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RUSSIA'S DISCOURSE ON DEMOCRACY IN INTERNATIONAL LAW

Abstract: *This article explores Russia's official discourse on democracy in international law, addressing the following questions: When Russia speaks of democracy in the context of international law, what precisely does it mean and what does it advocate for? What do these discussions truly signify regarding Russia's understanding and interpretation of democracy in international law? What are the potential consequences of Russia's interpretation for the discourse on democracy in international law? The central hypothesis of this study suggests that Russia strategically leverages the counter-Western democratic discourse within international law to secure its position as a great power rather than offer a meaningful alternative to the Western "hegemonic" ideas of democracy.*

This study is novel, as Russia's discourses on democracy have received little attention in international legal scholarship. It is relevant in light of Russia's full-scale invasion of Ukraine, which is often framed within the broader context of the struggle between autocracy and democracy. The main analysis is construed around the official discourse of Russia's high-ranking officials. The research highlights that although Russia's discourse is directed against the Western liberal "hegemonic" idea of democracy, it does not offer any substantive alternative to it and aligns with the paradigm of realpolitik. Instead, it inadvertently reinforces the fundamental principles of Western liberal democracy.

Keywords: human rights, international law, sovereignty, democratic entitlement, non-intervention

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INTRODUCTION

The collapse of the Union of Soviet Socialist Republics (USSR) signalled great hopes and promises for the supporters of liberal democracy. With Russia embarking on democratisation based on Western-style liberal democracy, this optimism-turned-euphoria was exhibited in international law by allusions to the possibility of universalising democracy as a legal entitlement.¹ However, the optimism soon gave way to scepticism owing to the global democratic backslide, which started in the early 2000s and is still on the rise.² In line with this trend, Russia's evolving internal and external realities over recent decades have solidified its image as an authoritarian state, far removed from the hopes of the early 1990s.³

Notwithstanding its turn towards authoritarianism, Russia's elites have maintained a robust discourse on democracy since the collapse of the USSR. Over time, they have become increasingly critical of Western liberal democracy and efforts to promote Western democracy globally. In recent developments, this scepticism has escalated to the point where Sergey Lavrov asserted that “[i]t is of no importance for me to know *who is now a democracy and who is not. The terms have lost their meaning for me.*”⁴ Despite such a nihilistic posture, Russia continues to assert its perspective on democracy, seeking to shape its development within international law.⁵ This raises questions about the claimed “democratic entitlement” paradigm in international law, and necessitates a careful analysis of Russia's position on the matter.

Thus, this article deals with Russia's understanding of the concept of democracy in international law, with the focus on the period since 2000, and Vladimir Putin's first term of presidency, which has been characterised by a steady authoritarian turn. The study addresses the following questions: When Russia speaks of democracy in the context of international law, what precisely does it mean and what does it advocate for? What do these discussions truly signify regarding Russia's understanding and interpretation of democracy in international law? What are the potential consequences of Russia's interpretation of democracy for the evolution of the dis-

¹ This thesis was famously proposed by Thomas Franck in his seminal 1992 article; T. Franck, *The Emerging Right to Democratic Governance*, 86 *The American Journal of International Law* 46 (1992).

² For further details, see Y. Gorokhovskaia, A. Shahbaz, A. Slipowitz, *Marking 50 Years in the Struggle for Democracy*, at Freedom House, available at: <https://freedomhouse.org/report/freedom-world/2023/marking-50-years> (accessed 30 August 2024).

³ For recent developments in Russia, see *Russia: Freedom in the World 2023 Country Report*, Freedom House, available at: <https://freedomhouse.org/country/russia/freedom-world/2023> (accessed 30 August 2024).

⁴ *Lavrov says the term “democracy” in present world has lost its value*, TASS, 27 December 2021, available at: <https://tass.com/politics/1381537> (accessed 30 August 2024).

⁵ A quick search of the Ministry of Foreign Affairs and Russian government websites for the keyword “democracy” reveals numerous official documents addressing democracy.

course on democracy in international law? The central hypothesis of this study is that Russia strategically leverages the counter-Western democratic discourse within international law to secure its position as a great power rather than offering a meaningful alternative to what it perceives as Western “hegemonic” ideas of democracy. In this context, Russia heavily emphasises the external facet of democracy within international law, formally focussing on democratic international law-making and shifting attention away from its domestic issues.

The article refrains from providing a conclusive definition of democracy, instead aiming to comprehend and compile Russia’s perspective. Tom Ginsburg’s definition, however, best informs the author’s understanding of the concept; it entails the following three elements: “(1) government characterised by competitive elections, in which the model adult can vote and the losers concede; (2) in which a minimal set of rights to speech, association and the ability to run for office are protected for all on equal basis; and (3) in which the rule of law governs administration.”⁶ Nevertheless, a detailed analysis of Russia’s view on each element of democracy is outside the scope of this article. This article focuses on the “keyword” democracy and examines Russia’s discourse on democracy comprehensively, by taking into account the domestic and international political developments.

This study is novel, as Russia’s view on democracy in international law has received little attention in the international law literature. Although the literature on democracy in international law is vast, many studies dealing with Russia address only specific elements of democracy.⁷ Nevertheless, no conclusive study deals with Russia’s stance on democracy in international law by focusing on the “keyword” democracy a gap that this study intends to fill. This analysis is also valuable for understanding the changes and continuities in Russian approaches to international law.

One may question what insights or perspectives Russia might bring to international law regarding democracy, particularly considering its authoritarian style of governance. However, Russia’s role in international organisations and its influence on international law is apparent. It contributes to the evolving debates on democracy, providing rich material that merits close examination. Understanding Russia’s approach is valuable, as it offers insight into how authoritarian regimes interact with,

⁶ T. Ginsburg, *Democracies and International Law*, Cambridge University Press, Cambridge: 2021, pp. 20–21.

⁷ See generally B. Bowring, *Russia and Human Rights: Incompatible Opposites?*, 1 *Goettingen Journal of International Law* 33 (2009); W. Clark, *Boxing Russia: Executive-Legislative Powers and the Categorization of Russia’s Regime Type*, 19 *Demokratizatsiya* 5 (2010); T. Colton, H. Hale, *Putin’s Uneasy Return and Hybrid Regime Stability: The 2012 Russian Election Studies Survey*, 61 *Problems of Post-Communism* 3 (2014); M. Myagkov, P. Ordeshook, *Russian Elections: An Oxymoron of Democracy*, National Council for Eurasian and East European Research Seattle, Washington: 2008; L. Mälksoo, *International Law and the 2020 Amendments to the Russian Constitution*, 115 *American Journal of International Law* 78 (2021).

interpret or challenge democratic norms and principles within the international legal framework. Also, Russia's invasion of Ukraine has magnified those challenges, carrying the potential of profound implications for security and democracy in Europe. Among many other things, the conflict (particularly if perceived to have a successful outcome for Russia) could serve as a model for other authoritarian regimes to suppress democratic movements in their countries or regions.

The study first outlines the contours of democracy in international law. Furthermore, it specifies the scope of Russia's commitments and legal obligations regarding democratic human rights under regional (European) and international legal frameworks. This section starts with a brief overview of Russia's transition from a Soviet-style socialist democracy to one based on Western liberal values, highlighting the ideological struggle at the core of this process. Alongside outlining Russia's commitments to the international legal framework for democracy, it provides an overview of Russia's complex relationship with the Council of Europe (CoE), the most important regional framework for human rights and democracy, before its expulsion in 2022. This indicates that the issues with human rights and democracy in Russia are systemic, reinforcing the importance of this analysis. The section closes by exploring the limited role of democracy in Russia-led regional integration efforts, underscoring the need to grasp the core values shaping Russia's approach to international law.

Finally, the study analyses Russia's discourse on democracy in international law. When it comes to state practice to establish the positions defended by Russia, the study is limited to analysing the official discourse and evaluating the speeches of high-ranking officials found on the websites of the Ministry of Foreign Affairs (MFA) and the Government of the Russian Federation (RF) touching on international law, alongside other relevant documents. Examining Russia's views on democracy unveil an interesting case of authoritarian use of liberal concepts, with specific stages and patterns of progress. Russia's discourse is undeniably geared towards challenging the dominant Western narrative, yet it fails to present a substantive alternative to the existing hegemonic concept of democracy. Interestingly, Russia's discourse still relies on the language and principles of Western liberal democracy, inadvertently reinforcing its foundational ideas. However, it falls short of qualifying as a true counter-hegemonic force, as Russia appears open to accommodating the premises of Western liberal democracy as long as it can exert equal influence and coexist or potentially replace the current "hegemonic" powers.

1. THE INTERNATIONAL LEGAL FRAMEWORK ON DEMOCRACY

1.1. Overview of the general debates

Following the Second World War, there was an increasing global interest in the idea of democratic governance. This concept was previously considered to be confined solely within the realm of national sovereignty. Significant milestones in international human rights law, such as the adoption of the Universal Declaration of Human Rights (UDHR) and subsequent international treaties, have gradually raised the status of democratic principles worldwide.⁸ Since the end of the Cold War, democracy has gained unprecedented attention in international law.⁹ Various ideological, geopolitical and intellectual perspectives continue to shape the way that the concept of democracy is integrated into international law. Whilst the liberal perspective views democracy as a universal ideal necessary for realising individual rights, the realist one emphasises state sovereignty and non-interference.¹⁰ Conversely, a cosmopolitan viewpoint advocates for the universalisation of democracy beyond national borders.¹¹ Moreover, scholars within the T'WAIL (Third World Approaches to International Law) perspective, who see international law as sustaining power imbalances, highlight the role of the United States in advancing liberal democracy and capitalism to their advantage.¹²

International legal scholarship on democracy has addressed both its external and internal dimensions. Some scholars have concentrated on the democratic characteristics of the international legal system, emphasising legitimacy, inclusivity, and transparency.¹³ Others have explored the international legal framework of democracy on domestic governance, tracing their discussions to Thomas M. Franck's seminal

⁸ J. Crawford, *Democracy in International Law: Inaugural Lecture*, Cambridge University Press, Cambridge: 1994.

⁹ See generally two of the most important collections of articles on the subject: G. Fox, B. Roth (eds.), *Democratic Governance and International Law*, Cambridge University Press, Cambridge: 2000; R. Burchill, *Democracy and International Law*, Routledge, London: 2006.

¹⁰ For more on the liberal approach, See generally M. Fabry, *The Right to Democracy in International Law: A Classical Liberal Reassessment*, 37(3) Millennium 721 (2009), pp. 721–741; R. Buchan, *Developing Democracy Through Liberal International Law*, 4(2) Cambridge International Law Journal 319 (2015). For a realist approach, see D. Zolo, *A Cosmopolitan Philosophy of International Law? A Realist Approach*, 12(4) Ratio Juris 429 (1999).

¹¹ See generally C. Pavel, *Law Beyond the State: Dynamic Coordination, State Consent and Binding International Law*, Oxford University Press, New York: 2021; T.W. Pogge, *Cosmopolitanism and Sovereignty*, 103(1) Ethics 48 (1992), pp. 48–75; D. Held, *Democracy and Global Order: From the Modern State to Cosmopolitan Governance*, Stanford University Press, Stanford: 1995.

¹² See generally B.S. Chimni, *International Law and World Order: A Critique of Contemporary Approaches*, Cambridge University Press, Cambridge: 1993; J. Gathii, *T'WAIL: A Brief History of Its Origins, Its Decentralized Network, and a Tentative Bibliography*, 3(1) Trade Law and Development 26 (2011).

¹³ See generally S. Wheatley, *The Democratic Legitimacy of International Law*, Bloomsbury Publishing, Oxford: 2010, pp. 211–245; Ginsburg, *supra* note 6; J. Alvarez, *Introducing the Themes*, 38 Victoria University Wellington Law Review 159 (2007).

1992 article, which introduced the concept of a “right to democracy” within the “democratic entitlement” thesis.¹⁴ Much like Francis Fukuyama’s “end of history” in its tone, the concept of the “right to democracy” emerged from the belief that Western democratic principles would ultimately prevail, suggesting that democracy would become a universally recognised legal entitlement in international law.¹⁵ Franck’s claim of democratic entitlement has been heavily criticised on the grounds of its limited scope and optimistic language, which neglect the complexity and variety of democratic models.¹⁶ Nevertheless, his views have been echoed by a number of American scholars who, albeit with varying degrees of fervour, affirmed the crucial role of democracy in modern international law.¹⁷ Others have challenged his ideas and cautioned against embracing democracy as a means of legitimacy under international law.¹⁸

This article draws inspiration from inquiries into the extent to which Frank’s liberal idea of “democratic entitlement” has been implemented and embraced by various actors around the world. Although Western liberal ideals have profoundly influenced global perceptions of democracy, these values have not been universally embraced as a standard by all members of the international community.¹⁹ This heterogeneity underscores the challenges to Western liberal democracy, calling for a close examination of non-Western approaches to it. To tackle this issue, it is essential to initially explore the established definition of democracy in international law, as the following section does.

