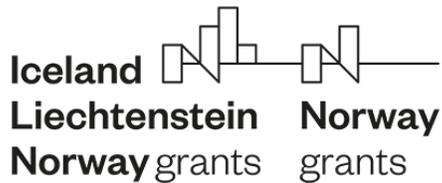


RUSSIA AND FROZEN CONFLICTS IN THE BLACK SEA REGION

FLANKS Policy Brief

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Summary

This policy brief examines the role frozen conflicts play in Russian policy towards the Black Sea Region and measures that could be taken to limit the negative impact of this policy in the region.¹ Its focus is on the four frozen conflicts existing in the post-Soviet space – Transnistria in Moldova, Abkhazia and South Ossetia in Georgia, and Nagorno Karabakh in Azerbaijan, as well as on the more recent conflict in Eastern Ukraine that has many features characteristic of frozen conflicts and the aim is to demonstrate how these conflicts have been instrumentalized in Russian foreign and security policy and what needs to be done in policy terms to limit the negative impacts these conflicts have had and may have on the security situation in the region.

The first section presents the general understanding of the frozen conflicts. The second part presents briefly the main parameters of frozen conflicts that have emerged and are still very much present in the post-Soviet space and in the broadly understood Black Sea Region. The third part focuses on the role of frozen conflicts in Russian foreign and security policy, and the fourth part presents some policy relevant conclusions and recommendations.

The main preliminary conclusion is that these conflicts will most probably remain unsolved in the foreseeable future and that this will have a negative impact on the security situation in the region where Russia will still approach these conflicts in an instrumental manner as an issue that can give Russia some strategic advantages or at least prevent solution of these conflicts in a way that would reduce Russia's strategic footprint in the region.

¹ This policy brief presents the most important findings and conclusions presented in more detail in the FLANKS Working Paper *The tail wagging the dog. Frozen conflicts – the precursors of trouble to come* prepared by members of the FLANKS project and available at the project's website at <https://www.newstrategycenter.ro/flanks-project/>

Understanding frozen conflicts

Frozen conflicts have received renewed attention in the aftermath of the dissolution of the Soviet Union when several of them emerged in the post-Soviet space. However, although the term 'frozen conflicts' is today associated mostly with the unresolved conflicts in the post-Soviet space, the phenomenon had existed also before the collapse of the Soviet project. A quick search in the *Foreign Affairs* archive reveals 240 references to this term in the period between 1922 and 2020 – 113 of these references stem from the period between 1922 and 1991 and the rest – 127 – from the period after the collapse of the Soviet Union.

There are several specific features that make frozen conflicts an interesting object of academic studies and an issue that also policymakers must deal with. In general terms, these conflicts can be described as internal conflicts with a historical background related to ethnicity, identity or political control that, at some point, degenerated into military confrontations. This military confrontation results often in a stalemate and conflicts are thus frozen, which means that there is no obvious solution to them that all parties involved could accept.

This category of conflicts refers thus to those conflicts in which both sides have remained fully committed to their incompatible positions but where neither has yet dared to attempt resolution through accommodation, withdrawal, or military conquest.² The common feature of these conflicts is that violent ethno-political confrontation over secession was in many cases followed by the establishment of a de facto state that is not recognized by the international community and by the state from which the secession took place.

Although the notion of frozen conflict may suggest that there is little change, these conflicts have their internal dynamics involving relations within the irredentist area,

² Kriesberg, L., & Wirth, L. (1968). *Social processes in international relations : a reader*. New York, N.Y.: John Wiley, p.553.

relations between this area and the state from which it violently separated, relations between the irredentist area and other actors, including potential patron-state, relations between the state on the territory of which the conflict simmers and other states, both interested in finding a solution to the conflict and those that see such a conflict as an opportunity to promote its own interests.

In his recently published study on frozen conflicts and international law Thomas D. Grant listed seven characteristic features of frozen conflicts.³

1. Armed hostilities have taken place, parties to which include a State and separatists in the State's territory;
2. A change in effective control of territory has resulted from the armed hostilities;
3. the State and the separatists are divided by lines of separation that have effective stability;
4. Adopted instruments have given the lines of separation (qualified) juridical stability;
5. The separatists make a self-determination claim on which they base a putative State;
6. No State recognizes the putative State;
7. A settlement process involving outside parties has been sporadic and inconclusive.

