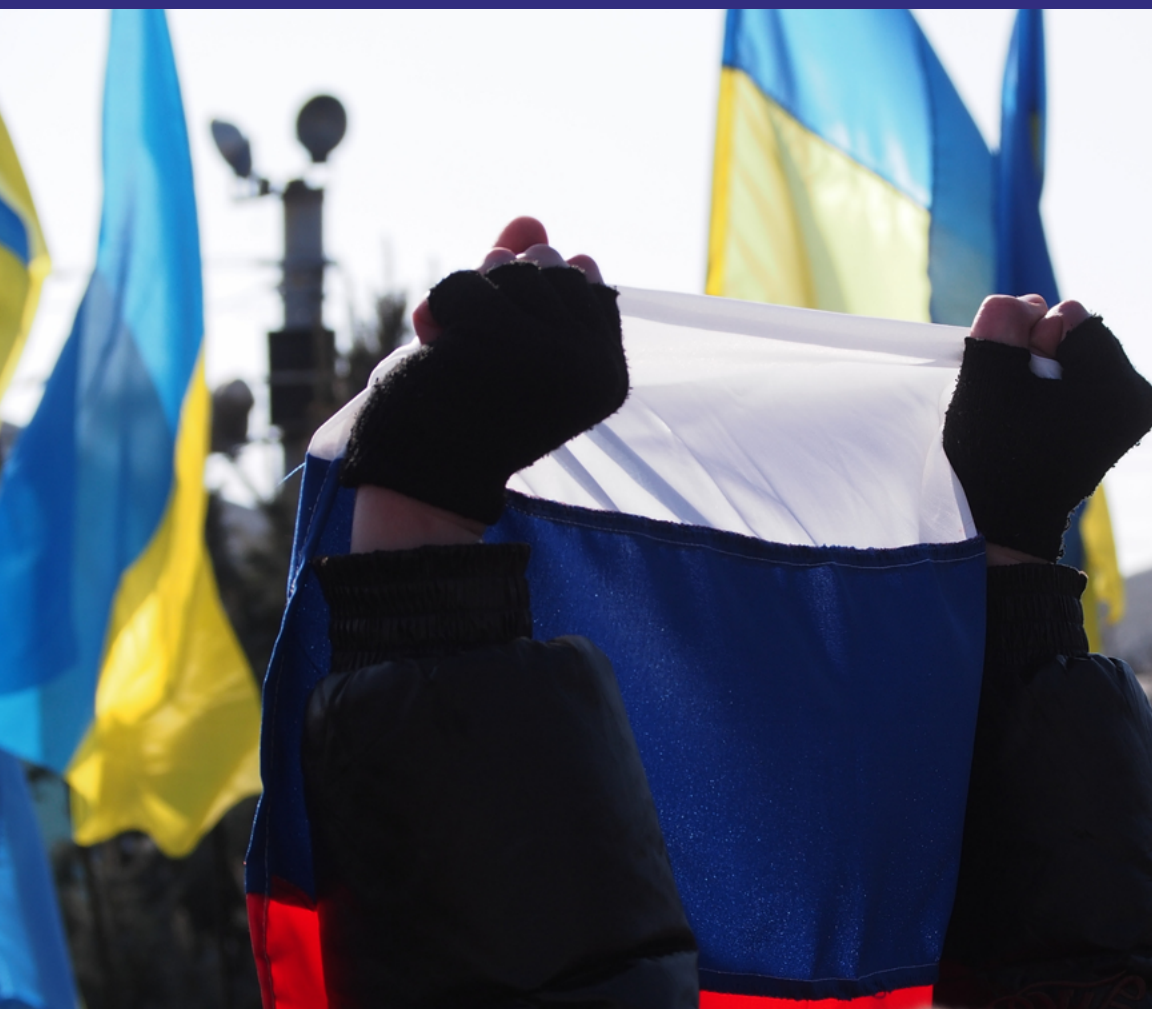

SCRIPTS OF SOVEREIGNTY:

*The Freezing of the Russia-Ukraine Crisis and
Dilemmas of Governance in Eurasia*

Alexander Cooley



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CGI CENTER ON GLOBAL INTERESTS

ABOUT CGI

The Center on Global Interests (CGI) is a private, nonprofit research institution headquartered in Washington, D.C. CGI aims to offer new, unconventional thinking on global affairs; produce fresh analysis on relations between modern world powers, particularly the US and Russia; and critically evaluate current global challenges. Our work is intended to help policymakers, journalists, opinion-makers, educators and the general public alike.

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I. LETTER FROM THE DIRECTOR

Russia's annexation of Crimea during the Ukrainian crisis was viewed in the West as a direct challenge to the post-WWII order, placing under question such fundamental principles as state sovereignty, territorial integrity, and the inviolability of state borders. While the situation on the ground continues to develop, CGI's After Ukraine program seeks to initiate a discussion about the underlying issues brought to light by the conflict and its long-term impact on the international system. As the first publication of our After Ukraine series, CGI presents Dr. Alexander Cooley's examination of the challenges that face Russia and the West in addressing border conflicts in Eurasia.

The following report identifies six Russian "scripts of sovereignty," or justifications for Russia's policies in its near-abroad. This framework is then applied to the ongoing conflict in eastern Ukraine to argue that Russia will likely achieve a "freezing" effect in the Donbas. The report concludes with recommendations to the Western policy-making community for steps it can take to engage the Eurasian states while acknowledging their internal geopolitical divides. While the way out of the present conflict remains elusive, this publication will provide the policy-making community and the public with much-needed context, not only on Ukraine but in U.S.-Russia relations in general.

Konstantin Avramov
Director, Center on Global Interests
January 2015

II. EXECUTIVE SUMMARY AND OVERVIEW

Russia’s annexation of Crimea in March 2014 and its subsequent support for separatists in eastern Ukraine presents the strongest challenge to the norms, rules and institutions governing European security since the end of the Cold War. The Ukrainian crisis has precipitated waves of Western sanctions and Russian countermeasures, sent shock waves across the post-Soviet states and Eastern Europe, and posed a number of questions about the future of Russian participation in the current system of global governance.

Throughout the crisis, Russian officials have simultaneously justified their actions by invoking certain “scripts of sovereignty” and appealing to prevailing international norms, and overtly rejecting the encroachment of these norms within Eurasia. These two opposing strategies mark the tension between Moscow appealing to existing international laws and promoting its counterhegemonic aspirations as a “great power” in an increasingly multipolar world to fashion a new political order in its Eurasian borderlands.

The primary site for this new emerging political order is a set of polities formally outside of Russia’s post-Soviet borders: the Georgian breakaway territories of Abkhazia and South Ossetia, Transnistria in Moldova, and, as of 2014, Crimea and eastern Ukraine. These entities formed as a result of unresolved conflicts within their juridical

sovereign states, and have become increasingly at odds with their host capitals over their geopolitical orientation. Long-referred to as “frozen conflicts” or the “post-Soviet *de facto* states,” their political institutions, rules and normative values are integrating with Russia. As a result, Eurasia is increasingly becoming divided into distinct political, economic and normative blocs, each aligned with the West (EU, NATO) or Russia.

