

Reforum

FREEDOM FROM DEPENDENCE

How to resolve the issue of disputed territories
both within Russia and under Russian protectorate



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Introduction

2021 marks 30 years since the Union of Soviet Socialist Republics ceased to exist, both legally and practically. There was a long period of major events that took place in quick succession during the late 20th century and beginning of the 21st. Yet, the USSR's political fallout remains very relevant today—we can see it in the architecture of our cities, our mindsets, and the political style that has made a comeback in Russia. The USSR provoked a number of national and territorial conflicts that have yet to be resolved. The status of several states (or quasi-states) in the European part of the former Soviet Union are still in dispute.

At first glance, it might seem controversial to describe these conflicts as part of the Soviet legacy—after all, the Armenia-Azerbaijani or Georgia-Ossetian territorial disputes had spilled over into armed conflict even before the formation of the USSR, while calls for the Donetsk and Luhansk regions to separate from Ukraine were not really a serious matter until after nearly fifteen years of Ukrainian independence. Nonetheless, these longstanding conflicts have only grown more pressing as a result of the Soviet Union's haphazard (or rather, meticulously fine-tuned) national policy, while new conflicts have been possible based on the remnants of Soviet thinking and nostalgia for the “good old days”.

In this report, we will use the term “disputed territory” to describe the political entities within the internationally-recognized borders of a post-Soviet state, which, in violation of international laws, have broken away from that state, proclaimed their

new status, and actually received official recognition or practical support from another country (or small group of countries). Do we have to spell out the common denominator of the Russian Federation as the main (or only) country providing any practical (and in some cases, diplomatic) support for these disputed separatist territories? Generally speaking, the that practical support from other countries is negligible (with the exception of Nagorno-Karabakh).

If we were to formally describe the story line of any disputed territory, they would all look alike—“the elite of some administratively separate unit of the country, with significant support from the population, have declared their independence from the state, with protection from their mighty neighbor,”—the actual circumstances on the ground in each case and how the situation unfolds are actually quite unique and should be studied individually. Let us try, nonetheless, to divide all post-Soviet disputed territories into a few categories based on the overall circumstances leading up to the dispute bubbling over, and the way the situation has developed hitherto.

The first category includes the Republic of Crimea (in Ukrainian, the Autonomous Republic of Crimea) and the city of Sevastopol. Here, there were no serious interethnic conflicts (if we don't count the deportation of Crimean Tatars in 1944), and though there were separatist and pro-Russian factions, they were not an obstacle to Crimea joining independent Ukraine along with other regions of the Ukrainian SSR, and in time, had significantly died

down. Crimea's status changed abruptly (in less than a month), as a result of Russia's military-political special operation, ending with Crimea and Sevastopol being annexed as part of the Russian Federation.

It is worth noting that Sevastopol's administrative separation from Crimea is somewhat artificial, whether it is part of Ukraine or the Russian Federation. In Ukraine, Sevastopol was granted special status as part of a compromise with Russia during the mid-1990s, which made it possible to combine the presence of the Russian Federation's Black Sea Fleet with Ukraine's principle of military neutrality enshrined in its 1996 constitution. Non-public sources associate accepting Sevastopol as a separate entity within the Russian Federation with the uncompromising position of Alexei Chaly, Sevastopol's so-called "people's mayor" and leader of its pro-Russian residents since 2014. In any case, for the purposes of this report, Crimea will be considered as a single disputed territory without separating it from Sevastopol.

The second category of disputed territories includes the Georgian autonomous republics of Abkhazia and South Ossetia. Here, there is a long history of ethnic conflicts, which often showed through the smokescreen of the USSR's "friendship of nations," and sharply escalated during Gorbachev's *perestroika*. In 1990, the Abkhaz Autonomous Soviet Socialist Republic and the South Ossetian Autonomous Oblast declared themselves full-fledged republics within the USSR—most likely at the behest of Soviet leadership hoping to stymie Georgia's aspirations for independence. Thus, following the disintegration of the USSR, neither autonomous territory completely recognized Tbilisi's authority. Armed clashes broke out between the Ossetians and Georgians from 1991-1992, and a full-fledged war erupted between Georgia and Abkhazia from 1992-1993.

As a result, both Abkhazia and South Ossetia actually seceded from Georgia, and Russia became their main economic and political partner. Residents of both territories were granted Russian citizenship en masse. Following Tbilisi's attempt at returning South Ossetia by force and the invasion of Russian troops in Georgia in 2008, Moscow recognized both territories' independence. South Ossetia and Abkhazia differ when it comes to political processes—for example, in South Ossetia, the idea of becoming part of the Russian Federation is popular (this has not happened due to the Kremlin's own reticence), while in Abkhazia, "integration" is not a goal. Nonetheless,

given their political similarities, both belong to the same category.

The third category includes territories that became "disputed" relatively recently, such as the so-called Donetsk and Luhansk People's Republics (DPR and LPR). In Ukraine, it is customary to refer to their formal status as the separate areas of Donetsk and Luhansk regions (SADLR). As with Crimea, there was no interethnic conflict here, and the idea of breaking away from Ukraine (to join Russia) was seen as a political fringe issue until spring 2014, when it was pushed to the forefront during the (generally failed) "Novorossiia" project. Unlike Crimea, Russia has not annexed the DPR and LPR—on the contrary, it supports the idea of them reintegrating with Ukraine, but on conditions that are unacceptable to Kyiv. Meanwhile, the Russian Federation provides SADLR residents with citizenship, recognizes their passports and DNR and LPR license plates, etc. Though the internal situation in these self-proclaimed republics varies somewhat, nearly all political and administrative decisions come from Moscow, which is why the SADLR can generally be considered as one single disputed territory.

The events in Transnistria in 1990-1992 were not the result of interethnic conflicts, either, though they did divide Moldova into Romanian and Russian-speaking regions. In this case, the separatism was partly historical, and partly administrative-economic in nature. The main reason, however, for the "separation" was differences in mentality between the majority of the populations on either side of the Dniester. On the right bank, Moldovans strived for radical changes and independence, while Transnistrians held onto Soviet realities and feared hypothetical integration with Romania.

The Pridnestrovian Moldovan Republic (PMR), like the other territories discussed herein, also enjoys political and economic support from Moscow. Despite the lack of any shared borders with the Russian Federation, there has been a constant presence of Russian troops there since they took part in hostilities against Moldovan security forces in 1992. Meanwhile, the PMR differs from the DPR/LPR in that it appeared during the collapse of the USSR as a result of domestic Moldovan political processes, and throughout this time, it has had considerable autonomy and is able to address issues with its own institutions. Transnistria differs from South Ossetia and Abkhazia in that it is located far from any Russian borders, Russia does

not recognize it, and the dialogue between Tiraspol's unrecognized authorities and Chisinau (which notably allows Transnistrian companies to legally export their goods as "made in Moldova"). For all of these reasons, Transnistria is part of the fourth category of disputed territories.

One more post-Soviet disputed territory is the Artsakh Republic (formerly known as the Nagorno-Karabakh Republic). Just a few months ago, the Artsakh Republic likely would not have been included in this report, as it did not have any direct relationship with the Russian Federation. However, since the Armenian-Azerbaijani war in 2020, there has been a clear trend toward turning most of Artsakh, which is still inhabited by Armenians, into a Russian protectorate¹. Given the recent trends and general political instability between Armenia and Nagorno-Karabakh, it might still be premature to speak about examining a fifth category of disputed territories here. Nonetheless, it is worth keeping an eye on this long-suffering region.

The existence of disputed territories in the former USSR's vast area is not new to modern Europe. After all, there is divided Cyprus, Ireland, and the Balkans are still smoldering... What is unprecedented is the number of territorial disputes all involving the same country. Does Russia somehow benefit from these unresolved conflicts and unrecognized states on its borders?

It is true that disputed territories are destabilizing for any countries from which they have split or been taken away. The issue of restoring territorial integrity is a constant topic of public discourse in these countries, periodically begetting political crises, unrest, and early resignations, which are not difficult to provoke from the outside. Radical political factions accusing more moderate groups of treason are always in high demand. And if we add to all of this the challenges that countries with unresolved territorial disputes face when attempting to integrate European organizations—especially NATO—it is clear that weakening one's neighbor by supporting separatists is a very effective method indeed.

But is it really true that the Russian political

mainstream believes that Russia's closest neighbors (with rare exceptions) are by definition hostile and weakening them is a worthy state policy aim? Or have we confused cause and effect, here? Does the hostility of Russia's neighbors in fact stem from the sense of threat from their large, powerful neighbor (especially if this threat has already been carried out and they have already lost part of their territory)?

Russia's distrust and propensity for aggression toward its neighbors is largely explained by resentment: Many Russian citizens perceive the fact that recent Soviet republics not only share little nostalgia for being part of one large, united country, but also refuse to embrace the Russian Federation as a sort of older brother, and sometimes even dare set their own geopolitical priorities as utter humiliation. As Francis Fuyukama aptly pointed out, "the emotional reaction of a humiliated group seeking to restore its honor and dignity can be much stronger than the influence of people who are simply seeking economic gain"². At the same time, when we think about benefits beyond the economic, one would think that it is much more advantageous to live alongside friendly neighbors, particularly if there is significant potential for using "soft power"³. However, Russia's consistently depriving itself of that very opportunity could also be described as masochistic.

