



From the Ukraine–Russia War to the Navalny Case: How to Deal with the Kremlin?

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 **EU-LISTCO**

Europe's External Action and the Dual Challenges
of Limited Statehood and Contested Orders

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ABSTRACT

Seven years after the annexation of Crimea and amid an ongoing war in Ukraine, Russia has tried to move towards military escalation in the Donbass region making clear that the status quo emerged in 2014 as a “new normal” cannot last. The Minsk II Agreement negotiated between Ukraine, Russia, France and Germany in the framework of the Normandy Format in February 2015 remains unimplemented despite numerous rounds of mediation. Western economic sanctions against Moscow succeeded in limiting the Kremlin’s military advance beyond Donbass and deterred it from making further territorial gains. However, these measures failed to impact on Russian decision-making regarding resolution of the conflict. Influencing Russia’s foreign policy is not an easy task, as the country’s conduct of international relations is shaped by domestic factors and the authoritarian nature of its governance. Still, the West needs a strategy in response to the international and domestic wrongdoings already committed by the Kremlin and as a preventative measure to deter Moscow’s future aggression. In order to face the Russian challenge, the West should first design clear rules for its own foreign-policy behaviour based on the primacy of human rights and democracy and then define how to defend universal values abroad, including in Russia. Only after, it could structure a transatlantic strategy along the following lines: active United States–European Union involvement in the Normandy Format aimed at the fulfilment of the Minsk II Agreement, strengthening Ukraine’s resilience in developing democracy and its military and energy sectors and finally improving sanctions mechanisms against the Kremlin.

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INTRODUCTION

Seven years after the annexation of Crimea and amid an ongoing war in Ukraine, Russia is moving towards military escalation in the Donbass region. One can only speculate as to the final goal of this latest move. Conjecture varies from attempts at intimidation to a localized military operation in order to then deploy Russian “peacekeepers”, to a large-scale war aimed at the incorporation of Ukraine’s Donetsk and Lugansk regions into the Russian Federation.

One thing is clear: the status quo that emerged in 2014 as a “new normal” cannot last in the long run. The Minsk II Agreement negotiated between Ukraine, Russia, France and Germany in the framework of the Normandy Format in February 2015 remains unimplemented despite numerous rounds of mediation. Western economic sanctions against Moscow, which include asset freezes and visa bans aimed at individuals and companies, as well as broader restrictions on specific economic sectors of Russia, succeeded in limiting the Kremlin’s military advance beyond Donbass and deterred it from making further territorial gains – including the strategically important Black Sea port of Mariupol. However, these measures failed to impact on Russian decision-making regarding resolution of the conflict.

Influencing Russia’s foreign policy is not an easy task, as the country’s conduct of international relations is shaped by domestic factors and the authoritarian nature of its governance. Current military tensions on the Ukraine–Russia border coincide with political conditions inside Russia linked to the case of opposition leader Alexei Navalny and human-rights issues, as well as to the state of the economy following the COVID-19 pandemic and the consequent social pressure. The nexus between Russian foreign and domestic policy is evident now in the same way that it was in 2011–12, when internal protests drastically changed Prime Minister Vladimir Putin’s international posture and relations with the West along a confrontational pattern, and in 2014 when Putin (by then president once again) decided to defend his Ukrainian counterpart, Viktor Yanukovich, to affirm his own strength and credibility at home.

Today the regime once again “feels” that is “attacked” by the West on many fronts – be it regarding Navalny, human-rights issues or Belarus, to say nothing of US President Joe Biden’s calling Putin a “killer”.

MILITARY ESCALATION IN UKRAINE AND RUSSIA’S DOMESTIC CONTEXT

The signs of an imminent military escalation in Ukraine’s Donbass region have been evident for months. In January, 2021, Russian Foreign Minister Sergey Lavrov made it clear that if France and Germany do not force Ukraine to implement the Minsk II Agreement, Russia will reserve the right to act “accordingly” (Shatrov 2021). In the same month, at the “Russian Donbass Forum” organized by the secessionist Republic of Donetsk, the editor-in-chief of Russia Today, Margarita Simonyan, declared that the time had come to “bring Donbass back home to Mother Russia” (Radio Svoboda 2021).

