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A HUMAN RIGHTS PERSPECTIVE ON RUSSIA'S FOREIGN POLICY

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ABSTRACT

This paper focuses on the use of human rights considerations as an instrument in international relations, attempting to provide an interpretation of Russia's foreign policy using a two-level analysis. The first level is the international level, pertaining to the extent to which Russia has joined and ratified international conventions on human rights, as well as the conduct of Russia inside the UN Security Council and the attempts of the Russian administration to thus legitimize foreign policy decisions using human rights considerations. The second level is the regional and bilateral level, analysing interactions in the field of human rights between Russia and the states in the region, as well as the implications of these interactions for the regional conflicts, from the theoretical perspective of conflict transformation theory that sees human rights violations as both causes and consequences of conflicts. The analysis in this paper focuses on the developments of the post-Cold War era, advancing the hypothesis that, although Russia has increasingly expanded its formal acceptance of the international body of law on human rights and has been more and more actively involved in promoting human rights internationally, its attitude towards specific human rights issues remains controversial, thus making Russian foreign policy on human rights unpredictable and marked by uncertainty.

KEYWORDS

- Human rights
- Russia's foreign policy
- Conflict
- Transformation
- State sovereignty

1. Introduction

The concept of human rights has gained international prominence in the aftermath of World War II, with the adoption of the Universal Declaration of Human Rights in 1948, as a result of evolutions both at national and international level. Now, almost seven decades after it has made its entrance on the international scene, this concept has become part of the modern consciousness and it has been incorporated in a variety of international treaties and conventions. It has become clear that human rights play an important part in analysing the interactions between state and non-state actors in the international arena, as well as in identifying narratives that might lead to conflicts and the use of military force.

Therefore, given the inherently political character of human rights (besides the normative and ethical one) it is essential to analyse the context and power dynamics surrounding the contemporary debates. In international relations (IR) analysis, human rights are viewed in accordance with the dominating theoretical frameworks (Dunne and Hanson: 2016). Realists believe that human rights represent only a discourse that is part of the modern international society, but it is very low on the list of national priorities, which allows for the existence of double standards in international diplomacy (Donnelly: 2013). According to this perspective, human rights values are only supported as long as they enhance the relative power of the states and they are abandoned when supporting them is against the state's vital security interests. The liberal perspective has historically supported the basic rights of the individual, thus being often dismissed as utopian, although states have made significant progress towards inserting moral universalism into the practice of international politics. From the liberal point of view, human rights are inextricably linked to democracy and human rights and they cannot be promoted and advanced unless they are embedded in the national state practice (Moravcsik: 1995). Constructivists believe that human rights norms and values play an important part in forming the identity of a state, arguing that there is no necessary tension between the interests of sovereign states and the moral principles associated with promoting human rights (Dunne and Hanson: 2016; Bates: 2014).

Moreover, going beyond these theoretical frameworks, the main debates related to human rights in international relations are concentrated around three main issues (Dunne and Hanson: 2016). The first one is the mismatch between the importance attached to human rights at a declarative level which coexists with the human rights abuses in reality, and which had often been invoked as double standards in dealing with human rights. The second one is the question of state sovereignty, and in particular the tendency of national elites to support national interests over universal values such as justice and fairness. And the third point of debate focuses on the dimension of international responsibility, which relates to the duty that falls on states to intervene in cases where a state is collapsing or a regime is committing gross violations of the human rights. All these concerns point to the fact that the normative appeal of international law, which predicates that effective international regimes based on specifically-designed rules promote peace, stability and good governance, might be questioned by the reality that the international human rights regime actually worsens the conditions it was meant to improve (Hathaway: 2002), and even suggests that, in the case of autocratic regimes with a weak civil society, ratification can be expected to have no effect or be sometimes associated with even more rights violation (Neumayer: 2005).