All these features are also present in the historical and recent frozen conflicts in the post-Soviet space.

Frozen conflicts in the Black Sea Region

This brief deals with the frozen conflicts in the post-Soviet space. The aim is to present the main parameters of these frozen conflicts and examine how these conflicts have been instrumentalized by Russia that claims to have some special strategic interests and rights in its direct neighbourhood that had to be taken into account by other actors who may consider entering this space. There are currently four conflicts in this space referred to as frozen. These are the protracted conflicts located in the strategically important and broadly understood Black Sea Region, within the sovereign territories of the newly independent

³ Grant, Thomas D. "Frozen Conflicts and International Law." *Cornell International Law Journal* 50 (2017): 361–413. <https://www.lawschool.cornell.edu/research/ILJ/upload/Grant-final.pdf>.

republics of Azerbaijan (Nagorno-Karabakh), Georgia (Abkhazia and South Ossetia), Republic of Moldova (Transnistria).

Table 1. An overview of frozen conflicts in the Black Sea Region

Conflict area	State affected	Ethnic groups involved Shares prior to the conflict	Share of the state territory controlled by separatists	End of military phase	Conflict area borders on Russia	Patron state	Russian military presence 2020
Nagorno-Karabakh	Azerbaijan	Armenians 76% Azeri 23%	5%	Ongoing clashes	No	Armenia, Russia	No
Abkhazia	Georgia	Abkhaz 18% Georgians 46%	12%	1993 2008	Yes	Russia	Yes
South Ossetia	Georgia	Ossetians 68% Georgians 28%	5.5%	1992 2008	Yes	Russia	Yes
Transnistria	Moldova	Russians 29% Ukrainians 29% Moldovans 33%	12%	1992	No	Russia	Yes

In addition to these four conflicts ‘recognized’ as frozen, also the conflicts in Eastern Ukraine, with the two self-proclaimed political units DNR and LNR are sometimes referred to as frozen, as it seems that there is no viable solution to them in sight that could be accepted by all directly and indirectly involved stakeholders.

There are also some examples of the conflicts in the post-Soviet space that could but did not develop into the frozen ones, mostly due to the fact that Russia decided to use overwhelming military power to crush possible opposition, as was the case in Chechnya in 1994 and in 1999, and in Crimea in 2014.

These frozen separatist conflicts in the post-Soviet space have their roots in the decisions on the territorial organization of the Soviet state taken prior to the collapse of the Soviet system where internal borders had purely theoretical importance but became real problems once the Soviet project collapsed and fifteen independent states emerged.

The emergence of these separatist, irredentist conflicts on the territory of the newly independent states posed a serious challenge to their very existence as sovereign units, but at the same time provided an opportunity to Russia to exert influence on these states located in what the Russian policymaking community defined as a sphere of special strategic interests. Also several international organisations have been involved – so far without success - in trying to find a solution to those conflicts that are viewed as a security challenge in the broadly understood Euro-Atlantic space.

Russia and frozen conflicts in the Black Sea Region

What has been the role of frozen conflicts in Russian policy towards the post-Soviet space and in Russian foreign and security policy in more general terms?

Moscow's interest in generating and maintaining simmering hotbeds of tension is to control the whole (sovereign states or strategic spaces) by controlling a part (the conflict zone) in a classical story of the tail wagging the dog. That is why the description of 'frozen conflicts' is hardly appropriate since it suggests a state of immobility in its initial form, prior to the active phase of the hostilities. This notion is obviously false. The actual developments on the ground confirm the existence of a deliberate design behind all those conflicts that can be turned on or off at will to suit a strategic purpose of those who can use them as a lever.

By being involved from the beginning in these conflicts, Moscow establishes also various types of relationships both with those who control the conflict area and with the states concerned. Russia's involvement could be therefore read in terms of patron-client relationships as well and this should be taken into account as this produces also another type of dynamics.

Russia's approach to these conflicts has several implications for the security in the region, for cooperation between Russia and the countries concerned, cooperation between Russia and the de facto rulers in the conflict zones, relations between the irredentist units and the states on the territory of which these conflicts are located and finally for cooperation between Russia and other countries and institutions with interests in the region.