Thus, sustaining tension in Russia's relations with surrounding countries does weaken them, but it also comes back like a boomerang, hitting back at Russia, which cannot direct its resources toward building synergy to create things, but is instead forced to focus on the opposite direction. For all of the complaints about bureaucracy in Brussels and internal ideological contradictions, the European Union marries the potential of several countries in order to achieve technological and humanitarian development. Russia, on the other hand, is moving against the turns of time, isolating itself and marinating in the ideas of the mid-20th and late 19th centuries.

One factor behind that self-isolation is the "besieged fortress" rhetoric that goes hand-in-hand with supporting the viability of these disputed territories. Russia's actions only enhance its isolation from the

1 A protectorate is a form of international relations in which one state (or territory) is under the protection of another sovereign state. At the same time, sovereignty is partially delegated to the protector state.

2 Francis Fuyukama. *Identity. The Demand for Dignity and Politics of Resentment*: Kyiv, Alpina Publisher, 2020

3 "Soft power" is a country's ability to achieve its goals based on voluntary participation by allies, rather than force or handouts. The term was introduced by American political scientist J. Nye. Joseph Nye, Jr. "'Soft Power' and American-European Relationships". *Free Thought*—XXI, 2004, issue 10.

outside in the form of sanctions, exclusion from various joint projects, and reduced and watered-down international cooperation. Russia's prestige and standing in general, along with that of its companies, research facilities, and individual citizens as reliable, acceptable partners are steadily declining as Russia lags increasingly further behind global leaders. The Jucheist bravado about Russia's self-sufficiency or promises of closer partnership with its "great eastern neighbor" are in part only intended for domestic audiences, though they are a natural source of anxiety for growing numbers of Russian citizens.

At the same time, the logic of confrontation with the West (which, depending on the circumstances, can even include Turkey), drives the Kremlin to increasingly focus on tools for global hostilities, such

as supporting disputed territories. This may be what Russia has in mind as it builds a protectorate in Nagorno-Karabakh, though Moscow has so far tried to avoid becoming too immersed in that situation and instead emphasized building up its power and economic influence in Armenia. Should Russia continue along this belligerent path, the situation in most disputed territories is likely to worsen, Moscow is likely to officially raise the issue of Transnistria's status, and we may see attempts to expand the territory controlled by the DPR/LPR. The emergence of new disputed territories is not an impossibility. Of course, all of these scenarios are extremely unpleasant, and should they materialize, they will only deepen the impasse in which Russia finds itself, making it costlier than ever to find its way out of the quagmire.

Where are the disputed territories from?

Abkhazia

Without delving too deeply into the history of territorial conflicts between neighboring peoples during the 20th century, it is worth remembering that Abkhazia's attempt to break away from Georgia and join the so-called Mountainous Republic (made up of Chechnya, Dagestan, Kabardia, and Adygea) in 1918. That attempt was crushed by the Georgian Democratic Republic, which then fell to the Bolsheviks in 1921. Before formally joining the USSR, Abkhazia and Georgia signed a union treaty, though in 1931, Abkhazia became an autonomous republic within the Georgian SSR. Tensions between the Georgians and Abkhazians did not dissipate during the Soviet era, and demographics were not on the Abkhazians' side. According to 1989 census data, Georgians made up about 46% of the population in the Georgian SSR, while Abkhazians were only 18% (Armenians made up 15% and ethnic Russians were 15%)⁴.

In 1992, disputes over the republic's status led to armed clashes between Georgians (supported

by Tbilisi) and Abkhazians (supported by detachments from the Northern Caucasus and—behind the scenes—Moscow), which then escalated into a full-scale war. Despite its direct participation in the war, the Russian Federation acted as a peace negotiator. As a result, once most Georgian units and all heavy artillery had been withdrawn, Abkhazia violated the peace agreements, thus winning. Russian peacekeeping troops are still in Abkhazia.

Formally, Moscow did not recognize Abkhazia's independence, and in 1996, it even joined joint CIS country sanctions banning any economic or trade, financial, transportation, or other government ties with Abkhazia. The unrecognized republic was then financed through extrabudgetary funds, in particular, those registered in the Krasnodar region. Meanwhile, local residents were provided with Russian citizenship en masse—by some estimates, by 2006, over 80% of Abkhazia's residents had obtained a Russian passport⁵. Following the Russo-Georgian armed conflict (the August War) in 2008 over South Ossetia, Russia recognized Abkhazia's independence.

4 Demoscope Weekly. *Statistical Indicators Handbook* (http://www.demoscope.ru/weekly/ssp/resp_nac_89.php?reg=65).

5 "Living in Uncertainty". Human Rights Watch Report, July 15, 2011 (<https://www.hrw.org/ru/report/2011/07/15/256227>).

South Ossetia

The situation in South Ossetia unfolded similarly to that in Abkhazia, beginning with Ossetian-Georgian clashes in 1918-1920, when South Ossetia was home to three major antigovernment uprisings under the banner of establishing Soviet power and the region joining the Russian Soviet Socialist Republic. South Ossetia had a lower status than Abkhazia as an autonomous region within the Georgian SSR, but in 1990, it proclaimed itself the South Ossetian Soviet Democratic Republic as part of the USSR⁶. Unlike Abkhazia, the Ossetian population was twice that of the number of Georgians. Armed conflict broke out in 1991-1992, and ended with the signing of the Dagestani Agreements, brokered by Russia. South Ossetia's independence was also not officially recognized by Russia until 2008, though in late June 2002, the number of Russian citizens living in the republic exceeded 60%,⁷ a figure that had jumped to 80% by 2006⁸. After Mikhail Saakashvili came to power against a backdrop of Russia tightening its foreign policy, the parties steadily moved toward armed conflict. Russian troops' open declaration of war was preceded by several weeks of skirmishes and accusations between the Georgian and Ossetian forces. On the evening of August 8, 2008, Georgian troops attacked the capital of South Ossetia, Tskhinvali, where they fired on Russian peacekeeping troops. According to some data, additional Russian forces had arrived in South Ossetia the day before, but the official Russian version of events is that they were only deployed after the Georgian attack. The war ended on August 12 with Russian victory, and by August 26, Moscow had recognized South Ossetian and Abkhazian independence.

The widespread view of European experts was summarized very succinctly by Moldovan diplomat Nicu Popescu, who stated that, "The paradox lies in the fact that before August 2008, Abkhazia and South Ossetia were unrecognized but de facto independent states; after August 2008, they were partially recognized but can no longer be considered de facto independent states. If the separatist wars in 1992-1993

were their 'wars for independence', then the war in August 2008 became the war that put an end to their albeit limited 'de facto independence'. Russia won the war in 2008, not the separatists. Both Abkhazia and South Ossetia went very quickly from 'de facto independent states' to 'de facto regions of Russia'".⁹

Transnistria

In 1924, most of today's PMR formed the basis of the Moldovan Autonomous Soviet Socialist Republic, which was part of the Ukrainian SSR. It only became subordinate to Chisinau in 1940, with the formation of the Moldovan SSR, after the USSR seized the territory of Bessarabia from Romania. The left bank of the Dniester became much more industrially developed than the rest of the republic, though many company directors dealt directly with Moscow, bypassing Moldova's leadership.

Transnistria's industrial and administrative elite did not want to lose their privileges and in fact headed a conservative popular movement for independence from Chisinau and to preserve Soviet realities; this movement gained strength after 1989. There was no one dominant ethnic group in the region—Moldovans made up about 40% of the population, Ukrainians were 28%, and ethnic Russians were 25%¹⁰. Transnistria shares no borders with Russia, and initially was focused on returning to Ukraine as an autonomous region, though that was no longer an option after mid-1991.

During the first half of 1992, Russian troops provided direct assistance to Transnistria's armed forces in clashes with the Moldovan police and army. They remained in the region as a peacekeeping "operational group". At the 1999 meeting of the OSCE in Istanbul, the Russian Federation reaffirmed its commitment to withdraw its weapons and all personnel from the territory of the PMR by the end of 2011¹¹, though Russian troops are still in the region today. In the summer of 2018, the UN General Assembly adopted a special resolution on withdrawing Russian peacekeeping

6 Decision of the South Ossetian Regional Council of People's Deputies of September 20, 1990 on proclaiming the South Ossetian Autonomous Region. *Советская Осетия*, issue 180, September 22, 1990.

7 "According to recent data, most of South Ossetia's population has Russian citizenship". *ORT*, July 19, 2002.

8 "Механизм обрусения". *Коммерсантъ Власть*. Issue 38, September 22, 2008.

9 N. Popescu. "An end to 'de facto independent states,'" *EU Observer.com*, July 14, 2009. see also <http://www.inosmi.ru/untitled/20090714/250693.html>.

10 *Demoscope Weekly* (<http://www.demoscope.ru/weekly/2014/0591/demoscope591.pdf>).

11 Istanbul Document. OSCE (<https://www.osce.org/ru/mc/39573>).

troops from Transnistria, a decision described as a “provocation” by the Russian Foreign Ministry.

In 2006, the PMR held a referendum in which, according to official results, 97.2% of the voters voted in favor of joining the Russian Federation. Following the annexation of Crimea in March 2014, Transnistria’s Supreme Council asked the Russian State Duma to draft a law allowing Russia to absorb it, though Moscow did not support that initiative.

