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Frozen Conflicts

**A Tool Kit
for US Policymakers**

Agnia Grigas

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Cover photo credit: Mikhail Voskresenskiy/RIA Novosti/Sputnik. Russian troops during exercises at the Kanchaveli advanced outpost in South Ossetia, July 2013.

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TABLE OF CONTENTS

1	Introduction
1	Post-Soviet Frozen Conflicts
2	Manufacturing Frozen Conflicts
7	Implications of Frozen Conflict Conditions
8	US Policy Toward Frozen Conflicts
12	Policy Recommendations for the US Government and Congress
15	About the Author
16	Endnotes

INTRODUCTION

Since the 1990s, a number of separatist movements and conflicts have challenged the borders of the states of the former Soviet Union and created quasi-independent territories under Russian influence and control. Unrecognized by the international community but generally supported by Moscow, these so-called “frozen conflicts” include the regions of Transnistria in Moldova, Nagorno-Karabakh in Azerbaijan, and South Ossetia and Abkhazia in Georgia. Since 2014, Russia’s annexation of Crimea and the emergence of pro-Moscow separatist territories in eastern Ukraine—the so-called “people’s republics” of Luhansk and Donetsk—created a new set of potential frozen conflicts. These seemingly disparate conflicts across different states are, in fact, inherently interconnected; together, they demonstrate a pattern of Russian foreign policy, which manufactures frozen conflicts as a means of increasing Moscow’s long-term influence and leverage over target states in its near abroad. The resulting separatist territories create “gray zones” that are problematic for the international community and international law because they challenge the post-Cold War political order, destabilize Europe’s frontier states, and because they are often used by local and transnational groups for money laundering, organized crime, and human and arms trafficking.

The US government has generally supported the territorial integrity of such states facing separatism and sought to contain the fallout from these frozen conflicts. In the aftermath of Crimean annexation and war in the Donbas, it is necessary to reconsider the successes and failures of past US government policies vis-à-vis Moscow’s manufactured frozen conflicts. It is important to establish a policy toolbox for policymakers to use in the event of future Russian assaults on the sovereign territories of other countries. Moreover, because frozen conflicts by their very nature are likely to last for decades, it is important to establish “policy memory” of these conflicts and to consider the policy options for managing these conflicts in the near and long term. Going forward, the quasi-states of Transnistria, South Ossetia, and Abkhazia will continue to seek either independence or integration with the Russian Federation. The US government will have to be prepared to address such processes. Likewise, the territories of Luhansk and Donetsk are likely to seek greater autonomy from Ukraine on the basis

of international concepts of human rights and self-determination or instead seek integration into the Russian Federation. The flaring of violence in Nagorno-Karabakh in mid-2016 shows that the United States will have to be continuously prepared for reignited conflict. Meanwhile, since Russia seems determined to maintain its occupation of Crimea despite Western sanctions and non-recognition by the international community, Washington will have to pursue a long-term policy regarding this issue vis-à-vis Russia, Ukraine, and Crimea. The following policy memo seeks to frame the issues at stake and available policy options for both current and future policymakers in the US government and Congress.

POST-SOVIET FROZEN CONFLICTS

The term “frozen conflict” is used to describe conditions on territories where active armed conflict may have ended, but no peace treaty or political resolution has resolved the tensions to the satisfaction of the different sides. In the separatist territories that have become frozen conflict zones, internal sovereignty is often achieved in the breakaway territory but at the expense of “external sovereignty” or recognition in the international system.¹ The term frozen conflict is almost completely associated with the breakaway territories of post-Soviet republics. Such conflicts emerged as a result of Moscow-stoked separatism often with the ultimate aim of gaining influence and control over foreign territories. With the sole exception of Nagorno-Karabakh,² Moscow’s pretext and justification for such actions is cited as the need to protect its so-called compatriots—ethnic Russians, Russian speakers, and other minorities—residing abroad. Usually, but not always, these target territories border the Russian Federation (South Ossetia, Abkhazia, Donbas, and Crimea) and are inhabited by minorities who are experiencing some discord with the central government or who are open in one degree or another to the influence of Moscow. With the exception of Crimea, Moscow’s creation of separatist frozen conflicts has not escalated to Russia’s annexation. Nonetheless, these territories generally become de facto separated from the states in question and under Moscow’s direct political influence and military protection.³

MANUFACTURING FROZEN CONFLICTS

Russia's tools for manufacturing such grey zones have been strikingly similar in Moldova, Georgia, and Ukraine. As outlined in the author's book *Beyond Crimea: The New Russian Empire*, the trajectory starts with Russia's softer means of influence such as an appeal to common values and shared membership in the Russian Orthodox Church, cultural, and linguistic support. It continues to humanitarian and compatriot policies, which involve aid to Russian-speaking minorities as well as support for compatriot institutions and organizations. The crucial turning point is the handing out of Russian citizenship to these inhabitants of foreign territories. Thus, Russian citizens are manufactured from Russian compatriots who then inherently warrant the protection of the Russian Federation. Simultaneously, Russia pursues an information warfare campaign declaring an urgent need to protect Russian citizens and compatriots from various, mostly imagined, threats. Support for separatists and militants follows. Direct but covert Russian military involvement is likely—as in the case of the Donbas and Crimea where “little green men” or Russian special forces and troops operated covertly without their insignia. The end result is armed conflict that resembles “hybrid warfare” or a military strategy that seamlessly blends conventional military tactics with irregular ones, which can include civilian participation, guerilla warfare, and modern technology, to achieve an advantage both on land and in cyberspace.⁴ Moscow generally explains these campaigns as an effort to “protect” Russian speakers, ethnic Russians, or even other non-Russian minorities such as the Ossetians or Abkhazians.⁵

