

Russia's accusations - setting the record straight

Russia's aggression against Ukraine has led to Russia's international isolation, including NATO's suspension of all practical cooperation with Russia. To divert attention away from its actions, Russia has levelled a series of accusations against NATO which are based on misrepresentations of the facts and ignore the sustained effort that NATO has put into building a partnership with Russia. Russia has also made baseless attacks on the legitimacy of the Ukrainian authorities and has used force to seize part of Ukraine's territory. This document sets the record straight.

Russian claims that the Ukrainian authorities are illegitimate

Ukraine's President Poroshenko was elected on 25 May with a clear majority in a vote which the OSCE characterized (report [here](#)) as showing the "clear resolve of the authorities to hold what was a genuine election largely in line with international commitments and with a respect for fundamental freedoms." The only areas where serious restrictions were reported were those controlled by separatists, who undertook "increasing attempts to derail the process."

In other words, the President is legitimate, the actions of the separatists were not.

The current Ukrainian government was approved by an overwhelming majority in the Ukrainian parliament (371 votes out of 417 registered) on 27 February 2014, including members of the Party of Regions.

That parliament was elected on 28 October 2012. The Russian Foreign Ministry at the time declared that the elections were held "peacefully, without any excesses and in line with generally-accepted standards" and "confirmed Ukraine's commitment to democracy and the rule of law." The statement can be read in Russian [here](#). The parliament which Russia called legitimate then can hardly be called illegitimate now.

Finally, Russian officials continue to allege that the Ukrainian parliament and government are dominated by "Nazis" and "fascists." However, in the presidential elections on May 25, the candidates whom Russia labelled as "fascists" received barely 1% of the votes. Ukraine's electorate clearly voted for unity and moderation, not separatism or extremism.

Russian claims that NATO's response is escalatory

Russian officials accuse NATO of escalating the crisis in Ukraine by reinforcing the defence of Allies in Eastern Europe. This is a striking display of double standards. It is Russia which is destabilising Europe – not NATO.

Firstly, NATO's actions throughout the crisis have been proportionate to the situation, and defensive in nature. The Alliance has deployed additional aircraft to reinforce air policing missions, additional ships to the Baltic, Mediterranean and Black Seas, and additional troops to exercises on the territory of Eastern Allies.

All of these deployments are limited in scale and designed to reinforce defence. They have been prompted by the instability and unpredictability Russia has generated on our borders by its illegal invasion of a sovereign European country. NATO's actions cannot be presented as a potential offensive force. To describe them as such shows either ignorance or dishonesty. They are in line with NATO's international commitments, including the NATO-Russia Founding Act.

In the NATO-Russia Founding Act (available [here](#)), NATO reiterates that *"in the current and foreseeable security environment, the Alliance will carry out its collective defence and other missions by ensuring the necessary interoperability, integration, and capability for reinforcement rather than by additional permanent stationing of substantial combat forces. Accordingly, it will have to rely on adequate infrastructure commensurate with the above tasks. In this context, reinforcement may take place, when necessary, in the event of defence against a threat of aggression and missions in support of peace consistent with the United Nations Charter and the OSCE governing principles, as well as for exercises consistent with the adapted CFE Treaty, the provisions of the Vienna Document 1994 and mutually agreed transparency measures. Russia will exercise similar restraint in its conventional force deployments in Europe."*

Russia, on the other hand, has broken its international commitments, including basic principles in the NATO-Russia Founding Act, such as *"refraining from the threat or use of force against each other as well as against any other state, its sovereignty, territorial integrity or political independence in any manner inconsistent with the United Nations Charter and with the Declaration of Principles Guiding Relations Between Participating States contained in the Helsinki Final Act"* and the *"respect for sovereignty, independence and territorial integrity of all states and their inherent right to choose the means to ensure their own security, the inviolability of borders and peoples' right of self-determination as enshrined in the Helsinki Final Act and other OSCE documents."*

Between March and May 2014, Russia had massed around 40,000 troops on Ukraine's border and threatened to invade Ukraine. As of 11 July 2014, Russia still has around 12,000 troops, tanks and, artillery close to the Ukrainian border. Over the past months, Russia has also embarked on an unprecedented schedule of no-notice military exercises involving massive numbers of troops and heavy equipment. Russia should explain what its military plans are before it starts accusing others of posing a threat.

Secondly, all of NATO's deployments have taken place on NATO territory, with the intention to deter threats to NATO territory.

