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Commentary Series on Putin's War: "Russia's Warfare by War Crime and US Responsibility."

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Apartment buildings turned to rubble, clearly marked hospitals and humanitarian corridors deliberately shelled, civilians trapped in besieged cities with no access to food, water, or electricity, indiscriminate attacks on urban centers with unguided bombs, cluster munitions, and thermobaric weapons. These images from the brutal Russian invasion of Ukraine are familiar to observers of post-Soviet Russia's previous wars: against the rebellious region of Chechnya in the 1990s; in support of South Ossetian and Abkhazian separatists in Georgia in 2008; intervention in southern and eastern Ukraine from 2014 and the seizure and annexation of Crimea; and the thousands of Russian air attacks in Syria starting in 2015, launched in a successful effort to rescue the faltering dictator Bashar al-Assad. For nearly three decades Russia has been waging war by war crime.

Faced with such an evident pattern of atrocities, one cannot help but wonder whether something could have been done to forestall the latest catastrophe. The prominent role played by the Biden administration in rallying opposition to Russia's war has given rise to the question whether its predecessors should have acted sooner. However unseemly, at a time when so many Ukrainians are suffering and dying, the debate over "Who Lost Russia" is well under way. Some critics point to a crime of omission: the failure to stand up to Russian President Vladimir Putin's previous violations of law and basic human decency, both in the steady suffocation of democracy at home and the increasingly reckless and violent adventures abroad. Others decry a crime of commission: NATO's expansion as a pretext, if not justification, for Russia's aggression.¹

The two types of criticism seem at odds in their prognosis of what went wrong and what should have been done. One side says Putin's aggressive designs should have been thwarted earlier; the other says his legitimate security concerns should have been accommodated. Yet the problem predates Putin. The origins of both the failure of Russian democracy and the lawless use of military force that threaten Russia's neighbors date to the first years of post-Soviet Russia—a time when the United States sought to play an active role in the country's destiny and President Bill Clinton developed a personal relationship with Boris Yeltsin, its first democratically elected president.²

In October 1993, Yeltsin faced a conflict with conservatives in the Russian parliament who objected to his practice of ruling by presidential decree and the substance of his economic reforms. He sought to resolve the crisis by dissolving the parliament in violation of the constitution. Confronted with violent street protests organized by his opponents, Yeltsin ordered tanks and artillery forces to shell the building, known as the White House. Clinton offered Yeltsin his full support and US

¹ Jim Geraghty, "Somebody's Got to Stand Up to Vladimir Putin," *The National Review*, 21 January 2022; Jack F. Matlock, Jr., "I Was There: NATO and the Origins of the Ukraine Crisis," *Responsible Statecraft*, 15 February 2022.

² Matthew Evangelista, "Historical Legacies and the Politics of Intervention in the Former Soviet Union," in Michael E. Brown, ed., *The International Dimensions of Internal Conflict* (Cambridge: MIT Press, 1996).

Secretary of State Warren Christopher lauded Yeltsin's "superb handling" of the situation.³ Yeltsin then pushed through a new constitution, establishing the strong executive powers that Putin, Yeltsin's designated successor, would later use to implement his police state.

Yeltsin's popularity took a nosedive as the "shock therapy" promoted by his US advisers failed to revive the economy. Several republics of the Russian Federation sought greater autonomy and control over their resources. Yeltsin was willing to negotiate compromises with all but one—Chechnya, the small republic in the North Caucasus that he sought to suppress by brute force. Russian troops carried out "sweep operations," kidnappings, and extra-judicial killings, and established "filtration camps," where suspected rebels and their family members were tortured. Russian aircraft and missiles bombarded the capital city, Grozny, home to nearly two hundred thousand ethnic Russians. Appalled observers compared the destruction of Grozny to Stalingrad during World War II.⁴ Others recalled Bosnia when its capital city was under siege by Serbian forces. "At the height of the shelling of Sarajevo," during the winter of 1995, as one reporter calculated, "there were thirty-five hundred detonations a day, while in Grozny the winter bombing reached a rate of four thousand detonations an hour."⁵ The Serbian siege of Sarajevo prompted a belated NATO intervention to end the war in Bosnia. Confronted with the Russian destruction of Chechnya, by contrast, US policymakers held even their rhetorical fire. Clinton referred to the war as an "internal matter" and compared it to the US Civil War, with Yeltsin playing the role of President Abraham Lincoln.⁶

