

# **Stealth Intervention: The EU and Post-Soviet Conflicts**

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## DECLARATION

I hereby declare that no parts of the thesis have been submitted to no other institution different from CEU towards a degree. To my knowledge nor does the thesis contains unreferenced material or ideas from other authors.

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## **ABSTRACT**

This dissertation addresses EU policy towards the conflicts in Transnistria, Abkhazia, South Ossetia and Nagorno-Karabakh in the post-Cold War period. It examines the dynamics of EU interventions in conflicts, asking: Why and under what conditions does the EU decide to get involved in conflict resolution? In a conflict-prone world and competing security priorities, what determines EU involvement in particular conflicts? Do supranational institutions, such as the European Commission and the EU Council Secretariat, matter in initiating, shaping and implementing EU policies on conflict resolution? To answer these questions,, I use institutionalist and intergovernmentalist theories to assess their relative explanatory power in accounting for the patterns of EU interventions in conflict. I find that these approaches are broadly complementary: institutionalism explains EU interventions in the low-politics areas of conflict resolution, while intergovernmentalism explains EU behaviour in the high-politics areas of intervention.

When it comes to intervention in conflicts, EU foreign policy is like a light airplane: it can fly without being caught on radar as long as it flies ‘low’. By flying low (and slow), such an airplane can advance quite far into ‘enemy’ territory. However, if it increases its altitude above a certain threshold, it risks being detected by radars, and actions may be taken to halt the aircraft. The same holds true for EU interventions in conflicts. To avoid challenging EU member states, EU institutions often employ stealth intervention, operating predominantly in uncontroversial and depoliticised aspects of conflict resolution. By “flying low,” they are thus able to gradually extend their mandate from low-politics areas of conflict resolution to the high politics realm of overt intervention. Using a strategy I call “dosage”, EU institutions engage in a series of low-cost actions , which, over a longer period of time, can yield

significant cumulated policy impact. However, if their involvement becomes suddenly controversial, as when EU institutions enter suddenly into the realm of high-politics, EU member states may move to limit their autonomy.

The dissertation traces the politics of stealth intervention by EU institutions using unpublished empirical data related to the EU decision-making process as well as interactions between the EU institutions, EU member states, and Russia in the conflict zones in question. I find broad support for the theory of “dosage” across these cases. The use of this strategy by EU institutions in Transnistria has been largely successful because their engagement was perceived as non-threatening to the security interests of EU member states: the environment is largely non-violent, Russia is far removed, and the EU could influence conflict settlement patterns through trade and border-management assistance, rather than direct peacekeeping missions. However, in the more violence-prone conflicts such as Abkhazia, South Ossetia, and Nagorno-Karabakh, EU member states have stayed firmly in charge of the EU policy, and as a consequence, the proactive approach of EU institutions has been greatly constrained, often leading to failure to intervene.

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## List of Abbreviations

ATP – Autonomous Trade Preferences

CFSP – Common Foreign and Security Policy

CiO – Chairman-in-office

CIS – Commonwealth of Independent States

PSC (or COPS) – Political and Security Committee, or in French Comité Politique et de Sécurité

ENP – European Neighbourhood Policy

ENPI - European Neighbourhood and Partnership Instrument

ESDP – European Security and Defence Policy

EU – European Union

EUBAM – EU Border Assistance Mission to Ukraine and Moldova

EUSR – European Union’s Special Representative

EU SSR – EU Security Sector Reform Mission

GSP – Generalised System of Preferences

OSCE – Organisation for Security and Cooperation in Europe

RELEX (DG) – Directorate General for External Relations in the European Commission

USSR – Union of Soviet Socialist Republics

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## CHAPTER 1: Introduction

European integration was conceived in the 1950s largely as a conflict resolution exercise. Its means were economic, but the objective mainly political: to pacify Europe. As integration advanced and the potential for conflicts in Western Europe faded, the European Union's concern with conflicts has become increasingly externalized. From the Balkans to the Middle East, and from the South Caucasus to Western Sahara, the European Union (EU) is encircled with conflicts that affect European security (European Security Strategy 2003). The EU has little choice but to consider action, because "In its neighbourhood and beyond, the EU cannot confine itself to the economic and political spheres; it also needs to be able to guarantee stability, prevent conflicts and manage crises on its own doorstep" (European Commission 2004a). In a difficult milieu, the EU has become increasingly, though hesitantly, active in the conflict regions on its doorstep.

The EU's main objective in the neighbourhood is to establish a ring of well-governed, prosperous and democratic states. But there is little the EU can do in the eastern neighbourhood without addressing the secessionist conflicts in Transnistria, Abkhazia, South Ossetia and Nagorno-Karabakh. One can hardly dream of good governance and functioning state institutions when the poorest European states invest heavily in their military, do not control significant parts of their borders, where smuggling and corruption in and around the conflict zones flourish, publics have become increasingly radicalised, military escalation becomes ever more likely, and defence spending growth approaches the double-digits. The August 2008 war in Georgia tragically highlighted the fact that contrary to wide-spread beliefs, these conflicts are not "frozen". Their settlement is. A better analogy is that of a frozen river: the ice on the surface may be apparently immobile, but underneath it currents



continue to run (Fall 2006). At times they erupted on the surface leading to renewed bloodshed as in Abkhazia in 1998 or South Ossetia in 2008. These conflict zones might be invisible on the map of the world, but they are real political phenomena that affect the development of the European foreign and security policy, as well as EU relations with virtually all of its partners in wider Europe: Russia, Ukraine, Moldova, Georgia Azerbaijan, Armenia and even Turkey. EU actions in the Balkans also reverberate across the European neighbourhood. The recognition of Kosovo independence by most EU member states have created tensions with Russia; fostered insecurities in Moldova, Georgia and Azerbaijan; and given hopes to the breakaway regions of Abkhazia, South Ossetia, Nagorno-Karabakh, Transnistria.

It is not surprising that after the launch of the European neighbourhood policy (ENP) in 2003, the EU has deployed a widening array of foreign policy instruments aimed at influencing conflict settlement patterns in these conflict areas. The EU appointed an EU Special Representatives (EUSR) on the South Caucasus and Moldova. It has launched an EU rule of law mission to Georgia and a border assistance mission to Moldova and Ukraine. After the 2008 war in South Ossetia, the EU became a key mediator between Russia and Georgia, deployed a mission of unarmed military observers, reversing a traditional policy of reluctance to get involved in Georgia's conflicts. The EU has also been involved in reform of the border management system in Georgia and has discussed a possible contribution to peace-keeping contingents in Nagorno-Karabakh, South Ossetia and Transnistria. The EU became an observer in conflict-settlement negotiations between Moldova and Transnistria. The EU has also increased financial assistance, offered trade liberalisation and inclusion in some EU agencies and programs to all of its neighbours, liberalised visa policies for Ukraine and Moldova, signed an energy partnership with Azerbaijan, and offered Moldova and Ukraine

inclusion into the European Energy Community. Until the 2008 war in Georgia, the EU was the single biggest international donor to post-conflict rehabilitation efforts in Abkhazia and South Ossetia (though Russia was certainly a bigger donor if the paying of pensions or military support to Abkhazia and South Ossetia is counted). It promised to re-build infrastructure in Transnistria in the event that the conflict is solved, and gave Transnistrian companies easy access to the EU market if they register with the Moldovan government. The EU has also used sanctions and pressures to advance conflict resolution. It introduced a travel ban on the leadership of Transnistria; and the EU border assistance mission to Ukraine and Moldova put significant pressures on smuggling activities in and around Transnistria, raising the costs of the status quo.

However, the growing list of EU foreign policy actions is offset by a similarly expansive list of potential EU actions that have ultimately failed to materialise, including the deployment of EU peacekeepers in Moldova and Nagorno-Karabakh and border monitoring in Georgia. Significantly, the EU has utterly failed to contribute to conflict settlement in Nagorno-Karabakh. Despite a fast-growing European Security and Defence Policy (ESDP) and high-level declaratory commitments to establish a strong EU presence in the neighbourhood, the level of EU engagement in conflict resolution in Moldova and the South Caucasus is unremarkable, and in certain ways pales in comparison to EU commitments to conflict resolution not only in the Balkans but also in sub-Saharan Africa, Indonesia, and the Greater Middle-East where EU conflict resolution efforts have often been more robust.

### **The Question: Explaining EU Conflict Intervention**

The discussion whether and how EU institutions intervene in conflict settlement efforts is not just a theoretical exercise, as it potentially has huge implications for real life developments. Today's conflicts cannot have a purely military solution as they require a wide range of tools

for conflict settlement such as huge amounts of economic aid, civilian policing in conflict areas and reforming courts and border management agencies. The EU is uniquely positioned to provide such an integrated approach to conflict management where military and civilian capabilities can be blended together with reconciliation assistance, trade concessions and support for institution building. EU's value added to international conflict management efforts partly stems from its size. A union of half a billion people that successfully ensured a largely peaceful Europe for the last 60 years, and now disburses over a half of global development assistance to poor and conflict-prone regions can become a truly global force for good. No single European country would be able to influence conflict settlement patterns the same the EU could do. Thus the debate whether and how the EU as one actor intervenes in conflict resolution patterns worldwide is not just a theoretical exercise, but can change the lives of hundreds of thousands of victims of territorial conflicts.

This dissertation does not assume that EU intervention in conflict resolution is inherently positive. In fact the EU, just like any other actor, can undertake actions that harm conflict settlement, and many would argue that it did just that in Cyprus or Kosovo. Moreover, this dissertation does not assume that all EU member states should let a common EU foreign policy supersede their own national policies. However, all EU member states have expressed a clear determination to build an EU common foreign and security policy and contribute to conflict resolution in the neighbourhood through common actions. So far it is not clear whether the EU lives up to its potential and declared ambitions as a foreign policy actor. But how it scores in this ambition has clear cut practical, as well as theoretical relevance. That is why this dissertation seeks to assess how the EU acts as a conflict resolution actor.

This dissertation addresses the puzzle of EU policy toward the secessionist conflicts in the eastern neighbourhood: Transnistria in Moldova, Abkhazia and South Ossetia in Georgia and the conflict between Azerbaijan and Armenia over Nagorno-Karabakh. A number of empirical puzzles have been at the source of this research. I question the main determinants of EU involvement (or lack thereof) in conflict resolution processes. Given the global ambitions of EU foreign policy, why does the EU choose to get involved in some conflicts in the neighbourhood, but not in others? I start by questioning why and under what conditions does the EU decide to get involved in conflict resolution? What determines the scope and form of EU conflict resolution efforts? Why most EU conflict resolution policies are non-military in nature, even though EU member states are extensively involved in peacekeeping operations worldwide?

To answer the above set of broader questions related to the EU as a foreign policy actor, a number of empirical issues are addressed. The story of EU conflict resolution in the eastern neighbourhood is full of apparent contradictions. This demonstrates that EU intervention is an under-theorized phenomenon, especially when it comes to explaining *non*-involvement in conflicts in the eastern neighbourhood. In addressing this gap, I ask the following questions: why is the EU involved in conflict resolution in Transnistria, Abkhazia and South Ossetia, but not in Nagorno-Karabakh? More narrowly, why has the EU established border assistance teams to Moldova and Georgia, but avoided to even seriously discuss the sending of peacekeepers, at least before the August 2008 war?

Perhaps, most important is the fact that identifying patterns in EU policies toward conflicts in the eastern neighborhood also contributes to the more fundamental discussion on the nature of the EU as a foreign policy actor. This research sheds more light on the interplay between

various EU institutions and EU member states by asking questions such as: What is the relationship between EU institutions and member states in EU foreign policy? What drives EU involvement in conflicts? Is EU policy toward separatist conflicts in the neighbourhood merely a function of the interests of member states that dominate EU foreign policy? Do supranational institutions matter in initiating, shaping and implementing EU policies on conflict resolution? If they do matter, when, how and under what conditions will the workings of these institutions trump the interests of EU member states? Can general theories of European integration help to account for the patterns of EU conflict resolution? What are the dynamics of cooperation or competition between the various actors operating from within the EU Council, the European Commission and EU member states when it comes to EU policies toward conflict resolution?

### **The Literature**

Despite the fact that EU foreign policy is one of the most popular topics in European Union studies today, it remains chronically under-theorised. This is all the more so when it comes to analysing EU conflict resolution policies. To begin with, most of the existing literature on the EU and conflict resolution is predominantly empirical (Sourd 2005, Faria 2004, Ioannides 2006, Emerson and Gross 2007, Batt 2004, 2005, Knaus and Cox 2004, Martinelli 2006, Gunaryadi 2006, Grevi 2005, Salmon 2002, Monar 2002, Tannam 1997, K.Smith 2003, de Vries 2002, Piana 2002, Bourne 2003b). A number of authors use mid-range theories to conceptualise the EU role in conflict resolution (Hill 2001, Coppieters et al 2004, Tocci 2004c, Barbe and Kienzle 2007, Papadimitriou et al 2007). However, these studies do not offer a theoretical framework for understanding EU involvement in conflicts more generally.

Second, with a few notable exceptions (Coppieters et al 2004; Tocci 2007), most of the existing publications on EU and conflict resolution are single-area case studies (Nugent 2000,

Diez 2000, Salmon 2002, Aoun 2003, Tocci 2004a, Faria 2004, Sourd 2005, Rumelili 2007). These case studies are rich in empirics concerning the workings of the EU, the policy instruments it uses and the impacts its actions have. Nonetheless, single case-studies do not allow for a comparative analysis of EU actions across cases, thereby limiting opportunities for valid generalisations across cases. There is an emerging literature comparing two or more cases of EU involvement, but they are also predominantly empirical or focus on specific EU policy instruments (such as civilian crisis-management, or EU Special Representatives) across a number of conflicts (Merlingen with Ostrauskaite 2006, ICG 2006, Grevi 2007, Gross and Emerson 2007).

Third, most of the literature theorising EU and conflict resolution concern states that were or are (potential) candidate states for EU membership - Cyprus, Central and Eastern Europe, Turkey and the Western Balkans (Diez 2002a, Kelley 2004, Merlingen with Ostrauskaite 2006, Tocci 2007, Jenne, forthcoming). In all these cases, the EU has used its most potent external policy instrument so far – membership conditionality--investing enormous amounts of funding into promoting conflict resolution, supporting reforms and preventing conflicts. The EU policy toward secessionist conflicts in EU member states or candidate countries may thus tell us little about what drives the EU in conflict resolution on a global scale. This is because EU foreign policy is largely tied up with enlargement policy in European cases of conflict.

But the most important limitation in virtually all the existing research on EU and conflict resolution is that much of it selects heavily on the dependent variable, as analysts focus almost entirely on conflicts where EU involvement already occurs. EU decisions to intervene in such conflicts have variously been explained through humanitarian concerns (Sudan, DR

Congo), geopolitics (Western Balkans, Moldova, the Middle East), commitment to alliance with the US (Iraq, Afghanistan) and external pressures and expectations for action (Afghanistan, Iraq, Sudan, Chad, DR Congo, Moldova, Georgia). However, only a few studies seek to explain why the EU chooses *non*-action in some cases (Helly 2003). In other words, virtually none of this scholarship explores non-events, i.e. cases where the EU chose not to intervene. This creates a significant selection bias in attempts to explain EU involvement. EU inaction or decisions not to intervene in conflicts provide additional information concerning the nature of the EU as a foreign policy actor, and such cases have significant untapped analytical potential. By studying only those cases where the EU engages in conflict settlements, one cannot answer important questions such as: Why and under what conditions does the EU decide to get involved in conflict resolution? When does the EU choose not to intervene? Once a decision to intervene is taken, what determines the type of intervention the EU will pursue?

The empirical record and existing literature on EU involvement in separatist conflicts is discussed in greater detail in Chapter 3. As I argue in this dissertation, decisions about non-involvement are as important and revealing about the nature of the EU as a foreign policy actor as the decisions to intervene. Therefore, one should take a step back in the policy process and study not just the results of EU interventions in conflicts, but how the EU decides to intervene, which has been largely overlooked in the existing literature. By problematising the decision to intervene, and the way the EU proceeds to make such decisions, we can advance existing understandings of the pattern of EU engagement in conflicts worldwide. Such a research project also builds on existing literature on third-party intervention in conflicts (Dixon 1996, Bercovitch 1997, Regan 2000, Regan and Aydin 2006). However, this body of literature has been mainly concerned with intervention by regional actors around the

conflicts zones, or international organisations such as the UN or OSCE (Diehl et al 1996, Wallensteen 2002, Aksu 2003).

### **Competing Explanations**

The EU studies literature offer possible accounts for the pattern of EU conflict resolution. Chapter 2 sets forth two competing explanations of EU conflict resolution—intergovernmentalist and institutionalist. A liberal intergovernmentalist (Moravcsik 1991, 1993, 1998) explanation of EU conflict resolution would be as follows. First, EU member states individually decide whether they have an interest in getting involved in a particular conflict. The domestic factors influencing this decision include political pressures from public opinion or domestic interest groups (businesses or ethnic diasporas) or geographic proximity to conflict zones that could lead to refugee inflows or spillover of organised crime. EU involvement is then negotiated multilaterally. The EU has limited foreign policy resources - from the number of militaries to deploy in peace support operations to development funding - and various EU member states lobby for the EU to pay attention to specific conflicts in what is often a zero-sum game competition for resources. EU member states therefore bargain over the modalities and scale of EU involvement in the conflict. Big EU member states will have a greater say in the determination of EU involvement. Because EU foreign policy cooperation decision-making is intergovernmental, brakemen, or reluctant EU member states, have greater bargaining power, reducing the scope of EU engagement to the lowest common denominator. EU institutions do not play an independent role in this process, as member states keep institutions in check through their embassies in the countries affected by the conflict and by their representatives in Brussels. When institutions overstep the lowest common denominator, they are penalised by EU member states.



An alternative account of EU foreign policy is provided by institutionalist theories. While such theories recognize the importance of EU member states in shaping EU foreign policy, EU institutions are seen to play an independent role in the process. They are thus able to generate policy outcomes that go beyond what the member states initially intended. They have preferences of their own and varying degrees of autonomy, they seek to maximise their power through agenda-setting, information asymmetries, and manipulation of member states. Moreover, the interests of states are defined not only in domestic settings, but also as a result of spillover, which creates pressures to expand EU policy activities from one area to another. For example, the EU signed a visa-facilitation agreement with Russia, but not with Georgia. Given that the majority of inhabitants of South Ossetia and Abkhazia are Russian citizens, they could therefore benefit from facilitated visas to the EU while Georgians could not, despite an EU policy that seeks to make remaining in the state more attractive than seceding to the residents of the secessionist entities. Such a situation created significant political pressures on the EU to offer Georgia a visa facilitation agreement as well, even if the EU did not initially plan to do so. Thus, the EU inadvertently became increasingly involved in these conflicts, even though this was not the original intention of its member states. Generally speaking, EU institutions seek to expand their competencies, relevance and activities. Therefore, they are natural promoters of greater EU conflict resolution. EU institutions also use *external stimuli* or crisis situations to strengthen their demands vis-à-vis EU member states for policy action at the EU level.

### **The Argument**

Both liberal intergovernmentalist and institutionalist accounts illuminate important aspects of EU intervention into post-Soviet conflicts. Rather than refuting one or the other theory, this dissertation tries to construct a unified theory of EU conflict resolution; in doing so, I identify the conditions under which EU foreign-policy decision-making is primarily

intergovernmentalist, and the conditions under which institutions play an important intervening role in the EU foreign policy decision making.

One of the main arguments of this dissertation is that EU foreign policy is like a light airplane: it can fly without being caught on radar as long as it flies 'low'. By flying low (and slow), such an airplane can advance quite far into 'enemy' territory. However, as soon as it increases its altitude, it will be detected by radars, and actions may be taken to halt the aircraft. The same applies to the role of EU institutions in conflict resolution. To avoid stepping on EU member states' toes, EU institutions adopt a policy of stealth conflict intervention, where they move carefully and quietly by operating predominantly in the low-politics of conflict resolution. By "flying low," they are capable of gradually extending their prerogatives and EU-level foreign policy in low-politics issues. EU institutions sponsor the adoption by EU member states of low-cost actions undertaken over longer periods of time, which can lead to significant cumulated policy impact. I call this process "dosage". However, if certain issues suddenly become controversial, or EU institutions enter into high-politics, and move too far from the anticipated lowest common denominator as part of their pro-active approach to conflict resolution, EU member states may move to limit their autonomy, and the lowest common denominator tends to prevail. Moreover, this is a dynamic process. Some issues related to EU conflict resolution can emerge as low politics, but then move into high politics as a result of member states' attention or externally-driven politicisation of the issue. The reverse is also possible. EU institutions might seek to de-politicise issues in order to have higher autonomy of action in their foreign policy interventions.

