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**RUSSIAN DOCTRINE  
OF INTERNATIONAL LAW  
AFTER THE ANNEXATION  
OF CRIMEA**

**Monograph**

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The monograph is a comprehensive study of approaches adopted by the Russian doctrine of international law regarding the 2013-2015 events which are directly or indirectly connected with international legal relations between Ukraine and the Russian Federation – the Revolution of Dignity in Ukraine, the use of force by Russia in Crimea, the annexation of the peninsula, and the armed conflict in parts of the Donetsk and Luhansk regions. The monograph offers an analysis of the key arguments produced to justify the “lawfulness” of Russia’s actions and expose “violations of international law by Ukraine” and evaluates the conclusions drawn by Russian researchers from the standpoint of international legal norms and principles, the practice of their application, and modern approaches in global international law. The author identifies the changes that took place in the Russian doctrine on the main issues in international legal regulation of relations between states under the influence of the 2013-2015 events and summarizes the special features of contemporary doctrinal approaches and the main tendencies of their transformation.

The book is intended for everyone interested in contemporary issues in international law.

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# Introduction

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Active information policy is an integral part of the Russian Federation's general strategy in international relations. This can be evidenced by all major events that happened after the USSR ceased to exist and can best be traced during crises and conflicts: Russia is conducting orchestrated information activities directed at achieving its goals in confrontation and advocating its diverse actions with respect to other states. Relations with Ukraine, which are especially important for Russia, are accompanied with most intensive information activities about, for instance, the confrontation over "the Crimean issue", the partition of the Black Sea Fleet in the 1990s, the confrontation surrounding the Ukrainian leadership's course on Euro-Atlantic integration in 2005–2009, the "gas wars" of 2005–2006 and 2008–2009, and many other situations. At this stage, one can trace Russia's information activities intensifying with the beginning of the 2013 events connected with the conclusion of the Association Agreement between Ukraine and the European Union and subsequently in the course of the armed conflict between Ukraine and Russia in 2014–2015.

Russia has always paid special attention to justifying its public actions with respect to other states during conflicts from the point of view of international law. There has been consistent elaboration of certain approaches to major international legal issues. However, the conflict with Ukraine appeared to be exceptional in this regard and even pivotal. Approaches to international law followed by Russian officials, politicians, diplomats, and scholars drastically changed after and as a result of the annexation of Crimea in 2014.

At the same time, the perception of the necessity to legally justify Russia's actions in the eyes of its own population, the international community, including foreign politicians and political commentators, international legal scholars, and ordinary foreign citizens remains manifest. In the case of academic research, multifaceted work needs to be done following a systematic and interdisciplinary approach with the involvement of researchers in international, constitutional, criminal, and administrative law, as well as specialists in political science, history, sociology, and even economics, culture and psychology.

Besides shaping favorable public opinion in Russia and abroad, such multifaceted activity (and international legal research in the first place) may be directed at preparing for litigation (however distant), honing future arguments to be applied in a dispute or a criminal trial before competent international bodies.

Relevant Russian legal scholarship includes texts by S. Baburin,<sup>1</sup> G. Vilyaminov,<sup>2</sup> O. Derevyanko,<sup>3</sup> V. Zorkin,<sup>4,5</sup> A. Ibragimov,<sup>6</sup> Yu. Kurilyuk and I. Semenovskiy,<sup>7</sup> V. Kryazhkov,<sup>8</sup> A. Kudryashova,<sup>9</sup> S. Marochkin,<sup>10</sup> G. Nebratenko and O. Nebratenko,<sup>11</sup> O. Khlestov,<sup>12</sup> K. Savryga,<sup>13</sup> N. Svechnikov and M. Bogdanova,<sup>14</sup> K. Sazonova,<sup>15</sup> V. Samigullin,<sup>16</sup> V. Tomsinov,<sup>17,18,19</sup> V. Tolstykh,<sup>20,21,22,23</sup> K. Tolkachova,<sup>24</sup> G. Tsygankov,<sup>25</sup> and others.

