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Russia's use of rhetoric and international law: A case study of the interconnection between legalistic language and rational choice theory

BACHELOR THESIS

AUTHOR:

Elīna Rancāne
LL.B 2020/2021 year student
student number B020039

SUPERVISOR:

Dr León Castellanos-Jankiewicz
PhD

DECLARATION OF HONOUR:

I declare that this thesis is my own work, and that all references to, or quotations from, the work of others are fully and correctly cited.

(Signed)

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Abstract

This bachelor thesis examines how Russia's use of rhetorical language from international law allows it to maintain its strategic interests and justify its actions in the international system. Using a case study of the annexation of Crimea and the invasion of Ukraine, the thesis analyses the historical development of language in international law, the principles of state sovereignty, self-determination, and human rights, and employs rational choice theory to explain Russia's behaviour. By utilizing language from international law, Russia is able to lend legitimacy to its actions, deflect criticism from other nations and international organizations, express its perception of international legal norms and principles, and employ lawfare. The thesis underscores the critical role of language in shaping the law and influencing the behaviour of actors in the international system, as well as the complex interplay between international law, language, and power.

Keywords: Russia, international law, rhetoric, the annexation of Crimea, invasion of Ukraine, rational choice theory, legal language.

SUMMARY

The first chapter of this thesis presents a theoretical review of language's significance and how it impacts international law. This chapter includes an examination of the historical context of rhetoric and law, the development of terminology and language in international law, and the influence of language on legal norms and principles. The foundation for the other chapters of the thesis is laid in this chapter, which emphasizes the value of clear communication and language in influencing international law and its interpretation.

The Crimea takeover in 2014 and Russia's invasion of Ukraine in 2022 are the main focus of the second chapter of this thesis. These events created serious questions regarding respect for international law, as well as the concepts of state sovereignty and territorial integrity. The annexation of Crimea in 2014 is examined in the chapter's opening part. The three annexation narratives—defence, imperialism, and improvisation—as well as Putin's explanations for the annexation in his address following the annexation, are discussed in this section. In order to make his case, Putin used principles of international law, such as the right to self-determination, the preservation of minority rights, and cultural diversity. The second half of the second chapter, analyses, among other sources, the speech given by Russian President Vladimir Putin right before the invasion. The speech serves as a starting point for an investigation of the arguments used by the aggressor state, which may be divided into three main categories: political, ethnic, and historical. The last section of the second chapter investigates how Russia justifies its conduct toward Ukraine by using international law, with a particular emphasis on three fundamental principles of international relations: sovereignty, territorial integrity, and respect for human rights. This section focuses on state sovereignty, which acknowledges each state's unique right to run its affairs free from outside influence. The author also explores the legal ramifications of how Russia has justified its actions by asserting that Ukraine lacks both legitimacy as a state and a long history of statehood. The section concludes with a discussion of Russia's use of the term "genocide" in its justification and Ukraine's appeal to the International Court of Justice and illuminates the difficulties and problems associated with preserving state sovereignty in the face of competing interests and international power dynamics.

The last chapter of the thesis examines the conflict between how Russia's government-presented beliefs and activities and how the West and other countries perceive Russia's behaviour. The thesis also examines Russia's contemporary propaganda strategy, which prioritizes speed and quantity above coherence and employs a variety of communication channels to convey its messages. The author follows by examining Russia's activities in Ukraine through the prism of rational choice theory. The rational choice theory, which contends that nations pursue their own interests strategically, may be used to interpret Russia's behaviour. The influence of public discourse on state behaviour in international relations is also covered in this section. The thesis examines the tenets of rational choice theory, which holds that individuals involved in international relations act strategically and rationally to advance their own interests. The thesis contends that Russia's use of terminology from international law to defend its activities in Ukraine is consistent with rational choice theory because it was a premeditated rhetorical move to increase the perceived legitimacy of those acts and reduce possible consequences. The overall goal of this thesis is to further knowledge of Russia's activities in Ukraine and on the application of rational choice theory to the study of state conduct in international relations.

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INTRODUCTION

Russia's annexation of Crimea in 2014 and now its invasion of Ukraine in 2022 have had profound consequences for the region and the world. With international condemnation being swift, the conflict looks "black and white", with clear heroes and villains. Yet the Russian Federation has been justifying its actions and continues to do so and, most interestingly, the justifications are almost always rooted in principles of international law.

While there have been numerous analyses of this conflict, including Russia's use of rhetoric, few have examined it through the lens of rational choice theory. This thesis aims to fill this gap by providing a comprehensive analysis of Russia's actions in Ukraine from a rational choice perspective.

This thesis seeks to answer the question: How does Russia's use of rhetoric align with the principles of rational choice theory in justifying its aggression against Ukraine? By applying rational choice theory to this conflict, this research aims to contribute to the broader literature on law and international relations and provide insights into the behaviour of states in the international system. Rational choice theory provides a useful lens for understanding the behaviour of states in international relations, as this theory suggests that states act in their own self-interest, based on a careful consideration of available options and their likely outcomes.

But to effectively conduct this analysis, this research is split into three sections. The first chapter aims to provide a theoretical background for analysing rhetoric within the context of international law. The relationship between rhetoric and law has long been a matter of study and fascination, and it remains relevant today, but a review of its history in development also allows to ground the research within the academic context.

In the second chapter of this thesis, the analysis is centred on what Russia has stated as its justifications for armed actions in 2014 and 2022 and how Russia has used rhetoric to justify its aggression against Ukraine. The different narratives that the Russian Federation employed in both conflicts are assessed in the first part of this chapter. In the following part, three international law principles are highlighted which were most prominent in Russia's communications. Lastly, Russia's claims of genocide are also analysed, as well as Ukraine's judicial response.

The last chapter of the thesis aims to examine the rational calculations that underlie these arguments and the broader political and strategic context that informs them. By applying rational choice theory to this case, a deeper understanding of the motivations behind Russia's actions and their implications for international relations can be gained. The chapter begins with a contextual section on Russia's propaganda system and the connections between propaganda and rationality as such. This is followed by the assessment within the context of rational choice theory – first by giving background on the theory itself, then addressing weak reasons for argumentation and lastly addressing the reasons why the author believes that Russia's use of rhetoric fits the rational choice theory, whilst also drawing conclusions on why international law language and the law itself has an important position in the eyes of nations and their leaders and representatives.

1. INTERNATIONAL LAW – LANGUAGE AND RHETORIC

The interaction between law and rhetoric has been a topic of interest for scholars for centuries. However, in recent times, the importance of language in shaping international law has become increasingly apparent. The ongoing conflict between Russia and Ukraine provides an example of how international law is not only a tool for justice, but can also be utilised in a manipulative manner.

The first chapter of this research will provide a theoretical overview of the importance of language and rhetoric in shaping law, more notably - international law. The first chapter explores the ways in which legal language may reflect changes in society and the law itself, and how the emergence of new legal ideas and shifting meanings of established terminology have significant judicial ramifications. Additionally, the chapter will assess how legal language shapes the behaviour of states and hence, underscores the need for careful consideration of the terminology used in legal documents and the importance of recognizing implicit biases in legal decision-making.

Lastly, this chapter will also explore the significance of legal language in shaping the norms of international law surrounding concepts such as the use of force and the principle of non-intervention in the affairs of other states. By examining the relationship between rhetoric and law the first chapter will highlight the importance of clear and effective communication in the development and application of international law.

The aim of this chapter is to provide a foundation for the subsequent chapters of the thesis by establishing the theoretical framework for understanding the interaction between language and international law. It will also highlight the relevance of this topic in the context of the ongoing conflict between Russia and Ukraine and the importance of careful consideration of legal language in the context of principles of international law.

1.1. Historical context

Rhetoric has its origins in Ancient Greece when it was regarded as one of the essential talents to efficiently convey concepts.¹ Aristotle in his works outlines how rhetoric plays an important role in judicial processes, even concluding that:

(...) so that if the decisions of judges are not what they ought to be, the defeat must be due to the speakers themselves, and they must be blamed accordingly.²

The evolution of the judicial system in Athens, where legal disputes were settled by public speeches before a jury, was significantly influenced by rhetoric. The idea of employing persuasive language to influence a choice in one's favour was first given by the Sophists, a group of itinerant teachers in Ancient Greece. This concept later became a key component of the practice of rhetoric.³ Legal scholars like Cicero, who wrote extensively on the use of rhetoric in legal discourse, can be observed drawing inspiration from Greek rhetoric in their writings.⁴

¹ Elizabeth Belfiore, "The Origins of Rhetoric in Ancient Greece by Thomas Cole," *Rhetoric Society Quarterly* 21, no. 2 (1991): 49–51. <http://www.jstor.org/stable/3885519>.

² Aristotle, *The Art of Rhetoric*, Harper Press (2012), ISBN: 978-0-00-792069-3, p. 6.

³ Susan C. Jarratt, "The First Sophists and the Uses of History," *Rhetoric Review* (1987), Vol. 6, No. 1, accessed on February 9, 2023, available on: <https://www.jstor.org/stable/465950>, pp. 67 – 78.

⁴ Randall Lesaffer, *European Legal History: A cultural and political perspective*, Cambridge University press (2009), doi: <https://doi.org/10.1017/9781107300866>, pp. 76-82.

Greek rhetoric was among the classic arts that had a resurgence of attention during the Renaissance, but during the Enlightenment, the emphasis shifted from the use of persuasive language to the use of reason and logic in legal argumentation.⁵ Nonetheless, this emphasis on reason and logic did not diminish the importance of rhetoric but rather transformed its use in legal discourse.⁶ Rhetoric was no longer considered primarily as a tool for persuasion or manipulation, but rather as a technique of promoting conversation between people with diverse ideas and interests. The emphasis switched from using rhetorical methods to deceive an audience to rather utilizing rhetoric to engage in productive discussion.⁷

In the 19th and 20th centuries, the development of international law and the increasing globalization of legal discourse led to a renewed focus on the importance of clear and effective communication in legal writing. The use of technical language and legal jargon became more prevalent, as lawyers and legal scholars sought to create a specialized language for international law.⁸

Despite this trend, there has also been a growing recognition of the importance of clear and accessible language in international law. The Plain Language Movement⁹, which emerged in the United States in the 1970s, advocates for the use of clear, concise language in all forms of legal writing, including international legal documents. One example of the impact of ambiguous legal language can be found in the argument over treaty interpretation. The Vienna Convention on the Law of Treaties requires treaties to be interpreted in good faith and in accordance with the usual meaning of the treaty's words. However, the use of ambiguous or vague language in treaties can make determining their intended meaning difficult, leading to disagreements and disputes.¹⁰

However, in recent years, there has been a renewed focus on the importance of rhetoric in international law. The Renaissance's resurrection of rhetoric, as well as its ancient origins, are both referenced in contemporary conceptions of rhetoric in international law.¹¹ The use of persuasive language and rhetorical strategies in legal writing can play a crucial role in shaping the development and interpretation of international law. As a result, legal scholars and practitioners are increasingly recognizing the need for a deeper understanding of the role of rhetoric in international legal discourse.¹² One of the theories regarding law and language that has developed rapidly during recent years has been the law as discourse theory¹³, which emphasizes the use of language and rhetoric in forming our understanding of international law,

⁵ *Ibid.*, p. 390.

⁶ Craig R. Smith, *Rhetoric and Human Consciousness*, 5th Edition. Waveland Press (2017), ISBN: 1478634545.

⁷ Karen Palmer, *Diving into Rhetoric: A Rhetorical View of History, Communication, and Composition*, Pressbooks (2020), available on: <https://pressbooks.pub/divingintorhetoric/>, Chapter 6.

⁸ Brenda Danet, "Language in the Legal Process," *Law & Society Review* 14, no. 3 (1980), available on: <https://doi.org/10.2307/3053192>.

⁹ Lawrence M. Solan and Peter M. Tiersma (eds), *The Oxford Handbook of Language and Law*, Oxford Academic, (2012), available on: <https://doi.org/10.1093/oxfordhb/9780199572120.001.0001>, pp. 67-83.

¹⁰ United Nations, Vienna Convention on the Law of Treaties, Treaty Series 1155 (1969), <https://www.refworld.org/docid/3ae6b3a10.html>.

¹¹ Barbara C. Bowen, "Ciceronian Wit and Renaissance Rhetoric," *Rhetorica: A Journal of the History of Rhetoric* (1998), Vol. 16, No. 4, accessed on February 9, 2023, available on: <https://www.jstor.org/stable/10.1525/rh.1998.16.4.409>.

¹² James Boyd White, "Law as Rhetoric, Rhetoric as Law: The Arts of Cultural and Communal Life," *The University of Chicago Law Review* 52, no. 3 (1985): 684-702. <https://doi.org/10.2307/1599632>.