The circumstances and the details of military conflict have differed in each case: In Moldova's Transnistria, it was the Soviet army fighting on the side of the separatists that played the decisive role in the territory's war for independence in 1991. In Georgia, following the 1992 agreement between Tskhinvali and Tbilisi and the 1994 ceasefire agreement between Sukhumi and Tbilisi, Russian peacekeepers were deployed in both South Ossetia and Abkhazia to diffuse the tensions between the central government and the separatists. Russian peacekeepers remained in the territories until the Russian military officially arrived with the 2008 Russo-Georgian war.⁶ In Ukraine, it was reliance on existing Russian forces on the military bases in and near Crimea in 2014, as well as the

Table 1. Comparative Analysis of the Conflicts

Conflicts	Year(s) of Active Conflict	Actors
South Ossetia	January 5, 1991-June 24, 1992; July-August 19, 2004; August 7-16, 2008	Russia-backed South Ossetia/Georgia <i>OSCE, European Union (EU), USA, and United Nations (UN)*</i>
Nagorno-Karabakh	1991-1994; April 1-5, 2016	Azerbaijan/Armenia <i>Russian Federation, OSCE, France, and USA*</i>
Transnistria	March 2, 1992-July 21, 1992	Moldova/Russia-backed Transnistria <i>Russian Federation, OSCE, Ukraine, USA, and EU*</i>
Abkhazia	August 14, 1992-September 27, 1993; August 9-12, 2008	Russian Federation, Russia-backed Abkhazia/Georgia <i>OSCE, EU, USA, and UN*</i>
Crimea	February 23-March 19, 2014	Russian Federation/Ukraine <i>Great Britain, France, USA, and Germany*</i>
Luhansk and Donetsk	April 6, 2014	Russian Federation/Ukraine <i>OSCE, France, and Germany ('Normandy Format')*</i>

*Countries with a status/role of mediator(s) or/and observer(s)

- i Human Rights Watch, “Up in Flames: Humanitarian Law Violations and Civilian Victims in the Conflict over South Ossetia,” January 23, 2009, <https://www.hrw.org/report/2009/01/23/flames/humanitarian-law-violations-and-civilian-victims-conflict-over-south>.
- ii US States include California, Rhode Island, Hawaii, Massachusetts, Louisiana, Maine, and Georgia.
- iii The numbers of casualties are contested between sides.
- iv It includes Nagorno-Karabakh territory: 4,400 km² and Armenian-controlled territories surrounding Nagorno-Karabakh: 7,634 km².
- v It includes 320 persons from the constitutional forces of the Republic of Moldova and 425 representing Transnistria.
- vi See: Greenburg Research, Inc, Country report Georgia/Abkhazia ICRC

Military Length of Conflict	Countries, Institutions, and Political Entities that Recognize the Territory's Independence/Annexation	Number of Casualties	Amount of Land Lost	US Government Response(s)
1 year, 5 months, 2 weeks, and 5 days; 1 month; 9 days	Russian Federation, Nauru, Nicaragua, Venezuela, Transnistria, Nagorno-Karabakh, Western Sahara, and Abkhazia	Estimated 1,000 killed and 100 missing; dozens killed; 44 killed and 273 wounded ⁱ	3,885 km ²	Non Recognition; Policy of Engagement Without Recognition
3 years; 4 days	Armenia, South Ossetia, Abkhazia, Transnistria, and 7 US Federal States ⁱⁱ	20,000-30,000 killed; 95-200 killed ⁱⁱⁱ	11,458 km ² ^{iv}	Non Recognition; Policy of Engagement Without Recognition
5 months	Abkhazia, Nagorno-Karabakh, and South Ossetia	Estimated 800 killed ^v	4,163 km ²	Non Recognition; Short-Term Sanctions Against Separatists
13 months and 13 days; 6 days	Russian Federation, Nauru, Nicaragua, Venezuela, Transnistria, Nagorno-Karabakh, and South Ossetia	10,000-15,000 lives uprooted and 8000 wounded; ^{vi} reported 3 killed	8,600 km ²	Non Recognition; Policy of Engagement Without Recognition
17 days	Russian Federation, Afghanistan, Cuba, North Korea, Nicaragua, Syria, Venezuela, Abkhazia, Transnistria, and South Ossetia	6 killed ^{vii}	27,000 km ²	Non Recognition; Sanctions against Crimean leadership and Russia
2 years (ongoing)	South Ossetia	9,333 killed; 21,044 injured	54,315 km ²	Non Recognition; Sanctions against Separatists/Russia

worldwide consultation on the rules of war," International Committee of the Red Cross, November 1999, <https://www.icrc.org/eng/assets/files/other/georgia.pdf>.

