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Cold War Déjà Vu? **NATO, Russia and the Crisis in Ukraine**

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Russia's behaviour in the Ukrainian crisis has been described by some as giving rise to "the most dangerous situation in East-West relations since the Soviet invasion of Czechoslovakia in 1968."² For one, NATO's recently retired Supreme Allied Commander has called for immediate action in response. This could include, for example, bringing the NATO Response Force – a sea, air, land, special forces capability – to a higher state of alert, and sailing NATO maritime forces into the Black Sea.³

Has the Cold War returned? Irrespective of the comments above, not for NATO, even if some in Vladimir Putin's Russia might prefer it that way; to get back to simpler times when military might and great power politics determined the course of international (dis)order. This is evident in (1) Moscow's political and legal approach to the crisis as well as (2) its return to Soviet style military tactics to achieve its ends. This paper explains, however, why the West must not follow suit.

Russia's Challenge to the UN and International Order

The UN Charter provides for the orderly management of international peace and security. This includes very clear guidance on the lawful use of force by one state against another:

- "The inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations... " (Article 51) or;
- Peace enforcement actions authorized by the Security Council with respect to threats to the peace, breaches of the peace and acts of aggression (Article 42).
- The International Court of Justice has further clarified that armed intervention may be acceptable with the prior invitation and consent of another state under certain conditions."⁴
- Since 2005, the international community has also agreed to the additional norm of Responsibility to Protect (R2P) confirming its preparedness "to act through the Security

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² Peter Apps, "Ukraine crisis gives NATO, West no good options", *Reuters online*, 03 March 2014.

³ James Stavridis, "NATO needs to move now on Crimea", *Foreign Policy Argument online*, 01 March 2014, http://www.foreignpolicy.com/articles/2014/03/01/nato_needs_to_move_now_on_crimea

⁴ Philip Kunig, "Prohibition of Intervention", *Oxford Public International Law*, April 2008, <http://opil.oupplaw.com/view/10.1093/law:epil/9780199231690/law-9780199231690-e1434?rskey=nMHcdy&result=1&prd=OPIL>

Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis ... should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity.”⁵

As explained here, Russia’s seemingly “hidden” intervention in Crimea, however, meets none of these criteria. It thus risks turning the clock back to a “might makes right”, “winner takes all” reckless power politicking of a by-gone era.

Notwithstanding the absence of any Security Council authorization, President Putin’s further justification for intervention to protect Russian citizens and interests in Ukraine has endeavoured to evoke the spirit of R2P:

“In connection with the extraordinary situation in Ukraine, the threat to the lives of citizens of the Russian Federation, our compatriots, and the personnel of the armed forces of the Russian Federation on Ukrainian territory (in the Autonomous Republic of Crimea) ... I submit a proposal on using the armed forces of the Russian Federation on the territory of Ukraine until normalization of the socio-political situation in the that country.” [sic.]⁶

As recently as 3 March, Putin’s Foreign Minister, Sergey Lavrov, was making similar petitions at the UN:

“This is a question of defending our citizens and compatriots, ensuring human rights, especially the right to life.”⁷

During the Euro-Maidan revolution, however, Russian military interests – namely the Black Sea Fleet at Sevastapol – and citizens in Crimea were never under any serious threat. The epicentre of the violence was Kyiv, not Crimea’s capital, Simferopol. Crimea was in fact one of the most stable regions throughout Ukraine in the run up to Yanukovych’s departure from office. True, the large Russian speaking population of Crimea may have felt discriminated against by the law passed by the new government on 24 February making Ukrainian the sole state language. However, the current administration has never planned or engaged in anything remotely resembling acts of genocide, war crimes, ethnic cleansing, or crimes against humanity. As the Chairman of the Russian Council for Foreign and Defense Policy, Fyodor Lukyanov, remarked:

“If Russia realized the threat to send forces to Crimea, she will find it difficult to prove, including in the UN SC [Security Council], that these measures comply with international norms. From a political point of view it is clear what led to this situation, but not de jure.”⁸

A visit to the website of the Russian Federation Embassy in London, moreover, ironically and ominously presages the recent factional clashes in Crimea and threat of Ukrainian civil war that has accompanied the unlawful armed intervention there:

“As regards intrastate conflicts, the need to protect civilians must not be used to change regimes by providing external support to one of the opposing sides. As a rule, such actions are not conducive to alleviating the suffering of the peaceful population; on the contrary, they foster violence and can precipitate the country into a full-scale civil war.”⁹

5 UN General Assembly, *2005 World Summit Outcome*, available at [http://responsibilitytoprotect.org/world%20summit%20outcome%20doc%202005\(1\).pdf](http://responsibilitytoprotect.org/world%20summit%20outcome%20doc%202005(1).pdf) (accessed 3 March 2014).

