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Review article

*Zombie self-determination?*

Johannes Socher *Russia and the Right to Self-Determination in the Post-Soviet Space*  
Oxford: Oxford University Press, 2021. Pp. 288. £80. ISBN: 9780192897176.

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## 1. Introduction

Has there been state practice of the Russian Federation with regard to self-determination, since the collapse of the USSR in December 1991? This is the question posed by Johannes Socher in his PhD Dissertation, which he defended at the German University for Administrative Sciences Speyer in 2019. It has now been published by Oxford University Press.

As I will show below, there is more to his question than might at first appear. In particular Socher is persuaded by what has been called the “Estonian School of International Law” (p.5, note 26).<sup>1</sup> I will return to this and Lauri Mälksoo, whose phrase it is, in detail, below.

First, I explore what in my view is really good about Socher’s new book. I also emphasise his commendably wide frame of reference, drawing on German as well as Russian scholars, introducing many of them for the first time to an English-speaking audience. Finally in this part I note the convergence of three scholars on Heidelberg in 2016, with a significant impact on the dissertation and the book; Socher himself, Lauri Mälksoo, and Bill Bowring. Second, I analyse some scholars, especially Fisch, on whom Socher relies, who proclaim the death of self-determination. Third, I delve more deeply into the question which Socher has posed for himself, which he makes quite explicit, and which colours what follows. I question the use he makes of the concepts of “sovereignty”, and “hegemony”, the second of which is made to bear more argumentative weight than is usual in texts on international law.<sup>2</sup> Fourth, I outline Socher’s structure. I look more closely and critically at Socher’s seven Case Studies. Finally, I assert that the key to understanding the Russian attitude to self-determination in the years after the collapse of the USSR in 1991 is to be found in the very first page on Socher’s Introduction but not referred to thereafter. This is the extraordinarily hostile attitude of Vladimir Putin, who has now been President, with an interlude of four years as Prime Minister, ever since the year 2000, towards not only Vladimir Lenin, but in particular the federative principle on which Lenin insisted in the first Soviet constitutions.

## 2. What is really special about this book

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<sup>1</sup> According to Socher “Mälksoo himself embeds his work in a distinct tradition which he calls the ‘Estonian School of International Law’” See Lauri Mälksoo, ‘The Science of International Law and the Concept of Politics. The Arguments and lives of the International Law Professors at the University of Dorpat/Ur’ev/Tartu 1855-1985’ *75 British Yearbook of International Law (BYIL)* (2005) 383-501.

<sup>2</sup> Though see a text to which Socher does not refer: Knox, ‘Hegemony’ in J. D’Aspremont and S. Singh (eds.), *Concepts for International Law: Contributions to Disciplinary Thought* (2019) 328–360.

Anyone with an interest in post-Soviet Russian policy will find in a wealth of insights and the fruits of thorough research in Socher's erudite and wide-ranging text which is organized in a fascinating and innovative way. Which is not to say that I agree with him. This review is intended as a respectful engagement with Socher's work

In particular, this book has an excellent German pedigree. Socher's examiners were Karl-Peter Sommermann and Anne Peters. Sommermann has a reference in the Bibliography, to his 2014 chapter, translated into English, on the "Right of Resistance"; while Peters, well known to English scholars, has entries for a book and five articles and chapters, in English and German, and extensive references in the text. The book has, as befits a seriously researched PhD dissertation, a treasure trove of references to scholarly literature in German, and – Socher having undertaken an intensive course in the Russian language - in Russian. For example, there are no less than ten bibliography entries for the German doyen of Soviet studies, Boris Meissner (born in Pskov, Russia in 1915, educated at Tartu University in Estonia, studying Economics and then Law, until 1939, when he was obliged to leave Estonia in the repatriation of Baltic Germans (*Umsiedlung der Deutsch-Balten*), continued his studies in Posen, and served as an officer in the German Army in WWII). In 1953 Meissner joined the Foreign Service of the Federal Republic of Germany, on the Soviet desk, including two years in Moscow; and for the rest of his life, having gained his doctorate, was an academic in Kiel and Cologne. Meissner's work is little known in the English speaking scholarly world, and Socher is to be thanked for such an illuminating introduction.

There are many more references to Meissner in Socher's text, especially in Chapter 1, "The Soviet Doctrine on the Right to Self-Determination Revisited", than appear in the Index. For example from his 1967 collection on International Law in East and West, where Socher quotes him (p.8, note 45) as stating that the Soviet concept of proletarian internationalism is nothing but the "ideological description of the concept of hegemony we have known since ancient times." This is not "hegemony" as analysed by Robert Knox in the work referred to in note 2 above.

Socher also refers (p.27) to Meissner's 1962 work on the Soviet Union and the Law of Self-Determination, as well as to his articles in 1967 (p.41-42), his bibliography of the Soviet Literature on self-determination from 1962 to 1973, published in 1977 (p.51), and his work on "peaceful coexistence" in 1975 (p.54). Only a few of Meissner's works have been published in English.<sup>3</sup> I repeat that Socher has made a significant contribution to English speaking scholarship, in introducing students of Russia and its roots in the USSR to Meissner's work.

Most importantly for the present book, Socher, Mälksoo and Bowring took part on 19 May 2016 in the Workshop in Heidelberg organised by the Max Planck Institute and the Journal for the History of International Law (JHIL) on 'A Century after the Russian Revolution: Its Legacy in International Law'. As Socher states in his Acknowledgments (213), participation in the workshop "...turned out to be crucial for the evolution of this study: Anne Peters, who co-organized the event, showed interest in my work, eventually became the thesis's second examiner... It was also in Heidelberg where I met Bill Bowring and Lauri Mälksoo for the first time in person after having read almost everything they had published up to that point on Russian approaches to international law."

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<sup>3</sup> *The Soviet conception of coexistence and the Conference on Security and Cooperation in Europe (East-West relations)* (1975); *The Communist Party of the Soviet Union: Party Leadership, Organization, and Ideology* (1976); and 'The Baltic Question in World Politics' in V. Vardis (ed) *The Baltic States in Peace and War (1917-1945)* (1990).

So my good friend and colleague Lauri has 11 entries in the Bibliography, while Bill Bowring has 7 (and one publication referred to in a footnote, 165 note 114, but not present in the Bibliography<sup>4</sup>). I will show that Socher is largely in sympathy with Mälksoo, which is of course no criticism of him or of Mälksoo.