1.2. Interpreting democracy – its definition(s) and status in international law

There is no universally accepted legal definition of democracy under international law. The lack of a definition reflects the tension between respect for state sovereignty and the international community’s role in promoting democratic governance. It also generates important and legitimate debates and adds to the uncertainty surrounding its status under international law. Thus, debates continue on whether it is a hard right, a soft law norm, a principle or an individual privilege. Moreover,

¹⁴ Franck, *supra* note 1; See generally Fox, Roth, *supra* note 9.

¹⁵ F. Fukuyama, *The End of History?*, 16 *The National Interest* 3 (1989), pp. 3–18; Franck, *supra* note 1.

¹⁶ For more on these discussions, see R. Gargarella, *Democracy’s Demands*, 112 *American Journal of International Law* 73 (2018).

¹⁷ See e.g. C. Cerna, *Democratic Legitimacy and Respect for Human Rights: The New Gold Standard*, 108 *AJIL Unbound* 222 (2014), pp. 222–227.

¹⁸ See e.g. S. Marks, *What Has Become of the Emerging Right to Democratic Governance?*, 22 *European Journal of International Law* 507 (2011); E. Macdonald, *International Law, Democratic Governance and September the 11th*, 3(9) *German Law Journal* 1 (2002), pp. 1–10; T. Carothers, *The Backlash Against Democracy Promotion*, 85(2) *Foreign Affairs* 55 (2006).

¹⁹ S. Poghosyan, *The Idea of Democracy in International Law in Europe*, in: A. van Aaken, P. d’Argent, L. Mälksoo, J.J. Vassel, (eds.), *The Oxford Handbook of International Law in Europe*, Oxford University Press, Oxford: 2023, available at: <https://doi.org/10.1093/oxfordhb/9780198865315.013.9>.

the sources of this norm are also debatable; it is not entirely clear whether it stems from international treaties, international customary law, general principles or the institutional laws of international organisations. Also, international organisations frequently make declarations stressing the value of democracy without clarifying if they are *lex lata*, *de lege ferenda* or merely political goals.²⁰

This lack of clarity can be partially ascribed to the resistance from developing nations, which often perceive democracy as a Western notion and its promotion as an extension of Western interests.²¹ Along with the two central tenets of the UN Charter – non-interference in internal affairs and a state’s sovereignty to choose its own system of government – the notion that state governmental institutions are subject to reserved domestic jurisdiction also casts doubt on the right to democracy.²² Also, it is challenging to find the commitment to implement democratic systems of governance within the norms and practices of international law. Nevertheless, international law offers a valuable benchmark to differentiate between “*mala fide* lip service to democracy by authoritarian regimes on the one hand and *bona fide* disagreement about the meaning of democracy on the other.”²³

None of the major human rights treaties explicitly mention the word *democracy*. The UN Charter, for instance, has no provisions on it. Moreover, whilst international law refrains from explicitly endorsing the Western liberal model of democracy, allowing for diverse interpretations based on historical and cultural contexts, it upholds key principles associated with liberal democracy.²⁴ Thus, international law principles and norms regarding democracy are profoundly shaped by the ethos of Western liberal democracy, even as it eschews explicit endorsement of any single model. To illustrate, the study of the potential status of democracy as a positive human right begins with Art. 21 of the 1948 UDHR, which focusses on elections without explicitly naming the concept of democracy.²⁵ The provision was later reproduced in a slightly different version in Art. 25 of the 1966 International Covenant on Civil and Political Rights (ICCPR).²⁶ These documents form the foundation of the electoral (thin) definitions of democracy.

²⁰ See also A. Bogdandy, *The European Lesson for International Democracy: The Significance of Articles 9 to 12 EU Treaty for International Organizations*, 23 *European Journal of International Law* 315 (2012).

²¹ H. Charlesworth, *Democracy and International Law*, in: H. Charlesworth, *Recueil des Cours* 371. *Collected Courses of the Hague Academy of International Law*, Brill, Leiden: 2014, p. 108.

²² G. Fox, *Democracy, Right to, International Protection*, in: A. Peters (ed.), *Max Planck Encyclopedia of International Law*, Oxford University Press, Oxford: 2008, pp. 16–17.

²³ J. Fahner, *Revisiting the Human Right to Democracy: A Positivist Analysis*, 21 *The International Journal of Human Rights* 321 (2017), p. 323.

²⁴ Poghosyan, *supra* note 19.

²⁵ Universal Declaration of Human Rights, Paris, 10 December 1948, Art. 21.

²⁶ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into Force, 23 March 1976), 1966 UNTS 999, Art. 25.

A more substantive (thick) view is best exemplified by the 1999 resolution “Promotion of the Right to Democracy”, which treats human rights and democracy as intertwined in practice.²⁷ Political participation and government accountability, the central tenets of the procedural view, are regarded as unattainable unless other substantive human rights are rigorously safeguarded.²⁸ The reading of *democracy* in international law is also bolstered by common Art. 1 of the ICCPR and the International Covenant on Economic, Social and Cultural Rights (ICESCR), by asserting the right to self-determination and encompassing peoples’ freedom to decide their political status.²⁹ Nevertheless, the electoral view is criticised since it cannot explain whether a democratically elected government would still be considered democratic if it routinely violated human rights.³⁰ Meanwhile, doubts are raised about whether the substantive view adds anything new to the existing international law or is merely an intellectual category rather than a legally significant right.³¹

Even though democracy has not developed into a firm legal right under international law, its value and relevance are undeniable. The influence of democratic principles can be seen in a variety of contexts. Democracy influences international law and governance by setting the standard for proper and lawful administration, shaping peoples’ right to political self-determination, establishing a framework for realising human rights and fundamental freedoms and laying the foundation for peaceful and non-violent coexistence.³² Moreover, regional international law frameworks, especially in Europe, have recognised democracy as a fundamental right. In the post-Cold War period, Europe primarily embraced the liberal democratic model, which was characterised by key elements such as holding free and fair elections, adhering to the rule of law, safeguarding individual rights, etc. When analysing Russia’s democracy-related obligations and actions, one ought to consider its association with the European regional framework on democracy, as elaborated upon in the following section.

²⁷ UN Commission on Human Rights, *Promotion of the Right to Democracy*, 27 April 1999, E/CN.4/RES/1999/57.

²⁸ Fox, *supra* note 22, p. 18.

²⁹ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into Force, 23 March 1976), 1966 UNTS 999, Art. 1.

³⁰ Fox, *supra* note 22, pp. 18–20.

³¹ *Ibidem*, p. 20.

³² G. Fox, B. Roth, *Introduction: The Spread of Liberal Democracy and Its Implications for International Law*, in: G. Fox, B. Roth (eds.), *Democratic Governance and International Law*, Cambridge University Press, Cambridge: 2000, p. 6.

2. RUSSIA AND THE INTERNATIONAL LEGAL FRAMEWORK ON DEMOCRACY

2.1. A brief overview of Russia's transition from Soviet-style socialism towards a Western-style liberal democracy

Following the fall of the USSR in 1991, Russia began its transition from a Soviet-style socialist democracy to one grounded in Western liberal principles. This complex process involved a commitment to internalising Western liberal democratic norms and values whilst letting go of the full ideological baggage that defined the fundamental Soviet conception of democracy.³³ This difficulty is amplified by the fact that the Soviet socialist concept of democracy was based on the tenets of Marxist-Leninist ideology and counter-Western Soviet socialist international law, differing fundamentally from the Western liberal perspective.

The Cold War-era Soviet rhetoric held that the Western liberal democratic principles “within ‘bourgeois’ international law” served as a deceptive façade for the self-interests of “imperialist” and “interventionist” powers. In contrast, they viewed the USSR and other socialist states as champions of “true” democratic principles, emphasising the idea of socialist internationalism, which highlighted the solidarity and cooperation among socialist nations, positioning them as proponents of democratic values against “imperialist and capitalist Western states.”³⁴ They also did not hesitate to denounce the West for what they saw as breaching human rights whilst viewing their understanding and application of democracy as morally superior. Domestically, the Soviets argued their democracy to be the best version achieved by humanity, serving the people and driving economic progress, unlike what they saw as a Western “evil” system, which, they argued, served the interests of the “bourgeoisie”.³⁵

Nevertheless, these views gradually and slowly shifted throughout the latter stages of the history of the USSR. The seeds of liberalisation were sown much earlier, more subtly: Nikita Khrushchev's secret address to a closed session of the 20th Congress of the Communist Party of the Soviet Union on 25 February 1956 might be seen as the earliest point of a new era of relative transparency in the USSR, which expanded significantly throughout the Perestroika era in the 1980s. Under

³³ See generally S.L. Henderson, *Building Democracy in Contemporary Russia*, Cornell University Press, New York: 2018; L.R. Klein, M.I. Pomer, *The New Russia: Transition Gone Awry*, Stanford University Press, Stanford: 2001.

³⁴ D. Kerimov, G. Mal'cev, A. Nedavnij (eds.), *Demokratiya i Pravo v Razvitom Socialisticheskom Obshestve* [Democracy and Law in Developed Socialist Society], Mysl, Moscow: 1975; E. Kuz'min, *Demokratiya i Konstitucii dvuh Mirov* [Democracy and Constitutions of Two Worlds], Mezhdunorodnye otnosheniya, Moscow: 1981.

³⁵ *Ibidem.*

Mikhail Gorbachev's leadership, the USSR proceeded along a path of political liberalisation and transformation embodied by greater economic changes known as restructuring (*perestroika*) and political openness or transparency (*glasnost*). Moscow steadily moved away from the Soviet rhetoric of democracy during this time, realising the necessity for internal political reforms and adjusting to the changing global political environment.³⁶

A key political document in this process was the Helsinki Final Act, signed in 1975 as part of the Conference on Security and Co-operation in Europe (CSCE), which cleared the way for democratic reforms in the USSR.³⁷ Furthermore, the post-Cold War European order and Russia's democratic transition were greatly influenced by the 1990 Charter of Paris for a New Europe (under the Organization for Security and Co-operation in Europe [OSCE]). This significant political declaration formalised the end of the Cold War and emphasised shared principles like democracy, human rights and the rule of law.³⁸ Generally speaking, Russia formally committed to upholding Western standards of democracy within the framework of the OSCE, which brought Eastern and Western nations together on all essential components of democratic governance. This process also meant that Russia was now formally bound by legal obligations related to the principles that comprise international law's framework governing democracy; these are addressed below.

2.2. Russia's obligations pertaining to democracy under international law

Upon transition, Russia asserted itself as the legal successor or even continuator of the USSR and assumed its international rights and obligations, including its UNSC seat and treaty commitments.³⁹ Though the legal doctrine of state continuity was debated, the P5 members did not challenge Russia's proposal, as they did not wish to open the Pandora's box that was the Security Council.⁴⁰ Accordingly, based on the doctrine of state continuity, Russia also formally accepted the USSR's formal obligations to the core tenets of democratic governance under international law,

³⁶ See generally K. Drzewicki, A. Eide, *Perestroika and Glasnost – The Changing Profile of the Soviet Union towards International Law and Human Rights*, 6 *Mennesker og Rettigheter* 3 (1988), p. 3; A. Adamishin, R. Schifter, *Human Rights, Perestroika, and the End of the Cold War*, United States Institute of Peace Press, Washington 2009.

³⁷ For further details, see L. Mälksoo, *The Controversy Over Human Rights, UN Covenants, and the Dissolution of the Soviet Union*, 61 *Japanese Yearbook of International Law* 260 (2018), p. 261.

³⁸ *Charter of Paris for a New Europe*, Organization for Security and Co-operation in Europe, Paris: 1990, available at: <https://www.osce.org/mc/39516> (accessed 30 August 2024).

³⁹ In fact Moscow has claimed the elements of both state succession and continuity under international law. For details, see L. Mälksoo, *Russian Approaches to International Law*, Oxford University Press, Oxford: 2015, p. 32; For more on Russia's claim to state continuity see further S. V. Chernichenko, *Teoria mezhdunarodnoga prava* [Theory of International Law], NIMP, Moscow: 1999, pp. 58–110.

⁴⁰ S. Chesterman, I. Johnstone, D.M. Malone, *Law and Practice of the United Nations: Documents and Commentary*, Oxford University Press, Oxford: 2016, p. 215.

subject to new liberal interpretations. This includes the two UN human rights Covenants of 1966, ratified by the Soviet Union in 1973 (entered into force in 1976).⁴¹ Under this treaty, Russia is required to uphold civil and political rights, such as free and fair elections and freedom of expression, assembly and involvement in public affairs. Moreover, Russia signed the First Optional Protocol to the ICCPR on 1 October 1991, allowing individuals in that country to bring complaints about human rights violations directly to the UN Human Rights Committee (HRC).⁴²

Moreover, at this stage, these international legal duties were cemented in its domestic legislation. In 1993, Russia adopted a new constitution that laid the legal foundation for a liberal democratic transition, including protecting fundamental human rights, a multiparty system and the separation of powers.⁴³ It incorporated and reflected the international legal framework on democratic governance.⁴⁴ The word *democracy* appears in the constitution twice: first in the preamble – “reviving the sovereign statehood of Russia and asserting its immutable democratic foundations” – and then in Art. 1, stating that “Russia shall be a democratic federal rule-of-law state with the republican form of government.”⁴⁵ Also, Art. 2 affirms the protection of democratic human rights and liberties.⁴⁶ However, the domestic situation proved to diverge significantly from these formal commitments, which failed to materialise in practice.

