

**NEEDED NOW:
A LONG-TERM POLICY TO COUNTER PUTIN'S ACTIONS IN UKRAINE**

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The United States has yet to recognize the full extent of Vladimir Putin's aggression in Ukraine and the threats it poses to the international system. It has treated the issue as if it can be dealt with quickly and in isolation from these broader concerns, an approach that has allowed the Kremlin leader running room to cause trouble elsewhere. And in its pursuit of a quick fix to end a conflict on the edge of Europe, Washington has ignored the need to craft a long-term policy for Ukraine not only in support of that country but also as a way of supporting others that may face Russian aggression in the future.

This afternoon, I would like to address each of these three issues: the three challenges to the international system that Putin's aggression in Ukraine represent, the failure by the US to recognize that it has far more resources than denunciations and sanctions to compel Russia to return to the norms of international law, and one example from the American diplomatic playbook – American non-recognition policy regarding the Soviet occupation of the three Baltic countries – that can and should be put in place as soon as possible.

Why Putin's Actions in Ukraine are Such a Threat to the International System

Many in the US believe even now that the current crisis is "just about Crimea, which was Russian anyway"—and that isn't true either, given that Stalin deported the Crimean Tatars from there in 1944, prevented their return, and supported the introduction of ethnic Russians in their place—as all too many in the West are doing. It is critically important to understand just what is at stake and why Russia's actions in Crimea represent the gravest threat to the rules of the game that the United States has taken the lead in establishing and maintaining since the end of World War II.¹

There are three reasons for what will seem to many a far too sweeping judgment, reasons that lie in the history of the area and of international decisions and that are to be found as well in the statements of Vladimir Putin and other Russian leaders during the lead up to what can only be described as the Anschluss of Crimea.

First, Putin has violated the basic foundation of the international system by redrawing borders and transferring the territory of one country into another. He and his supporters claim that they are doing no more than the United States did in Yugoslavia, but that is simply false. The United States did not organize the transfer of Kosovo to Albania. Instead, what we are

seeing is naked aggression, covered by a trumped up “referendum” and a massive propaganda effort in Russia and the West.

There is one aspect of Putin’s argument, however, that does deserve attention although it is not compelling under the circumstances. As few in the West have been prepared to acknowledge, the borders of the republics in the USSR were drawn by Stalin not to solve ethnic problems but to exacerbate them. In every case, including most famously Karabakh in Azerbaijan but also Crimea and much of eastern Ukraine, Stalin drew the borders so there would always be a local minority nationality whose members would do Moscow’s bidding against the local majority. That had two benefits for the center. On the one hand, it meant that inter-ethnic tensions in the Soviet Union were primarily among non-Russian groups rather than between Russians and non-Russians, a far more explosive mix. And on the other hand, it justified the kind of repressive system that Stalin imposed. Indeed, it meant that the USSR could continue to exist only with such repression. As I wrote in 1986, Mikhail Gorbachev was likely going to discover that a liberal Russia might be possible, but a liberal Soviet Union was a contradiction in terms. When the last Soviet leader liberalized in the hopes of getting that country’s economy to expand, the USSR fell into pieces.

Those borders might have been changed by negotiation. Indeed, as few recognize, republic borders within the USSR had been changed more than 200 times, with land and people being transferred from one republic to another. However, in 1991 and 1992, the United States decided that these lines must not be changed by negotiation or violence. The rest of the world went along with the idea. The reason for that was the fear that the dismemberment of the Russian Federation, a country that is more than a fifth non-Russian, would exacerbate the problem of control of nuclear weapons and could lead to, in Secretary James Baker’s memorable phrase, “a nuclear Yugoslavia.”

For more than 20 years, this view has guided American and Western policy. The most prominent example of this was the insistence that Armenia end its occupation of Azerbaijani lands and return them to Baku’s sovereignty. So far that has not happened. But it is also the case that our decision to accept Stalin’s borders as eternal did not remove the tensions that he introduced as a kind of poison pill should his empire ever come apart. Putin’s move into Ukraine’s Crimea is an indication of just how strong those tensions remain.