The two of them and Bill Bowring published articles in the special issue of JHIL.<sup>5</sup>

Socher agrees with me (and with Antonio Cassese, Issa Shivji<sup>6</sup> and others) that the progenitor of “The Right of Nations to Self-Determination”, extending to the breaking up of empires, was Vladimir Lenin, in his writings before and during World War I, and in his policies and actions following the Russian Revolution – and most certainly not Woodrow Wilson. I would add that the Right of Nations to Self-Determination had already played a significant role in the theory and practice of Marx and Engels, especially as concerned Ireland under British imperial rule; and Poland under Russian imperial rule.<sup>7</sup>

### 3. Burying Self-Determination

Socher refers a number of times to the recent work of a fellow German scholar (14, 17-18). In 2015, Cambridge University Press published an English translation of the 2010 book by Jörg Fisch as ‘The Right of Self-Determination of Peoples. The Domestication of an Illusion’.<sup>8</sup> Fisch starts by recognising the role played by Lenin. He writes ‘... Lenin’s position on the right to self-determination was already clear in 1914, while Wilson probably did not even know of the expression “right of self-determination of peoples” in 1914. to 12 Chapter his devotes Fisch’<sup>9</sup> ‘The Cold War and the Second Decolonization, 1945–1989’.<sup>10</sup> He suggests that because the WWII was a ‘traditional power struggle’, the right to self-determination might have disappeared ‘definitively’.<sup>11</sup> However, the victorious powers were unable to keep their colonies in check, and in the summer of 1945, when the USSR introduced the ‘principle of self-determination’ into the UN Charter<sup>12</sup>, ‘[t]his secured the Soviet Union the approval of the colonial regions’.<sup>13</sup> Fisch adds that ‘The Soviet bloc and the Third World took over the substance of the concept that had been created in the Americas between 1776 and 1865, but had not yet been designated as self-determination.’

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<sup>4</sup> Bill Bowring, ‘Who Are the “Crimean People” or “People of Crimea”? The Fate of the Crimean Tatars, Russia’s Legal Justification for Annexation, and Pandora’s Box’ in S. Sayapin and E. Tsybulenko (eds) *The Use of Force against Ukraine and International Law*” *Jus Ad Bellum, Jus In Bello, Jus Post Bellum* (2018), 21-40.

<sup>5</sup> Lauri Mälksoo, ‘The Soviet Approach to the Rights of Peoples to Self-Determination: Russia’s Farewell to *jus publicum europaeum*’ 19 JHIL (2017) 200-218; Socher ‘Lenin, (Just) Wars of National Liberation, and the Soviet Doctrine on the Use of Force’ 19 JHIL (2017), 219-245; Bill Bowring, ‘Yevgeniy Pashukanis, His Law and Marxism: A General Theory, and the 1922 Treaty of Rapallo between Soviet Russia and Germany’ 19 JHIL (2017) 274-295

<sup>6</sup> Shivji ‘The Right of Peoples to Self-Determination: an African Perspective’, in W. Twining (ed) *Issues of Self-Determination*, (1991), 33-40

<sup>7</sup> Bill Bowring, ‘Marx, Engels, Lenin, and the right of peoples to self-determination in international law’, in P. O’Connell and U. Özsü, *Research Handbook on Law and Marxism* (2021), see <https://www.e-elgar.com/shop/gbp/research-handbook-on-law-and-marxism-9781788119856.html>.

<sup>8</sup> Fisch, *The Right of Self-Determination of Peoples: The Domestication of an Illusion* (2015).

<sup>9</sup> Fisch, 121.

<sup>10</sup> Fisch, 190–217.

<sup>11</sup> Fisch, 190.

<sup>12</sup> UN Charter, art 1, para 2, and art 55.

<sup>13</sup> Fisch, 191.

Fisch notes that during the drafting of the UDHR in 1948, the USSR did propose the inclusion of the right of self-determination, but this was rejected.<sup>14</sup> The UN decided to draft both a non-binding Declaration and a legally binding Covenant on human rights, and in 1952 it was decided to have two Covenants. Article 1, on the right of peoples to self-determination, was already formulated by the end of 1955, and in an endnote<sup>15</sup> he gives the vote on 29 November 1955 in the UNGA Third Committee: 33 in favour, 12 against<sup>16</sup>, 13 abstentions.<sup>17</sup> Fisch also recognises that UNGA Res 1514 (XV) (14 December 1960), was a 'decisive victory'.<sup>18</sup> As he points out, not one single state dared to oppose it. Eighty-nine voted for, and only nine abstained: Australia, Belgium, the Dominican Republic, France, the UK, Portugal, Spain, South Africa, and the USA. According to Fisch, after 1945 the Third World, supported by the USSR and its allies, succeeded in 'monopolising the discourse of self-determination and the right to self-determination for itself'.<sup>19</sup> He concludes that 'Lenin's venture in 1917–18 was a resounding success', and that 'Wilson became a prophet of the right to self-determination, but not of his own concept of it, but rather Lenin's. thoroughly as seen is appears, it Lenin, <sup>20</sup>' malign influence. But Fisch's argument, and the reason for the appearance of the word 'illusion' in his title, is that the 'central difficulty' in the 'formula of self-determination' is that it 'contains a promise that cannot be redeemed... The idea that such a right could be realised to its full extent is illusory...'. Which seems an odd way to dismiss, in effect, the bloody and tempestuous history of decolonisation.

Another recent attempted burial of self-determination, and one which has received much attention, is Adom Getachew's *Worldmaking after Empire. The Rise and Fall of Self-Determination*.<sup>21</sup> Discussing the 1930s Pan-Africanism of W. E. B. Du Bois, C. L. R. James and George Padmore, she correctly notes that it '...drew on and was deeply influenced by Lenin's account of self-determination...' <sup>22</sup>, and also that 'In codifying a right to self-determination, anticolonial nationalists harkened back to the anti-imperial and universal aspirations of Lenin's formulation and repudiated Wilsonian reassociation. Discussing <sup>23</sup>' Kwame Nkrumah's 1965 *Neocolonialism: The Last Stage of Imperialism* she notes that 'In his description of neocolonialism as the last stage of imperialism and his analysis of the dilemma it posed for anticolonial nationalists, Nkrumah drew on Lenin's analysis of the imbrication of imperialism and capitalism.'<sup>24</sup> Have we really witnessed the fall of self-determination?

Whatever the situation in post-Soviet Russia, self-determination struggles continue to this day, not least in Palestine/Israel, the Basque Country and Catalonia, in Turkey with the Kurds, and in Ireland.<sup>25</sup> Indeed, on 10 April 1998 the United Kingdom, after years of campaigning by the

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<sup>14</sup> Fisch, 195.

<sup>15</sup> Fisch, 268, no. 8.

<sup>16</sup> France, Luxembourg, The Netherlands, New Zealand, Norway, Sweden, Turkey, the UK, the USA, Australia, Belgium, Canada. See Antonio Cassese, *Self-Determination of Peoples: A Legal Reappraisal* (Hersch Lauterpacht memorial lectures, 1, Cambridge University Press 1995), 50.

<sup>17</sup> UN Doc A/C.3/SR. 676, para. 27.

<sup>18</sup> Fisch, 197.

<sup>19</sup> Fisch, 218.

<sup>20</sup> Fisch, 240.

<sup>21</sup> Getachew, *Worldmaking after Empire. The Rise and Fall of Self-Determination* (2019)

<sup>22</sup> Getachew, 67.