Since the collapse of the USSR, Russian legal scholars have also engaged with discussions on democracy, though mainly focusing on the domestic law dimension.⁴⁷ The lack of attention to the international law aspects, specifically that of “democratic entitlement” thesis, reveals Russia’s approach and can also be explained by the relative novelty of the topic in international law discussions. Nonetheless, several scholars have addressed the aspects of international law, providing limited

⁴¹ S. Poghosyan, *The Soviet View on Democracy in International Law*, 21(1) *Baltic Yearbook of International Law* 182 (2024).

⁴² Mälksoo, *supra* note 37.

⁴³ M. Burawoy, *Transition without Transformation: Russia’s Involuntary Road to Capitalism*, 15 *East European Politics and Societies* 269 (2001).

⁴⁴ S. Marochkin, *The Operation of International Law in the Russian Legal System*, Brill Nijhoff, Leiden: 2019, p. 8.

⁴⁵ Constitution of the Russian Federation, Preamble, Art. 1, available at: <http://www.constitution.ru/en/10003000-01.htm> (accessed 30 August 2024).

⁴⁶ *Ibidem*, Art. 2.

⁴⁷ A survey of PhD dissertations in Law from various Russian universities, available through the “disserCat” portal, shows that although many address the concept of democracy, they largely overlook its international law aspects. An exception is Daduani’s dissertation, which seeks to reconcile the Western liberal approach with Russia’s unique perspective, *see further* A. Daduani, *Roly Organizatsii Ob’edinyonnykh Natsii v sodeistvii demokratii: mezhdunarodno-pravovye aspekty* [The Role of the United Nations in Promoting Democracy: International Legal Aspects], *disserCat*, available at: <https://dissercat.com/content/rol-organizatsii-obedinennykh-natsii-v-sodeistvii-demokratii-mezhdunarodno-pravovye-aspekty> (accessed 30 August 2024).

but valuable insights into Russia's approach. These works reflect differing perspectives: some advocate for integrating democratic principles into international legal frameworks, aligning with the Western liberal approach, while others caution against imposing a singular model, favoring a more particularist view.⁴⁸ All agree on the role of contemporary international law in safeguarding human rights, ensuring electoral integrity, and promoting global peace and stability but diverge on how these principles should be universally applied and balanced with respect for diverse political systems.⁴⁹ Although these scholars' contributions have limited influence on Russia's state practices in international law, this brief overview indicated that the theme of democracy holds less relevance in Russia's legal scholarship compared to topics like sovereignty and non-intervention.

To continue, the formal commitments and acknowledgement of democracy as an essential principle did not necessarily entail a recognition of democracy as a hard legal right in international law. To illustrate, during the discussions on the 1999 Resolution on the Promotion of Democracy Adopted by the UN HRC, the representative of the RF, Oleg Malguinov, in response to Cuba's proposed amendment to delete the words "the right to" from the title of the declaration presented Russia's position as follows:

as a country which had had a complicated and difficult road to democracy, Russia would like to express its solidarity with the concept enshrined in L.55. Democracy helped to achieve all human rights, and the realisation of all human rights, including the right to development, strengthened democracy. There were some doubts as to the concept of the right to democracy from a purely legal point of view. It required further discussion at an expert level, and between inter-governmental bodies, as well as in other forums. It would be premature to introduce this concept in intergovernmental documents, and therefore the Cuban amendments were acceptable.⁵⁰

⁴⁸ Interestingly, Vladimir Kartashkin, a prominent Russian legal scholar since the Soviet era, adopted a more liberal stance on the subject, *see further* V.A. Kartashkin, *Prava Cheloveka i Printsip Demokratsii* [Human Rights and the Principle of Democracy], 113 *Sovremennoe Pravo* (2017); Kirill Kozhevnikov's in-depth analysis centers on the democratization of international relations, reflects the flexibility of Russia's official discourse by emphasizing both universalist and particularist perspectives, *see further* K. Kozhevnikov, *Demokratiya i mezhdunarodnoe pravo: illuziya ili real'nost?* [Democracy and International Law: Illusion or Reality?], Izdatelstvo Yurist, Moscow: 2014; Eduard Kuz'min, a prominent legal scholar since Soviet times like Kartashkin, takes a more critical stance, in contrast to Kartashkin, questioning whether international law should intervene in a state's internal affairs, *see further* E. Kuz'min, *Mezhdunarodnoe Pravo i Demokratiya* [International Law and Democracy], in: A. Ispolinova, A. Batalova (eds.), *Mezhdunarodnaya nauchno-prakticheskaya konferentsiya 'Tunkinskije chteniya' (sbornik dokladov i statey)*, Zertsalo-M, Moscow: 2011.

⁴⁹ *Ibidem*.

⁵⁰ United Nations, Resolution on Promotion of Democracy adopted by Human Rights Commission, Press Release, 28 April 1999, available at: <https://press.un.org/en/1999/19990428.hrcn937.html> (accessed 30 August 2024).

Although Russia eventually voted in favor of the declaration, this passage illustrates its early resistance to a 'right' to democracy in international law during its transition. This statement makes one wonder whether the shift from a superpower to a new, weak geopolitical role introduced complexities into Russia's approach to democracy and international law. Russia's hesitation to fully embrace democracy as a hard legal right at that stage can be explained by multiple factors, ranging from deep-seated cultural/historical norms that favour centralised authority through the challenges along the painful socioeconomic transition after the collapse of the USSR to concerns over national sovereignty and the evolving nature of international legal norms on democracy. Be that as it may, this indicates Russia's struggle with internalising liberal democratic norms and values after transitioning from the USSR. Russia's approach was gradually reflected in its shift towards endorsing declarations instead advocating for democratic relations in international law, focusing on the external facet of democracy and aligning with concepts favored by the Global South, such as self-determination, the right to development, solidarity, and environmental sustainability.⁵¹ This shift is further reflected in Russia's time at the Council of Europe, as explored in the following section.

2.3. Russia in the Council of Europe – challenges in internalising liberal democratic norms and values

The CoE was established in 1949 and has played a pivotal role in developing and maintaining democratic standards across European countries.⁵² Russia's admission into the CoE in 1996 was primarily a political decision since, upon its entry, it had not met the fundamental requirement for membership in the CoE: democracy.⁵³ Thus, the main goal of this initiative was to assist Russia and other countries in transitioning from socialism to liberal democracy by progressively internalising Western liberal norms and values.⁵⁴

The early stage of Russia's membership in the CoE was very optimistic, thanks to collaborative efforts and Russia's engagement with CoE reforms and commitments

⁵¹ See e.g. UNGA resolution of 16 December 2020, *Promotion of a democratic and equitable international order*, Doc. A/RES/75/178; UNHRC, *Resolution: Promotion of a democratic and equitable international order*, A/HRC/RES/18/6, 13 October 2011.

⁵² Statute of the Council of Europe of 5 May 1949.

⁵³ For more on the CoE's democratic conditionality, see R. Kicker, *The Council of Europe: Pioneer and Guarantor for Human Rights and Democracy*, Council of Europe Publishing, Strasbourg: 2010; J. Petaux, *Democracy and Human Rights for Europe: The Council of Europe's Contribution*, Council of Europe Publishing, Strasbourg: 2009. For more on Russia's entry into the CoE, see J. Kahn, *The Origins of Russian Membership in the Council of Europe and the Seeds of Russia's Expulsion*, 14(1) *Notre Dame Journal of International & Comparative Law* 2 (2024); L. Mälksoo, W. Benedek (eds.), *Russia and the European Court of Human Rights: The Strasbourg Effect*, Cambridge University Press, Cambridge: 2017.

⁵⁴ W. Sadurski, *Partnering with Strasbourg: Constitutionalisation of the European Court of Human Rights, the Accession of Central and East European States to the Council of Europe, and the Idea of Pilot Judgments*, 9 *Human Rights Law Review* 397 (2009). For more on Russia's socialisation within the CoE, see K. Malfliet,

to align with European democratic and human rights standards, and it was therefore seen as a significant step forward for the “re-socialising of Russia in Europe’s individualist value system.”⁵⁵ Despite the early atmosphere of optimism, it was explicitly acknowledged from the beginning that Russia’s democratic mechanisms were in the early stages of development and were flawed. To illustrate, a 2005 comprehensive general report on human rights in Russia revealed many serious shortcomings.⁵⁶ However, despite these shortcomings, throughout this time, the prevailing belief was that having Russia within rather than outside was preferable in order to “teach democracy” to the country.⁵⁷ Overall, whilst the influence of the CoE on Russia’s democratisation over the years is the subject of ongoing debate – the details of which are beyond the scope of this study – some positive results are evident. To illustrate, Antonov contends that throughout its membership years in the CoE,

Russia has significantly ameliorated its legislation as far as concerns execution of domestic judgments, pretrial detention and prison conditions, legal capacity, re-registration of religious denominations, and other vital issues. These and a number of other legislative amendments have evidently been triggered by the judgments of the ECtHR against Russia, even if implementation of these judgments – which requires revising Russian laws in the directions suggested by the Strasbourg Court – in each case remains mainly a question of the “political will” of Russia’s rulers.⁵⁸

This hope was also prevalent in Russia’s early interactions with the European Commission for Democracy through Law, or the Venice Commission, an advisory body of the CoE that provides its members with legal advice on constitutional matters, especially fundamental rights and democratic institution-building.⁵⁹ Over the years, Russia has consulted the Commission for legal guidance and expertise on democratisation matters. As a result, there have been abundant exchanges, primarily in the form

S. Parmentier (eds.), *Russia and the Council of Europe: 10 Years After*, Palgrave Macmillan, London: 2010.

⁵⁵ L. Mälksoo, *Concluding Observations. Russia and European Human-Rights Law: Margins of the Margin of Appreciation*, in: L. Mälksoo (ed.), *Russia and European Human-Rights Law – The Rise of the Civilizational Argument*, Brill Nijhoff, Leiden: 2014, pp. 226–227.

⁵⁶ Report by Mr Alvaro Gil-Robles, Commissioner for Human Rights, on his visit to the Russian Federation, 15 to 30 July 2004, 19 to 29 September 2004, 20 April 2005, CommDH(2005)2, available at: <https://rm.coe.int/16806db7be> (accessed 30 August 2024).

⁵⁷ See generally Sadurski, *supra* note 54.

⁵⁸ P.M. Antonov, *Philosophy Behind Human Rights: Valery Zorkin vs. the West*, in: L. Mälksoo, W. Benedek (eds.), *Russia and the European Court of Human Rights: The Strasbourg Effect*, Cambridge University Press, Cambridge: 2018, p. 166.

⁵⁹ See generally A. Nußberger, J. Miklasová, *Council of Europe as the Guardian of Democracy: The Venice Commission*, in: D.E. Khan, E. Lagrange, S. Oeter, Ch. Walter, *Democracy and Sovereignty*, Brill Nijhoff, Leiden: 2022, pp. 269–288.

of advisory opinions.⁶⁰ Nevertheless, Russia has been critical of the Commission's stance on a number of laws in some of its advisory opinions dealing with election law, political parties, the law of assembly and combating extremism, accusing the Commission of bias and interference in its internal affairs.⁶¹ Thus, this interaction became gradually tense over time and can be best characterised as complicated.⁶²

Whilst it is difficult to measure the CoE's impact on Russia precisely, it is evident that the relationship has grown more tense over time, highlighting a divergence from the initial aspirations of Russia's integration into the family of European democracies and an underlying tension between conservative and liberal values. This has been well-documented, specifically in Russia's interactions with the European Court of Human Rights (ECtHR). During its time as a CoE member, Russia generally had the highest share of pending cases at the ECtHR, which considers allegations of civil and political rights violations outlined in the European Convention on Human Rights (ECHR).⁶³ Many of the ECtHR cases concerning Russia resulted in rulings against the Russian government for human rights violations. Some notable cases against Russia in the ECtHR are (a) the *Yukos* case, concerning unjust expropriation and violation of the right to a fair trial,⁶⁴ (b) *Navalnyy v. Russia*, addressing issues such as arbitrary arrest, detention conditions and the right to peaceful assembly⁶⁵ and (c) *Estemirova v. Russia*, which dealt with concerns about the state's obligation to safeguard human rights activists.⁶⁶ These examples reflect broader concerns over limitations on political liberties, judicial independence and state accountability in Russia.

When Russia was found to have violated human rights, it often complied by providing compensation without altering its behaviour.⁶⁷ This demonstrated Russia's regard for the ECtHR rulings' financial implications and disregard for the

⁶⁰ For example, early on (2004), the Commission highlighted in its advisory opinion "a consistent tendency in Russia to strengthen central power without changing the text of the Constitution". See Opinion No. 321/2004, CDL-AD(2004)042-e, 6 December 2004.