Second, and related to this, Vladimir Putin has done something that overturns not just the 1991 but the 1945 settlement as well. He has argued that ethnicity is more important than citizenship, a reversal of the hierarchy that the United Nations is predicated on and a position that has the potential to undermine many members of the international community. While some may see this as nothing more than a commitment to the right of nations to national self-determination, the Kremlin leader’s approach suffers from a fatal flaw, a defect that unless denounced and countered could lead the heads of other states to take similar and equally dangerous steps. At the very least, Putin’s ideas will lead to massive instability in a large part of Eurasia.

Put in simplest terms, Putin has insisted that ethnic Russians living beyond the borders of the Russian Federation, in this case in Ukraine, have the right to self-determination. Putin has

made his career by denying that right to nations within the borders of the Russian Federation, most famously the Chechens against whom he launched and has conducted a brutal campaign that has cost tens of thousands of lives. Consequently, what Putin has done is to say that in Eurasia, ethnic Russians have rights that other peoples do not, a hyper-nationalist, even racist view that will bleed back into Russian society and also spark greater nationalism among the non-Russians both in the non-Russian post-Soviet states and in the Russian Federation as well.

By his actions, Putin has already guaranteed that no Ukrainian state and no Ukrainians will be sympathetic to Russia ever again. Instead, they will view Moscow as a threat. As many people have pointed out since the occupation of Crimea, Putin has done something no Ukrainian leader has ever achieved: he has united Ukrainians and united them around an anti-Russian agenda. Indeed, Ukraine now joins Poland and the Baltic countries as victims of Soviet and Russian actions and will do everything it can, as those countries have done, to escape from the Russian orbit. Some Ukrainians may be suborned or intimidated into saying otherwise, all the more so because some Western countries, including our own, will insist on that. But the underlying geo-psychology has shifted in the region against Russia because of Russian action.

And third, Putin's annexation of Crimea has been accompanied by the most sweeping crackdown against civil society in the Russian Federation since the end of the Cold War. News outlets have been harassed and suppressed, and opposition figures have been threatened. Putin himself has talked about the existence of "national traitors" and "a fifth column" within Russia, terms that to many Russian ears are not very far removed from the Stalin-era term "enemies of the people." Indeed, some of Putin's more rabid supporters are already drawing that conclusion: xenophobia in Russia is at an all-time high, attacks on ethnic and religious minorities are increasing, and many Russian democrats—and we should not forget that they are numerous and our allies—are invoking the words of Pastor Niemöller, fearful that what Putin is doing now will spread to ever more groups, including ominously Jews in that country.

Many in the West have self-confidently assured themselves that this is not a return to the ugly past and that the Internet will block Putin's efforts. But that may be whistling in the dark. Only one in five Russian homes has a computer, and far fewer have links to the World Wide Web. If Russians can sign on only at work, the ability of the authorities to shut Russians off from the rest of the world is still far greater than one would like. And that allows messages to be sent to the Russian people by the state-controlled media that are truly disturbing, including the recent suggestion that Russian forces could incinerate the United States in a nuclear exchange if Washington does not

There are More Arrows in Our Quiver than We Imagine

Over the last two years, many have argued that since we cannot force Putin to back down on Crimea, we should not speak and act against what he has done. That is wrong. On the one hand, we have a moral obligation and a geopolitical interest in speaking out clearly as to why what he has done will not be tolerated. And on the other, we need to recognize that the use of military force having been ruled out, there are more arrows in our quiver than just denunciations and sanctions. Indeed, the latter are far from the best way to achieve our goals not only because there is sanction fatigue that makes it likely they will be lifted eventually even if Moscow does

nothing – a fact of life that Putin understands perfectly. And in some respects they distract from the kinds of actions we can and should take to impose direct costs on Putin and his entourage rather than on the Russian people as a whole. Indeed, it should always be our policy to stress that we have no fight with the Russian people; we have one only with the current criminal occupant of the Kremlin.