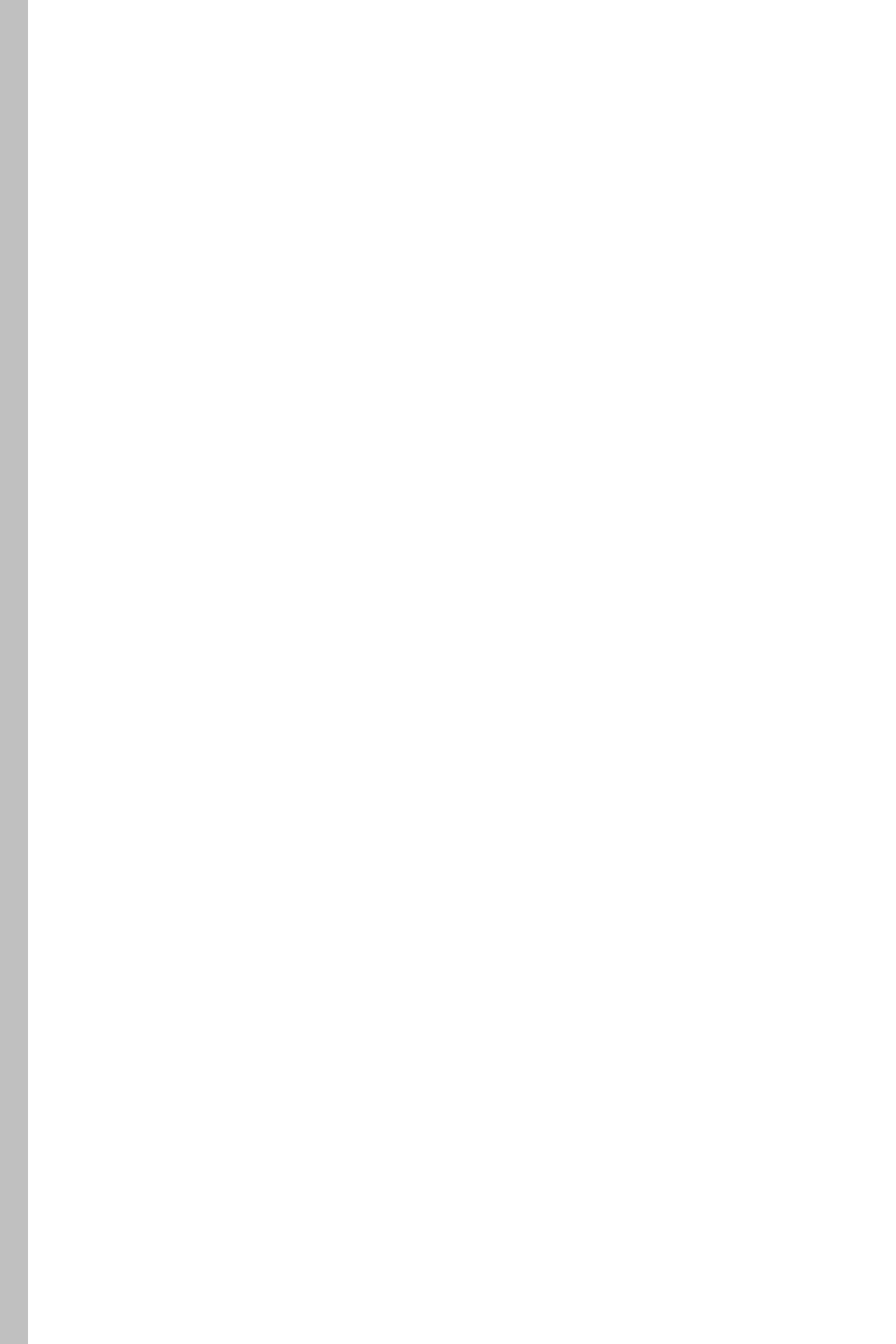
Main Analytical Points of Report

This paper makes four main arguments about the emerging Eurasian sovereign order and systems of governance:

1. *Russia is using multiple “scripts of sovereignty” to legitimize its actions in Ukraine.* Moscow has invoked at least six different principles and legal justifications for its annexation of Crimea and, less explicitly, its support for separatists in eastern Ukraine: self-determination, responsibility to protect, upholding the rights of co-ethnics, accessing strategic assets, claiming sacred territory, and the Kosovo precedent. These scripts seek to invoke international law but in reality are relatively weak and/or contradict previous official Russian positions.
2. *Eastern Ukraine looks set to become another “frozen conflict” leveraged by Russia to promote an alternative model to Western integration.* Russia appears to be inviting a “freezing” of the conflict in eastern Ukraine and thereby forging a new security, economic and normative space outside of Kyiv’s control that displays similar characteristics to other *de facto* states in Eurasia.
3. *Securing international support for this new Russian-controlled order will prove increasingly challenging for Moscow.* Russia’s attempt to create a separate sphere of influence risks isolating these territories from the rest of the world, making them fully dependent on Moscow. Overall, Russia confronts an asymmetry of power within existing global governance networks: the West controls far more

international rule-making bodies than Russia does, which makes even routine functions, transactions and flows problematic in Russian-oriented spaces that are not recognized by the West.

4. *Western support for the territorial integrity of divided states and their Western integration further entrenches their internal divisions.* Western efforts to isolate pro-Russian breakaway areas in Ukraine and Georgia, whether undertaken strategically or punitively, exacerbate these states' internal divisions along geopolitical lines. Ultimately, the West must choose to either support the sovereignty of these states, which must involve conflict resolution and some type of mixed governance arrangements in consultation with Moscow, or continue to pursue their Western integration and accept their permanent dismemberment.



III. MOSCOW'S SIX SCRIPTS OF SOVEREIGNTY

During the course of the crisis, Moscow has invoked at least six different justifications for its actions in Crimea and eastern Ukraine. These various “sovereign scripts” make an array of appeals to a patchwork of international principles, rules and norms, but fail to present a consistent or even coherent argument for the legality of Russia’s actions. Nevertheless, citing international law has been central to Russia’s public diplomacy, even if these legal justifications remain weak or even contradictory to previous Russian positions on matters related to sovereignty.

- *Self-Determination:* The most frequently cited norm justifying Crimea’s annexation has been the right of self-determination. In his March 16, 2014 speech following Crimea’s annexation, Russian President Vladimir Putin approvingly noted the “democratic procedures” and “international norms” embodied in the March 16th referendum in Crimea, under which a reported 96% of voters backed annexation to Russia with a reported turnout of 82%.¹ These figures have been subsequently disputed as over-inflated even within Russia, but more importantly the vote was held without the consent of the Ukrainian government in Kyiv.² In the same speech, Putin also invoked the self-determination norm to delegitimize Nikita Khrushchev’s 1954 decision to transfer Crimea to Ukraine,

describing it as a “clear violation” of Soviet “constitutional norms” that also lacked the consent of Crimean residents.

International legal scholars and policymakers are in broad general agreement that a referendum vote on a territory is insufficient to guarantee a right to statehood. The principle of self-determination must be reconciled with that of territorial integrity, meaning secession is valid only with the consent of the parent state. The rulings of both the International Court of Justice (ICJ) in the case of Kosovo and the Supreme Court of Canada in the case of Quebec found no inherent right to secession or self-determination, while the Canadian court specified that secession could only be legal under a special set of circumstances, including decolonization, consent of the parent state, “severe repression” and/or flagrant human rights violations on the territory.³

Indeed, Moscow’s late embrace of “pure” self-determination seems at odds with its previous criticism and very narrow interpretation of the permissibility of secession under international law. In its own statement in April 2009, submitted to the ICJ after Kosovo’s unilateral declaration of independence, Moscow approvingly accepted the specification in the Quebec case that “extreme conditions” must be a prerequisite to exercising the right of self-determination. Moscow’s legal position held that the so-called “safeguard clause” in international law, articulated in the 1970 Declaration of principles and modified by the 1993 Vienna Declaration of the World Conference on Human Rights, only provides for secession as a possible legal remedy in the most extreme cases:

[T]he Russian Federation is of the view that the primary purpose of the “safeguard clause” is to serve as a guarantee of territorial integrity of States. It is also true that the clause may be construed as authorizing secession under certain conditions. However, those conditions should be limited to truly *extreme circumstances*, such as an *outright armed attack by the parent State*, threatening the very existence of the people in question. Otherwise, all efforts should be taken in order to settle the tension between the parent State and the ethnic community concerned *within the framework of the existing State*.⁴ [emphasis added]

Beyond its own legal inconsistency on the issue, Russia – as a self-proclaimed guardian of regional stability – has placed itself in the awkward position of changing borders by force and supporting regional separatists even as it remains publicly committed to the legal status quo through its signing of the 1994 Budapest Memorandum on Security Assurances and the 1997 Russia-Ukraine Black Sea Fleet Accords. Both agreements acknowledged and upheld Ukraine’s territorial integrity, while the latter specifically affirmed Ukraine’s sovereignty over the Sevastopol naval base and its surrounding facilities in Crimea.

- *Responsibility to Protect*: The Russian President has invoked the more contemporary principle of “the responsibility to protect” to justify Crimea’s annexation as a necessary intervention to protect its people from fascist elements that rose up following the ouster of President Viktor Yanukovich. The R2P norm, adopted by the United Nations in 2005, holds that sovereignty “no longer exclusively protects States from foreign interference” and that “it is a charge of responsibility that holds States accountable for the welfare of their people.”⁵ Accordingly, if governments cannot protect their citizens from war crimes, genocide and humanitarian crisis, then the international community reserves the right, as a last resort, to intervene in order to guarantee these protections.

The doctrine was invoked in 2011 by the Security Council to authorize NATO’s military intervention in Libya, a vote from which Russia and China abstained. Since then, both Beijing and Moscow have criticized the political nature of the concept, as well as the resulting outcome in Libya. In the case of Syria, Moscow has steadfastly refused to authorize international intervention even after the emergence of substantial evidence that government forces had used chemical weapons against their own population. Russia has thus invoked R2P to justify intervention in Crimea despite its earlier stinging criticism of the doctrine as a legal pretense for Western intervention.

- *Special Obligations to Co-Ethnics and Russian Citizens:* Though R2P has been cited in conjunction with protecting Russian citizens and co-ethnics abroad, the latter has also been used as an independent justification for Russian actions in Crimea, and has been asserted as granting Moscow the right to intervene in other areas of the former Soviet space.