6 “Putin: Russian citizens, troops threatened in Ukraine, need armed forces’ protection”, *RT*, 01 March 2014, <http://rt.com/news/russia-troops-ukraine-possible-359/>

7 Ed Zuckerman, “Russia: Ukraine Intervention about ‘Ensuring Human Rights’”, *Talk Radio News Service*, 03 March 2014, <http://www.talkradionews.com/top-stories/2014/03/03/russia-ukraine-intervention-ensuring-human-rights.html#.UxWVK181iHs>

8 Olga Vandysheva, “NATO will not defend Ukrainian territorial integrity”, *Expert Online*, 02 March 2014, <http://expert.ru/2014/03/2/fedor-lukyanov-nato-ne-budet-zaschischat-territorialnuyu-tselostnost-ukrainyi/>

9 Russian Federation, “*Russia’s Approach to the notion of ‘Responsibility to Protect’*”, Website of the Russian Embassy, London,

More recently, Russia's Ambassador to the UN, Vitaly Churkin, endeavoured to justify the presence of troops in Crimea by pointing to a letter reportedly received in Moscow on 1 March from ousted President Yanukovich requesting the armed intervention. Even if the letter is genuine, Russian-backed "local self-defense forces" began arriving in Crimea as early as 27 February. Furthermore, under the Ukrainian constitution (Article 85) the national parliament would have had to have endorsed the request, which it did not.

In a press conference on 4 March, Vladimir Putin stressed that he does not see a need "yet" to send troops to Ukraine and that Russia does not plan to annex Crimea,¹⁰ while at the same time the Russian Duma prepares legislation that will pave the way to incorporate new "subjects" (i.e. territory) into the Russian Federation. In addition, laws are being crafted to make it easier to become a Russian citizen. Considering that the Russian diaspora is practically everywhere, and not just in Ukraine/Crimea, Georgia or Moldova, does raise questions about the intentions behind the use of this political instrument of "protection."

The West, therefore, must ensure the manipulative and false interpretation of the R2P principle by Russia as described above, be perceived *internationally* as an unacceptable aberration.

In addition to Russia's geopolitical actions, Russia's military tactics also harken back to Cold War approaches.

Russia's Return to Cold War Military Tactics

Russia's Defence Minister, Army-General Sergei Shoigu, strongly advocates the Soviet-style practice of large-scale "snap inspections" within the Armed Forces to test combat readiness in preparation for action. A pre-planned snap inspection of Russian units in its Western and Central Military Districts (MDs) was ordered by President Putin on 26 February 2014. Many Western commentators failed to identify this crucial context.¹¹

Interfax reported Shoigu explaining that troops in Western and Central MDs would include the 6th and 20th Armies and also the 2nd Army, the commands of Aerospace Defence Forces, Airborne Troops, and Long Range and Military Transport Aviation. The naval component included the Northern and Baltic Fleets, while the exercise was divided into two phases: the first (26-27 February) focused on raising combat readiness in the participating units, and from 28 February to 7 March two operational-tactical exercises concerning inter-agency and intra-branch coordination. With the instrument of snap inspections, Russia remains prepared for even more drastic military action in Ukraine if required.

Meanwhile, Russia's ostensible military intervention in Crimea moved rapidly to cut off and establish effective control of the peninsula, by seizing the strategically important Perekop Isthmus (connecting Crimea to mainland Ukraine) and securing the Sivash shallows in the Sea of Azov. Russian military movements into Crimea mainly stemmed from the Black Sea Fleet base, with low-scale reinforcement from mainland Russia. Mass movement of Russian troops and heavy equipment into Crimea depends on the use of railways and sea ferries across the Kerch Straits. Consequently, with relative ease, exploiting the weakness of the interim government in Kyiv, Russian forces rapidly established a new reality on the ground, albeit with calculated risk of conflict escalation.

Thus, Putin's military steps in Crimea, subsequent questioning of the legitimacy of the interim government and his continued threat to use further military force "if necessary" indicate a potential willingness to escalate the conflict. Yet, in reality the risks of further escalation of the conflict between Russia and Ukraine are arguably as high for Moscow as for other regional powers; the long term prospect of isolation

<http://www.rusemb.org.uk/in3a> (accessed 27 February 2014).

¹⁰ Official site of the President of Russia, <http://eng.news.kremlin.ru/news/6763>

¹¹ "Russian Upper House speaker Rules Out Military Intervention in Ukraine," *RIA Novosti*, 26 February, 2014; *Interfax*, 26 February 2014, <http://www.interfax.ru/russia/txt/361371>.

and economic consequences especially for the investment climate in Russia must factor into the Kremlin's planning.