Below I discuss one policy in particular with regard to Ukraine and Putin's illegal annexation of the Ukrainian peninsula of Crimea. But here I would just like to list some of the other mechanisms we should be employing or at least considering as means of putting pressure on Putin. This is just a list and it is far from complete, but it is something we should keep in mind for the longer term.

We can lift visas of Russian elites and their children who want to travel abroad. We can put Russian officials on an Interpol watch list for their criminal behavior. We can tie up the foreign holdings of senior Russian officials in the courts by raising questions about the provenance of the funds used to pay for them. We can end Russia's access to the SWIFT system of banking settlements. We can reduce the size of our diplomatic presence in Russia and then force Russia to reduce its personnel in the United States. We can stop sending senior officials to negotiate in Moscow: if Russia has something to say to us, let it send its officials in this direction. And we can suspend various exchanges when they involve members of Putin's entourage or other near-elite groups.

All these things and others besides have the following purpose: They call attention to the illegality of Putin's action and serve notice that we will not be doing business as usual with him until he changes and that he is not legitimate in a fundamental way. For all their criticism of the West, Putin and his cohort are desperate to be recognised as equal "partners" of Western leaders. That will hurt him and his standing with Russians far more than the broad-gauge sanctions we have imposed.

Non-Recognition Policy as Model for the US on the Crimean Anschluss

Estonia, Latvia and Lithuania have been supportive of Ukraine in a variety of ways since the Maidan; but their most important role in that regard may be as a model of what works and what doesn't for countries that live in the shadow of Moscow's realm and of what the West should do, what Kyiv should assume, and what Moscow should expect. Those three things – the power of non-recognition policy, the critical importance of NATO membership, and the fact that Moscow will ultimately benefit from Ukraine's eventual integration in Europe just as it has benefitted from the integration of the Baltic countries already – are my subject here.

The US Department of State has declared that Washington will never recognize Russia's annexation of Crimea, but such declarations, important as they are, need to be given real content to ensure that no part of the government, intentionally or otherwise, takes steps that undermine that policy.

In short, what is needed now is a new and formal non-recognition policy. That is all the more important now given continuing Russian meddling in Ukraine and elsewhere in the former Soviet space.

Given all that has happened since Moscow's seizure and annexation of Crimea, it may seem to some that any such call has been overtaken by events. But in fact, continuing Russian aggression in Ukraine and elsewhere in the former Soviet space make it even more important.

The immediate danger of not having such a clearly defined and articulated policy was highlighted when the Voice of America put up on its website -- and then fortunately took down -- a map showing Crimea not as an internationally recognized part of Ukraine but as part of the Russian Federation whose government under Vladimir Putin has engineered its annexation by force and the threat of force.

But the larger dangers are even greater. Since at least 1932, it will be recalled, the United States has maintained as a matter of principle that it will not recognize changes in international borders achieved by the use of force unless or until they are sanctioned international agreement. That doctrine was enunciated by Henry L. Stimson, the US secretary of state at the time, in response to Japan's seizure of China's Manchuria province and subsequent creation of the puppet state of Manchukuo.

While the US has not always adhered to this doctrine has not always been followed, it has never denounced or disowned it. And in one case, its articulation and maintenance helped right a terrible wrong and contributed to a most positive outcome.

The most forceful expression of the Stimson Doctrine was US non-recognition policy regarding the Soviet seizure of Estonia, Latvia, and Lithuania in 1940 under the terms of the secret protocols of the Molotov-Ribbentrop Pact between Hitler and Stalin.

On July 23, 1940, US Undersecretary of State Sumner Wells declared that the Baltic countries had been "deliberately annihilated by one of their more powerful neighbors" and that the US would continue to stand by its principle in their defense "because of the conviction of the American people that unless the doctrine in which these principles are inherent once again governs the relations between nations, the rule of reason, of justice and of law -- in other words, the basis of modern civilization itself -- cannot be preserved."