⁶¹ Cf. Opinion No. 657/2011, CDL-AD(2012)002, 19 March 2012; Opinion No. 658/2011, CDL-AD(2012)003, 20 March 2012; Opinion No. 661/2011, CDL-AD(2012)015, 20 June 2012; Opinion No. 660/2011, CDL-AD(2012)016, 20 June 2012.

⁶² W. Hoffmann-Riem, *The Venice Commission of the Council of Europe – Standards and Impact*, 25(2) European Journal of International Law 579 (2014), p. 580.

⁶³ The official statistics indicate that Russia was leading in terms of the total number of applications submitted by each State Party to the ECtHR in 2021. However, following its expulsion, Turkey now leads category; for the latest statistics, see *Pending applications allocated to a judicial formation*, European Court of Human Rights, available at: https://www.echr.coe.int/Documents/Stats_pending_month_2023_BIL.PDF (accessed 30 August 2024).

⁶⁴ ECtHR, *OAO Neftyanaya Kompaniya YUKOS v. Russia* (App. No. 14902/04), 20 September 2011.

⁶⁵ ECtHR, *Aleksey Anatolyevich Navalnyy v. Russia* (App. No. 36418/20), 21 August 2020.

⁶⁶ ECtHR, *Estemirova v. Russia* (App. No. 42705/11), 31 August 2021.

⁶⁷ See e.g. K. Koroteev, *Non-Execution of Strasbourg Judgments Against Russia: The Case for a Trust Fund*, 9(1) Russian Politics 121 (2024), pp. 121–134; G. Nelaeva, E.A. Khabarova, N. Sidorova, *Russia's Relations with the European Court of Human Rights in the Aftermath of the Markin Decision: Debating the "Backlash"*, 21(1) Human Rights Review 93 (2020).

underlying causes.⁶⁸ Well before Russia's expulsion from the CoE, this strategy sparked questions about whether significant legal and structural reforms in Russia could be achieved through ECtHR verdicts. At the national level, Russia's tightening domestic legislation instead reflected a steadily deteriorating human rights situation. Although the RF constitution guarantees fundamental freedoms and rights by international human rights standards and democratic principles, the actual practice of these rights reveals significant restrictions on political opposition and freedom of expression, assembly and the press as instances of how democratic norms are not being respected.⁶⁹

Some of Russia's most notable domestic laws (including relevant amendments) that have been criticised for curtailing human rights and democracy can be broadly defined as (a) the Foreign Agent laws, which label NGOs and media which receive foreign funding as "foreign agents", leading to increased government scrutiny and restrictions,⁷⁰ (b) the LGBTQ+ propaganda laws, which prohibit the "promotion" of "non-traditional sexual relationships" to minors and is widely seen as a tool for suppressing LGBTQ+ rights,⁷¹ (c) the internet restriction laws, including regulations that allow the government to block access to specific websites and require companies to store data on Russian servers,⁷² (d) extremism laws, which are often used to target

⁶⁸ Koroteev, *supra* note 67.

⁶⁹ For further details, see Mälksoo, Benedek, *supra* note 53.

⁷⁰ See e.g. Federalny zakon ot 20 iyulya 2012 g. No. 121-FZ "O vnesenii izmeneniy v otdel'nye zakonodatel'nye akty Rossiyskoy Federatsii v chasti regulirovaniya deyatel'nosti nekommercheskikh organizatsiy, vypolnyayushchikh funktsii inostrannogo agenta" [Federal Law of 20 July 2012, No. 121-FZ "On Amendments to Certain Legislative Acts of the Russian Federation Regarding the Regulation of Non-Profit Organizations Performing the Functions of a Foreign Agent"]; See also M. Malcomson, "So *Whose Agents Are We?*" *Defining (International) Human Rights in the Shadow of the "Foreign Agents" Law in Russia*, 7 Birkbeck Law Review 122 (2020).

⁷¹ See e.g. Federal'nyy zakon No. 135-FZ "O vnesenii izmeneniy v stat'y 5 Federal'nogo zakona 'O zashchite detey ot informatsii, prichinyayushchey vred ikh zdorov'yu i razvitiyu' i otdel'nye zakonodatel'nye akty Rossiyskoy Federatsii v tselyakh zashchity detey ot informatsii, propagandiruyushchey otritsanie traditsionnykh semeynykh tsennostey" [Federal Law, No. 135-FZ "On Protecting Children from Information Harmful to Their Health and Development" and Certain Legislative Acts of the Russian Federation in Order to Protect Children from Information Promoting the Denial of Traditional Family Values"]; See also S. Katsuba, *Russia's "Gay Propaganda Law" and Anti-LGBTQ Violence*, 300 Russian Analytical Digest 5 (2023), pp. 5–8.

⁷² See e.g. Federal'nyy zakon ot 21 iyulya 2014 g. No. 242-FZ "O vnesenii izmeneniy v otdel'nye zakonodatel'nye akty Rossiyskoy Federatsii v chasti utochneniya poryadka obrabotki personal'nykh dannyykh v informatsionno-telekommunikatsionnykh setyakh" [Federal Law of 21 July 2014, No. 242-FZ "On Amendments to Certain Legislative Acts of the Russian Federation Regarding Clarification of the Procedure for Processing Personal Data in Information and Telecommunications Networks"]; See further A. Epifanova, *Deciphering Russia's "Sovereign Internet Law": Tightening Control and Accelerating the Splinternet*, Forschungsinstitut der Deutschen Gesellschaft für Auswärtige Politik e.V, Berlin: 2020, available at: <https://nbn-resolving.org/urn:nbn:de:0168-ssoar-66221-8> (accessed 30 August 2024).

political dissent and opposition,⁷³ and (e) protest laws that impose strict regulations and penalties on organising and participating in unauthorised protests.⁷⁴

This trend was further deepened by Russia's 2020 constitutional amendments, demonstrating the country's progressive retreat from its international legal responsibilities. Whilst the 1993 Constitution followed a natural law (non-contractual) approach to human rights, giving international treaties priority over domestic legislation, the 2020 amendments changed this.⁷⁵ The 2020 amendments introduced additional checks and limitations regarding the application of international law in Russia. To be more precise, the new Art. 79 now has a clause that states that judgments made by international organisations on the interpretation of provisions of international treaties to which the Russian Federation is a party shall not be implemented in Russia if they are at odds with the Russian Constitution, replicating what had already been established by the Russian Constitutional Court and the Russian State Duma in 2015.⁷⁶ Furthermore, Art. 125.5.1(b) tasks the Constitutional Court with checking for the compatibility of international decisions with Russia's constitutional order. These changes allowed Russia to manage and stay in the European Convention but, when needed, to effectively veto the implementation of ECtHR judgments.⁷⁷

Despite these systemic issues, actual causes of major disruptions in the relationship between Russia and the CoE were revealed due to geopolitical tensions, as Russia's actions were at great odds with the values of the CoE. Notably, Russia's actions in Georgia (2008) and later Ukraine (2014), which starkly contrasted with the CoE's principles, set the scene for severe cracks in this relationship. The first turning point at this stage was Russia's annexation of Crimea in 2014; as a result, the Parliamentary Assembly of the CoE suspended Russia's voting rights.⁷⁸ Neverthe-

⁷³ See e.g. Federal'nyy zakon ot 25 iyulya 2002 g. No. 114-FZ "O protivodeystvii ekstremistskoy deyatel'nosti" (s izmeneniyami i dopolneniyami) [Federal Law of 25 July 2002, No. 114-FZ "On Combating Extremist Activity"]; See also M. Kravchenko, *Russian Anti-Extremism Legislation and Internet Censorship*, 46(2) *The Soviet and Post-Soviet Review* 158 (2019), pp. 158–186; See further A. Trochev, *Anti-Extremism Legislation in Putin's Russia*, 54(5–6) *Statutes & Decisions* 153 (2020), p. 153.

⁷⁴ See e.g. Federal'nyy zakon ot 8 iyunya 2012 g. No. 65-FZ "O vnesenii izmeneniy v Kodeks Rossiyskoy Federatsii ob administrativnykh pravonarusheniyakh i Federal'nyy zakon 'O sobraniyakh, mitingakh, demonstratsiyakh, shestviyakh i piketirovaniyakh'" [Federal Law of 8 June 2012, No. 65-FZ "On Amendments to the Code of Administrative Offenses of the Russian Federation and the Federal Law 'On Assemblies, Rallies, Demonstrations, Marches, and Picketing'"]; See also A. Salenko, *Evolution of the Public Assembly Law in Russia*, 2(30) *Tyumen State University Herald. Social, Economic, and Law Research*, 106(2022), pp. 106–128; See further P. Malkova, O. Kudinova, *Exploring the Interplay Between Freedom of Assembly and Freedom of Expression: The Case of Russian Solo Pickets*, 38(3) *Netherlands Quarterly of Human Rights* 191 (2020).

⁷⁵ Mälksoo, *supra* note 7, pp. 78–93.

⁷⁶ *Ibidem*, p. 87.

⁷⁷ *Ibidem*; see also L. Mälksoo, *Markin v. Russia. Application No. 30078/06, ECtHR*, 106(4) *American Journal of International Law* 836 (2012); Mälksoo, *supra* note 39, pp. 111–121.

⁷⁸ For more on Crimea, see M. Madsen, *From Boom to Backlash? The European Court of Human Rights and the Transformation of Europe*, in: H. Aust, D. Esra (eds.), *The European Court of Human Rights: Current Challenges in Historical and Comparative Perspective*, Edward Elgar Publishing, Cheltenham: 2021, pp. 21–42.

less, the country continued with its membership in the CoE. Eventually, following over two decades of a tense relationship with the CoE, Russia was expelled from the organisation on 16 March 2022 and ceased to be a Contracting Party to the ECHR on 16 September 2022 in response to its invasion of Ukraine.⁷⁹ The CoE has referred to Russia's aggression against Ukraine and the flagrant human rights violations as an attack on the organisation's values, signalling the final chapter of the country's attempt to become a member of the European family of democracies.⁸⁰

The ongoing situation presents a crucial test for the CoE's relevance and effectiveness in fostering democratic norms and human rights in the face of shifting political landscapes and emerging challenges. Russia's failed internalisation of the democratic norms and values of the CoE also reveals that the concerns are not isolated to individual elements of democracy but indicate more profound and fundamental challenges in Russia's understanding of democratic values and practices. This is also reflected in Russia's regional integration efforts and requires a closer look. This task is the subject of the following section.

2.4. The silence on democracy in Russia's regional integration efforts

The notion of democratic conditionality is significant in the context of regional integration initiatives, specifically in the West.⁸¹ This idea entails making participation in or greater integration within an organisation contingent upon democratic government, observance of human rights and the rule of law.⁸² Since the early 1990s, Russia has initiated two major regional integration projects in the post-Soviet Eurasian region: the Eurasian Economic Union (EAEU) and the Collective Security Treaty Organization (CSTO), which merit closer attention in this study. Strict democratic conditionality is noticeably absent from Russia-led regional cooperation projects.⁸³

In May 1992, Russia, alongside Armenia, Kazakhstan, Kyrgyzstan, Uzbekistan and Tajikistan, signed the Collective Security Treaty. Membership in the CSTO is not contingent on any specific regime type. Nevertheless, the organisation's first col-

⁷⁹ *The Russian Federation is Excluded from the Council of Europe*, Council of Europe, 16 March 2022, available at: <https://www.coe.int/en/web/portal/-/the-russian-federation-is-excluded-from-the-council-of-europe> (accessed 30 August 2024).

⁸⁰ *United around our values*, Council of Europe Publishing, Strasbourg: 2023, available at: <https://rm.coe.int/4th-summit-of-heads-of-state-and-government-of-the-council-of-europe/1680ab40c1> (accessed 4 June 2024).

⁸¹ Organisations such as the EU, NATO and the CoE incorporate democratic conditionality into their membership criteria or cooperation frameworks.

⁸² *See generally* E. Rubinson, *Flexible Democratic Conditionality? The Role of Democracy and Human Rights Adherence in NATO Enlargement Decisions*, 24(3) *Journal of International Relations and Development* 696 (2021).