Crimea

We do not need much reminder of the events leading up to Crimea’s annexation, as they took place relatively recently. After the victory of Ukraine’s Revolution of Dignity and ouster of President Viktor Yanukovich on February 27, 2014, armed men in camouflage with no insignia on their uniforms (who later turned out to be Russian special forces) seized the buildings of parliament and the Cabinet of Ministers in the Autonomous Republic of Crimea. The same day, Russian Armed Forces began to block Ukrainian military units and facilities in Crimea.

An extraordinary meeting of the autonomous parliament was held in the seized building of the Supreme Council of Crimea, during which, in multiple violations of legislation in force, the Crimean leader was replaced and a referendum on Crimea’s status within Ukraine was set for May 25. During the following week, the referendum was postponed twice, and its questions were rewritten. In the end, the “referendum” was held on March 16, without any legal foundation, reliable voter lists, possibility of campaigning, independent observers, or other features of a national expression of will. The question put for vote assumed that Crimea had already been “reunited” with the Russian Federation¹²

The “People’s Republics” in the Donbass

Much ink has been spilled from many directions about the reasons for the conflict in eastern Ukraine after the victory of the Revolution of Dignity, and that conversation shows no signs of abating. It is clear that there were many factors behind the escalation in the Donetsk and Luhansk regions in the spring of 2014: the power vacuum following Yanukovich’s ouster; the behavior of the local elite, who whipped up hysteria in fear of losing their influence in the region; the activation of “social organizations” sponsored by Moscow; Kyiv’s indecisiveness, discredited security forces following the events on Maidan Square; and, most importantly, the loss of the state’s monopoly on violence.

Nonetheless, even local activists who organized a “reverse Maidan” in Luhansk and Donetsk were largely unprepared to take up arms and demand to join the Russian Federation. The war began with armed groups that had arrived from Russia, the most famous of which was under the command of Igor Strelkov (Girkin).

A sort of shadowy “People’s Council of Representatives for Administrative and Territorial Entities of the Donetsk Region” proclaimed the People’s Republic of Donetsk on April 7, 2014. The LPR was announced at a rally on April 28, which was not even attended by Valery Bolotov, who was announced as the “people’s governor” just a week earlier. The separatists felt that a “referendum” to be held on May 11, 2014, after hostilities had already broken out, would finally legitimize the creation of these new entities at various polling stations in certain villages. “Ballots” were prepared on a printer and then Xeroxed in arbitrary numbers, without any type of safeguards at all¹³. Though some researchers are still trying to determine the “true” results of the referendum in Crimea, this task is not even within the realm of possibility in either Donetsk or Luhansk.

12 Further details and a chronological list of events can be found in the following books: G. Chizhov, T. Mosentseva, L. Samokhvalova, L. Shvets. *Переломные годы. Страницы украинской революции*. Kyiv: Laurus, 2018, and Taras Berezovets. *Аннексия: остров Крым*. Kyiv: Bright Star Publishing, 2015, and many other sources.

13 Here again, see the book G. Chizhov, T. Mosentseva, L. Samokhvalova, L. Shvets. *Переломные годы. Страницы украинской революции*. Kyiv: Laurus, 2018.

Nagorno-Karabakh

As was the case with the Georgian autonomous regions mentioned above, Nagorno-Karabakh first saw military clashes in 1918-1920. In 1923, the Autonomous Oblast of Nagorno-Karabakh (after 1936, the Nagorno-Karabakh Autonomous Oblast (NKAO)) was formed from the predominantly Armenian-populated part of Nagorno-Karabakh within Soviet Azerbaijan. Predominantly Azeri regions of Nagorno-Karabakh remained outside of the NKAO, as did the predominantly Armenian northern region (the Shahumyan district of the Azerbaijani SSR).

According to 1989 census data, The Armenian population of the NKAO was about 145,000 people (76.4%), and the Azerbaijani population numbered approximately 40,000 (or 22.4%)¹⁴. In early 1988, the NKAO regional council addressed USSR, Armenian, and Azerbaijani SSR leadership, requesting that the autonomous oblast join Armenia. Though Azerbaijan and the center both refused, after some time, the Armenian SSR Council of Ministers began to include the NKAO territory in their plan for social and economic development. Interethnic clashes had already broken out in Armenia, Azerbaijan, and Nagorno-Karabakh, and the number of refugees had multiplied. In 1989, Moscow placed the NKAO under direct control. Forces from the USSR Ministry of the Interior and Ministry of Defense attempted to instill order, though in the end, both Armenia and Azerbaijan were dissatisfied with their efforts.

Full-blown military conflict had already broken out between Azerbaijan and Armenia with Nagorno-Karabakh by the time the USSR had finally disintegrated. The war ended in 1994, with Armenian forces controlling 85% of the territory of the Nagorno-Karabakh Republic (NKR), now known as the Artsakh Republic, which included the former NKAO as well as some other predominantly Armenian districts. Moreover, the Armenians built a “security zone” around the NKR out of seven Azerbaijani districts (five of which were entirely part of it, and two were partially included). The “security zone” was not populated by Armenians, but it remained under the control of their armed units until 2020. Not a single state has officially recognized the Artsakh Republic,

including Armenia, which has consistently had close ties with the region (for about 20 years in a row, the highest government posts in Armenia, beginning with the presidency, have been held by members of Karabakh clans).

Some military units and individual servicemen from the Soviet and later Russian Armies have fought in the war for both countries at various stages, though since the collapse of the USSR, Moscow has not supported either Armenia or Azerbaijan, and limited itself to international multiparty ceasefire and settlement negotiations. The Russian federation has tried to support good relations with both Azerbaijan and Armenia—notably, it has supplied both sides with weapons. Gradually, Armenia, which needs strong allies due to its extremely disadvantageous geographical location, has increasingly come under Moscow’s influence. Russian companies have taken over the most important sectors of the economy, and an extensive Russian security agency infrastructure has been set up there.

After Nikol Pashinyan, a politician with a pro-Western reputation rode a wave of popular protests to power in Yerevan, relations between Armenia and the Russian Federation cooled down somewhat, and Azerbaijan’s full-scale attempts at taking back control of Nagorno-Karabakh became a possibility. The result was a rather short, but intense second Karabakh war in September-November 2020, in which Azerbaijan took back the entire “security zone” and some of the Artsakh Republic itself, including the strategically and symbolically important city of Shusha (known as Shushi in Armenian).

Russia was a party to the peace agreement. Nearly 2,000 Russian peacekeeping troops were deployed to the line of contact and so-called “Lachin corridor” in the part of the Artsakh Republic that remained under Armenian control, along what is now the only road between Nagorno-Karabakh and Armenia, and which runs through territory that has been returned to Azerbaijan. According to TASS, the bulk of the Russian contingent is made up of units from the 15th separate motorized rifle brigade (OMSBR)¹⁵. According to some soldiers from that brigade, in 2008, its units took part in the war with Georgia; several soldiers and officers from the 15th OMSBR were awarded

14 *Demoscope Weekly*. “Statistical Indicator Handbook” (http://www.demoscope.ru/weekly/ssp/resp_nac_89.php?reg=71).

15 “Россия направила в Нагорный Карабах почти 2 тыс. миротворцев”. TASS, November 10, 2020 (<https://tass.ru/armiya-i-opk/9956043>).

with medals “for the return of Crimea”¹⁶. According to some Ukrainian sources, the brigade’s servicemen were also “noted” in the hostilities in the Donbass¹⁷.

Armenia in fact no longer provides security for Nagorno-Karabakh’s Armenian population—that role now belongs to the Russian Federation.

Relationship rules

From a legal standpoint, the relationship between Russia and Crimea is the most clear-cut, as according to the Constitution of the Russian Federation, the Republic of Crimea and the federal city of Sevastopol are now part of Russia. The agreement between the Russian Federation and the Republic of Crimea on bringing the Republic of Crimea into the Russian Federation and the formation of new entities within the Russian Federation was signed on March 18, 2014, with the aim of legalizing the annexation of Crimea.

Many Russian and foreign legal experts have expressed doubt as to how closely legislative procedures were followed when the agreement was ratified and signed. Well-known constitutional lawyer Yelena Lukyanova provided the most detailed and complete description of those violations before the Constitutional Court¹⁸.

In 2014, the Republic of Crimea and Sevastopol formed the Crimean Federal District, and in 2016, that was abolished, and they became part of the Southern Federal District. The governor of Sevastopol is elected directly by city residents, and the head of the Republic of Crimea is elected by the region’s State Council deputies. About two-thirds of the annual budget for Crimea and Sevastopol comes from the federal budget of the Russian Federation, in the

form of grants and subsidies¹⁹. The legal framework for relations between Crimea and Sevastopol and the central government in Moscow is similar to that of any other region of Russia.

After Russia recognized the independence of Abkhazia and South Ossetia in 2008, relations between Moscow and both territories was formally based on international treaties.

Today, the framework document for Russian-Abkhazian relations is an agreement between the Republic of Abkhazia and the Russian Federation on an alliance and strategic partnership, signed on November 24, 2014²⁰. That agreement calls for the creation of a joint defense infrastructure and single customs and economic space. In November 2020, a program for the creation of a joint social and economic space between Russia and Abkhazia was approved²¹. Additionally, there are bilateral “sectoral” agreements, for example, with regard to a united Russian military base within the Republic of Abkhazia²².