In the wake of the annexation, scholars noted an increase in public appeals by President Putin to Russians abroad on the basis of their ethnicity as opposed to their citizenship or passport.⁶ This co-ethnic script has especially alarmed the governments of other post-Soviet states with large Russian-speaking minorities, such as Latvia and Estonia, where Moscow has repeatedly claimed that ethnic Russians suffer discrimination. Kazakhstan, which has a large Russian-speaking minority in the north, was alarmed enough to tighten its law against separatism shortly after the annexation.⁷ Astana's fears were further stoked when on August 29, President Putin commented that "the Kazakhs never had any statehood," and then backhandedly praised Kazakh President Nursultan Nazarbayev for creating "a state on a territory that never had a state before."⁸

- *Recovery of Leased Strategic Assets:* Russia has also justified the annexation of Crimea as necessary to preserve its strategic use of the Sevastopol naval base and surrounding facilities, which are host to the Russian Black Sea fleet and thousands of supporting Russian military personnel. Moscow initially leased the naval base and facilities from Kyiv for 20 years as part of the historic 1997 Black Sea Fleet Accords. While the administration of President Viktor Yushchenko placed the future status of the naval base under question, the lease was extended by 25 years under President Viktor Yanukovich as part of a "base for gas subsidies" agreement (also known as the Kharkiv Accords) in 2010. In practical terms, annexing Crimea placates Russian fears of having the Kharkiv Accords terminated and the fleet removed. It also allows defense planners in Moscow complete discretion to expand the size of Russia's mili-

tary footprint on the base and pursue fleet modernization, both of which were limited by the accord with Ukraine.⁹

The leasing of military bases and strategic facilities back to the former occupying or colonial power has been a common legal strategy to facilitate decolonization and territorial disengagement.¹⁰ However, Moscow's use of irregular and Special Forces to annex the actual territory which hosted the base is unique among such cases.¹¹ The incident has subsequently raised anxieties among other post-Soviet states that currently host Russian military and strategic installations. These include Kazakhstan, host to the Baikonur cosmodrome, and Tajikistan, host to a number of Russian military bases, including the 6,000-large 201st Motorized Infantry division, mostly stationed in its capital Dushanbe. Perhaps with an eye on these other deals, President Putin noted in his Crimea speech that even when using forces stationed at Sevastopol to annex the rest of the peninsula, Russia did not exceed the personnel limit of 25,000 Russian troops at the base.¹²

- *Crimea as Sacred or Spiritual Territory:* During his state-of-the-union speech on December 2, 2014, President Putin noted Crimea's sacred status to Russia, comparing Crimea and Sevastopol's spiritual significance to the importance of the Temple Mount to Israel.¹³ The clear implication of the comparison was that no Western economic sanctions, material penalties or changing cost-benefit analyses could dissuade Russia from giving up its "sacred" sovereign claim.¹⁴

- *Crimea and the Kosovo Precedent:* Perhaps the most telling "sovereign script" used by Moscow is that of the so-called "Kosovo precedent." The comparison to Kosovo, whose unilateral declaration of independence in February 2008 was recognized by most Western states, recalls that neither Kosovo's parent state (Serbia) nor the United Nations Security Council recognized the declaration. At the time, Russia had stridently criticized the declaration and its recog-

nition, warning that Kosovo's actions constituted a dangerous precedent that could be invoked by other separatist entities, including the breakaway Georgian territories of Abkhazia and South Ossetia.

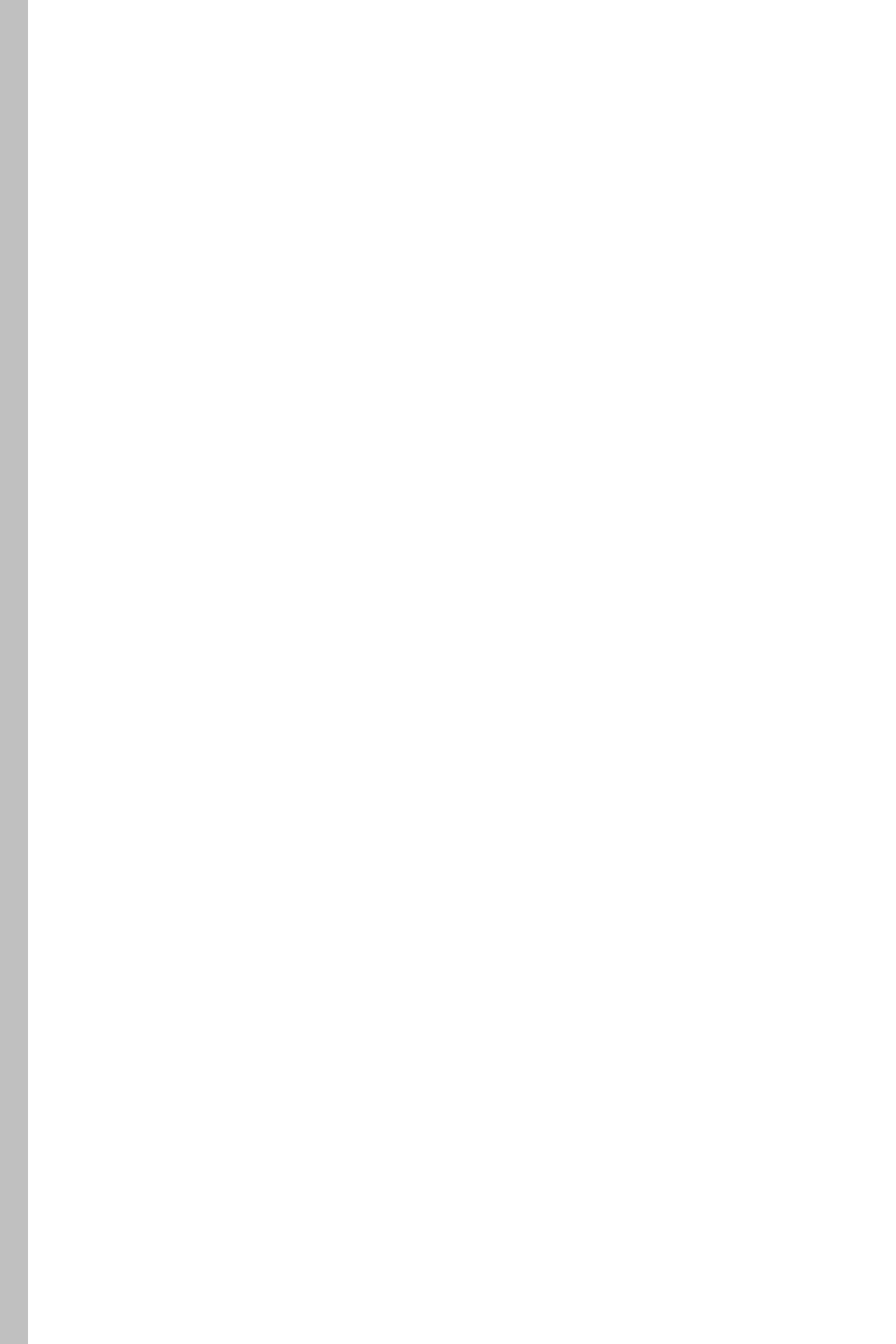
Similar to its use of the R2P justification, Russia's analogy to Kosovo seems inconsistent given the Kremlin's previous opposition to non-UN sanctioned changes in sovereign status. However, when viewed geopolitically, Russia's invocation of the Kosovo precedent becomes more logical. For what Russia sees in Kosovo is not the legal justification, but the political act of the United States and its Western allies proclaiming by fiat that Kosovo's independence did not constitute an actual precedent. On this particular "sovereign script," Moscow is on firmer footing when criticizing the West's insistence that Kosovo's unilateral declaration of independence was a *sui generis* case with no bearing on other territorial disputes. Regardless of the actual merits of Kosovo's case for independence, the West's decision to deny the precedent-setting nature of its actions, rather than articulate the actual unique circumstances of the case (i.e. a lengthy period of UN-mandated international administration), constituted an act of power politics of the highest order.

Consistent with Russia's self-image as a great power, invoking the Kosovo analogy to justify the Crimean annexation asserts Russia's right to *set precedent* or decide the international rules on sovereignty, rather than be bound by them.¹⁵ In turn, the Kremlin's comparisons of Kosovo and Crimea are less about the legal merits of their respective cases, and more about which states are afforded the right to decide where exceptions can be made to international norms of sovereign recognition.

In sum, Moscow's "scripts of sovereignty" as attempted justifications for its actions in Ukraine both invoke and manipulate a number of international rules and norms regarding state sovereignty. Above all, there is a performative and even theatrical quality to these attempts. As one noted legal scholar has observed, Russia's "law talk" appears itself

to be a distinct form of public diplomacy, as Moscow often emphasizes legal rhetoric even when it has “rather weak legal arguments” and when the concepts invoked “are not the concepts of international law as generally accepted.”¹⁶

Russia’s selective engagement with international legal concepts signals a desire to be regarded in equal stature to the United States and the West in their attempts to invoke law when it is politically convenient, as with the Kosovo case. In this sense, Moscow’s sovereign scripts appear more opportunistic than strategic, and seem designed to build domestic support rather than to secure international legitimacy for its actions.



IV. FROZEN CONFLICTS AS A NEW RUSSIAN-CONTROLLED SEMI-SOVEREIGN SPACE

Since the Crimean operation and the intensification of the conflict in eastern Ukraine, this assortment of sovereign scripts has gradually given way to a more novel Russian approach – that of the “frozen conflict” as a sovereign model. Amid the gradual freezing of the Donbas, Russia has launched a series of initiatives to expand its influence and control over other disputed territories in order to prevent their parent states from moving closer to the West. Accordingly, Moscow has redoubled its efforts to absorb the Moldovan and Georgian separatist entities into a Russian-led regional network in an apparent consolidation of its neighboring semi-sovereign states.