Old definitions of high and low politics need to be reconsidered for the purposes of this analysis. High-politics used to refer to traditional security issues of political sovereignty,

foreign policy, defence and/or identity of states; while low politics referred to issues of economic integration, built on routine exchanges between technocrats, which have clear and measurable gains for its participants (M. Smith 2003:5-6). But this classical distinction is of little help in modern EU decision-making. A new classification is needed.

The controversiality of a policy decision constitutes the new barometer of high-politics and low-politics. High politics aspects of EU conflict resolution are thus decisions that are taken in crisis situations; these decisions tend to be controversial and may provoke political conflicts with external or internal actors and/or lead to violence. The high politics of conflict resolution involve decisions to send peace-keepers, civilian operations in a violent environment, or the imposition of high-cost sanctions such as economic embargoes or boycotts. Policies enter the realm of high politics if external actors raise their salience by “securitizing” them<sup>1</sup>, bringing them into the political domain or treating EU conflict resolution as a hostile action. The low politics of foreign policy refers to bureaucratized, routine or relatively uncontroversial decisions that have low potential for violence and are unlikely to provoke political conflicts with external actors. These include largely technical policies such as financial assistance, low-cost sanctions (such as visa bans, but not embargoes), support for institution-building, education programs, trade-promotion, the dispatch of border monitors or police officers in non-violent environments, and mediation of power-sharing agreements. These “low politics” issues generally exist outside the political realm and are therefore unlikely to foment violent crises.

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<sup>1</sup> Ole Waever defines securitization as a processes whereby an issue is “presented as posing an existential threat to a designated referent or object” (1989), while Barry Buzan (1997) identifies that securitization presupposes the assertion of an existential threat which “requires exceptional measures and/or emergency action to deal with it” meaning that it is removed from the realm of politics to the realm of security (Dannreuther 2007).

The nature and the controversiality of issues can vary over time, depending on external involvement, and the security situation on the ground. Thus it is most useful to see the divergence between high- and low-politics as a continuum where the border between the two varies across time and conflict zones. Political actors can transform low politics issues into high politics issues by escalating the political tensions around them. A typical example is Russia declaring its opposition to EU involvement in peace support efforts in the eastern neighbourhood, even if such support is seen as relatively uncontroversial by the EU. Such opposition typically enhances the political salience of otherwise low-level EU actions, by placing them in the broader political context of EU-Russia relations, thus raising the political costs of EU intervention. But EU institutions can also play the opposite game of de-politicising issues in order to have more room for manoeuvre in tackling them.

Based on the set of theoretical assumptions outlined above, I make a number of claims regarding EU conflict resolution. To begin with, I argue that *the influence and autonomy of EU institutions is greater in the low-politics of conflict resolution*. Such institutions include both the European Commission and institutional agents working in the EU Council such as the EU Special Representatives, or ESDP missions. Such a claim is consistent with the argument that in times of high-level negotiations between EU member states, institutional autonomy is significantly reduced (M. Smith 2004b:741), although routine decision-making gives EU institutions greater organizational autonomy. Consequently, where conflicts entail significant dangers of violence or affect relations with important non-EU partners – such as Russia, the US or Turkey - EU member states maintain strict control over EU foreign policy-making. Among post-Soviet secessionist conflicts, this implies that EU institutions have the highest autonomy in Transnistria, because the likelihood of violence is lowest in this region and because Russia is less involved in Transnistria than in Abkhazia or South Ossetia. In

Nagorno-Karabakh, there is a higher likelihood of violence, which reduces the level of autonomy for EU institutions in conflict resolution issues. In Transnistria, EU institutions were engaged in the low politics of border- and customs-management through the EU Border Assistance Mission to Moldova and Ukraine, which was the single biggest EU operation in a conflict zone not run by the EU Council under the ESDP. In South Ossetia, the European Commission was an observer in the so-called Joint Control Commission when economic rehabilitation of the region is discussed. Border-management in Moldova and economic rehabilitation in South Ossetia are clearly low-politics issues. On the contrary, EU member states retained strict intergovernmental control over attempts of the EU to play a greater role in border-management issues in Georgia's conflicts, which are high-politics issues because of higher likelihood of violence, but also because Russia is much more opposed to EU involvement in these conflicts. But the nature of issues also changed over time. For example in Moldova the risk of violence is low, but Russian opposition to EU actions can transform EU involvement in this region into a high-politics issue.

Because EU institutions have more room for manoeuvre - more autonomy, more prerogatives, and more policy space – in the low-politics methods of conflict resolution, the EU institutions try to depoliticise the politics of EU conflict resolution. Because *EU institutions have an in-built predilection to act in low politics, EU policies are skewed in favour of relatively uncontroversial, risk-averse methods of conflict resolution.* Hence, the EU has a predilection for technical and low-profile means of conflict resolution. This implies that the EU is concerned mainly with modifying the context in which conflicts occur rather than getting involved in high profile conflict resolution efforts such as peace-keeping, conflict mediation or high-level diplomacy. The EU is much better at tackling shadow-trade war economies and curbing economic motives underlying conflicts than engaging in hard-security issues (Weiss

2008:13). The result is that out of 21 EU operations (mainly ESDP) only five have been military, and the rest civilian, as of mid 2008. Most of the civilian missions have been either concerned with low-politics (customs and border issues, rule of law, police training, security sector reform) or they have happened in relatively non-violent environments with the agreement of both conflict parties (Bosnia, Macedonia, Kosovo, Indonesia, Georgia, Moldova, Guinea-Bissau). Often EU conflict resolution is driven not by necessities on the ground in conflict zones but by what is possible in Brussels, i.e. what EU member states can agree upon. This predilection for low-politics clearly marked the policies of EU conflict resolution in the eastern neighbourhood, where the EU Special Representatives and the European Commission clearly avoided undertaking high-profile actions and opted for low-visibility, technical and depoliticised EU actions. EU member states however disproportionately take the lead on military peacekeeping operations, where EU countries are involved either unilaterally, as part of “coalitions of the willing”, or under a UN mandate as in Lebanon, Afghanistan or Cyprus. .

Even if they act predominantly in the low-politics of conflict-resolution, EU institutions often have a propensity to be pro-active in foreign policy. As many other bureaucratic structures EU institutions are driven by a desire to expand their mandates and power. This is often constrained by EU member states due to national sensitivities, competing priorities, or the expected impact of EU intervention on their relations with third countries. Foreign policy making at the national level is still the norm, and action at the EU level is not always desired by EU member states. To resolve these contradictions *EU institutions seek to increase EU conflict resolution through a strategy of “dosage”. In order to circumvent potential opposition by member states, EU institutions promote a series of low-intensity measures that over time can amount to substantial policy packages.* The sequence is the following. EU

institutions first engage in anticipatory adaptation to expected EU member states' preferences. Their primary concern is to initiate policies that are most likely to be accepted, or at least not opposed, by reluctant member states. At the same time, their proposals for EU actions usually go one step further than the lowest common denominator policy, but they do not go much further than that. For example, an EU Special Representative might think that the EU should engage with peacekeepers in conflict area Y if he/she wants to make a significant contribution to the settlement of that conflict. But he/she also knows that this is unlikely to be accepted by certain EU member states. Thus, the EUSR will most likely not propose the deployment of EU peacekeepers, but instead a less controversial policy, such as deploying civilian crisis-management capabilities or increasing economic assistance. But EU institutions also try to circumvent potential opposition from member states by disaggregating bigger political objectives into smaller "doses" of conflict management, which are then proposed one by one to member states over longer periods of time. By putting low-politics, low-cost, technical and relatively uncontroversial policy proposals on the policy agenda, EU institutional agents increase the probability that such policy initiatives will be approved by reluctant EU member states. They then repeat this tactic again and again, which amounts in time to the build up of increasing levels of EU conflict resolution. Due to "dosage," it is often easier for EU institutions to expand their actions further by building on previous actions and arguing that the achievement of initial objectives necessitates a higher level of commitments to EU conflict resolution (spillover).

This was the *modus operandi* of the EU in the conflict in Moldova. An example of the way the EU got involved in Moldova was the case of border management. Since early 2003, the European Commission has sponsored Moldova-Ukraine consultations on border management in Transnistria in order to prevent trafficking and smuggling in the region. Ukraine was

reluctant at the time to accept joint border posts with Moldova or to invite an EU border monitoring mission. However, the Orange Revolution provided a window of opportunity for the EU to get involved in border-monitoring in this case. Initially, the EU deployed a 70-person mission with a EUR 6 million budget for two years in late 2005. In March 2006, the EU pressed Ukraine to turn away Transnistrian goods without Moldovan customs stamps. In mid-2006, the EU institutions obtained an extension of the mission to 122 international experts and a tripling of the mission's budget to EUR 20 million. In late 2007, the mandate of the mission was extended for another two years, and the budget was raised to EUR 24 million. Through a series of policy doses, the EU has increased its presence on the ground over time. Had the EU institutions requested such a big mission (122 persons, and a 24 million budget) from the very beginning, the likelihood of approval would have been much lower. A similar strategy of dosage was applied in Georgia, though less successfully. In 2005, the EU deployed a three-person team to look into possibilities for EU assistance to Georgia's border management system. A few months later, the number of EU Border support teams was increased to twelve. Throughout 2007-2008, the EU institutions tried to increase the number of personnel working on the team, and pushed to extend the scope of the mandate to make it possible for EU experts to work on border issues around Abkhazia and South Ossetia. They managed to secure an enlargement of the mission's mandate, but failed to obtain the extension of the team because some member states feared that this would friction with Russia. This was a clear example of a "dosage" that failed because it touched upon issues that were too high-politics for EU member states.

However, dosage does necessarily lead to an ever-expanding EU role in foreign-policy, since EU member states can counter such trends. The most obvious way is by vetoing EU foreign policy decisions. However, no EU member state wants to be seen as systematically



“obstructionist” of EU conflict resolution in the neighbourhood. Hence, states tend to hide behind one another’s backs. Such instances occurred on a number of occasions in the EU policy towards Georgia, but also during a brief Spanish-Moroccan spat over the Perejil Islands in 2002 when Morocco occupied a small Spanish island and the EU failed to show solidarity with Spain (Monar 2002). Similarly, when EU representatives discuss common policy toward the neighbourhood, many EU member states speak out against a too assertive EU. Importantly, however, they do so in turns. As some EU policy-makers observe, one day and on one issue, it is country X that speaks against such policies, while another day and on another issue, it is country Y that expresses its opposition. The result is what I call “carousel foot-dragging” when policies are blocked or made advance extremely slowly, if at all, but where no single state is seen as systematically obstructionist in the eastern neighbourhood. If dosage is a way to expand common EU foreign policy action, carousel foot-dragging is a way to counter such pro-active policies at little reputational cost for EU member states.

Furthermore, *when EU institutions move into high-politics without a mandate from the member states, EU member states attempt to roll back EU institutional activism, if necessary by punishing institutional agents.* If and when EU institutions are perceived as too pro-active in their “dosage”, i.e. if they try to promote policy initiatives that are too controversial and too far from the perceived lowest common denominator, EU member states seek to reassert control over EU institutions. To return to an earlier metaphor: when an airplane flies so high that it can be detected by radar, this is likely to provoke action to halt it. Similarly, when EU institutions move into high-politics, EU member states may punish EU institutional agents by refusing to prolong their mandates or opposing their initiatives. This was the case with the EU Special Representative on Moldova in 2005-2007 who was promoting the idea of an EU peacekeeping operation in Moldova against the wishes of several key EU members and even

parts of the EU Council Secretariat. In the end, the EU Special Representative was forced to resign over this.

Finally, I argue that the EU is vulnerable to external influence in this policy realm, making it possible for *external actors to affect EU decision-making by transforming the question of EU involvement in a conflict into an issue of high politics or by lobbying EU member states or business groups to promote a specific EU policy toward the conflict*. Non-EU member states can promote or block EU intervention by pressuring EU member states. For example, Georgia has allies inside the EU (Estonia, Latvia, Lithuania, Poland, Romania, and Bulgaria), which lobby the EU to pursue more supportive policies on behalf of Georgia with respect to its separatist regions. Romania and Lithuania are constantly lobbying for greater EU support for Moldova. However, such lobbying is often insufficient to galvanize EU intervention. This is because blocking EU action is almost always easier than inducing EU action. This is all the more so in the area of EU foreign policy, where every single EU member state has a veto right, which is not the case for most economic issues where many decisions are taken by qualified majority voting. Thus the opposition of a single member state can have enormous constraining effects on the EU's capacity to undertake foreign policy actions. This makes it relatively easy for non-EU member states to slow down EU decision-making machinery on EU conflict resolution by building close bilateral relations with specific EU member states. For example, Russia lobbies friendly EU member states- such as Germany, Italy, Greece or Cyprus--to prevent greater EU engagement with the post-Soviet states (Russia is also a regular supporter of Cyprus in the UN when it comes to the conflict with North Cyprus). This obviously competes with positive pressures to engage from other EU member states.

Caught between such cross-pressures, EU decisions will tend to be biased in favour of the preferences of dominant EU member states. For example, if Georgia demands EU conflict resolution while Russia opposes it, the EU will be biased in favour of non-action because most EU member states with significant business lobbies value good relations with Russia over good relations with Georgia. Because of high-level disputes between Russia and Georgia, the policy of EU conflict resolution in Abkhazia and South Ossetia is seen by most EU member states through the prism of their relations with Russia. Hence, many member states are reluctant to support Georgia in the conflict, for fear of irritating Russia. This greatly constrains EU conflict resolution in these regions. Of course, the wars did galvanise the EU into taking action, but the EU member states opted for minimalist policies in the face of external opposition by Russia.

### **Concepts and Definitions**

In order to elaborate on my research on EU foreign policy behaviour a few definitions are necessary. *EU foreign policy* refers to the sum of foreign policy activities undertaken by EU institutions as well as EU member states when they implement priorities agreed at the EU level in relation to third party actors. *EU conflict intervention*, like any other EU foreign policy, refers to activities undertaken on behalf of all EU states toward non-members, international bodies or non-state actors in response to global events or specific issues; they are made operational with physical activity such as financing or diplomacy and are undertaken in the context of discussions within EU institutions (Ginsberg 1989, 1991). *Stealth conflict intervention* refers to careful and quiet EU attempts to play a bigger role in conflict resolution issues without arising the open opposition of EU member states or external partners.

*EU institutions* refers to the European Commission and EU Council Secretariat (including the EU Special Representatives) as the main EU foreign policy actors that have executive powers

to pursue EU foreign policy objectives worldwide. Such a definition excludes the European Parliament whose powers in foreign and security policy are extremely limited and whose impact on the daily decision-making process of EU interventions in conflict resolution are virtually nil.

*Spillover* is a situation when an action in a certain area creates pressure for actions in adjacent policy domains, otherwise the objective of the primary action might not be entirely fulfilled. ( Haas 58:283-317, Lindberg 1963:10). *External pressures* for EU action refers to exogenous factors affecting the EU decision-making process. These pressures include endogenous or exogenous crises (such as wars), demand, and expectations for EU action from non-EU actors, as well as constraints imposed on EU action by external actors. The *lowest common denominator* refers in this context to the outcome of negotiations that coincides with the maximum compromise by the EU member state that is least interested in departing from the status quo.

*Conflict resolution or conflict-settlement* processes refers to mechanisms through which conflict parties and international actors try to transform and solve secessionist conflicts through means of diplomacy, financial assistance, support for institution building, conditionality, and deployment of peace support operations, civilian or military. External interventions in conflict settlement can also have various phases and intermediary objectives such as the transformation of conflicts by making conflictual positions more compatible or the management of conflicts in order to maintain their escalation (Coppieters 2007:3).

High-politics refers to controversial, politicised and securitized EU decisions to intervene in conflict-resolution processes where a danger of violence is present, or EU intervention is

strongly opposed by other stake-holders. The low politics of conflict resolution comprises routine and uncontroversial decisions to support conflict prevention or post-conflict rehabilitation in non-violent conflict zones through financial means or civilian crisis management capabilities.

“Dosage” refers to the strategy of disaggregating policy objectives into sequences of low-cost, technical and relatively uncontroversial policy actions, which are proposed by EU institutions one by one to member states over longer periods of time. Such a strategy decreases potential opposition to new policy initiatives (because they are low-cost), but repeated again and again can amount to substantial policy changes. Carousel foot-dragging refers to the process in which EU member state delay or block EU foreign policy actions in turns, without being seen as overtly obstructionist.

### **Case Studies**

In order to test the hypotheses on EU conflict resolution, I study the development of EU policies toward four secessionist conflicts in the former-Soviet Union, namely the conflict in Transnistria (Moldova), Abkhazia and South Ossetia (Georgia) and Nagorno-Karabakh (Azerbaijan). I disaggregate the case studies to multiply observations (Moravcsik 1998:19).

I selected these cases for a number of reasons. First, in order to study what drives EU conflict resolution, we must understand how the EU negotiates competing priorities with respect to these conflicts. Thus, I excluded cases of EU involvement in prospective member countries (Cyprus and the Balkans), because they are not representative of EU foreign policy toward conflicts more generally. Because these conflicts are situated in prospective member states, we see the highest levels of political, diplomatic, military and/or financial EU involvement. Because most decisions regarding EU conflict resolution will not involve prospective member

states, however, the conditions that dictate such high levels of EU engagement are unlikely to be replicated elsewhere. If we need to understand what drives the EU as a foreign policy actor, not an ever-enlarging entity, we need to look beyond cases which are not likely to join the EU in any foreseeable future. Conflicts where the EU is highly unlikely to become involved have less explanatory value. Instead, we must study EU decision-making in conflicts where EU involvement is not a foregone conclusion in either direction, and explain what drives EU policy choices in relation to those conflicts. The European neighbourhood provides a good set of conflicts for analysis because many of the background conditions of the conflicts from an EU standpoint are the same and yet EU involvement has varied considerably across these cases.

Second, I comparatively examine not the ethnic conflicts themselves, but EU policies toward these four conflicts. I also look into variations in EU policies over time in each of the cases of EU involvement. This maximises the number of observations, for there are many EU foreign policy actions with respect to each conflict. By examining the individual policy of the EU toward each of these cases, the variation of EU policies both across the four cases and within each case becomes evident (Kelly 2004:11-12). In these four cases, EU policies have ranged from relatively high levels of EU involvement (for a non-candidate country) in the Transnistrian conflict, to a virtual lack of involvement in Nagorno-Karabakh.

Third, by choosing these four conflicts I control for many background conditions that are common to the region. In all four cases, I study the involvement of the EU in conflicts that share many structural traits. They are all cases of violent ethnic secessionism where de facto states have managed to consolidate their separation from weak metropolitan centers as a result of military victories in the early nineties. One might argue that in the current studies of ethnic

conflict there is already an in-built preference to study violent conflicts (Jenne 2007). However, limiting this research to violent conflict is necessary for examining how EU institutions and member states respond to cases of conflict that clearly fall under their remit for conflict resolution.

Fourth, these four conflicts represent roughly similar levels of involvement by external actors, which influence EU decisions to become involved in the conflicts. On the one hand, Russia is very present politically, economically and militarily in the secessionist entities (although less so in Nagorno-Karabakh). Russia also tends to view with suspicion EU involvement in these conflicts, which are seen to be located in its sphere of geopolitical interests. On the other hand, the likely *demandeurs* for EU involvement - – Moldova, Georgia, and Azerbaijan - are all small states, whose problems are not very important to EU governments. All these countries are roughly at a similar stages of development of their relationship with the EU under the European Neighbourhood Policy. In all four cases of conflict, EU involvement in the conflicts is likely to have an impact on EU relations with Russia. Thus, in all four cases, the EU has a roughly similar distribution of factors supporting or hampering EU conflict resolution. Therefore, explaining the different patterns of EU conflict resolution across the eastern neighbourhood may shed light on what motivates EU decisions to become involved in some conflicts but not in others more generally.

I am aware of the limitations that my case selection imposes on arriving at generalizable predictions concerning EU intervention in conflicts worldwide. To begin with, this dissertation deals only with EU intervention (or lack of thereof) in secessionist conflicts, and

deliberately excludes any analysis of EU actions vis-à-vis civil wars or inter-state conflicts such as in Tajikistan in 1992-1997, in Algeria in 1991-2002, Afghanistan since 2001, or the Lebanon-Israeli war in 2006.

Another limitation on the generalizability of these findings has to do with the unique geopolitics of the region. On one hand, the “Russian factor” unifies the grounds for comparison of the four cases, but can also limit the applicability of conclusions from this case study to areas of the world where Russia is not a major player. In this view, Russia is in many ways a unique factor in EU foreign policy. It is the only great power that shares a neighbourhood with the EU and is often nervous about EU’s increasing involvement in post-Soviet affairs. In their deeply interdependent relationship, Russia and the EU have developed a rather ambivalent relationship that alternates between competition and cooperation, partnership and mistrust. Russian is an important constraining factor for EU involvement in the region. At the same such a pattern is not entirely unique. In a similar way, other important partners of the EU, such as Turkey or Morocco, constrain EU policies toward the Kurdish, North Cypriot or Western Sahara conflicts. Thus the hypotheses advanced in this dissertation are worth testing in other cases where the “Russia factor” is not present.