<sup>23</sup> Getachew, 79.

<sup>24</sup> Getachew, 108.

<sup>25</sup> See Bowring and four others 'The Right to Self-Determination' 53 *Socialist Lawyer* (2009), 18-29, at <https://static1.squarespace.com/static/562e7d33e4b0da14ad6d202f/t/566f1998a2bab8b3e4852460/1450121624675/SocialistLawyer53.pdf>

Irish Republicans, the *Sinn Fein* party, ‘through the Northern Ireland Act 1998, enshrined the principle of self-determination in legislation and also repealed the Government of Ireland Act 1920, which initially partitioned the island of Ireland. A referendum on a united Ireland is to be called by the Secretary of State for Northern Ireland when it appears likely that a majority of the people would vote in favour of a united Ireland.’<sup>26</sup>

More recently still, in its Advisory Opinion on ‘the legal consequences of the separation of the Chagos Archipelago from Mauritius by the United Kingdom in 1965’,<sup>27</sup> the ICJ held ‘since respect for the right to self-determination is an obligation *erga omnes*, all States have a legal interest in protecting that right’.<sup>28</sup> The ICJ held that the United Kingdom violated this right when it separated the Chagos Islands from Mauritius prior to the latter’s independence in March 1968.

On 8 November 1965, the islands were formally established as part of an overseas territory of the United Kingdom—that is, a new British colony—to be known as the ‘British Indian Ocean Territory’. In 1971 the United Kingdom and the United States concluding a treaty to lease the island of Diego Garcia, the largest of the Chagos Islands, to the United States, so that the latter might build an air and naval base on the island. The inhabitants of the Chagos Islands were subsequently exiled in secret to Mauritius, where they became chronically impoverished.<sup>29</sup>

The ICJ concluded that ‘the United Kingdom has an obligation to bring to an end its administration of the Chagos archipelago as rapidly as possible, and that all Member States must co-operate with the United Nations to complete the decolonization of Mauritius’.<sup>30</sup> On 22 May 2019 the UN General Assembly adopted a resolution welcoming the ICJ’s advisory opinion on the legal consequences of the Chagos Archipelago’s separation from Mauritius, and also demanding that the United Kingdom unconditionally withdraw its colonial administration from the area within six months.<sup>31</sup> The vote was 116 in favour of the resolution to six against, with 56 abstentions.<sup>32</sup>

In the world outside the Russian Federation, self-determination is alive and kicking.

#### 4. The main question, and Socher’s direction of travel

Socher states (11) that he aims to fill the gap in Mälksoo’s *Russian Approaches to International*, which, in Socher’s view, focuses on theory, whereas ‘... Russia’s post-soviet state practice is only dealt with in ‘patterns’, with the part dealing with the secessionist conflicts that arose in the break-up of the Soviet Union covering as few as ten pages.’<sup>33</sup>

<sup>26</sup> The Good Friday Agreement, at [https://www.citizensinformation.ie/en/government\\_in\\_ireland/ireland\\_and\\_the\\_uk/good\\_friday\\_agreement.html#](https://www.citizensinformation.ie/en/government_in_ireland/ireland_and_the_uk/good_friday_agreement.html#)

<sup>27</sup> Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965, Advisory Opinion [2019] ICJ Reports 95, <https://www.icj-cij.org/en/case/169/advisory-opinions>.

<sup>28</sup> ICJ, Chagos Advisory Opinion, para 180

<sup>29</sup> Allen, *The Chagos Islanders and International Law* (2014).

<sup>30</sup> ICJ, Chagos Advisory Opinion, para 182.

<sup>31</sup> UNGA Resolution 73/295 (22 May 2019). For a summary of statements see <https://www.un.org/press/en/2019/ga12146.doc.htm>.

<sup>32</sup> Osborne, ‘Chagos Islands: UN Officially Demands Britain and US Withdraw From Indian Ocean Archipelago’ *The Independent* (22 May 2019), <https://www.independent.co.uk/news/world/americas/chagos-islands-uk-un-resolution-general-assembly-vote-indian-ocean-a8924656.html>.

<sup>33</sup> Lauri Mälksoo, *Russian Approaches to International Law* (2015), 172-182.

To fill the gap, Socher provides a detailed assessment of Russia's state practice in the post-soviet space 'with the aim to ascertain a distinct approach to self-determination. This, he believes, 'may serve as a detailed documentation of the raw material necessary to form and identify rules of customary international law produced by one particular state.' (11-12) In interject this this is very questionable international law. Moreover, Socher wants to test the accuracy of and give substance to Mälksoo's general assessment that the:

...evolution of Moscow's legal argumentation and views in these complex cases... has not followed some overarching legal principle but reflected changing power politics. Until 2014, Russia claimed that sovereignty trumped self-determination, but in 2014 partly destroyed its own earlier argumentation by its own actions in Ukraine.<sup>34</sup>

After stating (15) that "some international law scholars like Bill Bowring reject purely negative assessments of the Soviet contribution to the evolution of self-determination as a concept of international law...",<sup>35</sup> Socher continues "The most balanced analysis was arguably provided by Lauri Mälksoo in his contribution [to the special issue of the *Journal of the History of International Law* following the Heidelberg workshop referred to above]<sup>36</sup> ... Mälksoo calls it misleading to pick and choose certain pro-self-determination moves by the Bolsheviks in 1917 and 1920, and then conclude that the Soviets advanced this right in international law. Socher cites the following passage.

Instead, I argue that the real contribution of the Russian Bolsheviks to the history of international law has been overlooked. They brought 'old international law, *jus publicum europaeum*, to an end in its classical form and at least separated Soviet Russia from this historical legal family. Instead of being one of the European colonial states, as imperial Russia was, Soviet Russia became the main external critic of European colonialism and its remnants. The price for this was that two separate legal spaces with different understandings of international legal standards emerged. Throughout the 20th century, what became known as the West and the USSR with its Soviet bloc followed different standards and usages of the right of peoples to self-determination, thus presenting a persistent challenge to the idea of the universality of international law.

My reader will not be surprised to hear that this is a point on which I have a principled disagreement with Mälksoo. The article cited is one of Mälksoo's more polemical and surprisingly under-referenced articles, and, of course, and controversially, he is referring in his title and in the text<sup>37</sup> to the 'Nazi Crown Jurist' Carl Schmitt.<sup>38</sup>

Socher continues (15): "Proceeding from Mälksoo's general line of argument, this chapter [Chapter 1] revisits the Soviet doctrine on self-determination in more detail." Which is indeed what Socher proceeds to do.

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<sup>34</sup> Lauri Mälksoo, *Russian Approaches to International Law* (2015), 676-677.

<sup>35</sup> Citing Bill Bowring, *Law, Rights and Ideology in Russia: Landmarks in the Destiny of a Great Power* (2013), 85; and Bill Bowring "Positivism versus self-determination: the contradictions of Soviet international law" in S. Marks (ed) *International Law on the Left: Re-examining Marxist Legacies* (2008), 133-168.