¹³ Michael Rosenfeld, "Law as Discourse: Bridging the Gap between Democracy and Rights," *Harvard Law Review* (1995), Vol. 108, No. 5, accessed on February 9, 2023, available on: <http://www.jstor.org/stable/1341874>, pp. 1183 - 1188.

holds that the framing and description of legal concepts has a substantial influence on how they are understood and implemented.¹⁴

The evolution of rhetoric and language in the context of international law has been an ongoing process, shaped by historical and cultural forces. While the emphasis on clear and accessible language has been widely debated, the importance of persuasive language and rhetorical strategies cannot be underestimated in shaping the development and interpretation of international law. As legal scholars and practitioners continue to explore the role of rhetoric in international legal discourse, the law as discourse theory provides a valuable framework for critically analysing the language used in shaping our understanding of legal concepts. In the next section, we will delve deeper into the terminology and language used in international law, examining how language shapes legal concepts and how terminology evolves over time.

1.2. Language & Terminology in Law

International law is a complex and multifaceted field that draws heavily on the use of terminology and language to define and interpret legal norms and principles. The language used in legal documents can have significant impacts on the formulation and application of international law. The meaning and interpretation of legal norms and principles can be influenced by the language used in legal papers. This section will explore the ways in which language and terminology influence the development and application of international law, examining key examples and highlighting the importance of effective communication and clear language in this complex field.

Legal vocabulary has developed over time to reflect changes in society and the law itself. This can be seen in the emergence of new legal ideas, such as privacy rights and environmental safeguards, as well as the shifting meanings of established terminology.¹⁵ In recent years, there has been a shift toward more inclusive language, such as gender-neutral pronouns, and toward acknowledging the impact of implicit prejudices on legal decision-making.¹⁶ Furthermore, technological advancements have resulted in the development of new legal terminology relating to the Internet and data privacy. As language evolves, legal professionals, especially trial lawyers, must stay informed and adapt their use of terminology in order to best serve their clients and the legal system as a whole.¹⁷ I will now address several examples which highlight the use of language and how terminology is impactful in the system of law.

The International Criminal Court's (ICC) Rome Statute's use of the phrase "crime against humanity"¹⁸ is an example of terminology having important judicial ramifications. A crime against humanity is defined by this phrase, which also serves as the legal justification for prosecuting those who perpetrate such crimes. International actors' conduct can be influenced by the terminology used in international law. Legal language can direct states' and

¹⁴ *Ibid.*

¹⁵ Gregory M. Matoesian, *Law and the language of identity: discourse in the William Kennedy Smith trial*, Oxford University Press (2001), ISBN: 0195123301.

¹⁶ n/a, "Gender-Neutral Language in the European Parliament," European Parliament (2018), available on: https://www.europarl.europa.eu/cmsdata/151780/GNL_Guidelines_EN.pdf.

¹⁷ J. M. Balkin, *Cultural Software: A Theory of Ideology*, Yale University (1998), ISBN: 0-300-07288-0, available on: <https://jackbalkin.yale.edu/cultural-software-theory-ideology-0>.

¹⁸ The United Nations Rome Statute of the International Criminal Court. International Organizations, 2001. Web Archive. <https://www.loc.gov/item/lcwaN0018822/>.

international organizations' behaviour in the service of their interests by informing them of the anticipated actions.

The language used in trade agreements, such as the World Trade Organization's¹⁹ agreements, can have significant implications for global trade and economic relations. The use of terms like "most-favoured nation" or "national treatment" can affect a country's access to markets and the treatment of foreign companies within its borders. Similarly, the use of technical language in intellectual property agreements can have a significant impact on innovation and access to essential medicines. The language used in these agreements can be complex and difficult to understand, which highlights the importance of clear and effective communication in the development and application of international trade law.²⁰

The Charter of the United Nations is a foundational document in the field of international law and plays a significant role in shaping the language and norms of international law. Adopted in 1945, it sets out the principles and framework for the international system, including the establishment of the United Nations as the preeminent international organization responsible for promoting international peace and security.²¹

The language of the Charter reflects a commitment to the peaceful resolution of disputes and the maintenance of international order. Article 2(4) states that

All Members shall refrain in their international relations 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.²²

This terminology and use of language have been instrumental in shaping the norms of international law surrounding the use of force and the principle of non-intervention in the affairs of other states.

The word "genocide" is used in the Convention on the Prevention and Punishment of the Crime of Genocide, for instance, which imposes a legal duty on states to stop and punish acts of genocide.²³ By outlining the repercussions of noncompliance with the aforementioned convention, it creates a legal obligation for states to take action to prevent and punish genocide. This duty imposes a responsibility on states to act and holds them accountable for their failure to do so and influences the state's actions. This term is especially important within the context of this research as will be addressed in the later chapters.

The development of legal language mirrors developments in society and the law itself, and the creation of new legal ideas and shifting interpretations of existing terminology have major legal consequences. To better serve their customers and the judiciary as a whole, legal practitioners must keep informed and modify their usage of terminology. The examples in this sub-chapter emphasize the significance of legal language in shaping international law norms concerning issues such as the use of force and the principle of non-interference in the affairs of other states, among many others not explicitly mentioned here. Finally, the ability of legal language to shape behaviour and influence outcomes emphasizes the importance of carefully

¹⁹ n/a, "Understanding the WTO: Agreements," *World Trade Organization*, available on: https://www.wto.org/english/thewto_e/whatis_e/tif_e/agrm1_e.htm

²⁰ n/a, "WIPO Intellectual Property Handbook," World Intellectual Property Organization (2004), available on: https://www.wipo.int/edocs/pubdocs/en/intproperty/489/wipo_pub_489 .

²¹ The Charter of the United Nations, 1945, <https://www.un.org/en/about-us/un-charter/full-text>.

²² *Ibid*, Article 2(4).

²³ UN General Assembly, Convention on the Prevention and Punishment of the Crime of Genocide, 9 December 1948, United Nations, Treaty Series, vol. 78, p. 277, available at: <https://www.refworld.org/docid/3ae6b3ac0.html>.

considering the terminology used in the context of law, as well as recognizing implicit biases in legal decision-making.

1.3. Fields of Impact Beyond Sources of International Law

The impact of language in international law expands beyond the means of official charter texts and law-making. Language and its effective communication have played a critical role in the development of international human rights law, as human rights activists and lawyers have relied on rhetoric to advocate for the recognition and protection of human rights. Human rights organizations often use emotive appeals and vivid language to draw attention to human rights abuses and pressure governments and other actors to take action. Similarly, the art of persuasion is essential in diplomatic negotiations and international relations, as skilled diplomats must be capable of effectively conveying their country's positions and interests while persuading their counterparts to agree with them.

1.3.1. Human rights

Rhetoric's impact on international law is also apparent in the realm of human rights. Human rights activists and organizations often rely on persuasive language and argumentation to garner support for their cause. Effective communication and rhetorical skills are critical in shaping public opinion and influencing policymakers. Rhetoric has had a considerable impact on the evolution of international human rights legislation, with many human rights attorneys and campaigners using compelling language to push for the recognition and defence of human rights.²⁴

Rhetorical strategies have also been used in international human rights advocacy to hold states and other actors accountable for human rights violations. Human rights organizations like Amnesty International and Human Rights Watch utilize personal appeals to highlight violations of human rights and persuade governments and other players to take action. For example, campaigns to end torture or extrajudicial killings often use graphic images or personal stories to illustrate the impact of these abuses on individual victims and their families.²⁵ However, the use of rhetoric in human rights advocacy is not without controversy. Critics argue that emotive appeals can oversimplify complex issues and obscure the underlying causes of human rights abuses.²⁶ Moreover, some argue that the use of rhetoric can be manipulative and lead to the exploitation of victims for political gain. Nonetheless, rhetoric remains a vital tool in the protection and promotion of human rights.²⁷ This issue can be largely overcome when a clear distinction is made between the affective appeal of the human rights *movement*, on the one hand, and the interpretation of human rights *law* on the other. Of course, the two can sometimes overlap, but awareness of this general delimitation is important.²⁸

²⁴ Gunnar Folke Schuppert, *A Global History of Ideas in the Language of Law*, Max Planck Institute for Legal History and Legal Theory (2021), ISBN 978-3-944773-30-8, pp. 176 – 185.

²⁵ n/a, “Security Forces Dealt with Them’ Suspicious Killings and Extrajudicial Executions by Egyptian Security Forces,” *Human Rights Watch* (2021), available on: <https://www.hrw.org/report/2021/09/07/security-forces-dealt-them/suspicious-killings-and-extrajudicial-executions>

²⁶ Danet, *supra* note 8, pp. 466-467

²⁷ Schuppert, *supra* note 24, pp. 195 – 199.

²⁸ Andrea Bianchi, Daniel Peat, Matthew Windsdor, *Interpretation in International Law*, Oxford University Press (2018), ISBN: 9780198828716.

1.3.2. International relations

Furthermore, the role of rhetoric in shaping international law is not limited to legal discourse alone. Rhetoric can also have a significant impact on the development of international relations and diplomacy. Diplomatic negotiations often involve the use of persuasive language and argumentation to achieve a desired outcome. In these scenarios, skilled diplomats must be capable of effectively conveying their country's positions and interests while also persuading their counterparts to agree with them. The art of persuasion is, therefore, an essential aspect of diplomatic discourse.²⁹ For instance, the terminology used to describe a conflict in international law can influence public opinion and officials' choices. A more aggressive response may result from framing a conflict in terms of aggression and transgression of international norms, whereas framing the same problem in terms of a dispute about how international law should be interpreted may result in a more diplomatic response. Agenda setting in international conferences is an example where this aspect is taken into account:

If a party is invited to an ad hoc conference, whether it will attend or not is likely to depend on the draft agenda. This might contain items that are embarrassing or, in themselves, innocuous, although prejudgement is obvious from the manner in which they are worded: for example, 'Chinese aggression against Vietnam', rather than 'the situation concerning China and Vietnam'.³⁰

While rhetoric can have a positive effect on how international law is understood and applied, it can also be harmful and lead to the justification of aggression and transgressions of international norms. It is possible to defend conduct that is against international law by using emotive language and manipulating public opinion.³¹ As an illustration of the possible risks of rhetoric in influencing legal discourse, the thesis will consider how Russian Federation officials used rhetoric to defend their aggression in Ukraine. Despite the fact that acts committed by the Russian Federation are against international law, the terminology employed to characterize the conflict has been used to fabricate a story that justifies those actions.³²

It is critical to acknowledge how rhetoric shapes legal language and conceptions of international law given its influence on how international law is interpreted and applied. This necessitates a critical analysis of the terminology used to characterize international legal issues as well as an awareness of the ways in which rhetoric can be employed to influence how we perceive the rules and standards of international law.³³ In the case of the Russia-Ukraine conflict, both sides have appealed to international law to support their claims and justify their actions, not only through the context of norms but also, one might argue, especially, through human rights and international relations context. The following chapters will now analyse primarily the justifications employed by Russia within the context of both the 2014 annexation of Crimea and the 2022 invasion and the connections with international law language.

²⁹ Eytan Gilboa, "Searching for a Theory of Public Diplomacy," *The Annals of the American Academy of Political Science* (2008), Vol 616, available on: <https://www.jstor.org/stable/25097994>, p.59.

³⁰ G. R. Berridge, *Diplomacy: Theory and Practice*, Palgrave Macmillan (2010) Fourth edition, ISBN: 978-0-230-22960-0, p.153.

³¹ Douglas H. Parker, "Rhetoric, Ethics and Manipulation," *Philosophy & Rhetoric* (1972), Vol. 5, No. 2, available on: <https://www.jstor.org/stable/40236792>.

³² Marie Gavendova, "Is the Russian invasion of Ukraine justifiable from the view of public international law?" *Czech Centre for Human Rights and Democracy* (2022), available on: <https://www.humanrightscentre.org/blog/russian-invasion-ukraine-justifiable-view-public-international-law>.

³³ Boshoff, Anel. "Law and Its Rhetoric of Violence." *International Journal for the Semiotics of Law* (2013) 26, pp. 425–437, doi: 10.1007/s11196-012-9277-6.

2. RUSSIAN AGGRESSION IN UKRAINE: JUSTIFICATIONS IN CONTEXT

In recent years, the international community has witnessed two major conflicts between Russia and Ukraine – the annexation of Crimea in 2014 and the invasion of Ukraine in 2022. Both events have raised significant concerns about respect for international law and the principles of state sovereignty and territorial integrity.³⁴

The annexation of Crimea by Russia in 2014 was a violation of Ukraine’s sovereignty and territorial integrity, as recognized by the United Nations General Assembly in its Resolution 68/262.³⁵ The Russian Federation, however, claimed that its actions were justified by the principle of self-determination of peoples and the protection of Russian speakers in the region.³⁶ The Western nations, on the other hand, saw the annexation as an act of aggression and a breach of international law.³⁷ In 2022, Russia invaded Ukraine, claiming it to be a “special military operation”³⁸ and that it was necessary to protect Russian speakers and interests in the region.³⁹ This invasion was met with swift condemnation from the international community⁴⁰, which saw it as a violation of Ukraine’s sovereignty and territorial integrity.⁴¹

This chapter examines the justifications and reasoning used by Russia in both the annexation of Crimea and the invasion of Ukraine. It also analyzes the elements of international law that were prominent in both cases, including the principles of state sovereignty, self-determination, and respect for human rights. It also assesses Russia’s use of the term genocide in its justifications and Ukraine’s judicial reaction to this action.