Relations between Russia and South Ossetia have been formalized the same way. The current framework document is an agreement on an alliance and integration between the Russian Federation and the Republic of South Ossetia²³.

At the same time, both territories’ real independence is seriously limited. On one hand, they

16 «Медаль за вежливость». «Красная звезда», 13.03.2015 (<http://archive.redstar.ru/index.php/advice/item/22357-medal-za-vezhlivost>).

17 See, for example, InformNapalm https://informnapalm.org/db/russian-aggression/#lang=ua&page=m_unit&d=90600.

18 Yelena Lukyanova. #Крымнаш. Moscow: Kuchkovo Pole, 2015.

19 Anastasia Napalkova, Georgiy Neyaskin, Andrei Zakharov. “Как спустя пять лет Россия и Крым переживают последствия аннексии. Графики”. BBC News | Russian Service. March 18, 2018. (<https://www.bbc.com/russian/features-47576483>).

20 Agreement between the Russian Federation and the Republic of Abkhazia on an alliance and strategic partnership. Website of the President of Russia, November 24, 2014 (<http://www.kremlin.ru/supplement/4783>).

21 Program on the creation of a joint social and economic space between the Russian Federation and the Republic of Abkhazia. Website of the President of Abkhazia, November 24, 2020 (<http://presidentofabkhazia.org/upload/iblock/dc5/programma-1.pdf>).

22 Agreement on a united Russian military base within the territory of the Republic of Abkhazia, international agreements bulletin, August 2010, number 8.

23 Agreement between the Russian Federation and the Republic of South Ossetia on an alliance and integration. Website of the President of Russia, March 18, 2015 (<http://kremlin.ru/supplement/4819>).

are entirely financially dependent on Russia. In the mid-2010s, Russian budgetary support represented over 90% of South Ossetia's economy and 70% in the case of Abkhazia, which is higher than in Russia's neighboring North Caucasus regions²⁴. On the other hand, Russia provides military security. Both republics' own security structures are seen as a symbol of sovereignty, and these were the first institutions that appeared after they declared independence in the early 1990s. However, in practice, Moscow is gradually subordinating the local security forces, building a situation that is similar to that in the Russian regions. The Kremlin's ham-fisted interference in a surprisingly competitive political life is also to be expected (though Moscow has not yet managed to fully control the electoral processes in these low-populated republics).

Russia has not recognized the Pridnestrovian Moldovan Republic, and there are no international agreements between the Russian Federation and PMR. Moscow provides support through various special frameworks, however. Since 2006, the "Center for Pridnestrovian Cooperation," a regional public organization, has operated in Moscow, acting as the PMR's official representation. The PMR has signed cooperation agreements with several Russian regions, and Russian troops are in PMR territory, as noted earlier. Russian control over Transnistria was legally recognized by the European Court of Human Rights²⁵.

Financial support for the region is provided in part by Moldavskaya GRES, owned by Inter RAO. An electric power plant in Transnistria provides electricity to Moldova and compensates the Tiraspol-Transgaz company for the gas it uses. This company earns revenue on a so-called special gas account, which it then transfers directly to the separatist region's budget in the form of loans. From 2007-2016, Transnistria received \$6 billion USD in "gas subsidies", of which \$1.3 billion USD were converted into budget funds. Thus, the self-proclaimed regional authorities covered 35.3% of their overall budget revenue for the ten-year period, while the "gas subsidies" amounted to 48% of Transnistria's GDP during the same period²⁶.

Most interestingly of all, Gazprom does not take any money from Transnistrian entities for providing fuel, and instead the cost of gas is reflected as Moldova's debt.

Despite its overwhelming dependence on Russia for economic resources, security, and global contacts, Transnistria's internal politics are relatively independent. Since the collapse of the USSR, most local presidential election campaigns have been won by candidates who were less than convenient for Moscow (and in some cases, very troublesome).

The region also demonstrates a certain subjectivity when it comes to relations with Moldova. Though Chisinau and Tiraspol have very divergent views when it comes to Transnistria's status, thanks to dialogue, they have managed to make many joint decisions in order to improve the lives of ordinary people on either side of the Dniester and allow businesses to function. Many Transnistrians travel freely (if we don't count pandemic-related quarantine restrictions) around Europe with Moldovan passports, and Transnistrian companies export their goods, and transit between Ukraine and Moldova is virtually unhindered.

The self-proclaimed Donetsk and Luhansk People's Republics have not been officially recognized by Russia, either. The internal situation of both regions and their interaction with Russia might be the least transparent compared to the other disputed territories listed here. There are no formal agreements, here—there are simply unilateral acts on the part of Russia: providing local residents with citizenship, "temporary recognition of documents" issued by the authorities in those regions, etc. Moscow states that it is constantly sending humanitarian aid to the "people's republics" and paying small sums of money to pensioners in the Donbass at Russian expense. Moscow's other contacts with Donetsk and Luhansk are managed by special forces (and thus they are rarely made public), and, according to many sources, are markedly criminal in nature.

Journalists (including Russian journalists) have repeatedly attempted to trace the origin and movements of financial flows to the SADLR since 2015²⁷, though the economic framework and volume of Rus-

24 Varvara Pakhomenko. «Что делать с Южной Осетией и Абхазией», *Vedomsti*, October 28, 2015 (<https://www.vedomosti.ru/opinion/articles/2015/10/29/614743-cto-delat-yuzhnoi-osetiei-abhaziei>).

25 «CASE OF ILAȘCU AND OTHERS v. MOLDOVA AND RUSSIA (Application No 48787/99)», Website of the European Court of Human Rights, April 8, 2004 (<http://hudoc.echr.coe.int/eng?i=001-61886>).

26 IDIS Viitorul, Energy and politics: the price for impunity in Moldova, апрель 2017 г. (<https://bit.ly/2Nss3Yh>).

27 Ivan Golunov, Alexandr Artemev. "Расследование РБК: на чьи деньги живёт Донбасс", *RBC* June 15, 2015 (<https://www.rbc.ru/investigation/politics/15/06/2015/5579b4b99a7947b063440210>).

sian subsidies required to support the “republics” are still hazy.

There is no need to discuss any subjectivity in the DPR and LPR. Given the lack of reliable information in the region, and based on individual “leaks” and data from journalists, we can conclude that the local “elite” are entirely under the thumb of their Russian “handlers,” and any excessive independence will be summarily punished by a deprivation of office or freedom (to say nothing of the mysterious deaths of the Donbass separatists’ most influential and independent leaders).

Until recently, there was little reason for Moscow to establish any official relations with Nagorno-Karabakh. In fact, Armenia had been representing the interests of the Artsakh Republic, which is not recognized by any country. Any trade or financial flows were handled through Yerevan. This all changed in November 2020, when the Armenian armed forces suffered defeat—it seems that Russian intervention was the only thing standing between them and losing control of all of Artsakh.

On the night of November 10, Armenian, Azerbaijani, and Russian leaders announced they had reached a ceasefire agreement. The Armenians were forced to cede a significant swathe of territory to Baku, and also withdraw military units and detachments of Armenian residents from the remaining territory of the Artsakh Republic. On the dividing line, these units were replaced by Russian soldiers. Russian soldiers now control the Lachin corridor mentioned above, and once a new road is built in its place,

bypassing the city of Lachin, they will be deployed there. Russia’s FSB border service is now entrusted with providing secure transport between the western regions of Azerbaijan and Nakhichevan Autonomous Republic, an Azerbaijani exclave separated from the rest of the country by Armenian territory.

Having replaced Armenia in Artsakh, a traditional priority for Armenian foreign security, Russia has begun its expansion, both economically and in the region. Following talks between Vladimir Putin, Ilham Aliyev, and Nikol Pashinyan in Moscow on January 11, 2021, Putin announced that they had agreed to create a working group of deputy prime ministers from all three governments, who will be responsible for developing a roadmap for Karabakh’s infrastructure and economic development²⁸. “Implementing the agreements reached in Moscow may change the economic landscape and face of the region, and economic innovation may bring even more reliable security guarantees,”²⁹ the Armenian prime minister sadly noted following the talks. His own position within Armenia had significantly weakened following military defeat and being forced to carry out an agreement that was difficult for Armenians to stomach.

Some journalists on the ground in Nagorno-Karabakh over the last several months have noted that many local residents are disappointed with Yerevan’s inability to protect them, while also grateful that Moscow has come to their aid. We may see a “new loyalty” forming in the region, not with ethnically close Armenia, but with a strong and relatively rich Russia.

When the world’s against you...

Some of the disputed territories described herein have not been recognized by a single member state of the United Nations. A few countries have recognized Crimea as part of Russia and the independence of Abkhazia and South Ossetia, though this list raises more than a few eyebrows.

Officially, Crimea is recognized as part of Rus-

sia by Afghanistan, Venezuela, Cuba, Nicaragua, Syria, Sudan, and North Korea. An even smaller list of countries recognizes the independence of Abkhazia and South Ossetia—Nicaragua, Venezuela, and Syria, as well as the island of the Republic of Nauru. In 2011, both republics were recognized by the island of Tuvalu, while Abkhazia was also recognized by Van-

28 Пуга Варabanov. “Первая встреча лидеров Азербайджана и Армении после войны в Карабахе: без рукопожатий, но с мирными планами”, BBC News | Russian Service, January 11, 2021 (<https://www.bbc.com/russian/news-55620532>).