That declaration was given content by a policy that the United States followed until 1991 when Estonia, Latvia and Lithuania escaped from Soviet occupation and recovered their de facto independence, a policy that included among other things, provisions that the US would maintain ties with the diplomatic representatives of the pre-1940 Baltic governments and that the Baltic flags would continue to fly at the State Department, that no map produced by the United States government would show the Baltic states as a legitimate part of the USSR but would carry the disclaimer that the US did not recognize their forcible incorporation, and that no senior US official would visit the Baltic countries while they were under Soviet occupation.

It is important to remember what such policies did not mean. Neither the Stimson Doctrine nor Baltic Non-Recognition Policy called for American military action to liberate occupied territories, but both provided enormous encouragement to the peoples of these occupied areas that they would at some point once again be free and thus reflected the principles and values of the American people.

Why shouldn't such a policy be announced now? There are three main objections, none of which withstands examination. The first is that the US has not always lived up to its doctrines either in its own actions or in its willingness to denounce the use of force to change borders. Washington did not issue such a policy after the Soviet invasion of Georgia in 2008, for example; why should it do so now? But arguing that past mistakes should be repeated just because they were made once is hardly compelling.

Second, it is said that Crimea is only part of a country and therefore a non-recognition policy regarding it couldn't look exactly like Baltic non-recognition policy. That is true. A new non-recognition policy would not include maintaining ties with any pre-occupation government but it could keep senior American officials from visiting the peninsula and include continuing US recognition of Ukrainian passports of the residents of that peninsula, much as the US did in the case of holders of pre-1940 Baltic passports. Arguing that you can't get everything and therefore should do nothing, a suggestion made all too often of late, isn't very compelling either.

And third, it is maintained that Putin isn't Stalin and that the US shouldn't anger him because we have so many concerns in common. Tragically, some US officials have even insisted that Putin shouldn't take anything we say or do about Ukraine "personally." That is absurd. Putin is the aggressor in Crimea and Ukraine more generally. If we make him uncomfortable, we are only doing the minimum to live up to our principles.

Moreover, despite what Moscow suggests and some of its supporters in the West say, some future Russian leader or even Putin himself will cooperate with us when he or they see it is in their interest. US non-recognition policy regarding the Baltic countries did not prevent the US and Stalin's USSR from becoming allies against Hitler or the US and later Soviet leaders from cooperating. Again, the objections fall away.

It is thus time for a new non-recognition policy so that at a minimum no one will ever see a map of Ukraine put out by the US government that shows part of that country belonging to another.

In the 1990s, experts and politicians in Tallinn, Riga and Vilnius debated whether it was more important to gain membership in NATO or to join the European Union. In the event they were able to do both. But since Vladimir Putin's campaign of aggression against Ukraine began, it is clear that the former membership is more important than the latter. After all, one can't be a liberal free market country if one is not a country.

Since Moscow's annexation of Crimea and its continuing subversion of other parts of Ukraine, many have asked whether one or another of the Baltic countries might be Vladimir

Putin's next target, given that his strategic goal is clearly the breaking apart of Europe and the United States and discrediting or even destroying NATO.

That lies behind the question, "Are you prepared to die for Narva?" a reference to the predominantly ethnic Russian city on Estonia's eastern border, a city some have suggested Putin might seek to occupy temporarily or permanently and thus a possible flashpoint in a post-Ukraine world.

Andres Kasekamp, a political scientist at the University of Tartu, argues in an essay for the Estonian Foreign Policy Institute that there are compelling reasons to think that Narva will not be Putin's next target, reasons that reflect how different Estonia is from Ukraine (evi.ee/wp-content/uploads/2015/05/EVI-mottepaber21_mai15.pdf).

Although Russia has engaged in expanded military activity in three Baltic Sea region and although "at first glance there might be some superficial similarities" between Ukraine and NATO, Kasekamp points out, there are a large number of "clearly more significant" differences between the two.

Estonia, like her two Baltic neighbors, is a member of NATO and the EU, thus any action against them would have "immeasurably graver consequences. Moreover, "the success of the Crimean operation depended on surprise, the existence of Russian bases on Ukrainian territory and the defection of Ukrainian officers, and "a unique post-revolutionary situation" in Ukraine.