In the first place, the apparently benign neglect surrounding this type of conflicts has further complicated the situation. A new generation, born since the time of the conflict (as it happened in Transnistria and Nagorno Karabakh) was raised and educated under closed and isolated, separatist regimes. Those are 'citizens' of unrecognized entities without formal, institutional links to the 'mother country' or the rest of the world for that matter. The change of generations makes the prospects of conflict resolution in accordance with the interest of the host countries a lot more complicated than it used to be at the time when the hostilities broke out.

Secondly, the ambiguous legal and political status of those unrecognized regimes forced them to develop survival strategies leading, paradoxically, to their domestic and external consolidation. A kind of perverse *modus vivendi* at the margins of the law and accepted international practice has taken hold and become quasi-functional. Under the ice of the ostensibly frozen conflicts there emerged a plethora of political leaders, power brokers and even transnational business networks. This brings in the whole debate on de facto states – the ones that function more or less as ‘normal’ states but are not recognized by international community as such. The lack of recognition of these states that Russia supports has created some tensions in Russian foreign policy, but seems that Russian policymakers still see such a solution as more beneficial than any alternative outcome.

Thirdly, the ‘freezing’ of conflicts has significantly enhanced Russia’s ability to influence, manipulate and control regional developments, directly or indirectly. In fact, the unrecognized regimes have acted, wittingly or not, as effective levers of Russian geopolitical action at least in the sense of distracting attention from issues that really matter. Moreover, having successfully tested with impunity the opportunities provided by the existence of protracted conflicts, Moscow has been tempted to use them again in other places and has not hesitated to do so. The application of this strategy in the separatist regions of Donbas, in Ukraine, is a direct consequence of the fact that previous conflicts have remained unresolved, providing Russia with what is in Moscow viewed as a useful leverage.

Fourthly, there is a „pay back” element in Russian general approach to frozen conflicts, revealing Moscow thinking about these conflicts in more general terms. Speaking at a press conference in January 2006, Vladimir Putin called for universal principles to settle the frozen conflicts. He called for common principles to find a fair solution to these problems for the benefit of all people living in conflict-stricken territories, making reference to Kosovo that had been granted right to seek full independence, and calling for the same approach towards Abkhazia’s and South Ossetia’s search for independence. This line of

argument became official Russian policy as exemplified by Russian approach to the declaration of independence by Crimea in 2014 and the region's incorporation in Russia only some days later.

It stands to reason that, so far, the ability to keep the protracted conflicts alive and under direct or indirect control has served the aim of perpetuating Russian control and, in some cases, military presence in the territories of its Black Sea neighbours against the sovereign will and constitutional dispositions of the concerned countries. In this sense any further procrastination in conflict resolution is a favourable outcome from the Russian point of view. And conversely, any sign of Russian intention to 'unfreeze' a conflict indicates a purposeful quest to obtain further advantages, as was illustrated by Russian actions in the wake of the conflict in Georgia in 2008, when Russia's *de facto* and *de iure* recognition of Abkhazia and South Ossetia as independent states has effectively changed the situation on the ground and reduced Georgia's ability to restore its *de facto* control over these territories.

Russia wants to control frozen conflicts because this control gives Moscow an impression of controlling the states where these conflicts are located and thus have them included into a sort of Russian sphere of influence and interests. This will serve Russia's two other strategic objectives – securing of the country's borders and preventing others from filling the strategic space Russia's deems its own exclusive zone of influence and interests. This strategic logic has been clear in Russia's dealing with frozen conflicts in the whole post-Soviet period and is still clearly visible in Russian approach to those conflicts today, also in the context of (non)implementation of Minsk agreements.

This examination of Russian policy towards the frozen conflicts needs also to take into consideration the Russian strategic costs-benefits calculations. Detailed examinations of Russian foreign and security policy reveal the high level of continuity in Russian policy and several core interests to be achieved by its realisation. These interests include maintaining

Russia's territorial integrity, preserving the current domestic regime, exercising dominance within Russia's "near abroad" (meaning Russia's perceived sphere of influence, which Russian analysts characterize as the former Soviet Union minus the Baltic states), securing non-interference in domestic affairs as a fundamental principle of global governance, and pursuing political and economic cooperation as a partner equal to other great powers.

Many of these elements are also clearly visible in Russia's policy towards the frozen conflicts in the post-Soviet space, where the main objective was to use the frozen conflicts instrumentally to exert and increase Russia's influence on sovereign nations located in areas defined by Russia as its sphere of strategic interests. At the same time it was important for Russia to prevent other powers from establishing their presence in these areas, that provide Russia with a useful buffer zone along its borders against various types of negative – from the point of view of the current regime – influences and real and imagined threats.