vii Зверски убитого крымского татарина звали Решат Аметов, see: http://censor.net.ua/news/276351/zverski_ubitogo_krymskogo_tatarina_zvali_reshat_ametov_troe_maloletni_h_deteyi_osiroteli_foto ; Погибший крымский татарин шел в военкомат, захваченный "дружинниками," see: http://society.lb.ua/life/2014/03/17/259752_pogibshiy_krimskiy_tatarin_shel.html ; Unrest in Crimea leaves 2 dead; government buildings seized, see: http://www.upi.com/Top_News/World-News/2014/02/27/Unrest-in-Crimea-leaves-2-dead-government-buildings-seized/6371393516263/; Two die in rallies outside Crimean parliament, says ex-head of Mejlis, see: <http://www.kyivpost.com/article/content/ukraine/two-die-in-rallies-outside-crimean-parliament-says-ex-head-of-mejlis-337708.html>.

viii Associated Press, "UN says 9,333 killed since Ukraine conflict began," April 28, 2016, http://hosted2.ap.org/APDEFAULT/cae69a7523db45408eeb2b3a98c0c9c5/Article_2016-04-28-UN--UN-Ukraine/id-1b5e974a4b6b498e8c380972933b91f2; see also: OHCHR, http://www.ohchr.org/Documents/Countries/UA/Ukraine_13th_HRMMU_Report_3March2016.pdf.

arming and manning of separatist-minded militias and the secret deployment of Russian troops to eastern Ukraine since 2014. The result has been the self-declared “people’s republics” of Luhansk and Donetsk and statelets of Transnistria, South Ossetia, and Abkhazia. All of these separatist territories remain unrecognized by the international community, surviving only with Russia’s protection and support. Only Crimea has been incorporated outright into the Russian Federation.⁷

Status quo in South Ossetia and Abkhazia

Following Stalin’s efforts to “Georgianize” South Ossetia and Abkhazia in the 1920s, tensions regarding the regions’ political status and degree of autonomy vis-à-vis Tbilisi persisted but remained under strict control. After the collapse of the Union of Soviet Socialist Republics (USSR) and with the resurgence of Georgian nationalism, tensions flared and war broke out first in South Ossetia in January 1991 and then in Abkhazia in August 1992. The South Ossetian and Abkhazian declarations of “independence,” on May 29, 1992 and on November 26, 1994 respectively, have not received recognition in the international arena outside of Russia and a few states like Nicaragua, Venezuela, Nauru, and other separatist territories like Nagorno-Karabakh and Transnistria, among others.⁸

It is likely that in the years to come these breakaway territories will follow the Crimean example and eventually be incorporated into the Russian Federation. Though the territories have been calling for incorporation since before the 2008 Georgian war, the process is gaining momentum. For example, on November 24, 2014, Russia and Abkhazia signed the Moscow-proposed Alliance and Integration Treaty, which aims to create joint defense and law enforcement structures as well as to integrate the region into Russia’s economic, social protection, and health care systems. In March 2015, South Ossetia signed a similar agreement and effectively handed over control of its border, military, and economy to Russia, while also creating a joint defense and security zone and integrating their customs agencies.⁹ While the de facto president, Leonid Tibilov, announced the holding of a referendum for South Ossetia to join Russia before August

2016, the Abkhazians appear to be interested in maintaining at least some degree of independence for the time being.¹⁰ The Georgian government and the pro-Tbilisi Abkhazian government-in-exile have been pursuing “Involvement without Recognition,” a policy of public diplomacy toward the region without recognizing its independence. The policy aims for support and cooperation in health care and education.¹¹ At the same time, the conflicts are not perfectly “frozen,” and skirmishes on the border continue with some evidence that the Russian forces together with the militants of South Ossetia and Abkhazia have continued to make further inroads into the territory of Georgia since 2015.¹²

Status quo in Nagorno-Karabakh

Since Stalin incorporated the majority of the Armenian-populated territory of Nagorno-Karabakh into the new Soviet Republic of Azerbaijan with autonomous status in the early 1920s, tensions have continued to simmer in the region. Under Soviet rule, ethnic tensions remained relatively controlled until the first signs of democratization (1985-87) and the weakening of the regime (1988-90), which was followed by the bloody 1991-94 war. Since then, Russia has played an ambiguous role, selling arms to both sides of the conflict and pursuing parallel mediation efforts, and is therefore seen by

both parties as a tacit supporter of the adversary.¹³ The conflict flared again on April 2, 2016, one day after Azerbaijani President Ilham Aliyev and Armenian President Serzh Sargsyan met separately in Washington with US Vice President Joe Biden, causing some to suggest that Russia could have played a hand in the violence in order to position itself as an indispensable player in the region and to limit the potential role of the United States.¹⁴ Others point to Aliyev’s potential domestic motives to reignite armed hostilities in order to redirect public attention away from economic difficulties, corruption scandals, cuts in oil income, and recent public protests.¹⁵ The redeployment of an Organization of Security and Co-operation in Europe (OSCE) mission to monitor the ceasefire on the ground, negotiated in Vienna on May 16, 2016, may be a first step to enforce the ceasefire and prevent further casualties.