⁸³ M. Karliuk, *The Eurasian Economic Union: An EU-Inspired Legal Order and Its Limits*, 42 *Review of Central and East European Law* 50 (2017); M. Lagutina, *Eurasian Economic Union Foundation: Issues of Global Regionalization*, 5 *Eurasia Border Review* 95 (2014).

lective intervention in the CSTO's 30-year history – in Kazakhstan in response to the January 2022 protests, at the request of Kazakhstan's President Tokayev – indicated a strong willingness to act against any popular uprising and spoke volumes about its implicit aims.⁸⁴ The stated purpose for deploying CSTO forces was peacekeeping, but in practice, Russia supported the Kazakh government in quelling the protests. Putin has characterised the intervention as a united endeavour to safeguard regional partners against what he termed “colour revolutions” “provoked by external meddling in the domestic matters of allies.”⁸⁵ The topic of colour revolutions vividly demonstrates that the organisation's goals align with Russia's regional stability and aspirations for regional hegemony. Thus, Putin perceives any efforts towards democratisation as potentially undermining what is referred to as Russia's “sphere of influence”.⁸⁶

To continue, the EAEU has been operating as a customs union since 2011 and as an economic union since 2015.⁸⁷ Russia was the key founder of the bloc, and two other co-founders were Belarus and Kazakhstan. Armenia and Kyrgyzstan, the latest members of the EAEU, are relatively democratic but also small and politically weak.⁸⁸ The organisation's primary goal is to enhance cooperation and boost economic competitiveness among its members by establishing a unified market for goods, services, capital and labour.⁸⁹ Officially, political, cultural and social integration is beyond the organisation's scope, as such provisions are missing from the treaty.⁹⁰ Nevertheless, its geopolitical implications are evident as economic integration may be a cover for political ends, even if such intentions remain undeclared.⁹¹ The EAEU integration is often discussed in light of “the puzzle of authoritarian cooperation”, which entails that similarity, particularly similar political systems, may be both a push and pull factor for the autocrats.⁹²

Although many experts perceived the initiative as an attempt to re-sovietise the area, Putin has stated that the goal is tight integration based on new political and economic

⁸⁴ S. Sakhariyev, *Collective Security Treaty Organization (CSTO)*, in: S. Sayapin, R. Atadjanov, U. Kadam, G. Kemp, N. Zambrana-Tévar, N. Quéniwet (eds.), *International Conflict and Security Law*, TMC Asser Press, Hague: 2022, p. 617.

⁸⁵ M. Seddon, *Vladimir Putin Vows to Stop “Colour Revolutions” after Sending Troops to Kazakhstan*, Financial Times, 10 January 2022, available at: <https://www.ft.com/content/ee9005ee-7269-4081-801a-61011b233e78> (accessed 30 August 2024).

⁸⁶ F. Kriener, L. Brassat, *Quashing Protests Abroad: The CSTO's Intervention in Kazakhstan*, 10(2) *Journal on the Use of Force and International Law* 271 (2023).

⁸⁷ Karliuk, *supra* note 83, p. 55.

⁸⁸ A. Patalakh, *Economic or Geopolitical? Explaining the Motives and Expectations of the Eurasian Economic Union's Member States*, 11 *Fudan Journal of the Humanities and Social Sciences* 31 (2018), p. 33.

⁸⁹ E. Vinokurov, *Eurasian Economic Union: Current State and Preliminary Results*, 3 *Russian Journal of Economics* 54 (2017), pp. 54–55.

⁹⁰ Karliuk, *supra* note 83, p. 53.

⁹¹ Patalakh, *supra* note 88, p. 32.

⁹² S. Roberts, *The Eurasian Economic Union: The Geopolitics of Authoritarian Cooperation*, 58 *Eurasian Geography and Economics* 418 (2017), p. 422.

principles rather than the revival of the USSR.⁹³ From his perspective, the goal of Eurasian integration is to maintain the social, cultural and historical communities of the people living in the Union's Member States. One may wonder what principles bind these nations with diverse political systems together.⁹⁴ Some analysts argue that the EAEU was established to counter the growing influence of the "democratic" European Union and "authoritarian" China in the region, deter regime changes in neighbouring countries, and resist colour revolutions.⁹⁵ Nevertheless, the EAEU's legislative framework is exclusively economic, and any support or resistance to any particular regime style should be sought in more subtle spheres of politics.⁹⁶

Art. 3 of the Treaty articulates the Basic Principles of the EAEU and further clarifies this point, stating that the EAEU shall

respect the commonly recognised principles of the international law, including the principles of sovereign equality of the Member States and their territorial integrity; respect the differences of political structures of the Member States; provide the mutually beneficial cooperation, equality and the national interests of the Parties.⁹⁷

This indicates that the Kremlin officially places a higher value on sovereignty and non-intervention as principles of international law over democracy, considering the latter to be within the exclusive domestic jurisdiction of individual states.

Additionally, the preamble of the EAEU's founding treaty highlights the organisation's dedication to the sovereign equality of states and the essential observance of constitutional rights and freedoms of individuals and citizens, whilst also articulating a desire to bolster unity and enhance cooperation among its peoples, with respect for their historical, cultural and traditional heritage.⁹⁸ The document's emphasis on constitutional rights and freedoms suggests an effort to counter an authoritarian image. It also reflects a strategic approach, recognising the role of human rights and democracy in legitimising authority.

Overall, Russia's efforts in shaping regional integration frameworks reflect its ambition to maintain regional dominance and safeguard its strategic interests,

⁹³ V. Putin *napisal stat' ju o perspektivah sozdaniya Evrazijskogo sojuza* [V. Putin wrote an article on the prospects of creating the Eurasian Union], RBK, 3 October 2011, available at: <https://www.rbc.ru/politics/03/10/2011/5703ecf29a79477633d3871b> (accessed 30 August 2024).

⁹⁴ *Obrashhenie Prezidenta Rossii k glavam gosudarstv – chlenov Evrazijskogo jekonomicheskogo sojuza* [Address by the President of Russia to the heads of state – members of the Eurasian Economic Union], President of Russia, 18 January 2018, available at: <http://kremlin.ru/events/president/news/56663> (accessed 30 August 2024).

⁹⁵ Roberts, *supra* note 92, pp. 427–429.

⁹⁶ A. Libman, A. Obydenkova, *Regional International Organizations as a Strategy of Autocracy: The Eurasian Economic Union and Russian Foreign Policy*, 94 *International Affairs* 1037 (2018), pp. 1037–1058.

⁹⁷ Treaty on the Eurasian Economic Union, Art. 3.

⁹⁸ *Ibidem*, preamble.

actively working to prevent the rise of any popular or democratic movements that could challenge its authority. In fact, Moscow values stability over the proliferation of democracy, particularly under circumstances when political leadership in the post-Soviet space leans towards Western alliances.⁹⁹

3. TRACING THE EVOLUTION OF THE DISCOURSE ON DEMOCRACY IN RUSSIA WITHIN THE CONTEXT OF INTERNATIONAL LAW

3.1. Prologue: Russia's early embrace and adaptation of Western liberal democratic ideals

Russia's descent towards authoritarianism is often attributed to Putin's rule, although the nation's democratic trajectory was precarious before his rise to power. Under Yeltsin's leadership, Russia faced severe security and economic challenges that were exacerbated by the absence of institutional legacies and traditions for democratisation.¹⁰⁰ The challenges to democratisation in this period are traced back to 1993 when Yeltsin decided to resort to force in order to dissolve the parliament amid a constitutional crisis brought on by a power struggle within the parliament. This situation caused scepticism about Yeltsin's dedication to the principles of democracy.¹⁰¹ Nonetheless, there were essential facets of democracy that existed under Yeltsin but have vanished under Putin, the most prominent being freedom of the media and wide-ranging public debate. However, there was no equality or the real rule of law; privatisation amounted to the oligarchs' seizure of public wealth. Overall, the Yeltsin administration's corruption and power dynamics reduced the semblance of democracy to mere pretence.¹⁰² Western nations frequently disregarded these problems, hoping that Russia would eventually embrace Western liberal democratic principles, giving Yeltsin substantial backing as a safeguard against the resurgence of nationalism or the return of communism.¹⁰³

Yeltsin played a key role in facilitating Putin's ascent to power.¹⁰⁴ Following his sudden resignation in 1999, Putin became Russia's acting president and went on to win the presidential election in March 2000. Upon Putin's ascend to power,

⁹⁹ See also A. Cordesman, *Russia and the "Color Revolution"*, Center for Strategic and International Studies, 28 May 2014, available at: <https://www.csis.org/analysis/russia-and-color-revolution> (accessed 30 August 2024).

¹⁰⁰ T. Colton, M. McFaul, *Popular Choice and Managed Democracy: The Russian Elections of 1999 and 2000*, Brookings Institution Press, Washington: 2003.

¹⁰¹ *Ibidem*.

¹⁰² P. Hassner, *Russia's Transition to Autocracy*, 19(2) *Journal of Democracy* 5 (2008), p. 9.

¹⁰³ *Ibidem*.

¹⁰⁴ Colton, McFaul, *supra* note 100.

Russia's political system met the criteria of an electoral democracy in a minimalist sense.¹⁰⁵ During this time, Putin did not eliminate democratic freedoms outright and his foreign policy appeared to lean towards the West, especially in the context of global anti-terrorism efforts following the 9/11 attacks.¹⁰⁶ This approach was reflected in Putin's early public discussions on democracy, where he strongly endorsed liberal democratic principles and a positive engagement with the West, particularly Europe.¹⁰⁷ Nonetheless, the themes of national security and sovereignty were ever-present, indicating the deep-seated priorities that would guide his rule and shape his approach to Russia's democratic development.¹⁰⁸

The conversation about democracy at this stage predominantly revolved around and reproduced the Western liberal democratic ideals and principles. Viewed through the lens of international law, this indicated a tacit recognition of the Western liberal concept of democracy as a universally accepted, legitimate and suitable model for Russia. To illustrate, Putin's 2000 inaugural address conveyed optimism for Russia's democratisation and emphasised the significance of democratic elections and peaceful power transitions as being crucial to political stability and the importance of internal political diversity.¹⁰⁹ Such recognition was more explicitly articulated in a 2002 interview with the Polish newspaper *Gazeta Wyborcza* and the Polish television channel TVP. Providing his view on Russia's democratisation, Putin insisted: "we should not reinvent the wheel, we have to follow the road that all the industrialised democratic countries are following", adding that "for all the uniqueness of Russia, just like of any other country, which we must certainly take into account, there are still some general principles which must be recognised in theory and in practice if we are to build our state. And if we understand these general principles as the main principles of democracy and freedom, then, I repeat, without these universally recognised principles we will never build a normal democratic state."¹¹⁰

From the beginning, Putin's understanding of democracy was not confined to domestic matters, as he acknowledged the link between democratic principles,

¹⁰⁵ M. McFaul, *Russia's Road to Autocracy*, 32 *Journal of Democracy* 11 (2021), p. 17.

¹⁰⁶ *Ibidem*, p. 19.

¹⁰⁷ See e.g. V. Putin, *Inauguratsionnaya rech' Vladimira Putina 7 maya 2000 goda* [Inaugural speech of Vladimir Putin on 7 May 2000], *Moscow Daily News*, 7 May 2000, available at: https://www.mn.ru/blogs/blog_reference/80928 (accessed 30 August 2024); *Interview with the Newspaper Welt am Sonntag (Germany)*, President of Russia, 11 June 2000, available at: <http://en.kremlin.ru/events/president/transcripts/24202> (accessed 30 August 2024).

¹⁰⁸ See e.g. Putin, *supra* note 107; S. Lavrov, *Speech by Russian Minister of Foreign Affairs Sergey Lavrov at the Third Summit of the Council of Europe, 16 May 2005*, The Ministry of Foreign Affairs of the Russian Federation, 16 May 2005, available at: https://mid.ru/en/foreign_policy/news/1592880/ (accessed 30 August 2024).

¹⁰⁹ Putin, *supra* note 107.

¹¹⁰ *From an Interview with the Polish Newspaper Gazeta Wyborcza and the Polish TVP Channel*, President of Russia, 15 January 2002, available at: <http://en.kremlin.ru/events/president/transcripts/21471> (accessed 30 August 2024).

collective security and international cooperation. When emphasising the unique role of Europe as “the cradle of democracy and civilisation and a natural pole in the emerging multipolar world”, he also noted that “Russia sees Europe in the 21st century as a single space of democracy, prosperity and equal security for all its states. This idea of the future of our continent is in line with the multi-lateral agreements under the OSCE, including the European Security Charter.”¹¹¹ In essence, Putin recognised the significance and value of democracy – particularly in its Western liberal form – for fostering peace and cooperation, which can be cautiously interpreted as recognition of the conceptual foundations of liberal peace theory.

Furthermore, Russia’s view on democracy at the time reflected the premises of a substantive/thick approach to democracy and, though Putin mentioned Russia’s specificities, this view did not heavily rely on a particular understanding of democracy. In his 2003 interview with *The New York Times*, Putin reiterated that Russia should not seek any unique standing regarding democracy, adding that “the basic values of democracy should be identical to those that have taken root and established themselves in democratic countries and free market economies. Of course, every country has its own identity. (...) But on the whole, the main principles of humanism, human rights, the freedom of speech remain fundamental for all countries, and Russia has no right to claim any exclusive status in this area.”¹¹² Moreover, he was aware that mere electoralism could become “a veil and a screen for undemocratic principles of a state”, stating that true democracy requires more than just “a law-based electoral system (...) unless it is ‘built into’ the genuine democratic institutions of the whole society.”¹¹³

Despite this positive outlook on liberal values, Putin considered a robust state apparatus a fundamental prerequisite for democratisation. In his 2001 address at a meeting with NGO representatives, he stated: “I am absolutely convinced that an inept state is as serious a threat to freedom and democracy as a despotic rule. No less. Without an effective state there would be no rights, no human or civil freedoms, no civil society to speak of.”¹¹⁴ Elsewhere, he reiterated that strengthening the state and cultivating democracy were not mutually exclusive: “[w]hen we speak about the strengthening of the state we don’t mean curtailing democratic freedoms [...], but strengthening state institutions that are able to guarantee compliance with

¹¹¹ *Interview with the Newspaper...*, *supra* note 107.