2.1. Annexation of Crimea in 2014

After the Ukrainian Revolution, Crimea held a regional referendum, the consequence of which was first a declaration that Crimea is an independent state and a day later, its successful application to become a part of Russia.⁴²

³⁴ Lauri Mälksoo, “The Annexation of Crimea and Balance of Power in International Law,” *The European Journal of International Law* (2019), Vol 30, No. 1, available on: <http://www.ejil.org/pdfs/30/1/2964.pdf>.

³⁵ United Nations General Assembly Resolution 68/262, A/RES/68/262, 27 March, 2014, <https://undocs.org/A/RES/68/262>.

³⁶ Video: Putin’s address on Crimea joining Russia, Signing Ceremony, Published on 18th march, 2014, available on: <https://www.youtube.com/watch?v=Ayu3Ecdbl0Q>.

³⁷ Mälksoo, *supra* note 34.

³⁸ n/a, “Russia had ‘no choice’ but to launch ‘special military operation’ in Ukraine, Lavrov tells UN,” *UN Affairs* (2022), available on: <https://news.un.org/en/story/2022/09/1127881>.

³⁹ Sandra Knispel, “Fact-checking Putin’s claims that Ukraine and Russia are ‘one people’,” *University of Rochester* (2022), available on: <https://www.rochester.edu/newscenter/ukraine-history-fact-checking-putin-513812/>.

⁴⁰ n/a, “General Assembly resolution demands end to Russian offensive in Ukraine,” *United Nations Peace and Security* (2022), available on: <https://news.un.org/en/story/2022/03/1113152>.

⁴¹ John B. Bellinger III, “How Russia’s Invasion of Ukraine Violates International Law,” *Council on Foreign Relations* (2022), available on: <https://www.cfr.org/article/how-russias-invasion-ukraine-violates-international-law>.

⁴² Simone F. van den Driest, “From Kosovo to Crimea and Beyond: On Territorial Integrity, Unilateral Secession and Legal Neutrality in International Law,” *International Journal on Minority and Group Rights* (2015), Vol. 22, No. 4, available on: <https://www.jstor.org/stable/24676566>, p. 468.

2.1.1. Three Narratives of the Annexation

Academics outline three interpretations of the reasoning for the annexation of Crimea - as a defence, as an imperialist action and/or as an act of improvisation.⁴³

The defence narrative is based on the idea that the operation was a response to the NATO expansion towards the Russian border. Putin outlines in his public speeches his contempt towards the idea of NATO being on Russia's borders⁴⁴ and explains that, in essence, such an act would amount to an attack on Russia.⁴⁵

The imperialist narrative is based on the idea that Putin is determined to restore Russian prestige, in part by enlarging Russia's borders, because he never accepted the loss of Russian power that followed the end of the Cold War.⁴⁶ In the argumentation these ideas are often reflected when Putin outlines the historic connections between Crimea and Russia.⁴⁷

Lastly, the improvisation narrative argues that the decision of the annexation is merely a hasty and impulsive reaction to the unexpected demise of former Ukrainian President Viktor Yanukovich.⁴⁸ Opinions on the likelihood that the reasoning was based on one or all three principles varies, but the first two narratives are in line with the rhetoric utilised by the President, whereas the last narrative might have been the push that drove the State towards the annexation of Crimea. Whether or not these narratives are maintained after the occurrences of 2022 will be analysed later in the thesis.

2.1.2. Justifications of the Annexation – Crimea speech

In the signing ceremony after the annexation of Crimea, Putin held a speech which provided an overview of the position of the Russian Federation regarding the situation. In the speech, Putin utilises principles of international law. The three most common principles of international law utilized by Putin are the right to self-determination, the protection of minority rights and cultural diversity. Putin also emphasises that there is a lack of respect for international law by the West.

Right to self-determination

Putin argues that the Crimean referendum was held in full compliance with democratic procedures and international norms and that the decision of the people of Crimea to reunite with Russia was based on their right to self-determination.⁴⁹ Russia also laid the ground for the historic justifications, with Putin arguing that the reason why people voted in the referendum for Crimea to join Russia is based on history:

To understand why they made this exact choice, one has to know the history of Crimea, one has to know what Crimea means to Russia. In Crimea, everything is saturated with our joint history.⁵⁰

⁴³ Daniel Treisman, "Why Putin Took Crimea: The Gambler in the Kremlin," *Foreign Affairs* (2016), Vol. 95, No. 3, available on: <https://www.jstor.org/stable/43946857>, p. 47.

⁴⁴ Putin's address on Crimea joining Russia, *supra* note 36, (32:06)

⁴⁵ *Ibid*, (39:42)

⁴⁶ Treisman, *supra* note 43.

⁴⁷ Putin's address on Crimea joining Russia, *supra* note 36, (40:59)

⁴⁸ Treisman, *supra* note 43.

⁴⁹ Annex 1.

⁵⁰ Putin's address on Crimea joining Russia, *supra* note 36, (6:45).

The controversy surrounding the annexation and Putin's argument that it was based on historical grounds has far-reaching legal and political implications.

Protection of minority rights and cultural diversity

Putin claims that Crimea is a unique blend of different people's cultures and traditions and that the local population supports the idea of having three equal national languages: Russian, Ukrainian, and Tatar. He argues that the principle of the protection of minority rights and cultural diversity acknowledges the right of minorities to preserve their cultural identity, language, and traditions, and obliges states to respect and promote these rights, an argument closely tied with the principle that the people have the right of self-determination.⁵¹ Putin's argument regarding Crimea in this case is rooted in history, the principle of minority rights and cultural diversity, and the right of self-determination, which remains a controversial issue in international law and politics.

Russia also presented the argumentation that Russians living in Crimea have been deprived of rights, going so far as to say that there is a genocide of Russians⁵², a sentiment maintained in the 2022 invasion of Ukraine. The president stated in the 2014 speech delivered at the signing ceremony where Crimea's joining Russia was rubber-stamped that the Ukrainian government are:

[...] the followers of the nationalist and Nazi collaborator "Bandera" and it is clear that there was no legitimate authority in Ukraine, until now.⁵³

This argumentation of a lack of legitimate authority also lays grounds for the argument that Ukraine cannot be considered a state – a concept that will be addressed later within the analysis of the international law principle of state sovereignty.

Lack of respect for international law by Western partners

Putin accuses Western partners of not being guided by international law but by the "rule of the gun". He cites examples such as the missile attack on Belgrade in 1999 without a UN Security Council resolution, the force used in Afghanistan, Iraq, and Libya without following UN Security Council resolutions, and controlled "colour" revolutions resulting in chaos, outbreaks of violence, and a series of upheavals. Putin argues that this violates the non-intervention principle, respect for the sovereignty and territorial integrity of states, and the prohibition of the use of force in international relations.⁵⁴

2.1.3. International Law and the Annexation of Crimea

The Russian Federation at all times maintained that it had not violated international law and that everything had gone in accordance with democratic principles.⁵⁵ The president pointed out that Ukraine had achieved its independence through a referendum and is now denying Crimeans the same right. He also cited a UN resolution to emphasize that there is no restriction on declaring independence.⁵⁶ Kosovo being a situation which was accepted by the majority of

⁵¹ Annex 1.

⁵² Vicky Tchapanian, "A Critical Analysis of Speeches by President Vladimir Putin and President Barack Obama Concerning the Crimean Events," Yerevan State University Scientific Journal (2016)

⁵³ Putin's address on Crimea joining Russia, *supra* note 36, (20:31).

⁵⁴ Annex 1.

⁵⁵ Putin's address on Crimea joining Russia, *supra* note 36, (6:12).

⁵⁶ *Ibid.*

Western nations, Russia utilized the argument that the declaration of Kosovo's separation from Serbia stands as a precedent and a model for Crimea.⁵⁷

He further argues that although they call themselves leaders, the government actually lacks any control of the government. This statement could be interpreted as a basis for the argumentation that Ukraine is not a state. As one of the necessary elements of statehood is an effective government.⁵⁸

But even with extensive argumentation as to why the Annexation is "legal" to Ukraine and the Western nations, Russia's actions amount to a belligerent annexation and violate the fundamental principle that regards a state's territorial integrity comes before the right to self-determination.⁵⁹ The West also maintained that the situation in Kosovo was unique in its circumstances and cannot be applied to the present.⁶⁰

2.2. Invasion of Ukraine in 2022

On February 21st, 2022, Putin, announced after a Security Council meeting that Russia would recognize the independence of Donetsk and Luhansk.⁶¹ After this announcement the "special military operation" commenced – a full-scale invasion of Ukraine.

2.2.1. Justification of the Invasion – Pre-War Speech

The speech by Vladimir Putin at the dawn of the invasion⁶² functions as a base point of analysis for the justifications employed by the aggressor state. The argument for why Russia invaded Ukraine is complex and multifaceted. It includes a historical argument that Ukraine was created by the Bolsheviks and has never had a stable tradition of statehood, as well as criticism of Lenin's idea of state self-determination. There is also an ethnic argument claiming that a genocide of Russians is taking place in Ukraine, with accusations that the Ukrainian government is exterminating civilians in the Donbas region. Finally, there is a political argument that Ukraine must be de-Nazified, as the Ukrainian government is compared to international terrorist organizations and accused of being on the same level as the Nazis. These arguments have been used to justify Russia's military intervention in Ukraine. The speech by President Putin can be broken down into three distinct rhetorical lines of argumentation: historical, ethnic, and political, each providing a different level of reasoning.⁶³

⁵⁷ Anton Bebler, "Frozen conflicts" in Europe, Verlag Barbara Budrich (2015), available on: <http://www.jstor.org/stable/j.ctvdf0bmg>, p. 199.

⁵⁸ James Crawford, "The Criteria for Statehood: Statehood as Effectiveness," *The Creation of States in International Law*, 2nd edn (Oxford, 2007; online edn, Oxford Academic, 1 Jan. 2010), <https://doi.org/10.1093/acprof:oso/9780199228423.003.0002>.

⁵⁹ International Court of Justice, Accordance with International Law of the Unilateral Declaration of Independence by the Provisional Institutions of Self Government of Kosovo (Request for an Advisory Opinion), Answer of the Republic of Serbia to the Questions Put to the Participants in the Oral proceedings by Judges Koroma, Bennouna And Cañado Trindade, 21 December 2009, available on: <https://www.icj-cij.org/public/files/case-related/141/17896.pdf>.

⁶⁰ Treisman, *supra* note 43.

⁶¹ Video: Vladimir Putin's Speech on Ukraine and Recognition of Donbass, Published on: February 25th, 2022, available on: <https://www.youtube.com/watch?v=X5-ZdTGLmZo&t=2s>.

⁶² *Ibid.*

⁶³ Marlene Laurelle and Ivan Grek, "Decoding Putin's Speeches: The Three Ideological Lines of Russia's Military Intervention in Ukraine," Harvard Kennedy School Belfer Center for Science and International Affairs (2022), available on: <https://russiamatters.org/analysis/decoding-putins-speeches-three-ideological-lines-russiasmilitary-intervention-ukraine>.

Historic justifications

The historical line argues that Ukraine is a result of a “Bolshevik Creation,” implying that Bolsheviks were anti-Russian and aimed to break up and weaken the Russian state.⁶⁴ The argumentation also follows that Ukraine’s independence was not a result of their own efforts, but rather a consequence of errors made by the leaders of the Bolshevik movement in their efforts to build a state.

Putin’s article “On the historical unity of Russians and Ukrainians”⁶⁵ provides, in large part, a basis for the historic argument. There, Putin argues that Russians and Ukrainians are one people with a common heritage and destiny. He questions the legitimacy of Ukraine’s contemporary borders, stating that modern-day Ukraine occupies historically Russian lands and is an “anti-Russia project” created by external forces.

Putin also blames foreign plots and anti-Russian conspiracies for the current crisis in Ukraine, claiming that the decisions of the Ukrainian government are driven by a Western conspiracy against Russia.⁶⁶ He also emphasizes that there are no historical arguments for Ukraine being a separate state prior to the Soviet Union and that Ukraine has never fulfilled principles or stable traditions of statehood.⁶⁷

Putin also criticizes Lenin for developing the notion that states can self-determine, stating that it was “worse than a mistake”⁶⁸ and that it complicated the country even more.⁶⁹ In one sense the Russian Federation argues that it was the right of Crimea to self-determine, as well as simultaneously argues that developing the idea that states can self-determine is wrong in essence. But this type of argumentation is not unique, the contradictory nature of the argumentation used by the Russian Federation will be analysed in more detail in the third chapter of this thesis.

Ethnic justifications

The ethnic line argues that the Genocide of Russians is taking place in Ukraine. Russia has opened a criminal case accusing Ukraine of “exterminating” civilians of the People’s Republic of Donetsk and Luhansk.⁷⁰ This argumentation that there are mass murders of Ukrainian inhabitants by the Ukrainian government and that these murders are being ignored by the West, is repeated not only by the head of state⁷¹ but also in international conferences by the representatives of the Russian Federation, such as in the UN General Assembly⁷² and OSCE meetings⁷³.