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Embassies of Abkhazia and South Ossetia in Tiraspol, Transnistria. *Photo credit: Marco Fieber/Flickr.*

Status quo in Transnistria

Following the weakening of the Soviet Union, the conflict between Chisinau and Tiraspol emerged in August 1989, when Moldova first reverted to the use of the Roman alphabet and made Romanian the only official language in lieu of Russian. In Transnistria, where a sizable population of Russian speakers existed, this decision, and the fear of seeing a unification of Moldova and Romania, led the local authorities to look for support from the local Soviet army in their war for independence from Moldova. Transnistria's "independence," declared in 1990, has never been recognized by any state, including Russia.¹⁶ Yet, because the territory has remained isolated for a quarter of a century with Moscow as its sole supporter and protector, Russia holds all the cards of Transnistria's future in its hands. In March 2014, following the annexation of Crimea, the leadership of Transnistria submitted their application to join the Russian Federation, but they have not received a response to date.¹⁷ In May 2015, calls for protection were again heard when sixty-six Transnistrian NGOs requested that Putin protect the territory and guarantee peace there in light of the fact that Ukraine had terminated its agreement with Moscow on Russian military transit to Transnistria.¹⁸ Transnistria's geographical position and lack of a border with Russia make it

less likely to become formally incorporated into the Russian Federation. However, this possibility cannot be excluded as Russia's Kaliningrad Oblast is also not connected territorially to the rest of the country. Nonetheless, Moscow already de facto controls Transnistria, where many members of the government are recent arrivals from Russia.¹⁹

Status quo Crimea, Donetsk, and Luhansk

Annexed by the Russian Empire in 1783, Crimea remained part of Russia until 1954, when then Soviet leader Nikita Khrushchev transferred the peninsula to Ukraine. Since then, due to the continuing presence of Russia's Black Sea Fleet, stationed in the strategic city of Sevastopol, and the sizable presence of Russian speakers, Ukraine's autonomous region of Crimea continued to be a flashpoint for Kyiv-Moscow tensions. In February 2014, the Russian military and special forces conducted the takeover of Crimea. The hybrid warfare campaign was conducted covertly with "little green men" supporting local radicals under the cover of propaganda. The Kremlin admitted almost two years later that this had indeed been a military operation.²⁰ In March 2014, the Russian authorities and pro-Russian separatists conducted an illegal "referendum" for Crimea and Sevastopol to join Russia. On March 18, two days after the



A military parade in Transnistria in 2010. Photo credit: Lsimon/Wikipedia.

“referendum,” the Russian Federation signed the treaty of accession for Crimea and the city of Sevastopol, and thus enacted what the world considers an unlawful annexation of Ukrainian territories. The vast majority of the international community has rejected the validity of Crimea’s referendum and subsequent occupation.²¹

Ukraine’s border regions of the Luhansk and Donetsk oblasts with a Russian-speaking majority maintained cultural and economic ties with Russia since the collapse of the Soviet Union. Small militant groups launched violence in March 2014 and were soon supported by a Russian military detachment led by Russian Colonel Igor Girkin, who had earlier taken part in capturing Crimea. On May 11, 2014, Russian and pro-Russia militants in Donetsk and Luhansk conducted internationally unrecognized referendums and on November 2 held “elections.” The militants declared “state sovereignty” but not independence for the so-called Donetsk and Luhansk people’s republics. In September 2014, a first ceasefire agreement (Minsk-1) was designed by the Trilateral Contact Group on Ukraine within the framework of the Normandy Format and signed by Kyiv, the Russian Federation, and the separatists under the aegis of the OSCE, but it was broken several days later when fighting over

control of the Donetsk airport began. In February 2015, a second ceasefire agreement (Minsk-2) was signed but conflict and shelling have continued to varying degrees since then.²² As of April 2016, over the course of the crisis in Donbas, 9,167 people have been killed, 1,438,000 people have been internally displaced, and approximately 9 percent of Ukraine’s territory is under Russian-backed separatists’ control (excluding Crimea).²³

On March 16, the separatist leaders of the so-called Donetsk People’s Republic (DNR) began issuing their own passports in eastern Ukraine. The territory’s militant leader Aleksander Zakharchenko called the move “a very important step toward building statehood” that will serve to solidify and formalize the territory’s separatist status.²⁴ Passports were issued to those who recently turned sixteen, but by July 1, 2016, everyone in the oblast will be able to get new passports. Earlier the leaders of the separatist territories stated that the residents of Luhansk and Donetsk would acquire Russian passports from the nearby Russian town of Rostov-on-Don. Nonetheless, the strategy of launching local DNR passports complements the aim of issuing Russian passports in the long term. For once local passports are issued in a separatist territory (as they were in South Ossetia, Abkhazia,

and Transnistria), they serve to consolidate the territories' sovereignty. Yet, because these local passports are unrecognized in the international community and thus useless for travel abroad, the populations of the territories resort to acquiring Russian citizenship as they have in Georgia's and Moldova's breakaway territories.²⁵