¹¹² *Interview to The New York Times, Novo-Ogaryovo*, President of Russia, 4 October 2003, available at: <https://en.kremlin.ru/events/president/transcripts/22145> (accessed 30 August 2024).

¹¹³ *Speech at an International Conference of the Association of Election Organisers in Central and Eastern Europe*, President of Russia, 26 September 2002, available at: <http://en.kremlin.ru/events/president/transcripts/21731> (accessed 30 August 2024).

¹¹⁴ *Address at a Meeting with NGO Representatives*, President of Russia, 11 June 2001, available at: <http://en.kremlin.ru/events/president/transcripts/21259> (accessed 30 August 2024).

the laws the state itself passes.”¹¹⁵ Putin deemed recognition of the Western liberal democracy model to be suitable for Russia and that strengthening state institutions was complementary, not conflicting. He believed that Russia’s distinctive historical trajectory necessitated the integration of both aspects.¹¹⁶

Overall, Putin’s stance at this stage envisioned a version of democracy for Russia founded on the premises of Western liberal democracy. The same principles guided the external dimension of Russia’s approach to democracy. Over time, the discourse drifted away or rather diverted from the domestic dimension, focussing more on the external one, revealing more emphasis on sovereignty and non-interference as well as counter-Western narratives.

3.2. Democracy transformed, from liberal ideals to sovereign democracy

During his second term, Putin’s democratic rhetoric and Russia’s foreign policy posture underwent a notable transformation. His words characterising Russia as “a country strengthening its positions in the international arena and able to peacefully defend its legitimate interests in a rapidly changing world” best encapsulate this shift.¹¹⁷ This era was marked by a significant consolidation of power and increased control over political institutions and the media, signalling a move towards more centralisation and authoritarian governance.¹¹⁸ Internationally, Russia’s adverse reaction to NATO’s intervention in Kosovo in 1999 highlighted the country’s apprehensions about its weakened positions and the alliance’s expanding influence in areas it considered within its “sphere of influence” – a critical notion in shaping its foreign policy for many years. Such scepticism and concern about Western encroachment intensified, especially following the “colour revolutions” in Georgia, Ukraine and Kyrgyzstan from 2003 to 2005, which led to the overthrow of authoritarian regimes through widespread demonstrations, further solidifying Russia’s caution against what it perceived as Western expansion towards its “sphere of influence”.¹¹⁹

Nevertheless, for Russia, the most critical moment of rupture with the West was the 2003 intervention in Iraq by a coalition of countries led by the USA and the

¹¹⁵ *From an Interview with the Canadian CBC and CTV Channels, the Globe and Mail Newspaper and the Russian RTR Television*, President of Russia, 14 December 2000, available at: <http://en.kremlin.ru/events/president/transcripts/21139> (accessed 30 August 2024).

¹¹⁶ *Interview with the French weekly Paris-Match*, President of Russia, 6 July 2000, available at: <http://en.kremlin.ru/events/president/transcripts/24166> (accessed 30 August 2024).

¹¹⁷ Putin, *supra* note 107.

¹¹⁸ Examples of this trend are the suppression of the Constitutional Court in the subjects of the Federation and the gradual suppression of gubernatorial elections, *See generally* R. Kumar, “*Putin’s Legacy and the State of Democracy in Russia*”, 45(2) *International Studies* 89 (2008).

¹¹⁹ *See also* M. Suslov, “*Russian World*” *Concept: Post-Soviet Geopolitical Ideology and the Logic of “Spheres of Influence”*, 23(2) *Geopolitics* 330 (2018).

UK.¹²⁰ From the Russian viewpoint, the Iraq War and Kosovo conflicts signified the erosion of international law, fuelling Russia's scepticism towards the way international law was being manipulated to endorse the USA's unilateral actions. Such a turn aligned with Putin's "sovereign democracy" stance that saw international law as a flexible framework serving hegemonic interests.¹²¹ It also revealed to Russia that it had lost its seat at the table of "superpowers", as Russia felt its voice was disregarded and accumulated a sense of humiliation for the successor of a former great power.¹²² These developments also prompted Russia to revisit its internal and external sovereignty. Putin implemented strict measures to thwart similar scenarios in Russia and directed his efforts at reinstating Russia as a great power. He curtailed the activities of the opposition and initiated pro-government groups such as Nashi, interpreting Western support for these revolutions – particularly from the EU and the USA – as direct threats to Russian stability.¹²³ Consequently, the Kremlin intensified oversight of NGOs, particularly those engaged in political activities or funded from abroad, tying the regime's stability to the broader concept of national security. Putin's words that democracy is not a "street bazaar" best reflect his staunch distaste for public dissent.¹²⁴

The Western liberal discourse, despite Russia's manifest dissatisfaction with Western interventionism, was not abandoned during this period; it just moved down the priority list. For example, in his inauguration speech in 2004, Putin used a more nationalistic and less democratic vocabulary. It placed a higher importance on national security, state-driven development, and economic prosperity while retaining democratic elements such as political pluralism and individual liberties.¹²⁵ Internationally, the promotion of Western liberal democracy was increasingly viewed as intrusive, and the discourse placed a greater emphasis on sovereignty in relation to democracy's external dimension alongside a more particularist interpretation of democracy within the domestic context. For example, after meeting with US

¹²⁰ See also T. Ambrosio, *The Russo-American Dispute Over the Invasion of Iraq: International Status and the Role of Positional Goods*, 57(8) *Europe-Asia Studies* 1189 (2005).

¹²¹ P.S. Morris, "Sovereign Democracy" and International Law: *Legitimation and Legal Ideology*, in: P.S. Morris (ed.), *Russian Discourses on International Law Sociological and Philosophical Phenomenon*, Routledge, Abingdon: 2018, p. 121.

¹²² *Ibidem*.

¹²³ Nashi is a youth movement in Russia established in 2005 and known for its strong support of the Kremlin. For more, see M. Atwal, E. Bacon, *The Youth Movement Nashi: Contentious Politics, Civil Society, and Party Politics*, 28(3) *East European Politics* 256 (2012), pp. 256–266.

¹²⁴ *Transcript of Annual Big Press Conference*, President of Russia, 14 February 2008, available at: <http://en.kremlin.ru/events/president/transcripts/24835> (accessed 30 August 2024).

¹²⁵ Putin, *supra* note 107.

President George W. Bush in 2005 during the Russian-US summit in Bratislava, Putin stated:

Russia made its choice in favour of democracy 14 years ago, without any pressure from outside, and the way Russian society thinks and feels today means there can be no return to totalitarianism. Russia is committed to the same basic principles of democracy that are shared throughout the world, but at the same time, its modern institutions should be adapted to the current state of development of Russian society and to its history and traditions. The efforts made to establish and consolidate democracy on Russian soil should not compromise the concept of democracy itself and should not lead to the state's disintegration and reduce the people to poverty.¹²⁶

Furthermore, during his 2005 address at Stanford University, Minister of Foreign Affairs Lavrov articulated a vision of a universal idea of democracy capable of being adapted to each nation's unique cultural, historical and political contexts.¹²⁷ He also simultaneously stressed that Russia had full agency in the process of democratisation, not influenced by external pressures: "Each country applies democratic principles in its own way and within its own timeframe [... and] any forced uniformity is harmful and destructive."¹²⁸

The idea of "sovereign democracy", which draws from European intellectual traditions and Hobbesian and Schmittian thought, served as a means for Russia to assert its autonomy, distance itself from Western liberal democracy and counter what it saw as the expansion of Western hegemony.¹²⁹ Vladislav Surkov, often credited with conceptualising the term "sovereign democracy", championed this approach to assert Russia's independence from Western influences.¹³⁰ Surkov was revealingly referred to by *The Economist* as "the ideologue without ideology" – ultimately capturing the odd nature of the concept.¹³¹ Putin saw "sovereign democracy" as Russia's safeguard against "managed democracy" – which he viewed as external control over democratic processes – and emphasised Russia's autonomy in its internal and

¹²⁶V. Putin, *The Way Democracy is Established and Consolidated Should Not Compromise the Concept of Democracy Itself*, 24 February 2005, available at: <http://en.kremlin.ru/events/president/news/32852> (accessed 30 August 2024).

¹²⁷Lavrov, *supra* note 108.

¹²⁸*Main Points of the Address by the Foreign Minister of the Russian Federation S. Lavrov at the Stanford University, San Francisco, 20 September 2005*, The Ministry of Foreign Affairs of the Russian Federation, 24 September 2005, available at: https://mid.ru/en/foreign_policy/news/1636124/ (accessed 30 August 2024).

¹²⁹Morris, *supra* note 121, p. 105.

¹³⁰V. Surkov, *My stroim suverennyuyu demokratiyu* [We are building a sovereign democracy], RGRU, 29 June 2006, available at: <https://rg.ru/2006/06/29/kreml.html> (accessed 30 August 2024).

¹³¹*An Ideologue's Exit*, *The Economist*, 11 May 2013, available at: <https://www.economist.com/europe/2013/05/11/an-ideologues-exit> (accessed 30 August 2024).

external affairs, asserting that “it would not happen in relation to Russia.”¹³² He also asserted that economically strong nations often leverage globalisation for their benefit in global affairs.¹³³ Embracing sovereign democracy, in their view, meant Russia could act independently as a sovereign state within the international system.¹³⁴

Domestically, this concept played a crucial role in the political landscape, particularly in facilitating a smooth power transition between the president and prime minister in 2008, a move that solidified United Russia’s dominance and hinted at a shift towards a one-party system. It underpinned significant legislative changes that expanded presidential powers.¹³⁵ This tactic was in place until the Russian Constitution was amended, enabling Putin to seek a second presidential term in 2012.¹³⁶ During this period, “sovereign democracy” effectively reshaped Russia’s legal landscape. This transformation involved significant legislative and constitutional changes, widely viewed as Russia’s shift towards authoritarianism by restricting civil liberties and other aspects of Western liberalism.¹³⁷ Most notably, at this stage there was a marked transition towards centralisation, especially highlighted by a 2004 legislative amendment, which shifted the selection of regional governors from public elections to appointments by the Kremlin.¹³⁸ This move, coupled with the creation of federal districts, drastically transformed Russia’s federal system and diminished the autonomy of its regions, aligning them more closely with the Federation’s sovereignty.¹³⁹

Ironically, in striving to distance itself from Western models and influence, the implementation of “sovereign democracy” in Russia led to a consolidation of power and a reduction in democratic pluralism, thus replicating similar inequalities within its own system that Russia criticised in the West.¹⁴⁰ Nevertheless, the concept of

¹³²V. Putin, *Interview with ZDF Television Channel (Germany)*, President of Russia, 13 July 2006, available at: <https://en.kremlin.ru/events/president/transcripts/23703> (accessed 30 August 2024).

¹³³*Transcript of Meeting with Participants in the Third Meeting of the Valdai Discussion Club*, President of Russia, 9 September 2006, available at: <https://en.kremlin.ru/events/president/transcripts/23789> (accessed 30 August 2024).

¹³⁴Morris, *supra* note 121, p. 16.

¹³⁵*Ibidem*, p. 18.

¹³⁶*Ibidem*.

¹³⁷*Ibidem*, p. 19

¹³⁸Federal’nyi Zakon ot 11 dekabria 2004 g. No. 159-FZ “O vnesenii izmenenii v Federal’nyi Zakon ‘Ob obshchikh printsipakh organizatsii zakonodatel’nykh (predstavitel’nykh) i isplonitel’nykh organov gosuderstvennoi vlasti sub’ektov Rossiiskoi Federatsii’ i v Federal’nyi Zakon ‘Ob osnovnykh garantiyakh izbiratel’nykh prav i prava na uchastie v referendumakh grazhdan Rossiiskoi Federatsii’” [Federal Law of 11 December 2004, No. 159-FZ “On amendments to the Federal Law ‘On the general principles of organization of the legislative (representative) and executive organs of state power of the subjects of the Russian Federation’ and to the Federal Law ‘On the basic guarantees of electoral rights and the right of citizens of the Russian Federation to participate in a referendum’”].

¹³⁹Morris, *supra* note 121, pp. 19–20.

¹⁴⁰V. Morozov, *Russia’s Postcolonial Identity: A Subaltern Empire in a Eurocentric World*, Palgrave Macmillan, London: 2015, p. 108.