This paper^[1] is a study on the manner in which human rights considerations affect the way the Russian Federation is dealing with other states. It is, first and foremost, an attempt to conceptualize the integration of human rights into Russian foreign policy and the integration of Russia within the international human rights system, as well

1 A previous version of this paper has been presented at the international conference "Instrumentalizing the Recent Past in Foreign Policy - The Legitimization of External Intervention in the Former Soviet Space", which was held in Bucharest in October 2016. The current version has been updated and revised as a result of the fruitful discussions held during the conference. I also benefited from the the insightful comments of two anonymous reviewers from the Romanian Journal of Society and Politics, to whom I am indebted.

as the relation between state practice and human rights in the context of conflict transformation theoretical framework. Although there are abundant analyses of its domestic human rights performance, less attention has been paid, however, to Russia's impact on international human rights norms and the international and regional institutions that seek to uphold them, as well as to the focus on human rights in its foreign policy.

To facilitate an examination of Russian behaviour pertaining to human rights in international relations, the paper will begin by charting the involvement of the Russian Federation in the evolution of contemporary international human rights framework since its inception in 1948. Thereafter, the regional and bilateral evolutions will be outlined, especially the relationship between Russia and European states, as well as the use of human rights as an instrument to promote Russian interests in the "near abroad". In the end, the extent to which conflict transformation theory and human rights regimes explain and legitimize foreign intervention will be discussed, focusing the analysis on post Cold-War evolutions such as the NATO intervention in former Yugoslavia, Russian intervention in Chechnya and the more recent annexation of Crimea.

Theoretically, this analysis is situated within a constructivist framework of understanding international relations, drawing on qualitative methods such as discourse analysis and historical representation to relate the empirical findings to an existing body of research that focuses on Russia's foreign policy. Although previous works on the subject deal extensively with Russian foreign policy behavior both from a strategic and an identity-construction point of view (Thorun:2009; Sergunin: 2016), the role that the concept of human rights has played in this construction is very little touched upon, which brings to front the novelty of this research.

The main research question that is being addressed is how are international human rights norms and principles embedded in the Russian foreign policy official discourse and what are the main arguments pertaining to human rights that are being put forward in legitimizing Russian foreign policy actions. More specifically, the paper investigates whether the fact that Russia has increasingly expanded its formal acceptance of the international body of law on human rights and is being more and more actively involved in international structures aiming to promote and protect human rights can be translated into predictable and structured foreign policy actions.

2. Russia's Participation in the International Human Rights System

Ever since when human rights emerged as a powerful international political discourse, Russia has played an important role in the development of international legal norms in this field. It was one of the countries that participated in drafting the Universal Declaration of Human Rights (UDHR), but, together with other Soviet states, abstained from voting in favour of the Declaration, invoking that there was not sufficient emphasis on the economic and social rights that USSR wanted to promote. The main concern was, however, that signing the Declaration, and thus endorsing its enunciation of civil and political rights, would allow Western states to interfere in Soviet domestic political affairs (Patenaude: 2012). The divide persisted for most of

the Cold War, with debates inside the UN system polarized between the US approach, backed by the European states, which favoured political and civil rights, and the Soviet approach, backed by its allies, that promoted the importance of economic and civil rights (Dunne and Hanson: 2016). This led to the decision of the UN General Assembly to split the binding legal treaty that was supposed to reinforce the UDHR into two separate covenants, which were finally adopted in 1966, with a further ten years delay in order that enough states ratify them so they can enter into force. Inside the UN framework, the ideological debate continued, with USSR trying to rally on its side the new states that appeared from the decolonization wave of the 1950s-1960s, that tended to favour the Soviet approach, which emphasized the economic, social and cultural rights (Dunne and Hanson: 2016). Even up to the date, the US has yet to ratify the International Covenant on Economic, Social and Cultural Rights, although it had signed it in October 1977, so one cannot say that the Western countries are leading the way in the formal adoption of the UN legal framework related to human rights and their attitude towards this issue is less controversial.