<sup>36</sup> Lauri Mälksoo, 'The Soviet Approach to the Rights of Peoples to Self-Determination: Russia's Farewell to *jus publicum europaeum*' 19 *Journal of the History of International Law* 2017), 200-218, 214.

<sup>37</sup> Mälksoo (2017), 217-218.

<sup>38</sup> Carl Schmitt, *Der Nomos der Erde im Völkerrecht des Jus Publicum Europaeum* (1997), originally printed in 1950.

## 5. The structure of this book

In a substantial book of 288 pages, Socher has a total of five chapters. Two more theoretical chapters encircle three more empirical contributions.

Bill Bowring reviewed the book, praising its scholarship and erudition, but also, as Socher notes (note 32), describing it as ‘bordering on the polemical’.<sup>39</sup>

In particular, I was dismayed by the image on its dust-jacket cover, showing four primitives wearing bear-skins over Russian traditional costumes, gathered around a quadrilateral structure. The source of the image is not given in the book, or on its cover, but it is in fact ‘The Elders Wearing Bear Hides’ by Nicholas Roerich, painted in 1944 in Art Nouveau (Modern) style. It was part of the décor and costume design for Stravinsky’s ballet “Le Sacre du Printemps”, Massine’s production.<sup>40</sup> In the words of one commentary these are ‘...the dancers representing male elders, wearing bear skins slowly circling the virgin as she dances to death. And this image, or visual representation, of the pagan bear cults of Eastern Europe is resonant with bear dance echoes being heard in many regions of the world today.’<sup>41</sup>

Of course, the Russian Empire and the USSR did incalculable harm to Estonia, especially in the illegal occupation of Estonia, which had been independent from 1919 to 1939, by the USSR in 1939-41 as a result of the Stalin-Hitler Pact, and again following 1945. I am tempted to suggest that “Russian Approaches to International Law” written by a patriotic Estonian might have much in common with “British Approaches to International Law” written by an Irish republican, given the centuries of bloodshed in the English and British occupation of Ireland.

I profoundly disagree with the popular (in some quarters) image of Russia as the “other” of the civilised West. My own contention is that Russia has been an integral part of Europe ever since the first expansion of Moscow in the 16<sup>th</sup> century, and the very close contacts with Germany and England in particular.<sup>42</sup>

The fifth chapter is entitled ‘Post-Soviet Russian Scholarship on Self-Determination’, with an overview of ‘Post-Soviet Scholarship on International Law in Russia’. I will return to the arguments of this chapter.

The three intervening chapters focus in turn on three key-words relating to Russia’s approach to Self-Determination: “Sovereignty”, “Secession”, and “Annexation”.

## 6. Sovereignty

Thus Chapter 2 starts with a section on “The Balance in the Russian Constitution”, followed by the first two case studies, on Tatarstan and on Chechnya. What is understood by “sovereignty” in relation to the right to self-determination? Socher refers to the 7 June 2000 *Altai* decision of the Constitutional Court of the Russian Federation (CCRF),<sup>43</sup> in which the CCRF defined “sovereignty” as ‘the supremacy, independence, and self-sufficiency of state power, completeness of the legislative, executive and judicial powers of the state on its territory, and independence in international relations’ and ‘as a necessary qualitative feature of

<sup>39</sup> Bill Bowring, ‘Russian Approaches to International Law’, 85 *British Yearbook of International Law*, (2015) 189-193, 191.

<sup>40</sup> <https://www.roerich.org/museum-paintings-catalogue.php>.

<sup>41</sup> <http://stancejournal.com/wp-content/uploads/2016/03/BearSkin-Opening-Talk.pdf>

<sup>42</sup> Bill Bowring, ‘Is Russia a European Country?’ (2021), at <https://bbowring.com/2021/09/06/blog-is-russia-a-european-country/>

<sup>43</sup> Decision No.10-P/2000, SZRF 2000, no.25, item 2728, para 2.1.



the Russian Federation as a state characterising its constitutional and legal status. Thus, <sup>44</sup> claim of the Republic of Altai (one of 85 subjects of the Federation) in its constitution to be 'sovereign' was held to be incompatible with Russian state sovereignty. It follows, in the view of Russian scholars such as Suren Avakyan and the German scholar Caroline von Gall, that there is only one bearer of the right to self-determination in the Russian Federation, and that is "the multinational people of the Russian Federation"<sup>45</sup>. Von Gall adds that this is 'crushing for the right to self-determination', and that this exemplifies 'the Great Russian idea according to which only the centrally organized Russian state lays the foundation for the life of humans living in this area'.<sup>46</sup>

The two case studies are the two subjects of the Federation which refused to sign the Treaty of Federation of 31 March 1992<sup>47</sup>, following the collapse of the USSR in December 1991.

As Bill Bowring has explained elsewhere,<sup>48</sup> both republics sought to achieve the status of Union Republics, which would have entitled them to assert independence following the collapse of the USSR. All the Union republics did so. But neither Tatarstan nor Chechnya were permitted to operationalise their claims to sovereignty, or self-determination by secession. Their subsequent trajectories were utterly different. Tatarstan achieved, by way of its Treaty of 15 February 1994<sup>49</sup>, between the Russian Federation and one of its subjects, the highest degree of autonomy of any of the republics. Although that autonomy has been eroded, especially with respect to language rights.<sup>50</sup>

Chechnya's resistance led to two bloody wars, 11 Dec 1994 to 31 Aug 1996, and 26 Aug 1999 to 16 Apr 2009, and low level insurgency to 2017. From 1996 to 1999 Chechnya was de facto independent, though entirely unrecognised, until then Prime Minister Putin launched his brutal assault. Estimates of casualties have ranged from 50,000 to 250,000 civilians and 10,000 to 50,000 Russian servicemen killed.

## 7. Secession

Socher starts (95) with the collapse of the USSR, and the independent states which emerged, as they had the constitutional right to do as Union Republics. But then he turns to the Kosovo case, and Russia's position, its Written Statement of 16 April 2009 to the ICJ on Territorial Integrity and Self-Determination.<sup>51</sup> This was the diametrical opposite to the position it adopted in relation to its annexation of Crimea. The two documents have been placed on the internet side by side, demonstrating a severe case of schizophrenia.

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<sup>44</sup> See also Bowring 'What's in a word: "sovereignty" in the Constitutional Court of the Russian Federation' 7(3) *Russian Journal of Communication* (2015), 1-9.

<sup>45</sup> Avakyan, *Constitutional Law of Russia*, vol. 2 (5<sup>th</sup> ed., 2014), 98.