29 Artem Filipenok, Vladislav Gordeev. “Путин, Алиев и Пашинян приняли заявление о Карабахе”, RBC, January 11, 2021 (<https://www.rbc.ru/politics/11/01/2021/5ffc676f9a794718f2c0e3c6>).

uatu, though these two tiny states later withdrew their recognition.

It is clear that no states would have recognized them until Russia announced its own position. Moreover, there were suspicions from abroad that Russia had simply bought the island states' recognition for the Georgian republics. While meeting with his Russian counterpart Sergei Lavrov in 2012, the Australian Minister of Foreign Affairs Kevin Rudd expressed fears that Russia had announced financial support for Vanuatu, Nauru, and Tuvalu "in exchange for diplomatic support for [Russia's] initiatives"³⁰. It is also worth noting that the disputed territories gladly recognize one another.

On the other hand, the United Nations and democratic countries have been categorically against redrawing borders in Europe, and this is especially true when it comes to Crimea. On March 27, 2014, the UN General Assembly adopted a resolution on the territorial integrity of Ukraine³¹. Of 193 UN member states, 100 voted for the resolution, 11 against, 58 countries abstained, and 24 did not vote. Several similar resolutions were adopted later on. Though the number of states voting for the resolutions has declined slightly, they remain the overwhelming majority.

The European institutions—the European Union and European Parliament, the parliamentary assemblies of the OSCE and European Council, the Council of Ministers of the Council of Europe, and others have adhered to a similar policy since 2014. In 2020, the EU's High Representative for Foreign Affairs and Security Policy Josep Borrel announced that "The European Union remains unshakable in its commitment to the sovereignty and territorial integrity of Ukraine," and that Russia's actions "are a direct challenge to international security, with dire consequences for the international law and order protecting the territorial integrity, unity, and sovereignty of all states"³².

The United States expressed its solidarity with Europe. "Today, the United States, as at the begin-

ning of this conflict, continues to support Ukraine and its allies and partners. On this dark anniversary, we again reaffirm a simple truth: Crimea is Ukraine. The United States does not recognize and will never recognize Russia's proposed annexation of the peninsula, and we will stand with Ukraine against Russia's aggression," stated President Joe Biden on February 26, 2021, at the occasion of the Day of Resistance against the Occupation of Crimea and Sevastopol held in Ukraine³³.

Many Russian officials, companies, security officers, and businesspeople are regularly expanded and extended sanctions from dozens of countries, issued in response to Russia's annexation of Crimea. It is true that over the last several years, Russia has provided many reasons for sanctions, resulting in overlapping sanctions lists. Ordinary Crimeans also suffer—for example, Russian passports issued in Crimea and Sevastopol are not recognized in many countries.

Specific sanctions have not been issued against Russia in connection with recognizing Abkhazia and South Ossetia's independence. Diplomatic consequences were limited to a temporary freeze in relations with the EU and NATO, until the fall of 2009. The term "annexation" has not been officially adopted by the West to describe the act of severing these territories from Georgia, though it is often used by area experts. "South Ossetia has de facto become a Russian region with Russian currency, passports, and the Russian political system,"³⁴ the BBC's conclusion with regard to the two republics recognized by Moscow is shared by most Western media.

Moreover, Russia has not fulfilled important conditions stemming from settlement agreement ending the armed conflict in Georgia, signed on August 12, 2008 by the Presidents of Russia and France, Dmitry Medvedev and Nicolas Sarkozy (who was acting as an intermediary on behalf of the EU), and later signed by the leaders of Georgia and the insurgent autonomies. Initially, the plan included six points, one

30 "Австралия просит Россию помогать островам бескорыстно". BBC News | Russian Service, February 2, 2012 (https://www.bbc.com/russian/international/2012/02/120201_lavrov_australia_ji).

31 "Backing Ukraine's territorial integrity, UN Assembly declares Crimea referendum invalid", UN News, 27.03.2014 (https://news.un.org/en/story/2014/03/464812-backing-ukraines-territorial-integrity-un-assembly-declares-crimea-referendum#.UzVTgKh_tCM).

32 Sergei Romashenko. "Евросоюз обещает не признавать российскую аннексию Крыма", DW, March 16, 2020

33 Quote on "Crimea is Ukraine". Joe Biden announced that the USA will never recognize Russia's annexation of Crimea," Meduza, February 26, 2021 (<https://meduza.io/news/2021/02/26/krym-eto-ukraina-dzho-bayden-zayavil-cto-ssha-nikogda-ne-priznayut-prisoedinenie-kryma-k-rossii>).

34 "Интеграция и деградация: как живет Южная Осетия спустя 10 лет после войны". BBC News | Russian Service, August 08, 2018 (<https://www.bbc.com/russian/features-45106205>).

of which involved withdrawing the Russian Armed Forces to the demarcation line from prior to the start of hostilities. Russian troops now completely occupy the territories of the former Abkhazia ASSR and South Ossetian AO.

Most sanctions against Russia were introduced in retaliation for its support for the DPR and LPR, and for unleashing an armed conflict and hostilities in Ukrainian territory. Though all of the other disputed territories discussed in this report (even Crimea) had some sort of ethnic or historical basis for separatism, the situation in the Donbass appears to be artificially constructed by external forces (the Russian Federation). Here, we see the situation is most difficult with regard to human rights and residents' security, and minimum social standards are practically absent. International humanitarian organizations have voiced this repeatedly, and the list of sanctions against DPR/LPR leadership and the Russian individuals and companies associated with them is so broad that it does not even make sense to cite it here.

Europe and other countries are much more loyal to the PMR—the conflict appears much more “natural” and there is a certain level of dialogue between Chisinau and Tiraspol. However, Russia is provid-

ing the separatists with all-around support, including keeping its troops in the region, despite its commitments to withdraw them 20 years ago.

Until very recently, Russia's role in settling the Karabakh conflict was barely criticized by the international community, given that its participation was mainly limited to taking part in the negotiation process and seeking a compromise between the warring parties. Even the supply of Russian weapons to the region appeared to maintain a military balance between the two sides. Today, however, after Moscow has been granted special powers in the region, things are much less clear. At a meeting with an OSCE delegation in mid-March, Azerbaijan's President Ilham Aliyev expressed his dissatisfaction with the presence of Russian and Armenian troops along his country's borders, and even threatened to pull Azerbaijan out of the international agreement.³⁵

Be that as it may, the international community's sympathies generally do not lie with separatists in the former Soviet space, though there is a notable difference in perception between the DPR/LPR on one hand, and Transnistria and Nagorno-Karabakh on the other.

What do you suggest?

In the first few years after Abkhazia de facto broke away from Georgia, there were rather intensive international negotiations aimed at resolving the situation. Initially, most of the meetings took place in Geneva, New York, and Moscow, with observers from the OSCE and the so-called Group of Friends of the UN Secretary General. By all accounts, Russia was then sincerely interested in reaching an agreement on Abkhazia's status within Georgia—after all, setting a precedent for an autonomous region's breakaway threatened Russia's stability. Abkhazia was then satisfied with the wording of the Report of the UN Secretary General of May 3, 1994: “Abkhazia will remain a subject with sovereign rights within a union state,

which will be founded based on the results of negotiations following the settlement of disputed issues. The name of the union state will be determined by the parties during further negotiations. The parties recognize the territorial integrity of the union state created within the borders of the former GSSR, as of December 21, 1991³⁶. Georgia and Russia (!) both preferred the status of a subject of the Georgian Federation or an autonomy within Georgia.

Over time, Russia's position with regard to the Georgian-Abkhazian conflict underwent significant shifts, and Abkhazia became less open to compromise. The last burst of more or less realistic initiatives at

35 “Ильхам Алиев пригрозил Армении и России разорвать договор о мире” *DISCOVER24*, March 21, 2021 (https://discover24.ru/2021/03/ilham-aliev-prigrozil-armenii-i-rossii-razorvat-dogovor-o-mire/?utm_source=smi2). Original source: *Sohu* (Vietnam).

36 Report “Соглашение о неприменении силы как важный фактор в урегулировании грузино-абхазского конфликта”. Ch. 2, В Boutros-Ghali, May 2, 1994.

settlement was probably in 2008. Then-German Foreign Minister Frank-Walter Steinmeier proposed the so-called “three-stage” plan: first, resolve the security problems on the border and return refugees and displaced persons, then ensure economic rehabilitation for the region, with the help of Georgian investments, and only then determine Abkhazia’s political status. Both sides criticized the plan, though it did lead to further discussion.

Almost simultaneously, Tbilisi, represented by Georgia’s Deputy Foreign Minister Grigol Vashadze presented to Moscow a package of measures that envisioned dividing Abkhazia into zones of influence—a broad Russian one and a rather small Georgian one—while formally restoring Georgia’s sovereignty over the entire republic. According to the newspaper *Kommersant*, the proposed division line was the Kodori River, with the majority of the territory north of the river remaining under Abkhazian control, without the return of Georgian refugees. Georgia even agreed to the presence of Russian troops north of the Kodori³⁷.

An hours-long discussion with top Russian officials gave reason to believe that Moscow was taking the Georgian plan very seriously. It is hard to say whether that was in fact the reality, given that the armed conflict that broke out between Russia and Georgia just six weeks later, and Russia’s recognition of Abkhazia’s independence undid the already rather modest achievements of fifteen years of negotiations.