⁶⁴ *Ibid.*

⁶⁵ Vladimir Putin, “On the Historical Unity of Russians and Ukrainians,” *Kremlin: President of Russia*, July 12th, 2021, available on: <http://en.kremlin.ru/events/president/news/66181>. [Accessed through VPN]

⁶⁶ *Ibid.*

⁶⁷ Maria Domanska and Piotr Zockowski, “Putin’s article: ‘On the historical unity of Russians and Ukrainians’,” Centre for Eastern Studies (2021), available on: <https://www.osw.waw.pl/en/publikacje/analyses/2021-07-13/putins-article-historical-unity-russians-and-ukrainians>.

⁶⁸ Leo Goretta, “Putin’s Use and Abuse of History: Back to the 19th Century?” *The International Spectator* [Istituto Affari Internazionali] (2022), ISSN 2532-657.

⁶⁹ Vladimir Putin’s Speech on Ukraine and Recognition of Donbass, *supra* note 61, (14:20).

⁷⁰ Laurelle and Grek, *supra* note 63.

⁷¹ Vladimir Putin’s Speech on Ukraine and Recognition of Donbass, *supra* note 61, (52:36).

⁷² Video: UN General Assembly, Emergency Meeting No. 11, Published on: 10th October, 2022. Available on: https://www.youtube.com/watch?v=p64OmNOs_8, (48:47).

⁷³ Video: OSCE: Russia Acting Outside of Boundaries of International Law in Ukraine, published on: 14th March 2022, available on: <https://www.youtube.com/watch?v=L9fXUT6f9zw>, (1:55:00)

There is no reliable proof to support the claim that Ukraine has committed or intended to commit genocide against Russian-speaking people in any part of the country, however, the accusations of genocide and the call to prevent it, align with Russia's narrative of Ukraine being the state that violates international law, furthermore allows for their presentation of the situation to resemble the situation in Kosovo, which Russia has used to its advantage as a basis for the annexation.⁷⁴

Political justifications

The political line argues that Ukraine must be de-Nazified, justifying Russia's military intervention in Ukraine. In the UN General Assembly on the 7th of October, the Russian Federation representative stated that: "The Kiev regime is on the same level with the most outrageous international terrorist organizations."⁷⁵

The Russian government's self-perception as an antifascism power is central to the state's nation-building and symbolic politics, and with the developments in 2022, it has morphed into a weapon. After Russia recognized Donetsk and Luhansk as independent states, it became possible to establish relations between those entities and Russia as separate states. Although international law does not allow municipal governments to invite other states to intervene and assist, states themselves have that right. Shortly after Russia's recognition, they signed treaties of friendship, cooperation, and mutual assistance with Donetsk and Luhansk, which formed the basis for requesting and providing military assistance and the Russian military's "peacekeeping operations".⁷⁶

One way in which this could be observed is in the fact that the mention of the term "genocide" has risen by more than 500%, and the use of the term "Nazi" has risen more than 290% in pro-Kremlin media during the months leading up to and following the invasion, according to the European Commission service that observes Russian disinformation.⁷⁷

2.3. Elements of International Law Language in Justification

The chapter will focus on an analysis of three key principles that underpin international relations, namely sovereignty, territorial integrity and respect for human rights. The chapter will examine how Russia has utilized these principles in their justification for their actions, and whether their actions are in violation of these principles. This analysis will shed light on the complexities and challenges of upholding these principles in practice, particularly in the context of conflicting interests and power dynamics between nations. Lastly, this chapter will address Russia's claims of genocide in Ukraine as the last subchapter and examination of the use of international law language, as well as address Ukraine's application to the International Court of Justice.

Overall, this chapter will provide a comprehensive analysis of the key principles of international law, and how they relate to Russia's actions in recent years. It will also shed light

⁷⁴ Rene Vark, "Russia's Legal Arguments to Justify its Aggression Against Ukraine," *RKK ICDS* (2022), available on: https://icds.ee/wp-content/uploads/dlm_uploads/2022/11/ICDS_Analysis_Russias_Legal_Arguments_to_Justify_its_Aggression_Against_Ukraine_Rene_Vark_November_2022.pdf.

⁷⁵ UN General Assembly, Emergency Meeting No. 11, *supra* note 72, (57:30).

⁷⁶ Vark, *supra* note 74.

⁷⁷ Georgi Gotev, "The Brief – Taking Putin's fake narratives seriously," *Euractiv* (2022), available on: <https://www.euractiv.com/section/global-europe/opinion/the-brief-taking-putins-fake-narratives-seriously/>.

on the legal implications of these actions for the international community, and the challenges facing the international legal system in responding to these violations.

2.3.1. The Principle of State Sovereignty

The principle of state sovereignty is a fundamental principle of international law that recognizes the exclusive right of states to govern their own affairs without interference from other states.⁷⁸

The annexation of Crimea and the invasion of Ukraine both are considered to have been a violation of Ukraine's sovereignty and territorial integrity by Russia. State sovereignty is a result of states' rights because it upholds the territorial unity or wholeness of the state and, as a result, offers the spatial framework for the State's existence. The concept of political autonomy, which safeguards the control of a State with regard to the performance of State duties over its domain, is strongly linked to this. These principles, which uphold the State's sovereignty and inviolability of borders, are frequently stated collectively.⁷⁹

The acts of Russia being a violation of state sovereignty are emphasised in various international conferences.⁸⁰ The subject of state sovereignty is essential to the conflict between Russia and Ukraine, as Ukraine is a sovereign state with the authority to choose its own political and economic destiny. Russia, on the other hand, has annexed Crimea and continues to be aiding separatist movements in eastern Ukraine, endangering Ukraine's territorial integrity and sovereignty.

Russia's argument regarding state sovereignty is often grounded in the idea that Ukraine is not a legitimate state and that Ukraine does not have "traditions of stable statehood"⁸¹. Russian Foreign Minister Lavrov argues that Ukraine is not a sovereign state because the government that came to power after the 2014 coup d'état does not represent the whole population of Ukraine. Lavrov goes as far as to state that Ukraine violates the principles of equal rights and self-determination of peoples, which are enshrined in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among states. Additionally, he claims that the rejection of this government by many regions of Ukraine, as well as the events in Crimea and eastern Ukraine, demonstrate the lack of support for the current regime. This argumentation is used to argue that the recognition of the DNR and LNR does not violate Ukraine's sovereignty.⁸²

This argumentation was also reflected in the speech by Vladimir Putin in 2022, where he stated things such as:

- Ukraine was created by Russia;
- Russian territories were given to Ukraine as gifts;
- Soviet Union States did not have sovereign rights;
- A stable statehood never developed in Ukraine.⁸³

⁷⁸ Michael W. Reisman, "Sovereignty and Human Rights in Contemporary International Law," *The American Journal of International Law* 84, no. 4 (1990): 866–76. <https://doi.org/10.2307/2202838>.

⁷⁹ Driest, *supra* note 42, p. 469.

⁸⁰ Video: UN Security Council: Emergency meeting, Published on: 24th february 2022, available on: <https://www.youtube.com/watch?v=OkfxedELc4>, (21:00).

⁸¹ Vladimir Putin's Speech on Ukraine and Recognition of Donbass, *supra* note 61, (19:31)

⁸² n/a, "Lavrov denied Ukraine's right to sovereignty," (Лавров отказал Украине в праве на суверенитет), *InterFax*, February 22nd, 2022, available on: <https://www.interfax.ru/russia/823676> [accessed through VPN]

⁸³ Vladimir Putin's Speech on Ukraine and Recognition of Donbas, *supra* note 61.

Through these statements two main legal ideas are being presented, that Ukraine is a part of Russia and its separation was a “formality” and that Ukraine cannot be considered a State. If we begin with the separation of Ukraine from Russia, it is clear, that although Putin believes that providing laws that allowed the Soviet States to become sovereign was a mistake in formulation⁸⁴, it nonetheless was a law that Ukraine used to its advantage and cannot be disputed.

Statehood on the other hand is a complex question, the consensus in many ways lies in the idea that a state must have five elements: territory, population, stable and independent government, effective governance and a capacity to participate in international relations.⁸⁵

One of the ideas contested is effective governance, as previously mentioned, the argumentation lies in the idea that Ukraine has never had effective governance, hence it cannot be considered a state. A very close idea to this is that Ukraine is a failed state⁸⁶ – the argument is essentially the same, but by calling it a failed state it brings more understanding to the layman, as the notion of statehood may be difficult to grasp.

The second idea lies in the independence of the government. This argumentation was heard from the head of the political council of the parliamentary faction “Opposition Platform - For Life” Viktor Medvedchuk, who has stated that for the last six years, Ukraine is not a sovereign and independent state, as it is “under the external control of the United States”.⁸⁷ This argumentation is a bit less common in the realm of arguing Ukraine’s lack of state sovereignty but is still very much in line with the general Russian consensus that Ukraine is being controlled by the West.

The war has also raised broader problems regarding state power balances, particularly in the setting of major power rivalry. Russia regards Ukraine as crucial to its own identity and vision for itself, and ceding Ukraine to the Western orbit would be viewed as a significant blow to Russia’s worldwide status. However, as it is trying to create its own path as an independent nation, Ukraine has sought closer ties with Western institutions such as the European Union and NATO.⁸⁸

The Ukrainian crisis has had far-reaching consequences for Russia and its connections with Ukraine, Europe, and the United States. It has harmed Russia’s military credibility and its financial sector and radically altered Russia’s geopolitical standing in Europe. Normalizing relations between the United States and Russia will be challenging, if not unachievable. Ukrainians now regard Russia as their adversary, and an independent and sovereign Ukraine will keep its place on the European map.⁸⁹

⁸⁴ *Ibid*, (13:53).

⁸⁵ Devine, D. J., and J. E. S. F. “The Requirements of Statehood Re-Examined.” *The Modern Law Review* 34, no. 4 (1971): 410–17. <http://www.jstor.org/stable/1093861>.

⁸⁶ Aleksejeva, Nika. “Analysis of Pro-Kremlin Media Narratives.” Edited by Andy Carvin. *Narrative Warfare: How the Kremlin and Russian News Outlets Justified a War of Aggression against Ukraine*. Atlantic Council, 2023. <http://www.jstor.org/stable/resrep47366.9>.

⁸⁷ n/a, “Medvedchuk explains why Ukraine is not a sovereign state,” (Медведчук пояснив, чому Україна не являється суверенним государством), *RIA News* (2020), available on: <https://ria.ru/20200701/1573746232.html> [accessed through VPN]

⁸⁸ Jonathan Masters, “Ukraine: Conflict at the Crossroads of Europe and Russia,” *Council on Foreign Relations* (2023), available on: <https://www.cfr.org/background/ukraine-conflict-crossroads-europe-and-russia>.

⁸⁹ Steven Pifer, “The Russia-Ukraine war and its ramifications for Russia,” *Brookings* (2022), available on: <https://www.brookings.edu/articles/the-russia-ukraine-war-and-its-ramifications-for-russia/>.

2.3.2. The Principle of Self-Determination

The aforementioned ideas of statehood also lead to the second principle addressed in this research – self-determination. The principle of self-determination originated in the early 20th century as a response to the breakup of empires after World War I. It was enshrined in the Charter of the United Nations in 1945 and is seen as a fundamental right of all peoples. The principle states that people have the right to freely determine their political status and pursue their economic, social, and cultural development.⁹⁰

Previous examples show that a population are only able to exercise external self-determination under specific circumstances. This right is explicitly guaranteed only if the governing authority fails to meet its internal right to self-determination.⁹¹

Moreover, while self-determination is often closely associated with the right to secession, it is not synonymous with it. The right to self-determination can be exercised through many means, including internal autonomy, federalism, and other forms of self-governance that fall short of full independence.⁹²

It is important to note that the exercise of the right to self-determination is often complicated by a variety of factors, including historical and cultural ties, economic considerations, and the geopolitical interests of other states.⁹³ Thus, the interpretation and application of the principle of self-determination remains a subject of intense debate and controversy in international law and politics.

With regard to the annexation of Crimea by Russia, the issue of self-determination has been raised by some as a justification for the action. However, the legality and legitimacy of this claim are highly contested, with many arguing that the annexation violates international law and undermines the territorial integrity and sovereignty of Ukraine.

The Russian Federation has invoked the principle of self-determination as a justification for its actions in Ukraine. In 2014, after the Ukrainian Revolution and the ousting of pro-Russian President Yanukovich, the Russian Federation annexed Crimea, citing the need to protect the Russian-speaking population and their right to self-determination.⁹⁴ Similarly, in 2022, the Russian Federation invaded Ukraine, claiming that it was protecting the rights of ethnic Russians living in Ukraine.⁹⁵

When speaking of the principle of self-determination, the Russian Federation often cites international law, as well as statements on the importance of this principle, such as in this example where in an article the author outlines that:

⁹⁰ Avishai Margalit and Joseph Raz, “National Self-Determination,” *The Journal of Philosophy* 87, no. 9 (1990): 439–61. <https://doi.org/10.2307/2026968>.

⁹¹ Milena Sterio, “The Case of Kosovo: Self-Determination, Secession, and Statehood Under International Law,” *American Society of International Law*, Vol. 104, *International Law in a Time of Change* (2010), available on: <https://www.jstor.org/stable/10.5305/procanmeetasil.104.0361>, p. 363.