IMPLICATIONS OF FROZEN CONFLICT CONDITIONS

Frozen conflict conditions enable Russia to gain long-term control over the separatist territories and thus achieve leverage over the target states without necessarily resorting to annexation. In fact, annexation may not be Moscow's end goal, despite its domestic popularity vis-à-vis Crimea. With annexation come costs—isolation in the international community, the threat of sanctions from the West, and a lack of legitimacy in international law. Annexation also implies costs from assuming control and responsibility for the breakaway region such as government services, rebuilding destroyed infrastructure, gas subsidies, or in the case of Crimea the need to ensure water supplies and build a bridge over the Kerch Strait to connect the peninsula with the Russian mainland. With persistent frozen conflicts, on the other hand, Moscow is still able to boast foreign policy gains without taking full financial responsibility for the regions and the people living there, while the torn-apart countries of Ukraine, Georgia, and Moldova shoulder many costs.²⁶ For instance, Gazprom still bills Ukraine and Moldova for the natural gas supplies to Donetsk, Luhansk, and Transnistria.²⁷

Nonetheless, though no precedent for this exists, it is possible that following decades of isolation and dire conditions that are inherent in frozen-conflict territories, South Ossetia, Abkhazia, Transnistria,

and possibly even Luhansk and Donetsk will be integrated into the Russian Federation. These processes are already under way in South Ossetia and Abkhazia. In the end, there are few options left for territories that have broken ties with their home countries, are internationally unrecognized, and receive financial and military support from Moscow. Whether and when Moscow will finalize their formal integration remains to be seen.

The implications of these developments in Ukraine, Georgia, and Moldova go far beyond the loss of a few territories. The challenge to these countries' territorial integrity (and even indirectly their statehood) will leave a lasting imprint on their future. The fallout from war and loss of territory will forever divide their political systems and societies. Factions can emerge (as seen in Moldova and

Georgia) favoring concessions to Russia in hopes that improved relations will enable the countries to regain lost territories, or at a minimum reduce the risk of future territorial conflicts. Other domestic groups could proclaim a nationalist, anti-Moscow, and anti-minority line that likewise bodes ill for their states and societies. Thus, US government policies should pursue strict non-recognition of separatist regions until the sovereignty and territorial integrity of the targeted state is restored. Predetermining and broadcasting alternative, acceptable thresholds of

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conflict, such as an outcome "to the satisfaction of a democratically elected Government of Ukraine,"²⁸ can create pressures that actually foment conflict and division within the target country.

Most importantly, their disputed borders will make it very difficult for Ukraine, Georgia, and Moldova to seek European Union (EU) or NATO membership, which has arguably been among Moscow's primary objectives in stoking conflict. For Moscow, creating frozen conflicts and breakaway territories is a low-cost, high-return strategy of gaining control over territories that, furthermore, makes life difficult for its recalcitrant neighbor states and for the EU and NATO. Such conflicts can place countries in a grey zone of isolation and stagnation between the West and the East.²⁹



Russian Special Forces, or “Little Green Men” in Crimea in March 2014.
Photo credit: Anton Holoborodko/Wikimedia.

US POLICY TOWARD FROZEN CONFLICTS

For the past twenty-five years, the United States has elaborated an increasingly assertive response to Russian-backed threats to post-Soviet countries' territorial integrity. In the framework of its policy of “engagement without recognition” of separatist territories, Washington has pursued “public diplomacy” and people-to-people initiatives to counter the gradual isolation of those separatist entities. The US government has also pursued sanctions to various degrees. Initially, sanctions were targeted toward the separatist regions, which created an inherent contradiction where the aggressor was ignored and the territories of the attacked country were sanctioned. Following Crimea's annexation, these policies evolved to sanction the Russian government. The comparative analysis of the different conflicts in Russia's neighborhood reveals that the annexation of the Crimean peninsula and the crisis in the Donbas constitute an unprecedented turning point, both in terms of US political involvement and financial support in the region.

South Ossetia and Abkhazia

Following Georgia's 1991 independence from the Soviet Union, the United States established diplomatic relations with the country in 1992. Since then, and particularly after the 2008 Russo-Georgian War, it has consistently supported Georgia's sovereignty and territorial integrity within its internationally recognized borders. From Washington's point of view, conflicts in this increasingly strategic region constitute a major source of instability and a potential threat for US interests, particularly in relation to the South Caucasus Pipeline that is part of the EU's planned Southern Gas Corridor intended to deliver gas to Europe from the Caspian Sea and Central Asia.³⁰ However, as the conflict did not constitute a *vital interest* for the United States, humanitarian aid and public diplomacy toward the breakaway territories were at the core of US response to the 2008 Russo-Georgian War.³¹ As of today, public diplomacy and initiatives promoting reconciliation and dialogue with Tbilisi remain essential in the US approach to the breakaway regions.

In these regions, the US strategy has supported a policy of “engagement without recognition.” Unlike in Crimea, eastern Ukraine, or Transnistria, Washington has never launched direct sanctions against South Ossetia and Abkhazia, or their

leadership, in response to their acts of secession and unilateral declarations of independence on May 29, 1992 and on October 12, 1999 respectively.³² Rather, the US response focused on public diplomacy and conflict mitigation initiatives to reach out to the populations living in those territories.³³ Today, the United States continues to promote track two diplomacy and support further engagement of Georgia with the two territories to counterbalance Russian influence.³⁴ Nevertheless, since the 2008 war, this strategy has been challenged by the de facto occupation of the entities by Russian forces, which limits access to the territories and contacts between opposing sides.³⁵

After the 2008 war, the US response to the role played by Russia and its recognition of Abkhazian and South Ossetian independence, became more assertive and shifted from the former approach vis-à-vis the separatist leaderships, who were seen as Moscow's puppets.³⁶ Before 2008, the OSCE mission in coordination with UN mission (UNOMIG) and Special Envoy for Georgia were monitoring the situation on the ground, and Russia was not breaking with the policy of non-recognition supported by the international community. After the 2008 war broke out, in Washington's view, Moscow was primarily responsible for jeopardizing Georgia's territorial integrity by supporting separatist leaders and de facto occupying Abkhazian and South Ossetian territories.