More important than political support was US-endorsed international financial aid. Six months into the war, for example, Moscow received a \$6.8 billion loan from the International Monetary Fund, followed by a further \$10.2 billion in early 1996. The two loans combined exceed most estimates of the total cost of fighting, leading some observers to argue that the West actually paid for Russia's war. Even in the wake of a well-documented massacre of unarmed civilians in the village of Samashki in April 1995, the Clinton administration accorded low priority to Chechnya. Clinton's discussions with Yeltsin focused instead on securing Russian acquiescence to NATO enlargement, including US development of theater ballistic missile defenses in Eastern Europe, and promoting market-friendly economic reforms.⁷ State Department talking points for the May 1995 meeting of the two presidents stressed the need for "Russia to continue its fight against inflation, implement an austere budget and free more prices from state control."⁸

While Clinton was preparing the trip to Moscow to meet with Yeltsin and help celebrate the 50th anniversary of the defeat of Nazi Germany, Sergei Kovalev, a leading Russian human-rights activist, visited the United States to report the grim details of the Samashki massacre, carried out just weeks before. Asked what Clinton should say to "friend Boris," Kovalev

³ "Yeltsin Shelled Russian Parliament 25 Years Ago, U.S. Praised 'Superb Handling'" National Security Archive, 4 October 2018, <https://nsarchive.gwu.edu/briefing-book/russia-programs/2018-10-04/yeltsin-shelled-russian-parliament-25-years-ago-us-praised-superb-handling>.

⁴ Svante E. Cornell, "International Reactions in Massive Human Rights Violations: The Case of Chechnya," *Europe-Asia Studies* 51 (January 1999): 85-100, at 70.

⁵ David Remnick, *Resurrection: The Struggle for a New Russia* (New York: Random House, 1997), 263-264.

⁶ Evangelista, "The Chechen Conflict at 18: Historical and International Perspectives," *Quaderni di Relazioni Internazionali* 8 (October 2008).

⁷ Svetlana Savranskaya and Evangelista, "Chechnya, Yeltsin, and Clinton: The Massacre at Samashki in April 1995 and the US Response to Russia's War in Chechnya," National Security Archive Briefing Book #702, 15 April 2020, <https://nsarchive.gwu.edu/briefing-book/russia-programs/2020-04-15/massacre-at-samashki-and-us-response-to-russias-war-in-chechnya>.

⁸ State Department Draft Talking points for President Clinton's trips to Russia and Ukraine, in *ibid.*

suggested: “We’re here to honor the victory over fascism and prevent its emergence in Russia.”⁹ Prescient advice, indeed, that was unfortunately not heeded.

Russia lost its first war in Chechnya. The Chechen resistance, through a combination of guerrilla tactics, terrorist attacks, and hostage-taking, forced a demoralized Russian army to withdraw. The war cost tens of thousands of lives and created hundreds of thousands of refugees. It was so unpopular at home that Yeltsin thought it might put his 1996 reelection at risk.¹⁰ He won, but ultimately resigned before the end of his second term. In autumn 1999, his newly-appointed successor Putin resumed the war, ostensibly in retaliation for a spate of apartment bombings in Russia never convincingly linked to Chechens, and some apparently the work of the Russian secret services.¹¹ This time Putin’s decisive action—including the resumption of indiscriminate bombing attacks against Grozny and other Chechen population centers—proved popular and won him victory in the March 2000 presidential elections. European and US voices critical of Russian war crimes were muted in the wake of the terrorist attacks against the United States in September 2001. Putin could now link his violent suppression of Chechnya’s aspirations for greater autonomy to the Global War on Terror. He consolidated his power, cracked down on independent media and civil-society organizations, and gradually eliminated any sources of opposition. Moving beyond Russia’s borders, he intervened in Georgia, Ukraine, and Syria, piling war crime upon atrocity to the point where his armies now threaten the very existence of Ukraine as a functioning state—not by winning battles but by rampant destruction of civilian life.

What to make then of the criticisms of the United States? Some have argued that President Donald Trump’s decision for a precipitate withdrawal of US forces from Afghanistan, ineptly fulfilled by the Biden administration, emboldened Putin by demonstrating US weakness and lack of resolve.¹² Trump’s denigration of the NATO alliance and threats to withdraw the United States from it, according to this view, led Putin to anticipate little opposition to Russia’s invasion. An article published by the Russian news agency RIA Novosti two days after the invasion prematurely celebrated a Russian victory (it was quickly withdrawn) and highlighted an expectation of weak Western resolve.¹³ Others point to a strong and expanding NATO as the source of Putin’s fears, as, over the years NATO troops increasingly deployed in “out-of-area” missions in former Yugoslavia, Afghanistan, Libya, Somalia, and Yemen, while adding new members along Russia’s borders and offering an “open door” to Georgia and Ukraine. How to resolve the seeming contradiction: Putin was frightened by Western strength, yet tempted by Western weakness? We must take account of Putin’s increasing isolation during the pandemic, his bizarre fantasies of overcoming Russia’s humiliation to regain a mythical past glory, and the messianic musings that hinder his understanding of constraints on and consequences of his actions. What was the United States supposed to do as Putin mobilized Russian forces at the end of 2021 and issued demands for NATO to reverse the course that it has pursued since the end of the Cold War?