⁹² Michael Jewkes, “Self-Determination Without Secession,” *Public Affairs Quarterly* 28, no. 2 (2014): 147–67. <http://www.jstor.org/stable/43575592>.

⁹³ n/a, “Concepts and Dilemmas of State Building in Fragile Situations: From Fragility to Resilience,” OECD (2008), available on: <https://www.oecd.org/dac/conflict-fragility-resilience/docs/41100930.pdf>.

⁹⁴ Putin’s address on Crimea joining Russia, *supra* note 36.

⁹⁵ Vladimir Putin’s Speech on Ukraine and Recognition of Donbass, *supra* note 61.

(...) the Netherlands noted that ‘any attempts to restrict or condition this right are not international instruments and could undermine the very idea of self-determination and weaken its universal significance’.⁹⁶

While the principle of self-determination is recognized as a fundamental right under international law, its application in the context of the Russian Federation’s actions in Ukraine is very contentious. The annexation of Crimea in 2014 and the invasion of Ukraine in 2022 have been deemed by many as violations of Ukraine’s territorial integrity and sovereignty.⁹⁷

Under international law, the principle of self-determination is not an absolute right and must be balanced against the principles of territorial integrity and the prohibition of the use of force.⁹⁸ The United Nations Charter, which is the primary source of international law governing the relations between states, prohibits the use of force in international relations except in cases of self-defence or with the authorization of the UN Security Council. This means that any use of force by a state must be justified either as an act of self-defence against an armed attack or as authorized by the Security Council.⁹⁹ In the case of Ukraine, the Russian Federation did not receive authorization from the Security Council for its actions. The annexation of Crimea and the invasion of Ukraine were not in response to an armed attack on Russia, and thus cannot be justified as acts of self-defence. The Russian Federation’s actions have been widely viewed as violations of Ukraine’s territorial integrity and sovereignty.

Additionally, the right to self-determination does not necessarily imply a right to secession or to the use of force to achieve that goal, any attempt to unilaterally change the borders of a state is considered a violation of international law.¹⁰⁰

It is worth noting that the principle of self-determination was much stronger in Russia’s rhetoric in 2014 regarding Crimea, compared to the 2022 invasion. Nonetheless, in Donbas, Russia is using a new concept of “remedial peoplehood” – a theory that grants self-determination to a minority population if they have been oppressed by their host state. While conditional secession is allowed in international law, remedial secession and external self-determination of a sub-state population have not been recognized by any international court. In the Kosovo Advisory Opinion of the International Court of Justice, the court held that Kosovo’s unilateral declaration of independence did not violate international law.¹⁰¹ However, the court also outlined that the principle of territorial integrity remains a fundamental principle of international law, furthermore stating that the right to self-determination of a sub-state entity must be exercised within the framework of existing states and their borders.¹⁰² More on Russia’s use of this concept in the following chapter.

⁹⁶ n/a, “The Right of Peoples to Self-Determination. The 7 Most Important Questions About Referendums,” (Право народов на самоопределение. 7 важнейших вопросов о референдумах), *Russian Agency for Legal and Judicial Information – RAPSI*, (2022), available on: https://rapsinews.ru/incident_publication/20220922/308300354.html.

⁹⁷ West condemning the actions of Russia

⁹⁸ Zubeida Mustafa, “The Principle of Self-Determination in International Law,” *The International Lawyer* 5, no. 3 (1971), available on: <http://www.jstor.org/stable/40704674>.

⁹⁹ Alexandra Hofer, “International law regarding use of force,” *Oxford University Press Blog* (2018), available on: <https://blog.oup.com/2018/11/international-law-regarding-use-force/>.

¹⁰⁰ Helen Quane, “The United Nations and the Evolving Right to Self-Determination,” *The International and Comparative Law Quarterly*, Vol. 47, No. 3 (Jul., 1998), available on: <https://www.jstor.org/stable/761423>.

¹⁰¹ International Court of Justice, *Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo* (Request for Advisory Opinion), 22 July 2010, available on: <https://www.refworld.org/cases.ICJ.4c5151002.html>

¹⁰² *Ibid.*

The Russian Federation has used the principle of self-determination as a justification for its actions in Ukraine, which have been deemed by many as violations of Ukraine's territorial integrity and sovereignty. The use of force to unilaterally change the borders of a state is considered a violation of international law.

2.3.3. The Principle of Respect for Human Rights

The principle of respect towards human rights is a fundamental principle of international law that requires states to ensure that the rights of individuals are protected and respected. It includes protecting individuals from arbitrary detention, torture, and discrimination, as well as ensuring freedom of expression, rights to assembly and association, among many others.¹⁰³

The UN has consistently urged Russia and Ukraine to uphold human rights and international humanitarian law. The deterioration of Ukraine's humanitarian situation has been highly disturbing and completely unacceptable, necessitating a commitment to the protection of human rights. International organizations and human rights advocates have reported human rights violations such as unlawful killings, enforced disappearances, torture, and detention without trial.¹⁰⁴

And yet, the previously mentioned responsibility to protect (hereinafter, R2P), has been utilised by Russia, arguing that ethnic Russians in Ukraine are facing discrimination and persecution.¹⁰⁵ Furthermore, Russian sources have the tendency to mention many different human rights, if not to justify actions, to highlight how other states are violating human rights, such as in the UN General Assembly, where the Russian delegate pointed out that human rights were being violated:

And now, they have distorted our presentation and now they try to deprive the members of the UN General Assembly of their right to freedom of expression. This is unprecedented manipulation.¹⁰⁶

They continued by also stating that the right to life is being violated in Ukraine, by the Ukrainian government and invoking R2P once again, to highlight how Russia is simply following its international duties.¹⁰⁷

In the context of Russia and Ukraine, the violation of human rights has been a major point of contention, particularly in the annexation of Crimea and the ongoing conflict in eastern Ukraine. Russia has been accused of numerous human rights violations, including extrajudicial killings, forced disappearances, and restrictions on freedom of speech and the press, among others.¹⁰⁸ Moreover, the Russian Federation's own human rights record has been subject to scrutiny and criticism. A large number of cases finding violations of human rights in the European Court of Human Rights have been against Russia, ranking second in the

¹⁰³ Convention for the Protection of Human Rights and Fundamental Freedoms. Council of Europe Treaty Series 005, Council of Europe, 1950.

¹⁰⁴ n/a, "Memorandum on the human rights consequences of the war in Ukraine," Council of Europe and the Commissioner for Human Rights (2022), available on: <https://rm.coe.int/memorandum-on-the-human-rights-consequences-of-the-war-in-ukraine/1680a72bd4>.

¹⁰⁵ Heather Ashby, "How the Kremlin Distorts the 'Responsibility to Protect' Principle," *United States Institute of Peace* (2022), available on: <https://www.usip.org/publications/2022/04/how-kremlin-distorts-responsibility-protect-principle>.

¹⁰⁶ UN General Assembly, Emergency Meeting No. 11, *supra* note 80, (45:50)

¹⁰⁷ *Ibid*, (51:28).

¹⁰⁸ Lisa Schlein, "UN Accuses Russia of Grave Human Rights Violations in Ukraine," *Voa News* (2023), available on: <https://www.voanews.com/a/un-accuses-russia-of-grave-human-rights-violations-in-ukraine-/7072552.html>.

percentage of ECHR cases.¹⁰⁹ The Russian Federation has been criticized for its treatment of political dissidents, journalists, and minorities, including the LGBT+ community.¹¹⁰ The Russian Federation has also been criticized for its involvement in the conflict in Syria, where it has been accused of indiscriminate bombing and the use of chemical weapons.¹¹¹

Despite its rhetoric on the principle of respect for human rights, Russia has continued to violate human rights both domestically and internationally. The international community, including the United Nations, has repeatedly urged Russia to respect human rights and international humanitarian law, particularly in its activities in Ukraine. Despite this, Russia has used the R2P principle to justify its actions in Ukraine, claiming that ethnic Russians are discriminated against and persecuted. This argument, however, has been received with criticism, as Russia's own human rights record has been scrutinized and criticized, including multiple abuses discovered by the European Court of Human Rights. As a result, while Russia may talk about how important human rights are, its actions say otherwise.

2.3.4. Claims of Genocide

Genocide is a crime under international law that entails the intentional elimination of a national, ethnic, racial, or religious group, in whole or in part.¹¹² The deliberate desire to exterminate a group and the presence of certain forbidden acts, such as killing or causing serious physical or mental injury to members of the group, are the major considerations in deciding whether an act constitutes genocide.¹¹³

Russia's claim that remedial secession is allowed to prevent "genocide" in Ukraine is not supported by evidence, and the safeguard clause in international law does not allow the use of force to acquire or annex territory.¹¹⁴ The Russian Federation's claims of protecting the rights of ethnic Russians in Ukraine, another international law principle – the responsibility to protect – has been met with scepticism. The international community has pointed out that the Russian-speaking population in Ukraine was not facing any significant threat or discrimination that would warrant such actions.¹¹⁵

Ukraine has brought forward a case in the International Court of Justice against Russia "Allegations of Genocide Under the Convention on the Prevention and Punishment of the Crime of Genocide", (hereinafter, Ukraine v. Russian Federation) in which Ukraine is disputing the Russian claim that there was a genocide in the Luhansk and Donetsk regions of

¹⁰⁹ n/a, "European Court of Human Rights Overview: 1959-2021," *Council of Europe* (2022), available on: https://www.echr.coe.int/Documents/Overview_19592021_ENG.pdf.

¹¹⁰ n/a, "Russia's anti-gay 'propaganda law' assault on freedom of expression," Amnesty International (2013), available on: <https://www.amnesty.org/en/latest/news/2013/01/russia-anti-gay-propaganda-law-assault-on-freedom-expression/>.

¹¹¹ n/a, "Putin's poisons: 2017 attack in Syria," U.S. Embassy and Consulates in Italy (2022), available on: <https://it.usembassy.gov/putins-poisons-2017-attack-in-syria/>.

¹¹² Convention on the Prevention and Punishment of the Crime of Genocide, *supra* note 23.

¹¹³ John Cerone, "Claims of Genocide and other International Crimes in the Russia-Ukraine Conflict," *Raoul Wallenberg Institute* (2022), available on: <https://rwi.lu.se/blog/claims-of-genocide-and-other-international-crimes-in-the-russia-ukraine-conflict/>.

¹¹⁴ Loqman Radpey, "Remedial Peoplehood: Russia's New Theory on Self-Determination in International Law and its Ramifications beyond Ukraine.," *European Journal of International Law* (2022), available on: https://www.researchgate.net/publication/364305102_Remedial_Peoplehood_Russia%27s_New_Theory_on_Self-Determination_in_International_Law_and_its_Ramifications_beyond_Ukraine

¹¹⁵ Ashby, *supra* note 105.

Ukraine. Ukraine is asking the court to establish that Russia does not have the legal right to take any actions against Ukraine based on this false claim.¹¹⁶

In *Ukraine v. Russian Federation*, Ukraine is asking the court to make several official statements and orders related to the dispute with Russia over the alleged genocide in the Luhansk and Donetsk regions of Ukraine. Specifically, Ukraine is asking the court to:

1. Declare that no acts of genocide have taken place in the Luhansk and Donetsk regions of Ukraine, contrary to what Russia claims.
2. Declare that Russia cannot take any action against Ukraine under the Genocide Convention based on its false claims of genocide in the Luhansk and Donetsk regions of Ukraine.
3. Declare that Russia's recognition of the independence of the "Donetsk People's Republic" and "Luhansk People's Republic" has no basis in the Genocide Convention.
4. Declare that Russia's "special military operation" against Ukraine has no basis in the Genocide Convention.
5. Require Russia to give assurances and guarantees that it will not take any unlawful measures against Ukraine, including the use of force, based on its false claim of genocide.
6. Order Russia to fully compensate for any damage caused by its actions based on the false claim of genocide.¹¹⁷

Although very specific to the claims of genocide, this case could set a precedent that using international law language incorrectly and for misinformation could lead to legal consequences. However, Ukraine faces a number of challenges in its attempt, most notably, the Genocide Convention does not explicitly ban false charges of genocide against another state; rather, it requires states to pursue genocide perpetrators. As a result, it is unclear if Russia's actions violate the Genocide Convention as such. Nonetheless, Ukraine was able to persuade the Court in its application for the issuance of interim measures that the Genocide Convention gave the Court *prima facie* jurisdiction and that its rights under the Convention had been affected. As a result, the Court issued an Order on March 16 ordering Russia to "immediately suspend military operations" against Ukraine.¹¹⁸ In this case, Ukraine is arguing that Russia is making false claims of genocide in order to justify its military intervention in Ukraine. If the International Court of Justice agrees with Ukraine's arguments, it would be a clear signal to other countries that using false or misleading language in international law could result in legal consequences.

¹¹⁶ International Court of Justice Application Instituting Proceedings, "Allegations of Genocide Under the Convention on the Prevention and Punishment of the Crime of Genocide (*Ukraine v. Russian Federation*)," 26 February, 2022, available on: <https://www.icj-cij.org/sites/default/files/case-related/182/182-20220227-APP-01-00-EN.pdf>.

¹¹⁷ *Ibid*, para. 30.

