because a radioactive cargo has not yet reached a Lithuanian border post, the indicators of trends potentially leading up to that should not be ignored.

Countering the smuggling of dual-use materials presently appears to be the weakest link in Lithuania’s nonproliferation efforts. Lithuanian manufacturers, service providers, and carriers are not sufficiently informed about this threat, and businesses are not actively encouraged to screen for suspicious transactions and requests. Ensuring greater cooperation between public and private sectors is of particular importance in countering illicit flows of dual-use materials. In the financial sector, the situation is somewhat better, due to rigorous international control, although there is still a need for greater cooperation with authorities in identifying suspicious transactions potentially related to smuggling of dual-use or radioactive materials.
Preventive efforts should also include closer monitoring of the local organized crime elements for possible new connections to criminal or terrorist groups, particularly to groups acting from Russia or otherwise related to the Slavic criminal world. International experience shows that it is also important to continue monitoring local organized crime groups in decline. Having little to lose, such groups tend to be less risk-averse, and their substantial experience and wide network make them suitable candidates to join a nuclear smuggling operation.

With the help of international partners, Lithuania continues to strengthen its capabilities to counter potential threats from the Eastern neighborhood by investing in improvements of critical infrastructure resilience (including the INP), seeking to ensure continuous security of nuclear materials in stored its territory, and developing capabilities to detect such dangerous materials at the border. However, security of other radioactive sources has thus far not received comparable levels of attention. In the short term, securing old industrial and medical equipment to prevent theft during transfer merits greater consideration, and in the long term it is worth considering transition to alternative technologies. Although the use of such stolen radioactive materials on Lithuanian soil is perhaps of a lesser concern, a radioactive cargo seized abroad and connected to a theft from Lithuania would discredit the country considerably.

In implementing the measures discussed above, the key to success will be ensuring greater cooperation between Lithuania’s security structures, other local agencies that hold the relevant competencies, and the public and private sector. In ensuring long-term security, insights from Western partners that previously have encountered similar issues, and their cooperation in curbing nuclear smuggling through the Baltic territories, will be of great help. In many respects Lithuania will prove a capable partner for other Eastern European states struggling with this problem. Effective prevention will require in-depth engagement with key aspects of regional security and a collective response to the catalysts of dangerous contraband.

Vilnius, November 2015

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The Concept of Fear and the Matter of Emotions in Lithuania’s Foreign Policy

This article reflects on the concept of fear in theories of international relations and foreign policy. The text discusses the concepts of the phenomenon of fear and rational behavior emphasizing that the concept of fear, contrary to the concept of anarchy, has no emotional charge in the theory of international relations. Having surveyed the factor of emotions in the theory of international relations and foreign policy, the author suggests that the emotional meaningful charge be returned to the concept of fear. The study stresses that fear (if treated as an emotion) can also have a destructive function disrupting the international system and disturbing the international communication. The third part of the article is devoted to an analysis of the ideas of Lithuania’s foreign policy. The study explores the idea of Lithuania as a regional leader. The writer claims that the idea was irrational because it was based on the factor of the emotion of fear.

Introduction

In the theory of international relations, fear is an important factor assisting the explanation of the behavior of national states. Realists generally treat fear as a natural reaction to the anarchic system of international relations. It is believed that in the dangerous world order, reminiscent of the “jungle”, the fear of the Other can help to objectively assess the situation and, since fear is caused by reasons of the international system structure, shape a rational foreign policy of the state. In other words, fear is a stimulus for the rational and pragmatic behavior of the state. In the liberal perspective of international relations, the causes of fear are the dynamics of the change of identities. Fear emerges when the Other distances itself from “I” or ignores universal liberal values and seeks to revise the status quo. In this respect, the ideas of liberals are close to those of constructivists who treat fear as a tool for presenting to the public (securitization act) and solving (desecuritization act) problems of national security. In other words, for constructivists the fear of...
the Other performs an important function of *social building* (construction of the identity) and *social enabling* (problem solving).

These concepts of fear in each of the aforementioned theories are important constructs of the explanation and understanding of international processes on which both the identification of scientific problems and strategies of their solution depend. However, such definitions of concepts, when only the structural or identity-related nature is attributed to fear, have a price – the simplification of social reality and social processes. This, in its turn, poses the threat that the dynamics of social processes and forces driving it will not be revealed or assessed sufficiently accurately. For example, for realists the reasons of state fear will always be external (in the international structure) and always related to the increase in parameters of the originally poor state power. Therefore, fear for everyone and forever will be the same, independent of the subjective qualities of an international subject.

It is possible to observe that in the provided concepts of fear the emotional origins of the phenomenon of fear do not get revealed at all or only slightly. In other words, both realists and liberals use not the emotional (irrational), but the pragmatic (rational) concept of fear. In one and the other paradigm fear even possesses a peculiar positive function: to correctly assess the international environment (realism) or construct and expand (by excluding or involving menacing Others) identities (liberalism, constructivism).

In this study, the concept of fear is reflected upon by “returning” to it the irrational emotional charge. Such an emotionalization of fear is treated in this study as a heuristic tool helping to better understand and explain the influences of the phenomenon of fear (as an emotion) on international relations as well as processes of foreign policy shaping. The article states that fear is not necessarily of an external nature: the cause of the international system (the asymmetry of power) or the structure of the identity (the asymmetry of identities). Fear can also be a consequence of the articulated within a state belief system which identifies threats and fears rather due to the structural content of the belief system than the external reasons of the international environment.

1. Rational Behavior of the State in the Theory of International Relations

Realism can deservedly be considered as one of the most important or even fundamental theories of international relations. The shaping of international relations as an individual social science with its own object and methods
was based on the concept of realism. The scientific and philosophical influence of realism on foreign policy researches is also great. Realists, having criticized their predecessor idealists, urged an explanation of international behavior in terms of national interests, without taking into consideration moral attitudes and cherished hopes or attitudes and hopes of nations, which are inherent to the observers.¹ Therefore, according to Hans Morgenthau, the aspiration of realists is to separate the truth from the opinion – that is everything that is objectively and rationally right and substantiated by data from what is only a subjective assessment not related to facts and inspired by prejudice as well as whimsical reasoning.² Thus, a realist perceives the nature of the human being and the state such as it is and not as it should be and sees historical events the way they happened and not the way they had to happen.