<sup>46</sup> Caroline von Gall, *Die Konzepte ‚staatliche Einheit‘ und ‚einheitliche Macht‘ in der Russischen Theorie von Staat und Recht. Der Einfluss des Gemeinschaftsideals auf die russische Verfassungsentwicklung* (2010), 302

<sup>47</sup> English translation reprinted in W. Butler and J. Henderson (eds) *Russian Legal Texts: The Foundations of a Rule-of-Law State and a Market Economy* (1998), 51-72.

<sup>48</sup> Bill Bowring 'The Russian Constitutional System: Complexity and Asymmetry' in M. Weller and K. Nobbs (eds) *Asymmetric Autonomy and the Settlement of Ethnic Conflicts* (2010), 48-74.

<sup>49</sup> English translation reprinted in W. Butler and J. Henderson (eds) *Russian Legal Texts: The Foundations of a Rule-of-Law State and a Market Economy* (1998), 73-79.

<sup>50</sup> Bill Bowring 'Minority language rights in the Russian Federation: the end of a long tradition?', in G. Hogan-Brun and B. O'Rourke (eds.) (2019).

<sup>51</sup> Available for download at <https://www.icj-cij.org/public/files/case-related/141/15628.pdf>.

In the Kosovo Advisory Opinion case the ICJ was asked, on the initiative of Serbia, on 8 October 2008, whether Kosovo's Declaration of Independence of 17 February 2008 "was in accordance with international law". As most scholars agree, this was a clear case of "ask a stupid question, and get a stupid answer". The ICJ was not asked questions concerning Kosovo's right if any to self-determination or its future status, and concluded that there is nothing illegal in declaring independence. And, indeed, the Advisory Opinion of 22 July 2010 (very fast work), has not done Kosovo much good at all.

Kosovo's Declaration of Independence may not have been unlawful, but it has not been particularly successful. As of 27 July 2019, the Republic of Kosovo had received 115 diplomatic recognitions as an independent state, of which 15<sup>52</sup> had been withdrawn between 2017 and 2019. Serbia's diplomatic objective is to reduce the number of UN member states recognising Kosovo below 50%.

As of 17 August 2019, more than 10 years after the Declaration, 100 out of 193 (52%) UN member states, and 23 out of 28 (82%) EU member states recognise Kosovo as a State. The five EU states which have not done so are Spain, Slovakia, Cyprus, Romania, and Greece – all of them not too far distant from Kosovo. Unsurprisingly, the government of Serbia does not recognise Kosovo. Ironically, UN Security Council Resolution 1244 (1999)<sup>53</sup>, adopted by the Security Council at its 4011th meeting, on 10 June 1999, is still in force, and provided that "the region Kosovo and Metohija is a province of Serbia". In 2013, Serbia began to normalise relations with the government of Kosovo in accordance with the Brussels Agreement<sup>54</sup>, as a precondition for entry by Serbia into the EU, but the process stalled in November 2018 after Kosovo imposed a 100 percent tax on importing Serbian goods.<sup>55</sup>

It could therefore be argued that Kosovo has not seceded at all.

*Case Study 3* (105) is Nagorno-Karabakh, now known as the Republic of Artsakh. Since Socher completed his Dissertation there has been further armed conflict between Armenia and Azerbaijan, and, not for the first time, Russia has inserted itself as a peace-maker. But it is hard for me to understand how this is a case of self-determination, let alone secession.

*Case Study 4* is Transnistria. As Socher notes (116), X has been to Transnistria (in Bowring's opinion a visit to this very strange entity enables time travel to the former USSR) and have written about this case<sup>56</sup>. Bill Bowring has recently contributed another chapter.<sup>57</sup> In the cases of Transnistria, Abkhazia and South Ossetia, all these entities had an ethnic and linguistic identity and varying degrees of autonomy in the USSR, and the entities in question simply refused to become part of the newly independent states, Moldova and Georgia, which had

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<sup>52</sup> "Togo 15th country to revoke recognition of Kosovo" 26 August 2019 at [http://www.tanjug.rs/full-view\\_en.aspx?izb=502660](http://www.tanjug.rs/full-view_en.aspx?izb=502660).

<sup>53</sup> [https://digitallibrary.un.org/record/274488/files/S\\_RES\\_1244%281999%29-EN.pdf](https://digitallibrary.un.org/record/274488/files/S_RES_1244%281999%29-EN.pdf).

<sup>54</sup> Aleksandar Vasovic and Justyna Pawlak "EU brokers historic Kosovo deal, door opens to Serbia accession" 19 April 2013 at <https://www.reuters.com/article/us-serbia-kosovo-eu/eu-brokers-historic-kosovo-deal-door-opens-to-serbia-accession-idUSBRE93I0IB20130419>.

<sup>55</sup> "Serbia's FM: Berlin Summit isn't format for Belgrade – Pristina talks" 30 April 2019 at <http://rs.n1info.com/English/NEWS/a480148/Berlin-summit-not-good-format-for-Belgrade-Pristina-talks-FM-says.html>.

<sup>56</sup> Bill Bowring, "Transnistria", in C. Walter, A. von Ungern-Sternberg and K. Abushov (eds) *Self-Determination and Secession in International Law* (2014), 157-174

<sup>57</sup> Bill Bowring, "International law and non-recognized entities: towards a frozen future?" in Benedikt C. Harzl and Roman Petrov (eds.), *Unrecognized Entities: Perspectives in International, European and Constitutional Law* (Brill Nijhoff, Leiden/Boston, 2021), 9-29.

formed part of Union Republics which became independent states with the collapse of the USSR in 1991.

Thus, on 27 August 1991 the Moldovan Parliament adopted a Declaration of Independence in respect of a territory including Transnistria. But ethnic Russians and Ukrainians, the majority of the population of Transnistria, had been organising a movement of resistance to incorporation into a new Republic of Moldova, Romanian speaking, which, they feared, might well seek to become part of Romania.<sup>58</sup> Did Transnistria ever secede from Moldova?

Similarly, did South Ossetia (*Case Study 5*) or Abkhazia (*Case Study 6*) ever secede from Georgia? They both simply refused to become part of the newly independent Georgia.

Abkhazia is linguistically distinct from Georgia, became a Soviet Socialist Republic, the Abkhazian SSR, on 4 March 1921, a significant status, but was merged with Georgia and downgraded to an Autonomous Republic in 1931. With the collapse of the USSR in December 1991, and the emergence of Georgia as an independent state, the Abkhaz simply refused to become part of the new Georgia, and on 23 July 1992 declared an independent state. A bloody war in 1992-3, and large-scale ethnic cleansing of Georgians by the Abkhaz, ended in defeat for Georgia. Did the Abkaz ever secede from Georgia?

Ossetians are to be found in North Ossetia - Alania, a Republic which is a subject of the Russian Federation, and in South Ossetia, ethnically and linguistically the same as North Ossetia, which is separated from North Ossetia by the Caucasus mountains, and is linked by a road tunnel. In April 1922 the South Ossetian Autonomous Oblast was created as part of the Georgian SSR, which was formed in 1921 and subsequently incorporated in the Soviet Union in 1922. The South Ossetian Popular Front (Ademon Nykhas) was created in 1988. On 10 November 1989, the South Ossetian regional council asked the Georgian Supreme Council to upgrade the region to the status of an "autonomous republic", which was refused by Georgia.