The end of Cold War marked what was thought by many to be the golden era of human rights. With the fall of communism and countries transitioning to democracy in Latin America and Asia, more and more countries were transforming from authoritarian systems to democratic ones, which was hailed as a period of glory for the human rights supporters. As for Russia, in the years following the end of the Cold War, it appeared to simply agree with the West in regard to human rights issues, while Russian delegations in UN institutions followed the lead of the West and voted with the US delegation on the bulk of major issues (Chugrov: 2000). The conflict in former Yugoslavia marked a turning point in Russia's foreign policy, which became more obvious on human rights issues after 1995, when Russia started expressing an independent opinion in certain particular cases, and Russia's policy towards authoritarian regimes became more pragmatic and flexible. However, it had so far reserved for itself only the right to complain, and not to decide (Chugrov: 2000), and it was Putin's ascension to power that initiated a more assertive approach of Russia in the UN system, concerning human rights issues.

Although proactivity in protecting and promoting human rights has not been identified as a salient factor in the debate surrounding the need of reform of the UN Security Council (Smith: 2013), the argument of human rights has often been invoked in the proceedings of the Council. Using its privileged position in the UN Security Council (UNSC), Russia has vetoed or has advanced alternative proposals on a number of resolutions, invoking human rights issues. It was, for instance, the case of the draft resolution S/2015/508 submitted by the UK, referring to the situation in Bosnia and Herzegovina, which Russia has blocked, motivating its vote by the fact that the resolution was an attempt to "introduce certain concepts that have not been agreed at the international level, including intrusive approaches to human rights that could lead to interference in the internal affairs of States" (UNSC Meeting Record, S/PV.7481, 8 July 2015).

Although the five permanent members of the UNSC are not leading by example in what concerns the respect of human rights, they have all presented their candidacy for, and secured election to, the Human Rights Council. Membership of the Human

Rights Council, which bears responsibility for the Universal Periodic Review process and to which Russia's current membership expired in 2016, indicates that members not only consider themselves as flawless exponents of human rights, but also that they are willing to undergo the most thorough international scrutiny of their human rights performance (Smith: 2013). Thus, Russia's involvement in the UN human rights framework shows that it has an assertive position when it comes to being evaluated for its human rights records, and it is interested in actively participating in the process of evaluating other states. However, in October 2016 the international community ousted Russia out of the UN Human Rights Council, when the Russian candidature did not manage to gather enough votes to get re-elected for a new mandate, although other countries with poor internal human rights records, like Saudi Arabia, China and Rwanda, did^[2]. This tended to the idea that the attitude of the international community was rather a reaction to Russia's recent actions in Crimea and Ukraine, and not related to its previous performance in internationally promoting human rights or its internal human rights record.

There is no doubt that the progress in Russia's formal acceptance of the international legal framework of human rights has been constant since the very beginning of the process, with Russia becoming part to seven of the UN core international human rights instruments, following the trend of 80% of all UN Member States that have ratified four or more of the nine core international human rights treaties^[3]. But there is a useful distinction to be made between the extent to which a state has ratified international agreements and the impact that this behaviour has on implementing human rights norms inside its own borders. Studies have shown that states ratify treaties to signal to other important actors their commitment to human rights on the international scene, but this does not equal a real commitment to internalizing human rights and practices at home (Hathaway: 2002). Judging from the important criticism that Russia receives when it comes to complying with international standards, one might say that this is an eloquent image of the difference in the perception of human rights that is applied inside state borders as compared to the manner in which human rights are viewed internationally. The reaction of the Russian authorities to Western criticism, however, emphasizes "double standards" and the "irritating American manner of mentoring and moralizing when it comes to human rights" (Russian Ministry of Foreign Affairs: 2015), dismissing Western criticism as being simply a politicised discourse^[4].

It is also useful to make some remarks about the historical background of the human rights norms and institutions in Russia, in order to have a better understanding

2 Official statement from the UN Human Rights Council <http://www.un.org/en/ga/71/meetings/elections/hrc.shtml>

3 It is, however, important to note that Russia is not part of the Optional Protocol of the Convention against Torture, the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty, the Convention for the Protection of All Persons from Enforced Disappearance and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