## **Methods**

In order to identify what drives EU conflict resolution, I rely on process-tracing to reveal the timing and sequence of EU actions and the attitudes of key actors driving EU foreign policy such as EU institutions and member states (George and Bennett 2005). In order to study the patterns of EU involvement in these four conflicts, I disaggregate the case studies in order to multiply observations of EU foreign policy. In doing so, I analyse the EU policy of involvement in conflict resolution at six levels by looking at: the actors involved, the process



of involvement, the stakes in the conflict, the instruments of EU involvement, the policy context and the policy output of the EU (White 1999:46).

Doing research on the EU decisions to intervene in conflicts is difficult due limited access to data. When one studies the impact of EU interventions in certain conflicts, there is much more information available than in the study of EU's internal (and confidential) decision-making. My focus on explaining not just EU intervention, but also non-intervention, complicates access to data even further. Internal EU foreign policy discussions and documents are not accessible to the public, as is the case with the foreign policy-making of national states. Moreover, when the EU decides not to undertake certain actions vis-à-vis secessionist conflicts, this is usually not reflected in the media. Hence, the necessity to rely extensively on interviews with EU and local policy-makers. This allowed this dissertation to uncover substantial new empirical data that has not been in the public domain so far.

In the analysis itself, I rely extensively on in-depth semi-structured interviews with officials and experts that have been involved in each of these conflicts. I have conducted some three hundred interviews with more than two hundred officials and experts. These include EU Special Representatives and their teams, officials in the European Commission and the EU Council Secretariat, members of the EU Border Support Team in Georgia, former members of EUJUST THEMIS Rule of Law Mission to Georgia, experts in the EU Border Assistance Mission in Moldova/Ukraine based in Odessa and field offices in Kuchurgan, Ukraine, and members of the European Parliament. I have also benefited enormously from meetings with numerous other officials and experts from all the parties involved in the conflicts, including the Russian government and international organisations such as the OSCE and the UN.

I have also met decision-makers, politicians and experts from the countries and regions concerned. Many of these interviews were undertaken during periods of longer stays across the countries and regions concerned. Altogether, I spent a year and a half in Brussels and a month stay (through several trips) to Georgia. I made shorter trips to Abkhazia, South Ossetia, Azerbaijan, Armenia, as well as Moldova and Transnistria. I got into Abkhazia through the relatively unstable Gali district, and got out on a UN helicopter. I was driven around South Ossetia in an OSCE armoured vehicle, but also in a simple car on a bypass road to Georgian villages that had been often mined and caught in cross-fires. I once stood on a balcony with pro-Georgian South Ossetian official who was a potential target for assassination attempts by snipers located on surrounding hills. And I paid a traffic fine in Transnistria because the car I drove was allegedly not corresponding to environmental standards. In the course of my field work, I have discussed EU conflict resolution in the eastern neighbourhood with Mikheil Saakashvili the president of Georgia, ministers and deputy ministers of foreign affairs, reintegration (i.e. conflict resolution) and Euro-Atlantic and European integration, officials from the pro-Georgian Abkhaz government in exile based in Tbilisi, and various other relevant officials. In Abkhazia, I met with the de facto president Sergey Bagapsh, deputy prime-ministers and the foreign minister of the secessionist entity. In South Ossetia, I met the de facto foreign minister of the region Murat Dzhioev as well as Dmitry Sanakoev, the head of the pro-Georgian administration of South Ossetia. I have discussed EU policy toward the respective conflicts with the Moldovan minister of reintegration, Ukrainian minister of foreign affairs, Armenian deputy-foreign minister and numerous other officials involved or interested in the conflict resolution process at all levels.

Given that there is little public record of many EU initiatives and (non-)actions vis-à-vis these conflicts zones, during the interviews I focused on finding out information on the context and

the processes of EU decision-making, failed initiatives, and what actors supported what policies.<sup>2</sup> I also enquired how EU actions are perceived by the parties to the conflict and they expected from the EU. I have conducted the interviews in Russian, Romanian/Moldovan, French and English. This allowed me to engage in conversations with the respondents in languages that they are most comfortable with, which minimised misunderstandings and improved communication. This is particularly important in the conflict zones where the knowledge of English or French is far from pervasive.

Such an interview-focused research methodology has obvious draw-backs. It is very difficult to make an exhaustive list of EU decisions to intervene or not. Personnel turnover in EU institutions is also quite high, and therefore institutional memory low. Personal biases are another factor. To minimise distortion I have triangulated information, by asking same questions, checking possible interpretations and accounts of EU (non-)actions from various decision-makers involved not just in the EU, but also EU member states, EU's partner countries, Members of the European Parliament, journalist and media reports. At the same time, such an extensive number of interviews allowed me to discover data that has not been available to the public until now.

To test my argument against competing accounts of EU conflict resolution, I relied on the theoretical assumption provided by institutionalist and liberal intergovernmentalist theories of EU decision-making (see above) to derive testable hypotheses for these accounts that may be compared for relative explanatory power against my own. It is more difficult to derive

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<sup>2</sup> I have a collection of some transcripts of these interviews and they can be made available on request. Many of the interviews were off-the-record, which means that I would have to withhold names. Some interviews/discussions have not been transcribed, since the interviewees preferred if I did not take notes, or the conversations happened in less formal settings such as dinners, exchanges of replicas in an elevator, getting questions from students, or having discussions in armoured vehicles driving through potentially mined roads.

hypotheses to test sociological accounts of EU conflict resolution. To begin with, the effects of phenomena at the core of sociological approaches--such as changing identities, communicative action and social learning--usually can be distinguished only over long periods of time when communication and interaction between agents are dense. Unfortunately these assumptions cannot be tested in the case of EU conflict resolution for a number of reasons. First, EU conflict resolution in the eastern neighbourhood is a relatively recent phenomenon, thus identity changes or patterns of behaviour, and “ways of doing things” are less established than in other areas. Second, with enlargement rounds in 2004 and 2007 increasing the number of EU states from 15 to 27, this has reduced the density of interaction in the main EU institutions that construct EU policy toward conflicts. For example, the number of persons attending the meetings of the main decision making-body on EU involvement in conflicts – the Political and Security Committee – now reaches over a hundred persons (27 ambassadors, lower level diplomats from EU member states and EU officials). Thus, such institutions have become less like a club of single-minded persons with strong personal links where interaction and communication is dense and (semi-)permanent, and more like a roundtable where communication happens across the table (Juncos and Reynolds, 2007). This reduces the potential explanatory value of sociological approaches for explaining EU conflict resolution at this stage, suggesting that the shifts in these EU policies over short periods of time are unlikely to be a function of sociological factors such as changing identities and social learning.

When I was working on a second full draft of the dissertation, in the late evening of 7 August 2008 Georgian troops moved in to recapture Tskhinvali, the capital of the secessionist region of South Ossetia. In response, Russia undertook a large scale military intervention in Georgia and later recognised the independence of Abkhazia and South Ossetia. When significant

events happen at the end of a long work on a dissertation or book, one is often left wondering whether the work has not been futile, and the theoretical claims false. This has not been the case. The main claims about EU modus of intervention in crisis-management have “survived” the 2008 war. In fact the behaviour of the EU during and after the war provided further confirmation to the claims made in this dissertation. If anything, the war and the subsequent EU intervention in conflict mediation confirmed once again the timeliness of such a research topic.

### **Overview of the Dissertation**

Throughout the dissertation runs a story that seeks to explain EU non-involvement as well as EU involvement in efforts to resolve sectarian conflicts. The following chapter sets forth a framework for analysing the politics of EU conflict resolution. It provides alternative explanations for EU involvement, and advances a set of hypotheses related to the drivers and constraints on EU conflict resolution, as well as the inter-institutional dynamics in Brussels around EU foreign policy. Chapter 3 takes a detour to explain some of the aspects of the EU’s complex machinery, which must be understood in order to explain EU policy formation in the sphere of conflict resolution. This chapter then gives a brief overview of the EU’s record of involvement and impact on conflict resolution patterns in EU member states, candidate countries, EU’s neighbourhood and the rest of the world. Chapter 4 unpacks the case of EU conflict resolution in Transnistria, the conflict with the highest level of EU engagement in the eastern neighbourhood. Chapter 5 discusses the role of the EU in conflict resolution in Abkhazia and South Ossetia. Chapter 6 explains some of the failed attempts for EU involvement in Nagorno-Karabakh and why the EU is relatively uninvolved in the conflict of this region. The issue of non-involvement in Nagorno-Karabakh provides a good test for the validity of the claims made here about the conditions under which the EU decides to become involved in conflicts more generally.

The case studies have found empirical evidence that support the claim that EU institutions have played a more significant independent role and have been able to influence policy outcomes predominantly in the low-politics of conflict resolution. When it came to high-visibility and controversial issues, however, EU member states were much more in control of the policy-agenda leading to a much more clogged decision-making process. At the same time, EU institutions try to pursue a strategy of stealth engagement in secessionist conflicts through a strategy of “dosage” by which they gradually amp up the tolerance of EU member states to EU actions.

## CHAPTER 2: Theorising EU Conflict Intervention

European Union's foreign and security policy is one of the most studied areas of European integration, and at the same time one that is almost chronically under-theorised, particularly as one moves into the more security related aspects of foreign policy. Existing theories of European integration – such as liberal intergovernmentalism, neo-functionalism or institutionalism – venture into EU foreign policy only on the margins, as they are concerned primarily with explaining the economic and political aspects of European integration. Sociological approaches to the study of the EU are better equipped to give accounts of the emerging EU foreign policy identity, but are less able to explain concrete EU foreign policy decisions and actions, especially concerning conflict resolution. The lack of theoretically informed analysis is even more acute in the study of EU foreign policy toward its neighbours under the so-called European neighbourhood policy, the scholarship on which tends to be under-theorized and highly case-centered.

This chapter seeks to shed light on the general determinants of EU conflict resolution. It aims to fill a number of existing gaps in the literature on EU and conflict resolution. This chapter seeks to answer two broad sets of questions. One is related to EU conflict resolution: Why and under what conditions does the EU decide to get involved in conflict resolution? What determines the scope and form of EU conflict resolution? In a conflict-prone world and competing security priorities, what determines EU involvement in particular conflicts? Given the global ambitions of EU foreign policy, why does the EU choose to get involved in some, but not other conflicts? Once a decision to intervene is taken, what determines the type of EU intervention into that particular conflict? Similarly important for our understanding of the EU

are explaining counterfactuals: why and under what conditions does the EU choose *not* to get involved in conflicts? What makes the EU choose not to intervene?

A second set of questions is related to a broader theoretical discussion on the nature of the EU as a foreign policy actor: What is the relationship between EU institutions and member states in EU foreign policy? What drives EU involvement in conflicts? Is this involvement the exclusive domain of member states that are notionally in charge of CFSP? Do supranational institutions matter in initiating, shaping and implementing EU policies on conflict resolution? When, how and under what conditions do they do so? Are general theories of European integration applicable to the study of EU conflict resolution?

Building on existing theories of EU integration, EU foreign policy and foreign policy analysis I develop a set of hypotheses concerning the conditions under which the EU decides to get involved in conflicts. I apply these hypotheses to the cases of EU involvement (or lack thereof) in the conflicts of Abkhazia and South Ossetia (Georgia), Nagorno-Karabakh (Azerbaijan) and Transnistria (Moldova).

The theoretical framework developed below serves two broad purposes. Theoretically, it will contribute to a more structured and theoretical discussion about EU foreign policy by relying on existing theories of European integration and EU foreign policy. Furthermore, by using extensive empirical work in Brussels and the conflict regions in question, this study tries to shed some light on the under-researched area of EU involvement in post-Soviet conflicts, the development of the European neighbourhood policy and their implications for EU-Russia relations.



In the first section of this chapter, I describe how EU conflict resolution can be explained by liberal intergovernmentalist theories of EU decision-making. In the second section, I present an institutionalist account of EU conflict resolution. In constructing these alternative accounts, I adapt approaches originally intended to explain European integration to the domain of EU foreign policy. In the third section, I advance my own account of EU conflict resolution, deriving a set of hypotheses that will be competitively tested against the hypotheses of the two alternative accounts in order to assess their relative explanatory power.

### **Theorising EU Foreign Policy**

Theoretical work on EU foreign policy is “meagre” compared to theoretical work on the internal aspects of European integration so that this literature is at a pre-theoretical stage (Ginsberg 1999:432-3). As Karen Smith argues it is not surprising that no general theory has arisen to explain EU foreign policy making, given the rather unique character of the enterprise (K. Smith 2004:12). Philippe Schmitter, one of the pioneers of European integration theory, claims that:

*I think all students of regional integration... now understand that no single theory will be capable of explaining dynamics and predicting its outcome. The EU is already the most complex polity ever created by human artifice and it is going to become even more so before it reaches its end-state – whatever that will be. (Schmitter 2004:69)*

Thus, it is not surprising that most existing books and articles on EU foreign policy provide empirical and factual accounts of what EU foreign policy is and how it operates (White 2000, Nuttall 2000, K. Smith 2003, M. Smith 2003, Knodt and Princen 2004, Mahncke 2004, Cameron 2006, Casarini et al 2007, Ginsberg 2007) rather than try to comprehensively

theorise EU foreign policy. The existing literature on EU foreign policy is also rich with mid-range explanations, rather than broader theories, and consequently tends to be inductive rather than deductive (Hill 1993, Bretherton and Vogler 2005, Hill and Smith 2005, Warleigh 2006:32). Thus, existing theoretical thinking on EU foreign policy varies greatly depending on the policy area under examination. However, there is little in the literature in the way of a general theory of EU foreign policy.

These difficulties in theorising EU foreign policy are explained by the empirical and theoretical context in which the EU operates. To begin with, the EU itself is a contested animal. There is no common ground between those who claim that the EU is a *sui generis* phenomenon that needs its own body of theories, and those who refuse to see the EU as a unique phenomenon and use general theories of international relations (Hofmann 2000, Moravcsik 1993, 1998) or comparative politics (Hix 1999) to theorise the EU.

Second, EU foreign policy is a relatively recent phenomenon and until recently there has been not enough empirical knowledge to develop comprehensive theoretical accounts of EU foreign policy. EU member states have started to coordinate their national foreign policies since 1970 under the so-called European Political Cooperation (EPC) (Hill 1983, Ginsberg 1989, Holland 1991). However, the modest scale and ambition of the EPC meant that it never qualified as a European foreign policy. Since the entry into force of the Treaty on European Union in 1993, the EU member states declared their intention to build an EU Common Foreign and Security Policy (CFSP). However, the CFSP began to cumulate the necessary institutions for a unified common policy only in 1999 when a High Representative on CFSP was appointed.

Third, the complex structure of the EU has complicated the analysis of its foreign policy outcomes and processes. The EU is a multi-level entity with supranational and national levels of governance, which influence and define various aspects of foreign policy. In addition, the EU has a multi-pillar structure as some areas of foreign policy have been delegated to the European Commission as a supranational institution, while others have remained in the realm of member state foreign policy (Knodt and Pincen 2003:10). As Karen Smith argues, ‘analysing foreign policy [in the EU] is complicated by an institutional division between frameworks for making economic policy and coordinating foreign policy’ (K. Smith 2004:4), i.e. between the domains of EU foreign policy making that are supranational, and those that are intergovernmental.

Fourth, existing theories of European integration were developed with European economic integration in mind, and these are not easily applied to EU foreign policy. Neofunctionalist theories of European integration focused on the low politics of European economic integration to explain how integration works and as a rule avoided making theoretical claims about high-politics related to the sovereignty, security and foreign affairs of nation states, which apparently were not following a similar pattern of increasing integration (Haas 1958, Lindberg 1963). Meanwhile, intergovernmentalist accounts of European integration have focused mainly on explaining why EU foreign policy does not or cannot exist (Bull 1983, Milward 1984, Hoffmann 1995). Moravcsik (1991, 1993, 1995, 1998) has developed a comprehensive theory of European integration called liberal intergovernmentalism, but has avoided applying it to foreign policy (except for one discussion of EU enlargement in Moravcsik and Vachudova 2002). The fact that EU foreign policy integration is a relatively recent phenomenon, and remains the least integrated domain of European integration,

explains the failure to apply well-established theories of European policy making to the domain of foreign policy.

Fifth, traditional international relations (IR) theory has been somehow sidelined in EU theorising, while at the same time IR scholars showed little interest in the EU (Warleigh 2006:32). IR is a discipline that has historically developed by studying relations between states, and the EU did not fit comfortably in this approach. Epistemological differences also played a role, with IR thinking being dominated by US scholars much more focused on theoretical work, while EU studies have been more inductive and focused on theoretical advances via 'pre-theoretical' frameworks and 'middle range' theories (Cini 2006; White 1999:59).

Sixth, another sub-field of political science literature generally referred to as foreign policy analysis (White 1999, Hudson 2006) has struggled to adapt its state-centric approach to the rise of trans-national foreign policy actors (Hill 2003:15-9). It has failed to generate a general theory of EU foreign policy (White 1999:38), despite attempts to resuscitate foreign policy analysis as a coherent theoretical framework (Hudson 2006; Webber and M. Smith 2002), and generate ways to apply this tradition to EU studies (White 1999).

Constructivist writers about the EU have been more at ease with producing theoretically informed studies about EU foreign policy (Christiansen and Tonra 2004, Schimmelfennig 2004b, Knodt and Princen 2003). This literature has identified patterns in the emerging EU foreign policy identity, the way national diplomacies/diplomats have been socialised at the EU level, and how the intergovernmental structure of EU foreign policy cooperation has led to such sociological effects as 'coordination reflex' (Nuttal 1992), 'rhetorical entrapment'

(Schimmelfennig 2001), ‘problem-solving’ approach to cooperation where persuasion and peer-pressure, rather than bargaining, leads to common foreign policy outcomes. However, such contributions tend to avoid generating generalizable and falsifiable hypotheses (Moravcsik 2001).

The outgrowth of these empirical and theoretical difficulties has been a lack of basic agreement on the object of theorising, as different scholars refer to different things when talking about EU foreign policy. Some scholars refer to EU foreign policy as the sum of all parts of national foreign policies of EU member states (Hill 1983; K. Smith 2003:2). Other scholars have used the term EU foreign policy to refer to the second intergovernmental pillar of the EU referred to in official parlance as the CFSP, while excluding the (mainly economic) aspects of supranational foreign policy making that are concentrated in the European Commission. However, such a division, while inspired by the complex institutional set-up of the EU as an organisation, has little real-life relevance if one wants to understand EU foreign policy as a practical matter. This has led scholars to integrate the intergovernmental and supranational aspects of foreign policy conducted by the EU Council and the European Commission into one strand called EU foreign policy – which is the sum of external actions of EU institutions and EU member states when they implement priorities agreed upon at the EU level and have the EU imprimatur on it.

### **An Intergovernmental Theory of EU Conflict Intervention**

Foreign policy is the policy area with the least delegation of authority to supranational institutions in Brussels, and the highest level of control by EU member states. Therefore it should be the “most likely” case for confirming intergovernmentalist accounts of EU foreign policy action (Van Evera 2001). Intergovernmentalists claim that integration with other states, particularly in foreign policy, is limited. As Stanley Hoffman argues “domestic differences

and different world views obviously mean diverging foreign policies” (Hoffmann 1966:863). States engage in inter-state integration only when their interests converge (Grieco 1995:35, Milward 1984). But even in such cases, states retain control of the outcomes of their bargaining, as well as the institutions they use to manage, enforce and supervise their agreements. Because of the fundamentally diverging interests of member states, integration and cooperation usually happens at the speed of the least willing state, which leads to decisions reflecting the ‘lowest common denominator’ (Vaquer I Fanés, 2004:94).

The most elaborated intergovernmentalist account of European cooperation thus far is provided by Andrew Moravcsik through his liberal intergovernmentalist theory (Moravcsik 1991, 1993, 1998). Moravcsik’s argument proceeds in three stages. First, cooperation between states is driven by patterns of rationally defined interest, where national leaders pursue the commercial interests of powerful economic actors in their respective countries (Moravcsik 1998:3). When member states interests converge, integration advances. In this model the dominant (though not only) motivations of governments is “not geopolitical threats or ideals, but pressures to coordinate policy responses to rising opportunities for profitable economic exchange... Only where economic interests were weak, diffuse, or indeterminate could national politicians indulge in the temptation to consider geopolitical goals” (Moravcsik 1998:6-7). Moreover when integration perceptibly generates positive geopolitical externalities, governments tend to support integration, but when integration is perceived to cause negative geopolitical externalities, governments tend to oppose it (Moravcsik 1998:29)

Having defined their national interests, state leaders move into the phase of negotiating with other member states the terms of integration in a ‘two-level game’ model (Putnam 1988). In this phase, there are distributional conflicts between states and the outcomes of negotiations

depend on the relative power of member states as well as the intensity of their preferences or the relative value of an agreement (Moravcsik 1998:60-3). Countries for whom multilateral cooperation is most attractive compared to unilateral action have the greatest interest in reaching an agreement, which makes them more willing to compromise in order to reach that agreement (Moravcsik and Vachudova 2003:44). Moreover, the outcome of negotiations also depends on possible issue linkages (Moravcsik 1998:65-6).

