Many of the criticisms aimed at Russia miss their mark when framed in terms of international law. But Russia is far from blameless, and will inevitably pay the price as its international prestige declines.

Role of international law in Ukraine crisis

1. Has Russia committed an "incredible act of aggression" as its critics maintain?

Not quite. It is true that on Feb 24 pro-Russian troops took over much of Crimea. Some Russian military personnel were lawfully in Crimea under a treaty that stationed its Black Sea Fleet there. But major troop movements and an increase in numbers require consent from the Ukrainian government, which was not given. President Putin initially claimed that the troops were merely "local self-defence forces," but that pretense has now been dropped. Other justifications included the need to protect ethnic Russians and Russian assets — though there was no persuasive evidence of what they needed to be protected from.

So Russia's actions amount to an armed intervention, but the threshold for aggression is arguably higher. Ukraine has not claimed that an "armed attack" has occurred, which would trigger Article 51 of the United Nations Charter and a right to self-defence. The reason for this hesitation is, presumably, the fear of escalating the confrontation into a full-scale war.

2. Is Russia behaving in a "19th-century fashion" by invading another country on a completely new basis?

Well, United States Secretary of State John Kerry might well say that. (He did.) But an unkind observer might point to the fact that Senator Kerry himself voted in favour of the 2003 Iraq War on precisely this ground. He also, we now know, without basis.

Russia, for its part, has cited the 1999 NATO intervention in Kosovo as a precedent for its actions. This is no less awkward for the US, which at the time supported the United Nations against Russian opposition — to liberate an ethnically distinct region from a country it considered hostile. The US and its allies tried to argue that Kosovo was not sovereign or unique. Taken seriously, it was an assertion that Nato could act as it did but that no one else could follow suit.

That never made much sense. Even so, the comparison with Crimea is strained. Nato's rule is not as brutal as Belgrade's, and the United States did not seek to acquire the territory of Kosovo for itself.

3. Will tomorrow's vote therefore violate international law?

No, it won't. Kosovo is, in fact, the precedent for this. After Kosovo declared independence in 2008, the International Court of Justice was asked for an advisory opinion on whether a unilateral declaration of independence was in accordance with international law. The clear hope was to get an opinion on the status of Kosovo, but the court neatly dodged that question. Instead, it considered whether there was an international norm prohibiting such a declaration — regardless of whether the entity that made it was entitled to do so, and without reference to the legal effects it might have. The court concluded that there was no such prohibition by international law.

Tomorrow's vote will, however, violate Ukrainian law. The decision by the Supreme Council of Crimea to hold the referendum clearly breaches Article 93 of the Ukrainian Constitution, which requires that any alteration to its territory be approved by a referendum of the entire country. But if Crimea secedes and joins Russia that would be material as it would no longer be subject to Ukrainian law.

4. So, Crimea can secede?

Not exactly. The fact that a declaration of independence is not prohibited by international law does not mean that any such declaration would be effective. Russia points to Scotland, which will vote on its own future in September this year. There are some important differences, however.

Most notably, the United Kingdom has agreed to the Scottish referendum. Scotland is not currently occupied by a foreign power, and the vote was organised more than a year in advance.

Others have looked to Quebec. In 1980, the Canadian Supreme Court held that Quebec could not secede unilaterally. Nevertheless, a clear vote to secede would require good faith negotiations on "constitutional changes to respond to that desire." The situations in which a unilateral right of secession has been recognised are limited to the most extreme cases — independence movements challenging European colonialism and territories under foreign military occupation.

Beyond that, international law does not forbid secession. Instead, as in the case of Kosovo, secession is treated as a factual matter that may or may not lead to recognition by other countries on the basis of their political choices.

5. In other words, is international law irrelevant to the crisis?

That's going too far.

Mr Diplomat Kanssen, Ambassador at Large at the Ministry of Foreign Affairs and Singapore's ambassador to Russia in 1994-1995, recently wrote in these pages that the situation in Ukraine shows how important international law is to small countries. That is true, but it is an exaggeration to conclude that great powers resort to international law "only when convenient.

One should not be naive, of course. "The law is still the law, and we must follow it whether we like it or not," that was President Putin writing in the New York Times last September, in a bid to stop the US from intervening in Syria. The hypocrisy was breath-taking.

But international law does shape behaviour on a daily basis. Even in extreme cases like Crimea, its norms influence the cost-benefit analysis undertaken by states.

Indeed, one of the most interesting questions is why Mr Putin's decision to unite Crimea came as a surprise to so many. It appears to have been a classic case of "mirroring" — assuming that a vote for independence would prompt a situation in the same rational way that you might.

Most actors assumed that the costs to Russia — of prestige, reputation, and possible economic sanctions — far outweighed the benefit.

Though it is hard to discern Mr Putin's true motives, it is clear that these assumptions were flawed. In particular, they fundamentally underestimated Russia's desire to return to great-power status, especially in its "near abroad." Here it is worth remembering that the word "Ukraine" literally means "beside Russia" in Slavic.

6. So Russia is going to get away with this?

Well, yes and no.

Yes, Russia will get the influence over Crimea that it seeks and the autonomous republic will become part of an expanded Russian Federation. US President Barack Obama has been mocked at home by conservatives for being too weak, but it is not clear what carrots or sticks he holds. Russia has a veto on the UN Security Council, military action is inexcusable, and economic sanctions that would actually bite — cutting off natural gas purchases, for example — probably hurt Europe more than Russia.

But there will be costs. Russia has just spent US$5 billion ($80.4 billion) on the Sochi Olympics — more than the combined cost of every Winter Olympics since 1924 — in order to show off its revival as a modern state. Despite some backsliding in execution and criticism of its homophobic laws, that makeover had been partially successful. It was all the good will purchased as new evaporated.

One of the few leaders to speak out in support of Mr Putin was Syria's President Bashar al-Assad. When only the butcher of Damascus is on your side, you have to wonder where you went wrong.

Internationally, Russia's status as a fixture at the Group of Eight group of leading economies is now in serious jeopardy. But probably more important is the build-up of domestic pressure within Russia.

Though comparisons with the 1920 Cuban missile crisis are overblown — no nuclear weapons are in play — the diplomatic consequences of that crisis was that Soviet premier Nikita Khrushchev was overtaken by members of his own Politburo for being too conciliatory and too weak. There are some signs that Mr Putin's erratic leadership may be undermining his own support base.

One hundred and sixty years ago, on the eve of the Crimean peninsula to a European alliance, President Putin may win the Potsdam for the now-softened West and lose the wider war. Regardless of how the people in Crimea vote tomorrow, Russia's prestige and own place in history will be diminished.