¹¹⁸ Lawrence Hill-Cawthorne, "Ukraine Symposium – Litigating Russia's Invasion Of Ukraine," *Articles of War* (2022), available on: <https://lieber.westpoint.edu/litigating-russias-invasion-ukraine/>.

3. (IR)RATIONAL CHOICE THEORY

Russia's perceived values and actions, as presented by its government, are at odds with how the Western world and other states view Russia's behaviour. The disparity between these two perspectives is vast, with opinions ranging from one extreme to the other end of the spectrum. From each perspective the other opinions and statements are considered completely delusional, and yet both persist. This effect of delusion has only been strengthened by the speeches of Vladimir Putin justifying the aggression in Ukraine, with political analysts going so far as to say that Putin's attack and accompanying rhetoric reflect an "irrational" attitude.¹¹⁹

The view of the Western world, which sees Russia as violating international law and disregarding the rules-based world order established by the UN charter can be exemplified by the statement of the Albania representative at the UN security council meeting in 2022, after the invasion of Ukraine on February 24th:

This is not a confrontation between Russia and the West. This is a confrontation between Russia and international law, the UN charter that it deliberately has chosen to ignore. A confrontation between a hegemonistic vision and a rules-based world order.¹²⁰

And yet, the perspective that reflects the view of Putin's government, who have stated that they are not violating international law and that their actions are justified by the need to maintain their national security, can already be found in 2014, in the statement made by Putin after the annexation of Crimea:

They tell us that we violate international law, well, it is a good thing that they at least remember that there is such a thing as international law. Better late than never.¹²¹

Not only does Russia deny any fault of its own, but continuously maintains that all of the things that they are accused of are things the West is guilty of.

This tendency was very quickly observed after the 2022 invasion, where the defence statement by the Russian branch of the ILA was that instances of US military actions, such as Iraq, were not followed by statements of the actions of the Russian Federation being violations of international law.¹²² This example can by all means be considered a logical fallacy:

Here, then, we have 'whataboutism' or 'whataboutery': seeking to discredit an argument by raising the charge of hypocrisy or double standards against the person raising it.¹²³

The main fault in this line of argumentation of course lies in the idea that two wrongs do not make a right, and in essence, the argument is not a defence in and of itself. However, as previously observed, Russia's argumentation for justification of aggression is multifaceted, hence the analysis these situations garner.

¹¹⁹ Holly Elyatt, "Putin's obsession with Ukraine has made analysts question his rationality," *CNBC* (2022), available on: <https://www.cnn.com/2022/03/02/putins-obsession-with-ukraine-has-made-analysts-question-his-rationality.html>.

¹²⁰ UN Security Council: Emergency meeting, Published on: 24th February 2022, available on: <https://www.youtube.com/watch?v=OkfxedELc4>, (16:50).

¹²¹ Putin's address on Crimea joining Russia, Signing Ceremony, *supra* note 61, (22:19).

¹²² n/a, "Statement Of The Presidium Of The Russian Association Of International Law," *Presidium of the Russian Association of International Law*, 7 March 2022, available on: <http://www.ilarb.ru/html/news/2022/7032022.pdf>.

¹²³ Ralph Wilde, "Hamster in a Wheel: International Law, Crisis, Exceptionalism, Whataboutery, Speaking Truth to Power and Sociopathic, Racist Gaslighting," *Opinio Juris*, March 17, 2022, available on: <https://opiniojuris.org/2022/03/17/hamster-in-a-wheel-international-law-crisis-exceptionalism-whataboutery-speaking-truth-to-power-and-sociopathic-racist-gaslighting/>

But are Russia's argumentation and actions in essence irrational? On the surface, it makes for the easiest conclusion, that actions by a politician are done because they are losing their minds. But the reality usually points to something else, especially in the case of Russia.

3.1. Propaganda and Rationality

Russia has used Samuel P. Huntington's "Clash of Civilizations"¹²⁴ rhetoric to justify its actions. According to this theory, the world is divided into several distinct civilizations with different cultural and religious identities. Huntington argued that the most significant conflicts in the future would be between these civilizations, with Western civilization pitted against others, such as Islamic and Orthodox civilizations. Russia has used this theory to assert its role as the defender of the Orthodox world, of which Ukraine is a part.¹²⁵

In particular, Russia has used the conflict in eastern Ukraine as evidence of a clash between Western and Orthodox civilizations. Russia portrays the Ukrainian government as a puppet of the West and presents its intervention in eastern Ukraine as a defence of the local Russian-speaking population against a hostile Ukrainian state.¹²⁶ By invoking the language of civilizations, Russia seeks to legitimize its actions as a defence of its own cultural identity, rather than as a violation of Ukraine's sovereignty and territorial integrity. However, this interpretation of the conflict has been criticized by many who argue that it ignores the complex history and diverse identities of Ukraine, as well as the role of Russian intervention in fuelling the conflict.

The modern Russian approach to propaganda, also known as the "firehose of falsehood", has four main features: it uses many different communication channels, is not afraid to spread both partial truths and lies, is fast and constant, and does not prioritize consistency.¹²⁷ One of the ways this strategy can be successful is through the "illusory truth effect", this effect refers to the phenomenon where people are more likely to believe something if they have heard it before, rather than if it is a new claim, because familiarity with an argument or assertion may lead to less thorough analysis and difficulty distinguishing poor arguments from compelling ones.¹²⁸ An example of this is Russia's statement that NATO made a legal commitment to non-enlargement and promised not to expand East after the German reunification.¹²⁹ This idea that NATO promised to not expand has become widely associated as true, mostly due to how common this is heard everywhere. Even in the so-called "West" this idea has come to be accepted as true, yet the academic debate surrounding the exact promises of NATO is very complex, with there being no written promise of non-expansion and no proof of any oral agreements actually concluded. The belief stems however from the promise of not expanding to east-Germany, which was the context of the written agreement

¹²⁴ Samuel P. Huntington, "The Clash of Civilizations?" *Foreign Affairs* 72, no. 3 (1993): 22–49. <https://doi.org/10.2307/20045621>.

¹²⁵ Nitesh Anchan, Priya Vijaykumar Poojary, "Russia's war and the rhetoric of the 'civilisational state' in global politics," *The Loop*, available on: <https://theloop.ecpr.eu/russias-war-and-the-rhetoric-of-the-civilisation-state-in-global-politics/>.

¹²⁶ Jenni Reid, "They started the war': Russia's Putin blames West and Ukraine for provoking conflict," *CNBC* (2023), available on: <https://www.cnn.com/2023/02/21/russias-putin-blames-west-and-ukraine-for-provoking-conflict.html>.

¹²⁷ Christopher Paul and Miriam Matthews, "The Russian 'Firehose of Falsehood' Propaganda Model," *RAND Corporation* (2016), available on: <https://www.rand.org/pubs/perspectives/PE198.html>, p.1-2.

¹²⁸ Aumyo Hassan and Sarah J. Barber, "The effects of repetition frequency on the illusory effect," *Cognitive Research: Principles and Implications* (2021), doi: <https://doi.org/10.1186/s41235-021-00301-5>.

¹²⁹ Vladimir Putin's Speech on Ukraine and Recognition of Donbass, *supra* note 61, (40:20).

that was concluded.¹³⁰ By taking a contentious topic, concluding what is best for the situation at hand and repeating it continuously, Russia has utilised the illusory truth effect to its full extent.

In regards to the consistency of propaganda, as previously mentioned, there has been a propensity in Russia to view the law as a tool in the hands of the powerful rather than as a self-sufficient goal in and of itself; the cultural and philosophical focus has been on the concept of justice rather than law. This contributes to the apparent variations and inconsistencies in Russian international law positions and arguments on the conditions under which States may resort to the use of armed force. Consistency of reasoning over time isn't considered to be a massive issue because international law, in the end, is about protecting the national interest, not about uniformity throughout the years. International legal arguments shift when political interests shift.¹³¹

Though Russia is notorious for its propaganda, it is not an isolated situation. In fact, domestic audiences are often critiqued for lacking knowledge and critical thinking within the context of their own state:

When a leader talks publicly to other leaders, he often intends the talk for the consumption of the domestic audience. (...) some domestic audiences might be poorly informed (or if you want, "rationally ignorant").¹³²

This explains how even in forums in which the Russian Federation can be observed to be using propaganda in its rhetoric, such as the UN General Assembly, there might be a goal of speaking to the domestic, rather than international audience. In the UN General Assembly session on the 7th of October, 2022, after the Assembly voted on not conducting a secret ballot, the Russian representative accused the President of the Assembly of committing fraud and distorting their presentation. The Russian delegation had planned to propose a secret ballot, but before even having the chance Albania asked to vote for the vote to be recorded. They claimed that the UN General Assembly was trying to deprive members of their right to freedom of expression and that they were being unfairly targeted as enemies. The Russian representative also used this opportunity to push a narrative against the West, claiming that the West did not want peace and that Ukraine was chosen long ago by the West to maintain Western states' domination. They claimed that their proposed diplomatic resolution was balanced and constructive, but the West did not want peace.¹³³ The use of rhetoric and

¹³⁰ Gregoire Sauvage, "Did NATO 'betray' Russia by expanding to the East?" France 24 (2022), available on: [https://www.france24.com/en/russia/20221030-did-nato-betray-russia-by-expanding-to-the-east](https://www.france24.com/en/russia/20221030-did-nato-betray-russia-by-expanding-to-the-east;);

Maxim Korshunov, "Mikhail Gorbachev: I am against all walls," Russia Beyond (2014), available on: https://www.rbth.com/international/2014/10/16/mikhail_gorbachev_i_am_against_all_walls_40673.html;

Russia's argument regarding NATO expansion being a breach of commitment revolves around the belief that NATO had committed to not expanding eastward during the 1990s. This argument is sometimes made in the context of the German Reunification treaty, however, the Secretary General's address to the Bremer Tabaks Collegium only mentioned the non-deployment of NATO troops in East Germany and did not suggest any change in NATO's open-door policy. The Treaty on the Final Settlement concerning Germany and the NATO-Russia Founding Act also does not contain any commitments to non-enlargement in Eastern Europe. Then there is also a discussion of possible oral agreements between Gorbachev and Baker, yet Gorbachev himself has stated in an interview that no such agreements were conducted.

¹³¹ Lauri Mälksoo, "Comparative International Law: Lessons Learned from Russia," *Proceedings of the Annual Meeting* (American Society of International Law) (2015), Vol. 109, available on: <https://www.jstor.org/stable/10.5305/procanmeetasil.109.2015.0093>, p. 94.

¹³² Jack L. Goldsmith and Eric A. Posner, "Moral and Legal Rhetoric in International Relations: A Rational Choice Perspective," *Journal of Legal Studies* 31, no. S1 (2002). doi: <https://doi.org/10.1086/340087>, p.129

¹³³ UN General Assembly, Emergency Meeting No. 11, *supra* note 80.

propaganda to push a political agenda is a common tactic in international diplomacy, and the Russian Federation representative's statements demonstrate how this is utilised.

3.2. Rational Choice Theory: the Case of Russia

Russia's actions in Ukraine can be analysed through the lens of rational choice theory, which posits that actors in international relations behave in a rational and strategic manner in pursuit of their own interests.¹³⁴ From this perspective, Russia's actions in Ukraine can be seen as a strategic choice designed to achieve specific objectives.

3.2.1. Overview of Rational Choice Theory and its Assumptions

Rational choice theory posits that actors in international relations, including states and international organizations, behave in a rational and strategic manner in pursuit of their own interests.¹³⁵ Rational choice theory suggests that states act in their own self-interest and pursue policies that maximize their benefits while minimizing their costs.

From a rational choice perspective, rhetoric and communication play an important role in shaping the behaviour of actors in international relations, including in the interpretation and application of international legal norms and principles.

In the context of international law, rational choice theorists argue that rhetoric is important in shaping the behaviour of actors in the international system. The language used to describe international legal disputes can signal to states and international organizations what actions are expected of them and can shape the behaviour of actors in pursuit of their own interests.¹³⁶ For example, the use of rhetoric to describe an action as a violation of international law can influence state behaviour by signalling the potential costs of noncompliance.

In international relations, rational choice theorists recognize the importance of rhetoric in shaping the behaviour of actors by influencing their preferences and expectations.¹³⁷ Rhetoric can shape the preferences of actors by emphasizing the moral and ethical significance of certain issues or actions and can shape their expectations by signalling the potential costs and benefits of certain actions.¹³⁸ For example, the use of rhetoric to describe an issue as a matter of national security can shape the preferences and expectations of actors by emphasizing the importance of the issue and the potential risks of inaction.

However, rational choice theorists also acknowledge the potential dangers of rhetoric in shaping legal discourse. They recognize that rhetoric can be used to manipulate or distort the preferences and expectations of actors and can be used to legitimize aggression or violations of international norms. An example of this is Korea, Cuba, and Iraq's military operations and political fallout during the cold war, which had extensive, both immediate and long-term effects. The rhetoric of international law and the justice system was a significant topic of discussion in both cases. In each instance, the US took the initiative to raise the issue in a global forum and to direct and coordinate the institutional reaction. To persuade other parties that its assessment of a grievous danger to peace and security was accurate, it gathered

¹³⁴ Andrew T. Guzman, *How International Law Works: A Rational Choice Theory*, Oxford University Press (2008), ISBN: 978-0-19-530556-2.

