

(Un)limited mandate to deploy armed forces outside Russia

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On 22 February, the Federation Council, at the request of Vladimir Putin, gave its consent to the use of armed forces outside Russia. The document does not state in which areas this will be permitted, and leaves that decision to the president. The Federation Council's vague resolution has opened up speculation as to which territories the Armed Forces of the Russian Federation may be sent to. In justifying its request, the representative of the Defence Ministry emphasised that the army would operate in the Donbas while performing tasks related to the restoration of peace. He did not specify whether he was referring to the territory occupied by the separatists, who control 40% of the Donetsk and Luhansk oblasts, or to the rest of these areas, which are controlled by Kiev. Any such doubts were dispelled by President Putin, who stated that Russia's recognition of the Donetsk and Luhansk People's Republics (DPR, LPR) means the acceptance of their constitutions and key legal acts which, as he sees it, fixes their borders within the lines of the Donetsk and Luhansk oblasts when they were part of Ukraine. At the same time Putin added that he hopes that the border issues will be resolved in the future in talks between Kyiv and Donetsk & Luhansk; he also stated that Moscow's decision did not mean that Russian troops would now be deployed throughout the area. He also maintained that it is not possible at this time to prejudge how the situation will develop.

Commentary

- The vague consent to the use of the Russian Armed Forces outside the country gives Putin a free hand to deploy troops at any time and place. This means that, if necessary, the Federation Council's consent will suffice to justify any decision to enter the territory of Ukraine. However, it should be remembered that Russian units have informally been present in the DPR & LPR since 2014, although the size of the contingents there is difficult to determine.
- The separatist para-states' 'constitutions' (the DPR's of 14 May 2014 and the LPR's of 24 September 2014), whose texts are essentially identical, contain a formula that defines their boundaries as "those existing on the day of their creation". The question of defining their territorial area was made more specific a few years later: on 29 November and 18 December 2019, the parliaments of the self-proclaimed DPR and LPR adopted identical laws on their state borders. These confirm that the defined limits are the borders of Donetsk and Luhansk oblasts as they were in 2014, when they belonged to Ukraine, and that the temporary border runs along the contact line between the forces of both para-states and the Ukrainian forces.

- Putin's interpretation of the so-called republics' legislation is a trick aimed at legalising the steps taken by the Kremlin. Russia's recognition of them allows the use of troops on their territory, and serves to build up a narrative of disinformation that this incursion is a 'peace mission'. At the same time, Moscow has claimed both the Ukrainian oblasts in full as the territory of the so-called people's republics. This means that Russian troops could enter into areas controlled by Ukrainian troops. If fighting for these 'borders' starts, this will lead to open armed conflict with Ukraine, constituting an act of unilateral aggression without a formal declaration of war.