4 Comment by the Foreign Ministry Spokesman on the US State Department's annual human rights report, 26 June 2015. Available at: http://www.mid.ru/en/foreign_policy/news/-/asset_publisher/cKNonkJE02Bw/content/id/1511405,

of the evolution of Russia's involvement in the international human rights system. Based on the assumption that nations harbour a self-image that affects the attention given to human rights and influences the roles that states choose to play in international relations (Forsythe: 2000), previous research has emphasized the lack of coherence in Russia's foreign policy on human rights, based on a historical approach (Chugrov: 2000). The conflicted internal culture in Russia, which opposes liberal views towards human rights to the centuries-old political traditions, was seen as the main source of inconsistency in Russia's international behaviour towards human rights issues. Other studies show that the ambivalence of Russia towards the international approach to human rights is based mainly on the fact that USSR, and later Russia, barely imitated the discourse of human rights as it was practiced in the West, without real internal values stemming from the Russian society (Malksoo: 2015). This approach emphasizes the fact that there is a main difference between Russian and Western approaches to international law, and this main difference is an axiological one, concerning the values that are prioritized in international law. Malksoo (2015) argues that, in Russia, ideas emphasizing state sovereignty rather than human rights, and democracy, are constantly reflected in the state practice, which reflects on Russia's behaviour in international interactions. Also, Russia's record in the European Court of Human Rights, which will be reviewed later on, shows that problems have been of a systemic, not accidental, nature.

As such, the Russian official discourse on the importance of international law is ambivalent. Sergei Lavrov, in his position as Minister of Foreign Affairs of the Russian Federation, published an article on March 30, 2016, stating that "Russia will continue to espouse the principles of law and justice in international affairs" (Lavrov: 2016), a position which is evident also from the comparative analysis of the Foreign Policy Concepts of 2000, 2008 and 2013. In 2008 there was the novelty of the introduction of a paragraph about the primacy of law in international relations, while Russia was being ready to counteract the efforts of individual countries, or groups of countries, to review the basic rules of international law to arbitrarily interpret precepts as non-use of force, the peaceful settlement of disputes, respect for the sovereignty and territorial integrity of States and the right of people to self-determination. In the 2013 version of the document, the same arguments are used with a special mention to the fact that it is not acceptable to intervene militarily in another State under the principle of the "responsibility to protect" (Gonzales: 2013), which is currently one of the main doctrines related to the responsibility of states of promoting human rights both inside their own borders and externally, and it still remains an incontestable milestone in international efforts to promote human rights within the UN system (Dunne and Hanson: 2016).

In light of the recent criticism that Russia and China have received for their attitudes towards international law, the two countries joined forces and adopted a common "Declaration on the Promotion of International Law", on June 25, 2016, in Beijing. Within the document, Russia and China present their own perspective and interpretation of the prevailing international law, with Western countries, especially the US, emerging as actors that display problematic records and attitudes. It is merely a manifestation of the fact that, outside the West, international law is often regarded as

a hegemonic tool of the West (Malksoo: 2016) and it marks a return to the Cold War rhetoric, emphasizing the role of state sovereignty and non-intervention rather than human rights and self-determination of people.

3. Human Rights in the Bilateral and Regional Framework of Russia's Foreign Policy

After the end of the Cold War, the protection of human rights, especially the rights of minorities in the former territory of the Soviet Union, became one of the priorities of the Russian Federation (Chugrov: 2000). Comparing the 2000 and 2008 versions of the Foreign Policy Concept of the Russian Federation with its newer version of 2013, there is a clearer commitment of the Russian authorities towards human rights in general, while stressing in particular the protection of the Russian minorities abroad as one of the main objectives of its foreign policy, formulated as the need to ensure “comprehensive protection of rights and legitimate interests of Russian citizens and compatriots residing abroad, and promoting, in various international formats, Russia’s approach to human rights issues”⁵. In 2013, Russia affirms that it will work to secure human rights through a constructive dialogue, that takes into account the ethnic, cultural, and historical of each State, which is a more nuanced approach compared to 2008, when the main objective was preventing double standards and respect the national and historical peculiarities of each State in the process of democratic transformations without imposing foreign values (Gonzales: 2013).