Moreover, Moscow was able to exploit a situation in which "the border with Russia in eastern Ukraine was lengthy, porous, and weakly guarded." None of those things is true in the Estonian case, Kasekamp says. And Estonia not only has "a state capacity to respond immediately" to any Russian challenge but a commitment based on experiences that it must "always offer military resistance."

Additionally and importantly, the Estonian political analyst argues, "Hybrid war is not something new for the Baltic states. They have already experienced elements of hybrid war - cyberattacks, economic pressure, disinformation campaigns. Even the Soviet-sponsored failed Communist insurrection of 1924 in Estonia had many common features with events in 2014, as did the Soviet annexation in 1940."

No Russian move against Estonia would allow Russia "the deniability of direct military involvement" it has exploited in the case of Ukraine. And "there is no historical territorial bone of contention" like Crimea. "Narva has always indisputably belonged to Estonia," Kasekamp points out. And "even Putin understands that Estonia ... is a completely distinct nation," something he does not believe Ukraine to be.

But the crux of arguments that Putin might move against Estonia or her Baltic neighbors, especially Latvia, involves the ethnic factor. "Putin has justified aggression against Ukraine with the need to 'protect' Russian speakers" and pointed to the better economic conditions in Russia as compared to Ukraine.

Neither of these factors works for Moscow in the Estonian case, Kasekamp points out. Few Russian speakers in Estonia, even those who support Moscow's occupation of Crimea, have any interest in becoming part of Russia themselves. They know how much better off they are in an EU country than are the Russians in Ivangorod and Pskov, two extremely poor areas.

Instead of asking the Russian speakers of Estonia about how they feel about Crimea, it would be far more instructive, Kasekamp says, to ask "whether they would prefer rubles to euros ... the Russian health care system to the Estonian one ... [or giving up] the right to freely travel and work within the EU."

"There is a sharp contrast between Estonian and Russian-speakers on support for NATO and perception of a threat from Moscow," he acknowledges, but he points out that "there is little difference" between the two groups "regarding the will to defend their country."

After Estonia recovered its independence in 1991, many believed that the ethnic Russian minority there would be integrated over time, that "Soviet nostalgia would fade with the passing of the older generation." That has not happened as quickly and thoroughly as such people had expected.

In part, that is because "Russia has instrumentalized its 'compatriots' in order to under societal integration and to maintain a sense of grievance and marginalization," an effort that reflects Moscow's use of Russian television in order to ensure that "most Estonians and Russophones live in separate information spaces."

But that is not the irresistible force that many assume, Kasekamp says, noting that "the Baltic states were among those who proposed that the EU take countermeasures" And Estonia itself has "decided to fund a new Russian language TV channel – not to provide counter-propaganda but to strengthen the identity of the local community."

Vladimir Putin has pursued the policies he has in Ukraine in order to block Kyiv from joining Europe, but his policy is short-sighted in the extreme because Europe has been the main force working for the just treatment of ethnic Russians in the Baltic countries and thus the integration of Ukraine into Europe will benefit both ethnic Russians living there and Russia itself, despite what some in both places may currently believe.

On the one hand, Konstaantin Ranks, a Latvian who lives in Siberia, argues, Europe has exercised a powerfully restraining influence on anti-Russian nationalism. And on the other, the EU has made relations between the Baltic countries and Russia far better and far more beneficial than would otherwise be the case (slon.ru/world/baltiyskie_kamni_na_ukrainskom_puti-1051018.xhtml).

Consequently, an article which begins as a warning to ethnic Russians in Ukraine not to believe the promises of Ukrainian opposition leaders that "in principle they are not against Russians but only against the regime in Russia," concludes that the best possible outcome for them would be Ukraine's integration in Europe rather than its subordination to Moscow.

Ranks starts by noting that Russian speakers in the Baltic countries – and he focuses on Latvia almost exclusively --fear that ethnic Russians in Ukraine may suffer some of the same problems they have had because they were misled by the promises of Baltic leaders and believe they've done as well as they have only because Europe has forced the Baltic leaders to restrain their nationalist impulses.