Consequently, Washington not only condemned the Russian authorities but also threatened them with sanctions. As a result, in a largely symbolic act underlining strong disapproval of Moscow's aggressive policy vis-à-vis Georgia, the White House froze the US-Russian Civilian Nuclear Cooperation Agreement in 2008.³⁷ Nevertheless, then-Secretary of State Condoleezza Rice did not call for US or international sanctions in response against Russia's actions in Georgia and, in 2009, the new administration of President Barack Obama initiated a "reset" policy with the Kremlin.³⁸ The global financial crisis that started in the summer of 2008, as well as the fact that Georgia was the first to engage in combat in the Russo-Georgian war were arguably some of the reasons why the United States and the international community did not

respond more forcefully to the conflict. In addition, the United States and other Western countries at that time sought to continue cooperating with Russia on the Afghanistan, Iran, North Korea, and counterterrorism dossiers, highlighting the tension between US global and regional foreign policy.

Nagorno-Karabakh

Due to the particular nature of this conflict, where both Azeris and Armenians claim exclusive historic ownership of the mountainous region,³⁹ and the ambiguous role played by Russia, Nagorno-Karabakh constitutes a somewhat unique case among the so-called frozen conflicts. Therefore, principles and elements forming the basis of US policy vis-à-vis the OSCE Minsk Group Co-Chairmanship and the Nagorno-Karabakh conflict differ from the US approach toward Russian-backed separatist territories.⁴⁰ Although Washington does not

recognize the self-proclaimed Republic of Nagorno-Karabakh, the Republic's authorities have not been targeted by US sanctions and, as intended by the 1994 CSCE Budapest Summit Declaration, the territory has been receiving US humanitarian assistance since 1998.⁴¹ The Senate Resolutions (178 and 128, passed respectively on November 19, 1989 and May 17, 1991) not only condemn violence carried out by Azerbaijani forces in Armenia and call for "the end to the blockades and use of force and intimidation directed against Armenia and Nagorno-Karabakh," but also reiterate

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"the US commitment to the success of democracy and self-determination in the Soviet Union and its republics by expressing its deep concern about any Soviet retribution, intimidation, or leverage against such republics."⁴² A Public Law, passed on November 26, 1997, makes appropriations for "assistance for the new independent states of the former Soviet Union including especially Nagorno-Karabakh," while prohibiting funds to "the Government of Azerbaijan until the President reports to the Congress that it has ceased all blockades against Armenia and Nagorno-Karabakh."⁴³

Still, the US federal government continues to support Azerbaijan's territorial integrity and does not recognize the independence of the self-proclaimed territory.⁴⁴ However, since May 2012,

seven US States—California, Georgia, Hawaii, Massachusetts, Maine, Louisiana, and Rhode Island—have “recognized” Nagorno-Karabakh Republic’s independence under the banner of people’s right to self-determination and independence.⁴⁵ The actions of these individual states however have no legal status; only the US federal government has the ability to grant such recognition.

As conflict broke out again on April 2, 2016, the United States has urged both opposing sides to “show restraint and enter into an immediate negotiation on a comprehensive settlement” in the framework of the OSCE Minsk Group.⁴⁶ The unexpected consequence of the latest flare-up in the self-declared Nagorno-Karabakh Republic is that, for the first time ever, the international media have presented its diplomats with full titles and affiliations as if they were legitimate representatives of their people.⁴⁷

Transnistria

Following the dissolution of the Soviet Union, the United States recognized the independence of Moldova on December 25, 1991, and refused to recognize Transnistria’s earlier declaration of independence on September 2, 1990, or the results of the independence referendum held in Transnistria in 2006.⁴⁸ Since 1991, US officials have consistently expressed support for Moldova’s sovereignty and territorial integrity as well as actively advocated for the creation of a special status (more autonomous) for Transnistria within Moldova.⁴⁹ To do so, in 2003, the United States implemented, in coordination with the EU, targeted sanctions in the form of travel restrictions on members of the Transnistrian leadership in response to their lack of cooperation.⁵⁰ The US took a more active role in 2005 when it joined the peace process as an observer and mediator at the OSCE five plus two negotiation talks on Transnistria. After US and EU sanctions were lifted in 2011 when five plus two negotiations resumed, Washington maintained its support for the peace process.⁵¹

In parallel, on the ground, the United States has engaged in track two and people-to-people diplomacy with the population of the region.⁵² For instance, US Agency for International Development (USAID) has been present in Moldova since 1992 and

in that time, the United States has invested more than \$1 billion in Moldova through US government assistance programs.⁵³ The current crisis in eastern Ukraine prompted members of Congress to call once again for the US government to support Moldova’s sovereignty and territorial integrity against possible Russian threats or the “Crimean scenario” where Transnistria would be absorbed by the Russian Federation.⁵⁴