The liberal intergovernmental theory explains the emergence of institutions by the fact that in order to enhance the credibility of existing commitments, governments choose to constrain and control one another through institutions (Moravcsik 1998:9). These institutions are entirely controlled by member states (Moravcsik 1998:76). Donald Puchala summarizes the core intergovernmentalist assumptions: “the initiators, promoters, mediators, legislators and promulgators of deepening and broadening European integration are the national governments in general, the governments of the major EU countries in particular, and heads of government, heads of state and powerful ministers most specifically. Agents associated with European institutions, exercise only marginal influence at best [...] and this, on many occasions, turns out to be either redundant or self-defeating”. (Puchala 1999:319)

Moravcsik claims that the liberal intergovernmentalist account of European integration is applicable to cases of regional economic integration outside the EU as well as other areas of EU policy-making (Moravcsik 1998:494-99). The theory rests on a liberal theory of domestic preference formation and an intergovernmentalist account of international bargaining. A liberal intergovernmentalist theory of EU conflict resolution would be as follows.

### *Explaining EU conflict resolution*

**Interest formation:** Member states identify their foreign policy priorities in the EU neighbourhood and delegate authority to EU institutions to implement them. Regarding conflict resolution in the eastern neighbourhood, EU member states assess how much they want the EU to play a role in these conflicts, and the implications this would have for the EU foreign policy priorities in the eastern neighbourhood, but also their relations with such countries as Russia, Ukraine, Turkey and the US. State interests are defined around a set of questions: how much is that state affected by the existence of conflicts in the neighbourhood? Do domestic constituencies have any preferences regarding these conflicts? Is there a danger that the state would have to deal with potential refugee crises or regional spillover of organised crime, trafficking and state failure due to these conflicts? Within competing priorities and increasing demands imposed on EU foreign policy, is involvement in the conflict a priority for that member state? Considering that Russia opposes greater EU involvement in the post-Soviet secessionist conflicts, what would be the implications of EU involvement in conflicts for the state's relations with Russia? Which is more important: maintaining good relations with Russia, or contributing decisively to the conflict? How can these two often competing aims be reconciled?

States can be motivated to promote, support or block EU conflict resolution due to the influence of a number of factors, such as public opinion, the interests of powerful economic actors within the member state, or because of a high level of interdependence between an EU member states and a neighbouring conflict due to geographic proximity. Domestic economic actors can have a stake in issues related to conflict resolution. Azerbaijan, for example, is an important oil- and gas-producing country in the Caspian, an important destination for Western investment and a country enmeshed in a conflict with Armenia over the breakaway region of



Nagorno-Karabakh. Thus Western companies have a stake in promoting stability in Azerbaijan. Moldova is less geopolitically important to the West, though it is closer geographically to the EU. But there also are concurrent considerations for domestic economic actors. A number of EU member states have domestic interest groups that oppose EU foreign policy actions that might irritate Russia since this can affect their business prospects in Russia. Many of these companies have big business interests in Russia and are actively lobbying EU governments not to challenge Russia on issues such as human rights or the common neighbourhood, including the secessionist conflicts in post-Soviet space. Moreover, there are no opposing business lobbies that favour a more active EU support for states like Moldova or Georgia, since their economic interests in these countries are very limited. Evidence discussed in the following chapters also suggests that Russia has encouraged EU companies to lobby EU member states. This is also consistent with Joseph Nye's claim that multinationals lobby their home governments on behalf of their host states in times of crises, such as the oil crisis in 1973 when Western multinationals lobbied their own governments to comply with Arab states' demands in the Middle East (Nye 1974).

EU member states may also have an interest in EU conflict resolution due to geographical proximity and interdependence with non-EU member states. Integration of states can result from exogenous pressures generated by interdependence (Moravcsik 2008). This means that EU member states that are geographically closest to the conflicts of the eastern neighbourhood tend to have higher levels of interdependence with these countries, and are therefore most affected by their conflicts. Consequently, they would be the most active in promoting greater EU involvement in these conflicts in order to respond to the external dangers posed by instability neighbouring countries. They would also try to seek support from other EU member states to maximise their impact on the external environment. This is

consistent with the liberal intergovernmentalist explanation of EU enlargement to the East: EU member states that are closest and most likely to benefit economically from the Eastern enlargement of the EU were the drivers of EU enlargement, while those further away were acting as 'brakemen' on enlargement (Schimmelfennig 2004:88, also see Hagen 1996, Moravcsik and Vachudova 2003).

**Bargaining and Decision-making in the EU:** Given their domestically-formulated interests, EU states negotiate a common policy with respect to EU conflict resolution. Since the Common Foreign and Security Policy is an intergovernmental area of cooperation, decisions are taken in the EU Council. Different EU member states have different stakes in each conflict. The drivers of EU involvement in post-Soviet conflicts would be the new EU member states, particularly Poland, Romania, Bulgaria, and the Baltic states, which have land or sea borders with the eastern neighbourhood, have the highest levels of interdependence with the countries of the eastern neighbourhood, and are most interested in the EU playing an active role in conflict resolution in the region. However, their interest in seeing an active EU in the eastern neighbourhood is generally moderate. To start with, they have other priorities--politicians and national bureaucracies in new EU member states are much more preoccupied with other political priorities such as joining Schengen (for Romania and Bulgaria), the Euro zone and obtaining the free movement of workers in the old EU member states. Their political energy is primarily directed at these objectives. They are also relatively far away from the South Caucasus – where three out of four post-Soviet conflicts are located. They do not have big business groups or multinationals with significant interests in the eastern neighbourhood and their economic presence in these regions is limited. Only Moldova is in the immediate neighbourhood of the EU, but even it borders only on Romania, which joined in 2007. Moreover, most are small states (except for Poland), and all of them are net-recipients of EU

funding – which reduces their relative bargaining power in the EU. They are asymmetrically dependent on the biggest EU budget contributors such as Germany.

The ‘brakemen’ for EU conflict resolution in the eastern neighbourhood are the Southern states of the European Union. France, Spain, Portugal, Italy, Malta, Cyprus and Greece have a primary interest in the southern neighbours of the EU. After almost two decades of focusing on the East, they are calling for a reorientation toward the south to focus on conflicts in the Middle East, Western Sahara and Sub-Saharan Africa, as well as the dangers of illegal immigration from the South; such issues have much greater salience for the southern states. Some of them also have post-colonial interests and links to the southern neighbourhood of the EU. Therefore, the Southern EU member states have high stakes in promoting a strong engagement of the EU south of the Mediterranean. Since the EU has limited resources to invest in foreign policy – from the number of troops that can be deployed in peace support operations to development funding – the Southern EU member states believe that their non-EU Mediterranean neighbours are in competition with their eastern neighbours for EU attention, funds and commitment. This prioritisation of the South is reinforced by the fact that some of these states - such as Italy, France, Greece and Cyprus – have very strong economic links to Russia, which only reinforces their scepticism regarding a greater EU role in the eastern neighbourhood (Leonard and Popescu 2007). Besides being interested in reorienting EU attention toward the southern neighbourhood, France, Italy and Spain are also powerful players in the EU. Consequently, the ‘brakemen’ in this area of EU decision-making have a much greater bargaining power over the EU than do the new member states, which generally *favour* EU involvement in the post-Soviet conflicts. This results in a much-abridged level of EU involvement in the eastern neighbourhood and increased attention to the southern neighbours.

In between these two extremes lie the other EU member states. Germany is interested in a stable eastern neighbourhood, but it is also Russia's most important economic partner which leads Berlin to vacillate between supporting EU conflict resolution and opposing it due to fears of irritating Russia. The Nordic states and the UK generally support increasing EU activism in the eastern neighbourhood, but have a low intensity of preferences on the subject. Austria, which has strong economic links with Russia, is closer to the 'brakemen' position.

EU member states perceive that they must often make choices between focusing on the eastern neighbours and focusing on the southern neighbours. This is regularly reflected in the often tense discussions inside the EU about the levels of EU assistance to neighbours, deployment of EU missions to conflict zones and liberalisation of trade. With such internal ambivalence, the level of EU engagement in these conflicts is likely to be low. In a situation where every state has a veto, "brakemen" have more bargaining power, while side-payments and issue linkages are nearly "taboo" in foreign policy issues (Smith 2004a:97-8), it is inevitable that the EU continues to respect the "lowest common denominator"—which may amount to complete inaction or symbolic acts such as official declarations condemning the conflict (Smith 2004a:102). The EU 'brakemen' would accept some low-cost gestures of EU conflict resolution on issues of small significance in order to placate the 'drivers', but would prevent the development of full-fledged and pro-active policies. On those issues where 'brakemen' EU member states have strong preferences, they are likely to veto any EU measures that go against their preferences. However, the new member states are unlikely to retaliate by reducing the scope of EU actions in the South because their bargaining power vis-à-vis older EU member states that favour such policies is limited.

**EU institutions:** From an intergovernmentalist perspective, EU institutions play a very limited role in EU foreign policy. In economic integration, institutions are established as independent enforcers of bargains between principals, but their role in foreign policy is extremely limited because this area of cooperation is entirely intergovernmental. In the intergovernmentalist view, institutions primarily reflect the interests of powerful EU member states, and member states coordinate their foreign policy positions whenever possible to increase EU's bargaining power toward external non-EU actors. Thus, EU institutions are instruments for translating the preferences of powerful states into policy. They also tend to reflect the lowest common denominator agreements of member states.

Both the EU Council and the European Commission have competences in conflict resolution issues. The Council, i.e. the member states, has appointed an EU Special Representative on Moldova and another EU Special Representative on the South Caucasus, who generally act on behalf of the EU and its member states in representing the EU position in conflicts in the eastern neighbourhood. Also, the Council approves and oversees ESDP missions. These institutions do not have autonomy of their own. States launch them, staff them, pay salaries to the personnel deployed in the missions and control them on a near daily basis if necessary. *Liberal* intergovernmentalists claim that this theory focuses on grand bargains and misses the potential of institutions to develop agendas of their own in the meantime (Garret and Tsebelis 1996:269). However, this is not necessarily convincing. Member states remain in firm control of these institutions through their numerous committees of member states diplomats such as COPS (but also COEST, Civcom etc), which oversees EU institutions on a constant basis, even between treaty negotiations. Moreover, most EU personnel deployed on the ground in EU missions to conflict regions are seconded personnel from EU member states who retain their links to national institutions, be they the army, police, customs or border agencies. If EU

institutional agents try to increase their autonomy or go against the interests of member states, they are “punished”. As the chapter on Moldova shows, one of the EU Special Representatives (EUSRs) on Moldova was forced to resign after promoting an EU peacekeeping operation in Moldova against the interests of some key member states, primarily France and Germany.

The European Commission is on one hand more independent from member states than the EU Council Secretariat, but on the other hand its mandate in conflict-related issues is more limited. It can finance post-conflict reconstruction and help state-building processes in states affected by conflict. But it is obliged to follow the overall strategy of member states in deploying its funding instruments. Thus the European Commission’s role in conflict resolution issues is ultimately established by the EU Council, which in turn is controlled by EU member states.

In a liberal intergovernmentalist account of EU intervention in conflict resolution, EU member states are in firm control of the EU institutions across policy domains. But because this domain of cooperation is intergovernmental, EU foreign policy action follows the preferences of reluctant states. Thus the politics of EU conflict resolution are likely to be limited because of diverging priorities of EU member states.

### **An Institutionalist Theory of EU Conflict Intervention**

An alternative account of EU foreign policy development is provided by institutionalist theories of EU policy-making. Institutionalist recognise the primary importance of states especially in the initial stages of policy integration, as well as in the ongoing creation and amendment of EU institutions (Pollack 1996:430). In this approach, however, institutions matter. Here, EU institutions are treated as intervening variables between EU member states

preferences and policy outputs (Pollack 1996, Pollack 1997, Rosamond 2000:116). Institutions are not just information-rich environments where member states converge to negotiate, but they also have preferences of their own as well as various degrees of autonomy (Pollack 1998, Barnett and Finnemore 1999). Thus, the institutionalist research agenda is concerned not just with the question of whether institutions matter, but also how and under what conditions they do so (Hall and Taylor 1996, Aspinwall and Schneider 2001, Thelen and Steinmo 1992, March and Olsen 1989)

The central claims of institutionalism, as formulated by Pierson, is that “actors may be in a strong position, seek to maximise their interests, and nevertheless carry out institutional and policy reforms that fundamentally transform their own positions (or those of their successors) in ways that are unanticipated and/or undesired” (Pierson 1996:126). Over time, member states, even though they have an interest in ensuring that these institutions reflect their policy preferences, allow for gaps in their control of these institutions. This happens for a number of reasons identified by Pierson (1996:132).

First, even if EU institutional actors tend to operate within the boundaries set by member states, they can exploit differences between member states, and informational asymmetries to cultivate increasing levels of autonomy from them (Pollack 1996, 1998). This relates to the classical principal-agent problem, which is concerned with how principals delegate powers to agents (in international relations the focus is on states delegating power to international institutions), while at the same time preventing agents from pursuing their own preferences at the expense of the principals (Sandholtz 1993, Pollack 1998). Even though agents (institutions) will inevitably develop some degree of autonomy, the principals (here, states) have a wide array of sanctions to recover control over their agents; these include control over

institutional budgets, appointments or the possibility to override agency behaviour or the ability to revise the agency's mandate (Pollack 1998:221).

Institutions are themselves often interested in enhancing their power vis-à-vis states (Puchala 1999:318), and time might work in favour of increasing institutional autonomy (Though this might also work in the opposite direction as well so that they *lose* relevance and influence over time, especially if the underlying institutional framework is weakened as has happened in the case of the Organisation for Security and Cooperation in Europe). To start with, national decision-makers have restricted time horizons because of electoral politics. They have strong incentives to obtain short-term benefits to satisfy their electorates and tend to disregard long-term policy issues that do not bring short term electoral benefits (unless they are salient for the electorate) (Pierson 1996:135). In addition, the preferences of member states shift over time due to electoral changes, or even because institutions have the potential to shape the goals and preferences of actors and therefore influence political outcomes (Hall 1986, Thelen and Steinmo 1992:9). As Pierson argues, “the short term preoccupations of institutional designers have led them to make decisions that undermined long-term member state control” (Pierson 96:156). Finally, there are also unintended consequences of creating institutions. This is because cooperation and integration between states can be unpredictable as states venture into policy areas not previously handled at the national level (Schmitter 2004:58). Such actions lock states into a path-dependent attachment to institutions and increase the price of exit from institutional arrangements. Thus, while in the short run institutions may play the role assigned to them by negotiating states, over time institutions (agents) manage to relax the constraints imposed on them by states (principals), and gaps in control of institutions by member states emerge (Pierson 2004:119). At the same time, it is necessary to note that agency autonomy tends to vary across issues and time, as a function of



the preferences of member states (Pollack 2001:229). Where member states have a higher intensity of preferences, they might seek greater control over institutional agents.

To explain how states become locked into institutions and how the latter expand their autonomy, functions and influence, institutionalist theories draw on the concept of spillover from neofunctionalist theories of European integration. Spillover is “a situation in which a given action, related to a specific goal, creates a situation in which a specific goal can be assured only by taking further actions and so forth” (Lindberg 1963:10), meaning that actions in one sector create pressures on adjacent sectors (Haas 58:283-317). Through spillover, policy integration becomes self-enforcing (Sandholtz and Sweet 1998:6). However, spillover is neither automatic, nor always intended by those who engage in policy integration (Ohrgaard 1997:17). Spillover occurs when there is a deliberate sponsorship of cooperative initiatives (see Rosamond 2000:61, Tranholm-Mikkelsen 1991:13-6, Puchala 1999).

Crises and external pressures, in addition to spillover, also create pressures for cooperation. The EU has to respond to exogenous pressure, or *external stimuli* (Ginsberg 1999) for cooperation. As Schmitter argues, EU member states “find themselves increasingly compelled – regardless of original intentions - to adopt common policies vis-à-vis non-participant third countries” (Schmitter 2004:59). For example once the EU created a customs union, it was only logical that supranational institutions start representing EU member states in international trade negotiations in GATT/WTO. In fact, the EU often finds itself pressed by external actors such as foreign governments or international organisations such as the UN or even NGOs to act on certain issues (offering trade preferences, or support certain diplomatic causes), even when the EU is not yet ready or does not wish to do so (Ginsberg 2007:156). In such cases, external pressures induce EU policy responses. Moreover, one can also expect that

institutional actors will use the excuse of external pressures for integration to seek increased powers vis-à-vis the member states.

### *Explaining EU conflict resolution*

**Interest Formation:** An institutionalist account of EU conflict resolution would largely accept the premises of intergovernmentalist theory of interest formation, with two significant caveats. First, the interests of states are established not only in the domestic setting, or as a result of exogenous pressures of interdependence, but also as a result of spillover, which creates pressures for cooperation from one area to another. For example, with EU enlargement the EU has acquired new neighbours with significant economic, security and political problems, and the potential that these problems might affect the EU. As a result of Eastern enlargement, the EU member states inadvertently developed the need for a neighbourhood policy. Once the EU started to support economic and political reforms in the neighbourhood, it was discovered that secessionist conflicts in Moldova and the South Caucasus were a central obstacle to the functioning of these states, undermining the attainment of EU's economic and political objectives. For example, it is difficult for the EU to support better border-management in Moldova and Georgia when significant parts of their borders remain under the control of the secessionist entities, leading to smuggling, corruption, and poor tax collection. Thus, the EU must resolve the conflicts that produce these problems if it wants to achieve its other objectives in the countries of the neighbourhood. Another example relates to visa policies. The EU signed a visa-facilitation agreement with Russia, but not with Georgia. Given that the majority of inhabitants of South-Ossetia and Abkhazia are Russian citizens, they can benefit from facilitated visas to the EU while Georgians cannot, despite an EU policy that seeks to strengthen the Georgian state and make it more attractive to the residents of the secessionist entity. This situation created significant political pressures on the EU to offer

Georgia a visa facilitation agreement as well, even though the EU did not initially plan to do this. Such examples show that functional spillover to adjacent policy areas drives EU policies in the neighbourhood – from economic assistance to involvement in conflict resolution from border management to visa regulation, and from mediation in conflicts to the launch of ESDP missions. What differentiates political spillover from the functional spillover of neo-functionalism and institutionalism is that there are few domestic demands for the expansion of foreign policy activities. As Michael Smith argues “there are few if any direct benefits for economic policy from FP. If anything an active FP has the potential to disrupt many of the economic interests of the EU” (M. Smith 2004a:97).

Another aspect of an institutionalist account of EU conflict resolution relates to the interests of EU institutions – the European Commission, the EU Council Secretariat, and the European Parliament. They are able to pursue their interests as institutional agents with a certain degree of autonomy from EU member states (Stetter 2007). These institutions have sought to maximise or preserve their foreign policy prerogatives and autonomy from member states. It was even argued that on foreign policy issues, the EU High representative on CFSP has been participating in the policy process “in a role resembling a forceful additional EU member” (Jonsson and Stromvik 2005:24)

Institutions may also instrumentalise exogenous pressures on the EU to argue for new and/or increased competencies. It has been argued that once 10 member states joined the EU in 2004, the large and influential European Commission’s directorate general for Enlargement was expected to face significant personnel reductions since the number of states for which it must negotiate accession had dropped from 12 in 2002-2003 to only 2 in 2004, rendering its large

bureaucracy unnecessary.<sup>3</sup> To retain relevance, the European Commission became an active proponent of the ENP, modelled largely along the lines of enlargement policy. This resulted in a majority of personnel from DG Enlargement moving into DG External relations, which was in charge of neighbourhood policy.

**Negotiations and decision making at EU level:** Institutionalists acknowledge that states have a primary role in negotiating aspects of EU cooperation, particularly regarding foreign policy action. At the same time, EU institutions can also be actors in their own right. They often behave as EU member states themselves in trying to advance their policy preferences. To do so, they build alliances with other national governments, manipulate information or sponsor compromises. They are also important platforms where national governments can re-define their interests. As Michael Smith argues “consensus-building and problem solving, peer-pressure and persuasion, not bargaining and issue-linkages” are the norm for negotiating foreign policy actions (M. Smith 2004a:107). In such a setting, states will sometimes prefer to resolve crises of contradictions by expanding mutual obligations (“spillover”) rather than contracting or simply reasserting them (Schmitter 2004:57).

