

# The Protracted Conflicts as Open Wounds for European Security

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## Executive Summary

Thirty years after the break-up of the Soviet Union, the vision of a Europe whole, free and at peace is “unfinished business”, not least since several countries in Eastern Europe are still struggling with protracted conflicts. These conflicts are not only, or even mainly, local or regional in nature. Instead, they constitute a systemic challenge to the European security order, with consequences beyond the region itself.

Georgia, Moldova and especially Ukraine are suffering from the Kremlin’s manifest desire to establish a sphere of influence. Moscow also wants to prevent the spread of democracy, human rights and the rule of law, and aims ultimately to renegotiate the normative European security order as defined in international law and OSCE principles and commitments.

Russia’s external aggression towards these countries is paired with increasingly harsh repression within Russia, as well as in the non-government-controlled areas of the three states where regular and irregular Russian armed forces are deployed without host nation consent. Russia’s instrumentalisation of these conflicts should also be seen in the context of its antagonistic behaviour elsewhere, including towards the EU and NATO.

In the light of these challenges, the democratic international community must stick together and clearly acknowledge that all states in the OSCE region have the right to sovereignty and territorial integrity, and to freely choose their security arrangements, including treaties of alliance, as well as the right to self-defence according to international law. It must also be acknowledged that security between states is linked to conditions within them, as per the OSCE comprehensive security concept.

The democratic international community should do more to hold Russia accountable for its violations of international law and the European security order, including with regard to Crimea. If not, there is a risk that the ongoing violations will become permanent, that customary international law and OSCE principles and commitments will be eroded, and that further transgressions will take place.

The overarching goal of conflict resolution efforts must be the restoration of respect for international law and for OSCE principles and commitments. The existing conflict resolution – or rather conflict-management or even conflict-conservation – formats and mechanisms should be evaluated according to these criteria. To reach its political goals, Moscow instrumentalises these formats, which become the main battlefields rather than platforms for conflict resolution. It is therefore important to avoid “destructive ambiguity” when engaging in these formats, and to be clear about who the conflicting parties are and where responsibility lies.

The democratic international community should refrain from any attempt at a “grand bargain” with Moscow that implicitly or explicitly accepts spheres of influence and reduced sovereignty for some states. This would effectively undermine international law and the European security order, reward the Kremlin for its transgressions and be unlikely to bring sustainable stability.

## Russia's Instrumentalization of Conflict

The dissolution of the Soviet Union was largely, but not exclusively, peaceful. In the years around the break-up, hostilities broke out in Azerbaijan and, to a lesser extent, also in Armenia, as well as in Georgia and Moldova. These soon turned into protracted conflicts with wider geopolitical dimensions. In different but significant degrees, the hostilities were rooted in inter-ethnic or inter-cultural tensions that had been contained but not fully resolved in the Soviet era, or had had their seeds sown by Soviet policies towards ethnic minorities, internal boundary lines and varying degrees of regional autonomy, among other factors. The historical background was especially salient in the violence between ethnic Armenians and Azeris, which soon developed into an armed conflict between Armenia and Azerbaijan.

In Georgia and Moldova, however, the conflicts were also driven and instrumentalized by Russian actors early on; they, like President Vladimir Putin, considered the collapse of the Soviet Union not as a liberation from oppression but as “the greatest geopolitical catastrophe of the century”. These players did not want to recognize the newly independent states as fully sovereign but aimed to keep them in the Russian orbit. During the hostilities in Georgia and Moldova in the early 1990s, Russian/former-Soviet armed units provided active and probably decisive support to the insurrectionists in the so-called breakaway republics. This Russian support has since continued alongside direct Russian antagonistic conduct vis-à-vis the legitimate authorities in both states, in violation of their political sovereignty and territorial integrity. The Russian “toolbox” for this strategy builds on Soviet practices and includes the use of military and paramilitary forces in different forms: as “peacekeepers” following Moscow-brokered/-dictated ceasefire agreements; through “passportization”, propaganda, economic punishment and other hybrid measures; and, sometimes, using incentives, “soft power” initiatives and attempts to co-opt local elites.