One is reminded of the farmer’s response to the tourist seeking directions: “If I were you, I wouldn’t start from here.” Much as John Maynard Keynes found the sources of Adolf Hitler’s aggression not in the appeasement at Munich in 1938, but in the flawed Versailles Treaty of 1919, we should look to the years immediately following the end of the Cold War and the

⁹ Sergei Kovalev, seminar at Harvard, 25 April 1995, from my notes.

¹⁰ Evangelista, *The Chechen Wars: Will Russia Go the Way of the Soviet Union?* (Washington, D.C.: Brookings Institution Press, 2002), 42.

¹¹ Evangelista, *The Chechen Wars*, 80-84.

¹² Ewan Palmer, “Afghanistan Withdrawal ‘Heartening’ to Vladimir Putin, Warns Dem Rep. Sent to Ukraine,” *Newsweek*, 3 February 2022.

¹³ Petr Akopov, “Nastuplenie Rossii i novogo mira,” 26 February 2022, preserved on the Internet Archive and now available at various sites, e.g., <https://tv.radonezh.ru/2022/02/26/petr-akopov-nastuplenie-rossii-i-novogo-mira>.

failure of the United States to support a European security order that would welcome a peaceful, democratic Russia.¹⁴ Maintenance and expansion of the NATO alliance did not pose a military threat to Yeltsin's Russia. But it did undercut the position of the Russian supporters of a liberal, market-oriented democracy—none of whom supported NATO enlargement, when it was first pursued in the mid-1990s.¹⁵ Already tainted by the economic catastrophe that most Russians blamed on US advice, their role in Russian political life diminished to the point where Putin could exile, jail, and poison them with impunity.

The United States is indeed late in responding to Russia's aggression, since the pattern of war by war crime has been evident since long before Putin's rise to power. As its critics suggested, the US did not seem to have a strong hand to play at the outset of the crisis. A series of "forever wars" had weakened its international economic standing and domestic political coherence. The 2003 invasion of Iraq—like Russia's war in Ukraine, an unprovoked violation of the UN Charter that was justified on fraudulent grounds—offered Putin an opportunity to cast the United States as a hypocrite for its double standards on the use of armed force. The brutality of the ongoing Russian assault on Ukraine has diminished attention to past US transgressions and allowed the US to portray itself as a defender of international law and Ukraine's territorial integrity. Better late than never. But having "unsigned" the Rome Statute that established the International Criminal Court—neither Russia nor Ukraine signed it—the United States is hardly in a strong position to rely on that institution to bring the war criminal Vladimir Putin to justice.¹⁶ At least the Biden administration's revelations of remarkably accurate intelligence information about Russian troop deployments and plans, and subsequent rallying of Ukraine's western neighbors, have given the Ukrainians a fighting chance.

If the United States bears responsibility for the current situation, it is mainly in the failure to fulfill the promise of the end of the Cold War and work to establish a new security order that would successfully integrate a democratic Russia. The counterargument is that Russia was always destined to pursue expansionist policies at the expense of its neighbors regardless of the behavior of the United States or international institutions. Still, in the face of the most destructive conflict in Europe since the Second World War, one can't help but wonder about opportunities missed.

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¹⁴ Jonathan Kirshner, "The Man Who Predicted Nazi Germany," *New York Times*, 19 December 2019; Matthew Evangelista, "How the 'End of the Cold War' Ended," in Gunther Hellman and Benjamin Herborth, eds., *Uses of 'the West': Security and the Politics of Order* (Cambridge: Cambridge University Press, 2016); and Evangelista, "Wilson's Ideas, Carr's Critique and the Role of Russia in the Post-Soviet Space," in Enrico Fassi and Vittorio Emanuele Parsi, eds., *Liberal World Order and Beyond* (Milan: Vita & Pensiero, 2021).

¹⁵ Evangelista, "Why Russia Opposes Expansion: NATO Stay Away from My Door," *The Nation*, 5 June 1995.

¹⁶ Evangelista, *Law, Ethics, and the War on Terror* (Cambridge: Polity, 2008), 68.