In the theoretical perspective of realism, universal political constraints, determined by people's egoism and absence of international government, are emphasized.³ Explanations of foreign policy are very important factors. Each state had to react to these universal circumstances at all times; therefore, we can speak about a certain conformity to the law and stimuli common and uniform for all states which, in essence, determine how a state will behave in the face of a threat. (For example: will it balance the threat, climb on the bandwagon of the threat, seek neutrality?⁴). Consequently, in his neorealist concept, Kenneth Waltz concentrates the analytical attention on the structure of the international system. In order to understand behavior of individual states, it is necessary to first grasp the international system but not the peripeteia of the foreign policy of concrete states.

In prioritizing macro-level processes, neorealist paradigms circumvent and pay no significant attention, in foreign policy research, to the elite of states, leaders and their qualities which can often be exceptionally rhetoric, emotional or personal. The most important is the anarchic international system, which, by “pressing” states, forces the consideration of survival as the primary goal of foreign policy. Thus, national interest is associated with the aspiration for state security and power in the anarchic environment of international relations. The attempt to ignore this reality (to ignore the origins of anarchy) is equal to the risk of being “punished” or even completely “destroyed” by systemic powers. It is in this logical generalization identifying a permanent threat that the concept

of realism's fear, as a rational stimulus, lies. Having acknowledged that the behavior of a state is only a consequence, whereas the anarchic international system is the cause, it is not worthwhile to question the rationality of fear or distrust of the Other. In other words, fear is a systemic (therefore, rational) phenomenon. Consequently, a great number of other stimuli characteristics of the social world – culture, historical memory, prevailing traditions, etc. – are ignored. This way, realists leave only a very limited space to objective behavior – i.e. having acknowledged the rationality of fear, to react to it by balancing power, bandwagoning or maintaining neutrality.

However, though the explanation of realists is truly rational, it is not realistic. It is rather possible to perceive the theory of realism of international relations due to its conceptual narrowness as the theory of topical realism. Guided by the strictly structural logic of reasoning as well as by generalities, realists of international relations attempt to squeeze reality into one scheme. In their opinion, we can know the states' interests (real interests), as if the algorithms of the interests of a monolithic and predictable political subject, without having studied the history and culture of that state. According to them, the international environment is unidirectional, predictable and based on the same conformity to laws. This, correspondingly, limits the explanation potential. The historical time with the present rules, norms and values is current for the pragmatic attitude. Therefore, theoretical schemes, methodological dogmatism, attachment to one truth or one explanation in social sciences cannot to a measure reflect but rather squeeze reality in a procrustean way into the narrow frames of perception, homogenize and too much simplify the sources of human motivation.

The theory of international relations proposed by Ned Lebow and based on ideal types, partly attempts to solve this problem. By claiming that conventional theories of international relations, by being orientated towards the structural and not procedural explanation, one cannot perceive the genuine causes of social processes. Therefore, the author, by distinguishing in his theory ideal types of international culture, grants priority to process and not to structure, to changes but not to stability and thus seeks to concentrate on the analysis of dynamic processes causing changes of the international system. Lebow grounds his theory on the distinguishing of ideal structural types non-existent, permitting not becoming attached to one universal stimulus (aspiration to power, aspiration to wealth, aspiration to honor); and on the other hand, creating possibilities to observe and assess structural changes (the dynamics of

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5 N. Lebow distinguishes ideal cultural types of the international system – reason, spirit, appetite and fear.
ideal types). This, in Lebow's words, enables to provide a non-moment-related explanation of international relations. In other words, the author emphasizes that it is possible to say much more about the international system than, for example, Waltz would believe. Moreover, Lebow reflects on the concept of fear (as a rational stimulus) defined by realists and separates it (as an emotion and as a factor destroying structures of international politics) from other stimuli. Taking all this into consideration, research on the phenomenon of fear is further surveyed and sources of generating fear as an emotion are analyzed.

2. The Destructive Concept of the Emotion of Fear

During the past decade, scientists, assessing the impact of emotions on the processes of the international politics, adhere to the position that the ontology of the phenomenon of emotions cannot be reduced to psychology and physiology. Ema Hutchison and Roland Bleiker in their article “Theorizing Emotions in World Politics” discuss the fundamental issue of the concept of emotions. The authors come to the conclusion that emotions are not only an individual phenomenon. Emotions also have a clear social charge; therefore, they require political (not only psychological or neurological) theorizing as well. The authors point out that emotions transcend the limits of physiology and psychology and can be treated as a social and normative phenomenon. Scientists state that what people feel and express through physiology as an emotion is a product of the clash between social and cultural processes. The expression of fear, anger, trust, empathy largely depends on the cultural context which makes emotions meaningful and acceptable to society.

In this context, Hutchison stresses that in the constructing of identity, emotions acquire a specific function – they act as a peculiar medium and a tool of community consolidation seeking to involve those members that have no direct link to events (for example, historic) important for a concrete community and its identity. Thus, due to the very appealing to feelings, emotions can become

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9 Ibidem, p. 504.
10 Ibidem, p. 505.
11 Ibidem, p. 504.
the most important force making individuals and communities identify with something or even die for something. For example, in times of social unrest, revolutions, wars and catastrophes, individuals or communities can suddenly identify themselves with hitherto alien, unfamiliar identities or, on the contrary, exclude identities that hitherto belonged to the category “We.”

The emotion of fear is one of the most important emotions identified in human behavior. It can be perceived in different ways. In some cases, the origin of fear is perceived as biological. For example, it is asserted that the human is naturally afraid of rapidly approaching objects. However, laboratory researches show that fear can be also acquired. The emotion of fear can be a phenomenon of social structures, i.e. a collective emotion well.

Contrary to neorealists, who perceive fear as an objective reaction to structural changes, Ulrich Beck provides a socio-cultural phenomenon of fear and emphasizes in his works that fear arises because of the subjective structure principle of a concrete society. The author’s name for it is Risk Society. Beck points out that the mobility of time and space made the new risks (nuclear, ecological, chemical, gene engineering risks) indefinite in time and space; therefore, it is difficult to explain them to society in compliance with the principles of guilt, causality or responsibility. In other words, Beck speaks about the emerging in society threats and fears solely because of the nature of the society structure and present in it cultural filters which affect and shape our perception.