After intense fighting, on 24 June 1992, Georgia and the South Ossetian government signed the Sochi ceasefire agreement, brokered by Russia. The agreement included obligations to avoid the use of force, and Georgia pledged not to impose sanctions against South Ossetia. A Joint Control Commission for Georgian–Ossetian Conflict Resolution of Ossetians, Russians and Georgians was established, with Russian, Georgian and South Ossetian peacekeepers. This continued until the Georgia-Russian War - the “five day war” – of 2008.<sup>59</sup>

So it is highly debatable whether South Ossetia “seceded” from Georgia in any meaningful sense.<sup>60</sup>

Furthermore, there is and was no self-determination issue.

## 8. Annexation

<sup>58</sup> See Bowring “Transnistria”, at 161-2

<sup>59</sup> In Bowring’s view, Georgia started it – see Bill Bowring ‘Georgia, Russia and the Crisis of the Council of Europe: Inter-State Applications, Individual Complaints, and the Future of the Strasbourg Model of Human Rights Litigation’ in J. Green and C. Waters (eds) *Conflict in the Caucasus: Implications for International Legal Order* (2010), 114-135. The Russia army could have taken Tbilisi without difficulty, but returned home. Mikheil Saakashvili remained in power for several more years. It can be argued that since his fall, Russia now enjoys considerably more influence in Georgia.

<sup>60</sup> But see arguments to the contrary in Walter, “South Ossetia”, in C. Walter, A. von Ungern-Sternberg and K. Abushov (eds) *Self-Determination and Secession in International Law* (2014), 175-190

For obvious reasons, this chapter focuses on *Case Study 7, Crimea*. As I mentioned above, Socher footnotes, but has not placed in the bibliography, Bowring's chapter on the subject<sup>61</sup> which not only reflects on the fate of the Crimean Tatars (who are without doubt a people entitled in international law to self-determination, but also analyses the official and unofficial legal justifications for the annexation advanced by the Russian Federation<sup>62</sup>. Bowring also turns<sup>63</sup> to three leading Russian scholars whose articles appeared in 2015 in the special issue of the *Heidelberg Journal of International Law on Crimea*<sup>64</sup>. Bowring takes in turn Professor Anatoly Kapustin of the Peoples Friendship University in Moscow<sup>65</sup>, Professor Vladislav Tolstykh of Novosibirsk State University,<sup>66</sup> and Alexander Salenko of the Immanuel Kant University in Kaliningrad<sup>67</sup>. Bowring shows that all these positions are legally incorrect and incoherent. Not least, Russia could draw no comfort from the Kosovo Advisory Opinion of the ICJ.

Crimea was most certainly a case of illegal annexation; but it was not conceivably a case of self-determination. The only people on the Peninsula entitled to a right to self-determination in international law are the Crimean Tatars, whose land this was prior to the Russian annexations in 1783 (previously the Khanate of Crimea had ruled large parts of present-day Ukraine and Russia) and 2015. They suffered genocide in 1944 when the entire population was sent by Stalin to Uzbekistan in Central Asia, and only began to return to their homeland in the late 1980s, only to suffer discrimination in independent Ukraine following its independence in 1991, and much worse at the hands of Russia since 2014.<sup>68</sup>

## 9. Conclusion: The key to the puzzle

It is more or less common ground between me and Socher, that the 20<sup>th</sup> century proponent of the right of nations to self-determination was Vladimir Lenin, and that he intended the nations suppressed within the Russian Empire, and all other empire, including the colonial empires, to have a right to secede as an exercise of their right to self-determination. This was set out in a number of serious writings.

It is not noticed by Socher that Lenin formulated his position in opposition to the theory of Non-Territorial (or National Cultural) Autonomy (NTA), the brain-child of the Austrian theorists and politicians Karl Renner and Otto Bauer (the Austro-Marxists), and taken up by Rosa Luxemburg and the Jewish Bund. Lenin, Stalin and Trotsky were united in their opposition to NTA. Paradoxically, Russia, under Boris Yeltsin, enacted in 1996 a Law on

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<sup>61</sup> Bill Bowring, 'Who Are the "Crimean People" or "People of Crimea"? The Fate of the Crimean Tatars, Russia's Legal Justification for Annexation, and Pandora's Box' in S. Sayapin and E. Tsybulenko (eds) *The Use of Force against Ukraine and International Law* "Jus Ad Bellum, Jus In Bello, Jus Post Bellum" (2018), 21-40.

<sup>62</sup> Bowring, 2018, 34-35.

<sup>63</sup> Bowring, 2018, 36-38.

<sup>64</sup> Christian Marxsen, Anne Peters, Matthias Hartwig (eds.) 'Symposium: The Incorporation of Crimea by the Russian Federation in the Light of International Law' 75 Heidelberg Journal of International Law (Zeitschrift für ausländisches öffentliches Recht und Völkerrecht, ZaöRV), (HJIL) (2015) at [http://www.zaoerv.de/75\\_2015/vol75.cfm](http://www.zaoerv.de/75_2015/vol75.cfm) and [http://www.zaoerv.de/75\\_2015/75\\_2015\\_1\\_a\\_1\\_2.pdf](http://www.zaoerv.de/75_2015/75_2015_1_a_1_2.pdf).

<sup>65</sup> Kapustin 'Crimea's Self-Determination in the Light of Contemporary International Law', 75 HJI, 101-118 at [http://www.zaoerv.de/75\\_2015/75\\_2015\\_1\\_a\\_101\\_118.pdf](http://www.zaoerv.de/75_2015/75_2015_1_a_101_118.pdf).

<sup>66</sup> Tolstykh, 'Three Ideas of Self-Determination in International Law and the Reunification of Crimea with Russia', 75 HJIL (2015) 119-140, at [https://www.zaoerv.de/75\\_2015/75\\_2015\\_1\\_a\\_119\\_140.pdf](https://www.zaoerv.de/75_2015/75_2015_1_a_119_140.pdf).

<sup>67</sup> Salenko, 'Legal Aspects of the Dissolution of the Soviet Union in 1991 and its Implications for the Reunification of Crimea with Russia in 2104' 75 HJIL (2015) 141-166 at [http://www.zaoerv.de/75\\_2015/75\\_2015\\_1\\_a\\_141\\_166.pdf](http://www.zaoerv.de/75_2015/75_2015_1_a_141_166.pdf).

<sup>68</sup> All of this is detailed in Bowring, 2018.

National Cultural Autonomy, which has been taken up with enthusiasm by Jews, Roma, and Tatars living outside their Republic. Bowring has explored these issues in three publications.<sup>69</sup>

It is more or less common ground (but not conceded by Mälksoo) that from 1917 until his death in January 1924 (having been shot in the head in 1918 by the Social Revolutionary Fanny Kaplan) Lenin put his principles into practice.