Apart from this evolving rhetoric, in its bilateral relations with the former Soviet states Russia has reserved to itself the privilege of choosing and dwelling on whatever rights it considered useful, from the wide array of types of human rights. Thus, the notion of human rights has become involved in the process of constructing a border between ‘us’ and ‘them’ along the national lines, which in itself amounts to the construction of a community around the Russian state (Morozov: 2012), confirming the sociological approach that human rights are not simply given, but they are the product of social and political creation and manipulation, and they should be analysed accordingly (Short: 2016). Moreover, US criticism over the human rights records in some of the former CIS states led to improvements in the relationships of Russia with these states (Nygren: 2008, p. 199).

Some authors believe that Russia’s prime interest is to stabilize the former Soviet space through politico-military balancing and state-organized economic projects in the region by creating a “liberal empire” (Tsygankov: 2003, quoted in Nygren: 2008, p. 225), and this can be done by the means of Russian culture and support of freedom, human rights and democracy. Therefore, for Russia, human rights issues are not a foreign policy objective in itself, but rather a means to achieve other desired outcomes.

On a regional level, it is important to make some remarks about the interactions between Russia and the European states. One of the most significant steps in the integration of the Russian Federation in the regional human rights framework was its

5 *The Foreign Policy Concept of the Russian Federation* (2013). Unofficial translation on the website of the Ministry of Foreign Affairs of Russian Federation, available at: http://archive.mid.ru/brp_4.nsf/0/76389FEC168189ED44257B2E0039B16D

accession, in 1998, to the Council of Europe (CoE), an institution which is devoted to promoting fundamental rights and freedoms in the region, based on the European Convention of Human Rights (ECHR). Although the considerable hesitations among CoE members regarding the suitability of Russia's membership at the time of its accession (Provost: 2015) have been overcome, the relation proved to be very controversial, with intense criticism from Russian judges and politicians as to the malfunctioning of the CoE and unacceptable delays, which was due in part to the large number of applications submitted by Russia, which in 2015 accounted for one fifth of the total complaints brought to the Court by the 47 member states, although there was a decline in numbers in the last 3 years (ECHR, 2015). Moreover, Russia delayed ratifying Protocol 14 of the ECHR -which was meant to improve the efficiency of the Court - for several years, thus blocking it from entry into force.

Another point of dissension in Russia's relation with the ECHR is the Russian implication in ongoing episode of armed conflicts, with thousands of applications to the ECHR regarding violations allegedly committed by Russian security forces during the Second Chechen War (1999–2004). These were followed by applications from South Ossetia, following the conflict in Georgia, which were complemented by an interstate application against Russia introduced by Georgia, one of only a handful of such applications in the history of the ECHR, followed by three interstate applications brought by Ukraine against Russia in 2014 (Provost: 2015), giving the tensions between Russia and the ECHR a politically sensitive nature and showing Russia's tendency to resist external constraints regarding its approach to human rights.

Nevertheless, scholars active within the Russian legal system have underscored that there important progress has been made since the country's ratification of the ECHR in 1998, with legislative reforms having changed the Russian judicial, procedural, civil and criminal legal framework in order to reflect the human rights standards of the ECHR (Provost: 2015). However, new initiatives to further reform ECHR will find Russia in a problematic condition as to decide whether it quits CoE, one of the European organisations that accepts it as an equal member, or whether it will respond positively to increasing calls to meet the requirements of its membership. Following the recent growing tensions inside the CoE, Russia decided to suspend the payment for its contribution to the CoE for 2017, accusing the Parliamentary Assembly of the CoE of adopting measures that make the participation of the Russian delegation to the works of the CoE impossible, as a form of punishment for "the free expression of will by the residents of the Crimean peninsula, who voted for the accession of the Republic of Crimea to the Russia Federation"⁶.