Barry Glassner, Holger Molder call such an entrenchment of fear in social life the culture of fear which, in the opinion of the authors, has a great impact on decisions carried out in society. Molder emphasizes that in the culture of fear, the emotion of fear is predominant because of the constant sense of an unavoidable threat manifesting itself as the anxiety, insecurity, instability of a state (state societies, leaders). This prompts states to react to events sentimentally, and emotionally, but not pragmatically. If this emotional charge of fear gets established in the international system, the area and scope of perceived threats can widely expand and really become a cultural element. In other words, fear becomes not so much a reaction to a specific (objective) threat but rather a part

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of the perception of the social structure itself (fear becomes independent of the environment). This partly corresponds to the phenomenon of danger presented by David Campbell as an interpretation but not as a necessary and unavoidable reaction to a concrete problem.\(^\text{17}\)

Having assessed this, it is important to keep in mind that the statement that the culture of fear is very closely related to the concept of anarchy, as provided in the studies of realists, should be treated with caution. In the opinion of the author of the article, the statement that the predominance of fear (or simply the predominance of the culture of fear) is characteristic of anarchy is not only inaccurate but also inconvenient in the heuristic sense. By stating that fear is a consequence of anarchy, we, on the one hand, oversimplify the fact of what anarchy is and how it functions and, on the other hand, we emotionalize the concept of anarchy itself. In this article, we maintain that in anarchy the culture of fear should not necessarily be a consequence of anarchy. Anarchy is a structure in which the culture of fear arises and dominates as a specific belief system due to other reasons independent of the logic of anarchy itself. The emotionalization of the concept of anarchy was observed to some extent by Buzan who claimed that the absence of power in the anarchic system is estimated negatively. This similar to poverty and diseases that are also defined as a lack of certain normal qualities (for example, order, hierarchy).\(^\text{18}\)

Buzan proposes to simply perceive anarchy in terms of the absence of central power and to treat the concept itself as the description of the form of the security problem but not of the problem itself. A similar concept of anarchy is provided by Wendt who claims that the “logic of anarchy” \textit{per se} does not exist.\(^\text{19}\) Wendt provides the classification of anarchy types (Hobbes, Locke and Kant) by explaining cases of the distribution of differing ideas and their internalization. With Hobbes’ anarchy culture in force, in the social structure, a collective picture of the Other as an enemy will predominate; therefore, states, in projecting their foreign policy, will orientate towards the worst variant (the theory of the worst case) and consequently states will tend to destroy or conquer hostile Others. In Locke’s culture, a collective image of competitiveness, based on the acknowledgement of the sovereignty institute and the principle “live and let the Other live” will prevail. Kant’s culture, according to Wendt, arises from the belief that intentions of Others are also peaceful. It is possible to treat all


these anarchy cultures, provided by the author, as social, psychological inter-
state relationship types, capable of forming systems possessing independent
kinds of logic. Though in this respect all the described cultures are imaginary
pictures and psychological interrelations, in Hobbes’ anarchy, because of the
self-isolation of subjects and the articulation of the image of anarchy at the
closed state level, a fear-saturated belief system will prevail – “destroy or you
will be destroyed”. In other words, Hobbes’ anarchy, because of its form (the
construction of the imagining of anarchy is going on with little or no interaction
with the environment) as well as its content (the relationship of subjects is ba-
sed on conflict and denial of each other but not on cooperation), differs from
Locke’s and Kant’s anarchies and thus can be considered a phenomenon of a
completely different type.

The existing differences between these anarchy cultures (particularly the
difference of Hobbes’ anarchy from the anarchies of Locke and Kant) could be
explained as the cause of the identity-related openness level of structure subjects
characteristic of the anarchy culture. Theoretically, it is possible to imagine all
identities on a straight line of openness and closedness. The more closed the
identity the less dependent its identity code is on other identities and the less
affected such an identity is by external processes. The marginal (maximal) case
of identity-related closedness should be, in essence, a negative possibility of the
existence of any other identity (thus, of the identity itself per se). Meanwhile,
the more open the identity the more affected it is by external changes and the
more dependent its identity code is on other identities. In case of the marginal
(maximal) identity openness, the identity per se also disappears (because there
is no longer any difference between I and the Other) however, the process itself
of “identity vanishing”, contrary to what would go through the identity close-
dness, is positive – involving Others, but not negative – denying or destroying
Others. Thus, perceiving that each identity has a different bent for closedness or
openness (and, in fact, never arises on the basis of the mentioned limiting cases)
it is reasonable to classify identity into the extrovert and introvert identities.

By considering this elementary sequence at the hypothetical level, we
shall easily come to the conclusion that the ideal type of the closed identity will
be much more stable than the ideal type of the open identity. In an ideal case
of a completely introvert identity, the identity will be stable, resistant to iden-
tity-related shocks, which may destroy social identity aggregations. However,
this type of stability is only feasible in case of the limiting identity closedness
(when other identities do not longer exist). The closedness of identity in the
structure where other identity subjects exist will always experience a greater
friction and external pressure than identities of the extrovert type, capable of both to faster get adjusted to changing conditions and to neutralize, through the integration of identities, possible identity-related frictions. It is possible to state that this is one of the essential reasons why Hobbesian anarchy grounded on identity introvertism is conflicting (therefore, unstable), whereas Lockean and Kantian anarchies, though at different levels, yet based on identity extrovertism, are peaceful and in terms of structure stable structures (see Figure 1). It is also worthwhile to claim that the place of identity on the straight line of openness and closedness is directly related to what fear and how the identity subject will feel. For example, in Locke’s and Kant’s anarchies, fear concerning the extrovertism of identity should be directly dependent on external factors. Meanwhile, in Hobbes’ anarchy, fear will arise and will be sustained by exceptionally internal factors; therefore, in its form and content it will qualitatively differ from the previous two types (qualitative differences of fear in examples of introvert and extrovert identities are discussed in the second part). Thus, if fear can be rational (as a reaction to the objective reality) in extrovert anarchy types of Locke and Kant, in the introvert anarchy of Hobbes it emerges and develops rather as an emotion within the subject; therefore, it should be treated as an irrational phenomenon. This, in essence, is one of the most important factors linking the emotion of fear and identity.

Figure 1. Map of the Construction of Cultural Types of Anarchy
From the point of view of the constructivist perspective, fear (as an emotion) can also be treated as an obstacle of the international system (at the macro level) though possessing the function of maintaining stability and sustainability at the micro (the internal level of the state) level. For example, fear can unite a nation (particularly by escalating it in the public discourse) in the face of a national threat. This is related to the fact that the formation of the community can be perceived as an act, pushed by socio-psychological stimuli, in which the fear that Others, not belonging to the group, can and intend to harm the members of the group will dominate. Consequently, fear can be a stimulus to more clearly, more firmly and more rapidly define a collective identity. However, this domination of fear in the narrative of identity at the same time programs instability and irrational interaction of subjects at the international level, in which identities based on introvertism and fear will determine the emergence of a fear-based system. It is not accidentally that Lebow notes that in political and psychological literature the perception of the Other is an ideological (in this study, ideological would correspond to the statement that such a representation is formed subjectively within the state) rather than real representation.