Since then, consultations on the future of the region have taken place in two locations—Geneva and Prague—though they have been almost entirely in vain. According to Georgia’s President Salome Zurbishvili, moving the negotiations would require adopting a new format, with Russia on occupied Georgian territory, similar to the Normandy format of negotiations in the Donbass, that is, including Georgia’s Western allies³⁸.

When it comes to resolving South Ossetia’s status following the events of 2008, there have been no significant initiatives, either. Direct negotiations between Georgian and Ossetian representatives do

take place, though they have spent years discussing Tskhinvali’s demands to remove the Georgian checkpoint near the village of Tsenelis (Uista) and appeals to Tbilisi to release those who have been arrested for crossing the dividing line (or state border, according to the Ossetians).

During the 2013 presidential election campaign in Georgia, candidate Nino Burdzhanadze promoted the idea of jointly managing disputed territories with Russia, though that idea looked rather utopian.

In 2018, Tbilisi approved a unilateral plan for the autonomous regions’ peaceful reintegration, known as “Steps to a better future”. It included three key areas, starting with expanding and streamlining trade along the division line. The second area was ensuring additional opportunities for Abkhazian and South Ossetian residents to obtain education both within Georgia and abroad. The third area was creating a mechanism to facilitate access for residents of the autonomous regions to advantages that Georgian citizens had enjoyed as a result of rapprochement with the EU (visa-free travel, free trade, etc.)³⁹. From a humanitarian perspective, all of these measures were certainly praiseworthy, but whether they would be actually effective requires additional study.

Russia’s rigid position makes it difficult for distinct ideas to emerge on how to resolve the Crimean issue. According to Russia, Crimea has become part of the Russian Federation, permanently, and there is nothing left to discuss. Responding to Volodymyr Zelensky’s statement in the fall of 2020 that he was open to the possibility of signing a peace agreement with Russia on the Donbass and Crimea, the Russian President’s press secretary Dmitry Peskov stated: “Resolving the problem in the Donbass is most important. There is no problem in Crimea, and there cannot be any problems within the framework of Russia’s relations with other countries”⁴⁰. Earlier, Vladimir Putin himself had reiterated multiple times that for Russia, the Crimean issue was “closed”.

Some members of the Russian opposition suggested holding a new, transparent referendum in

37 Alexander Gabuev. “Выгода из тупика”, *Коммерсантъ* Issue 109, June 27, 2008

38 Pavel Kalashnik. “Грузия хочет собственный “нормандский формат” переговоров с РФ по Абхазии и Осетии”, *Hromadske*, December 26, 2018 (<https://hromadske.ua/ru/posts/gruziya-hochet-sobstvennyj-normandskij-format-peregovorov-s-rf-po-abhazii-i-osetii>).

39 N. Ischenko (Gumba), I. Popov, P. Schelin, et al. “Конфлікти, що змінили світ”. Kharkiv: Фолю, 2020

40 “Песков: проблемы Крыма не существует, РФ готова помогать в решении проблемы Донбасса”, *Interfax Russia*, October 12, 2020 (<https://www.interfax-russia.ru/rossiya-i-mir/peskov-problemy-kryma-ne-sushchestvuet-rf-gotova-pomogat-v-reshenii-problemy-donbassa>).

Crimea. “The starting point for resolving the Crimean issue should be a normal, honest referendum with international observers and participation from Russia and Ukraine, with equal campaigning opportunities,” stated Alexei Navalny in 2016⁴¹. Representatives of the political party Yabloko and other members of the opposition shared similar views.

If we are to believe the Russian Foreign Minister Sergei Lavrov, then-US Secretary of State John Kerry also insisted on a second referendum, in line with international legal standards⁴². Russian leaders firmly rejected that idea, even in theory, as “it would violate the Basic Laws of the Russian Federation”⁴³. They also see no grounds for holding a Crimean referendum involving Ukraine.

In early 2017, former Ukrainian Verkhovna Rada deputy Andrei Artemenko suggested peaceful initiatives on Crimea to former US advisor Michael Flynn, just a week before Flynn’s resignation. The *New York Times* reported that among other things, Artemenko’s plan involved renting Crimea to Russia for 50-100 years in exchange for Russian troops withdrawing from the Donbass. He later clarified that only certain infrastructure facilities would be rented, and not the entire peninsula. “An expert idea may be the foundation for a peaceful settlement on the peninsula. For example, dual sovereignty or international administration during a transition period. That would make it possible to return Ukrainian sovereignty to Crimea, without losing it permanently,”⁴⁴ Artemenko explained. Be that as it may, the Ukrainian people and government were hostile toward the plan and it has never been discussed.

Nearly all suggestions on the future of SADLR are based on the infamous Minsk Protocol, which is the name of a set of measures signed in Minsk on September 5, 2014, and February 12, 2015 by Ukraine,

Russia, the OSCE, and even the DPR and LPR.

Almost immediately, it was clear that the conditions were drafted in a race against the clock, which left room for plenty of discrepancies. The first was with regard to how the agreements should be carried out: after how many steps are the opponents from one side or the other required to make the next step forward? The Russians insisted on holding early local elections in the SADLR, while the Ukrainians believed that elections were not on the table until the “complete withdrawal of all foreign armed units, military supplies, and even mercenaries from Ukraine, under observance by the OSCE and the disarmament of all illegal groups,”⁴⁵ (point 10 of the Minsk Protocol) and “restoring full control of state borders to the Ukrainian government throughout the conflict zone” (point 9)⁴⁶.

In 2015, Ukrainian and Russian leaders began talks about an international peacekeeping operation in the Donbass, though they disagreed on its format. Petro Poroshenko suggested deploying a UN peacekeeping contingent throughout the SADLR territory, including parts of the Russian-Ukrainian state border.

Vladimir Putin was ready to limit peacekeeping troops to the demarcation line only⁴⁷.

In March 2021, Russian publication *Kommersant* described a proposal by France and Germany (partners of Ukraine and Russia in the so-called “Normandy format” to discuss the future of the SADLR) dividing the Minsk Protocol into “clusters”⁴⁸, with the goal of once again attempting to reach an agreement on the sequence of steps for each party to follow in order to fulfill the agreement: each cluster would be fulfilled only once the previous cluster had been completed. As we recall, this was the approach championed by Frank-Walter Steinmeier, who suggested it for the Georgian-Abkhazian settlement plan in 2008,

41 Цуа Koval. “Навальный: в Крыму нужно провести честный референдум”, *DW*, April 4, 2016 (<https://p.dw.com/p/1IPmb>)

42 “Лавров рассказал о предложении США провести второй референдум в Крыму”. *RBC*, June 6, 2019 (<https://www.rbc.ru/politics/06/06/2019/5cf7880d9a794733c85130d0>).

43 “Песков: референдум о статусе Крыма 2014 года был абсолютно легитимным”, *TASS*, March 16, 2021 (<https://tass.ru/politika/10913067>).

44 “Артеменко утверждает, что предлагал “сдать в аренду” не весь Крым”, *Ukrinform*, February 27, 2017 (<https://www.ukrinform.ru/rubric-crimea/2183668-artemenko-utverzdaet-cto-predlagal-sdat-v-arendu-ne-ves-krym.html>).

45 Quote from the book G. Chizhov, T. Mosentseva, L. Samokhvalova, L. Shvets. *Переломные годы. Страницы украинской революции*. Kyiv: Laurus, 2018.

46 *Ibid.*

47 “Порошенко отказался от размещения миротворцев ООН в Донбассе по российскому сценарию” September 27, 2017 (<https://www.interfax.ru/world/580234>).

48 Владимир Соловьёв. “Переговоры по Донбассу ушли в декрет о мире”, *Kommersant* Issue 50, March 24, .2021.

and it was known as the “Steinmeier format” for the Donbass.

According to *Kommersant*, the Normandy format participants are now hammering out three main documents: the Ukrainian cluster project from January 19, France and Germany’s updated draft from February 8, and Russia’s amendments to the Franco-German draft from February 16. Kyiv and Moscow have both expanded the cluster points on the Franco-German version and also changed several measures and their sequence. The parties remain far from any kind of agreement.

Though it would be an exaggeration to speak of any success at settling the status of these disputed territories, for almost three decades now, the most successful case has been that of Transnistria. Here, in 1992, there was a special agreement on peacekeeping forces, which declared the inadmissibility of mutual sanctions and blockades, and drawing up a roadmap for overcoming obstacles to the movement of goods, services, and people. In the Moscow memorandum of 1997, Moldova recognized Transnistria’s right to an independent foreign economic activity (albeit under the “brand” of a single state), ensuring that pressure and threats of force would be avoided.

By the 2000s, the “5+2” negotiation format had already solidified, in which the OSCE, Ukraine, Russia, and later the EU and United States (the “5”) worked to assist the parties to the conflict—Moldova and Transnistria (the “2”) in finding common ground. In 2003, Dmitry Kozak, the then-first deputy head of the Presidential Administration of the Russian Federation (and current head Russian negotiator on the Donbass), announced his plan. The Kozak plan proposed creating a so-called “asymmetric federation,” to include two entities of the federation (Transnistria and Gagauzia) and the federal territory (the rest of Moldova). While the document was initialed by both Chisinau and Tiraspol, at the last minute, Moldovan President Vladimir Voronin refused to sign it, officially because of a clause about preserving Russia’s military presence until 2020, which was contrary to Russia’s previous obligations. It should be noted that the idea of federalizing Moldova has encountered serious resistance among Moldovan society and politicians, and may not have materialized anyway, even if it had

been signed.