“sovereign democracy” coexisted with discussions on the universality of democracy in Russia, a discourse that evolved notably with Medvedev’s presidency beginning in 2008. Medvedev shifted the narrative towards recognising democracy as a universal value, albeit with local nuances, complementing rather than contradicting Putin’s perspective.¹⁴¹ This view was also reinstated in the official document Concept of the Foreign Policy of the Russian Federation.¹⁴²

Medvedev also demonstrated more tolerance to critiques of Russia’s democratisation, acknowledging the issues the country faced during that process.¹⁴³ In his 2011 World Economic Forum address in Davos, he openly recognised the critiques of Russia’s democratic and legal system deficits, affirming that “(w)e are learning and we are willing to listen to friendly advice – but what we do not need is lecturing.”¹⁴⁴ Medvedev’s stance was best encapsulated in his famous “Go, Russia!” article, where he argued that “Russian democracy will not merely copy foreign models [...]. Only our own experience of democratic endeavour will give us the right to say: we are free, we are responsible, we are successful.”¹⁴⁵ Elena Pavlova contends that Medvedev’s introspective and critical view of Russia’s democratic deficiencies of the time did not conflict with Putin’s views but instead extended its appeal to the Western audience.¹⁴⁶ Medvedev’s approach made it possible to portray Russian democracy as unique whilst retaining its universal elements.¹⁴⁷

The evolution from a more insular concept of “sovereign democracy” to one that engages with international norms and audiences reflected a strategic flexibility adapted to the ad hoc needs of the leadership. This adaptation shows an ability to modify discourse to better position Russia on the international stage, responding to both domestic and international pressures and opportunities. This begs the question of whether Russia’s discourse was evolving to mirror its realpolitik ambitions

¹⁴¹ *Interview with Journalists from the G8 Countries*, President of Russia, 3 July 2008, available at: <http://en.kremlin.ru/events/president/transcripts/48259> (accessed 30 August 2024).

¹⁴² See *The Foreign Policy Concept of the Russian Federation* (approved by Dmitry A Medvedev, President of the Russian Federation, 12 July 2008), available at: <https://www.mid.ru/ns-osndoc.nsf/0e9272bfa34209743256c630042dlaa/cef9556065/> (accessed 30 August 2024).

¹⁴³ *Meeting with Leading Russian and Foreign Political Analysts*, President of Russia, 10 September 2010, available at: <http://en.kremlin.ru/events/president/news/8882> (accessed 30 August 2024).

¹⁴⁴ *Dmitry Medvedev Addressed the World Economic Forum in Davos*, President of Russia, 26 January 2011, available at: <http://en.kremlin.ru/events/president/news/10163> (accessed 30 August 2024).

¹⁴⁵ *Dmitry Medvedev’s Article, Go Russia!*, President of Russia, 10 September 2019, available at: <http://en.kremlin.ru/events/president/news/5413> (accessed 30 August 2024).

¹⁴⁶ E. Pavlova, *The Regional and the Universal: The New Democratic Discourses in the Russian Federation and Latin America*, in: V. Morozov (ed.), *Decentring the West: The Idea of Democracy and the Struggle for Hegemony*, Routledge, London: 2016, p. 90.

¹⁴⁷ *Ibidem*, p. 89.

rather than a sincere desire to confront its perceived Westcentricism and broaden the interpretation of democracy internationally.

3.3. From discourse to dominance: Russia's contestation of Western "hegemonic" ideas of democracy

This escalating dissatisfaction with the West set the stage for Putin's pivotal 2007 Munich speech, where he openly contested Western dominance and unipolarity, which he viewed as harmful, calling for a shift towards multipolarity to prevent global dominance by a single superpower. Putin's critique was primarily directed against the USA for what he perceived to be overstepping its boundaries in its efforts to promote democracy.¹⁴⁸ He later continued to question whether NATO's eastward expansion truly advanced democracy and stability near Russia.¹⁴⁹ The idea of multipolarity gradually became essential to Russia's foreign policy discourse. Like Putin, Lavrov also frequently discussed this, advocating for a foreign policy that enhanced Russia's growth within a multipolar global framework and opposing the enforcement of a uniform democracy model.¹⁵⁰

The critical issue to examine is how the concept of multipolarity, as proposed by Russia, reshapes or influences the understanding of democracy in international law. As highlighted by Andrey Makarychev, a significant flaw of this model is its negligible concern for the internal political regimes of major power holders.¹⁵¹ Multipolarity, seen merely as a redistribution of global power among various power centres, tends to sideline the fundamental principles of democracy or place them on the same footing as non-democracies. Thus, one could argue that the notion of multipolarity both directly and indirectly shifts attention away from the domestic dimensions of democracy in terms of its recognition and validation in international discourse and legal structures.¹⁵² It also makes the concept of democracy in international law vague – if democracy is everything, then it is nothing.

Furthermore, the anti-Western narrative in Russia's discourse about democracy often involves critiquing the integrity of Western democracies. For example, at the

¹⁴⁸ *Speech and the Following Discussion at the Munich Conference on Security Policy*, President of Russia, 10 February 2007, available at: <http://en.kremlin.ru/events/president/transcripts/24034> (accessed 30 August 2024).

¹⁴⁹ *Press Statement and Answers to Journalists' Questions Following a Meeting of the Russia-NATO Council*, President of Russia, 4 April 2008, available at: <http://en.kremlin.ru/events/president/transcripts/24903> (accessed 30 August 2024).

¹⁵⁰ *Speech of the Minister of Foreign Affairs of Russia S. V. Lavrov at the International Parliamentary Forum "Modern Parliamentary and the Future of Democracy"*, The Ministry of Foreign Affairs of the Russian Federation, 10 December 2012, available at: https://mid.ru/en/foreign_policy/news/1654581/ (accessed 30 August 2024).

¹⁵¹ A. Makarychev, *Russia and 'International Democracy': Unlocking the Concept*, in: V. Morozov (ed.), *Decentring the West: The Idea of Democracy and the Struggle for Hegemony*, Routledge, London: 2013, pp. 45–63.

¹⁵² *Ibidem*.

2013 Valdai meeting, Vladimir Putin pointed out the flaws in democracies such as the United States, where presidents can win without the popular vote, emphasising that democracies have their shortcomings.¹⁵³ These criticisms are similar to the Soviet-era discourse on democracy, which was characterised by its anti-Western stance and a tendency to deflect by highlighting the faults of others.¹⁵⁴ The irony in both scenarios is that whilst both the USSR and Russia resisted being critiqued by external parties, viewing it as meddling in their domestic matters, they continuously critiqued others. This contradicts their own proclaimed stance on non-intervention, challenging their self-perceived role as defenders of sovereignty as they conceived it. Such a manner of contestation of norms is whataboutism, a rhetorical tactic that deflects criticism by accusing opponents of similar or different misconduct. Although this strategy can effectively question conventional norms and expose double standards, it implies a reluctance to accept responsibility and adopts a somewhat cynical stance by implying that all parties have their shortcomings.¹⁵⁵

To continue, Russia presented multipolarity as a commitment to legal and democratic norms in line with the UN Charter, aiming to contribute to the establishment of a just and democratic global order.¹⁵⁶ This invokes some parallels with the postcolonial understanding of democracy. As Andrey Makarychev argues, “to some extent it is based upon the old Soviet argument claiming that it was the period from the 1960s to the 1980s when the democratisation of international relations started with decolonisation, the maturing of the Non-Alignment Movement with its socialist sympathies, and so on.”¹⁵⁷ The modern alliances that Russia has formed with countries like India, China, Brazil, South Africa etc. can arguably be rooted in specific postcolonial connecting points, at least partially. This perspective suggests that Russia is perceived to be stepping into the shoes of the USSR, continuing its legacy as a leading figure in these relationships. This viewpoint logically extends the narrative that Russia’s engagement with these nations is not merely geopolitical, but also carries historical and ideological underpinnings reminiscent of the USSR’s role and influence in the postcolonial world order.¹⁵⁸

The close collaboration between China and Russia, despite the differences in their internal governance philosophies and practices, as evidenced by their unified statements and declarations to challenge the liberal idea of democracy, lends credi-

¹⁵³ *Meeting of the Valdai International Discussion Club*, President of Russia, 19 September 2013, available at: <http://en.kremlin.ru/events/president/news/19243> (accessed 30 August 2024).

¹⁵⁴ See e.g. B. Babij (ed.), *Demokratija i pravo razvitogo socialisticheskogo obshestva* [Democracy and Law in the Developed Socialist Society], Politizdat Ukrainy, Kyiv: 1979.

¹⁵⁵ E. Liebllich, *Whataboutism in International Law*, 65(2) *Harvard International Law Journal* 343 (2024).

¹⁵⁶ *Speech of the Minister of Foreign Affairs of Russia S. V. Lavrov...*, *supra* note 150.

¹⁵⁷ Makarychev, *supra* note 151.

¹⁵⁸ *Ibidem*.

bility to this argument.¹⁵⁹ Along with their increased military cooperation, the two countries' cooperation in international organisations and surprisingly frequent high-level interactions demonstrate their growing consensus on the structure of the international order, inter alia reflecting their understanding of what democracy is and is not.¹⁶⁰ To illustrate, following the Russia-China summit in March 2023, Putin stated that “[w]e are working in solidarity on the formation of a more just and democratic multipolar world order, which should be based on the central role of the UN, its Security Council, international law, and the purposes and principles of the UN Charter.”¹⁶¹ This stance may resonate with the Soviet Union's post-1945 discourse on international law self-positioning itself as a leader of a “true democratic bloc”.¹⁶² Putin's approach appears to revisit this narrative, conceptualising international democracy through efforts to end or challenge Western “hegemony”, thus linking back to the postcolonial theme and Russia's continuation of the USSR's legacy in shaping global democratic discourses.

The joint statement released by Russia and China in February 2022 is important, as it discusses their positions on various issues related to democracy and international law in detail and effectively outlines, captures and expresses their current position.¹⁶³ The declaration acknowledges the universal value of democracy construed within the confines of national sovereignty and simultaneously emphasises the lack of a universal model for establishing democracy.¹⁶⁴ The statement further links the promotion of democracy with global peace and stability, linking multipolarity with international law's aims to foster peaceful international relations. In this declaration, Russia and China mainly see Western- and specifically US-led democracy promotion as an attempt to undermine their regimes.¹⁶⁵ Since Russia and China perceive these endeavours, especially American ones, as transparent attempts to expand American influence and topple their regimes, they have sought to fight these efforts and have unified their forces on this front.¹⁶⁶

¹⁵⁹ See e.g. *Press statements by President of Russia and President of China*, President of Russia, 21 March 2023, available at: <http://en.kremlin.ru/events/president/news/70750> (accessed 30 August 2024); *Joint Statement of the Russian Federation and the People's Republic of China on the International Relations Entering a New Era and the Global Sustainable Development*, President of Russia, 10 April 2023, available at: <http://en.kremlin.ru/supplement/5770> (accessed 30 August 2024); See generally S. Malle, *Russia and China in the 21st Century: Moving towards Cooperative Behaviour*, 8 *Journal of Eurasian Studies* 136 (2017).

¹⁶⁰ A. Lukin, *China and Russia: The New Rapprochement*, Polity Press, Cambridge: 2018.

¹⁶¹ *Press statements by President of Russia and President of China...*, *supra* note 159.

¹⁶² See also Poghosyan, *supra* note 41.

¹⁶³ *Joint Statement of the Russian Federation...*, *supra* note 159.

¹⁶⁴ *Ibidem*.

¹⁶⁵ *Ibidem*.

¹⁶⁶ Lukin, *supra* note 160.

The fact that the “democratic multipolarity” rhetoric is popular in countries which lack adequate democratic credentials is also telling.¹⁶⁷ It is reasonable to infer, then, that this alliance and approach are part of a conscious effort to reshape international norms and values to better fit their own geopolitical goals and geopolitical ambitions. As for the conception of multipolarity, Russia is more interested in overthrowing one hegemonic system in favour of another that better fits its interests than in promoting equality as the cornerstone of a new global society.¹⁶⁸ This becomes particularly clear when examining Russia’s transition from mere discourse to action, especially in the context of its aggression towards Ukraine.

3.4. Epilogue: The end game of Russia’s democracy discourse, from the annexation of Crimea to the full-scale invasion of Ukraine

In line with the intensifying discourse, Russia’s foreign policy underwent a dramatic shift starting in 2008 by resorting to the use of aggression in Georgia and, later, Ukraine as an attempt to counter their Western reorientation and the West’s encroachment into its “sphere of influence.” This shift required new flexibility and a framework for justifying these actions. Russia began basing its actions on instrumentalising the United Nations’ non-binding Responsibility to Protect (R2P) principle in order to justify its unlawful acts.¹⁶⁹ This concept was first utilised with respect to the use of force in Georgia (South Ossetia) in 2008.¹⁷⁰ The R2P arguments later resurfaced in the context of Russia’s intervention and annexation of Crimea.¹⁷¹ Finally, Russia resorted to R2P as additional grounds to justify its 2022 full-scale attack in Ukraine by referring to allegations of genocide.¹⁷² This category proved to be particularly flexible, as Russia initially did not object to using the R2P concept in a “thin” sense, as reflected in the 2005 World Summit Outcome.¹⁷³ Moreover, it supported a number of relevant UN Security Council resolutions on R2P.¹⁷⁴

¹⁶⁷D. Geldenhuys, *Deviant Conduct in World Politics*, Palgrave Macmillan, New York: 2004, pp. 2–3.