Though the stimulus of fear can encourage cooperation, it is probable that this cooperation will only last as long as the very threat that started the cooperation. Therefore, Lebow presents the fear-based culture as a trap which is easy to get into but difficult to get out of.

3. Concepts of the Perception of Threat as the Cause of Fear

Having defined the concept of the emotion of fear as well as the impact of the culture of fear (the dominance of the emotion of fear) on social structures, we should now characterize reasons for the emergence of fear. Taking into consideration the provided reasoning, it is logical to treat fear as a reaction to the perception of the emerged threat. Having integrated the attitudes of realists, liberals, constructivists as well as those dealing with the first level of analysis, based on the concepts of foreign policy research, we will further present in this study theoretical concepts of the perception of the emerged threat: threat as a

consequence of the power asymmetry, threat as a consequence of the identity asymmetry and threat as a consequence determined by the belief system. It is necessary to emphasize that the concepts of threat perception provided in the study are treated as differing, changing each other and interrelated schemes of the perception of the picture of the causes of threat (ideal types). Consequently, not a single model among the ones provided is treated as the general theory of the perception of threat. The invocation of all these concepts rather creates possibilities for all-around analysis of the impact of the fear factor on foreign policy formation and implementation.

3.1. Power Asymmetry

The perception of fear based on power asymmetry partly coincides with the attitude of realists of international relations towards the causes of threat and fear. In this perspective of the explanation of international politics, the most important source of threat and fear is the formation and increase of power asymmetry in the anarchic system of international relations. For example, it was Thucydides who drew the conclusion that the cause of the war between Athens and Sparta was the created power asymmetry between the two poles and an increase in that asymmetry. In other words, power acquisition by any other subject of the international system is potentially threatening and dangerous. According to realists, this is a thesis calling for no discussion. According to the pioneers of realpolitik, Machiavelli and Hobbes, a human or a state will always have/must have a permanent aspiration to gain and develop power; it is a result programmed by the state of anarchy.

Waltz integrated these statements into his scientific theory of international relations. Waltz claims that threat is a function of power asymmetry. If, for example, state X has more power than state Y, the fear of X is grounded because no one in the anarchic system can restrain Y from using force against X. Thus, to identify and perceive threat on the basis of Waltz’s neorealist tradition is not very complicated: if it is feasible to easily measure power asymmetry among subjects of the system, then it will be equally simple to understand whether the threat is present or not.\(^23\) In short, it is sufficient to assess and compare military, economic, political, geographic and demographic criteria. For example, the neighboring state X, in comparison with state Y has greater military, economic and demographic resources at its disposal as well as great or increasing

political influence. It is natural that such a situation makes state Y estimate the power asymmetry as threatening. If state Y ignores this, as has already been mentioned, it risks to be punished by the systemic logic (conquered, annexed, etc.). So, fear that will arise as a reaction to threat, which emerged because of power asymmetry, will essentially be determined by material factors (greater military power, stronger and more rapidly growing economy, etc.). This would allow for the assumption that fear is a rational reaction. If the logic of the international system is such as provided by Waltz, to fear (a stronger or getting stronger other subject) means to behave rationally, prudently and adequately to the actual conditions.

However, it is not completely agreed in the realistic perspective of international relations why a threat arises. Stephen Walt is one of the theoreticians that reflected on the logic of Waltz’s “calculation” of threat. According to Walt, threat is a function of 1) military power, 2) geographic proximity, 3) offensive capability, and 4) aggressive intentions.²⁴ It is an important contribution to explaining the genesis of threat because it shows that states rather balance against threat and not against power. These factors, though retaining the perception of threat as the principle of the identification of power asymmetry, allow to slightly relax from strict structural reasoning and force to deeper consider analysis at the levels of state, bureaucracy and an individual.

It should be emphasized that the perception of threat through power asymmetry should not necessarily be understood as the recognition of realists’ logic or its reiteration. Statements by realists concerning the concept of fear as power asymmetry are more important as reference points of the object of fear (power asymmetry) than those of fear ontology (aggressiveness of states and self-interest are inherent). So, if the factor of power asymmetry is not perceived as perpetuum mobile of the international structure, the calculation of power, depending on the situation, will simply be a natural and even rational reaction to the environment. However, if the principle of power asymmetry dominates and even becomes a part of identity, independently of the environment and its changes, one could speak about the power asymmetry method as the belief system. In other words, the concept of power asymmetry indicates that threat and fear are dynamic because of the orientation towards the behavior of the fear object (towards generation of power and its employment and partly towards threat balancing described by Walt) but not towards its origin. This is also related to the fact that the subject analyzed in the model of power asymmetry will have the identity inclined towards extrovertism whereas states presented by realists

(particularly the classical ones and partly Waltz) in this context would more often correspond to players of the introvert identity type. Consequently, threat perceived by following the logic of power asymmetry may even contradict some realists who, by considering other states as inherent enemies, would rather conform to the structural aspects of the presented in this study belief system than to that of the asymmetry of powers.

3.2. Identity Asymmetry

The perception of fear through the asymmetry of identities is based on the imagining of social reality by liberals and constructivists. If the social world in the concept of power asymmetry is in part “stable” (power redistribution is active and dynamic – the source of threat), having more or less clear compliance with the laws (preservation of sovereignty, principles of relative power and relative security), the concept of the asymmetry of identities points to a much more “active” social and values-related space grounded on the dynamics of identity change. Accordingly, this changes the way the origin of threat or fear is perceived.

Liberals’ perception of threat is related to the “encroachment” on the order based on the existing Western values (free market, democracy, human rights). In other words, according to this concept, fear arises because of the attempt to question the primatus of homo economicus. Liberals are convinced that it is these values that are the source of state’s power, prosperity and security. To put it another way, all have a possibility of and the right to power, prosperity, security and development. Meanwhile, the ignoring of universal liberal values is associated with the contradiction to modernization and state prosperity. This is perfectly illustrated by the dualist theory of development which accentuates that poverty and political instability of underdeveloped states arise due to the incapability of these states to accept and implement a liberal mechanism of organizing the state.