Russia subsequently started moving troops and weapons close to the border with Ukraine and inside Crimea, while Minister of Defence Sergei Shoigu announced that, in accordance with the training plan of the country’s armed forces, control checks had begun in its military command and units (The Minister of Defence of the Russian Federation 2021). According to Ukrainian sources, the Kremlin deployed a

total of 28 battalion tactical groups. Moscow's motivations were to "defend" the Russian citizens of the Donetsk and Lugansk regions (who are Ukrainian nationals but to whom the Kremlin handed Russian passports). At the beginning of April 2021, the Special Monitoring Mission (SMM) of the Organization for Security and Cooperation in Europe (OSCE) recorded a total of 1,021 ceasefire violations in the conflict zone – including over 500 explosions (OSCE 2021).

Ukrainian President Volodymyr Zelensky called on Russia to stop flexing its muscles and seek a peaceful solution to the conflict. In response, Lavrov warned against "the destruction of Ukraine" (Deutsche Welle 2021a), while a Kremlin's spokesperson said that Russia was moving troops on its territory as it pleased. Later, President Putin and Defence Minister Shoigu met in the Siberian *taiga* for a weekend trip. The state media showed their pleasant walk in the forest. It was hard to believe that the meeting's goal was simply to take a breath of fresh air, as their weekend jaunt coincided with local media starting to disseminate messages about "Ukraine preparing for war".

The European Union (EU) and the United States (US) reacted promptly to the escalation in Donbass. On April 10 Germany and France invited Russia to attend a meeting of the OSCE in order to make clear that its military exercises on the Ukrainian border were not aimed at full-scale war. However, Moscow declined the invitation and refused to participate (Euobserver 2021).

As stated at the outset, the intentions behind the Kremlin's military manoeuvres on the Ukraine–Russia border are a matter for speculation. They could be an intimidating move against Zelensky, as well as an attempt to test newly inaugurated US President Biden's readiness to provide assistance to the Ukrainians in resisting Russian aggression. It seems more likely that the Russian government is simply trying to divert international and domestic attention away from domestic issues and onto a possible war in Ukraine.

In view of Russia's upcoming parliamentary elections in September 2021 and the deteriorating socio-economic context, the Kremlin has already grown anxious and begun to crack down on political life and the activities of its citizens. In February 2021, President Putin signed a highly controversial bill (expanding on earlier legislation) aimed at labelling non-governmental organizations (NGOs), media outlets, journalists and human-rights activists receiving overseas grants as "foreign agents" – that is, individuals suspected of being engaged "in the interests of a foreign state" (The Russian Federation 2021). Under the new legislation restrictions have been imposed on public demonstrations and blocking the streets has been criminalized. Reasons for being recognized as "foreign agents" include participating in political debates, expressing views on state policies, campaigning for certain results in an election and participating as election observers in the interests of a foreign entity. Such "agents" are required to report on their activities, which will then undergo a scrutinized financial audit; furthermore, all must be referred to as "foreign agents" whenever they appear in the media. They are banned from working in public service or applying for any government position (RFE/RL 2021a). By 7 April, the Roskomnadzor state monitoring agency had issued a total of 390 protocols against Radio Free Europe/Radio Liberty (RFE/RL) for failing to mark its materials as outputs of "foreign agents", with the court upholding about 260 of the protocols with total fines approaching \$1 million (RFE/RL 2021b).

Repression has come as a response to months-long anti-government protests, which broke out first in Khabarovsk, in Russia's Far East, after its popular governor was arrested on allegedly spurious charges of murder. These were followed by demonstrations in support of Navalny after his arrest and the release of the film *Putin's Palace*, which denounces corruption deals associated with an extravagant palatial complex allegedly built for the Russian president. Protests were held in 198 towns and cities across Russia, in some of the largest anti-government demonstrations since 2011–12.

According to the World Bank, the COVID-19 pandemic has brought negative economic outcomes in Russia leading to an eventual rise in social pressure at the loss of jobs in manufacturing and construction, retail and hospitality services as well as an increase in the national poverty rate (The World Bank 2021). In polls conducted by the Levada Center at the beginning of February, 43% of respondents considered that the main motivation for participating in these protests is general dissatisfaction with state policy. About 45% said that they expect further such protests in the future (Levada.ru 2021).

As the organization of pro-Navalny protests has been facilitated by social media, the Russian government decided to address the “problem” by slowing down Twitter. Additionally, it called for Google, Facebook and Telegram to delete posts urging young people to take part in banned protests (Euronews 2021).