In 2005, Ukrainian President Viktor Yushchenko presented his “Seven Steps” plan, which envisioned granting Transnistria special status, without federalization, democratization, or demilitarization of the region by withdrawing Russian troops, and the creation of an international mechanism for civilian and military observers. The Moldovan Parliament quickly adopted the law, securing Transnistria’s status as a “special autonomous-territorial entity which is an integral part of Moldova”. In Chisinau, the law was described as an intermediate stage in the “Yushchenko plan,” though Tiraspol declared it a “unilateral act” and refused to recognize it.

Negotiations were then seriously hampered by a regional referendum on accession to Russia. Nevertheless, in 2010, Russian President Dmitry Medvedev and German Chancellor Angela Merkel presented the Meseberg Initiative, which aimed to speed up settlement of the Transnistrian conflict, and the parties came back to the negotiation table.

The Berlin Protocol was signed in 2016, with commitments to recognize Transnistrian diplomas and license plates, restore telecommunications (telephone lines) between each side of the Dniester, work jointly to address environmental problems, dismiss criminal cases against politicians from both sides, and allow them to safely cross the border. In May 2017, Moldova’s constitutional court issued a ruling recognizing Transnistria as an occupied territory, due to the presence of Russian troops. By the end of the year, however, agreements had been signed on four points of the Berlin Protocol.

In 2020, while campaigning for a second term, Moldovan President Igor Dodon stated that he had established “very good dialogue” with the leader of Transnistria, Vadim Krasnoselsky. “I really hope that the next three or four years will be a time when we are really able to begin the process of reintegration,”⁴⁹ he said. However, Dodon lost the election, and Krasnoselsky declared the newly elected President Maya Sandu’s call for the withdrawal of Russian troops “an attempt to substitute ideas”⁵⁰. This conditional success in Transnistria certainly made life easier for people on both sides of the Dniester, but it did not manage to

49 “Додон считает, что Молдавия и Приднестровье вскоре будут готовы к урегулированию конфликта”. *TASS*, September 27, 2020 (<https://tass.ru/mezhdunarodnaya-panorama/9564105>).

50 “Глава Приднестровья не согласен с предложением Санду вывести российских миротворцев, *Kommersant*, February 12, 2020 (<https://www.kommersant.ru/doc/4594995>).

resolve the matter of the territorial dispute.

International negotiations on Nagorno-Karabakh have been underway since 1992, in the format of the OSCE Minsk Group. The Minsk Group is co-chaired by Russia, the United States, and France. In addition to the co-chairs, as well as Azerbaijan and Armenia, representatives of six more countries have taken part in the group, though their roles have been relatively minor.

In 1997, the warring parties were offered two options—package or step-by-step. Azerbaijan rejected a package settlement, and the Artsakh Republic rejected the second. Furthermore, Armenia’s consenting to this settlement option led to the resignation of its President Levon Ter-Petrosyan. The mediators made a third proposal, which was also rejected by Azerbaijan. A fourth option containing elements of the previous three was later discussed, without much success.

In March 2008, the UN General Assembly adopted a resolution demanding the “immediate, complete, and unconditional withdrawal of all Armenian troops from all occupied territories of the Republic of Azerbaijan,” with 39 votes in favor, 7 against, and 100 abstentions. The Minsk Group co-chairs spoke out against adoption of the resolution, though they later expressed their support for the territorial integrity of Azerbaijan.

But even before that, in November 2007, a preliminary version of principles for resolving the conflict, later known as the Madrid Principles, were presented to the parties. These principles were updated in 2009, and stipulated, among other things:

- return of the territories surrounding Nagorno-Karabakh to Azerbaijani control;
- granting Nagorno-Karabakh temporary status

ensuring its security and self-government;

- opening a corridor between Armenia and Nagorno-Karabakh;
- future determination of Nagorno-Karabakh’s final status based on a legally binding expression of will;
- ensuring the right of all IDPs and refugees to return to their places of former residence;
- international security guarantees, including a peacekeeping operation.

“I can say that certain minor exceptions, as a whole, the proposals ensure Azerbaijan’s interests, its territorial integrity, the return of occupied regions to Azerbaijani control,” Ilham Aliyev stated, expressing his endorsement of the Madrid Principles⁵¹. “Armenia accepted the Madrid Principles as a negotiations framework over two years ago. All other proposals were of a working nature,” stated Tigran Balayan, the Armenian Foreign Ministry press secretary⁵².

In 2011, the Madrid Principles were clarified by the so-called “Kazan formula” during talks held in Kazan. In short, they amounted to returning the regions surrounding Nagorno Karabakh to Azerbaijan in exchange for unblocking Armenia and Artsakh, along with the creation of two corridors—Lachin and Kelbajar. Any decisions on the status of Nagorno Karabakh were postponed indefinitely.

Negotiations then hit an endless series of roadblocks between the parties, making it impossible to actually begin carrying out the agreement. The results of the 2020 war and the ensuing ceasefire agreement are very similar to the Madrid Principles, though things are much worse for the Armenians compared to the 2007-2009 document.

51 “Президент Ильхам Алиев: «Можно сказать, что в принципе основная часть переговоров по армяно-азербайджанскому нагорно-карабахскому конфликту завершена”, *Day.Az*, March 20, 2010 (<https://news.day.az/politics/200494.html>).

52 “МИД Армении: «Ереван принял Мадридские принципы более двух лет назад”, *Radio Azadliq*, June 23, 2010 (<https://www.azadliq.org/a/2080224.html>).

And what should we do?

Right away, we should note that the suggestions below for shaping Russia's policies toward disputed territories are based on Russia's medium and long-term interests, though the Kremlin views those interests very differently today. Maintaining control over the maximum possible amount of territory, deliberately destabilizing situations in neighboring countries, and the "great political confrontation with the West" are not considered here only as priorities, but as issues generally deserving of attention. On the contrary, stabilizing its borders and traditional zones of influence while restoring its reputation as a reliable, predictable partner, returning to all types of cooperation with developing and developed countries, and strengthening its role as a leader in the post-Soviet space would be extremely beneficial for the Russian Federation in meeting its resource, scientific, and cultural potential (rather than through military threats and economic blackmail).

The clearest way to do that is by resolving the conflict in the unrecognized republics in the Donbass. No one (except for some residents and the "elite" of the DPR/LPR) disputes that the SADLR should be returned to Ukraine. This could be achieved within the framework of the same Minsk Protocol, if Russia would simply abandon its intention to use Luhansk and Donetsk as tools to manipulate Ukrainian foreign policy and block its shift toward European and Euro-Atlantic integration stipulated in the Ukrainian constitution. If we are frank, even in the rosier conditions for Kyiv, Ukraine will not be joining the EU or NATO anytime soon. If Moscow were to build a policy of partnership toward its closest neighbors and Europe, Ukraine's hypothetical entry into these institutions would not be harmful to Russia in the least. If Russia were to take that position, it would be possible to fulfill what Ukraine has proposed: first resolve the cluster of security issues, cease any hostilities of any intensity, and then gradually transfer control over the state border to Kyiv (via an intermediate stage of deploying an international peacekeeping mission to the border), followed by local elections pursuant to Ukrainian legislation and the implementation of other points of the Minsk Protocol, which should be partly updated to address its obvious contradictions. Of course, this is a rather rough plan.

Does this plan have shortcomings? Yes, many of

them. Though Ukraine will never admit this publicly, it would not be particularly pleased with such a "gift". As the war has dragged on over the years, the Donbass's economy and environment have been left in tatters, it has lost a significant part of its industrial potential, and become impoverished in labor resources and massively fallen behind, socially speaking. Without any external (primarily Western) assistance, it is safe to say that it would be impossible to rehabilitate the SADLR in a reasonable amount of time. Moreover, much of the population today has been frightened by tales of "Ukrainian punishers" or taken part in violent acts against Ukrainian citizens. These people would be very wary about returning to rule by Kyiv, and many will want to leave Ukraine altogether.

On the other hand, this plan will also lead to certain costs for Russia. Those who have supported the DPR/LPR becoming part of Russia will be very disappointed when they realize that Moscow has abandoned them for good. At the same time, many people will fear being pursued by Ukrainian law enforcement, and they will head to Russia en masse, where they will all need to be accepted and their basic social needs will have to be met. This group will include people who have become used to living on the margins of the law, some of whom will be charged with very serious crimes and wanted in Ukraine. Moscow will have a moral obligation to its supporters, and it will not hand them over (except, perhaps, in exceptional cases with extremely serious charges and overwhelmingly convincing evidence), which is sure to annoy the international community, as well as Russian society, which will have to bear an additional criminal burden.

Nonetheless, all of these costs are inevitable and should be considered as minimum compensation for the mistakes inherent to supporting armed separatism in Ukraine.

The situation in Transnistria does not require anything drastic on Moscow's part. It would be sufficient to demonstrate the political will to abandon support for separatism and facilitate Moldova's reunification based on conditions of broad autonomy for those living on both sides of the Dniester. While these statements are diplomatic in nature, they should be accompanied by a quiet warning that over the course of several years, Russia will gradually curtail its

subsidies for the Transnistrian economy and regional budget. This would be an excellent impetus for Tiraspol to seek common ground with Chisinau, especially given that there are no insurmountable obstacles to careful reintegration (with the exception of the results of 2006 referendum on joining Russia, which in any case cannot realistically be carried out).

