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## Can European Brakes Slow Down Russia's Drive in Secessionist Conflicts?

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This policy memo explores the past experiences of the European Union in dealing with Russia's overwhelming presence in secessionist conflicts. The EU has sought economic and political stability – it has addressed the problems of clientelism, isolation, and dependency, and is supposedly eager to invest in reform-induced conflict management which ideally could show that there is an alternative to unquestionable allegiance. Engagement without recognition could be understood either from a democratic governance perspective, or it can be seen as a balancing act against Russian dominance; still the main question remains: How to design an EU policy approach that satisfies the promise of engagement in the context of non-recognition, and that would be equally endorsed by the EU, parent states, and de facto states? This requires a combination of de-isolation strategies to be linked with economic incentives that cannot contradict measures stipulated in parent states' anti-secessionist legislations. Since de facto states are strictly leaning on their self-determination claims, parent states are keen on restoring law and order in their breakaway regions no matter how feasible this may look. Furthermore, the EU, with its complex policymaking style, is often paralysed in finding common positions. These aspects considered, policy makers are faced with a mammoth task.

### **De facto state engagement – why so and so what?**

Despite aforementioned challenges, there is reason to believe that de facto state engagement could help to build genuinely participatory and pluralist politics, on which any future conflict settlement must be predicated. Furthermore, this should help to improve the situation for the local population and hence reduce external dependencies. In practice though, EU engagement has only been realized in three situations: a) when a parent state has been relatively permissive of de facto states external relations, i.e. third party engagement has been perceived as a lesser evil compared to a full loss of territorial jurisdiction over a breakaway region; b) when a de facto state has welcomed EU engagement to alleviate isolation and counter-balance the domination of their patron state; c) when engagement with de facto states has been internally considered as not doing any harm to non-recognition norms, i.e. through its active presence and keeping communication channels open, the EU has found tacit support amongst decision-makers and within de facto states' civil societies. The following will illustrate some of these facts on the ground.

Transnistria is not just a stand-alone breakaway region remotely controlled and influenced by Russia; its economic survival is also linked to EU. Following this logic, trade between the EU and Transnistria has become an important tool of engagement. Due to economic incentives offered by the Deep and Comprehensive Free Trade Area (DCFTA) with Moldova, [Transnistria has exploited pragmatism](#) and now values its access to the European markets in a way that is comparable to its appreciation of military-political or socio-cultural connections with Russia. In addition, both the strategic calculus of the EU and the operational constraints set by Moldova coincide with each other – engagement is valued by Brussels and agreed upon with Chisinau.

Engagement with Abkhazia and South Ossetia was expected to improve after the formulation of [the Non-Recognition and Engagement Policy \(NREP\)](#) in 2009. The highest expectations foresaw a new policy framework which would contribute to conflict transformation through a combination of political and economic tools, yet the policy never achieved its full potential and thus the EU's influence in Abkhazia and South Ossetia remains limited. The reasons for policy failure are quite indicative: a) The EU's perspective is that neither Abkhazia nor South Ossetia are “no man's lands” anymore – they have been recognized by their patron state and four other UN members. This makes engagement an especially sensitive subject for authorities in Tbilisi that see the regions as occupied territories instead of breakaway regions. The EU is hardly taking a position of convincing Georgians of the opposite; b) Georgians themselves have gone back and forth between both occupation and engagement rhetoric while leaving an impression of undecidedness. Any possible signal of concessions in de facto state engagement would likely cause domestic outcries that ought to be avoided at any cost; c) There is very little [that attracts Abkhazians to the EU](#) – a DCFTA is hardly the proper measure to facilitate the export of tangerines and hazelnuts via Tbilisi. Unattractiveness is even more undeniable in case of South Ossetia which has few natural resources and no real industry to begin with.