If this approach was not already clear before August 2008, Russia's military intervention in Georgia, its territorial expansion of the two non-government-controlled areas, its subsequent recognition of these areas as independent states, and the consolidation of its military presence there, showed the Kremlin's disregard for international law, OSCE principles and commitments, and other obligations, including the six-point-agreement negotiated by the then presidents of Russia and France, Dmitry Medvedev and Nicolas Sarkozy. These steps were followed in 2014 by an even more blatant transgression in the form of Russia's unprovoked military aggression against Ukraine, which also involved its illegal annexation of Crimea. This created yet another protracted conflict that, almost eight years later, is still far from resolution and, if anything, risks escalating.

In spite of all these obvious transgressions, Russia refuses to acknowledge its role as a party to any of the conflicts. Its growing external aggression is accompanied by increasingly harsh repression inside Russia, as well as in the areas abroad where Russian armed forces are deployed without host nation consent and where the European Court of Human Rights has concluded, in several cases, that Russia is in effective control. Russia's aggression must also be seen against the background of its hybrid threats and antagonistic behavior towards the EU and NATO, their member states, and other organizations and states.

## Russia's Policy Priorities

Over time, it has become evident that Russia instrumentalizes conflict—and also conflict resolution processes—to achieve political goals. The protracted conflicts in Eastern Europe are thus not only, or even principally, local or regional but constitute a systemic challenge to the European security order, with consequences beyond the region itself.

Judging by Russian rhetoric and actions, the Kremlin is seeking to establish and maintain a sphere of influence over its “near abroad” and to prevent additional states in Eastern Europe from orienting towards the “West”, and in particular from joining or substantially cooperating with NATO and/or the EU—including individual member states. Instead, these Eastern European states should be under Moscow’s control and function as buffer states or a cordon sanitaire that allows forward-deployed Russian military assets and the possibility of some kind of (re-)integration with Russia.

This is the case in Ukraine, Georgia and Moldova, where Russia has resorted to military means to perpetuate or even initiate conflict and used its position on the UN Security Council and within the OSCE to block any efforts to achieve conflict resolution in line with international law and OSCE principles and commitments. It also applies to Armenia and Azerbaijan, where Russia is less directly involved in the conflict but uses it to pursue its own interests, among other things by acting unilaterally outside of the established OSCE conflict resolution process to secure an exclusive role as a “peacekeeping force”.

Underlying the objective to establish such concentric spheres of influence is the desire to prevent the spread of democracy, human rights and the rule of law, which are seen as existential threats by the Kremlin’s current occupants. This aspect is particularly strong in relation to Ukraine, Georgia and Moldova, which all aspire to EU membership (and, with the exception of Moldova, also NATO membership).

Taken together, Russia’s objectives ultimately amount to a decades-long, consistent attempt to renegotiate the normative European security order. In essence, the Russian leadership wants explicit approval or at least de facto acceptance of a new security order, one where supposed buffer states are not fully sovereign and do not have the right to choose their own security arrangements, and where issues related to human rights, fundamental freedoms, democracy and the rule of law should no longer be considered matters of direct and legitimate concern to other states; that is, a new order in direct contradiction of key tenets of the jointly agreed OSCE principles and commitments.

Despite Russia’s frequent accusations and “whataboutism”, the “West” is not to be blamed for this precarious situation. The EU and NATO have not “expanded” eastwards, but independent states in Central and Eastern Europe have freely chosen to strive for membership. Membership prospects, accession negotiations, leading to eventual accession to the EU and membership in NATO, were only achieved after considerable lobbying in Western capitals by prospective members. The two organizations do not seek to establish spheres of influence, but stand up for the jointly agreed European security order. In addition, the EU, NATO and their individual member states are not violating international law by deploying soldiers in Ukraine, Georgia and Moldova against their wishes - but Russia is.

## The Particular Importance of Ukraine

Russia's military aggression against Ukraine and its illegal annexation of Crimea must be considered the gravest violation of the post-World War II European security order. Its covert instigation and perpetuation of conflict on Ukrainian territory has, among other things, led to over 14,000 deaths, over 1.5 million internally displaced persons and particularly grave human rights violations in the non-government-controlled areas. In terms of access to political rights and civil liberties, eastern Donbas and Crimea currently rank among the worst in the world.