¹⁶⁸Makarychev, *supra* note 151, p. 77.

¹⁶⁹R2P is an international principle that seeks to ensure that the international community never again fails to halt the mass atrocity crimes of genocide, war crimes, ethnic cleansing and crimes against humanity.

¹⁷⁰See Security Council, *Security Council Holds Third Emergency Meeting as South Ossetia Conflict Intensifies, Expands to Other Parts of Georgia*, Press release, 10 August 2008, available at: <https://press.un.org/en/2008/sc9419.doc.htm> (accessed 30 August 2024).

¹⁷¹*Address by the President of the Russian Federation*, President of Russia, 18 March 2014, available at: <http://en.kremlin.ru/events/president/news/20603> (accessed 30 August 2024).

¹⁷²Ukraine deemed these allegations ungrounded, eventually leading to a new dispute at the ICJ, *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)*, Application, 26 February 2022, ICJ Rep 2022, available at: <https://www.icj-cij.org/public/files/case-related/182/182-20220227-APP-01-00-EN.pdf> (accessed 30 August 2024).

¹⁷³UNGA resolution of 24 October 2005, *2005 World Summit Outcome*, Doc. A/RES/60/1, paras. 138–139.

¹⁷⁴See e.g. Resolution 1674 (2006), 28 April 2006, S/RES/1674 (2006); Resolution 1706 (2006), 31 August

However, Russia opposed the use of R2P in its broad sense, specifically in the context of Kosovo's unilateral declaration of independence in 2008. It objected to the claimed legality of the remedial secession of Kosovo, arguing that the situation in Kosovo did not qualify for one.¹⁷⁵

In the context of its military aggression, Russia has redefined the R2P as a duty to defend its fellow citizens or Russian speakers residing in post-Soviet countries from possible grave human rights violations by the parent state. This has been made possible by portraying ethnic Russians living in post-Soviet countries as vulnerable populations in need of defence against “hostile governments”, thus justifying its military interventions in Georgia and Ukraine.¹⁷⁶ This echoed an underlying foreign policy strategy. With the fall of the Soviet Union, more than 25 million Russians found themselves as a minority in the former Soviet countries. One of Russia's main foreign policy objectives after that was to take up the role of protector of fellow citizens abroad. This concept was further solidified by the idea of *russkiy mir* (Russian world), which defined the geopolitical contours of Russia's sphere of military, political and cultural influence.¹⁷⁷ Such a conceptualisation of R2P reveals another instance of Russia's strategic use of Western normative concepts, which, in this case, ended up becoming a tool in the hands of Russia for countering Western democratisation efforts in the region, albeit in violation of all the central principles and norms of international law.

Russia's annexation of Crimea in 2014 – before its full-scale invasion of Ukraine – is generally seen as the turning point in Russia's defection from respect for international law and the rules-based liberal international order.¹⁷⁸ The justification for the annexation reiterated Putin's anti-Western rhetoric. The speech reflected Moscow's perceived grievances, particularly regarding the colour revolutions, Western encroachment into its domain and Western promotion of democracy that, according to Moscow, failed to take into account the distinct cultural and historical

2006, S/RES/1706 (2006); Resolution 1970 (2011), 26 February 2011, S/RES/1970 (2011); Resolution 1973 (2011), 17 March 2011, S/RES/1973 (2011); Resolution 1975 (2011), 30 March 2011, S/RES/1975 (2011); Resolution 2014 (2011), 21 October 2011, S/RES/2014 (2011); Resolution 1996 (2011), 8 July 2011, S/RES/1996 (2011); Resolution 2121 (2013), 10 October 2013, S/RES/2121 (2013).

¹⁷⁵ Accordance with International Law of the Unilateral Declaration of Independence by the Provisional Institutions of Self-Government of Kosovo (Request for Advisory Opinion), Written Statement by the Russian Federation, 16 April 2009, paras. 31–32, available at: <https://www.icj-cij.org/public/files/case-related/141/15628.pdf> (accessed 30 August 2024).

¹⁷⁶ C. Ziegler, *Russia on the Rebound: Using and Misusing the Responsibility to Protect*, 30(3) *International Relations* 346 (2016).

¹⁷⁷ M. Pieper, *Russkiy Mir: The Geopolitics of Russian Compatriots Abroad*, 25(3) *Geopolitics* 756 (2020), pp. 756–779.

¹⁷⁸ S. Poghosyan, *Russian Approaches to the Right to Peoples to Self-Determination: From the 1966 United Nations Covenants to Crimea*, 30 *Juridica International* 183 (2021).

backgrounds of other countries.¹⁷⁹ Putin also argued that enforcing Western democratic norms often resulted in adverse effects, frequently culminating in turmoil and conflict – failing to mention that, in this case, it was Russia that started the actual military aggression.¹⁸⁰ The argument rests on Putin's crystalised perception that democratic initiatives inside his “sphere of influence” are not sincere grassroots attempts at democratisation, but rather interventions orchestrated by the West.

In this speech, Putin used the concepts of democracy and self-determination parallelly to justify Russia's annexation of Crimea, claiming that the referendum leading to its incorporation into Russia was “in full compliance with democratic procedures and international norms.”¹⁸¹ The speech further construed democracy as a mechanism to endorse Russia's interests and to counteract Western narratives as needed, highlighting widespread public support within Russia for the actions in Crimea.¹⁸² The annexation, in direct violation of key international law principles like sovereignty, territorial integrity, self-determination, and non-intervention – values that Russia consistently claimed to uphold – revealed a calculated effort to expand geopolitical influence, as Russia deliberately defied these norms to gain recognition.

By the time of Crimea's annexation, Russia's rhetoric on democracy had become deep-seated. Russia continued to advance its own vision of democracy internationally, demonstrating a well-crafted strategy with recurring themes. To illustrate, in a 2015 address at the 13th Annual Session of the World Public Forum, “Dialogue of Civilisations”, Lavrov reiterated the critique against the West for what it saw as imposing external democratic models and intervening in other nations' affairs, warning that such actions would only lead to more chaos and heightened tensions.¹⁸³ This stance can be seen as a self-fulfilling prophecy, with Russia's cautions mirroring the outcomes it predicted.

Additionally, diverting attention from domestic issues by critiquing Western democracies and employing cultural-relativist justifications became standard.¹⁸⁴ The necessity for Russia to adopt this language underscores a lack of viable alternatives to the Western liberal concept of democracy, thereby once again reinforcing the premises of Western liberal ideas. It also illustrates that Russia's fundamental goal is to utilise this concept to gain and maintain its rank amongst Western major powers

¹⁷⁹ *Address by President of the Russian Federation...*, *supra* note 171.

¹⁸⁰ *Ibidem*.

¹⁸¹ *Ibidem*.

¹⁸² *Ibidem*.

¹⁸³ S. LAVROV, *Foreign Minister Sergey Lavrov's greetings to the participants of the 13th Annual Session of the World Public Forum “Dialogue of Civilizations”*, The Ministry of Foreign Affairs of the Russian Federation, 9 October 2015, available at: https://mid.ru/en/foreign_policy/news/1516524/ (accessed 30 August 2024).

¹⁸⁴ *Interview to German newspaper Bild. Part 2*, President of Russia, 12 January 2016, available at: <https://en.kremlin.ru/events/president/news/51155> (accessed 30 August 2024).

rather than to challenge the core of the Western paradigm of democracy genuinely. This further suggests that Russia employs the Western rhetoric of democracy as a tool to influence the West by using its own language of international law. Another notable instance of strategically using the language of international law was in December 2021, when Russia proposed legally binding treaties to NATO and the United States, demanding that NATO cease its eastern expansion and prohibit the deployment of military forces or weaponry in Member States that joined after 1997.¹⁸⁵ Whilst adopting such a legalistic tone indicates a desire to speak to the West on equal footing using its concepts, it simultaneously reveals a realist desire to protect its national interest.

Given these developments, it is unsurprising that Russia invoked democratic rhetoric to justify its invasion of Ukraine. In his 24 February 2022 address, Putin expressed Russia's concerns over NATO expansion and the situation in Ukraine, insisting that it presented threats to Russian security.¹⁸⁶ Even after the full-scale invasion of Ukraine, Russia kept actively pushing the rhetoric of democratisation of international affairs. In his statement at the General Debate of the 78th session of the UN General Assembly in 2023, Lavrov emphasised the opportunity for genuine democratisation of global affairs and criticised the USA and its allies for undermining this process. He accused the West of spawning conflicts and impeding the formation of a multipolar world order, emphasising that their actions prevent the achievement of common goals and a fairer world order.¹⁸⁷

This story, along with Russia's views against Ukraine, eloquently demonstrates how, by drawing attention to the inadequacies of the West, Russia effectively uses democracy as a tool in the global power struggle, deflecting criticism away from its own shortcomings. Western leaders often depict the Ukrainian conflict as a key front in the worldwide clash between democratic values and autocratic forces, which represents a core conflict of our time.¹⁸⁸ These narrative positions the conflict as a critical moment in the broader struggle between democracy and autocracy, profoundly impacting the next stage of the evolution of democracy in international law.

¹⁸⁵ For further details, see *NATO-Russia relations*, North Atlantic Treaty Organization, February 2022, available at: https://www.nato.int/nato_static_fl2014/assets/pdf/2022/2/pdf/220214-factsheet_NATO-Russia_Relations_e.pdf (accessed 30 August 2024).

¹⁸⁶ *Address by the President of the Russian Federation*, President of Russia, 24 February 2022, available at: <http://en.kremlin.ru/events/president/news/67843> (accessed 30 August 2024).

¹⁸⁷ S. Lavrov, *Foreign Minister Sergey Lavrov's statement at the General Debate at the 78th session of the UN General Assembly*, The Ministry of Foreign Affairs of the Russian Federation, 23 September 2023, available at: <https://tinyurl.com/zvynax33> (accessed 30 August 2024).

¹⁸⁸ See e.g. *Remarks by President Biden on Supporting Ukraine, Defending Democratic Values, and Taking Action to Address Global Challenges*, The White House, 12 July 2023, available at: <https://tinyurl.com/342kv4n9> (accessed 30 August 2024).

Nevertheless, the true extent of this impact will become clear over time, as history often unfolds slowly but surely.

CONCLUSIONS

The debate over the definition of democracy in international law, revealing deep-seated global discrepancies in its interpretation, has turned into a contentious arena where Western and non-Western views clash. Russia has joined this debate with its own perspective on the topic despite lacking democratic credentials. Under Putin's leadership, Russia's discourse on democracy has been rather flexible, encompassing both particularist and universalist views. It has gradually shifted its focus from democracy's internal aspects to external ones, formally emphasising sovereignty and non-intervention in international law while domestically prioritising an authoritarian style of governance, focusing on centralised authority and a strong state apparatus reminiscent of the Soviet-era approach. This shift aligns with Russia's wider geopolitical ambitions and realpolitik strategies, framed against an anti-Western backdrop and revealing dissatisfaction with growing Western hegemony. Ironically, Russia's practice invertedly reinforces the Western approach, which perpetrates the same inequalities Russia criticises in others. This contradiction is evident both within Russia, through its growing authoritarianism, and abroad, as demonstrated by the annexation of Crimea and the full-scale invasion of Ukraine.

Employing concepts such as "sovereign democracy" and multipolarity, as well as a particularist approach to democracy that reflects cultural-relativist arguments alongside an acceptance of its universal significance – all the while utilising and critiquing the Western liberal democratic vernacular – might appear contradictory and perplexing. Nevertheless, these components harmoniously integrate into Russia's discourse on democracy, effectively explaining Russia's stance. They all stem from Russia's ambition to assert itself as a great power rather than a genuine desire to universalise democracy in international law to include everyone, everywhere. These concepts serve as strategic tools to overcome Russia's internal challenges with democratisation whilst seeking global recognition. Despite outward claims of advocating for a more fair and democratic world order, these strategies aim to secure Russia's place alongside Western powers or replace them as "hegemons" rather than replacing or restructuring their ideas.

Last but not least, this discussion highlights the need for a clear, comprehensive definition of democracy in international law to prevent the kind of broad, strategic interpretations which defeat the whole idea of democracy. Establishing such a definition is crucial for maintaining a consistent democratic governance standard and ensuring democracy remains a viable form of governance committed to human

rights, freedom and equality worldwide. Russia's diplomatic push for democracy, tailored to fit its geopolitical agenda, threatens to erode the universal allure of democratic values by further deepening the emphasis on state sovereignty over individual freedoms. This manoeuvre risks legitimising authoritarian regimes, stymying efforts to maintain global democratic standards and weakening the international legal system's capacity to support authentic democratic practices.

Consequently, Russia's actions may redefine the international dialogue on democracy, making it harder for the international community to champion democratic governance and human rights. In the context of Russia's vision for the international legal order, we are now further than ever from achieving a Franckian version of the "right to democracy". Essentially, the chapter on striving towards a Franckian model of democracy within Russia's approach to international law and foreign relations might be conclusively closed until Russia feels confident that it holds a hegemonic position to master the terms and conditions of exercising such a "right" in international law.