The EU has had difficulties to organize even the smallest of activities with Nagorno-Karabakh and the Donbas Republics. [The Azerbaijani side has tried to isolate Nagorno-Karabakh](#) at all costs and has lobbied for international support for restoring its own territorial integrity. The Second Karabakh War in September 2020 proved the seriousness of Baku's stance and left no space for innovative thoughts in presenting the EU as a third party engaging with de facto authorities for the sake of “changing the course” and providing alternatives to isolation. In the Donbas conflict, the EU tried to target Russia's support by

imposing sanctions on Russia in March 2014, whereas attempts to directly [engage with the de facto states have been limited](#). Even if Abkhazia's incompatible position with Tbilisi is met with some kind of understanding in EU policy circles, all invitations to explore potential engagement in Donbas thus far have fallen onto barren ground. Moreover, the DPR and LPR do not think they need the EU to balance the overwhelming Russian dominance, while Kyiv has not accepted territorial losses and expects this problem to be solved sooner rather than later without EU's help.

Although often welcomed when real and persistent conditions are met, de facto state engagement per se may still have some unintended consequences. If not implicit recognition of secessionist entities, then creeping legitimization of de facto state authorities is what EU policymakers should consider before designing formulas for engagement. Indeed, any type of engagement potentially advances the de facto state's institutional capacity, which then might be exploited to further back its claim for self-determination. Previous experiences with de facto states show that whatever approach the EU chooses, they risk strengthening and entrenching these entities rather than bringing them closer to the reintegration agenda of the parent states. The EU's attempt to challenge Russian dominance in secessionist conflicts has mixed records ranging from "money talks" to "dialogue of the deaf". Even where the EU has had some power to exert, unintended consequences have diminished the effect.

### **Few alternative policy options to consider**

As already mentioned above, the EU's past engagement practices have been affected by parent state positions (permissive/restrictive), and de facto state positions (welcoming/exposing repulsion). Ideally, parent states view engagement as an opportunity in which the EU opens up communication channels and fosters interaction which otherwise would not be possible because of domestic political constraints. It's quite likely that de facto states will benefit from easing the common regime of isolationism. At the same time, much less is known about the EU's own preference formation.

After launching its engagement policy in 2009, no follow-up EU document has appeared publicly to further elaborate on the issue. Although one can find [reports of informal negotiations and policy initiatives](#) as well as some ongoing activities in the field of [higher education](#), it does not reveal a consistent

strategy but remains *ad hoc*, changing as the issues and problems related to de facto states are uncovered. Thus far, secessionist conflicts in EaP countries have been dealt under the broader policy frameworks such as AAs and DCFTAs with Moldova, Ukraine, and Georgia, thus providing local companies access to the EU markets (if registered in the parent state) and for local people access to the EU countries (if possessing a parent state passport). However, one may argue that these facilitated trade and travel conditions have not been successful in drawing conflict parties closer together. Furthermore, while imposing brakes to Russia's secessionist drives, these incentives appeared insufficient in promoting the idea of alternative routes beyond the Russia-only vector. Is there a way out from this impasse?

First, perhaps surprisingly, it is valid to argue that [the lack of a formalized and systematic set of precepts](#) can be seen as more of an asset than a constraint in de facto engagement practices because it increases EU officials' personal capacity for informal meetings and deliberations without having normative strings attached. Second, if de facto state engagement is to be taken seriously, then seeing de facto states merely as occupied territories by patron state, is a non-starter. This is because sanctions against de facto state authorities have a stronger effect than the value of the EU's carrots for the populations in contested territory. Making a difference between "occupied territories" (such as South Ossetia and Donbas) and "breakaway regions" (such as Transnistria, Abkhazia and Nagorno-Karabakh) would be a game-changer, thus giving more flexibility to policymakers. Last but not least, the EU should try to cultivate a unified approach everywhere where human rights issues are at stake. This goes further than monitoring access to education. No-one, including people living in de facto states, [should be subjected to torture or to cruel, inhuman or degrading treatment or punishment](#) by parent states (as seen recently in the Second Karabakh War), just because they have been supporting a secessionist cause. Only then can European brakes slow down Russia's drive.