Social, economic and political hardships have found their reflection in Putin’s approval rating. If in April 2018 the approval rate had been 82%, three years later – February 2021 – it had fallen to 65% (Statista.com 2021). Back in 2014, with the annexation of Crimea, and then in 2015, with the war in Syria, the Kremlin managed to reinforce its legitimacy and increase its popularity in Russian eyes. However, with COVID-19 and all the aforementioned socio-political challenges, the “Crimea effect” has evaporated and there is an urgent need to distract the Russian people from internal problems and divert their gaze to tensions abroad.

Meanwhile Navalny, having been on hunger strike since March 31 as the authorities continue to refuse to provide him with an adequate medical treatment, is dying in prison. “His life is hanging by a thread. We don’t know how much longer he can hold out,” Navalny’s allies reported while calling for mass protests (Tétrault-Farber and Osborn 2021). The EU as well as individual member states called for Navalny receiving immediate medical assistance. French President Emmanuel Macron declared world powers should draw “clear red lines” (Ibid) with the Kremlin, while the US warned that Russia would face “consequences” if Navalny dies (France24 2021).

LOOKING BACK AT THE DETERIORATION OF WEST–RUSSIA RELATIONS

Since Russia’s annexation of Crimea in 2014 there have been a number of Western attempts to reset relations with Moscow. All of them have failed despite a series of conciliatory measures taken by the West to the Kremlin. NATO enlargement to include Ukraine and Georgia has been frozen. The US and the EU remained passive, if not totally absent, in the conflict between Armenia and Azerbaijan, eventually allowing Russia to deploy its “peacekeeper” forces following the war of autumn 2020. Some EU countries have seemed to accommodate Russian interests in Libya (and in Africa, more generally) and in Serbia (Popescu 2021). Russia has been accepted back into the Parliamentary Assembly of the Council of Europe. Western sanctions have usually targeted the wrong personalities, with limited influence on Russia’s political or economic life. Nord Stream 2, the gas pipeline under the Baltic Sea linking Russia to Germany that German President Frank-Walter Steinmeier has defined as “one of the last bridges between Russia and Europe” is nearing completion (Bildt et al. 2021) despite its economic rationale being highly dubious or even non-existent (Nixey 2021). Before the Navalny case, France called for strategic engagement with Russia, and Italy appealed for enhanced economic cooperation. Summing up, in response to Russia’s foreign aggression and its growing authoritarianism at home, the EU has kept

seeking a selective engagement, which, however, has generally resulted in acquiescence to the Kremlin's actions in the post-Soviet space (Bildt et al. 2021).

The last visit of Josep Borrell, High Representative of the Union for Foreign Affairs and Security Policy and Vice-President of the European Commission (HR/VP), to Moscow was a practical demonstration of Brussels' accommodating policy towards Russia. While Borrell had hoped to find some common ground, the Kremlin used his visit to humiliate the EU. Lavrov called the EU an unreliable partner trying to interfere in Russia's domestic policy. He slammed Brussels for its sanctions policy and argued that the EU was using methods from the colonial past. The lowest point of the visit came when a *Sputnik* journalist with a provocative question forced Borrell to condemn US policy towards Cuba and to highlight the differences between Brussels and Washington (Seskuria 2021). The very same day, Russia expelled EU diplomats from Germany, Sweden and Poland for allegedly attending pro-Navalny demonstrations in Moscow. On his return journey, Borrell inferred that Moscow was not interested in engaging in a constructive dialogue with the EU – a conclusion that could have been reached as far back as 2012. Moscow has since time and again demonstrated that it has no interest in meaningful and constructive dialogue with the West.

Relations between the US and Russia have progressively deteriorated since the early 2000s. With hindsight, the point of no return was arguably in 2011-12, when internal protests and NATO's intervention in Libya convinced Putin that the US policy was bent to oust him from power and keep Russia subdued abroad. The annexation of Crimea in 2014, the ongoing conflict in Ukraine, the Kremlin's alleged interference in domestic politics and, especially in the elections of the countries of the transatlantic community all prove the point. In 2014, the US imposed punitive sanctions on Russia, trying to increase and strengthen them from year to year and eventually targeting Nord Stream 2 itself. "The Congress of the United States is literally overwhelmed by the desire to do everything to destroy US-Russia relations", Foreign Minister Lavrov commented at the time (CNBC 2019). The situation worsened further after the Skripal case in 2018 (involving the poisoning of a former Russian military officer/double agent and his daughter in the United Kingdom (UK)) and, similarly, in recent months after Navalny's poisoning with the nerve agent Novichok and his subsequent arrest. In late 2020, Washington claimed that a group of hackers backed by the Russian intelligence agency SVR had carried out a serious cyberattack on the US federal government, while a declassified US intelligence report stated in March that Russia had attempted to manipulate the 2020 US presidential election with a view to keeping Donald Trump in power.