Thus, in perceiving threats, the most important factor for liberals is identity. If, for example, a state of democratic, liberal market starts arming itself (or otherwise changes the distribution of power), it will not necessarily be treated as a threat to a similar democratic state. In other words, for the identification of a revisionist state its very recognizability is important. If we are unable to attribute it to the category We, it is highly probable that political, economic and military ambitions of any state will be treated as a threat. On the other hand, liberals may also consider circumstances favorable for the emergence of a revisionist power as a threat. For example, threatening can be non-democratic regimes that seek or may seek in the future to gain more power.
Finally, liberals have a clear strategy for the neutralization of such threats. The panacea for neutralizing threats is world democratization and liberalization; in other words, universalization and homogenization of world identities (so, identity-related extrovertism is typical of this attitude). Michael J. Boyle illustrates this in his article claiming that the USA directly related the decision on the threat of terrorism after 9/11 attacks to the democratization of Iraq and Afghanistan. Thus, the existing or developing revisionist powers (the threatening Others) can be positively neutralized by involving through the liberalization and democratization of the Other. The more extrovert the identity-related I, the more intensive the neutralization of threats through the involvement will be. This significant aspect shows that in this model of threat concept there is no fixed, existential source of fear (see Figure 2). Threat and its level create a dynamic phenomenon directly dependent on the character of international and interstate relations. This thesis is, in essence, substantiated by David L. Rousseau who defends the statement that the level of identifying with the Other is negatively proportionate to the perception of threat.

3.3. The Belief System

In the models of the concept of threat provided, threat perception and the intensity of threat perception are related to the dynamics of significant variables (power, identity). Thus, these models can be assessed as models responding to the international environment and the processes occurring within it. In other words, although threat has clearly defined causes, it does not have a fixed source that would itself be a cause of threat.

Threat here means: a constant feeling of threat can be simply programmed in reasoning and belief systems of social formations (for example, Beck's Risk Society). An excellent example of such threat concept is provided in the study by Alastair Johnston where the author analyzes the role of memories (how state leaders remember certain events) in foreign policy. Johnston not only claims that preferences of societies of countries and their leaders can shape the foreign policy of the state, but also demonstrates that threats are an internal phenomenon rather than that of the structure (as would be explained by external constructivists, for

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example, Wendt).\textsuperscript{27} Having analyzed Chinese military texts, Johnston identified in his study an active, parallel, belief system which, being established in foreign policy discourses, has an impact on its shaping and implementation. The author named it the \textit{parabellum} – a belief that it is necessary to get ready for war.

In the author’s opinion, the \textit{parabellum} belief system is based on beliefs and stereotypes but not on the observation of the international environment (identification of power or identity asymmetries) that warfare is a constant element of human communication, that military capabilities are important in settling international problems as well as on the belief that conflict is always a zero-sum game (your win is my loss)\textsuperscript{28}. Such a perception of threat essentially differs from both power and identity asymmetry models because threat does not depend (or slightly depends) on the environment and its changes. In other words, contrary to the afore-mentioned models of the picture of fear, the belief system is based on identity introvertism. Thus, beliefs and the process of establishing the belief system (emotionalization of memories and political events, historical analogies, stereotypization, etc.), according to Beck’s terminology, create preconditions for the formation of society with a permanent sense of threat.

The formation of fear or a belief system of a different nature is also dependent on the intensity of the communication of a state with other states. The more closed a society, the more its identity tends to introvertism (when in the construction of I, myself is not attached to significant Others), the higher probability that original, characteristic of only that particular state belief systems will be strong and influential in foreign policy. For example, in the Russian Federation, the mass media is highly dependent on the state, and the existence of the authorities themselves is based on the existence of a clear vertical. Accordingly, this provides possibilities to legitimize, at the state level, various myths, stereotypes which not only explain but also shape foreign policy of the country; for example, the belief in the hostile West, fascism of the Baltic States, the necessity of Russia as a world power and savior.

For belief systems grounded on fear, the external environment and processes taking place in it are not particularly important. The external environment is subordinated to the model of the belief system and can simply perform the function of a convenient simulacrum. The formation of the belief system based on a sense of permanent threat depends more on dominating in the community-biased beliefs and perceptions that distort the reality and a possibility to find a


\textsuperscript{28} Ibidem.
A rational solution to a threatening situation (for example, researches by Irving Janis and Leon Mann\textsuperscript{29}, Richard Nibett and Lee Ross\textsuperscript{30}). Robert Jervis accentuates that, contrary to what models of a rational solution would require, society does not renew information by assessing and perceiving the current situation, but often relies on the previously acquired experience and knowledge.\textsuperscript{31}

Thus, the perception of threat in the belief system (for example, \textit{parabel-lum}) can be understood as a subjective, based on the introvert identity, and, therefore, a very biased environment reflection process where a lack of information about the environment and its processes is compensated by personal, historical, emotional, cultural experience. In other words, in the reflection of the environment and Others, the I narrative (imagining oneself) is very distinct and influential. Consequently, in the concept of the belief system, the articulated causes of threat are more internal and directly related to the stereotypical models established in the subject's identity and their emotional manifestation; therefore, the international environment (as the objective reality) has little potential to affect and change the level and intensity of threat.\textsuperscript{32} International changes and the dynamics of international processes are, in essence, important only in activating passive or creating new leitmotifs of belief systems (for example, fear of something) which are later constructed and sustained in an exclusively closed identity-related space of the state (see Figure 2).


\textsuperscript{32} Significant insights into the way of the formation of the belief system are also provided by the proponents of the line of the psychological trend explanation who claim that psychological bias is one of the essential factors determining the origin of threat perception and its escalation. For example, in the fundamental attribution failure concept, it is explained that when one person is observing another, the observer tends to interpret the behaviour of another person according to one's own character, nature and deep-rooted motives. At the same time, the observer tends to think that one's own behaviour is merely a reaction to the situation and the actions of the observed person and is in no way related to subjective implications of the character, nature or motives. This situation makes leaders and society justify themselves, treating themselves as less hostile, only reacting to the situation. Kelley H., Michaela J., "Attribution Theory and Research", \textit{Annual Review of Psychology}, vol. 31, 1980, p. 457-501.
This is also one of the key causes that distinguish the belief system from other discussed dynamic models of power and identity asymmetry. The driving force of the belief system is that a strong introvert identity is not characteristic of either power or identity asymmetries. Therefore, it is the identification of the identity nature (introvert or extrovert) that makes it possible to determine whether in the construction of fear of a political subject belief systems or concrete asymmetry models prevail. In other words, the fear of power asymmetries or of a concrete identity can be the essential pillar of a concrete belief system; however, it is only in the introvert type identities that the mentioned fears will be perceived as consequences of the belief system. Thus, in this sense, individual ideas of both realism and liberalism or their predominance in introvert identity constructions can serve as building material for belief systems. Therefore, ideological schemes (liberal or realistic) preserved in the identity and having no sufficient contact with social phenomena outside will tend to construct a sense of threat as irrational and, most probably, inadequate to the reality. In general, it can be stated that these threat perception models are valuable in analyzing foreign policy processes, particularly in the construction of goals, visions or foreign policy identities. For example, if the causes of fear are the belief system, then
there is a high probability that the culture of fear will subordinate the strategy of foreign policy which will be very inflexible, non-extensive and irresponsive to the environment as well as to material and non-material structural changes. If the causes of fear are the identity asymmetry, the intensity of fear will be directly proportionate to identity changes.