¹³⁵ *Ibid.*

¹³⁶ *Ibid.*, p. 99.

¹³⁷ James D. Fearon, "Rationalist explanations for war," *International Organization* (1995), vol. 49, no. 3, p. 392, available on: <https://www.jstor.org/stable/2706903>.

¹³⁸ Guzman, *supra* note 25, p. 155.

the available evidence, made persuasive arguments, and occasionally “twisted people’s arms”.¹³⁹ Rational choice theorists emphasize the need for a critical examination of the language used in international legal disputes to ensure that legal discourse is transparent, fair, and grounded in the rational and strategic behaviour of actors.

Russia’s use of international law language in its justifications for the invasion of Ukraine can be related to rational choice theory in the sense that it was a calculated decision to justify its actions within the framework of international law, thus minimizing the potential costs of its actions. By framing its actions as necessary to protect the rights of Russian speakers in Ukraine and to defend its national security interests, Russia attempted to gain legitimacy for its actions and avoid criticism and sanctions from the international community.

However, some elements of Russia’s actions in Ukraine may seem irrational from a rational choice perspective, such as the annexation of Crimea, which violated international law and resulted in significant economic and political costs for Russia. Nevertheless, these actions can still be seen as fitting within the framework of rational choice theory, as they may have been motivated by internal political considerations or a desire to assert Russian dominance in the region.

3.2.2. Why Not Justify?

Russia’s actions in Ukraine can be viewed through the lens of rational choice theory, which suggests that states act in a strategic manner in pursuit of their own interests. Russia’s decision to intervene in Ukraine was shaped by its understanding of the interests and preferences of other actors in the international system. The reasonings as to why Russia chose to do so is a broad question, deserving of a separate analysis, but what is known, is that there are reasons plenty as to why Russia might have seen it as favourable.

Instead, what is interesting to observe as per this research is how Russia’s public communications regarding its actions in Ukraine were also a strategic choice designed to achieve specific objectives. Before addressing reasons as to why Russia used international law language, I thought it may be useful to assess some reasons, which may prove to be quite weak.

To change minds

Often when a person or organization justifies themselves, it is in order to not taint their reputation – this being especially prominent in public figures. But often, the more public a person or institution is, the more sceptical people become.¹⁴⁰ Hence, within the context of international relations, words by state leaders and representatives do fairly little in terms of representation.

Because statements made by nations are superficial and often insubstantial, other nations are seldom impacted by another nation’s claim that a state is peaceful or cooperative or any other thing it claims to be.¹⁴¹ It could be argued that no nation would alter its presumptions regarding nations based solely on public performances. However, a country that

¹³⁹ Abram Chayes and Antonia Handler Chayes, *The New Sovereignty: Compliance with International Regulatory Agreements*, Harvard University Press (1995), p. 40, available on: <https://www.jstor.org/stable/j.ctv1pncs3m>.

¹⁴⁰ Balazs Kovacs and Amanda J. Sharkey, “The Paradox of Publicity,” *Administrative Science Quarterly* (2014), doi: 10.1177/0001839214523602.

¹⁴¹ Victor A. Kremenyuk, *International negotiation: analysis, approaches, issues*, Jossey-Bass (2002), ISBN: 978-0-787-95886-2.

does not present this performance sends an even worse signal. All countries convey their message by taking part in the “appropriate” global dialogue. Everyone maintains the narrative of peace, stability and cooperation as no one stands to gain by not doing so. Talk doesn’t change prior perceptions of the state’s “character”, but it isn’t ineffective either because failing to utilize the right sort of talk would expose the speaker’s lack of cooperation.¹⁴²

Hence, it would be a weak argument to state that nations use international law language and justifications to convince other states of their righteousness or ability to follow international law, but rather because not doing so would put them in larger peril.

To not be “guilty”

The standard judicial assumption as to why someone might “justify” their actions is due to legal repercussions, whether it be in an oral pleading to mitigate criminal liability or in a tax return, in order to pay less in taxes. But what differentiates this from the international sphere is an authority capable of reaching a verdict. Goldsmith and Posner argue that in international law, an appeal to law rather functions as a way to display future intentions and that:

The notion that law necessarily implies that the parties have submitted to an outside authority, real or metaphysical or moral, is a modern confusion.¹⁴³

It is under very little debate that there is very little ability to guarantee compliance with international law through authority¹⁴⁴, even domestic law fails to arrest every criminal or judge all misdemeanours. Hence, it can be quite clear that justifications, in order to somehow escape liability, are not the primary concern of international actors.

Through this we get to the age-old question – why would anyone follow international law and, more specifically for this thesis, why would states use international law to justify blatant breaches of international law?

3.2.3. The Need for International Law Language

The effectiveness of international law has long been a debate, with many scholars proposing their ideas of why international law is or isn’t effective, as well as why states comply with international law. Many reasons are given for this, among them being the rationality of states - that States carefully weigh their objectives, the course of action most likely to realize them, and the costs expected to be associated with the various options they have for their foreign policy.¹⁴⁵

The war between Russia and Ukraine provides an example of a clear case where all of the parties engaged do not believe it is sufficient to base themselves solely on political interest and consider it essential to present a legal basis for their actions. This is not unique, as the language of the Charter has been used to justify various actions by states, including military intervention and sanctions. The situation presents a paradox, a state that seems to disregard the law yet presents itself as acting within its boundaries. But this situation is not unprecedented.

¹⁴² Goldsmith and Posner, *supra* note 132, p.124

¹⁴³ Goldsmith and Posner, *supra* note 132, p.137

¹⁴⁴ Andrew Guzman, “The Consent Problem in International Law,” *Berkeley Law School* (2011), available on: <https://escholarship.org/uc/item/04x8x174>.

¹⁴⁵ Robert Kolb, *Theory of International Law*, Hart Publishing (2016), doi: <http://dx.doi.org/10.5040/9781782258827>, p. 243.

For example, in the case of Iraq, the United States used the language of the Charter to justify its military intervention in 2003, arguing that Iraq had violated its obligations under the Charter by possessing weapons of mass destruction.¹⁴⁶ Russia has used the language of the Charter to justify its actions in Crimea, arguing that it was protecting the rights of Russian speakers in the region and that the referendum held in Crimea was a legitimate exercise of the right to self-determination.¹⁴⁷ Russia continued this trend by using international law principles to justify beginning a war in Ukraine in 2022.¹⁴⁸ This example can be interpreted as an illustration of the growing “legalization” on a global scale. This means that international law is becoming an increasingly important factor in shaping state behaviour and that the language of international law is being used more frequently by states to justify their actions.

The question arises from this – why then does Russia feel the need to justify its actions through international law? From an initial perspective, it may seem that the time, energy and materials wasted on continuing the façade of an international law-abiding state is not proportional to the benefits, as from the Western perspective it is now widely accepted that Russia is spreading disinformation and propaganda. And yet, when analysing the situation closely, the many small potential reasons for doing so, compile.

Firstly, Russia’s continued use of international law language provides a veneer of legitimacy to Russia’s actions, both domestically and internationally. By invoking international law, Russia is able to portray itself as a responsible member of the international community, acting in accordance with the rules and principles of international law. This is particularly important for Russia’s domestic audience, as it helps to maintain support for the government’s actions by presenting them as lawful and justified.¹⁴⁹ It may be true that this strategy is very weak for Western counterparts, but in other sections of the world, such as Asia and Latin America the views are not so one-sided. Russia has been developing ties with Latin America for a considerable time and with this also comes a form of trust and support.¹⁵⁰ Russia has been investing in developing propaganda in Spanish-speaking countries and these efforts have only increased after the invasion in 2022.¹⁵¹ Within the context of these regions, this maintenance of legitimacy makes more sense, than when interpreting from a purely Western perspective.

Secondly, by using international law, Russia is able to deflect criticism from other states and international organizations. By presenting its actions as legal and legitimate, Russia is able to argue that other states and international organizations have no grounds for criticizing its behaviour.¹⁵² This is quite effective because to discern whether what is being said is true or false – analysis is necessary, and any action that delays placing blame on one state is effective

¹⁴⁶ Esther Pan, “IRAQ: Justifying the War,” *Council on Foreign Relations* (2005), available on: <https://www.cfr.org/backgrounder/iraq-justifying-war>.

¹⁴⁷ Steven Pifer, “Crimea: Six years after illegal annexation,” *Brookings* (2020), available on: <https://www.brookings.edu/blog/order-from-chaos/2020/03/17/crimea-six-years-after-illegal-annexation/>.

¹⁴⁸ Vladimir Putin’s Speech on Ukraine and Recognition of Donbass, *supra* note 61.

¹⁴⁹ Masha Gessen, “The War That Russians Do Not See,” *New Yorker* (2022), available on: <https://www.newyorker.com/news/dispatch/03/14/the-war-that-russians-do-not-see>.

¹⁵⁰ Julia Gurganus, “Russia: Playing a Geopolitical Game in Latin America,” *Carnegie Endowment for International Peace* (2018), available on: <https://carnegieendowment.org/2018/05/03/russia-playing-geopolitical-game-in-latin-america-pub-76228>.

¹⁵¹ Gretel Kahn, “Despite Western bans, Putin’s propaganda flourishes in Spanish on TV and social media,” *University of Oxford, Reuters Institute* (2023), available on: <https://reutersinstitute.politics.ox.ac.uk/news/despite-western-bans-putins-propaganda-flourishes-spanish-tv-and-social-media>.

¹⁵² Jorg Heiser, “Excuses for Doing Nothing: ‘Whataboutism’ and Russia’s War Against Ukraine,” *e-flux* (2022), available on: <https://www.e-flux.com/notes/462424/excuses-for-doing-nothing-whataboutism-and-russia-s-war-against-ukraine>.

because humans are prone to allowing logical fallacies and incorrect information “slip through”, as previously mentioned within the context of the “illusory truth effect” and propaganda as such.¹⁵³

Thirdly, by using international law, Russia is able to assert its own interpretation of international legal principles and norms. This is particularly important in situations where Russia may feel that its interests are not being adequately represented by the existing international legal framework. By asserting its own interpretation of international law, Russia is able to shape the legal landscape in a way that is more favourable to its own interests.

Finally, the use of international law by Russia can be seen as a form of “lawfare”¹⁵⁴ - the use of law as a weapon of war. By using international law to justify its actions, Russia is able to create legal and political pressure on other states to accept its interpretation of events and acquiesce to its demands. This can be particularly effective in situations where Russia may not have the military or economic power to achieve its objectives through force alone.

Even though from the Western perspective the use of the language may seem to be illogical or even delusional, it is clear that rather it is a strategic choice, designed to achieve a range of political, legal, and diplomatic objectives when assessed fully and within the context of a global perspective. Furthermore, the fact that Russia feels the need to use international law to justify its actions demonstrates that international law still carries significant normative weight in the international system. States recognize the value of legitimacy and the role that international law plays in ensuring it. Even if they do not always follow it, they acknowledge it as a significant instrument for moulding international perceptions of their behaviour.

Overall, Russia’s use of international law language to legitimize its aggression in Ukraine is a sensible option, as well as a reflection of the importance of international law in determining world affairs. It emphasizes the constant fight between states attempting to maximize their own interests, as well as the significance of sustaining international norms and principles.

¹⁵³ Jason Stanley, *How Propaganda Works*, Princeton University Press (2015), ISBN 978-0-691-16442-7.

¹⁵⁴ Craig Martin, “What are the Limits of Lawfare,” *OpinioJuris* (2019), available on: <http://opiniojuris.org/2019/05/05/what-are-the-limits-on-lawfare/>.

CONCLUSION

Russia's use of rhetoric referring to international law and its principles serves as a case study for assessing how states utilising legalistic language are interconnected with ideas of rational choice theory. In this particular case, the author assessed and concluded that not only did Russian representatives formulate public communications with the international legal order in mind, but while doing so they maintained the complex range of strategic interests and preferences of Russia.

The first chapter discussed the historical development of language in international law, emphasizing the importance of clear communication and language in shaping legal norms and principles. The language of international law plays a critical role in shaping the law and influencing the behaviour of actors in the international system. The language used in international legal agreements, treaties, and conventions can shape the meaning and interpretation of legal principles and norms and can signal to states and international organizations what actions are expected of them. The use of international law language creates legal obligations for states and can shape their behaviour in pursuit of their own interests.

Therefore, it is important to recognize the role of language in shaping the law and to critically examine the language used in international legal disputes. Through the first chapter of the thesis, the groundwork for the next chapters of the research was founded by looking at the historical backdrop of rhetoric and law, the evolution of terminology and language in international law, and the impact of language on legal norms and principles.

The second chapter examined Russia's annexation of Crimea and invasion of Ukraine, analysing Putin's justifications for these actions and how they were based on principles of international law. The second chapter has revealed that Russia's justification for these actions is based on a combination of political, ethnic, and historical arguments, which have been presented as legitimate under international law. The annexation of Crimea and the invasion of Ukraine have raised serious concerns about the violation of the principles of state sovereignty, territorial integrity, and human rights, which are the cornerstone of international relations.