Putin's gamble is based on other powers accepting the changes on the ground, and maximizing Russia's leverage in shaping the future of its close neighbour at minimal cost.

How to React to Russian Brinkmanship Without Falling back into Cold War

Russia's domestic development into a "managed or sovereign democracy" where the right of free expression and freedom of the media get more and more limited seems to confirm the long-standing warnings that Russia under Putin is moving in the wrong direction. After the appearance of Russian-backed troops in Crimea, Putin's brinkmanship has reached a new level: German Chancellor Angela Merkel, reportedly "told [US President] Obama by telephone ... that after speaking with Mr. Putin she was not sure he was in touch with reality. ... 'In another world,' she said."¹²

Putin seems to think that Russia's and especially his image in the West is damaged anyway with nothing more to lose as he seeks to create new geo-political realities the Russian way. Russia's credibility in the court of world public opinion, together with its stock markets, however, will nonetheless suffer and already have. Even Russian commentators are aware of this. The prestigious Russian newspaper "Vedomosti" calls any decision to send Russian forces to Ukraine "worse than a crime."¹³ So, in the end, the West must remain optimistic that in the longer term Moscow will see the disadvantages of its unilateralism.

In the meantime, this is what NATO can do:

1. No military solution

Despite suggestions and demands for a strong NATO reaction that makes use of all available military options to react to the Russian creeping intervention, there are no viable military solutions to the political problems in Ukraine. In fact, neither the United States nor the 28-nation Atlantic Alliance has drawn up contingency plans, and this should remain the case with preference given to diplomatic and economic measures.¹⁴ As German Foreign Minister Frank-Walter Steinmeier states: "Crisis diplomacy is not a weakness, but it is now more important than ever for us not to fall into the abyss of a military escalation, not to blunder into this abyss."¹⁵

2. Support a multilateral approach to the crisis and keep the dialogue open

NATO is only one player among many with a stake in the outcome of the crisis. NATO must ensure that it does not default to an East vs. West narrative because what happens in Ukraine and Crimea has implications for what constitutes an acceptable use of force in the contemporary international system writ large. Therefore NATO should not only use its existing dialogue forums such as the NATO-Russia Council or the NATO-Ukraine Commission, but also leverage its flexible dialogue formats at 28+n (NATO nations plus partners) to bring together NATO member states, Ukraine and Russia, and also other NATO partners to seek a peaceful solution to the crisis.

¹² Gordon Lubold, "Obama's Big Test in Crimea," *FP's Situation Report*, 03 March 2014.

¹³ Константин Сонин, Хуже, чем преступление, *Vedomosti*, 03 March 2014.

¹⁴ Adrian Croft, "NATO Commander Plays Down Tensions with Russia over Ukraine," *Reuters online*, 27 February 2014.

¹⁵ "RPT-Diplomacy key to avoiding escalation in Ukraine- Steinmeier," *Reuters*, 3 March 2014, <http://www.reuters.com/article/2014/03/03/ukraine-crisis-germany-steinmeier-idUSB5N0LP00E20140303>

3. Continue intense cooperation with the new Ukrainian leadership

- NATO-Ukraine relations are stable: Ukraine took part in every NATO-led operation and significantly contributes to the NATO Response Force (NRF). NATO supported the profound transition of the Ukrainian Armed Forces and will continue this close partnership.
- Ukraine was on the fast track for membership for many years. On its 2008 Bucharest summit, NATO promised that Ukraine (together with Georgia) would someday become a member. Ukraine under its former president Yanukovich took the issue off the political agenda in 2010 and went for a non-aligned status. With the change of government, however, the question of Ukraine membership may be raised again. Under the new conditions it will be – as in the case of Georgia –even more difficult, and likely to antagonize its Russian neighbour even further. But the Alliance open door policy will remain.
- From a NATO point of view the new Ukrainian government has to get three things right: (1) keep calm, do not give Moscow the pretext for a (full-scale) invasion, (2) do not disenfranchise the pro-Russian speaking parts of the country,¹⁶ and (3) normalize relations with Russia as early as possible.

¹⁶ The Maidan movement not only failed to involve Russian speaking parts of the Ukrainian population, but alienated them. All the activists, with the exception of Vitali Klychko, spoke Ukrainian. In the counties' East and in Crimea people simply did not understand what this revolution is all about and relied on the information of the Russian official TV channels where the Maidan movement was described as criminal and fascist. In addition, the aforementioned language law has served to alienate Russian speaking parts of the country.