It is important to emphasize that international law should play a leading role in the legal assessment of the 2013–2015 events in the conflict between Russia and Ukraine. This is dictated by the very object of international law and the methodology applied to the study of relevant phenomena. International law deals with the core aspects of international relations (international legal personality, use of force in interstate relations, the relation between the norms on the territorial integrity of states and the self-determination of peoples; non-intervention in internal affairs, etc.) and thus gives exhaustive answers to questions about the legal qualification of the actions of the conflicting parties. International legal analysis is therefore an appropriate methodological choice. The norms of constitutional law (in the absence of any universal constitutional law and given obvious intervention in the sphere of domestic regulation), as well as those of criminal, administrative, and other branches of law can only be referred to as subsidiary.

Without denying the possibility of applying methods of non-legal disciplines in legal studies and the very concept of justice in legal analysis, it should be emphasized, however, that the use of interdisciplinary approaches casts a shadow on the legal validity of the researcher's position: when the areas of common and contractual law in question are governed by definite norms of international law, the use of extralegal arguments might be perceived as evidence of a lack of a coherent legal case. There are known negative examples of the application of the methods of political science and sociology to issues of international law.

Nevertheless, Russian authors representing various disciplines, such as political science, history, economics (including A. Bondarchuk,<sup>26</sup> Ye. Borodinov,<sup>27,28,29</sup> I. Bocharnikov,<sup>30</sup> P. Byelov,<sup>31</sup> N. Bugay,<sup>32</sup> I. Vepreva and N. Kupina,<sup>33</sup> S. Glazyev,<sup>34</sup> A. Gusher,<sup>35</sup> A. Manoylo,<sup>36,37</sup> R. Nikolayenko,<sup>38</sup> S. Tzaturyan,<sup>39</sup> and N. Shevchenko<sup>40</sup>) have carried out a considerable amount of research, which also deserve some attention.

In general, works from various disciplines (above all, legal studies) are important as sources of arguments for a scholarly dispute and analysis. Even more

important, they make it possible to discern the general trend of Russian research concerning events in Ukraine and bilateral relations at this stage. The large amount of relevant Russian scholarship and pseudo-scholarship facilitates this task.

It should be highlighted that, in spite of the evident weaknesses of the Russian doctrine concerned with the conflict with Ukraine, it is also evident that a complete international legal analysis of 2013–2014 events would be impossible without a thorough examination of the core arguments adduced by the Russian side in the context of compliance with international legal norms and principles, their practical implementation, and the current state of international legal scholarship in the world. Each and every argument deserves a dedicated and detailed analysis making it possible to either accept the argument or persuasively refute it. A multifaceted analysis of publications will lay the foundation for conclusions about general trends in Russian scholarship and will give a chance to trace the transformation of the approaches of the Russian state to international legal interaction with Ukraine, other states, international organizations. Thus, it will serve to increase the efficiency of Ukraine's international legal actions with regard to the ongoing conflict and the framing of a new mode of relations with Russia after the conflict is over.

At the same time, we believe that, in discussing arguments and proofs, one should pay attention to the achievements of foreign scholars in international law who have been following the events of 2014 and 2015. The relevant names include D. Wisheart, M. Weller, J. Vidmar, S. Wheatley, Ch. Walter, Th. D. Grant, R. J. Delahunty, T. Christakis, N. Krisch, J.-B. Maillard, R. McCorquodale, L. Mälksoo, Ch. Marxsen, E. Murray, P. M. Olson, A. Pellet, A. Peters, G. Fox, and others.

Publications of Russian authors on the 2013–2015 events are concerned with three major developments: 1) the Revolution of Dignity in Ukraine in November 2013 – February 2014 (they predominantly qualify it as a coup d'état); 2) the use of force in Crimea and the “integration” of the peninsula (“reunification with the Russian Federation”); 3) the armed conflict in the Donetsk and Luhansk regions. These events are discussed with references to a number of key points (very typical and recurrent, in fact) which the authors attempt to corroborate drawing arguments from law as well as extralegal fields. Each of them has been analyzed in the light of international law, making it possible to come to general conclusions on trends that characterize Russian research on the conflict between Russia and Ukraine.

Кінець безкоштовного уривку.  
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