**EU institutions:** Institutions also matter in negotiations over EU foreign policy. They can act as intervening variables in negotiation among EU states over involvement in conflicts (Martin and Simmons 1998:733). The EU institutions are likely to impact the bargains between EU member states for a number of reasons.

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<sup>3</sup> In April 2005 the EU finalised accession talks with Romania and Bulgaria. The announcement of accession negotiations with Turkey happened in December 2004. In October 2005 the EU also launched accession negotiations with Croatia.

First, institutions pursue power-maximising strategies. Power comes from expanding mandates for action supported by EU member states, which makes the institutions natural drivers for greater EU conflict resolution. Thus, once the EU has appointed EU Special Representatives for certain conflict areas, one expects that these institutional agents will seek to expand the number of personnel under their command to promote a higher level of involvement through increased assistance and the launch of EU-led operations on the ground. As discussed below, over time the EU Special Representatives on Moldova and the South Caucasus promoted the involvement of the EU in negotiations between conflict parties, acquired more personnel working for them in Brussels and in the eastern neighbourhood (in Moldova and Ukraine for EUSR Moldova, and in Georgia, Azerbaijan and Armenia for EUSR South Caucasus). EUSRs have also promoted EU operations on the ground such as border assistance missions in Moldova and Georgia, an EU peacekeeping mission in Moldova (which failed) and border management assistance in Abkhazia and South Ossetia (which also failed). Rather than being a contest between EU institutions and member states, the interests of the institutional actors coincided with the interests of proactive member states, which allowed them to strengthen each other's bargaining position. Moreover, states like Georgia and Moldova have been vocal "*demandeurs*" for greater EU involvement, which have also been used by EU institutions as leverage to press for EU intervention.

Second, EU institutions benefit from information asymmetries to promote greater involvement of the EU in conflict resolution in the eastern neighbourhood. Despite the fact that the EUSRs report regularly to member states in the Political and Security Committee, they still retain higher knowledge of the situation on the ground than an absolute majority of member states. EUSRs have local offices and command EU missions in Moldova/Ukraine and Georgia, while most EU member states do not have embassies in Moldova, Georgia,

Azerbaijan and Armenia, and their representatives in Brussels in the Political and Security Committee deal with a very high number of security related issues all over the world. EU institutions are therefore an important source of analysis, information and expertise, which are important because they shape the perceptions of EU member states on the stakes of the EU in various conflict areas (Grevi 2007:33). Moreover, the committees that represent member states in Brussels are not only mechanisms whereby member states can exercise control over institutions, but also become arenas for deliberation and socialisation of national representatives in Brussels (Pollack 2004:145), who can develop “coordination reflexes” (Ohrgaard 1997). Thus, EU institutional actors in many instances have more information than most EU member states, and are able to manipulate such information on occasion, while national diplomats can become convinced of the need for common EU actions in certain areas.

Third, to achieve greater involvement in conflict resolution, EU institutions seek to increase the minimum level of tolerance for EU involvement in separatist conflicts. They use information asymmetries, agenda-setting power, the support of pro-active member states and external demands for EU involvement to argue their case and support the expansion of EU actions (“spillover”). To achieve this, EU institutional actors gain the support of brakemen by promising to limit the interventions to low-commitment actions; they then try to build on these actions to expand the level of EU involvement. Institutions thus seek the gradual expansion of their own prerogatives by gradually locking in EU member states into new policy commitments. For example, EUSR South Caucasus operated in 2003-2004 as a single diplomat financed by Finland. Gradually however, EUSR South Caucasus developed a team of over 20 persons based in Brussels, Georgia, Armenia and Azerbaijan. Similarly, in 2005 EU launched a border support team of only three persons to Georgia; this later expanded to

almost 20 persons on the ground. Thus, what in the short-run looks like low-commitment actions by EU member states reflecting the lowest common denominator, can develop over time into a substantial policy packages as a result of pro-active institutions.

However, the ability of institutional actors to enhance their policy involvement depends on the capacity of EU institutions or proactive member states to promote initial low-commitment EU actions toward certain conflicts that could trigger spillover effects in the future. The EU policy toward the conflicts in Moldova and Georgia has gradually increased over time and that momentum was built up by extending the scope of previous policy measures. However, EU involvement in Nagorno-Karabakh has been lacking for the last several years, since there has been little action upon which to build a policy response. Consequently, one might expect that the more the EU is involved in a conflict, the more likely it is that its involvement will increase in scope. The reverse is also true. If the EU is not involved at all in a conflict resolution process, it is very difficult to trigger such an involvement without prior precedents of EU involvement, which usually require *external stimuli* or crises situations.

Fourth, EU institutions use *external stimuli* or crises situations to strengthen their demands vis-à-vis EU member states for common action at the EU level. Examples of *external stimuli* for EU conflict resolution in the eastern neighbourhood include demands and lobbying for EU action by countries such as Georgia or Moldova, changed policy contexts and windows of opportunity such as the peaceful revolutions in Georgia in 2003 and Ukraine in 2004. These opportunities are used by proactive institutions, be it the European Commission or the EU Special Representatives, to convince reluctant member states to agree to common EU action. EU institutions practically always want to expand efforts to intervene in crisis management in the neighbourhood.

Despite the relevance of institutions, one should not imagine a united front between EU institutions and EU member states. EU institutional agents often have different interests than the member states, and the EU Council secretariat, the European Commission and the European parliament often compete over competencies. Member states are also divided, and institutions often side with some member states on some issues, and other states on other issues. For example, the EUSR, supported by the European Commission and a significant numbers of member states have supported greater EU involvement in the secessionist conflicts in Georgia, while a number of states have opposed it. In this setting, EU institutions and some member states promote one agenda in the face of opposition by other member states. However, inter-institutional clashes also occur. The launch of the EU border assistance missions to Moldova in 2005 was preceded by serious disputes between the EU Council and the European Commission regarding the subordination of the border mission.

I argue that both liberal intergovernmentalists and institutionalists explain significant parts of the politics of EU intervention in conflict resolution. Thus, rather than refuting one or the other theory, this dissertation seeks to explain the conditions under which one or the theory sheds greater light on the pattern of EU conflict resolution. Such an approach is consistent with a certain *rapprochement* in recent years between theorists of these two schools: institutionalists accepted the claim that states are of primary importance in decision-making in the EU, while intergovernmentalists accept that some EU institutions have had an impact beyond intergovernmental bargains. Moreover, on some issues such as fiscal policy coordination, anti-terrorism and services directives, there have been unintended consequences and spillovers from other areas (Moravcsik 2005:363-7). Given this potential for complementarity between intergovernmentalist and institutionalist approaches to the study of



the EU, what matters is understanding when and how EU foreign-policy decision-making is mainly intergovernmental, and when institutions are significant enough to act as intervening variables in EU foreign policy.

### **Theorising EU interventions in conflict resolution**

A central theoretical argument of this dissertation is that EU institutions enjoy greater autonomy in the low-politics of foreign policy, while decision-making on issues of high-politics remains firmly under member states' control. When EU starts dealing with issues that are high-politics, then EU member states will move to re-assert their control over renegade institutions. In other words, institutionalism provides a better explanation of EU foreign policy decision-making on issues of low politics, while liberal intergovernmentalism better explains decision-making on issues of high politics. This complementarity is also dynamic. Some issues related to EU conflict resolution can emerge as low politics, but then move into high politics as a result of member states' attention or externally-driven politicisation of the issue. The reverse is also true. EU institutions or other stakeholders can seek to de-politicise issues.

#### *Low and high politics revisited*

The distinction between high and low politics has marked theoretical debates over the European community since the early days of EU studies (Hoffmann 1964; Hansen 1969). In 1964, Hoffmann argued that European integration was possible and only likely to happen in certain technocratic and uncontroversial areas. In contrast, it was likely to generate conflict in matters where the autonomy of governments or components of national identity were at stake. (Hoffmann 1964). Traditionally, high and low politics were understood as relatively fixed and distinct categories. Thus, high politics referred to high-salience issues of political sovereignty, foreign policy, security, defence and/or identity of states. The end result of

cooperation in such areas is not clear and its benefits vague (M. Smith 2003:5-6). On the contrary, low politics refer to issues of economic integration, built on routine exchanges between technocrats, which have clear and measurable gains for its participants (M. Smith 2003:5-6). Moreover, low politics, because of their technocratic nature is confined to the backrooms of negotiations and rarely make it into the news.

Over time, the original distinction between high and low politics has lost much of its relevance. Hill argues that this blunt distinction between high and low politics is no longer of much help, as economic issues such as monetary integration can be as much about high politics as issues of security, while many security or defence issues may be solved in a routine low-politics way through NATO or the OSCE (Hill 2003). Hill also argues that the “new” type of high and low politics refers to any issue that “blows up into a high-level international conflict (and almost anything has the potential to do so)”, which leads to decision-makers at the highest level suddenly taking responsibility (Hill 2003). This modified divide between high and low politics also implies that these domains are not distinct policy spheres (e.g. security versus economics); rather, high and low politics run across policy domains. This is the case with EU foreign policy as well. In the domain of EU foreign policy, some issues are high politics and others are low politics. But such a distinction is not specific enough to be analytically useful. Further elaboration is needed.

The division between high and low politics overlaps with the distinction between routine and crisis policy making identified in the literature on foreign policy analysis (Webber and Smith 2002). Within such a distinction, routine policy-making refers to decisions taken through a slow process of consultation and decision-making, with a high number of persons involved with choosing from a broad range of options in an extended time-frame, where the potential

costs of policy failure are low and the use of force is unlikely. Another ideal type is crisis policy making, which involves relatively urgent responses to surprise situations where a restricted numbers of policy makers decide from a narrow range of options.

**TABLE 1: Modes of foreign policy making**

Routine policy making/Low Politics	Crisis policy making/High politics
Policy initiation based on incremental adjustment	Policy making as a response to surprise
Low/moderate stress levels	High levels of stress
Wide number of policy-makers	Small number of policy makers
Broad range of options	Narrow range of options
Long lead time in policy formation	Limited time to respond
Blurred criteria for success; low cost of policy failure	High costs of policy failure
No likelihood of force	Greater likelihood of use of force

*Table: Adapted from Webber and Smith 2002:68*

EU conflict resolution seems *a priori* likely to be corresponding to crisis policy making, i.e. to the high politics aspect of EU foreign policy. However, this is not always so. The high politics of EU conflict resolution refers to decisions that are controversial and can provoke political conflicts with external or internal actors, and/or involve a certain likelihood of violence. Consequently, high politics issues in conflict resolution involve decisions to send peacekeepers, or other types of peace support operations such as border monitors or police missions in areas where personnel could be exposed to violence. Another factor that can push issues into the high-politics domain are external actors who can raise the salience of issues by politicising them, bringing them into the public domain at political level or treating EU conflict resolution as a hostile action.

The low politics of conflict management refers to bureaucratised, routine and relatively uncontroversial decision-making that has low potential for violence and low likelihood for provoking conflict with external actors. This mainly refers to technical aspects of EU

influence on conflict resolution patterns through instruments such as financial assistance, low-cost sanctions, support for institution-building, education programs, trade-promotion, and the dispatch of border monitors or police officers in non-violent environments. Such issues remain outside the public realm, and do not comprise crisis situations.

### *Hypotheses*

Based on the set of theoretical assumptions outlined above, as well as the operationalized distinctions between high and low politics in EU foreign policy, I advance a set of competing hypotheses to test the different accounts of EU conflict resolution for relative explanatory power. The first group of hypotheses seeks to explain decision-making dynamics between EU institutions and member states when it comes to EU conflict resolution. The second group of hypotheses deals with the factors that drive EU involvement in separatist conflicts.

The assumption underlying these hypotheses is that EU institutions have a certain propensity to intervene in conflict resolution in the neighbourhood. Non-intervention is often not a viable policy alternative because problems in the neighbourhood such as dysfunctional states, organised crime, militarisation and lack of proper border controls have the potential to affect EU security; and many (though not all EU member states) expect the EU to act. What is discussed though is not the overriding principles that make the EU a rather interventionist actor in conflict settlement, but the factors that make the EU intervene in this or that way, or explain EU's failures to intervene.

*H 1 EU institutions enjoy greater autonomy in the low-politics of foreign policy, while EU member states retain firm control of high-politics issues in EU foreign policy .*

EU member states are the principal actors in EU foreign decision making. However, EU institutions also play a role in this process, and they work more effectively in low politics in contrast to high politics (Richardson 2005:26). Their influence and autonomy is greater in the low-politics realm of conflict resolution (M. Smith 2004b:743). A number of instruments of EU conflict resolution such as EU funding, expertise in sending technical missions to conflict zones, the EU Special Representatives, and negotiating conditional trade regimes are concentrated at the EU level. These are predominantly depoliticised issues. EU institutions also enjoy agenda-setting power in this area. However, their influence is limited in high-politics aspects of EU conflict resolution, where there are threats of violence or where EU foreign policy activism can affect the relations with non-EU strategic partners of EU member states such as Russia. On these later issues, EU member states retain strict control of the foreign policy agenda, not only at times of big bargains, but on an almost daily basis via Brussels-based committees of EU member states representatives. Moreover, the more controversial a decision is for EU member states, the more intergovernmental is the decision-making process. By advancing such a hypothesis, I seek to identify the conditions under which agency autonomy is higher, in order to test the institutionalist claim that agency autonomy varies in predictable ways based on the politicization of an issue (Pollack 2001:229). This hypothesis is also in line with Peterson and Bomberg's claim that "when issues preoccupy high-level decision makers, particularly foreign ministers, the ability of policy networks to shape decisions is strictly limited" (1999:248). In a sense, EU institutions are better able to promote changes *in* policies, but when it comes to changes *of* policies, their influence is more limited.

*H 2 EU institutions have an in-built predilection to act in low politics, which makes EU policies skewed in favour of relatively uncontroversial, risk-averse aspects of conflict resolution.*

Politicisation (or depoliticisation) of an issue, by exploring its implications for other policy areas, is used to lobby for support by EU institutions, EU member states and interests groups (Van Shendelen 2005:116). In issues of low-politics, EU institutions have both more prerogatives and chances are greater that member states will agree on common actions. In some ways, the bureaucratisation and depoliticisation of EU policy on conflict resolution increases the room for manoeuvre of EU institutions. Consequently, the EU as an institution tends to favour low-politics involvement in conflict resolution. This often leads to the EU to try to modify the contexts in which some conflicts occur, rather than engage in conflict mediation. Therefore, the EU works “around” the conflicts, rather than getting involved in conflict resolution. Most EU operations have been either concerned with low-politics issues such as customs and border management, rule of law, police training, security sector reform; or happened in relatively non-violent environments with the agreement of both conflict parties. The result is that the EU is often driven by its predilection toward the low-politics of conflict resolution, rather than by necessities on the ground.

*H 3 EU institutions seek to increase EU involvement in separatist conflicts through a strategy of “dosage”. In order to circumvent potential opposition by member states, EU institutions promote a series of low-intensity measures that over time can amount to substantial policy packages.*

The distinction between high versus low politics issues on the EU level is neither straightforward nor static. EU institutional agents pursue strategies to maximise the level of EU actions in foreign policy issues. They seek to upgrade the lowest common denominator through agenda-setting power or information asymmetries in order to promote more robust EU conflict resolution policies. However, member states tend to be prudent in their support for EU action in conflict resolution, especially in the eastern neighbourhood, either because of bilateral relations with Russia or because of competing priorities. Thus, EU officials act under many cross-pressures (Van Shendelen 2005:101); most often, EU institutional agents anticipate member states opposition to quick and substantial policy packages and try to overcome this potential opposition. Negotiation theory suggests that in order to achieve their objectives, actors should advance maximal demands in order to reach their ideal settlement after having made concessions. However, EU institutions use a different strategy. In order to achieve their objectives, they disaggregate their policy objectives into smaller “doses” of policy measures, which are then proposed one by one to member states over longer periods of time. By putting low-politics, low-cost, technical and relatively uncontroversial policy proposals on the agenda, EU institutional agents decrease the likelihood of opposition by EU member states. They repeat this game again and again, which amounts over time to the build-up of increasing levels of EU involvement. This strategy of dosage suggests that EU institutions are in a weak bargaining position vis-à-vis member states, but at the same time that they are pro-active in their push for incremental upgrading of the lowest common denominator. The member states suggest that they are the source of, and the brakes on, the development of a common EU policy toward secessionist conflicts.

One of the implications of the strategy of “dosage” is that EU institutions find it difficult to launch the process itself. Consequently, one might expect that the more the EU is already

involved in a conflict, the easier it is for EU institutions to expand their actions further by building on previous actions, and arguing that the achievement of EU's initial objectives needs new commitments to EU actions (spillover). The reverse is also true. If the EU is not involved at all in a conflict resolution process, it is very difficult to trigger such involvement in the absence of *external stimuli* or crisis situations.

*H 4 When EU institutions engage in high-politics without a mandate from the member states, EU member states will attempt to roll back EU institutional activism, if necessary by punishing institutional agents.*

The strategy of dosage is not without risks. Pro-active institutional agents sometimes cross the line (or “hit the ceiling”) by trying to promote policy packages that are too big, too high-politics or too costly to be accepted by sceptical member states. When institutional agents persist in this approach, they are sometimes punished by EU member states. This can result in member states trying to assert control over the policy agendas of institutional agents, or even withdrawing support for those institutional agents who are perceived to go beyond the mandate given to them by member states. In this respect, powerful member states have significant influence over institutions. An institutional agent who tries to promote policy measures acceptable to most EU member states, but meets opposition from a handful of small member states, is less likely to be punished than if the agent went against the perceived preferences of the majority of, or the most powerful, EU member states. When a handful of small member states oppose certain measures, EU institutions and other EU member states will try to persuade them to accept the policy measures. However, when EU institutional agents seek to advance certain policies in the face of opposition from powerful member states, these governments will try to roll back the actions of these agents and may even punish them.



*H 5 External actors can affect EU decision-making by raising the controversiality of issues or by lobbying EU member states or business groups to promote a specific position. Thus external actors can block, delay, or on the contrary accelerate EU interventions in conflict management.*

The EU's concern with having successful CFSP actions increases the influence of third countries as brakemen of EU conflict resolution policies. External actors can complicate EU involvement in conflicts where the EU has a vested interest in promoting conflict resolution. For example, they can push the issue of EU conflict resolution into the domain of high-politics by publicising the controversiality of a decision. Politicisation can be a deliberate strategy to make decision-making more intergovernmental, which limits the room for manoeuvre for proactive EU institutions and increases the likelihood of EU blockage. The more controversial a decision is, the more intergovernmental the decision-making process, which leads to greater constraints imposed on EU institutions. Until the 2008 war over South Ossetia Russia has consistently opposed EU intervention in conflict management in Georgia and constantly introduced the Georgian conflicts into public debates, forcing EU member states to treat the issue through the prism of their relations with Russia. This in turn leads to greater intergovernmental scrutiny of EU actions in Georgia and limits the policy discretion of EU institutional agents. The EU tends to assess the costs and benefits of involvement in conflict resolution not only in terms of its potential for inducing peace, but also in terms of the intervention's impact on EU relations with third parties. For example, the EU is interested in promoting peaceful settlements to the conflicts in Western Sahara and the South Caucasus, but this can affect its relations with Morocco and Russia who oppose such EU intervention. In such cases, the EU is internally conflicted, with some member states preferring involvement

and others preferring the status quo of non-involvement. Under such circumstances, the status quo (as the lowest common policy denominator) tends to prevail in EU decision-making, since it is much easier to block policies in the EU than it is to initiate new ones (Pierson 1996; Van Shendelen 2005).

External conditions can encourage or constrain EU involvement, as some non-EU actors seek EU involvement, while others oppose it. In such cases, EU decisions will tend to be biased in favour of those non-EU partners that are more important to crucial EU member states. For example, if Georgia demands EU intervention in a conflict while Russia opposes it, the EU will be biased in favour of non-action, because most member states and significant business lobbies in the EU have higher stakes in their relations with Russia than with Georgia. However, external crises, such as wars or political crisis force the EU into talking actions.