Crimea and the Luhansk and Donetsk Self-Proclaimed Republics

The United States went a step further in Ukraine than it had in Georgia or Moldova by not only implementing sanctions against separatist leaders as it had done in Transnistria, or actively supporting non-recognition as in the case of Abkhazia’s and South Ossetia’s independence, but by implementing sanctions against both Russia

and the separatist leadership of Crimea, Luhansk, and Donetsk.⁵⁵

The sanctions were launched by the presidential executive order of March 6, 2014, which has been extended twice after the annexation of Crimea. The two additional executive orders expanded the scope of the sanctions and announced visa bans and asset freezes against senior figures from Russia and the secessionist Crimean government. In March 2015, six officials of the self-proclaimed Luhansk and Donetsk Republics, including separatist commander Alexander Khodakovsky of

the Vostok Battalion, in turn have been targeted by sanctions for their involvement in activities in violation of Ukraine’s sovereignty and territorial integrity.

Similarly, the Congressional resolutions passed in relation to Ukraine were much more assertive than they had been in the cases of Georgia and Moldova, and explicitly pinpointed Russia as the aggressor.⁵⁶ Senate Resolution 378 condemning Russian illegal aggression in Ukraine and House of Representatives Resolution 499, condemning the violation of Ukrainian sovereignty, independence, and territorial integrity by military forces of the Russian Federation (both adopted on March 11, 2014) demonstrate that Washington—unanimously—does not recognize Russia’s annexation of the Crimean peninsula and continues to strongly support

[O]n the ground, the United States has engaged in track two and people-to-people diplomacy with the population[s] of the [separatist regions].



Destroyed Azerbaijani military equipment in Nagorno-Karabakh. *Photo credit: Kinolamp/Flickr.*

Ukraine's sovereignty and territorial integrity.⁵⁷ The US government has deemed Russia's actions, including its annexation of Crimea and its use of force and support of the separatist authorities of the Luhansk and Donetsk republics, as "constituting an unusual and extraordinary threat to US national security and foreign policy." Consequently, since March 6, 2014, the US Congress, hand-in-hand with the White House, have been conducting a policy of sanctions against both individuals and entities from Russia and separatist republics who are considered as primarily responsible for the violation of Ukraine's sovereignty and territorial integrity.⁵⁸

On the ground, in order to address the ongoing humanitarian crisis in the Luhansk and Donetsk separatist regions, USAID—in partnership with the World Food Program (WFP)—has been providing locally procured food assistance and food vouchers to the population. The budget of this humanitarian governmental program represents a total of \$10 million.⁵⁹ As of August 12, 2015, the

US government was Ukraine's largest international donor with nearly \$50 million dedicated to address the humanitarian crisis countrywide.⁶⁰ The US government does not have access to the Crimean peninsula and cannot deliver humanitarian aid to its population; however, it continues to firmly condemn the widespread violations of human rights there.⁶¹ Due to the ongoing crackdown by the new local and Russian authorities on independent media,⁶² the Tatar minority,⁶³ and civil society activists, monitoring of the human rights violations in Crimea is not an easy task.⁶⁴ Nevertheless, the UN Human Rights Monitoring Mission in Ukraine's report on the human rights situation in Ukraine, as well as several reports released by non-governmental organizations such as the Atlantic Council, Freedom House, and international organizations like the OSCE monitoring missions' report, suggest a striking deterioration in human rights both in the Crimean region and in the Luhansk and Donetsk self-proclaimed republics since spring 2014.⁶⁵

POLICY RECOMMENDATIONS FOR THE US GOVERNMENT AND CONGRESS

In the past twenty-five plus years of proliferation of frozen conflicts in the post-Soviet space, the United States has pursued a mix of policy initiatives from non-recognition to people-to-people diplomacy to sanctions. Since the first conflict in Transnistria, there has been an evolution in US government responses from seeking to sanction solely the separatist leaders to introducing sanctions against Russia. Due to Moscow's outright annexation of Crimea and its role in the conflict in the Donbas, Ukraine has been the first case where the Russian Federation has been sanctioned. In all past conflicts, Moscow received little to no direct policy response from the US government. Considering the evolution of Washington's policy since 2014, the US government may need to reassess Moscow's current role in the conflicts of Transnistria, South Ossetia, Abkhazia, and Nagorno-Karabakh, and reevaluate the appropriate policy response.

Moreover, an examination of the development of frozen conflicts and Russia's continued creation of separatist territories, suggests that the past policy responses of the US government to these conflicts have been largely insufficient to deter further aggression and they, too, require reassessment. Further, the fact that breakaway territories like Transnistria, South Ossetia, and Abkhazia are increasingly closed to outside influence and are seeking integration into the Russian Federation necessitates a reevaluation of the effectiveness of past American public diplomacy efforts vis-à-vis these territories. Going forward, the US Congress should continue to rely on three main vectors of policy: legislative power in the passing of resolutions, bills, and treaties and agreements; declaratory power to express symbolic support or condemnation of conflict and to raise awareness

through hearings and investigations; and funding power as exercised in congressional control of the budget for US foreign aid. Finally, the reality that even the decades-old frozen conflicts are not truly frozen, as seen in Nagorno-Karabakh, South Ossetia, and Abkhazia, demonstrates that there is a need to be prepared with policy responses that could limit or discourage a return to violence.