4. The Emotion of Fear in Lithuania’s Foreign Policy

Since the restoration of independence, it has been common practice in Lithuania’s foreign policy to distinguish stages in Lithuanian foreign policy. The first stage covers the period from the restoration of independence of Lithuania to the Euro-Atlantic membership in 2004 (Ieva Karpavičiūtė identifies a prior stage of the establishment of sovereignty in 1990-1994\textsuperscript{33}), the second stage from 2004 to 2009 is presented as a stage of the articulation of ambitious visions, and the stage of the development of a pragmatic foreign policy that started in 2009. This periodization of the Lithuanian foreign policy is based on a different articulation of foreign policy visions which was determined by the process of seeking a national identity.

Nevertheless, in the current studies on the Lithuanian foreign policy, little attention was given to the stimuli which not only forced correction of the perception of the national identity (interpretation of I, We and the Other), but also filled the content of the proposed identity. In other words, the research carried out limited itself to a more traditional, sufficiently “passive” logic of constructivism by emphasizing the most important identity factors, and thus leaving aside the very process of the formation and implementation of ideas. Thus, although in the analysis of the Lithuanian foreign policy the significant identity-related “Others” are clearly identified and analyzed in detail, the nature, dynamics and activity level of the interaction of these significant “Others” with the Lithuanian identity have not been clearly assessed. The present study proposes that the discussed problem be tackled by analyzing the role of the emotion of fear (in the sense suggested in the study) based on the introvert identity in the articulation of the goals of the Lithuanian foreign policy.

The aforementioned aspiration of the vision of Lithuania as the regional leader was “to secure in diplomatic ways a safe and democratic development of the country in the view of new possibilities and threats through using good bilateral relations of Lithuania, the membership in NATO, the European Union

\textsuperscript{33}Karpavičiūtė I., “Kaita ir nacionalinė tapatybė užsienio politikos studijose: Lietuvos atvejis”, \textit{Politikos moksly almanachas} 07/2013; 13(13).
and other international organizations, and strengthening Lithuania as a dynamic and respectable modern state.\textsuperscript{34} The strategy of the implementation of this aspiration was based on the ambition of Lithuania to assume the role of an attractive center of interregional cooperation, promoting Euro-Atlantic values, tolerance and the spirit of cooperation, uniting cultures and civilizations.\textsuperscript{35}

However, in this narrative of foreign policy, the frequently emphasized regional (particularly that of the East, Poland) dimension has not become a part of the Lithuanian identity. In other words, neither geography nor the identification of a concrete value-related space can be the basis of the constructed identity. This can be discerned when analyzing the concept of the role of Lithuania as the regional leader suggested by President Valdas Adamkus.

An active and leading course of the Lithuanian policy in the President’s state-of-the-nation addresses was first of all directly related to an active and not passive foreign policy. Seeking to attract Ukraine, Moldova, Belarus and the Southern Caucasus closer to the EU and NATO, Adamkus urged Lithuania to form an ambitious agenda of foreign policy and become an attractive center of interregional cooperation, a link, a leader of the region, be full-fledged Europeans and not remain on the periphery of Europe. Such implementation of foreign policy is presented by the President not only as a historic possibility, but also as a historic mission. Thus, Adamkus relates full-fledgedness of the state to its activeness; therefore, the existence on the periphery of Europe or being a golden province has an obviously negative connotation.

In President Valdas Adamkus’ annual report, historical, cultural and, eventually, identity commonality or identification with other “communities” are altogether excluded as factors which are important for the implementation of the goals of the Lithuanian foreign policy. In setting ambitious goals, Lithuania is not identified with “something” (for example, the region). Rather, it is stated that Lithuania should function as a center of interregional cooperation. In other words, there is no clear decision as to what Lithuania “belongs to” or should “belong to”: Lithuania is regarded as being in between something (the East and the West, the North and the South) but not somewhere (in the West, the North, or the East). Thus, despite the aspiration to actively participate in the region, the identity created by the Lithuanian foreign policy is rather introvert in its nature.

Therefore, Adamkus constructs the identity of “the regional center of attraction” the fundamental “details” (related to the identity, geography, and,

\textsuperscript{34} Lietuvos politinių partijų susitarimas dėl pagrindinių užsienio politikos tikslų ir uždavinių 2004–2008 metais, 2004 m. spalio 5 d.

\textsuperscript{35} Lietuvos politinių partijų susitarimas dėl pagrindinių užsienio politikos tikslų ir uždavinių 2004–2008 metais, 2004 m. spalio 5 d.
partly, to values) of the narrative of which, as was noted by Gražina Miniotaitė, do not exist. Lithuania is seen as if in some vacuum, as “a crossroads of civilizations”, having just a functional and a slightly mystical goal: to connect the East and the West, to be “a civilization key” that no one has so far been.

In Adamkus’ addresses, the President’s rather limited concept of a national state gets revealed and that (most likely) this is one of the key reasons why Lithuania is not perceived as part of the European Union. The identity of Lithuania as a regional leader suggests that there is a We (Lithuanians) and a They (Europeans). The EU policy is understood as the policy of the Other. There are no allusions to Lithuania’s European identity; Lithuania is “committed” to the European Union only in terms of values, but not politically.

Looking at this interpretation of this vision of the regional leader, one can see that the key principle of the created identity is striving for exceptionality, independence, functionality understood as the activeness of the country. Although in this concept, threatening motifs regarding the East and Russia can be found, they are not the main binding material of Lithuania as the regional center. Russia is not discarded as a potential partner, and Lithuania, by its active leadership-directed activity, can help it “smooth the way to get involved in European processes of cooperation”. In general, both in the addresses by Lithuania’s Presidents and in the National Security Strategies (2005 and 2012), Russia does not feature as a clearly perceived threat; rather, it is defined as a state within the space causing certain concern because of its indefiniteness, unpredictability and otherness to the Western space (see Figure 2). In other words, Russia causes concern not because it is “a threat in itself”, but because it is in an indefinite space. In this phase of Lithuanian-Russian relations, the Lithuanian picture of Russia as a threat is not fixed. Threat, its level and intensity, depend on clear changes in reality: a threat can decrease, for example, under a positive change in the identity asymmetry (with Russia faster approaching a definite and friendly value-related structure) or under a positive change in the power asymmetry. Therefore, in the future, a constructive cooperation can be seen not only as feasible (with Russia having escaped from the threatening space), but also as desirable (for example, the reset policy emphasized in the Program of the 16th Government).