Furthermore, in this chapter, the three most commonly utilised principles of international law by the Russian Federation were assessed: state sovereignty, self-determination and respect for human rights. Often in Russia's rhetoric, the statements are grounded in support of the principle and then in presenting why they have not committed any violations.

The principle of state sovereignty, the principle of international law that is protected by Article 2(4) of the United Nations Charter, is something that Russia claims it respects, as do most states, yet both the annexation of Crimea and the invasion of Ukraine have been recognized as violations of state sovereignty. Russia frequently bases its defence of this on both arguing that there were no violations of the principle as such, but also on the notions that Ukraine is an illegitimate state and lacks traditions of stable statehood.

Regarding the principle of self-determination, the principle of international law that is protected by Article 1(2) of the United Nations Charter, Russia often cites Kosovo as a precedent and claims this as the main defence in regard to the annexation of Crimea, often highlighting that the process was wholly democratic and in line with principles of international law. This section of the thesis reviewed the ICJ case regarding Kosovo as well as the main elements and legal aspects of the principle of self-determination.

Lastly, Russia often voices concerns over human rights violations by other states and condemns many actions, including accusing Ukraine of committing genocide. At the same time, Russia has a track record of human rights violations domestically, as evidenced by the large proportion of European Court of Human Rights cases determining violations of the European Convention on Human Rights.

The chapter also demonstrated Russia's use and abuse of the allegations of genocide in its justification and, further, Ukraine's appeal to the International Court of Justice highlights the difficulties and challenges associated with preserving state sovereignty in a complex and dynamic international system. Ultimately, this chapter emphasizes the importance of understanding the complex interplay between international law, language, and power in shaping the actions of states in the international system.

The last chapter used rational choice theory to explain Russia's behaviour in Ukraine and the influence of public discourse on state conduct in international relations. The chapter begins with the setting of Russia's propaganda system and the relationships between propaganda and reason as a whole. The propaganda system in Russia is dubbed "the firehose of falsehood" and one of its main characteristics is that it is utilised often and in a rapid manner, but often at the expense of being consistent. Though this may look "irrational" from a Western perspective, in this analysis it is clear that there is an effectiveness to this system.

This section is followed by an analysis of the situation through the lens of rational choice theory - a theory that contends that individuals involved in international relations, such as governments and international organizations, act strategically and rationally to further their own interests. According to the rational choice theory, states behave in their own self-interest and seek out policies that maximize their advantages while lowering their expenses.

When analysing the rhetoric of Russia, I first assess two "weak" reasons of justification using international law, the first being to alter opinions, and the second, to not be found liable. Both of these stems from ideas that seem natural as a basis for justifications, but bear little to no meaning within the context of international relations and law, as firstly, opinions of states change negligibly due to public statements from states and secondly, international law lacks the same system of prosecution as domestic law for that to be the primary reason.

Instead, the author presents four reasons that rather suit the present case, those being that, first off, Russia's continued use of terminology from international law lends an air of legitimacy to its actions, second, Russia can deflect criticism from other nations and international organizations via the rules of international law, third, Russia might express its own perception of international legal norms and principles by employing international law and last, the use of international law as a weapon of war by Russia might be understood as an instance of "lawfare".

This thesis has illustrated the significant role of language and communication in justifying and legitimizing state actions in international relations, particularly in the context of the conflict between Ukraine and Russia.

When states use international law language to justify their actions, they are not only seeking to legitimize themselves in the eyes of the international community but also to shape the narrative and perceptions of the conflict. As formulated by Goldsmith and Posner:

(...) nations provide legal or moral justifications for their actions, no matter how transparently self-interested their actions are. Their legal or moral justifications cleave to their interests, and so when interests change rapidly, so do the rationalizations.¹⁵⁵

Not only is Russia's use of international language rational, but necessary in the current world order. But this twisting of norms and principles is not healthy for the law system, as analysis of these situations is then required to determine what truly is going on and whether or not these principles are truly applied or merely used in rhetoric. One of the ways this potentially could be addressed is through litigation, as Ukraine did in its application in which the state accused Russia of interpreting the Genocide Convention incorrectly, this form of dealing may prove to set a precedent. But as with all forms of litigation, but especially in international law, the process is lengthy and may prove to lack effectiveness. Another possible solution is increasing transparency in international law, as that may aid in creating a clear representation of situations more often, but of course, this also holds its own issues in implementation. Lastly, the approach that is already being applied to misinformation, propaganda and "fake news" is the development of critical thinking and media literacy, the author believes that this is integral for the well-being of society as such, especially within the context of understanding international relation, but it maintains a critical weakness, this solution is in the hands of states and if a state wishes for its domestic audience to be "rationally ignorant", then it will do what it takes for them to remain so.

¹⁵⁵Goldsmith and Posner, *supra* note 132, p.118

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ANNEXE 1 – CRIMEAN SPEECH ANALYSIS

Based on the annotation of the speech to both houses of parliament at the Kremlin on 18 March by Russian President Vladimir Putin, available on: <https://www.bbc.com/news/world-europe-26652058>

Putin's Argumentation	Principle of International Law
The referendum in Crimea was held in full compliance with democratic procedures and international norms.	Self-determination
The shared history and pride of Crimea and Russia are evidence of the reason behind the choice of reuniting with Russia.	<p>The principle of historic rights suggests that a state may have legitimate territorial claims based on historical ties or cultural heritage.</p> <p>However, this principle is controversial and subject to different interpretations, and it cannot justify the annexation of territory by force.</p>
Crimea is a unique blend of different peoples' cultures and traditions, and the local population supports the idea of having three equal national languages: Russian, Ukrainian, and Tatar.	The principle of the protection of minority rights and cultural diversity acknowledges the right of minorities to preserve their cultural identity, language, and traditions, and obliges states to respect and promote these rights.
Crimea has always been an inseparable part of Russia in people's hearts and minds, based on truth and justice passed from generation to generation.	<p>The principle of <i>uti possidetis juris</i> is a legal doctrine that holds that the existing borders of a state should be preserved after the disintegration of a larger political entity, based on the assumption that the new states that emerge will inherit the territory and boundaries of the former entity.</p> <p>However, this principle does not justify the use of force or coercion to alter the borders of a state, and it must be balanced against other principles, such as the right to self-determination and the prohibition of the use of force.</p>
The decision to transfer Crimea to Ukraine in 1954 was made in clear violation of constitutional norms, behind the scenes, without asking the citizens of Crimea and Sevastopol.	Right to self determination
Crimea is historically Russian land and Sevastopol is a Russian city.	Right to self-determination

Putin's Argumentation	Principle of International Law
Russians in Ukraine are suffering from the constant political and state crisis and attempts to deprive them of their historical memory and language.	Protection of minority rights
The authorities in Ukraine were corrupt and inefficient, causing millions of Ukrainian citizens to flee to other countries.	Lack of effective governance (Statehood)
The new Ukrainian authorities were preparing a government takeover and resorted to terror, murder, and riots, while infringing on the rights of ethnic minorities.	Non-intervention in internal affairs and protection of human rights
There is no legitimate executive authority in Ukraine	Lack of an independent government (Statehood)
Crimea turned to Russia for help in defending their rights and lives	Right to self determination
Russia did not violate any international law	State responsibility (i.e. though it would be considered a violation of international law, there are circumstances precluding wrongfulness according to Putin)
Crimean authorities referred to the Kosovo precedent	Right to self determination - declarations of independence may violate domestic legislation but not international law
Western colleagues are being hypocritical	Lack of legal argument from West (?)

Putin's Argumentation	Principle of International Law
<p>Western partners are not guided by international law, but by the rule of the gun. They act as they please, using force against sovereign states, building coalitions based on the principle, "If you are not with us, you are against us." They force necessary resolutions from international organizations or simply ignore the UN Security Council and the UN overall.</p>	<p>Non-intervention principle; respect for sovereignty and territorial integrity of states; prohibition of the use of force in international relations;</p>
<p>Ukraine is an example of Western partners' aggressive policies against Russia and Eurasian integration. Russia has proposed cooperation, but has seen no reciprocal steps. Instead, Western partners have lied, made decisions behind Russia's back, and placed Russia before an accomplished fact, such as NATO's expansion to the east and the deployment of military infrastructure at Russia's borders.</p>	<p>Principle of sovereign equality of states; prohibition of the threat or use of force against territorial integrity or political independence of any state; respect for the rights of peoples to self-determination; respect for the principle of non-interference in the internal affairs of states.</p>
<p>Crimea's residents have the right to freely choose their fate.</p>	<p>Right to self-determination of peoples.</p>
<p>NATO's presence in Ukraine would create a threat to southern Russia.</p>	<p>Non-intervention in the internal affairs of other states.</p>
<p>Russia is not opposed to cooperation with NATO but does not want a military alliance in its backyard or historic territory.</p>	<p>Non-intervention in the internal affairs of other states.</p>
<p>Russia and Ukraine are one people, and millions of Russians and Russian-speaking people live in Ukraine.</p>	<p>Right to self-determination of peoples; non-intervention in the internal affairs of other states.</p>

ANNEXE 2 – PRE-WAR SPEECH

Based on Vladimir Putin’s Speech on Ukraine and Recognition of Donbas, Published on: February 25th, 2022, available on: <https://www.youtube.com/watch?v=X5-ZdTGLmZo&t=2s>

Argumentation	Principle of International Law
NATO’s eastward expansion	Principle of equal and indivisible security in Europe
Disregard for the interests and legitimate demands of other states	Respect for the sovereignty of states
Illegal use of military power against Libya and Syria	Respect for the sovereignty of states
Invasion of Iraq without legal grounds	Respect for the sovereignty of states
US intervention created non-healing wounds and the curse of international terrorism and extremism	Respect for the sovereignty of states
The US broke a promise not to expand NATO eastwards	Pacta sunt servanda, State sovereignty, Non-Interference
US created an “empire of lies” inside its borders and among its allies	Freedom of Speech
US tried to destroy Russia after the disintegration of the USSR	Sovereignty of States, Non-Interference, Prohibition of the Use of Force
US sought to impose their values on Russia, contrary to human nature	Cultural Diversity, Human Rights
US rejected Russia’s proposal on European security and NATO’s non-expansion	Good Faith, Cooperation among States
Russia will not be caught unprepared for a potential attack	Self-Defense, Right to Life
Russia will not tolerate military presence in territories bordering on Russia	Sovereignty of States, Right to Security
NATO’s eastward expansion has been becoming worse and more dangerous by the year.	Principle of Sovereignty: States have the right to control what happens within their own borders without interference from other states.
Any further expansion of NATO’s infrastructure or the ongoing efforts to gain a military foothold of Ukrainian territory are unacceptable for Russia.	Principle of Non-Intervention: States should not interfere with the internal affairs of other states or seek to overthrow their governments.

Argumentation	Principle of International Law
The situation in Donbas has become intolerable, and efforts to settle the situation through peaceful political means have been in vain.	Principle of Self-Determination: People have the right to determine their own political status and freely pursue their own economic, social, and cultural development.
The leading NATO countries are supporting the far-right nationalists and neo-Nazis in Ukraine.	Principle of Territorial Integrity: States should respect the territorial integrity of other states and should not attempt to acquire territory by force.
The showdown between Russia and these forces cannot be avoided, and they aspire to acquire nuclear weapons.	Principle of Collective Self-Defense: States have the right to defend themselves, individually or collectively, against armed attack.
Russia cannot feel safe, develop, and exist while facing a permanent threat from the territory of today's Ukraine.	Principle of Self-Defense: States have the right to defend themselves against armed attack, including preemptive strikes if necessary.
Russia made a decision to carry out a special military operation to protect people who have been facing humiliation and genocide perpetrated by the Kyiv regime.	Principle of Humanitarian Intervention: States have the right to intervene in other states to protect people from gross violations of human rights, such as genocide or ethnic cleansing.
Not our plan to occupy Ukrainian territory	Sovereignty of States
Do not intend to impose anything on anyone by force	Non-intervention
Statements from the West that there is no need to abide by the documents setting forth the outcomes of World War II	Respect for Treaties and International Agreements
Outcomes of World War II and sacrifices made are sacred	Respect for Treaties and International Agreements
Nations have the right to self-determination	Self-Determination of Peoples
People living in territories of today's Ukraine were not asked how they want to build their lives	Self-Determination of Peoples
Russia was obliged to protect the people of Crimea and Sevastopol	Territorial Integrity of States
Events have nothing to do with a desire to infringe on the interests of Ukraine and the Ukrainian people	Non-intervention

Argumentation	Principle of International Law
Acting to defend ourselves from the threats created for us	Self-Defense
Military personnel of the Ukrainian Armed Forces urged to refuse to carry out criminal orders	Responsibility of Individuals for War Crimes
Russia will respond immediately to those who interfere in their affairs	Non-intervention
Culture and values, experience and traditions of our ancestors invariably provided a powerful underpinning for the wellbeing and the very existence of entire states and nations	Cultural Rights and Heritage
Justice and truth make us truly strong	Rule of Law and Human Rights
Strength and readiness to fight are the bedrock of independence and sovereignty	Self-Determination of Peoples