The “Frozen Conflict” as a Form of Compromised Sovereignty in Eurasia

The Soviet collapse precipitated ethnic conflicts in Moldova (Transnistria) and Georgia (Abkhazia and South Ossetia) between separatist entities that refused to join their parent former republics as emergent independent states. After fierce and prolonged fighting, separatists defeated or fought off parent-state militaries, securing a ceasefire and the freezing of large-scale hostilities.¹⁷ The international community

did not recognize the resulting *de facto* states in Transnistria, Abkhazia and South Ossetia, but the ceasefire lines were consolidated and monitored by the OSCE in South Ossetia and Transnistria, and by the UN in Abkhazia, while Russian “peacekeepers” were invited to each of these territories under a CIS mandate.¹⁸

Scholars and analysts rightly criticize the term “frozen conflict,” not least because it implies that such conflicts are stable in their suspended state. Yet as seen in the 2008 Russia–Georgia War, these conflicts can be re-activated and their political dynamics can rapidly change.¹⁹ The resounding defeat of Georgian forces was followed by Moscow’s recognition of the independence of South Ossetia and Abkhazia and its upgrading of ties with the two territories through a wave of new “bilateral agreements.”²⁰

For analytical purposes, the term “frozen conflict” is used here to refer to the following characteristics of *de facto* states as polities, as identified by international scholars of the topic.²¹

1. Working political and legal institutions that are governed by local authorities and provide social order and public goods. These are distinct from the parent state’s formal central government, while assuming the roles and titles of state-like institutions (e.g. parliaments, ministries, agencies). In fact, *de facto* authorities often legitimize their right of statehood by championing their democratic character and capacity.²²
2. Non-recognition or very limited recognition of their statehood or sovereign claims by outside states. The independence of Abkhazia and South Ossetia, for instance, is recognized only by Russia, Venezuela, Nicaragua and Nauru.²³
3. Security guarantees offered by an external patron state, accompanied by a foreign troop presence. This patron state is Russia, in

the cases of Transnistria, Abkhazia and South Ossetia, and Armenia in the case of Nagorno Karabakh.²⁴

4. High levels of economic dependence on the external patron, partly due to the lack of formal or legal opportunities to access international markets, investment and financial institutions. For example, Moscow pays for 96% of the South Ossetian budget through its “bilateral assistance” program.²⁵ Moreover, the uncertain sovereign status of these entities often incentivizes smuggling and other forms of unofficial cross-border activities, informal networking and arbitrage.²⁶

5. Social allegiance to a different set of identities and cultural values, or what one legal scholar has defined as a “normative space,” that is distinct from the rest of the parent state.²⁷ Though officials in parent states routinely dispute this characterization of attitudinal distinctness, recent survey work of political and social attitudes in Eurasia’s unrecognized states mostly support this claim.²⁸

The Freezing of the Donbas

Though the conflict in eastern Ukraine continues to evolve, it now seems clear that the emerging separatist-led entities in Donetsk and Luhansk have acquired each of the characteristics mentioned above:

1. *Local political and legal institutions.* Separatist authorities have claimed independence from Ukraine and have taken over a number of local administrative offices and institutions. They have held separate local elections (unrecognized by the center) to legitimize their authority and positions of governance.

2. *Non-recognition or limited international recognition of statehood.* No states have recognized the self-declared independence of Donetsk or Luhansk, including Russia itself.

3. *Security guarantees and troop presence of a patron state.* Despite official denials, a number of international media stories confirm that Russia is actively and heavily supporting the separatists in eastern Ukraine by providing special forces, intelligence and military hardware, as well as “humanitarian” convoys and training camps for volunteer fighters within Russia. Russia’s involvement proved decisive in August 2014 when the separatists, with apparently newfound support, rolled back the gains of the Ukrainian military.

4. *Economic dependence on a foreign patron.* Eastern Ukraine is steadily disengaging economically from the rest of the country. Industrial production, which is oriented toward Russia, has plummeted to just a fraction of its pre-conflict levels.²⁹ The region’s supporting transportation and energy infrastructure has been heavily damaged by the conflict. In November 2014, Ukrainian President Petro Poroshenko announced that Kyiv would cease paying social welfare payments to the separatist provinces, thereby further increasing their economic isolation. The withholding of subsidies to eastern Ukraine may ultimately cripple its industrial production, the main source of income in the region.

5. *Social allegiance to a separate set of norms.* The separatist authorities have indicated a clear preference to be part of a Russian-affiliated normative space. They have embraced the term “Novorossiya,” or “New Russia” for their movement and have adopted the czarist governate’s flag as one of their political symbols.³⁰

The Shifting Political Status of Other De Facto States

At the same time as the *de facto* state in eastern Ukraine has been emerging, Moscow has moved to yet again alter the status and nature of its bilateral relationships with the breakaway territories in Georgia and Moldova. Since 2008, the Eurasian *de facto* states have held joint meetings under the informal designation of “CIS-2.” The Ukrainian crisis, however, now appears to be prompting Russia to further deepen

its political control over the group.

Following its 2008 war with Georgia, Moscow formalized an array of links with Abkhazia and South Ossetia. These included establishing military bases, providing economic assistance, and governing a number of functions through the signing of bilateral “cooperation agreements” and diplomatic protocols.³¹ These agreements increased Russia’s control over the local governing authorities, even though these governments now had the nominal status of independent states. In essence, Abkhazia and South Ossetia traded their pre-2008 formal isolation and autonomy for post-2008 nominal independence and integration into the Russian Federation.

The Ukrainian crisis has accelerated Russia’s efforts to more closely integrate these territories into an emerging Russian-governed space. In October 2014, a leaked document of a new bilateral “integration” agreement sparked an outcry in Abkhazia, for it would have jeopardized the “independence” which the Abkhaz have prioritized.³² Although the proposed text was renegotiated later to address Abkhaz concerns and was framed as a “partnership” agreement, in practice it still appears designed to facilitate the integration of Abkhazia’s military into that of Russia, and to align Abkhazia’s trade and economic laws with those of the Russian-led Eurasian Economic Union. The Russian-Abkhazian Agreement on Alliance and Strategic Partnership was signed by the two sides in Sochi on November 24 and submitted for ratification in December. Georgian officials have strongly condemned the agreement as preparing the way for Abkhazia’s annexation by Russia.

On December 18, 2014, the date on which the European Parliament approved its association agreement with Georgia, South Ossetia unveiled a document that set the terms of its proposed annexation and absorption into Russia, calling for measures like the elimination of the “border” and customs procedures between the polities and the transfer of law enforcement and judicial functions to Moscow.³³ South Ossetian leaders, unlike their more independence-oriented Abkhaz counterparts,

have for a long time sought annexation to Russia, but the timing of the announcement was clearly designed to signal that any Georgian turn to the West would be countered by South Ossetia's absorption into an alternate Russian-governed space.

In the breakaway territory of Transnistria, Russian authorities responded to the Moldovan government's signing of the EU Association Agreement in July 2014 by concluding several new agreements with authorities in Tiraspol designed to re-orient the region away from Europe. On that occasion, Russian Deputy Prime Minister Dmitry Rogozin, who is also the Kremlin's special envoy for Transnistria, declared that "up until now, the majority of goods produced on the territory of Transnistria were meant to go to the European Union countries. Our task is to [...] create conditions to redirect the production manufactured in Transnistria to the Russian markets."³⁴ Rogozin's announcement followed repeated warnings from the Kremlin to Chisinau not to sign the EU agreement.

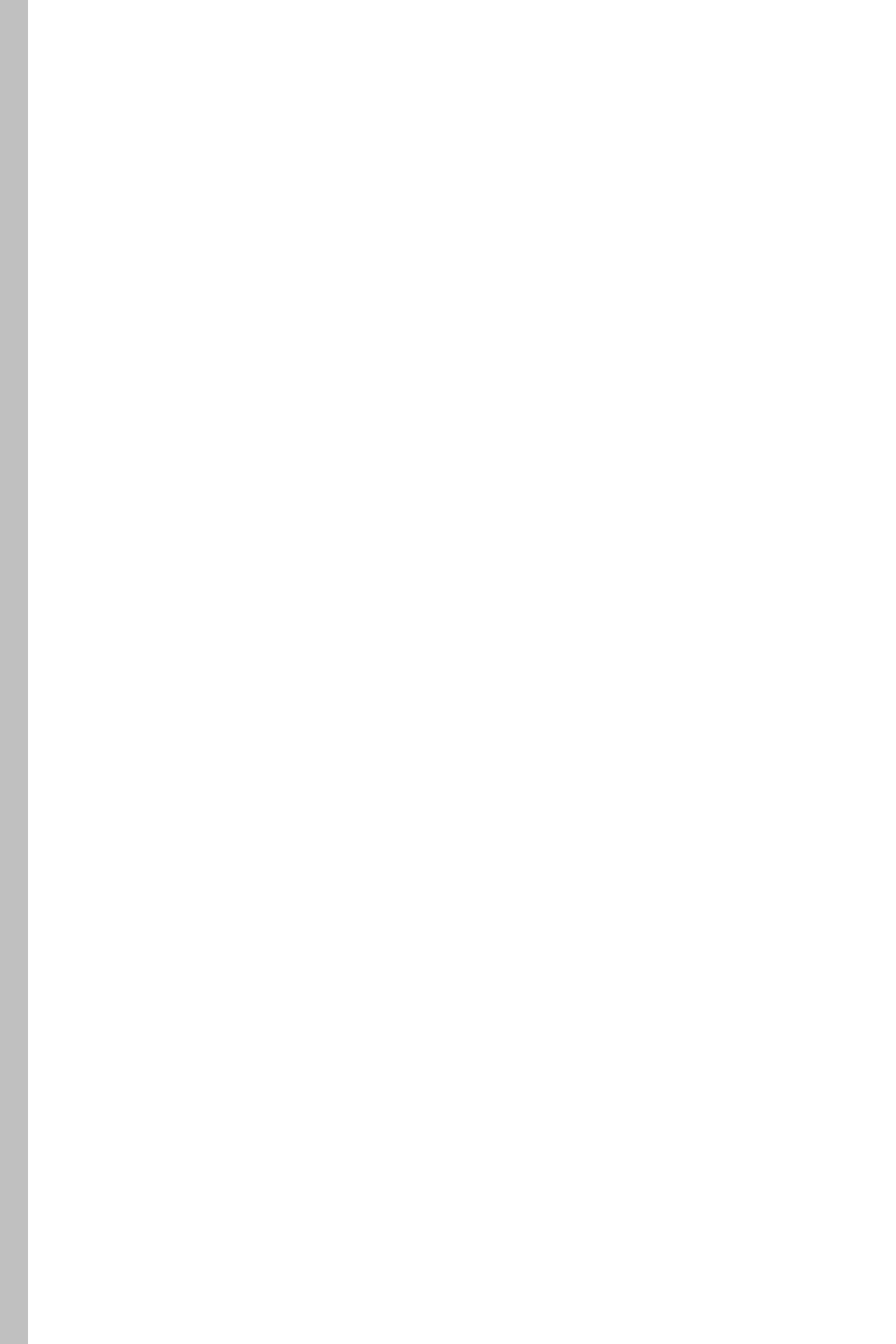
The Status of Eurasia's De Facto and Partially Recognized States in 2015