## **Conclusions**

This chapter advances a theoretical framework to explain and predict the unique patterns of EU conflict resolution. This framework seeks to address two gaps in literature. One relates to the under-theorized literature on EU conflict resolution. I advance a set of hypotheses about the role of EU institutions and their relationship with member states to determine the shape of EU foreign policy in this area. I claim that EU institutions have greater autonomy in the low-politics of conflict resolution (i.e. on issues that are technical in nature, that do not involve a high risk of violence, and that are not opposed by important non-EU actors). When these conditions are not met, the role of EU institutions is likely to be significantly reduced. These constraints create a bias in favour of relatively uncontroversial, low-cost and risk-averse actions on the part of EU institutions, because these are the domains where they tend to enjoy greater autonomy. Depoliticising conflict-settlement policies through “dosage” is thus a natural strategy for EU institutions. However, non-EU actors may also have a considerable

impact on EU decision-making in conflict resolution by raising the stakes of involvement in a conflict. This moves the issue into high-politics where member states drastically limit EU's proactive stance on conflict resolution and where lowest common denominator positions tend to prevail. Other non-EU actors can also be seen to depoliticise EU involvement, in order to see more EU engagement. Moreover, EU conflict management is also subject to extra-EU influences when EU member states or EU interests groups lobby on behalf of non-EU actors for action or non-action in conflict resolution issues.

EU institutions are proactive actors who try to promote a consistent EU foreign policy toward the neighbourhood as well as an active presence in conflict management. To do so, they use a strategy of stealth conflict intervention. EU institutions use a strategy of dosage by which they gradually ramp up their intervention in conflict management. They seek to increase the tolerance of EU member states to their engagement in conflict through a strategy of "dosage", whereby EU institutions promote series of low-intensity measures that over time amount to substantial policy packages. When EU institutions are too proactive, however, they risk moving into high-politics, where leading EU member states are likely to re-assert control over the institutions, if necessary by punishing institutional agents. It would be difficult, if not impossible to understand the intricacies of EU intervention in conflict settlement without a clear understanding of EU's institutional machinery and its crisis-management record so far. Therefore, before analysing in greater details the EU policies towards the conflicts in the eastern neighbourhood, this dissertation takes a detour to explain what kind of foreign policy actor the EU is and what its record of conflict resolution policies is.

## CHAPTER 3: The European Union and Conflict Resolution

European integration has probably been the most successful exercise in conflict resolution in history. It started with the integration of the coal and steel industries of Germany, France, Italy, Belgium, the Netherlands and Luxembourg in the early 1950s, and later became an economically integrated community of states, which ensured a peaceful Europe for more than half a century. The driving force behind a peaceful Europe was economic, but the objectives were political. As integration advanced and the potential for conflicts in Western Europe faded, the European Union's concern with conflicts became increasingly externalized. The EU's concern was increasingly with non-EU conflicts which could affect its security. In addition, EU attention to conflicts also shifted with historical realities from a focus on inter-state to intra-state conflicts. After the end of the Cold War, the EU was dragged into efforts to prevent, manage and resolve potential and existing conflicts in Central and Eastern Europe and the Balkans. With Eastern enlargement effectively accomplished and the CFSP developing apace, the EU has been playing an increasingly active role in conflict-management worldwide. It has increasingly had the international weight and the security instruments to do so.

This chapter has two aims. First it seeks to clarify some of complex ways the EU institutional machinery decides and acts on conflict resolution issues. With a complicated division of authority/power on foreign policy issues between the European Commission, the EU Council and EU member states, such clarifications are necessary. The chapter then turns to a discussion of the EU record of involvement in conflict resolution worldwide – in the Balkans,

the post-Soviet space, the Middle East, Africa, and Asia. Finally, I discuss the impact of EU policies of conflict resolution and the state of the existing literature on the subject.

### **The EU Institutional Maze**

With policies decided and implemented by the Council of the EU, the European Commission and the European Parliament, it is often difficult to find one's way through the institutional maze called the EU. As Richardson argues, the very "messiness" of the EU as a policy system makes it difficult to formulate reliable descriptions - let alone theoretical models - which will capture more than just a few aspects of the policy process (Richardson 2005:7). Primary responsibility for different policy areas is spread among different institutions. For example, the EU's Common Foreign and Security Policy is a prerogative of the EU Council, where everything is decided by the 27 member states. However, the European Commission, the EU's executive, has authority over policy areas such as EU external technical and development assistance, external economic relations, management of budgets for EU operations abroad, and the running of EU delegations (embassies) across the world.<sup>4</sup>

Despite such complexity, a short introduction to the institutional actors and Euro-speak relevant for EU conflict resolution will facilitate the reading of the following chapters, which deal with specific cases of EU foreign policy on conflicts. For the sake of brevity and clarity, I focus only on the EU Council and the European Commission, but not the European Parliament. The European Parliament has very few competencies in foreign and security policy issues (Stetter 2007:178), especially on issues related to conflict resolution. The European Parliament can influence EU foreign policy through public statements, organising

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<sup>4</sup> Such institutional fragmentation is not unique to the EU. In individual nation-states, foreign policy is also often decided across a number of institutions such as presidential administration, offices of prime-ministers, foreign ministries, defence ministries, ministers for EU affairs, and departments for international assistance.

debates and public hearings on specific issues, voting for the CFSP budget once a year and ratifying EU agreements with third-parties, which can have foreign policy implications. However, its role in EU conflict resolution is minimal compared to other policy domains, its input in daily policy making is extremely limited, and empirical evidence also suggests that contacts between the EU Council and the European Commission, on one hand, and the European Parliament, on the other, are rather sporadic. Therefore, the following subsections focus only on the EU Council and the European Commission as actors which define the EU policy toward conflict resolution.

### *The EU Council*

The Council of the European Union, or EU Council, is the most important EU institution in the area of EU foreign policy. *Stricto sensu* the EU Council refers to meetings of sectoral ministers from the 27 EU member states which deal with issues such as justice and home affairs, economy and finance, environment, agriculture etc. In a broader sense, the EU Council represents a whole network of bodies and institutional agents: an EU High Representative for CFSP (HR CFSP), a secretariat general, various committees of EU member states, working groups, EU Special Representatives and their political advisors across the world. The council of foreign ministers – the General Affairs and External Relations Council – oversees the Common Foreign and Security Policy, which also includes the European Security and Defence Policy. The EU Council is the institution that deals with EU policies toward issues of security, defence, and conflict resolution. It also oversees virtually all EU operations worldwide which involve peacekeeping, policing, strengthening rule of law, security sector reform and border controls (see table). The EU Council does not have a significant budget for foreign policy as most EU operations are financed mainly by EU member states and partly by the European Commission.

**The EU Council Secretariat:** The Secretariat is a large body of some 3000 permanent EU civil servants and seconded personnel from EU member states' that provides logistical assistance, analysis, and advice to the EU presidency, the High Representative for CFSP Javier Solana (who is double-hatted as the Secretariat General of the Council) and prepares Council meetings (Ginsberg 2008:177-179). In principle the secretariat should serve the EU member states. But in reality it is a powerful player in its own right. In some ways, it can be as influential as big member states.<sup>5</sup>

Within the Council operate a number of institutional actors who deal with the development of EU policies toward conflict resolution. First, within the larger Directorate General for external economic relations and political-military affairs, there is a unit for Eastern Europe and Central Asia with a number of desk officers and political advisors covering various geographical and sectoral areas. The structure of the secretariat is rather fluid: there are relatively frequent personnel changes and bureaucratic reorganisations. But as a rule there is one desk officer on Moldova in the council secretariat, and one or two dealing with the South Caucasus. Second, a Policy Unit (formerly the Policy Planning and Early Warning Unit) advises the High Representative on various foreign policy issues. The Policy Unit consists of diplomats seconded from national foreign ministries who are in charge of various geographical areas (The Middle East, Africa, Asia, Eastern Europe and Central Asia, Western Balkans, Latina America) and sectoral policies (ESDP, Conflict Prevention and Human Rights). Thus the High Representative has one policy advisor on Ukraine, Moldova and Belarus and another on the South Caucasus who is in charge *inter alia* of conflict resolution issues. In 2006, the Policy Unit, as a stand-alone institution, was merged into the General Secretariat and the

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<sup>5</sup> Interviews with EU officials, Brussels, May 2008.

distinction between the two units became more blurred. Still, some kind of division of labour between political advisors to the High Representative seconded by member states and the desk officers doing less political jobs remained. Third, the High Representative's Private office also has a say in policy formulation on conflict resolution issues through one person who oversees the eastern neighbourhood. As it happens, in 2007-2008 the person dealing with such issues in Solana's private office, Carl Høegh, was formerly responsible for EU-Russia relations in the Policy Unit, and therefore had extensive expertise on the eastern neighbourhood.

**The EU Special Representatives:** The EU appoints special envoys on conflict areas with problems that need to be addressed, though the appointment of EUSRs as substitutes for policies has not been uncommon (Grevi 2007:41). The EUSRs are appointed by the Council, and they report more or less regularly to the High Representative Solana (often through the private office) and EU member states' representatives to the Political and Security Committee (see below). As of mid-2008, the UE had ten EUSRs (on Afghanistan, the African Great Lakes Region, Bosnia and Herzegovina, Central Asia, Kosovo, Macedonia, the Middle East, Moldova, the South Caucasus and Sudan). Their task is to represent the EU abroad, inform the EU member states and institutions and coordinate EU policies on conflict zones (Grevi 2007:42). The EUSRs, in cooperation with relevant their political advisors, officials from the Policy Unit and the Council Secretariat write policy reports, advance policy recommendations and are engaged in diplomatic consultations with relevant stakeholders inside and outside the EU. For example the EUSR Moldova would constantly consult with Russia, Ukraine, the OSCE, the US, and EU member states on issues related to conflict resolution in Transnistria. Efforts to build up support for their actions among EU member states is a significant part of



their job, so they often travel to EU capitals. The activity of these EUSRs on Moldova and the South Caucasus is reviewed in greater detail in the following chapters.

EUSRs are normally engaged in diplomatic activities, and interact with ESDP operations in the geographic area of an EUSRs responsibility. They do not dispose of any significant budgets for financial aid or assistance, which rest with the European Commission (see below). Thus their political influence in some conflict areas can be undermined by this disjuncture between EU's diplomatic track and EU's external financial assistance, since EUSRs cannot use financial leverage to achieve political or security objectives (Grevi 2007:48).

In daily EU foreign policy-making, the "EU Council" is a collective term for EUSRs, their political advisors (based in Brussels or in the field), officials from the Policy Unit and desk officers in the Council secretariat. Despite bureaucratic lines of divisions they most often operate as a collective EU Council team when it comes to reporting to EU member states, interacting with the European Commission, or representing the EU abroad. At times, however, EUSRs can have a strained relationship with their colleagues in the EU Council Secretariat. As a rule the EU Council Secretariat tries to assert some degree of control over the EUSRs actions which can lead to bureaucratic wrangling.

Even though the EU Council is an institution that reports directly to EU member states (unlike the supranational European Commission), there is a high degree of support for EU-level actions within the EU Council. Most of the Council's employees are European functionaries and naturally tend to favour common EU action over national foreign policies on conflict resolution issues. The same tends to be true of seconded diplomats from member states who work in the EU Council secretariat. The EU Council is a proactive actor in the area of conflict

resolution: it generally seeks more EU involvement in conflict resolution; it advocates policies that seek to go beyond the lowest common denominator of EU member states by advancing policy proposals, playing on contradictions between member states, building intra-EU networks of support, and sponsoring compromises. However, the room for action within the EU Council is limited by EU member states, who exercise close oversight over EU Council activities through their representatives in Brussels. The Secretariat is disproportionately influenced by big EU member states who as a rule hold the key positions inside the secretariat<sup>6</sup>. Moreover, the EUSR reports to Solana (most often through his private office and the policy unit), which restrains their autonomy.

**EU member state control:** EU member states exercise control over the EU Council institutional actors such as EUSRs through an extensive network of committees and working groups of Brussels-based diplomats from EU member states. The nexus of EU decision-making on EU conflict resolution is the Political and Security Committee (PSC or COPS, as it is often now known by its French acronym). COPS consists of ambassador-level representatives of all 27 EU member states who represent the positions of their foreign ministries. They are responsible for preparing foreign policy decisions for the Council of Ministers, discussing and taking decisions on appropriate EU reactions to crises worldwide, as well as approving specific EU joint actions and crisis-management operations (Juncos and Reynolds, 2007). The EUSRs are appointed with the consent of COPS. EUSRs periodically report to COPS, and the policy initiatives of EUSRs have to be approved by COPS. COPS is in many ways the embodiment of the principal who seeks to monitor closely its agents. Given that COPS meets twice a week and its representatives are based in Brussels, they exercise tight control over decision-making in the EU.

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<sup>6</sup> Interview in Brussels, EU member state diplomat, 14 May 2008.

The Member states are also able to control EU institutional agents through a number of working groups of lower-ranking EU member states' diplomats that assist COPS in its work. These groups are either sectoral such as the Committee for Civilian Crisis Management (CIVCOM) or the EU Military Committee (EUCM); or geographical such as the Working party on Eastern Europe and Central Asia (COEST), or similar groups working on Asia (COASI), Africa (COAFR), or the Western Balkans (COWEB). These committees reinforce the networks through which the EU member states formulate and maintain control of EU foreign policy.

**EU-Russia Relations:** Russia is a strategic partner of the EU, which lead over time to the development of substantial institutional links between the EU and Russia that facilitate dialogue and exchange of information. Twice a year, the EU and Russia held a joint summit where they discuss issues of mutual concern. There are also numerous mechanism of consultations. There is a monthly meeting between the Russian ambassador to the EU and the EU Political and Security Committee. In 2005 the EU and Russia agreed on the creation of a Common Space for External Security which envisages cooperation on conflict resolution in the shared neighbourhood (EU-Russia Road Maps 2005) Russia and the EU also have mechanisms of cooperation under the European security and Defence Policy, and Russia was even a contributor to the EU military operation in Chad. Despite constant high-level statements, and a widening cooperation on economic issues, there has been little substantive EU-Russia foreign policy cooperation, especially on the post-Soviet conflicts, where Russia has been jealously guarding its role as the predominant external player.

### *The European Commission*

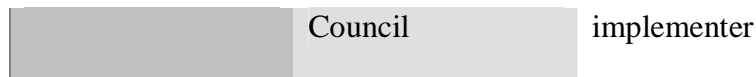
The European Commission is the EU's executive arm. Most of its action must be based on a mandate or the approval of the EU Council. The European Commission is divided into

Directorates General (DGs) dealing with a whole range of issues from agriculture and research to competition and telecommunications. A number of European Commissioners oversee specific portfolios (and sometimes more than one DG). More than one European Commissioner cover issues related to external relations. There are European Commissioners who cover different aspects of foreign policy including EU enlargement, External relations and European Neighbourhood Policy, Development and Humanitarian Aid, and Trade.

The central institution for foreign policy-making in the European Commission is the DG for External Relations and European Neighbourhood Policy (DG RELEX). DG RELEX runs EU delegations that function almost as embassies in a majority of countries of the world. The European Commission has widespread competencies in economic aspects of foreign policy, external aid as well as conflict prevention. If the Council tends to be responsible for the “harder” and more high-politics aspects of foreign policy – such as defence, security and crisis-management – the European Commission tends to deal with the “softer” or low-politics aspects, such as trade, assistance, civilian crises management and conflict prevention.

**Table 2: The division of competencies between EU institutions and member states**

	<b>EC/supranational competences</b>	<b>Mixed competencies</b>	<b>Intergovernmental competencies</b>
Dominant focus of policy domain	Economic issues	Political issues	Security and defence
Examples	Trade, aid, development	Dialogues, CFSP	CFSP/ESDP/EU Operations
Decision-rules	QMV allowed	QMV allowed under certain circumstances	Consensus only
Policy resources	Primarily the European Commission	European Commission/EU member states/EU	EU member states with the EU Council as



*Adapted from M. Smith 2004a: 213*

When it comes to EU conflict resolution, it is often difficult to determine where conflict prevention ends (a Commission prerogative), and crisis-management begins (a Council prerogative). It is also difficult to tell what part of the process consists of post-conflict rehabilitation (a Commission prerogative). This creates significant grey areas where the EU Council and the European Commission often clash over control of these policies. One EU Council official claimed that “it is natural that on EU conflict resolution the European Commission and the EU Council compete because they provide the same product. Like Pepsi and Coca Cola.”<sup>7</sup> Feuding between the EU Council and European Commission has sometimes undermined the effectiveness EU foreign policy action. The Council has rather successfully followed an expansionist strategy in ESDP (Emerson and Gross 2007:8) by giving itself mandates to enter into fields such as the rule of law, judiciary and civil protection, leading to a growing overlap with the Commission and growing competition between the two institutions. In 2005, the European Commission even took the EU Council to the European Court of Justice to defend its competencies in the area of small arms proliferation (Official Journal of the EU 2005). Practical cooperation on the ground, in response to pressing requirements in conflict areas, has often been better than inter-institutional relations in Brussels, where legal and political arguments take centre stage (Grevi 2007:47). However, more often than not, relations between European Commission and EU Council in charge of the same issues are difficult (Schroeder 2007:36). This complicates the coordination of EU policies and undermines their effectiveness.

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<sup>7</sup> Interview with an EU Council Secretariat official, May 2008, Brussels.

The European Commission is the main institution in charge of the EU budget. Its 2008 budget for external policies (including development aid and humanitarian assistance) was EUR 7 bn (out of a total of EUR 129 bn). Compared to the EU Council CFSP of 285 mln Eur (in 2007 it was 159 mln Eur), the European Commission had a foreign policy budget that was 24 times bigger than that of the Council.<sup>8</sup> This budgetary fragmentation has led to a certain disconnect between EU foreign policy and general EU economic, humanitarian or developmental objectives. In conflict resolution issues, such fragmentation had a very clear-cut implication for the EU's potential to intervene. For example, an EUSR that is involved in conflict settlement negotiations in a region cannot use financial conditionality to press the conflict parties to compromise. An EUSR cannot condition the disbursement or threaten the withholding of funds to induce conflict settlement negotiations. The disconnect between political mandates for action and the financial resources to facilitate action can also lead to a situation where the EUSRs and the European Commission have different policy priorities. For example, an EUSR might decide that his or her priority area in conflict resolution is to support local civil society, but the EUSR can take little action in this regard unless he/she can manage to convince the European Commission to finance this policy.

**Table 3: EU foreign policy toolbox**

EU Council policy instruments	
<ul style="list-style-type: none"> <li>• Demarches, declarations</li> <li>• High-level visits</li> <li>• Diplomatic sanctions</li> <li>• Diplomatic recognition</li> <li>• Political dialogue</li> <li>• EU Special Representatives</li> </ul>	<ul style="list-style-type: none"> <li>• Sponsoring peace conferences</li> <li>• Sending election observers</li> <li>• Sending civilian experts</li> <li>• Sending peace-keepers</li> <li>• Imposing arms embargoes</li> <li>• Offering EU membership</li> </ul>
European Commission policy instruments	
<ul style="list-style-type: none"> <li>• Conclusion of trade agreements</li> <li>• Conclusion of cooperation agreement</li> </ul>	<ul style="list-style-type: none"> <li>• Embargo (ban on exports)</li> <li>• Boycott (ban on imports)</li> <li>• Delaying conclusion of agreement</li> </ul>

<sup>8</sup> See European Commission information on the EU 2008 Budget [http://ec.europa.eu/budget/library/publications/budget\\_in\\_fig/dep\\_eu\\_budg\\_2008\\_en.pdf](http://ec.europa.eu/budget/library/publications/budget_in_fig/dep_eu_budg_2008_en.pdf)

<ul style="list-style-type: none"> <li>• Conclusions of association agreement</li> <li>• Tariff reduction</li> <li>• Quota increase</li> <li>• Trade preferences</li> <li>• Providing aid</li> <li>• Extending loans</li> </ul>	<ul style="list-style-type: none"> <li>• Suspending/denouncing agreement</li> <li>• Tariff increase</li> <li>• Quota decrease</li> <li>• Withdrawing trade preferences</li> <li>• Reducing or suspending aid</li> <li>• Delaying granting of loans</li> </ul>
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*Adapted from K. Smith 2003: 61-62*

There have been recent efforts to overcome such coordination problems in the EU. The EU Constitutional Treaty (rejected in 2005 by France and the Netherlands), and later the Lisbon Treaty, aimed at creating a European External Action Service by merging the EU Council and the European Commission's bodies in charge of foreign policy. There have also been ad hoc policy initiatives to resolve these problems. One is the double-hatting of EU Special Representatives and Heads of European Commission Delegations, i.e., when two posts are given to the same person. Thus, the EUSR Macedonia and EUSR Bosnia-Herzegovina are double-hatted officials in charge of the political aspects of conflict resolution as EUSRs and the budgets as heads of EC Delegations. They are also based in the countries concerned. Another policy initiative was to promote ad hoc coordination between the Council and Commission officials who are working on the same areas. However, such cooperation depends greatly on the interpersonal relations between the officials concerned. This has sometimes worked and sometimes not; where they do obtain, cooperative efforts cannot be sustained over longer periods of time due to relatively frequent personnel changes (Schroeder 2007:28)

**The European Neighbourhood Policy:** As the 2004 EU enlargement to the East approached, EU member states feared that instability at their enlarged frontier will undermine the security of the EU. In April 2002, the British and Swedish foreign ministers wrote a letter to EU foreign ministers calling for a new neighbourhood policy of the enlarged EU toward Moldova

and Ukraine. In August 2002, the High-Representative for CFSP Javier Solana and the European Commissioner for External Relations Chris Patten wrote a joint letter initiating the formal launch of the policy (Patten and Solana 2002). From late 2002 to 2004, a debate on the shape of the European Neighbourhood Policy (ENP) took place (Batt et al 2004, Emerson 2004).<sup>9</sup>

The ENP was formally launched in 2003 with the aim of creating a ring of well governed, stable, democratic and prosperous states in the neighbourhood, while avoiding talks over EU accession for countries like Ukraine or Moldova. Under the ENP, the EU offers its neighbours strengthened political partnership, EU assistance, visa facilitation, trade liberalisation, inclusion into some EU agencies and programs in exchange for reforms and gradual implementation of the *acquis* (European Commission 2004b:5). Conflict resolution in the neighbourhood, while mentioned in all of the documents, was not made a central objective of ENP. The EU's objectives were to be furthered through the elaboration of 'ENP action plans' (ENP APs) between the EU and each of its neighbouring countries: including its neighbours to the south (Egypt, Israel, Jordan, Lebanon, Libya, Morocco, the Palestinian Authority, Syria, Tunisia) and the east (Armenia, Azerbaijan, Belarus, Georgia, Moldova, Ukraine) neighbours. The actions plans are a list of objectives and mutual obligations undertaken by the EU and its partners that aim at furthering their cooperation across a whole range of economic and political issues.