As Moshe Lewin described in detail, Lenin was strongly in favour of Georgia's right to independence—just as he had been for Finland, the Baltic states and Poland.<sup>70</sup> Stalin, of Georgian origin, was opposed. As Lewin points out, Lenin's criticism of Stalin's national policy and of his treatment of the Georgians explains how he changed his mind about Stalin, and urged that Stalin should be deprived of his post.<sup>71</sup> On 31 December 1922, shortly before his death, in 'The Question of Nationalities or "Autonomisation"', Lenin warned against Stalin: 'It is quite natural that in such circumstances the "freedom to secede from the union" by which we justify ourselves will be a mere scrap of paper, unable to defend the non-Russians from the onslaught of that really Russian man, the Great-Russian chauvinist, in substance a rascal and a tyrant, such as the typical Russian bureaucrat is'.<sup>72</sup> Lenin regarded Stalin as just such a 'Great-Russian chauvinist'. Stalin was utterly opposed to self-determination for Georgia. Lenin supported Georgia's secession, even if it were under Menshevik rule.<sup>73</sup>

Following Lenin's death, the USSR maintained, as Socher rightly details, its adherence to the right of peoples to self-determination, and put considerable resources into its elevation into a right in international law after World War II. But Socher and Mälksoo are right that this was for geo-political rather than principled reasons, and most certainly did not apply to the USSR or its bloc, witness Hungary in 1956 and Czechoslovakia in 1968.

From 1991 until 1999, under Yeltsin, there was continued progressive scholarly interest in self-determination, in particular in the 1996 conference organized by the human rights NGO *Memorial* (now prosecuted and threatened with closure under Putin's 2012 *Foreign Agents Law*) and the resulting collection edited by the scholar of NTA, Alexander Osipov.<sup>74</sup>

However, in 2000 Mr Putin became acting President, and has remained in power to the present day.

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<sup>69</sup> Bill Bowring, 'Austro-Marxism's Last Laugh?: The Struggle for Recognition of National-Cultural Autonomy for Rossians and Russians' 54/2 (2002) *Europe-Asia Studies* 229-250; Bill Bowring, 'Burial and Resurrection: Karl Renner's controversial influence on the 'National Question' in Russia' in E. Nimni (ed) *National-Cultural Autonomy and its Contemporary Critics* (2005), 191-206; Bill Bowring, 'The Tatars of the Russian Federation and National-Cultural Autonomy: A Contradiction in Terms?' in K. Cordell and D. Smith (eds) *The Theory and Practice of Cultural Autonomy in Central and Eastern Europe: Historical and Contemporary Perspectives*, 6/3 *Ethnopolitics* (2007), 417-435

<sup>70</sup> Lewin, *Lenin's Last Struggle* (2005).

<sup>71</sup> Lewin, 2005, 89.

<sup>72</sup> Lenin, 'The Question of Nationalities or "Autonomisation"', in VI Lenin, *Collected Works*, vol 36 (4th edn, Progress Publishers 1977) 606.

<sup>73</sup> Lewin, *Lenin's Last Struggle*, 61. More recently, Nikolay Svanidze has argued that Lenin and Stalin had very different positions on the nationalities question, and that Lenin's views on the rights of nations were irreproachable. Paul Goble "Putin's Criticism of Lenin on Nationality Issues about More than Federalism, Svanidze Says", 5 February 2020 at <https://windowoneurasia2.blogspot.com/2020/02/putins-criticism-of-lenin-on.html>; commenting on <https://echo.msk.ru/programs/beseda/2579066-echo/>.

<sup>74</sup> Osipov (ed), *Pravo narodov na samoopredeleniye: ideya i voploshcheniye*. [Right of Peoples to Self-Determination: Idea and Realization] (1997), See also, on national liberation movements, Baratashvili, 'Natsionalno-osvoboditel'noye dvizheniye i razvitiye mezhdunarodnogo prava [The National Liberation Movement and the Development of International Law]' (1967) 9 *Sovetskoye gosudarstvo i pravo* [Soviet State and Law] 69-75

On the very first pages of the Introduction (1-2), Socher notices the intense hostility of Mr Putin to Lenin and in particular to self-determination. He does not pursue the issue in the rest of his book. But the issues at stake go right back to 1917 and before.

The first constitutional document of Soviet power following victory in the October Revolution was the *Declaration Of Rights Of The Working And Exploited People* (the Declaration), drafted by Lenin on 3 January 1918, and published in *Izvestiya* on 4 January.<sup>75</sup> On 12 January it was approved by the Third All-Russia Congress of Soviets and subsequently formed the basis of the Soviet Russian Constitution of 1918. According to Chapter 1, Article 1: 'Russia is hereby proclaimed a Republic of Soviets of Workers', Soldiers 'and Peasants' Deputies. All power, centrally and locally, is vested in these Soviets. 'This was immediately followed by Article 2: 'The Russian Soviet Republic is established on the principle of a free union of free nations, as a federation of Soviet national republics.'

The phrase "free nations" was crucial.

Thus, Chapter 3 welcomed the proclamation of "the complete independence of Finland, commencing the evacuation of troops from Persia, and proclaiming freedom of self-determination for Armenia."

All these were put into practice forthwith. On 6 December 1917, the Finnish Diet adopted a declaration of Finland's independence, and the Council of Peoples Commissars, on 18 December 1917, issued a decree on Finland's independence. At that meeting Lenin personally handed the text of the decree to Finnish Prime Minister Pehr Evind Svinhufvud. On 9 December 1917 in conformity with the Brest-Litovsk Treaty between Soviet Russia on the one side and Germany, Austria-Hungary, Turkey and Bulgaria on the other, Soviet Russia and Persia worked out a common plan for the withdrawal of Russian troops from Persia. And on 29 December 1917 the Soviet Russian government issued the Decree on Turkish Armenia.

The next step was the Constitution of the Russian Socialist Federated Soviet Republic (RSFSR), which was adopted by Fifth All-Russian Congress of Soviets on 10 July 1918.<sup>76</sup> The Declaration, together with the Constitution constituted a single fundamental law of the RSFSR. Altogether, the Declaration and Constitution contained 90 articles, covering all constitutional aspects of the new socialist republic.

For the purposes of this article, the following provision was of particular importance:

11. The soviets of those regions which differentiate themselves by a special form of existence and national character may unite in autonomous regional unions, ruled by the local congress of the soviets and their executive organs. These autonomous regional unions participate in the RSFSR upon a Federal basis.

These were principles as to which Lenin was uncompromising. In 1919 the three Baltic Republics, Estonia, Latvia and Lithuania became independent, despite their bourgeois governments, as did Poland, despite the war between it and Soviet Russia.