In sum, the moves undertaken by the Kremlin during the Ukrainian crisis suggest that Moscow is seeking to enmesh other breakaway territories into a deeper and more formalized set of economic, legal and political networks under its control. In other words, the crisis appears to have initiated another stage in the broader evolution of the *de facto* states: the move away from their "formal independence" toward closer legal and political association with Russia under an emerging new regional rubric.

These developments provide a changing context for the future political status of eastern Ukraine. So far Moscow's unwillingness to legally recognize the sovereignty of Luhansk and Donetsk (which have been recognized only by South Ossetia) and Russia's accelerating absorption of Abkhazia and South Ossetia means that the separatists may soon no longer have an actually functioning "*de facto* statehood" model to emu-

late. As a result, they may be forced to abandon the pursuit of formal sovereignty altogether in favor of joining a less-clearly defined Russian sphere of influence as the main alternative to remaining within sovereign Ukraine.

The Donbas also stands out among other post-Soviet conflict territories by its size and population. The much greater territory of eastern Ukraine, with its population of about 5 million, would greatly surpass the total number of residents of the three Russian-aligned breakaway territories,³⁵ making the Donbas by far the most sizable of Eurasia's "frozen spaces." In the medium term, it is likely that whatever political model is applied to eastern Ukraine, either as part of a negotiated settlement or a *de facto* state of affairs, will become regionally influential and possibly foisted upon the other territories. The influence of the "eastern Ukraine model" on the future political status of Abkhazia, South Ossetia and Transnistria is therefore likely to be much greater than the reverse.



V. MOSCOW'S DILEMMA: GLOBAL GOVERNANCE AND THE DIFFICULTIES OF INTEGRATING CRIMEA AND THE FROZEN SPACES

Russia confronts an acute asymmetry prevalent in global governance: the West controls and influences far more international governing bodies and standard-setters than it does, making it difficult for Russia to secure international recognition of Crimea and the *de facto* states as valid territories for the exercise of governance. To be sure, Russian instruments of influence within the post-Soviet space are significant and include subsidized energy, promises of aid and investment, passports and citizenship for co-ethnics, and the projection of an intense news and information space designed to promote Moscow's agenda. However, there are far more areas of global governance that remain controlled or influenced by the West that constrain Russia's networking efforts.

As a result, Moscow faces a number of political and legal hurdles in its renewed effort to network the *de facto* states and the annexed Crimea and integrate them within Russian-led regional and international structures. At first glance, the Crimean situation differs from that of the other *de facto* states in that Russia's annexation of the territory

means that it cannot enter into international engagements or agreements independently of Moscow. Perhaps having learned from its own diplomatic difficulties in securing international recognition for Abkhazia and South Ossetia, Moscow sought to avoid such complications with its decision to annex Crimea.

However, the international community's response to the Crimean annexation has been to gradually delineate and restrict Crimea's participation in international activities, governance roles, and networks that might legitimize its new status as part of the Russian Federation. As a result, Russian policymakers now face a number of legal obstacles to creating international openings for Crimea that are similar to those faced by the *de facto* states.

Tug of War: Trade, Transport and Sport

The areas of trade, transport and sport illustrate some of the international legal burdens and practical challenges associated with Russia's attempt to integrate Crimea and the *de facto* states into broader regional and international networks.

i. Trade

Russia's attempt to integrate breakaway territories into the Eurasian Economic Union has met with fierce criticism and opposition, even within Eurasia. For example, in the run-up to Armenia's accession as the union's fourth member, political concerns mounted in both Armenia and Azerbaijan regarding Nagorno Karabakh's position within the EEU. For Azerbaijan, Armenia's accession raised the prospect that the breakaway province could be subsumed within the EEU, thereby conferring to it economic opportunities and ending its international isolation. By contrast, some Armenians expressed concerns that EEU customs posts would have to be erected between Nagorno Karabakh and Armenia, on which the territory heavily depends.³⁶ Sharing a similar concern to Azerbai-

jan, EEU member Kazakhstan reportedly tried to delay Armenia's accession until it agreed to join without Nagorno Karabakh.³⁷

In a similar fashion, both Belarus and Kazakhstan remain uneasy with conferring any type of legal recognition to Abkhazia or eastern Ukraine. In October 2014, Belarusian President Alexander Lukashenko reiterated his opposition to recognizing Abkhazian independence, in the context of commenting on Moscow's pressure on Minsk to recognize Crimea's annexation, and warned of the severe negative Western reaction and possible economic sanctions that Belarus would face as a result.³⁸ Kazakhstan has likewise steadfastly refused to recognize the independence of Abkhazia or South Ossetia (or Kosovo) and reportedly refused to authorize a Russian proposal for a Collective Security Treaty Organization (CSTO) peacekeeping mission to eastern Ukraine. Indeed, during the final stages of EEU negotiations in May 2014, Kazakh officials insisted that the treaty remove all political elements and that the resulting agreement focus only on economics, while officials have also emphasized that Kazakhstan's membership in the organization should not infringe on its other international commitments.³⁹ It is highly unlikely that Astana or even Minsk will consent to allowing the *de facto* states to enter the EEU, which severely undermines Moscow's attempt to create an alternative economic architecture within Eurasia.

ii. Transportation

Moscow faces problems with the regulation of international civilian flights within disputed sovereign territory, an issue that is now restricting international air travel in and out of Crimea. The international civilian aviation regime effectively prohibits international flights to and from any point whose sovereignty is not recognized by the international community. Several breakaway territories - including the Turkish Republic of Northern Cyprus and Nagorno Karabakh - have attempted to establish air links to third states, but

have run into significant legal difficulties, most notably in the 1944 Convention on international Civil Aviation (Chicago Convention), which holds that states retain sovereign authority over their airspace.

The case of northern Cyprus (recognized as independent only by Turkey) is perhaps the most analogous to Crimea and shows the difficulties of circumventing the treaty.⁴⁰ It now appears that carriers wishing to establish international airlinks with Crimea will have to touch down first in Russia, so that the flight does not violate international norms. For example, plans for a regional Russian carrier to operate direct flights from Crimea to Yerevan met with a heated reaction from Ukrainian officials, leading Armenian authorities to deny permission for a direct flight.⁴¹ Instead, in November 2014 the airline was forced to fly via the Russian city of Anapa on its inaugural flight.

Air transport to and from Crimea is further complicated by the International Civil Aviation Organization's announcement in April 2014 (affirmed in July) that Ukraine retained the exclusive right over the Crimean airspace, and that Russia had unlawfully seized radiofrequencies from Ukraine in violation of both the European Air Navigation Plan (Eurocontrol) and the Chicago Convention.⁴² Eurocontrol itself had banned flights to and from Crimean airspace, including transit flights overseen by Crimean-based controllers.⁴³

As a result of these legal challenges, all major international carriers, including Turkish Airlines, have canceled service to Crimea. Only Russian airlines flying within Russia can operate flights to Crimea, a transportation constraint that will make it difficult for the region to regain its international tourist industry.

iii. Sport

A similar set of dilemmas confronts Crimea's involvement in international sporting and cultural events. On December 4, 2014 the Union of European Football Associations (UEFA), the governing body for European soccer, declared that Crimean football clubs would be barred from participating in Russian league and cup competitions, with Crimea becoming a "special zone" for youth development.⁴⁴ The ban was strongly criticized by the Russian Minister of Sport Vitaly Mutoko, and was preceded in the summer by a decision taken among top Russian club executives to allow the Crimean clubs to play in Russian competitions. According to a Russian investigative magazine, Russia's leading soccer club executives had expressed unease at the prospect of being barred from UEFA or FIFA as a possible sanction for their decision to admit Crimean clubs, but were told that the decision "constituted an order from the Kremlin."⁴⁵

The UEFA ban also raised the prospect of a possible international campaign to either boycott or strip Russia of hosting the 2018 FIFA World Cup, the most-watched sporting event in the world. At an EU Summit in August, British Prime Minister David Cameron suggested that Russia could lose the right to host the tournament as a possible new sanction for its actions in Ukraine.⁴⁶ So far, FIFA has affirmed its commitment to have Russia organize the event. However, any plans to stage actual matches in Crimea would inevitably meet with strong opposition from the international community and would likely jeopardize Russia's staging of the event, which the Kremlin considers a matter of prestige.