The conflict is not just a "crisis in and around Ukraine" (as the Russia-dictated consensus language within the OSCE suggests) but a larger, systemic and transnational "Russia crisis" that affects not only Ukraine, but European security, the European security order and the rules-based international order as a whole. Through its ongoing aggression, Russia is violating international law, OSCE principles and commitments, and additional bilateral and multilateral agreements, including the 1994 promise in the Budapest Memorandum to respect Ukraine's independence, sovereignty and existing borders in return for Kyiv handing over the nuclear weapons on its territory to Russia.

Clearly, Putin wants Ukraine and a new security order that either de jure or de facto acknowledges this. As former US National Security Advisor Zbigniew Brzezinski famously observed in 1994: "without Ukraine, Russia ceases to be an empire, but with Ukraine suborned and then subordinated, Russia automatically becomes an empire". To this revanchist "great power urge" in the Kremlin can be added its fear that a successful Ukraine would inspire Russians to demand democratic change at home.

While, through its aggression, Russia has managed to impede Ukraine's path to NATO and EU membership, it would be naive to think that it considers its goals achieved. On the contrary, increasingly strong and disturbing signals have recently come from Moscow that the status quo is unacceptable. These signals include the Russian military build-up near the border with Ukraine and in Crimea in the spring of 2021, and the subsequent publication of revisionist articles on Ukraine by Putin and former president Dmitry Medvedev, now deputy head of the Russian Security Council. In addition, the Kremlin has distanced itself even further from the jointly agreed OSCE principles and commitments by making not only Ukrainian NATO membership but even NATO military infrastructure in Ukraine a "red line" for Russia. Russia also absurdly accuses Kyiv of "trying to drag Moscow into the conflict in eastern Ukraine"—a conflict that Moscow instigated and of which it is the driving force—while refusing to engage in the Normandy format (and publishing confidential correspondence from Berlin and Paris). Russia also complains about legitimate arms deliveries to Kyiv and demands "legal, juridical guarantees" in the form of "concrete agreements that would rule out any further eastward expansion of NATO and the deployment of weapons systems posing a threat to us in close proximity to Russia's territory". In addition, it conducts unexplained military activities in and around Ukraine that look worryingly like preparations for increased Russian military action in the country. To this list can be added Russia's Foreign Intelligence Service (SVR) publicly comparing the situation in Ukraine to Georgia in the run-up to the 2008 war, and the head of the Russian Security Council, Nikolai Patrushev, warning that "millions of Ukrainians" might need to flee at any moment.

While the gun has been put on the table, so to speak, it is safe to assume that the Kremlin is keeping several options open and currently testing the reactions from Kyiv and Western capitals. The objectives of this strategic signaling are clear: Kyiv should be more acquiescent

and the “West” should not act against Russia’s interests in its perceived sphere of influence.

Possibly related events are taking place elsewhere, such as Russia’s gas supply issues with Europe, the cynical luring of migrants to Belarus to help or push them into the EU, and resurfacing tensions in the Western Balkans. Inside Russia, the imprisonment of Novichok victim Aleksandr Navalny continues, organizations affiliated with him have been designated as “extremist”, and moves are being made to close down Russia’s most prominent human rights group, Memorial. Something worrying is definitely in the air and we may already be deeper into “the next European security crisis” than many realize, even if we may one day talk rather about different episodes in a longer “Soviet/Russia crisis”. It may be impossible to fully control continuing developments, but they can at least be influenced.