On 31 January 1924, a few days after Lenin's death, the Constitution of the USSR was approved by the II Congress of Soviets of the USSR.<sup>77</sup> This formalised the December 1922 Treaty on the Creation of the USSR between the Russian SFSR, the Ukrainian SSR, the Byelorussian SSR, and the Transcaucasian SFSR to form the Union of Soviet Socialist Republics.

<sup>75</sup> <https://www.marxists.org/archive/lenin/works/1918/jan/03.htm>.

<sup>76</sup> <https://www.marxists.org/history/ussr/government/constitution/1918/>.

<sup>77</sup> In Russian <http://constitution.garant.ru/history/ussr-rsfsr/1924/>, English translation <http://constitution.sokolniki.com/eng/History/RussianConstitutions/10266.aspx>.



It started with a Declaration, Article 1, which included:

It is only in the camp of the Soviets, only under the conditions of the dictatorship of the proletariat that has grouped around itself the majority of the people, that it has been possible to eliminate the oppression of nationalities... The will of the peoples of the Soviet Republics recently assembled in Congress, where they decided unanimously to form the USSR, is a sure guarantee that this Union is a free federation of peoples equal in rights, that the right to freely withdraw from the Union is assured to each Republic...

It was on this that Lenin had insisted in 1922. Articles 4 and 6 proclaimed:

4. Each one of the member Republics retains the right to freely withdraw from the Union.

6. The territory of the member Republics cannot be modified without their consent; also, any limitation or modification or suppression of Article 4 must have the approval of all the member Republics of the Union.

Lenin's principled position has become highly controversial in Russia.

As early as 1991, the year of the collapse of the USSR, Vladimir Putin denounced Lenin, and was filmed doing so. A YouTube clip, no longer available, contained a number of such statements by him over the years.<sup>78</sup> On 25 January 2016 Mr Putin accused Lenin of placing an 'atomic bomb' under Russia.<sup>79</sup> In Mr Putin's opinion Lenin was responsible both for destroying the great Russian Empire, with German money and backing for his travel from Switzerland to Russia in 1917; but also of preparing the destruction of the USSR, the greatest tragedy, for Putin, of the 20<sup>th</sup> century.

Thus, Mr Putin was particularly critical of Lenin's concept of a federative state with its entities having the right to secede, saying it had heavily contributed to the 1991 breakup of the Soviet Union. He added that Lenin was wrong in his dispute with Stalin, who, in Mr Putin's words, advocated a unitary state model. For Mr Putin, Stalin was in the line of great Tsars, from Ivan IV, to Peter I, to Catherine II.

Mr Putin also said that Lenin's government had whimsically drawn borders between parts of the USSR, placing Donbass under the Ukrainian jurisdiction in order to increase the percentage of proletariat, in a move Mr Putin called "delirious".<sup>80</sup>

When the USSR collapsed in late 1991, the 15 Union Republics, all of which had the right to secede under the 1978 Constitution of the USSR, duly became independent states, to the horror of Mr Putin and his fellow-thinkers. In 1990-1991 many federative components of the RSFSR

<sup>78</sup> However, there have been a number of YouTube films in recent years:

Putin: Lenin Was Not a Statesman, He Was a Bolshevik Revolutionary Who Made Anti-Russian Mistakes  
<https://youtu.be/LZ2NAfXB0rI>.

Putin Calls Out Lenin: "The Old Man" Put a Mine Under 1000-Year-Old Russia By Inventing Artificial State  
<https://youtu.be/bhq8HwCw5AE>.

This is the fourth instalment of a series of videos about Putin. Vladimir Brovkin discusses here Putin's views about Lenin and his legacy. Putin's voice here is that of a President and a lawyer. To the amazement of many, Putin does not like comrade Lenin. In this video, he tries to explain why.

<https://youtu.be/SHXdzZe8X90>.

Putin Slams Lenin for Laying 'Atomic Bomb' Under Russia which later exploded. 22 January 2016  
<https://youtu.be/Rg-D7okfj2c>.

<sup>79</sup> See also the transcript of a meeting of the President's Council on Science and Education, on 21 January 2016, at <http://kremlin.ru/events/councils/by-council/6/51190>.

<sup>80</sup> <https://www.theguardian.com/world/2016/jan/25/vladimir-putin-accuses-lenin-of-placing-a-time-bomb-under-russia>.

sought to gain the status of union republics, so as to have the right to secede. Several, including the Republics of Chechnya, Tatarstan and Bashkortostan, declared sovereignty. Chechnya suffered two bloody wars from 1994 to 1997, and from 1999 to 2009; Tatarstan was granted special treaty status by President Yeltsin which it has only recently lost<sup>81</sup>. Under the 1993 Russian Constitution there are 21 ethnic republics in the Russian Federation with until recently their own presidents, state languages in addition to Russian<sup>82</sup> and other privileges, although no right to secede.<sup>83</sup>

The present Russian regime is working hard to reverse Lenin's policy of federative relations.<sup>84</sup> Even if Mälksoo and other believe that Lenin was hypocritical and that his words were no more than useful propaganda, that is plainly not the view of Mr Putin.

My analysis above was fully vindicated when, on 21 February 2022, Mr Putin announced his "special military operation" to "demilitarise and denazify Ukraine", which began with a blitzkrieg on 24 February and continues to the time of writing.<sup>85</sup> He denounced Lenin, whom he held fully responsible for creating a fictitious nation with no right to exist, Ukraine; through his doctrines of self-determination and a federative structure for the USSR.

In conclusion, I commend Johannes Socher's new book, for the depth and range of its scholarship, and its introduction for an English speaking audience of a wide range of Russian and German literature. I argue with him, respectfully, on the points on which we disagree. At the same time I am honoured by the attention which a rising scholar has paid to my own sometimes controversial work.

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<sup>81</sup> "Tatarstan, the Last Region to Lose Its Special Status Under Putin" *Moscow Times* 25 July 2017, at <https://themoscowtimes.com/articles/tatarstan-special-status-expires-58483>.

<sup>82</sup> Mukhamedzhanov "Moscow leaves Tatarstan speechless. The recent demotion of the status of the Tatar language is one of a growing number of moves made by Moscow against the wealthy and autonomously-minded republic of Tatarstan" 9 December 2017, at <https://www.mintpressnews.com/moscow-leaves-tatarstan-speechless/235418/>.

<sup>83</sup> See Bill Bowring, 'The Russian Constitutional System: Complexity and Asymmetry' in M. Weller and K. Nobbs (eds) *Asymmetric Autonomy and the Settlement of Ethnic Conflicts* (2010) 48-74.

<sup>84</sup> See Bowring and T. Borgoyakova, 'Language Policy and Language Education in Russia' in *Encyclopedia of Language and Education*, (2018).

<sup>85</sup> <https://en.kremlin.ru/events/president/news/67828>;  
<https://www.reuters.com/world/europe/russias-putin-authorises-military-operations-donbass-domestic-media-2022-02-24/>.