Russia, on the other hand, has illegally annexed Crimea, allowed mercenaries and heavy weapons to flow across its border into Ukraine, and refused to condemn the aggressive and illegal actions of armed separatists in Ukraine, as it committed to do in Geneva in April. Recruiting efforts for separatist fighters are also expanding inside Russia.

NATO is showing strict respect of international borders and international commitments. Russia should do the same.



Russian claims that the so-called referendum in Crimea was legal

Russian officials claim that the so-called referendum in Crimea on 16 March was legal.

The referendum was illegal according to the Ukrainian constitution (available in Ukrainian [here](#), Russian [here](#), English [here](#)), which states that questions “of altering the territory of Ukraine are resolved exclusively by an All-Ukrainian referendum”. Crimea, as part of Ukraine, has the status of an autonomous republic, but any issues about its authority have to be resolved by the Ukrainian parliament (article 134) and its constitution has to be approved by the Ukrainian parliament (article 135).

The UN General Assembly on 27 March 2014 passed a non-binding resolution declaring the so-called referendum invalid (available [here](#)). The European Union also does not recognise the alleged outcome.

Additionally, the so-called referendum was organized in a matter of weeks by a self-proclaimed Crimean leadership that was installed by armed Russian military personnel after seizing government buildings. Obviously, any such fake referenda organised by self-appointed authorities who lack all democratic legitimacy are illegal and illegitimate.

It should be noted that Moscow never lodged a single complaint with any international body about the alleged discrimination of Russian-speaking citizens of Ukraine.

Russian claim NATO’s continuation and enlargement threatens Russia

Russian officials say that NATO should have been disbanded at the end of the Cold War, and that the accession of new Allies from Central and Eastern Europe undermines Russia’s security.

NATO was not disbanded after the Cold War because its members wanted to retain the insurance policy that had guaranteed security and stability in the transatlantic area and beyond. As the London Declaration of 1990 (available [here](#)) makes clear: “*We need to keep standing together, to extend the long peace we have enjoyed these past four decades*”. Upholding the values that have always guided it, NATO became more than a powerful military Alliance: it became a political forum for dialogue and cooperation.

NATO has fulfilled the terms of Article 10 of the North Atlantic Treaty (available [here](#)) which states that Allies “may, by unanimous agreement, invite any other European State in a position to further the principles of this Treaty and to contribute to the security of the North Atlantic area to accede to this Treaty.”

On six occasions, between 1952 and 2009, European countries made the choice to apply for membership based on a democratic process and respect for the rule of law. NATO Allies made the unanimous choice to accept them.

NATO and EU enlargement has helped the nations of Central and Eastern Europe to tackle difficult reforms, which were required prior to accession. It has helped their citizens enjoy the benefits of democratic choice, the rule of law, and substantial economic growth. These efforts have moved Europe closer to being whole, free, and at peace than at any other time in history.

Russia also subscribed to this vision in the Founding Act as well as other documents. It committed to “creating in Europe a common space of security and stability, without dividing lines or spheres of influence,” and to “respect for sovereignty, independence and territorial integrity of all states and their inherent right to choose the means to ensure their own security.”

Contrary to those commitments, Russia now appears to be attempting to recreate a sphere of influence by seizing a part of Ukraine, maintaining thousands of forces on its borders, and demanding, as Russian Foreign Minister Sergei Lavrov has stated, that “Ukraine cannot be part of any bloc.”

On the claim that NATO wants to ‘drag’ Ukraine into NATO

NATO does not ‘drag’ countries into the Alliance. NATO respects the right of every country to choose its own security arrangements. In fact, the Washington Treaty specifically gives Allies the right to leave. Over the past 65 years, 28 countries have chosen freely to join NATO. Not one has asked to leave. This is not dragging, it’s sovereign choice.

NATO’s Open Door policy has been, and will always be, based on the free choice of European democracies. When in 2002 under President Kuchma Ukraine decided to pursue NATO membership, the Alliance took steps to help fulfil Ukraine’s Euro-Atlantic aspirations. When in 2010 Ukraine decided to pursue a “non-bloc policy”, NATO fully respected that choice. Russia’s long-time assertion that NATO tried to force Ukraine into its ranks was, and remains, completely false.

Any decision for Ukraine to apply for membership would have to be taken by Ukraine, in line with its democratic rules. When Foreign Minister Klimkin was in Brussels in July 2014 he made clear that NATO membership is not on the agenda. The government and people of Ukraine have other priorities. We respect their choices, Russia should do the same.

Claim that Russia had to act to stop NATO from basing missiles and ships in Sevastopol.

This is total fantasy.

NATO had no intention of deploying forces to Sevastopol. This was never discussed and there have never been any plans for that. The only one who talked about this ludicrous claim was President Putin.