## Policy Recommendations

- The democratic international community—the EU, the US and like-minded allies and partners—must stick together and try to further improve its internal coordination and cooperation. It should clearly acknowledge that all states in the OSCE region have the right to sovereignty and territorial integrity, and to freely choose their own security arrangements, including treaties of alliance, as jointly agreed within the OSCE, as well as the right to self-defense according to international law, with due respect to international humanitarian law and international human rights law. Without strong US leadership and a US presence in Europe, European cohesion around policies based on these principles will probably be increasingly difficult to achieve.
- The democratic international community should further acknowledge that security between states is clearly linked to conditions within them, as per the OSCE’s comprehensive security concept. Internal repression and external aggression are thus two sides of the same coin, meaning that violations of civil and political rights within states increase the risk of violations of international law between states—and vice versa. In the OSCE region, the level of respect for democracy, the rule of law and human rights in one state is therefore a matter of direct and legitimate concern for other states. Among other things, UN, OSCE, EU and Council of Europe instruments should be directed at the particularly severe situation in those non-government-controlled areas where the Russian military is overtly or covertly deployed without host nation consent. Nor should the increasing repression inside Russia be forgotten. It should be addressed head on, including through strengthened support for Russian civil society actors.
- The democratic international community should do more to keep the various transgressions—including Crimea—on the international agenda and increase its focus on accountability. Failure to hold the main perpetrator in the region, Russia, accountable for all its blatant violations of international law and other constituent elements of the jointly agreed European security order would amount to tacit acceptance of a new de facto security order. This would not only risk making ongoing violations permanent, but also erode customary international law and OSCE principles and commitments, increasing the likelihood of further transgressions, even against EU and NATO member states—and elsewhere in the world.

- The overarching goal of conflict resolution efforts must be the restoration of respect for international law and OSCE principles and commitments. Existing conflict resolution efforts—or rather conflict-management or even conflict-conservation formats and mechanisms—should be evaluated according to this criterion. To achieve its political goals, Moscow instrumentalizes these formats, which have now become the main battlefields of these conflicts rather than platforms for their resolution. It is therefore important to avoid “destructive ambiguity” when engaging in these formats and to be clear about who the conflicting parties are and where responsibility lies. Among other things, support for monitoring through OSCE, UN, EU or Council of Europe missions must continue and “business as usual” with Moscow must be resisted until ongoing violations have ceased. To achieve the required change in behavior and to prevent further transgressions, sanctions should be considered, prepared, signaled, imposed, maintained or strengthened, as deemed appropriate on a case-by-case basis.
- The democratic international community should refrain from appeasement and any attempts at an explicit or implicit “grand bargain” with Moscow over the heads of states already affected by or at risk of Russian aggression. A formal renegotiation or de facto acceptance of a new European security order that somehow, either implicitly or explicitly, acknowledges a Russian sphere of influence or forces “in-between status” on certain states would undermine their sovereignty and rights, and have consequences far beyond the region. It would also be contrary to the principle in international law of “no fruits from aggression”, since the Kremlin would in effect be rewarded for its transgressions. Moreover, it would be unlikely to bring stability since the affected states (or parts of them) would not necessarily comply with any such “deal” or “compromise”, and since democratic, open societies are seen by the Kremlin as threats not only because of what they do, but also for what they represent. Even in such a scenario, Russia’s antagonistic behavior would therefore be very likely to continue, albeit from a new baseline and with a whetted appetite.
- The democratic international community should acknowledge that defense of the normative European security order must be backed up by genuine investments in security and defense. While this is being pursued within NATO and at many national levels, more should be done to support the development of resilience and defense capabilities in the Eastern European states already affected by Russian aggression. Failure to do so would de facto amount to giving in to Russian threats. Even though many EU member states perceive no immediate threat or feel any sense of urgency, Ukraine’s defense against ongoing Russian aggression is also a defense of European security and of the European security order. Any submission by Ukraine to Russian pressure would also be a submission by the democratic international community—with implications beyond Ukraine.
- The democratic international community should continue —and, if possible, strengthen—its assistance to Ukraine and other conflict-affected states in areas not directly related to the conflicts. Through support for democratic and economic development more generally, the states’ resilience and ability to deal with the conflicts will increase, as will their attractiveness to the populations in the currently non-government-controlled areas and their function as role models for democratization elsewhere. A conditional “tough love” approach will probably be needed to deal with certain worrying trends in

states such as Georgia and Ukraine. Efforts must also be stepped up to combat the laundering of monies and reputations in Western societies, regardless of their origin.

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