The examples from trade, aviation and sport suggest an acute tension between Russia's efforts to integrate Crimea and the *de facto* states into international institutions and their incompatibility with the founding rules, standards and norms upheld by various global and regional governance organizations. Contrary to some predictions that the interna-

tional community will treat the Crimean annexation as a *fait accompli*, Moscow confronts a number of practical restrictions on Crimea's integration within international institutions that are similar to those faced by the *de facto* states. These challenges have effectively raised the costs of annexation.

Such exclusions from the international community may cumulatively frustrate and erode Russia's international standing, though it is unclear whether they would actually increase domestic political pressure on the Kremlin. As recent scholarship on social norms and international relations suggests, the international opprobrium may well lead Russian policymakers to embrace their stigmatization in open defiance of the current international order, rather than to make political concessions to it.⁴⁷ This is especially true in the current geopolitical context where Moscow has positioned itself as a counterhegemonic alternative to the West and its rules.

VI. THE WEST'S SOVEREIGN SCRIPT: THE DIFFICULTIES OF PROMOTING TERRITORIAL INTEGRITY THROUGH WESTERN INTEGRATION

Finally, this report observes that the Western policy of upholding the sovereignty and territorial integrity of Eurasia's divided states while simultaneously promoting their integration into Western institutions has revealed its own strategic contradictions.⁴⁸ Given that *de facto* authorities in the breakaway territories in Georgia, Moldova and now Ukraine are hostile to aligning with the West, and that their conflicts with their parent states remain unresolved, it seems unlikely that the parent states will be able to align with the West and also retain their breakaway territories.

Accordingly, Western policy makers are confronted with a clear but largely unacknowledged practical choice: they could either promote conflict resolution and attempt to restore the territorial integrity of the parent states, but accept a system of mixed governance and multiple international influences (including a role for Moscow); or they can press forward with integrating the Western-leaning governments of Moldova, Georgia and Ukraine, but at the risk of dismembering them as their breakaway territories orient toward Russia.

The Counterproductive Effects of Isolation: Lessons from Abkhazia

The West's counterproductive policy towards Abkhazia since the 2008 Russia-Georgia War should serve as a clear warning of the consequences of not acknowledging this trade-off. Under both the Bush and Obama administrations, Washington strongly opposed recognizing Abkhazia's independence and supported Georgia's diplomatic effort to prevent more than a handful of countries from recognizing the entities.⁴⁹ Washington agreed to designate the territories as "occupied" and strongly supported Tbilisi's effort to isolate Abkhazia and South Ossetia from political, economic, and cultural contacts with the international community. Georgia's efforts culminated in passing the "Law on Occupied Territories" which effectively criminalized any external dealings with Abkhazia that were not approved by Tbilisi. As it turned out, this isolationist policy was a strategic disaster for Tbilisi's aspirations to re-integrate the region that only served to drive Sukhumi further into the arms of Moscow.⁵⁰

Some analysts and scholars have argued that the West should have pursued a more open policy of "engagement without recognition," noting that even within the constraints of non-recognition the West could have facilitated contacts between the international community and Abkhazian civil society, including journalists and academics. This logic also informed the EU's "non-recognition and engagement policy," adopted under the EU Special Representative for the South Caucasus Peter Semneby in 2010. However, this policy too faced opposition from Tbilisi and was effectively blocked from implementation. By refusing to establish independent contacts with the breakaway territories, the West inadvertently aided Moscow's absorption of the region.

VII. FOUR FUTURE SCENARIOS FOR EASTERN UKRAINE

With this background in mind, it is worth reflecting on the possibility of four possible scenarios of sovereignty for the future status of eastern Ukraine. Though political analogies are always fraught, we can draw some lessons that might identify the likely political challenges that would confront the West, Ukraine and Russia under each case:

Scenario 1: The Crimea Model – Russian Annexation

Moscow may ultimately decide, as it did with Crimea, to annex eastern Ukraine. Despite Moscow's involvement in the region, this event is the least likely to transpire in that it would mean the certain retention and expansion of Western sanctions. It would also generate a significant new set of economic, social and political pressures on Moscow at a time when the government faces a budget shortfall along with a plummeting price of oil. Geopolitically, it would irreparably push Kyiv toward the West and leave Moscow with fewer "levers" of influence over the rest of Ukraine.

Scenario 2: *De Jure* Sovereignty, Russian Patronage

A second scenario might be one modeled after the 2008 conflict with Georgia, in which Russia recognizes the legal independence of eastern Ukraine and subsequently enters into a number of “bilateral” agreements to solidify its political, defense and economic patronage. This too is unlikely, not only because such a scenario would maintain the sanctions regime in place, but because Russia’s experience with “recognition diplomacy” in Abkhazia and South Ossetia yielded few successes and indeed galvanized the rest of the post-Soviet against recognizing the Georgian breakaway territories. As with the first scenario, the “*de jure* sovereignty” outcome risks the deepening of the sanctions regime and a loss of leverage for Moscow over Kyiv’s geopolitical orientation.

Scenario 3: Negotiated Settlement and Radical Decentralization

The third scenario would envision some form of negotiated settlement that would see eastern Ukraine remain under Kyiv’s juridical umbrella, thereby maintaining Ukraine’s territorial integrity, but would grant almost full autonomy to the region, including the right to forge relations with Russia along multiple fronts. Any such “grand bargain” would likely have to include a pledge by Ukraine to remain neutral, or at least to not join NATO or the EU, and become a site of multiple patrons and non-zero sum regional architectures.⁵¹ The ceasefire line would be patrolled by the OSCE or other international observers, like in the case of the aforementioned breakaway territories. However, the zone itself would be more porous than in a “frozen conflict” situation.

Though a negotiated settlement scenario is more likely than those of annexation and recognized independence, this option is still unlikely to unfold given the intensification of pro-Western sentiment in Kyiv, as evidenced by the Ukrainian parliament’s vote to revoke its neutral status, as well as Moscow’s lingering distrust of

the new government. Both sides would face acute credibility problems in maintaining their respective limits under such an agreement. This scenario is rendered even more difficult by the absence of a comparable working model for such a negotiated settlement, especially one that envisages a divided post-Soviet space as a “zone of multiple influences.” Without a new vision for accommodating both Western-led and Russian-led economic and security architectures within the same territorial space, possibly along functional lines, the claims of both sides to exclusive sovereignty and the right to make independent foreign policy choices is likely to forestall such creative thinking.⁵²

Scenario 4: Frozen Conflict, Divided States

The final scenario is that Moscow would formally recognize Ukraine’s juridical sovereignty but in practical terms would subsidize, arm and exercise control over the separatist leadership in eastern Ukraine. An international organization, most likely the OSCE, would again monitor the ceasefire line, but economic and social interactions across the line would be difficult and restricted, further orienting the separatist areas toward Moscow.

While this scenario risks reinforcing the geopoliticization of the territorial conflict, it is also the most likely way to achieve political equilibrium given the current institutional realities and the respective approaches of Moscow and the West: namely, Western support for Ukraine’s territorial integrity and orientation toward the West, and Moscow’s desire to influence eastern Ukraine while maintaining a handle on Kyiv’s foreign policy.

Some Western observers have floated new proposals along these lines, encouraging Kyiv to disengage from the east in all but its juridical claim. For example, Alexander Motyl has argued that although it would be domestically unpopular, Kyiv would be strategically better served to cede Donetsk and Luhansk to the separatists,

thereby burdening Moscow with their economic support and governance.⁵³ In turn, free of the economic and political burden of the Donbas, the government in Kyiv could both promote much-needed domestic economic reforms and “end Russian leverage for meddling in Ukraine’s politics.”⁵⁴ Under this scenario, and similar to the other Eurasian *de facto* states, the conflict itself would be put in abeyance but would remain susceptible to future eruptions.

VIII. CONCLUSIONS: THE WEST'S STRATEGIC DILEMMA FOR UKRAINE, GEORGIA AND MOLDOVA

None of these scenarios include an option for simultaneously restoring Ukraine's territorial integrity and promoting its integration into the West. Yet these twin pillars of Western policy remain in effect, at least in the realm of public diplomacy. The "freezing" of the situation on the ground in eastern Ukraine and the experience of Abkhazia suggest that the West must choose between promoting sovereignty and a negotiated political reconciliation on the one hand, and pressing for Western geopolitical alignment on the other. Promoting a negotiated settlement (Scenario 3) would entail giving up, at least for the short and medium term, on plans to integrate the divided post-Soviet states into the economic and security architecture of the West. Absent such a commitment, we are likely to continue to head toward a deeper freezing of eastern Ukraine under Russian control.

The spillover effects from the Ukrainian crisis have intensified political divisions in Moldova and Georgia along the question of their orientation. Meanwhile, the international community still seems ill-prepared for the possibility of their further fragmentation. As these Eurasian states orient themselves to the West, the apparent price is the permanent loss of their breakaway regions to an emergent Russian-led regional order.