Today, in contrast to the beginning of the conflict, Transnistria has greater economic ties with Moldova than with countries of the former USSR. Approximately 70% of the region's industrial production is sent to the right bank of the Dniester: about 30% is exported directly to Moldova, while 40% is sent to EU countries via Moldova⁵³. At the same time, Chisinau will likely be willing to guarantee the inviolability of Russian investors' property in Transnistria. There is almost no political risk to Moscow in doing this. Withdrawing Russian troops becomes a technical matter. The horror stories of unifying Moldova and Romania during the 1990s are no longer relevant (though it is possible that a "reverse" secession of Transnistria from Moldova in the event of Moldova losing its state sovereignty might be a special clause in any agreement between Chisinau and Tiraspol). As is the case with Ukraine, Moldova's likely rapprochement with the EU and NATO should not be viewed as a threat.

Russia would barely have to change its official position on Nagorno-Karabakh. As things stand, no one accuses Russia of being an aggressor or occupier there. As the guarantor of security for the Armenian population of Artsakh, Moscow is now much more deeply involved in a complex interethnic conflict than it was before, though that could still be fully explained and justified as a humanitarian endeavor. The most important thing is to avoid being dragged into the geopolitics of the southern Caucasus, building military bases, getting involved in confrontations with Turkey, or creating anti-NATO footholds...

However, there are fears that this is exactly what will happen. Earlier, we described Ilham Aliyev's dissatisfaction with Russia's further militarization of the region. Additionally, the National Assembly of Artsakh (the unrecognized republic's parliament) adopted a law on March 25, 2021, according to which

Russian was given the status of an official language in Nagorno-Karabakh⁵⁴. At the same time, some Russian media outlets, including those with a respectable reputation, announced that Russia had become Artsakh's second state language⁵⁵, directly contradicting that law. It is worth noting that today, there are practically no residents of Artsakh whose first language is Russian. On the other hand, rumors are spreading wild in the region that Russia will grant Russian citizenship to the people of Karabakh, as it has in other disputed territories. Many experts in Yerevan believe that today, Armenia is finally losing Artsakh, not due to Azerbaijan seizing it by force, but as the result of a soft, "friendly" takeover by Russia.

The objective reality associated with the presence of hostile neighbors, a small population in a small territory, and a lack of natural resources will not make it possible for Karabakh or Armenia to abandon Russian protection in the future.

Moreover, there is a general feeling that both Azerbaijan and Turkey are satisfied with the outcome of last fall, and are not planning any new military operations against the Armenians (on the contrary, they are actually ready to gradually normalize relations with Armenia), and determining Nagorno-Karabakh's final status may be postponed for decades, with the tacit consent of the parties. It is true that Armenia is feeling acute trauma after losing its territories in defeat, and it may have revenge on its mind (which is hardly a possibility in practice), but it also fears fresh attacks from Azerbaijan and rejection from the Syunik region in the south, which separates the main part of Azerbaijan from Nakhichevan (which is also unlikely given the current balance of power in the region).

Whether Armenian Prime Minister Nikol Pashinyan remains in power after parliamentary elections scheduled for June 20 or not will not have much influence on Moscow's position in the region. Russia should avoid any direct interference in Armenia and the Artsakh Republic's domestic political affairs, which, until very recently, it did very successfully.

There is no foreseeable, simple resolution of the contradictions surrounding the Georgian autonomies. The long history of conflicts, their interethnic basis, and a high degree of involvement from the popula-

53 N. Ischenko (Gumba), I. Popov, P. Schelin, et al. Конфлікти, що змінили світ. Kharkiv: Folio, 2020.

54 "Парламент Арцаха принял законопроект о статусе русского языка в качестве официального", *Armenpress*, March 25, 2021 (<https://armenpress.am/rus/news/1047125.html>).

55 For example, "В Нагорном Карабахе присвоили русскому языку статус второго государственного", *Интерфакс*, March 25, 2021 (<https://www.interfax.ru/world/757795>).

tion initially limited leadership's flexibility in these unrecognized republics. Russia's recognition of their independence and official acceptance under military protection eventually led to their categorical unwillingness to "return" to discussing possible forms of a joint state system with Georgia. At the same time, Russia is neither Tuvalu nor Vanuatu, and cannot simply withdraw its recognition or refuse to guarantee security in these disputed territories.

We can also consider several more or less realistic options. The first model is similar to that of Cyprus. At an international conference, former Georgian ambassador to the UN, Revaz Adamia stated that the separatists parts of any state "should have some sort of motive to want to return to that state"⁵⁶. In the case of Turkey and Northern Cyprus, EU membership became that motive, though in the case of Georgia, that motivation may be wider and more diverse.

In principle, Tbilisi is headed in this direction, creating incentives for the populations in disputed territories within the framework of the "Steps to a better future" plan mentioned above, along with other initiatives. The goodwill of the Russian Federation is vital if this approach is to be effective, and Russia could still offer some additional benefits for Abkhazians and Ossetians as they move closer to Tbilisi (by maintaining Russian military presence and ensuring security). If that approach were carried out flawlessly, it would make it possible to count on the gradual creation of a delicate Georgian confederation, which would certainly release international pressure on Russia and dramatically improve its image.

The second option would also require changes from Moscow, but in a completely different direction. Russia could remove its objections to Georgia's accession to NATO (and eventually the EU) in exchange for Tbilisi renouncing its sovereignty over the rebellious autonomies. It is clear that Georgian society is not ready for that kind of conversation yet, though with the likely help of Western countries, Georgians could gradually be persuaded to accept a pragmatic solution like this.

The third option is not dissimilar to the 2008 Georgian plan to divide Abkhazia into zones of influence, and the history of the Free Territory of Trieste, which existed from 1947 to 1954 (formally by 1975),

divided into two zones, one of which later became part of Italy, and the other became part of Yugoslavia. This option is probably the least likely, given Tbilisi's lack of almost any influence on the disputed territories.

Annexing Crimea entirely blocks almost any possibility of Moscow agreeing to even discuss its status, which can be recognized in Russia as an administratively and criminally illegal and punishable offense. Moreover, from a legal perspective, the situation has not changed much following the adoption of constitutional amendments in 2020 and the harmonization of legislation with them: Russian laws did not allow calls for the seizure of Russian Federation territories before these changes, either. However, there is a legal loophole for the legalization of political decisions (if they are ever adopted). If the constitutional court (most likely with new members) were to consider violations of its own procedures in March 2014⁵⁷, then even the fact that Russia annexed Crimea (to say nothing of its legality!) can be questioned.

However, there are no recommendations for such drastic actions. There is clearly no simple solution to the situation, no matter how outrageous things may seem to Ukraine. If we consider the current Russian leadership's unwavering position—there is no Crimean issue, period—it is difficult to expect any progress at all in the near future. However, future Russian leaders may seek to see their country once again as a full-fledged global partner, and they might begin by simply recognizing the obvious. Yes, there is a Crimean issue! Yes, Ukraine has every right to make the claims that it does. Yes, the Russian state intends to negotiate a settlement of this dispute, considering its own standards as well as international law, and the opinion of the population in question.

The sentiments of Crimeans themselves may be key to Crimea remaining part of Russia, rather than references to the Kosovar precedent (which has nothing to do with this situation) and the farcical "referendum" held in 2014. If we do turn to precedents, we should examine the history of the Federal State of Saar (Saarland), which returned to German control twice during the 20th century, at the will of its population and despite German defeat in two world wars and neighboring countries' desire to punish Germany as the aggressor. When it comes to international ar-

56 Nikita Zholkver. "Применима ли кипрская модель для урегулирования конфликта на Кавказе?", *DW*, April 23, 2009 (<https://p.dw.com/p/HcgL>).

57 Yelena Lukyanova. "#Крымнаш» Москва: Kuchkovo Pole, 2015.

bitration, the will of the population is the most important argument. Without international arbitration, it is unlikely that the conflict over Crimea will ever be resolved.

There are more details to hash out. How will all interested parties recognize this will? Should we consider the opinion of those who left, or, on the contrary, those who came to Crimea after 2014? What about the opinions of their children who were born or reached adulthood following the annexation? Should Russia pay Ukraine some kind of compensation, if Moscow

is recognized as having rights over Crimea? What if it is not?

It is highly unlikely that anyone will attempt to take Crimea from Russia by force in the near future. For this reason, Moscow will have the upper hand at any initial negotiations. And now, it makes little sense to try and predict where negotiations will lead. The keys to success are goodwill and a sincere willingness to improve relations with Russia's neighbors based on established rules, mutual respect, and humanism rather than based on the rule of the strongest survive.

About the Reform project

The Reform project was founded in 2020 as an online platform for expert discussions, comments, and publishing reports on positive transformations in Russian society. Reform also holds seminars and expert discussions.

This project aims to develop a roadmap for Russian reforms, and seeks to create a positive agenda for Russian society, in the interest of as many citizens as possible.

This project is open for cooperation with Russian researchers and practicing public and political figures living both in Russia or abroad.

Project experts propose and discuss reforms that are both feasible in the current political system, as well as over the course of hypothetical political transformations.

This project is funded by grants from nonprofit organizations and has no affiliation with political figures, parties, or business representatives.