Also at the regional level, as part of the European strategy in promoting human rights through implementing its Strategic Framework for Human Rights and Democracy, the EU initiated in 2005 an instrument called EU – Russia Human Rights Dialogue, with two sessions per year, which has been suspended in the context of the crisis in Ukraine. This collaboration format had already been seriously affected by Moscow's obstructionist attitude, as the Russian officials have constantly refused to

6 Statement of the Ministry of Foreign Affairs of the Russian Federation concerning the suspension of payment of Russia's contribution to the Council of Europe for 2017, 30 June 2017, http://www.mid.ru/en/web/guest/foreign_policy/rso/coe/-/asset_publisher/uUbe64ZnDjso/content/id/2805051

host the event, contrary to the obligations they had previously assumed^[7]. Moreover, in 2012 the Russian administration initiated open hearings in Duma regarding the situation of human rights in the European member states and has launched the practice of yearly reports of Russian Ministry of Foreign Affairs on the subject.

4. Conflict Transformation as a Theoretical Framework for Dealing with Human Rights Issues

Being emphasized as a distinct theoretical and practical approach that is emerging in handling conflicts (Miall: 2004), conflict transformation has been considered as being different from conflict resolution and conflict management in that it addresses the deeper structural origins of a conflict, while also engaging with and transforming the relationships, interests, discourses and, if necessary, the very constitution of the society that is affected by the continuation of violent conflict.

It has been affirmed (Parlevliet: 2010) that this approach is particularly relevant in the case of asymmetric conflicts, marked by transforming power imbalances and unjust social relationships. It addresses the wider social, political and cultural sources of conflict, and hence does not only focus on addressing the behavioural and attitudinal manifestations of the conflict, but also on its deeper structural origins.

The usefulness of this approach derives from the fact that it also brings a new perspective to human rights, as conflict transformation theory provides a more comprehensive, holistic approach to human rights issues, without reducing them to their legal meaning or to a simplistic political discourse. Human rights are viewed in a four-dimensional perspective: as rules, as structures and institutions, as relationships and as a process, and this multi-dimensional understanding has been proven helpful in the work of conflict transformation practitioners, especially as a tool for conflict analysis (Galant and Parlevliet: 2005). For conflict transformation, the perspective of human rights enables a greater emphasis on structural conditions, especially the role of the state, systems of governance and issues of power in generating, escalating and transforming violent conflict (Parlevliet: 2010).

Viewing violent conflicts through the lenses of human rights offers a new perspective on the opportunities for achieving sustainable peace, which is the main concern of the conflict transformation theory. At the same time, the combination of conflict transformation and human rights approaches can emphasize the justice vs. peace dilemma that can prove to be useful in understanding the legitimization of external intervention in case of conflicts. For this purpose, this paper will briefly examine the conflicts in Kosovo, Chechnya and Crimea, with a particular view to the role that human rights considerations have played in the legitimization of the actions of the actors involved.

The first time when human rights were privileged above the sovereign rights of state and there was a human-rights based justification for the military use of force

7 In April 2017, at the press conference following a meeting with Federica Mogherini in Moscow, Serghei Lavrov stated that Russia is willing to resume the human rights dialogue with the EU as soon as all other sectoral dialogues will be relaunched. Statement available at http://www.mid.ru/en/web/guest/meropriyatiya_s_uchastiem_ministra/-/asset_publisher/xK1BhB2bUjd3/content/id/2736003

was the NATO intervention in former Yugoslavia, in 1999, when the Alliance decided to act in order to end human rights abuses against Kosovo Albanians. The disputed Western decision was harshly criticised by Russia, who opposed it mainly because it posed a three-fold threat to Russia (Thorun: 2009, p.85). The first one was that it set a dangerous precedent of overcoming national sovereignty and that military interventions could be triggered on the basis of human rights concerns, which might have given the Western states reasons to intervene in some of the CIS states, which had major human rights problems, but which constituted Russia's traditional sphere of influence. Second, the situation in Kosovo somehow resembled that in Chechnya, and the fear of separatism and disintegration within its own territory led Russia to opposing any precedent that would provide international legitimacy for secession, and third, Russia's leadership saw NATO going from a defensive to an offensive stance. Disregarding any human rights considerations as a mere pretext for the intervention, Russia looked for action inside the UNSC framework, introducing a draft resolution that asked for the immediate halt of the military intervention and a resumption of negotiations. The resolution received only two supporting votes (China and Namibia), while the other 12 states opposed it, a reaction which was then viewed as an indirect international legitimization of NATO's actions (Thorun: 2009, p.99), which had been based on human rights considerations.