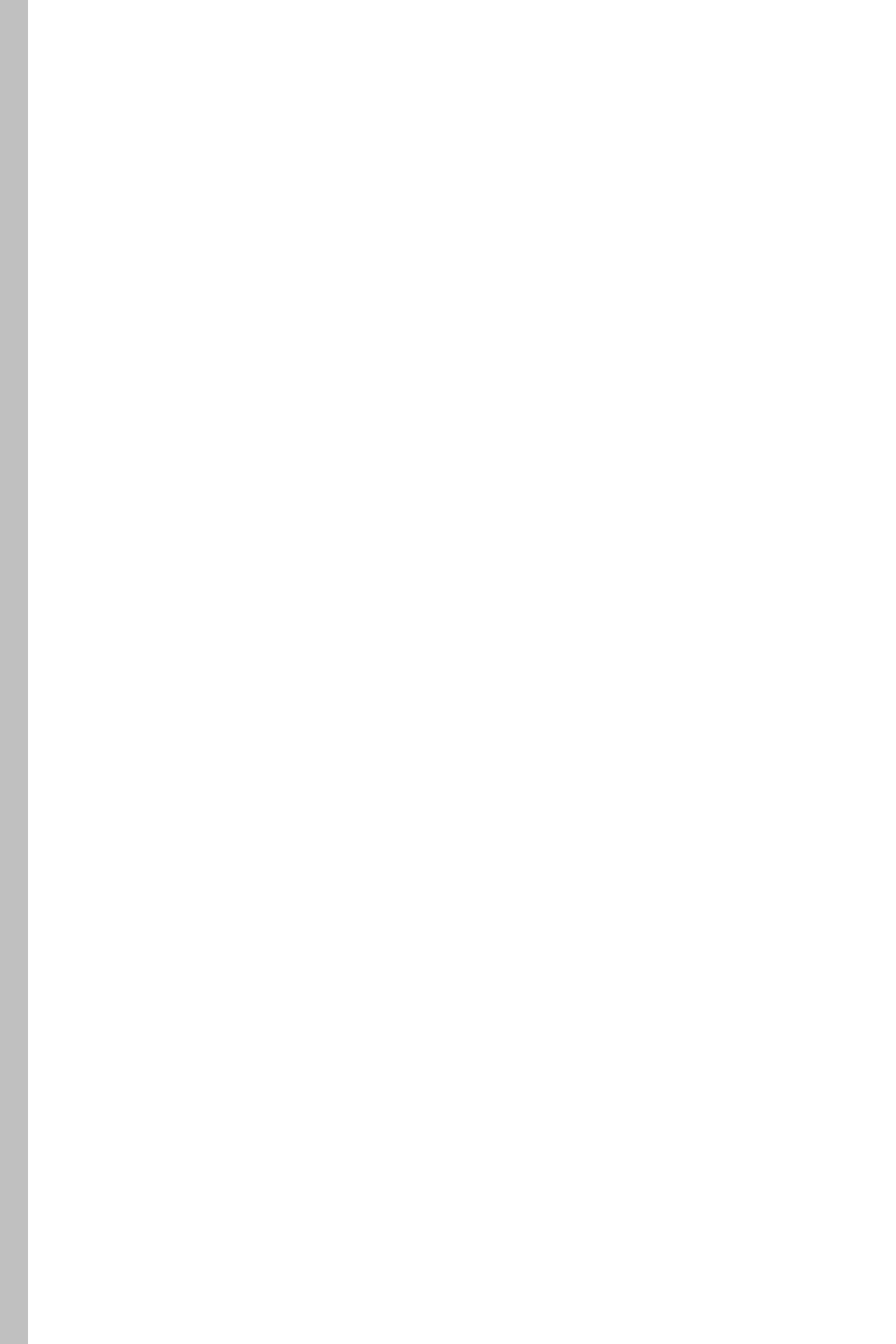
Given the intensity of Russian interests in the post-Soviet space - a region that is also coming under increasing economic distress - along with the Kremlin's increasingly counter-Western foreign policy, Moscow is likely to wield as many levers of influence as it can to support loyal regimes in the *de facto* states and ensure that they remain outside of the Western engagement process of their parent states. This combined with the West's commitment to sovereignty and territorial integrity, along with its effort to integrate the post-Soviet states into the Western institutional architecture, gives significant reason to believe that we will see additional conflicts, border changes and challenges to sovereignty in the post-Soviet space. Yet the familiar "scripts of sovereignty" that have developed on both sides have failed to provide an actual blueprint for the stable political resolution of existing and future territorial disputes.

Moscow and the West will ultimately need to examine how to bridge the divide between their geopolitical spheres. The current crisis was instigated by decisions taken by the Russian president, but a different regime in Moscow is unlikely to give up on supporting the *de facto* states or pursuing an array of regional integration projects that are viewed as essential bulwarks to Western encroachment. However, Moscow's almost obsessive current preoccupation with building alternatives to the Western-led order is unlikely to find substantial international support, beyond some rhetorical commitments to democratizing international relations. In other words, Moscow is too weak and isolated to overturn the existing international system, so it will have to accept ways to accommodate its regional interests and aspirations within the existing parameters. Thus, Moscow will continue to invoke its "sovereign scripts," even as it publicly denies the legitimacy of Western-based rules, actors and norms.

For their part, Brussels and Washington should not reward Russian aggression by recognizing Crimea's annexation or by affording Russia a special status outside of the post-Cold War architecture. However, recognizing and engaging with Russian-led organizations such as the

EEU and the CSTO, as long as they remain functioning bodies, would be a reasonable and pragmatic policy shift that acknowledges the reality of Eurasian states' membership in multiple regional architectures and institutional commitments.

The EU and NATO could relatively easily, and at a low cost, agree to establish a new set of dialogue mechanisms, contact groups, and international conferences with their Russian-led counterparts. On the economic side, one possible agenda item could be to explore a set of rules and procedures through which Eurasia's disputed and conflict-ridden territories could become members of both EU and EEU-governed economic zones, thereby mitigating the geopolitical partition of their economic space from that of their parent states. Such engagement, focused on creating rules for multidimensional economic activity, could further aim to formalize and routinize the external conduct of entities whose primary mode of external relations thus far has been limited to maneuvering within the parameters of Russian patronage. In this way, Western organizations could pursue a more productive policy of engagement even as they maintain their commitment to transatlantic principles and an "open membership" agenda for the post-Soviet states.



IX. NOTES

¹ Address of the President of the Russian Federation, Sevastopol, March 16, 2014 (“Crimea Speech”).

² According to the President of Russia’s Council on Civil Society and Human Rights, in a report on the referendum, the actual turnout in Crimea was 30-50%, with 50-60% voting for unification with Russia. See “Problems of Crimean Residents,” April 14, 2014. At: http://old.president-sovet.ru/structure/gruppa_po_migratsionnoy_politike/materialy/problemy_zhiteley_kryma.php

³ Supreme Court of Canada, “Matter of a Reference by the Governor in Council concerning certain questions relating to the secession of Quebec from Canada, as set out in Order in Council PC. 1996-1947, dated the 30th day of September, 1996.”

⁴ Written Russian Statement, “Accordance of International Law of the Unilateral Declaration of Independence by the Provisional Institutions of Self-Government of Kosovo.” International Court of Justice, April 16, 2009. Paragraph 88.

⁵ Office of the Special Adviser on the Prevention of Genocide, “The Responsibility to Protect.” <http://www.un.org/en/preventgenocide/adviser/responsibility.shtml>

⁶ Kimberly Marten, “Vladimir Putin: Ethnic Russian Nationalist,” *Washington Post*, March 19, 2014.

⁷ “Kazakhstan Toughens Punishment for Separatism,” *Tengiznews*, April 8, 2014.

⁸ “Putin Downplays Kazakh Independence, Sparks Angry Reaction,” *RFE/RL*, September 3, 2014.

⁹ See “Russian Fleet at Heart of Ukraine Crisis is Vital for Putin,” *Sydney Morning Herald*, March 8, 2014.

¹⁰ Alexander Cooley and Hendrik Spruyt, *Contracting States: Sovereign Transfers in International Relations* (Princeton University Press, 2009), Chapter 3.

¹¹ In the 1950s and 1960s, the US reserved the right to intervene in the domestic affairs of base hosts such as the Philippines and Japan. But these broad powers were curtailed as host countries placed greater legal restrictions on US facilities.

¹² Putin’s full statement was as follows: “Russia’s Armed Forces never entered Crimea; they were there already in line with an international agreement. True, we did enhance our forces there; however – this is something I would like everyone to hear and know – we did not exceed the personnel limit of our Armed Forces in Crimea, which is set at 25,000, because there was no need to do so.”

¹³ According to Putin, “Crimea, the ancient Korsun or Chersonesus, and Sevastopol have invaluable civilizational and even sacral importance for Russia, like the Temple Mount in Jerusalem for the followers of Islam and Judaism. And this is how we will always consider it.” Presidential Address to the Federal Assembly, December 4, 2014. <http://eng.kremlin.ru/transcripts/23341>

¹⁴ On sovereign conflicts over sacred territory and holy sites and the politics of their divisibility, see the debate between: Ron Eduard Hassner, *War on Sacred Grounds* (Cornell University Press, 2009); and Stacie Goddard, *Indivisible Territory and the Politics of Legitimacy: Jerusalem and Northern Ireland* (Cambridge University Press, 2009).

¹⁵ Putin’s Crimea speech: “I do not like to resort to quotes, but in this case, I cannot help it. Here is a quote from another official document: the Written Statement of the United States America of April 17, 2009, submitted to the same UN International Court in connection with the hearings on Kosovo. Again, I quote: ‘Declarations of independence may, and often do, violate domestic legislation. However, this does not make them violations of international law.’ End of quote. They wrote this, disseminated it all over the world, had everyone agree and now they are outraged. Over what? The actions of Crimean people completely fit in with these instructions, as it were. For some reason, things that Kosovo Albanians (and we have full respect for them) were permitted to do, Russians, Ukrainians and Crimean Tatars in Crimea are not allowed. Again, one wonders why.”