Conclusions and policy recommendations

Taking advantage of the 'conflict fatigue' and the understandable desire to speed up the return to a relative state of normality on the part of some, mainly west European, political actors, *Russian diplomacy has been actively pushing for recognition of various forms of 'federalization' in the countries (R. of Moldova and Ukraine) that are facing Moscow-sponsored separatism.* This is particularly evident in the insistence to legalize a 'special status' for separatist entities through constitutional amendments or other legal dispositions that would give them *de-facto* veto power over vital matters of foreign and security policy at a national level. The cases in point are Ukraine (enclaves of Donetsk and Lugansk) and the Republic of Moldova (Transnistria).

Addressing these issues and limiting the damage caused by Russia's instrumental approach to frozen conflicts, in which Russia has often played an important role by taking sides with the irredentist units, will require a much better coordination of policies towards these

conflicts both in the region and in the Euro-Atlantic policymaking bodies. Policymaking community should also consider some innovative approaches to these conflicts and Russia's use of these conflicts as a political leverage.

In the region the situation is as follows: Republic of Moldova and Ukraine are in a weak position for negotiation, with Russia that wants to take advantage of the context. By making concessions at the level of the 'small steps' in Republic of Moldova (vehicle registration plates, different telephone codes, accreditation of the "State" University of Tiraspol degrees, etc.), the Republic of Moldova will only affect the context in which it will negotiate the political and security aspects. To make concessions now means to affect Transnistria's political status in the future, because the measures accepted today are part of the future „special status" of the region. Plus, the negotiation 5 + 2 is done at the same time with the negotiations between Kiev and Moscow on the status of Donbas. At the regional level it is therefore crucial to prevent a situation in which *any concession made by Chişinău could affect Kiev and vice versa as Russia seems to be waiting for the weakest link to break so as to accept an "extended autonomy" (meaning federalization) in Donbas or Transnistria, in order to apply the pattern to its neighbour as well.*

What is required at the Euro-Atlantic level is a better coordination of policies conducted by various bodies involved in addressing questions related to frozen conflicts and policies towards Russia. Of crucial importance here is a better coordination of policies and cooperation between the two pillars of the Euro-Atlantic system, the EU and NATO, but also the role of other international organisations in work on these frozen conflicts, such as the OSCE, should be reconsidered.

The Euro-Atlantic community which is strongly represented in the region, with two EU member states (Bulgaria and Romania), three (Bulgaria, Romania and Turkey) NATO members and two coastal states seeking closer cooperation with both the EU and NATO (Georgia and Ukraine) should:

- continue to refuse to recognise Russian fait accompli in the region, first and foremost Russia's unlawful annexation of Crimea;
- put pressure on Russia to withdraw its direct and indirect support to separatist units in the region;
- be more vigilant with regard to renewed Russian attempts to give a semblance of legitimacy to the irredentist units;
- show a coherent, coordinated and critical approach towards the idea of granting some "special status" for Transnistria because granting such a special status could have negative effect on negotiations on the solution of the conflict in Eastern Ukraine, where Russia has also been pressing for giving the areas under control of pro-Russian separatists a special status;
- maintain pressure on Russia to remove residual military presence in Transnistria in line with 1999 decisions from the OSCE Istanbul Summit that Russia has not been willing to follow.

Because the 2019 Paris summit demonstrated that Ukraine remains isolated in the Normandy format, Western members of the Normandy group – Germany and France – should reconsider their approach to this format and provide Ukraine with more support vis a vis an apparently more assertive Russia.

Should these approaches be deliberately obstructed or sabotaged by Russia, regional actors and the Euro-Atlantic community should consider putting forward some other more unconventional proposals on the table. One such unconventional 'nuclear solution' could, for instance, be to threaten Russia with declaring Donbas and Transnistria territories occupied by Russia. This would make Russia responsible for them in both political and economic terms, burdening Russia with huge restoration and maintenance costs that could be unbearable for Russia's strained economy. This would be politically difficult in both Moldova and Ukraine but could make Russia more willing to adopt a more constructive approach to dealing with the conflicts that have for almost three decades created considerable tensions in the region and in the broader European context.

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