People-to-people diplomacy with the frozen conflict zones will remain a complex task. The populations of these areas will continue to require separate policies and engagement, including humanitarian and economic aid, and the United States, in its policy responses, should differentiate between the residents of these regions and local or Kremlin-connected authorities. The states of Moldova, Georgia, and Ukraine should take the lead in providing economic, educational, and cultural support to whatever extent possible for their estranged separatist regions, rather than let them

remain in Moscow's pocket. Here, the United States could assist these countries to design and implement such programs. At the same time, there are notable constraints to such diplomacy and aid efforts first, because the territories are increasingly closed to outside influence and second, because such efforts should not legitimize the leadership of the territories or their separatist aims.

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Indeed, more broadly, the United States will continuously have to work to strike a balance between firm non-recognition of the separatist territories and maintaining engagement with the frozen conflict zones. On this point, the US government could follow the example of the EU, which has a Special Representative to the South Caucasus, and consider appointing special envoys to these frozen conflict regions, in order to maintain relations with the populations while not supporting the legitimacy of the ruling authorities. Acting as a "voice" and "face" for the EU and its policies, the Special Representative ensures greater coherence and closer contacts with local forces and grassroots actors and thus allows more flexible management of the conflict. The Special Representative's role also contributes to improved communication by ensuring continued coordination of efforts between EU services and delegations in different countries. Finally, the representative constitutes a

Table 2: US Government Policy Toolbox to Frozen Conflicts and Challenges to Sovereignty

Policy Tool	Examples	Underlying Legislation, Executive Orders, or Budget
Non-Recognition Policy	Abkhazia/South Ossetia Nagorno-Karabakh Transnistria Crimea Luhansk and Donetsk	House of Representatives Resolution 526 and Senate Resolution 175 Press Statement by Sean McCormack, then United States Assistant Secretary of State, on April 20, 2007 Press Statement by David J. Kramer, then Deputy Assistant Secretary for European and Eurasian Affairs, on September 9, 2006 House of Representatives Resolution 562 and Senate Resolution 500 House of Representatives 4278 “Ukraine Support Act” Senate Resolution 378
US Foreign Aid - Security Assistance - Humanitarian Assistance - People-to-People initiative and Conflict Mitigation Programs	Ukraine/Luhansk and Donetsk Georgia/South Ossetia Transnistria	House of Representatives Resolution 162 and Senate Resolution 72 on non-lethal military assistance <i>The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act (P.L. 110-329)</i> USAID Agriculture Competitiveness and Enterprise Development Project (ACED)
Establishment of an International Body/ Forum to Monitor/ Resolve the Frozen Conflict	Abkhazia/South Ossetia Luhansk/Donetsk Transnistria Nagorno-Karabakh	UN Geneva Format OSCE Minsk Peace Process/ Normandy Format OSCE “5+2” Negotiation Talks OSCE Minsk Group
Sanctions (including restrictions on travel, property, and financial assets of the targeted individuals)	Transnistria Crimea/Luhansk and Donetsk	Travel limitation targeting the Transdnistrian leaders. Press Statement by then Spokesman Richard Boucher on February 27, 2003 Executive Order, signed on March 6, 2014, and extended twice on March 20 and December 19, 2014
Appointment of Special Envoy	Recommended	Recommended



The border between Transnistria and Chisinau-controlled Moldova. *Photo credit: Clay Gilliland/Wikimedia.*

strong symbol of the engagement of the EU in the management of the conflict or issue.

Enhanced communication with the frozen conflict zones is another area that the US government has not explicitly tried to remedy. The territories of Transnistria, Abkhazia, South Ossetia, and Crimea all have limited access to independent and Western media and remain captive to Russian state-owned media and information sources. While the intensity of Russia's information warfare campaigns since 2014 have raised discussions about the increasing need for the United States and its allies to support alternative Russian language media in the post-Soviet space, these plans and discussions should consider the specific constraints and requirements for the frozen conflict zones. With that in mind, if adopted, the bill entitled the "Countering Information Warfare Act of 2016," co-sponsored by Senators Rob Portman and Chris Murphy, could constitute an important instrument to counter the

Russian policy of disinformation and reach out more efficiently to the people living in the frozen conflict areas.⁶⁶

Finally, US government responses to frozen conflict zones must take a long view considering that these conflicts could last multiple decades. Here, example could be taken from the half-century long "non-recognition" policy of the US government to the Soviet occupation of the Baltic States, which, as part of the "Stimson Doctrine," created the basis for the legal and moral support of their eventual independence.⁶⁷ As US non-recognition policy constitutes a political and symbolic response against the military occupation of a territory, which infringes on international law, it should be placed systematically at the core of any US response, in order to reassure both governments and populations that suffer from the presence of frozen conflict zones of consistent and long-term US support.

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In the private sector, Dr. Grigas has more than a decade of experience as an adviser to corporations and government institutions. Her clients have included the likes of Barclays Bank, where she led its international growth initiatives including opening a global strategic engineering center in Lithuania. Previously, she worked as an Associate with leading global consultancy Eurasia Group, where she advised on emerging markets for its multinational clients. She began her career as a Financial Analyst at JP Morgan, where she worked on Eurobond issuance for corporations and governments.

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FROZEN CONFLICTS

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