¹⁶ Christopher Borgen, “Kosovo, South Ossetia and Crimea: The Legal Rhetoric of Intervention, Recognition, and Annexation,” *Opinio Juris*, April 2, 2014.

¹⁷ For an account of the Georgian conflicts, see Thomas de Waal, *The Caucasus: An Introduction* (Oxford University Press, 2010).

¹⁸ Maxim Shashenkov, “Russian Peacekeeping in the ‘Near Abroad,’” *Survival* 36: 3 (1994): 46-69.

¹⁹ See de Waal, *The Caucasus*; Ronald Asmus, *A Little War that Shook the World: Georgia, Russia and the Future of the West* (New York: Macmillan, 2010); and Lincoln Mitchell and Alexander Cooley, *After the August War: A New Strategy for U.S. Engagement with Georgia* (New York: Harriman Institute, 2010).

²⁰ The European Union’s fact-finding mission, headed by Swiss diplomat Heidi Tagliavini, found that Georgian government forces had launched the initial assault on South Ossetia in August 2008, but also that Russia had provoked Tbilisi by undertaking a number of actions in spring 2008 in support of Abkhazian and South Ossetian authorities. See “Report of the Independent International Fact-Finding Mission on the Conflict in Georgia,” Brussels, September 2009. Volumes I-III.

²¹ See especially Nina Caspersen, *Unrecognized States* (Cambridge: Polity, 2012); Charles King, “The Benefits of Ethnic War: Understanding Eurasia’s Unrecognized States,” *World Politics*, 55:4 (July 2001), 524-552; and Dov Lynch, *Engaging Eurasia’s Separatist States: Unresolved Conflicts and De Facto States* (US Institute of Peace Press, 2004).

²² See Kristin M. Bakke et al., “Convincing State-Builders? Disaggregating Internal Legitimacy in Abkhazia,” *International Studies Quarterly*, 58.3 (September 2014), 591-607; and Burak Bilgehan Ozpek, “The Role of Democracy in the Recognition of De Facto States: An Empirical Assessment,” *Global Governance*, 20 (2014), 585-599.

²³ The Pacific island states of Tuvalu and Vanuatu withdrew their recognition.

²⁴ This is also true of the Turkey Republic of Northern Cyprus, where Turkey maintains about 35,000 troops.

²⁵ Vladimir Kolossov and John O'Loughlin, "After the Wars in the South Caucasus State of Georgia: Economic Insecurities and Migration in the *De Facto* States of Abkhazia and South Ossetia," *Eurasian Geography and Economics*, 52.5 (2011), 637.

²⁶ See King, "The Benefits of Ethnic War..." (endnote 3).

²⁷ See Christopher Borgen, "Whose Public, Whose Order-Imperium, Region, and Normative Friction," *Yale Journal of International Law*, 32 (2007); and Borgen, "Imagining Sovereignty, Managing Secession: The Legal Geography of Eurasia's Frozen Conflicts," *Oregon Review of International Law*, 9 (2007).

²⁸ See John O'Loughlin, Vladimir Kolossov and Gerard Toal, "Inside Abkhazia: Survey of Attitudes in a *De Facto* State," *Post-Soviet Affairs*, 27.1 (2011): 1-36; and Gerrard Toal and John O'Loughlin, "Inside South Ossetia: a Survey of Attitudes in a *De Facto* State," *Post-Soviet Affairs*, 29.2 (2013): 136-172. Political attitudes in Transnistria were found to be less divided. See also John O'Loughlin, Gerard Toal, and Rebecca Chamberlain-Creanga, "Divided Space, Divided Attitudes? Comparing the Republics of Moldova and Pridnestrovie (Transnistria) Using Simultaneous Surveys," *Eurasian Geography and Economics*, 54.2 (2013): 227-258.

²⁹ According to Ukraine's statistics office, as of October 2014, industrial production was down 85% in Luhansk and 59% in Donetsk from 2013 levels. "War Severs Ukraine's Industrial Arteries as Economy Sinks," *Bloomberg*, October 2, 2014.

³⁰ Paul Sonne, "With 'Novorosiya,' Vladimir Putin plays the Name Game with Ukraine," *Wall Street Journal*, September 1, 2014. When asked about Moscow's position on using the term, Kremlin spokesperson Dmitry Peskov stated that "If you look at history, over the course of several centuries, it [the Donbas region] was called Novorossiya. Therefore it's the absolute, so to speak, Russian name of this territory."

³¹ Alexander Cooley and Lincoln A. Mitchell, "Engagement without Recognition: A New Strategy toward Abkhazia and Eurasia's Unrecognized States," *The Washington Quarterly*, 33.4 (2010): 59-73.

³² See the overview and political tensions surrounding the various drafts of the treaty in Thomas de Waal, "Abkhazia: Deeper with Russia," *Eurasia Outlook*, November 20, 2014.

³³ "Tbilisi Gets Done-Deal with EU, South Ossetia Opts for Russia," *EurasiaNet*, December 18, 2014.

³⁴ "Russia Defies Moldova's EU Pact by Boosting Transnistria Trade," *EurActiv*, July 3, 2014.

³⁵ The populations of other breakaway territories are approximately 240,000 in Abkhazia; 500,000 in Transnistria; and 50,000 in South Ossetia.

³⁶ Marianna Grigoryan, "Karabakh Question Clouds Eurasian Union Accession," *EurasiaNet*, October 10, 2014.

³⁷ Nate Schenckan, "Eurasian Disunion: Why the Union Might not Survive 2015," *Foreign Affairs*, December 26, 2016.

³⁸ Lukashenko stated: "We presented President Medvedev with a list of what will happen if we recognize South Ossetia and Abkhazia. Nearly the same things that are happening to Russia now, only way worse. I said this is what is going to happen, we will not have any foreign currency, we will be shut down on all fronts. Are you going to help me? Because the country is not going to survive on its own." "Lukashenko: Don't Pressure Me on Crimea's Status," *Belarusian News*, October 17, 2014.

³⁹ Nate Schenckan, "Customs Disunion: Putin's Plans for Regional Integration go Boom," *Foreign Affairs*, May 12, 2014.

⁴⁰ Despite ongoing efforts to litigate the issue and allow direct flights from tourist-sending countries, international flights destined for northern Cyprus have been denied point-to-point access and must first touch down on undisputed Turkish mainland territory before continuing to the island. See Stefan Talmon, "Air Traffic with Non-Recognized States: the Case of Northern Cyprus." Unpublished paper. Available at: http://users.ox.ac.uk/~sann2029/FCO_Paper%20by%20Dr%20Stefan%20Talmon.pdf. According to Talmon, a possible counterexample might be that of Taiwan, also an unrecognized territory which has established a number of international point to point flights. However, the crucial difference here, according to the author, is that international private airlines have done so only after securing the consent of Beijing, which has been reluctant to grant permission to state-owned airlines. Beijing's conditions for allowing such international air links have included structuring the agreement as a commercial non-governmental agreement, declaring that no contacts will be made by the airline with authorities in Taiwan, and mandating that the aircraft refrain from displaying national flags or any other sovereign symbols. Talmon, pp. 28-30.

⁴¹ "Crimea-Armenia Flights 'Not Permitted' by Yerevan," [Azatutyun.am](http://www.azatutyun.am), October 24, 2014.

⁴² "ICAO Confirms Exclusive Right of Ukraine to Provide Air Navigation Services over Black Sea," *ATC Network*, April 16, 2014. <http://www.atc-network.com/atc-news/icao-confirms-exclusive-right-of-ukraine-to-provide-air-navigation-services-over-the-black-sea>

⁴³ Note that Flight MH17 had been downed as it flew over eastern Ukraine, not Crimea.

⁴⁴ Andrew Roth, "Russia Fumes at UEFA," *New York Times*, December 6, 2014.

⁴⁵ Patrick Reevell, "Geopolitical Football Engulfs Top teams in Russia," *New York Times*, August 12, 2004.

⁴⁶ "European Union May Lead Call to Strip World Cup from Russia," *Daily Telegraph*, August 30, 2014.

⁴⁷ Rebecca Adler-Nissen, "Stigma Management in International Relations: Transgressive Identities, Norms, and Order in International Society," *International Organization*, 68:1 (2014): 143-176.

⁴⁸ Lincoln Mitchell and Alexander Cooley, "Lessons from Crimea," *Foreign Policy*, June 14, 2014.

⁴⁹ Cooley and Mitchell, "Engagement without Recognition," 62-63.

⁵⁰ Cooley and Mitchell, "Engagement without Recognition," 63-66.

⁵¹ Some argue that given the hesitancy of many Western and EU states to admit Ukraine as a member anyway, such a commitment by Kyiv would not be necessary. But for Moscow, such a symbolic affirmation appears critical.

⁵² See Stroschen's proposals regarding dispersing governance along functional lines in Kosovo. Sherrill Stroschein, "Making or breaking Kosovo: Applications of Dispersed State Control," *Perspectives on Politics*, 6:4 (2008): 655-674.

⁵³ See Alexander Motyl, "Why Ukraine Should Withdraw from Russian-held Donbas," *Foreign Affairs*, September 1, 2014; and Rajan Menon and Alexander Motyl, "Ukraine Should Put Russia to the Test," *Los Angeles Times*, December 19, 2014.

⁵⁴ See Menon and Motyl, "Ukraine Should Put Russia to the Test."

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