Nevertheless, in the created identity of Lithuania as a leader, the sense of fear is important, however, it arises not from the indefiniteness and otherness of the Other (of the East, Russia), but from the concern for the state and the nation not to remain on the periphery as well as the belief that only high political acti-

37 Prezidento Valdo Adamkaus metinis pranešimas, 2005 m.
veness and state leadership is the condition for the prosperity of the state or even for its survival. In other words, the aspiration of the state to be a leader should be understood as an action taken because of fear to remain small, weak, unheard or removed from the center. Following this logic, it is fear and not geopolitics, geo-economics, or geo-culture that is the backbone of this foreign policy vision.

Therefore, on the basis of the previously presented explanation of the causes of fear, it can be stated that in the identity of the regional leader, the causes of fear are not power or identity asymmetries related to the environment response, but a subjective, independent and original belief system, created by the political elite of the state, subjectively idealizing the history of the country, suffering from a complex of possible inferiority of the country, small size or a possibility of passiveness.

When Dalia Grybauskaitė became President, the belief system of Lithuania as the regional leader constructed during Valdas Adamkus’ presidency was deconstructed. In her state-of-the-nation address 2012, D. Grybauskaitė points out that Lithuanian interests call for creative foreign policy and resourceful democracy. The most important elements of this direction include regional partnership, regional solidarity, regional institutions, historical and geopolitical commonality of the Baltic States, the good experience of the Nordic States. Lithuania is perceived as a part of the international community, so the state is no longer in the identity vacuum, and the hardly perceptible historic mission is replaced by pragmatism (the need to more effectively function in the EU, a clear identity space).

Thus, the new stage of foreign policy that started with Grybauskaitė has no “fixed” threats and fears programmed in the narrative itself. Anxiety or threats in the newly constructed foreign policy identity are manifested rather by the principle of the identity asymmetry – fear is caused by a possibility to distance too much from the identity structures granting stability and prosperity – the European Union or the Nordic countries (this can be perceived as economic pragmatism). It is an action that is contrary to the previous leadership-based identity function because attempts are made to find identity ledges but not simply “jump” into the identity vacuum, imagining oneself as exceptional and special.

Pragmatic relations with Russia were possible because in the identity structure of the Lithuanian foreign policy, the narrative of Russia as a state in an unfriendly environment was prevailing. A positive transformation of Russia was imagined as feasible. Therefore, as early as 2001, with Russia’s growing economic, political and military power, or even having assessed certain actions of Russia’s aggression and revisionism (the war with Georgia in 2008, Russia’s withdrawal in 2007 from the Treaty on Conventional Armed Forces in Europe,
cyber and information attacks, energy blackmail, the Russian National Security Strategy up to 2020 where the West is defined as hostile and dangerous), in official discourses of the Lithuanian foreign policy and national security, Russia did not become an existential and inherent threat. As previously mentioned, in the Lithuanian National Security Strategies (2005, 2012) Government Programs and state-of-the-nation presidential addresses no direct military threat to Lithuania was identified. On the contrary, in the Program of the 16th Government it is urged to develop the Lithuanian–Russian relations without looking back—just resetting them. Even in the program of the Conservative Government that always had a stricter attitude towards Moscow, Russia is not regarded as a programmed revisionist state. As an exception may be considered the Strategy of the Deterrence of Russia that was released separately by the Homeland Union and which reflects the position of the party rather than that of the state (see Table 1 and Table 2).

| Table 1. Definition of the Lithuanian-Russian relations in the Programs of the 15th and 16th Governments |
|---|---|
| **Areas of cooperation** | 15th Government | 16th Government |
| | Economy, legal, political aspects | Economy |
| **Level of the threat from Russia** | Low | Nearly non-existent |
| **Further development of relations** | Equality of rights, compensation for damage, democratization | “Resetting” |
| **Goals regarding Russia** | Democratization, Europeanization | Closer, more rational (more pragmatic) relations |

| Table 2. Definition of the Lithuanian-Russian relations in the National Security Strategy of Lithuania 2012 |
|---|---|
| **Character of relations** | Positive (Engagement) |
| **Intentions regarding Russia** | • Enhance mutual trust in security areas  
• Promote cooperation in economy, in the areas of transport and nuclear energy |
| **Lithuania’s goals** | • Promote mutual trust and cooperation  
• Support cooperation between NATO and Russia  
• Seek participation of the EU in Lithuanian–Russian relations  
• Involve Kaliningrad in the processes of regional integration  
• Seek higher transparency and regulation of nuclear weapons at Russia’s disposal |
It is possible to state that such an approach to the threat of Russia was based on the identity asymmetry principle. In spite of occasional diplomatic and economic conflicts between Lithuania and Russia, the belief that positive changes in Russia were feasible, made fear itself directly dependent on the existing nature of the relations (fear is dynamic and exists outside). In other words, the prevalent belief was that Russia could be a part of the Western community; therefore, just for pragmatic considerations, it was worth cooperating with it. A perfect illustration of that is the fact that since 2001, the threatening of Russia’s increasing relative (political, economic, military) power on the basis of the power asymmetry failed to become dominant in the official foreign policy discourse.

Of course, the narrative of Russia as an eternal enemy of Lithuania and a major threat to its national security has existed since the very beginning of the declaration of independence of the country. Particularly, a part of the right-wing political elite of Lithuania suggested, most often in public discourses, that Russia should be looked upon as “the empire of the evil”, “a potential invader” or “a geopolitical competitor”. These suggested perceptions of Russia, most frequently very simple, consist of only a few identity criteria (mainly the Soviet experience and other historical grievances); therefore, they are very stable, resistant to change and the influence of different social processes (culture, economics, religion, politics, etc). Yet, this portraying of threat often based on historical grievances and emotional experience has not, in essence, become the dominant position of the country (even, as has been mentioned, after the aggressive Russian policy towards Georgia in 2008). In both official and public discourses, this perspective was counterweighed by other perspectives of imagining Russia that suggested a more diverse perception of Russia’s identity structure. In most cases, these perceptions are complemented by the images of Russia as “an economic partner”, “Russia as a geographical neighbor”, which, in some sense, slowed down the maximization of the fear of Moscow, stereotypization as well as the transfer of it as an ideological leitmotif into the identity under construction.