In the case of the conflict in Chechnya, Moscow's use of force was an important step in defining its relation with the West on human rights issues. Although Western countries and international organizations condemned Russia for human rights violence, there was no mention of any sanctions (Chugrov: 2000). Whereas internally, Western criticism of Russian abuses of human rights in Chechnya has been rebuked as an element of obvious "double standards" in judging the situation (Nygren: 2008, p. 117), after the terrorist attacks of 9/11 Russia and the US found some common ground and the two parts joined sides in accepting the change in modern warfare and in fighting together against international terrorism, as the Russian leadership hoped to use the "war on terror" to legitimize its own actions in Chechnya (Thorun: 2009, p. 119).

More recently, the annexation of Crimea and the ongoing conflict in Eastern Ukraine have gained international attention, and subsequent research on the respect of human rights in the area (Racz: 2016) has emphasized that the human rights situation is rapidly deteriorating. Further studies point out that national minorities in Crimea have been subject to systematic violations of their rights since the annexation by Russia in 2014, with documented violations which include a wide array of rights, including rights to life, liberty, security, and physical integrity (Shapovalova: 2016). Although the de facto authorities in Crimea, the Russian authorities, have neglected to investigate these cases, the response of the international community has been limited. While Western countries pursue non-recognition policies towards Crimea, international sanctions introduced in response to the occupation of Crimea are weak, and there have been no measures taken to address the international humanitarian law and human rights violations in Crimea (Shapovalova, 2016). Although the EU has so far not adopted a consistent policy in cases of illegal annexation or occupation, there are elements of good practice that can be used (Wrangle, 2015), even though the overall concrete effect of EU actions was far too limited to halt Russia's actions (Racz, 2016). Russia,

on the other hand, continues to dwell on this rhetoric of human rights and is accusing Ukraine of systematically violating international human rights norms, with the Russian Ministry of Foreign Affairs periodically issuing statements emphasizing that the human rights situation in Ukraine requires the attention of the international human rights community⁸.

The Russian intervention in Ukraine has been characterized as “hybrid warfare”, and one of the characteristics of this type of strategy is a weak society in which norms conducive to democracy and human rights values remain underdeveloped. From this perspective, as long as authoritarianism remains a persistent feature of the post-Soviet space, then the states in the region are vulnerable to hybrid warfare (Lanoszka: 2016). Reinforcing human rights values might significantly diminish this vulnerability, as shown by previous work on conflict transformation (Miall: 2004), which builds on the asymmetry of the parties involved in the conflict and on the fact that human rights violations are often both causes and consequences of violent conflicts.

These three cases show that trying to answer the question whether and to what extent the protection and promotion of human rights is necessary for efforts to address conflict and build peace can be quite challenging, because it brings to light the clash between the ethics of human rights and the current legal framework of the international society based on principles of sovereignty and self-determination of states (Chandler: 2016). It is, however, a useful perspective in trying to draw attention to the nature, causes and dynamics of the conflict, providing a better understanding of the underlying conditions in a particular context that give rise to violent conflict, and of the possible outcome of external intervention.

5. Conclusion

It is clear that the contemporary system of human rights remains the product of a particular post-conflict environment that emerged after World War II and was consequently shaped by further developments in international relations. It is a useful perspective when trying to assess the future evolution of the international human rights framework that seem to undermine the UN Charter restrictions on the use of military force and, at the same time, to legitimize new and more coercive forms of international regulations and intervention.