Latvia, Ranks suggests, “is a very good example for assessing the situation in Ukraine for several reasons.” The two countries have “much in common historically.” They were victims of Molotov-Ribbentrop, they fought against Soviet power in World War II and after, and although both “had played a big role in the success” of the Bolshevik revolution, they each had at the time of the recovery of independent enough people “who had preserved the habits of life in market conditions.”

Obviously, there were important differences as well, he continues. The size and ethnic balance of the two were very different. And unlike Ukraine, Latvia had a far more recent experience of independence to look back to and revive, and it had the experience of the departure of an entire ethnic community, the Baltic Germans in 1938, who had played a disproportionate role in Latvian life prior to that time.

The Latvian drive for the recovery of independence at the end of Soviet times also is instructive for ethnic Russians in Ukraine, Ranks argues. Not only did the Latvians create “parallel” state institutions at that time as the Ukrainians are doing now, but they told the ethnic Russians there that they would be treated equally after independence.

That reinforced the desire of many Russians to move to Latvia as their way to Europe, an attitude that continues, it should be said, and it led many ethnic Russians to discount statements of Latvian nationalists about them and to back Latvian independence. The same thing appears to be happening in Ukraine now, Ranks says.

After Latvia became independent, he continues, the situation changed dramatically. Latvia's citizenship law, which was based on succession from the pre-war republic rather than ethnicity as such worked against ethnic Russians, a large share of whom had moved there in Soviet times. As a result, many ethnic Russians – about a quarter of the population -- became non-citizens and suffered as a result.

“The ethnic Russian believes not in law but in justice,” Ranks says, and ethnic Russians in Latvia responded by leaving – 150,000 have done so – many back to the Russian Federation and others like many Latvians to Europe, and others have organized to call attention to their plight and press Riga to change its approach.

Both the European Union and NATO required Riga to commit to the simplification of naturalization procedures, although Ranks says that despite Latvia's admission to both Russian speakers in Latvia continue to have problems. But nevertheless, he writes, “Europe was and remains the single hope for the Russian-language diaspora.”

At present, there is “almost no exodus of Russian speakers” from Latvia to Russia, Ranks notes, “because life in Latvia is better,” although he argues that many young Russian speakers in Latvia are upset that “instead of uniting for the achievement of common goals, the communities [of Latvians and ethnic Russians there] exist as if in parallel worlds.”

What should ethnic Russians in Ukraine take from the Latvian case. First of all, they need to remember, Ranks says, that “nationalist ideas can be much more deeply rooted in the consciousness of Ukrainian elites than it might appear at first glance” and that their commitment to civic identities may be less than many ethnic Russians want to believe.

Second, they and others need to understand that any dramatic rise in ethnic Ukrainian nationalism will not only lead to the exodus of “several million” ethnic Russians from Ukraine but also undermine the chances for “the flourishing of democratic ideas” in Russia by heightening “suspiciousness and a desire for revenge” against Ukraine.

And third, the ethnic Russians in Ukraine and Russians in Russia as well, Ranks suggests, need to see that the spread of European values in Ukrainian society is “the strongest medicine against nationalism which like everywhere else” – and he implies this includes Russia as well – pushes people “toward conservative religious-ethnic values.”

“The ideas of tolerance and respect for the rights of ethnic minorities,” Ranks concludes, “will assist both the European integration of Ukraine itself and the gradual liberalization of Russian public life by destroying the siege psychology” that exists in both places. A more powerful argument for Ukrainian inclusion in Europe can hardly be imagined be it in Ukraine itself, in the Russian Federation, or in EU capitals.

These are three lessons the Baltic experience offers to the West, Kyiv and Moscow: none of them should be ignored.

ⁱ This portion of my presentation is based on my longer article in *The Ambassadors' Review* which is available at americanambassadors.org/publications/ambassadors-review/spring-2014/crimea-a-new-9-11-for-the-united-states.