Nevertheless, the occupation of Crimea in 2014 activates the aforementioned elements of the fear of Russia that existed in the narratives of Lithuania’s national security and foreign policy. Therefore, Russia’s revisionism, the ambition for the status of regional and global power not complying with international legal norms become an inseparable part of the picture of historical, current and future relations between Russia and Lithuania (the West). At the same time, the source of threat and fear is transferred from an abstract alien Eastern space to Russia itself as a specific political entity.
Changes in imagining Russia and the threat of Russia are taking place in both official and public discourses. Emotional epithets describing Russia abound in both media and officials’ speeches (President Grybauskaitė refers to Russia as “a terrorist state”, the Minister of Foreign Affairs Linkevičius compared Russia to Nazi Germany), in Lithuania’s main news portals (in the news related to Russia) militaristic rhetoric, panic about Russia’s expansion to the Baltic States, the passiveness of the West are prevailing. The image of Russia as an unpredictable state dominates in the information messages of the public discourse. The country is often identified with the personality of V. Putin having psychological disorders. Russia is more and more often considered not only as a successor of the rights of the USSR, but also as a successor of its antagonistic policy carried out against the civilization of the West.

There are plenty of messages in which Russia is perceived as a cultural and economic barbarian that not only fails to meet the standards of Western values, but also contains a regressive social structure (and is seeking to impose it on others), uses economy as a political tool. One can even notice interesting value-related shifts regarding the entire Russian nation. If previously it was common to emphasize that it was the Russian authorities (the Kremlin) that were “destructive” but not the Russians themselves (the nation), after the occupation of Crimea, in the Lithuanian media, when discussing the high ratings of Vladimir Putin’s popularity, more and more often odd suggestions to revise this perception were voiced, erasing the clear value-related line between “Putin” and “the Russian society” that hitherto had protected the latter. In other words, the Russian society is also becoming guilty and is identified and seen in the context of one symbol (bad Putin). Eventually, the image of Russia as a historical and inherent enemy of Lithuania (and the West) is born.

When comparing with the previously imagined Russia, the possibility of the change of Russia’s threat is rejected. Thus, the fear of Russia, the belief in the inevitability of conflict (sooner or later Russia is going to attack Lithuania) or in the conversion of Russia turns to be the essential principle of bilateral or multi-lateral relations. Taking into consideration the previously presented reasoning, this can be treated as the belief system, based on the fear of Russia and close to the parabellum principle, which has been established in the Lithuanian foreign policy and which, because of its content (the issue of Russia becomes essential not only to the security of Lithuania but also to the existence of Lithuania in general), in the future can naturally become a leitmotif of the Lithuanian identity.

One can already now notice that the parabellum narrative is gradually getting established and is replacing the created positive vision of Lithuania’s
foreign policy (integration, pragmatism, strategy) that had to bring Lithuania closer to Western standards by giving way to simply negative response to events (particularly those related to the Russian policy). The emotion of fear, just like in the concept of Lithuania as the regional leader, risks becoming the backbone of the vision of state foreign policy that can influence not only bilateral relations (between Lithuania and Russia) but also the imagining of Lithuania’s identity, its place and function in the region as well as the causes of international processes. It can be noted that this concept differs from others by its exceptionally emotional performativeness. This, on the one hand, makes this vision intimate and attractive to the public space; on the other hand, emotional rhetorical forms, appealing not only to value-related feelings but also to societal psychology step up legitimization of the vision and its establishment in the discourse of the country’s foreign policy. In this context, it can be noted that the idea of Lithuania as the regional leader tightly correlates with the parabellum concept under discussion (see Figure 3).

![Figure 3. Map of Lithuanian foreign policy visions](image)

Of course, it is not completely accurate to claim that internal policy factors and emotions had the greatest impact on the development of the parabellum foreign policy narrative. To activate the parabellum belief system and establish
it in foreign policy discourses, external, regional processes played an essential role – e.g. Russia’s aggression against Ukraine. It is possible to say that it was the dominance of the culture of fear in the Russian foreign policy discourse that was the main cause of the conflict (between Russia and Ukraine, between Russia and the West). In Russia’s official and public discourses, the belief in the exceptional mission of the state, a constant presence of a sense of fear for survival, striving for a status but not security subordinated Moscow’s foreign policy formation and implementation to emotional, fear-based belief schemes. Thus, Lithuania’s fear and concern about the aggression carried out by Russia are grounded; however, the escalation of fear through the *parabellum* reasoning code makes fear self-contained, *autopoietic* (self-generating) and little dependent on the further course of events.

**Conclusions**

The article discusses new perspectives on foreign policy analysis. The concept of destructive fear provided in the study reflects the concept of fear as a stimulus for rational behavior established in international relations and foreign policies. The article does not question the thesis of realists and liberals that fear is rational. Rather, it shows that fears can also be irrational, stereotype-based, subjective and disassociated from the environment beliefs and emotions (as manifestation practices). The most important criterion for “measuring” fear on the scale of rationality-irrationality is its interaction with the environment. In the case of fear as a rational stimulus, the object of fear is always on the outside and is caused by the Other. Consequently, the level of fear intensity is directly dependent on the outside and changes of the Other (the extrovert identity). Therefore, visions of a definite threat as power or identity asymmetry are an example of rational fear. Fear as a cause of the belief system is not rational and destructive in character since fear itself (though caused by a real object of fear) directly depends on the cognitive scheme articulated within the state (in the introvert identity). Thus, in this model, the state’s picture of fear is not, in essence, related to the object of fear and the international environment. Emotions in this model function as one of the key factors legitimizing the belief system; therefore, as the article claims, to perceive fear as an emotion means to derationalize the phenomenon of fear. The three concepts of fear based on different paradigms of

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international relations distinguished in this study are not individual explanations of fear perception. Rather, they are ideal types of fear perception, changing and supplementing each other in reality.

The analysis of Lithuanian foreign policy visions, based on the theoretical insights provided in the article, shows that after the occupation of Crimea in 2014, it is possible to speak about a newly developing stage of Lithuanian foreign policy – *parabellum*. It is defined in the study as the belief system based on the existential fear of Russia. Although the narrative of the threat of Russia has been featured in Lithuanian foreign policy since the very restoration of independence, it has never acquired an existential character in the official discourse. Even at the stages of the intensification of the perception of the threat of Russia, the object of threat (Russia) remained on the outside, i.e. the level of threat remained dependent on the dynamics of changes in Russia. Thus, the fear of Russia establishing itself in the Lithuanian discourse is of an emotional character. In its ideological structure, this newly begun stage is very close to the vision of Lithuania as the regional leader, where the articulated emotion of fear manifested itself as the fear to remain on the periphery.

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