Currently, there are two significant evolutions that pose serious challenges to the international human rights system. The first one is the counter-terrorism operations conducted by the US and Europe that were defended using traditional sovereignty-based arguments, and which have proven very detrimental to the human rights cause around the world (Goodhart: 2016). The second one is the global financial crisis, which brought along increasing pressure to de-emphasize human rights in bilateral relations with economically important states. These developments have generated a loss of

⁸ Statement by Deputy Permanent Representative of the Russian Federation Dmitry Balakin at the OSCE Permanent Council meeting on the situation in Ukraine and the need to implement the Minsk Agreements, 18 May 2017, http://www.mid.ru/en/web/guest/foreign_policy/news/-/asset_publisher/cKNonkJE02Bw/content/id/2763298, Comment of the Ministry of Foreign Affairs on the report by the UN HR Monitoring Mission in Ukraine, 15 March 2017, http://www.mid.ru/en/web/guest/kommentarii_predstavatelya/-/asset_publisher/MCZ7HQumdqBY/content/id/2680915

credibility for the US and Europe (Posner: 2014), although human rights remain one of the priorities for Western states. Therefore, it becomes even more important to assess the role that human rights rhetoric and actions play in foreign policy, as a useful tool in understanding the implications of the paradox which lies at the heart of the human rights discourse.

The paper has argued that Russia has been extensively involved in designing the international human rights legislative framework ever since its inception, and it has increasingly expanded its formal acceptance of the international body of law on human rights. Its history and the particularities of the evolution of its politico-legal system, as well as the domestic pressure that it is subject to, define the national identity that moulds Russia's position on human rights issues in the international fora. However, its attitude towards specific human rights issues remains controversial, thus making Russian foreign policy on human rights unpredictable and marked by uncertainty.

Russia's declared foreign policy objectives seek to balance strengthening the rule of international law, promoting universal values and protecting human rights worldwide. This is aimed at preventing what Moscow considers a misinterpretation of human rights and the illegitimate use of soft power by the West to exert political pressure on sovereign states. To promote its policy, Russia has sought to step up its participation in international human rights fora, oftentimes invoking human rights considerations in the diplomatic practice. However, human rights do not represent a stand-alone issue in the Russian foreign policy, and in both its legislation and its practice, Russia sometimes fails to apply a number of basic human rights recognized by international law, which shows the ambivalence of Russia towards the international approach to human rights.

After the end of the Cold War, a short period of complying with the Western countries on human rights issues followed, when Russia refrained from opposing the prevalent positions within UN human rights institutions. But in the recent years, Russia's increasingly confident and assertive attitude in its dealings with Western governments on human rights issues, combined with its preferred understanding of human rights – according to which “universal” human rights are goals to be attained on the path to development rather than binding legal obligations, and collective socio-economic rights are prioritized over individual civil and political rights, have become a significant trait of its foreign policy.

Building on the perspective that emphasizes causal interpretation of the events in IR as theoretically important in gaining an understanding of key forces that shape international politics (Kurki: 2008), this paper has traced the discursive constitution of the Russian foreign policy from a human rights perspective and has sought to identify regular patterns of state behavior that explain the relation between the state of the international human rights system at a certain time and particular events and decisions. The analysis has shown that the Russian Federation both contributed to and influenced the structure and evolution of the current human rights international system, and at the same time the dynamics of the international norms and rules related to human rights have shaped Russian foreign policy decision and the way the Russian administration has, at certain points, legitimized its foreign policy actions.

With this perspective in mind, it becomes clear that analysing the way the issue

of human rights is conceptualized into foreign policy decisions and how the foreign policy is discursively constituted is important for better understanding actions and policies. In the case of the Russian Federation, it can be concluded that despite the fact that it has been more and more actively involved in promoting human rights internationally, its controversial domestic human rights records, combined with its attitude towards international law in general, represent a serious concern for the future evolution of the involvement of Russian leadership in the former Soviet space, where the fragile human rights situation represents a vulnerability from the perspective that human rights violations provide the necessary conditions for the outbreak of conflict, and can also prove to be a fertile ground for hybrid warfare.

In the end, it can be emphasized that the answer to the question of how Russia should engage with the international human rights system is incidental to the wider debates about its role in the world and it is also heavily influenced by the Russian leadership's concerns about the domestic evolutions and the international security context. For now, however, there is strong evidence that a newly confident Russia is developing a more assertive style of diplomacy on international human rights issues generally, and sometimes using human rights rhetoric in legitimizing its actions in the international fora.

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