LOOKING FORWARD: HOW TO DEAL WITH UKRAINE, BUT MAINLY WITH RUSSIA?

All observers in Washington are aware that the Russian challenge is here to stay, whereas the EU still seems hesitant to accept that its relations with the Kremlin will not improve while Russia is governed by President Putin and his vertical power structure (Rumer and Weiss 2021). In response to the recent military tensions on the Ukraine–Russia border, Germany and France issued a joint bland statement expressing concern over growing ceasefire violations in which they called on both parties to show restraint and work towards a peaceful solution (Deutsche Welle 2021b). Yet, it is all too clear who is the aggressor and who is the victim: it was Russia, not Ukraine, that moved its troops to the border.

In contrast, US President Biden first called President Putin a killer and then declared that the days of “Russian aggression” were over. While on a call to President Zelensky, he promised “the United States’ unwavering support for Ukraine’s sovereignty and territorial integrity” (The White House 2021a). Additionally, the US Secretary of Defence Lloyd Austin told his Ukrainian counterpart that “the United States [would] not leave Ukraine alone in the [the] event of escalation of Russian aggression” (Ministry of Defence of Ukraine 2021).

During a meeting between US Secretary of State Antony Blinken and HR/VP Borrell, the parties pledged to “address in a coordinated manner Russia’s challenging behaviour, including its ongoing aggression against Ukraine and Georgia”. Moreover, the allies declared their commitment to the defence of human rights in Russia while at the same time being ready to engage with Moscow on issues of common interest (U.S. Department of State 2021).

These words have to be followed by concrete steps, however, as there is a need for a new transatlantic strategy towards Ukraine, but mainly towards Russia. In the light of his last trip to Moscow, EU HR/VP Borrell has said that Brussels will push back, contain and engage the Kremlin. In order to transform these words into policy, the EU should first design clear rules for its own foreign-policy behaviour based on the primacy of human rights and democracy and then define how to defend universal values abroad, including in Russia.

Defining rules for Western foreign-policy behaviour: Putting democracy back onto the global agenda

“As pressure is mounting on democracy, the rule of law and human rights globally, the EU is working actively to protect, inspire and support democracies around the world” and it is in the EU’s “strategic interests in advancing its global leadership on human rights and democracy ... [to be] a champion of the rules based multilateral order”, says the Union’s Democracy Action Plan published in December 2020 (European Commission 2021). Backsliding on democracy is evident in a number of countries; therefore, the document emphasizes further, it is high time for the EU to deliver “a new geopolitical agenda on human rights and democracy” (Ibid).

Indeed, acting internally and externally in the name of democratic values and in defence of human rights would be a way to build strength, credibility and respect when practising foreign policy – and especially in engaging with Russia and the countries of its shared neighbourhood. Credibility, in particular, has been undermined by the leaders of some EU member states, who on the one hand pledge their support for the defence of human rights and on the other hand have continued to flirt with autocrats. This was the case, for example, with President Macron courting Egyptian leader Abdel Fattah al-Sisi at the same time as the EU published its European Democracy Action Plan.

In dealing with the EU’s Eastern European neighbours and addressing the Russian challenge, EU–US coordination is crucial. Biden’s proactive position on democracy promotion and the determination of the US Administration to address Russian malign activities abroad represent an opportunity for the EU to increase transatlantic coordination on these issues.

According to the US interim National Security Strategy Guidance 2021, the West needs the revitalization of democracy as an instrument to meet all global challenges (The White House 2021b). Leading the world through the promotion of democracy is in the “undeniable self-interest” of the American people, as it reduces instability and violence abroad (Ibid). Yet democracy continues to be challenged by authoritarian states trying to promote their own model of governance through disinformation and

the weaponizing of corruption. In this sense, Russia remains an actor playing a disruptive role on the global stage. In the same document, the US re-commits itself to the transatlantic partnership in order to deter authoritarian regimes and their aggressive policies in the field of cybersecurity, disinformation infrastructure and energy coercion. Real costs will be imposed on anyone who interferes in the democratic processes of Western countries (Ibid).