A principle underlying the ENP is the recognition of a 'shared responsibility' for stability and security in the region and the need to settle its conflicts (European Commission 2004b:13).

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<sup>9</sup> A comprehensive list of documents on the European Neighbourhood Policy can be found on the website of the European Commission, available at:  
[http://europa.eu.int/comm/world/enp/document\\_en.htm](http://europa.eu.int/comm/world/enp/document_en.htm)



The EU has a vested interest in settling these conflicts; this interest is also shared by its neighbours. As a European Commission Communication on the ENP states:

“The negative effects of conflicts on economic and political development, especially where sustained over a long period, cannot be over-estimated. These effects are not only domestic – so long as conflicts persist there is a danger of spillover. Conflict and political division in the Mediterranean (Western Sahara, Palestine) over the past half century has seriously retarded the development of the region. Unrecognised statelets such as Transnistria are a magnet for organised crime and can destabilise or throw off course the process of state-building, political consolidation and sustainable development” (European Commission 2003a).

Practically all the agreed ENP Action Plans feature conflict settlement as priority areas. The Action Plans with Israel, Jordan, Morocco, Moldova, Palestinian Authority, Tunisia and Ukraine adopted in 2005, as well as with Georgia, Armenia, Azerbaijan, Lebanon and Egypt adopted in 2006-2007, all noted on the first page a ‘shared responsibility in conflict prevention and conflict resolution’<sup>10</sup>. Moreover, EU Country Strategy Papers mention the necessity to ‘share responsibility’ for conflict settlements and contain sections on ‘territorial disputes and conflicts’.<sup>11</sup>

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<sup>10</sup> EU/Israel Action Plan, p. 1; EU/Jordan Action Plan, p. 1; EU/Morocco Action Plan, p. 1 ; EU/Moldova Action Plan, p. 1; EU/Palestinian Authority Action Plan, p. 1 ; EU/Tunisia Action Plan, p. 1 ; EU/Ukraine Action Plan, p. 1.

<sup>11</sup> See the ENP Country Reports on Armenia, Azerbaijan, Egypt, Georgia and Lebanon published on 02/03.2005, available at: [http://europa.eu.int/comm/world/enp/document\\_en.htm](http://europa.eu.int/comm/world/enp/document_en.htm)

However, the scope of EU action varies depending on the conflict. The EU has appointed three Special Representatives in the neighbourhood – one for the Middle East peace process, one for Moldova and one for the Southern Caucasus. While the EU has declared its intention to step up cooperation with other countries, the Action Plan with Morocco, for example, has only a vague statement on the need to ‘contribute to UN-led efforts in the resolution of regional conflicts’ (EU/Morocco Action Plan 2005:7). The varying nature of EU engagement suggested that the nature of EU efforts depends on the willingness of the conflicting parties to discuss the issue with the EU, and a willingness to understand the reasons driving the EU desire for greater engagement in conflict settlement in the neighbourhood.

Despite a strong EU declaratory commitment to help solve the conflicts in the neighbourhood, EU involvement in conflict resolution has not been particularly significant to date. This is partly explained by the fact that ENP is a Commission-driven policy, and crisis management is the prerogative of the Council, which is the main EU institutional actor in foreign and security policy issues. Thus, the European Commission in charge of the ENP simply does not have adequate prerogatives to make conflict resolution a visible ENP priority. Consequently, the security dimension of ENP has been mainly focused on conflict prevention and post-conflict rehabilitation (European Commission prerogatives) rather than direct EU participation in the settlement of conflicts (European Commission 2001). This focus also results from the fact that direct crisis management is more controversial than prevention and post-conflict rehabilitation within the EU and with partners such as Russia and Morocco who are wary of greater EU involvement in conflicts where they have important geostrategic interests. A European Commission document on the ENP states that: ‘Once settlement has been reached, EU civil and crisis management capabilities could also be engaged in post-conflict internal security arrangements. Additional sources of funding for post-conflict

reconstruction and development would be required' (European Commission 2003a). However, most of the conflicts in the EU neighbourhood are deadlocked; thus, the pledge to contribute to post-conflict rehabilitation is only of limited value.

The EU's neighbourhood is just one of the areas where the division of competencies on foreign policy between the EU Council and the European Commission is problematic. On the one hand, the European Commission administers the ENP: it monitors compliance with ENP Action Plans, progress in economic and political reforms, respect for human rights, etc. It also manages and finances projects ranging from institution-building to infrastructure. In parallel, the EUSRs are in charge of EU policy toward conflicts in the Middle East, South Caucasus and Moldova. However, policy areas cannot always be easily distinguished. For example, Moldova or Georgia's poor performance in border management cannot be separated from the reality that secessionist regions control chunks of these countries' borders. Under such circumstances, inter-institutional inconsistencies are next to inevitable. Internal conflicts are thus complex and cross-sectoral, and the EU's inter-institutional divisions often limit its ability to pursue integrated strategies toward conflict resolution.

A much bigger problem is with divisions over foreign policy priorities between EU member states. As Aoun argues, EU member states "don't often have identical relations to third parties. They don't necessarily have the same analysis of external issues, or the same interests, concerns and stakes. They also do not always react to the same events" (2003:296). This naturally applies to an ENP that is marked by a certain competition for EU political attention and economic resources between the southern and the eastern neighbourhood. Thus, the Mediterranean EU member states lobby for a Southern focus for the ENP, while Germany, the Nordic and Central European member states lobby for a more active policy in the eastern

neighbourhood. And even within these groups there are differences. On the eastern neighbourhood, countries like Germany and Finland pursue a Russia-first policy, while countries like the Baltic States and Poland are much more focused on Ukraine, Moldova and Georgia. Thus, even EU member states that support a more active EU policy toward the eastern neighbours rarely agree on the precise priorities in this region. Indeed, ENP is the product of such an intra-EU cleavage. Initially, the “new neighbourhood policy” was developed for Ukraine, Moldova and Belarus only, but it was later extended to cover the southern neighbours because the Mediterranean EU states feared that the EU was too focused on its eastern neighbours. This was summarised quite well by the Portuguese prime-minister who once claimed that the EU has been focused too much on the east throughout the nineties, that such an approach had become outdated and that the South – the Middle East and Africa - had to become a priority.<sup>12</sup> Such conceptual divisions had clear-cut implications for policy making. EU member states found themselves divided on how much funding should go to the eastern neighbours as opposed to the southern neighbours. Historically, EU relations with its southern neighbours have been more advanced in trade, financial assistance and historical ties. Big member states such as France, Spain, Italy strongly support more intensive engagement with the EU’s southern neighbours.

The lobbying power of the new member states in the EU was much weaker than that of states like France or Spain. The High Representative for CFSP Javier Solana had a greater personal interest in the EU’s southern neighbours than its eastern neighbors. Comparing the geography and frequency of his travel is suggestive. In 2003-2007, Javier Solana went on 17 trips to the Middle East (6 in 2007, 6 in 2006; 2 in 2005; 1 in 2004; 2 in 2003)<sup>13</sup>, while in the same

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<sup>12</sup> George Parker, “Portugal set to turn EU's focus from east to south.” *Financial Times*. 14 May 2007.

<sup>13</sup> The dates of Javier Solana’s trips to the Middle East in 2003-2007 are: November 2007, September 2007, July 2007, May 2007, January 2007, December 2006, October 2006, August 2006, July 2006, June 2006, February 2006, November 2005, August 2005, November 2004, August 2003, June 2003.

period he has been to Georgia once (he travelled to Georgia again in 2001 and 2008).<sup>14</sup> In his ten years in office between 1999 and 2008, Javier Solana has been to Moldova, Azerbaijan and Armenia only once in his capacity as High Representative for CFSP as part of a 2001 EU Troika visit initiated by the Swedish Presidency of the EU. In addition, states like Germany and Finland were interested in advancing relations primarily with Russia, while the conflicts in the South Caucasus and Moldova were less of a priority.

**Table 4: Visits by EU High Representative for CFSP (October 1999 - October 2008).<sup>15</sup>**

EUROMED		EUROEAST	
COUNTRY	NUMBER OF VISITS	COUNTRY	NUMBER OF VISITS
Algeria	2	Armenia	1
Egypt	33	Azerbaijan	1
Israel <sup>16</sup>	36	Belarus	0
Jordan	24	Georgia	5
Lebanon	14	Moldova	1
Morocco	2	Ukraine	16
Syria	7		
Tunisia	1	Russia	19
<b>Total</b>	<b>119</b>	<b>Total</b>	<b>24 + 19 (to Russia)</b>

EU funding to the southern neighbours in 2007-2010 amounts to EUR 2,96 bn, against EUR 1,15 bn to the eastern neighbours (for country programmes, excluding multilateral assistance).<sup>17</sup> Given that the two regions have roughly the same population, the southern neighbours receive approximately two and a half times more EU funding per capita than the

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See EU Council Website (Javier Solana, calendar),

[http://www.consilium.europa.eu/cms3\\_applications/applications/solana/archAgenda.asp?cmsid=246&lang=EN](http://www.consilium.europa.eu/cms3_applications/applications/solana/archAgenda.asp?cmsid=246&lang=EN)

<sup>14</sup> Javier Solana's visits to Georgia since in appointment in 1999 until 2008 have happened in February 2002, January 2004 and June 2008. See EU Council Website (Javier Solana, calendar),

[http://www.consilium.europa.eu/cms3\\_applications/applications/solana/archAgenda.asp?cmsid=246&lang=EN](http://www.consilium.europa.eu/cms3_applications/applications/solana/archAgenda.asp?cmsid=246&lang=EN)

<sup>15</sup> Data for 2001-08 visits were gathered from High Representative archive available at the European Union Council website. The author thanks Stanislav Secieru for compiling this table.

<sup>16</sup> Almost all visits to Israel were followed by trips to the Palestinian Territories.

<sup>17</sup> [http://ec.europa.eu/world/enp/pdf/country/0703\\_enpi\\_figures\\_en.pdf](http://ec.europa.eu/world/enp/pdf/country/0703_enpi_figures_en.pdf)

eastern neighbours. In addition, many new EU member states have noted that when Portugal, Spain or France seek to advance their priorities in the southern neighbourhood and Africa, the new EU member states usually go along with what is proposed. However, the reverse is not true. Southern EU member states have been more active in blocking policies proposed by the new member states. This is partly because the Southern EU member states have strong preferences in the eastern neighbourhood and Russia, while the new EU member states have no policy on Africa, for example. EU diplomats from the new member states rarely receive instruction from their capitals on their countries' approach to conflicts in Africa or Asia, whereas countries like Spain or Portugal have definitive positions on Russia.<sup>18</sup> This is a sore point for many new member states. One Brussels-based diplomat from a new EU member state claimed: "Most new member states are neutral when it comes to EU involvement in Africa. We never blocked anything. This shows our maturity. We don't want to be seen as spoilers and we want the EU to work. But it is unfair when others block our priorities in the eastern neighbourhood."<sup>19</sup> An EU official explained this phenomenon by saying that "there is a higher price for new member states to block issues in EU. Therefore it is more difficult for them to be obstructionist than for old member states".<sup>20</sup>

### **EU Foreign Policy and Conflict Resolution**

However visible such divisions, they do not paralyse the EU entirely. They are important from an intra-Brussels point of view, but the EU still has policies toward conflict regions. For outsiders, the EU appears to be a unified actor. Despite their differences, the EU Council and the European Commission have followed rather similar strategies on EU conflict resolution. This makes it possible to speak of the way the EU as one actor has dealt with conflict

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<sup>18</sup> Interview with an EU member state official, 15 May 2008, Brussels

<sup>19</sup> Interview with a EU member states diplomat, April 2008.

<sup>20</sup> Interview with an EU official, 31 January 2008, Rome

resolution issues throughout its history. And the very existence of the EU and its policies has had an impact on a number of conflicts worldwide.

### *The History of EU Conflict Resolution inside Member States*

The EU was largely the outgrowth of efforts to resolve tensions between Germany and France after World War II. In 1952 the EU's precursor the European Coal and Steel Community was created as the first supranational institution in post-war Europe where the six original member states – France, Germany, Italy and the Benelux countries – pooled sovereignty in the most sensitive sectors of the time. Steel and coal were the two resources necessary for war-making for European states. By placing these under the control of a supranational authority, no state in the community could develop war capabilities over the others, and competition over the resources (often a reason for war) would be pointless. With subsequent EU enlargements, the EU imported a number of violent secessionist conflicts into its borders – primarily Northern Ireland (Kennedy 1994, Salmon 2002, Hainsworth 1981, Tannam 1997, Hayward 2004), the Basque country (Bache et Rachel 2000, Bourne 2003a) and since 2004 Cyprus (see the next sub-section).<sup>21</sup>

There are a number of ways in which the EU has influenced conflict resolution patterns in these cases. First the EU has undertaken direct actions to influence the conflicts. The EU has offered carrots to the conflict parties, by funding (and prioritising) cross-community projects (Salmon 2002:349, Bourne 2003b:399). The EU has also deliberately tried to “subvert” the conflicts. Angela K. Bourne argues that ‘subversion’ is a process whereby the EU encourages

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<sup>21</sup> This study is concerned with EU involvement in contemporary violent secessionist conflicts, and therefore some (formerly) secessionist movements inside the EU such as Catalonia in Spain, Corsica in France, Flanders in Belgium, the Aaland Islands in Finland or South Tirol in Italy fall beyond the scope of this research.

parties to the conflict to cooperate with each other or “make conciliatory moves as part of their compliance with the technical requirements of EU membership or as a consequence of functional objectives otherwise unrelated to the politics of conflict” (Bourne 2003b:400-1). However, EU’s ability to use sticks or any form of conditionality on conflicts parties inside the EU has been limited, since the EU cannot put pressure on its own principals, i.e. member states, in an area where it was not given enough competencies.

The effects of EU action on conflict resolution can also be indirect. It has been widely argued that the EU framework provides an additional layer of governance (Hill 2001:325) in which conflict settlement and power-sharing agreements can be embedded (Tocci 2004c, Coppieters et al 2004), by ‘uploading’ disputed powers to other levels of governance, multiplying the levels of authority and providing opportunities to accommodate competing claims for control (Bourne 2003b:392). For example it might be easier for North Cyprus to accept a transfer of powers to Brussels than to common Cypriot state institutions. The EU can also have an indirect impact on conflicts by diluting the importance of notions such as sovereignty and borders, thereby reducing the stakes in conflicts (Diez 2000, McCall 1998). Because of economic integration, lack of visa requirements, elimination of border controls and the introduction of a single currency, competing claims over disputed territories do not affect the daily lives of their residents. Given that the Republic of Ireland and Northern Ireland are part of a common travel area, where border controls are almost non-existent, the significance of the border separating the two entities is very low. The same holds for the Basque country, which is separated between France and Spain but uses the same currency – the Euro – and without a physical border between France and Spain, which are both part of the Schengen travel area.



Despite these effects, EU's role and impact on the resolution of internal secessionist conflicts remains "piecemeal and unsystematic" (Bourne 2003b:412). Its impact on diffusing the conflicts is indirect, as EU institutions rarely function like proactive mediators. As Salmon argues, the common experience of EU membership since 1973 "has not transformed the nature of the problem nor contributed much (if everything) to the end of violence. Common membership has not liberalised attitudes. Even the funding coming from the EU pales into insignificance with that coming from the UK budgetary provisions" (Salmon 2002:358). This conclusion is equally valid for the Basque country.

#### *EU and conflict resolution in accession states*

EU enlargement has been the most historically important, institutionally developed and theoretically significant instance of EU foreign policy. There have been numerous accounts of this process (Grabbe et al 2003, Grabbe 2003, K. Smith 2004, Schimmelfennig 2004, Schimmelfennig and Sedelmeier 2005, 2007, Sjursen 2007, Nugent 2004, Hillion 2004, Pridham 2005, Vachudova 2005). Moreover, it is significant that EU enlargement to Central and Eastern Europe had an explicit conflict prevention dimension as it sought to prevent ethnic tensions between former socialist states (Kelley 2004, Munuera 1994:91, Pinder 1996, Jenne, forthcoming).

By making good neighbourly relations a pre-condition for accession, the EU has decreased the potential for ethnic tensions in Central and Eastern Europe (Smith 2004). The EU has employed a number of strategies aimed at preventing potential conflicts in Central and Eastern Europe. The EU promoted democracy and economic reforms in the region. It also advanced a set of accession criteria (the so-called Copenhagen criteria) that made respect for human rights and minority protection one of the conditions of EU accession, even though

there was no EU minority rights in the *acquis*, i.e. this was not an area where the EU had delegated power to act (Kelley 2004:192; Hill 2001:323). The EU also made regional cooperation a condition of rapprochement with the EU, inducing the Central and East European states to sign treaties on friendship with each other as well as recognise one another's borders as part of the Pact on Stability in Europe/the Balladur Plan (Miall 2000, Manners 2004:9). The EU has also made the EU accession conditional upon the implementation of OSCE and Council of Europe minority rights standards in the candidate states (Schimmelfennig et al, 2003).

Despite numerous references to the conflict prevention potential of the EU in the academic literature on EU enlargement, there is little substantive work that looks at the specific nexus between EU enlargement and the prevention or resolution of ethnic conflicts. There are exceptions, however (Kelley 2004; Vachudova 2003, 2005). Kelley assesses when and how institutions can influence domestic politics on ethnic minorities by selectively deploying techniques such as normative pressure and conditionality in accession states (Kelley 2004:31). Kelley argues that when European institutions used only normative pressure, target governments rarely changed their behaviour (Kelley 2004:4) and "membership conditionality was not only increasingly necessary to change behaviour, but it was also surprisingly effective" (Kelley 2004:4). Moreover, "without external intervention governments only rarely resolved an issue favourably for minorities" (Kelley 2004:175).

Another instance of EU impact on conflict resolution patterns is Cyprus. One of the most important causal mechanisms for EU impact on conflict resolution patterns in Cyprus is EU's ability to change the incentives structure (Nugent 2000, Tocci 2004a, Eralp and Beriker 2005, Zervakis 2004, Sertoglu and Ozturk 2003, Bourne 2003b) and/or the identity of the conflict

parties in a way that would contribute to conflict resolution (Diez 2002a, 2002b, Bourne 2003b, Romsics 2005; Demetriou 2004). For example, Tocci (2004a) argues that Republic of Cyprus's EU accession made it irresistibly attractive to the secessionist Turkish community, which voted overwhelmingly for reunification in a 2004 referendum a few days before the EU accession of Cyprus. But it also made the Republic of Cyprus (the Greek Cypriots) more intransigent, as it expected that joining the EU as a separate entity would increase its future negotiating power vis-à-vis Turkish Cyprus as well as its backer – Turkey (Rumelili 2007). This led the Greek population of the Republic of Cyprus to reject the reunification plan in the 2004 referendum.