In fact, before the Ukraine crisis, the only NATO forces routinely present on the territory of Eastern European Allies were the NATO jets used in the Baltic States for the air policing mission.

On the contrary, the only country which had ships and troops in Sevastopol was Russia, under its agreement with Ukraine. And after the illegal takeover of Crimea, Russia stole most of the ships of the Ukrainian navy and installed additional anti-ship and anti-aircraft batteries to expand its military presence in the region.

Russian claims that NATO promised not to enlarge or build infrastructure in Eastern Europe

Russian officials claim that US and German officials promised in 1990 that NATO would not expand into Eastern and Central Europe, build military infrastructure near Russia’s borders or permanently deploy troops there. No such pledge was made, and no evidence to back up Russia’s claims has ever been produced.

Should such a promise have been made by NATO as such, it would have to have been as a formal, written decision by all NATO Allies. Furthermore, the consideration of enlarging NATO came years after German reunification. This issue was not yet on





As a sign of Russia's unique role in Euro-Atlantic security, in 1997 NATO and Russia signed the Founding Act on Mutual Relations, Cooperation and Security, creating the NATO-Russia Permanent Joint Council. In 2002 they upgraded that relationship, creating the NATO-Russia Council (NRC). (The Founding Act can be read [here](#), the Rome Declaration which established the NRC [here](#).)

Since the foundation of the NRC, NATO and Russia have worked together on issues ranging from counter-narcotics and counter-terrorism to submarine rescue and civil emergency planning. No other partner has been offered a comparable relationship, nor a similar comprehensive institutional framework. Far from marginalising Russia, NATO has treated it as a privileged partner. By contrast, Russia has referred to NATO as a threat in its strategic documents.

Russian criticism of the legitimacy of NATO military actions – Kosovo

The NATO operation for Kosovo followed over a year of intense efforts by the UN and the Contact Group, of which Russia was a member, to bring about a peaceful solution. The UN Security Council on several occasions branded the ethnic cleansing in Kosovo and the mounting number of refugees driven from their homes as a threat to international peace and security. NATO's Operation Allied Force was launched to prevent the large-scale and sustained violations of human rights and the killing of civilians.

Following the air campaign, the subsequent NATO-led peacekeeping operation, KFOR, which initially included Russia, has been under UN mandate (UNSCR1244), with the aim of providing a safe and secure environment in Kosovo. This led to nearly ten years of diplomacy, under UN authority, to find a political solution and to settle Kosovo's final status, as prescribed by UNSCR 1244.

The Kosovo operation was conducted following exhaustive discussion involving the whole international community dealing with a long-running crisis. In Crimea, with no evidence of a crisis and no attempt to negotiate any form of solution, Russia bypassed the whole international community, including the UN, and simply occupied a part of another country's territory.

Russian claims that the annexation of Crimea was justified by the opinion of the International Court of Justice on the independence of Kosovo

Russian leaders claim that the precedent for the so-called declaration of independence of Crimea was the advisory opinion of the International Court of Justice on the independence of Kosovo (online [here](#)).

However, the court stated clearly that their opinion was not a precedent. The court said they had been given a "narrow and specific" question about Kosovo's independence which would not cover the broader legal consequences of that decision.

The court highlighted circumstances in which claims for independence would be illegal. This would include if "they were, or would have been, connected with the unlawful use of force". An example of "an unlawful use of force" would be an invasion and occupation by a neighbouring country – which is exactly what Russia has done.

Furthermore, the process leading to Kosovo's declaration of independence spanned years and included an extensive process led by the United Nations. Russian claims ignore all of these facts.

Russian criticism of the legitimacy of NATO military actions – Libya

In seeking to defend its illegal actions in Crimea, Russia has attacked the legitimacy of some of NATO's operations.

This includes the NATO-led operation of 2011 to protect civilians in Libya. The NATO-led operation was launched under the authority of two UN Security Council Resolutions (UNSCR), UNSCRs 1970 & 1973, both quoting Chapter VII of the UN Charter, and neither of which was opposed by Russia. President Putin recently accused NATO of violating the resolutions by bombing Libya. This is entirely inaccurate.

UNSCR 1973 authorized NATO "to take all necessary measures" to "protect civilians and civilian populated areas under threat of attack", which is what NATO did, with the political and military support of regional states and members of the Arab League.

After the conflict, NATO cooperated with the UN International Commission of Inquiry on Libya, which found no breach of UNSCR 1973 or international law, concluding instead that "NATO conducted a highly precise campaign with a demonstrable determination to avoid civilian casualties."

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