In March 2021 the UK also published its “Global Britain in a Competitive Age: The Integrated Review of Security, Defence, Development and Foreign Policy”, declaring that the UK is committed to protecting human rights and upholding global norms worldwide (European Commission 2021). London perceives Russia as the “most acute threat” to the security of the NATO members, and calls for deterrence. Therefore, it promises to uphold international rules and norms and to hold Moscow accountable for breaches of these. In this context, the UK declares its readiness to support Eastern neighbourhood countries, especially Ukraine, in strengthening the capacity of their armed forces (Ibid).

Thus, in the US/UK’s understanding, promoting democracy and defending human rights would be a way to support Eastern European countries (in this case, Ukraine) on their path towards democratization and, at the same time, a tool to address the Russian challenge. However, in order to make this approach effective, coherence and coordination is needed between the US, the EU and the UK.

Concrete steps to deter Russia’s aggression in Ukraine

Trying to predict what President Putin will or will not do in Ukraine, or regarding further repression of fundamental freedoms in his country, is a useless exercise. The West needs a strategy in order to face the challenges that he has already posed to the transatlantic community. Russia’s treatment of Navalny and its harsh repression of protesters – and, more generally, its handling of civil society – require an urgent review of the EU’s guiding principles for engaging the Kremlin. Such a strategy will serve as a response to the international and domestic wrongdoings already committed and as a preventative measure to deter the Kremlin’s future aggression.

A transatlantic strategy could be structured along the following lines. Firstly, active US–EU involvement in the Normandy Format aimed at the fulfilment of the Minsk II Agreement. When current German Chancellor Angela Merkel leaves her post later in 2021, the format will lose its political weight; therefore, there is a need for active US involvement. The ideal solution would see Germany and France replaced by a strong EU. A second priority would be to strengthen Ukraine’s resilience in developing democracy and its military and energy sectors, which brings us to the final point – improvement of the sanctions mechanism against Russia through the inclusion of Russian oligarchs and the suspension of the Nord Stream 2 pipeline.

Additionally, sanctions should be applied to the judges responsible for the Navalny-related repression. Visa bans and asset freezes on state officials who will never travel to Europe or the US make no sense and only undermine Western credibility. Recently President Biden received a letter from Navalny’s Anti-Corruption Foundation including a list of oligarchs and state authorities allegedly involved in political persecution, human-rights abuses and corruption. This letter asked Washington to consult the list when selecting personalities to be sanctioned. Moreover, the US, together with the UK, could consider limiting or fully restricting participation or trading by US/UK persons in any new Russian sovereign-debt issuance (O’Toole and Fried 2021).

More generally, sanctions must become a tool for affirming the supremacy of universal values over political opportunism and an instrument for punishing violators. Thus, they should be imposed as a response to Russia’s actions in order to limit the Kremlin’s aggression in Ukraine and to discourage further repression of civil society in Russia. When imposed in 2014–15, sanctions were perhaps not effective in terms of their policy impact on Russia, but arguably they prevented the Kremlin from further escalation and military adventurism in Ukraine at that time.

A punitive approach towards the Kremlin does not necessary imply that the EU or the US should avoid selective engagement with Russia, but it should indeed be *selective* – meaning on limited issues (e.g. the New START [Strategic Arms Reduction] Treaty and climate change) and at a multilateral level in the framework of international organizations.

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EU-LISTCO investigates the challenges posed to European foreign policy by identifying risks connected to areas of limited statehood and contested orders. Through the analysis of the EU Global Strategy and Europe's foreign policy instruments, the project assesses how the preparedness of the EU and its member states can be strengthened to better anticipate, prevent and respond to threats of governance breakdown and to foster resilience in Europe's neighbourhoods. Continuous knowledge exchange between researchers and foreign policy practitioners is at the cornerstone of EU-LISTCO. Since the project's inception, a consortium of fourteen leading universities and think tanks have been working together to develop policy recommendations for the EU's external action toolbox, in close coordination with European decision-makers. The EU-LISTCO Policy Papers are peer-reviewed research papers based on findings from the project.

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