The EU involvement in the settlement of the Cypriot conflict remains ineffective thus far. As Eralp and Beriker argue in 2005, “the EU has treated the enlargement process as a structural prevention mechanism to change the incentive systems of the conflicting parties – neglecting the conflict-transformation aspects of foreign policymaking. Thus far, this has produced inefficient policies and resulted in the EU bringing of an aged conflict into its own jurisdiction.” It was also argued that ‘given that EU member states are able to exercise significant control over EU policy toward non-member states, there is the risk that the EU framework may work against conflict resolution, by encouraging [Cyprus-n.a.] to adopt more uncompromising positions’ (Rumelili 2007:109).

Despite the significant impact of the EU on conflict prevention patterns in Central and Eastern Europe and Cyprus, it is too early to call the EU a conflict resolution actor in these cases. In Central and Eastern Europe, the EU did not have to actually tackle active violent conflicts, but rather prevent lingering political tensions, often by supporting the recommendations of such organisations as the OSCE and the Council of Europe. Tensions could have escalated, but that

was far from inevitable. In Cyprus the United Nations remained in charge as a mediator, and there was no talk of EU involvement in peace support operations.<sup>22</sup> However, the EU has had a tremendous impact on the context in which the conflict parties formulated their interests and conflict resolution strategies.

### *EU and conflict resolution in the Balkans*

The Balkans has been central to the development of the EU as a conflict resolution actor. The EU's first ever ambition to become a conflict manager was famously formulated in relation to the Balkans in 1991 by the then prime minister of Luxembourg, Jacques Poos, who exclaimed that "*l'heure de l'Europe – enfin arrivée*". In reality, the EU only started to become a significant actor in the Balkans in the aftermath of the Kosovo campaign in 1999, when it was realised that the EU could not pursue security policies in the region without US military support (Van Eekelen 2006). The soft power of the EU, without being backed by hard power and military capabilities, was not effective enough in the war-ravaged Balkans in the 90s. The realisation of this fact led the EU to accelerate the development of a European Security and Defence Policy (ESDP), baptised by the launch of a first-ever ESDP operation in Bosnia in 2003.

It is in the Balkans that the EU started to employ direct, targeted actions aimed at conflict resolution. These came in two strands. First the EU focused on the urgent, often short term-priorities of security conflict de-escalation, stabilisation and capacity-building for weak states (Juncos 2007:57). The EU and its member states have been very active diplomatically throughout the nineties in trying to de-escalate conflicts in Slovenia and Croatia, Bosnia,

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<sup>22</sup> The author thanks Bruno Coppieters for noting that the EU interfered openly in support of the Annan Plan, while EU staff was closely integrated into the UN staff preparing compromise proposals, as they had to be in conformity with the *acquis*.

Kosovo and Macedonia (Carr and Callan 2002:151-204; Tocci 2004b). It used diplomacy and sanctions in the 90s (de Vries 2002). Since 2002 the EU has increasingly used its security tools under the European Security and Defence Policy by launching a series of civilian police missions in Bosnia and Macedonia (Merlingen with Ostrauskaite 2006, Emerson and Gross 2007, Piana 2002), a rule of law mission in Kosovo (Papadimitriou et al 2004) and peace keeping missions in Bosnia and Macedonia. These activities have not been immune to institutional inconsistency. Papadimitriou et al., for example, argue that the development of the EU policy on Kosovo had to be coordinated across six EU institutions and three policy pillars (with different prerogatives for institutions in each of these); the EU consequently suffered “from institutional fragmentation, poor coordination and the absence of a clear vision on how Kosovo fits into the wider EU policy in the Western Balkans” (Papadimitriou et al 2004:238).

**Table 5: ESDP Operations in the Western Balkans in 2003-2008<sup>23</sup>**

<p>Ongoing</p> <ul style="list-style-type: none"> <li>• EU Military Operation in Bosnia and Herzegovina (EUFOR-Althea) – 7000 military peacekeepers, later reduced to 2500 (since 2004) .</li> <li>• EU Police Mission in Bosnia-Herzegovina (EUPM) – 182 police officers (since 2003)</li> <li>• European Union rule of law mission in Kosovo (EULEX KOSOVO) – cca 1900 international police officers, judges, prosecutors and customs officials (since 2008).</li> </ul> <p>Completed</p> <ul style="list-style-type: none"> <li>• EU Police Advisory Team in the Former Yugoslav Republic of Macedonia (EUPAT) – 30 police advisors (2006).</li> <li>• EU Military Operation in former Yugoslav Republic of Macedonia (Concordia) – 200 police officers and civilians (2003).</li> <li>• EU Police Mission in the former Yugoslav Republic of Macedonia (Proxima) – cca 200 police officers and civilians (2004-2005).</li> </ul>
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<sup>23</sup> The data is collected from the website of the Council of Ministers of the European Union <http://consilium.europa.eu> in March 2008. The numbers are given for the maximum size of the missions and for international personnel only. Local employees, such as support staff, interpreters, logistical assistants, drivers etc are not included in the total number of the missions.

Second, the EU focused on longer-term transformation of the states and regions involved in conflicts by supporting economic reforms, democratisation, institution building, trade liberalisation with the EU and offering promises of integration into the EU (Johnson 2001, Phinnemore 2003, Batt 2004, Veijvoda 2004, Knaus and Cox 2004, Lehne 2004, Batt 2005, O'Brennan 2007, Recchia 2007). These measures were promoted under the framework of the Stabilisation and Association Process since 1999 and received substantial financial backing from the EU, making the Western Balkans the biggest recipients of EU funding *per capita* in the world.

#### *ESDP beyond the Balkans.*

Not long after the first EU operations in the Balkans, the EU engaged in a growing number of peace support, crisis-management missions or diplomatic efforts to support conflict resolution elsewhere: in the Middle east (see Aoun 2003, Newman and Yacobi 2004), sub-Saharan Africa (Loisel 2004, Faria 2004, Lindstrom 2004, Sourd 2005, Gegout 2005, Martinelli 2006), Indonesia (Braud 2005, Grevi 2005, Gunaryadi 2006, Bivar 2005), Western Sahara (Vaquer I Fanés 2004), and Sudan, Iraq, and Afghanistan (Korski 2008). Despite the contribution the EU has made to the stabilisation of these regions, such operations also have an impact on the development of EU's own crisis management capabilities. It is often argued that the EU has serious problems of inter-institutional coherence and coordination (Aoun 2003, Monar 2002, Helly 2006, Witney 2008), but that new missions help the EU improve its future actions after having learned lessons on the ground (Faria 2004, Grevi 2005).

An interesting case in this respect is given by Western Sahara. Along with Nagorno-Karabakh (see the chapter on EU and Nagorno-Karabakh), this is the only conflict in the European neighbourhood where the EU has had no direct role to play. Contrary to UN Security Council

resolution provisions, Morocco occupies Western Sahara, a former Spanish colony, and refuses to organise a referendum in Western Sahara where the local population would decide whether it wants to be independent or not. Morocco opposes EU involvement in the conflict resolution process. France, which has a special relationship with Morocco, shields the latter from international pressures (Darbouche and Zoubir 2008:98-99). Moroccan opposition (with implicit French support) to EU conflict resolution hampers the development of any EU policy that would aim at solving the conflict. Moreover, EU-Morocco ENP Action Plan does not even mention Western Sahara and only has a vague reference to the need to ‘contribute to UN-led efforts in the resolution of regional conflicts’(2005). This contrasts with the way the EU has approached other conflicts in the neighbourhood, where the EU announced conflict resolution as one of its priorities and appointed EUSRs to Moldova, South Caucasus and Middle East--covering nearly all the conflicts in the neighbourhood, and inserted specific references to violent conflicts in all other action plans with countries that have stakes in conflicts: Moldova, Ukraine, Georgia, Armenia, Azerbaijan, Israel and Palestine. Vaquer I Fanés argues that, despite EU’s strong capacity to influence the Western Sahara conflict, and the existence of strong expectations for EU involvement, the EU has not been able to “go beyond the limits imposed on EU foreign policy by the intergovernmental nature of the CFSP when member states have diverging points of view” (Vaquer I Fanés 2004:113) a direct reference to France and to a lesser extent Spain (Darbouche and Zoubir 2008).

**Table 6: EU Operations worldwide 2003-2008<sup>24</sup>**

Middle East
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<sup>24</sup> The data is collected from the website of the Council of Ministers of the European Union <http://consilium.europa.eu> in December 2008. For a map and facts on EU operations see [http://consilium.europa.eu/uedocs/cmsUpload/CEU70400\\_ESDP5\\_carteFR.pdf](http://consilium.europa.eu/uedocs/cmsUpload/CEU70400_ESDP5_carteFR.pdf). The numbers are given for the maximum size of the missions and for international personnel only. Local employees, such as support staff, interpreters, logistical assistants, drivers, etc., are not included in the total number of personnel of the missions.

- EU Police Mission in the Palestinian Territories (EUPOL COPPS) – 32 police experts (since 2006).
- EU Border Assistance Mission at Rafah Crossing Point in the Palestinian Territories (EU BAM Rafah) – 70 border and customs experts, later reduced to 27 (since 2005).
- EU Integrated Rule of Law Mission for Iraq (Eujust Lex) – 25 trainers (since 2005).

#### Asia

- EU Police Mission in Afghanistan (EUPOL AFGHANISTAN) - 230 police, law enforcement and justice experts (since 2007).

#### South Caucasus

- EU Monitoring Mission in Georgia – 200 unarmed civilian and military monitors (since 2008).

#### Africa

- EU NAVFOR Somalia – naval force (since 2008)
- EUFOR TCHAD/RCA – 3700 armed peacekeepers (2008-2009).
- EUPOL RD CONGO – 39 police officers, experts in criminal justice and security sector reform (since 2007).
- EU security sector reform mission in the Democratic Republic of the Congo (EUSEC RD Congo) – cca 40 expert in security sector reform (since 2005).
- EU mission in support of Security Sector Reform in Guinea-Bissau (EU SSR Guinea-Bissau) – 39 military and civilian advisers in the fields of armed forces, police and justice (since 2008).

#### Completed operations

- EU Rule of Law Mission in Georgia (Eujust Themis) – 12 judges and criminal justice experts (2004-2005).
- Aceh Monitoring Mission (AMM) – 80 unarmed monitors (2005-2006).
- EU Support to AMIS (Darfur) – financial support and some 100 militaries and 50 civilian police experts (2005-2006).
- EU Police Mission in Kinshasa (DRC) (EUPOL Kinshasa) – 29 police experts
- EUFOR RD Congo – some 450 military personnel (2005-2007).
- EU Military Operation in Democratic Republic of Congo (Artemis) – 2000 military personnel (2006).

Most EU ESDP operations outside the Western Balkans are rather limited in scope, mandate, time frame, personnel and objectives. Therefore, it is not surprising that the scholarship on this is often critical of the effectiveness of EU actions. It is claimed that EU actions are often driven by internal imperatives, interests and bargaining outcomes of EU member states, rather than by considerations concerning what is effective, appropriate or necessary in some conflict areas (Aoun 2003:300). For most EU member states, a primary consideration for action is not



necessity, but probability of success, which makes the EU success-driven in its choice of conflicts in which to intervene. This often makes the EU ‘both unable and unwilling to assume the role of a significant world power that is supposed to resort to persuasion as well as coercion to assert itself’ in violent conflict areas (Aoun 2003:290).

The relative speed and scale of EU involvement in Aceh, Indonesia showed that with an agreement in sight, the EU can be quick and effective in contributing to conflict resolution (Grevi 2005), which cannot be said about the EU’s role in other conflicts. Second, the EU is heavily reliant on economic and financial instruments of conflict resolution, and the assumption that economic mechanisms of cooperation are the basis upon which peace is to be built (Aoun 2003, Gogia 2008) remains central to the EU approach to conflict, despite the proliferation of ESDP missions. Third, the EU has a preference for low-intensity, civilian actions in low-risk environments; only 5 out of the 21 EU missions between 2003 and 2008 were military operations.

#### *EU and Crisis Management in the Eastern neighbourhood*

EU conflict intervention in the eastern neighbourhood (i.e. in Moldova and the countries of the South Caucasus) is recent and relatively modest in scope compared to the involvement of other international actors, such as Russia, the US and the OSCE. It is also modest compared to the level of EU commitment to conflict settlement efforts in the Balkans, the Middle East and even sub-Saharan Africa. Given that the remainder of this dissertation deals with the EU policies toward the secessionist conflicts in the eastern neighbourhood, I will not describe these missions in detail here. Two broad points are worth making at this point, however.

First, with the launch of the ENP the EU has become more active diplomatically around these conflicts (Vahl 2005, Popescu 2005, ICG 2006b, Barbe and Kienzle 2007), but it has also been very hesitant about playing a direct role in the conflict resolution processes in the eastern neighbourhood (Lynch 2006). Moreover, it has tended to work *around* the conflicts, rather than directly engage in conflict resolution efforts (ICG 2006a), which makes the EU mainly an economic, rather than a political, actor in these conflicts (Gogia 2008). The EU sometimes prefers the policies of non-action or declaratory actions that allow it to respond to public calls and local demands for action, while avoiding doing anything substantive that would challenge the existing *status quo* (Helly 2003).

Second, EU conflict resolution in the eastern neighbourhood is undercut by Russian counter-influences. The central objective of Russian foreign policy is to strive for a multi-polar world, where Russia would be one of the poles of influence (Russian Foreign Policy Concept 2000, 2008). For Russia this implies maintaining and re-consolidating some kind of sphere of influence in the post-Soviet space, and locking out as much as possible other external actors such as the US, EU and even China. Parts of Russia's foreign policy toolbox have been the secessionist conflicts which allowed Russia to maintain military presence and political leverage in the countries of the South Caucasus and Moldova. Russia has offered strong military, diplomatic and economic protection to Abkhazia, South Ossetia and Transnistria, to the point of near annexation of the first two. This makes these conflicts different from most other conflicts in Europe and its neighbourhood where few other external state actors have challenged the intervention of the EU to such a great extent. Still, the EU affected significantly the structure of the conflict in Transnistria, both at the level of public debates and expectations of the stakeholders (Popescu 2004) and the interests of the actors involved (Emerson and Vahl 2004, ICG 2006b). EU's impact on the conflicts in Abkhazia and South

Ossetia has been more limited (Coppieters 2004, 2007; Helly 2006, 2007; Popescu 2007), partly because Russian engagement with these regions is much greater than with Transnistria and Nagorno-Karabakh (Popescu 2006a, 2006b). In fact, the EU may have isolated the secessionist entities of Transnistria and Abkhazia, which further increased their reliance on Russia, thereby solidifying the separation of the countries in question (Coppieters et al 2004). In Nagorno-Karabakh, there has been little EU impact due to the virtual lack of EU policy toward that conflict. In any case, Russia actively opposes any increased EU intervention in conflict management in this region which significantly alters the calculation of EU foreign policy makers.

### **Conclusion**

EU foreign policy is labyrinthian. Its responsibilities are divided between the EU Council and the European Commission, with various institutional agents within these two institutions, and with numerous working groups consisting of member state diplomats who seek to monitor and control the EU. Still, the main actors who define EU policies toward conflict areas are EU Special Representatives operating from the EU Council and the European Commission. The division of competencies between these two institutions is not always clear-cut, and the fragmentation of instruments they have at their disposal complicates policy coordination and undermines EU impact on conflict areas. The EUSRs are normally engaged in diplomatic and security efforts seeking to contribute to conflict resolution, but they have few resources and therefore little possibility to use conditionality to try to influence the conflict parties. The European Commission, on the contrary, has adequate resources for such interventions but a more limited mandate for interventions aimed at conflict resolution. Institutional rivalries between these two actors are not uncommon, though ad-hoc coordination often solves many problems. Despite their internal conflicts, these institutions have an overall tendency to promote a growing role for the EU in conflict resolution efforts.

EU policies and approaches toward conflicts have been geographically wide but institutionally shallow, with the exception of the Balkans. The EU has played a limited role in intra-EU conflicts such as Northern Ireland and the Basque country. Its role has been much bigger, though indirect, in preventing ethnic tensions in Central and Eastern Europe in the 90s, as well as in facilitating the conflict resolution process in Cyprus. There is also a growing record of EU engagement with conflicts in the Western Balkans, sub-Saharan Africa, Western Sahara, the Middle East, Moldova, the South Caucasus and Indonesia. The overall record of EU interventions in such conflicts has shown that the EU influences conflict resolution processes both directly and indirectly. Its direct impact stems from purposeful EU actions as a foreign policy actor. Such actions have included diplomatic activism, the deployment of peacekeepers, police missions, military and civilian observers, application of sanctions/pressures, and the use of conditionality. But the impact of the EU can be indirect as well. For the prospective member countries affected by secessionist conflicts, the EU offers a single currency and visa-free regime between EU member states, making territorial disputes less relevant to the daily life of the impacted population. It can also provide an additional layer of governance in which federal and/or power-sharing agreements can be embedded. It is difficult to disentangle EU impact from other factors that made such conflicts less violent, however, EU influence could have strengthened positive trends in conflict resolution.

At the same time, the EU barely has an established *modus operandi* on contribution to the settlement of conflicts. The EU as an institution is much more comfortable operating in the low-politics of conflict resolution through civilian crisis-management operations, financial assistance or political conditionality, predominantly leaving high-politics issues such as Afghanistan, Lebanon or Iraq to its member states. The record of EU action in the European

neighbourhood confirms this pattern. The following chapters will scrutinise EU conflict interventions in Transnistria, Abkhazia, South Ossetia and Nagorno-Karabakh and take the existing literature on EU crisis management into a whole new geographic area that has been under-researched so far. The next chapters argue that the EU institutions have been using the strategy of stealth engagement in these conflicts, by focusing on low politics measures and using dosage to extend their prerogatives. However, their actions have been considerably constrained by lack of local demand for EU intervention, Russian opposition to seeing a more assertive EU and EU member states that have drastically limited EU institutional activism each time Brussels touched upon highly political aspects of crisis-management.

## CHAPTER 4: EU Policy on Transnistria

Approximately one hundred kilometres from the border of the EU, Transnistria is the nearest of the unsolved secessionist conflicts in the Eastern Neighborhood. Transnistria is also perceived as the most “solvable” of all post-Soviet secessionist conflicts: the likelihood of violence in the region is virtually nil, while most of the issues pitching the conflict parties against each other are of political and economic nature, not ethnic or military as in South Caucasus. In Transnistria, the EU has been involved in conflict settlement negotiations, has deployed a sizeable border mission in the region and applies pressures on Transnistria while offering incentives to Moldova to encourage reunification. This chapter outlines the process of EU conflict resolution policies in Moldova. It argues that EU institutions have been able to increase their role in conflict resolution through dosage because the context of the conflict is determined by primarily low-politics and soft-security issues such as negotiations on power-sharing, border management and combating organised crime. Tackling such issues gave ample room for manoeuvre for EU institutional activism in the region. EU institutions have tried to keep their activities related to border-management in the region as depoliticised as possible. However, when EU institutions have tried to tackle hard security issues such as peacekeeping they have encountered EU member state opposition. Overall, the EU strategy of stealth intervention worked, as long as it did not touch upon high-politics issues such as peacekeeping. The fact that Moldova sought to de-politicise the EU interventions in conflict settlement and maintained a low-key approach to Russia only facilitated EU’s stealth engagement.

The chapter starts by explaining the context in which the conflict occurs, as well as Russia and Ukraine's role in it. Then the chapter looks at the EU approaches toward Moldova and the Transnistrian conflict in the 1990s. Finally it traces EU intervention in the conflict and the inter-institutional dynamics behind EU policy on Transnistria. It deals with relations between the European Commission and EU Council, the two failed EU attempts to get involved with a peacekeeping mission in Moldova and the way the EU has contributed to the economic reunification of Moldova through incentives and pressures on Transnistria.

### **The conflict in Transnistria**

Transnistria is a narrow strip of land separated from the main part of Moldova by the river Nistru. Transnistria has a territory of 4,163 km<sup>2</sup> and a population of formally 550,000 people (but most likely some 350,000) compared to Moldova's 3.4 million people. Moldova's turn toward independence in 1991 provoked serious tensions with its eastern region of Transnistria, which preferred to remain part of the Soviet Union, declare independence or integrate with Russia. In 1992, the Moldovan government began to engage in a short war with the authorities in Transnistria, as a result of which approximately 1,500 people were killed. Hostilities ended after a Russian military intervention by the then Russian 14<sup>th</sup> army stationed in Transnistria.<sup>25</sup>

A complex tangle of mechanisms has been created to settle the conflict since the early 1990s. These include a trilateral peacekeeping operation consisting of Russian, Transnistrian and Moldovan troops, which was tasked with monitoring a demilitarised security zone separating the territory controlled by the Moldovan government from the territory controlled by the Transnistrian authorities. The peacekeeping operation is guided and supervised by a Joint

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<sup>25</sup> For a more detailed overview see Popescu 2005.

Control Commission (JCC), which is composed of the two conflicting parties, and Russia, the OSCE and Ukraine as observers. In parallel, an on-again off-again political process of negotiations on the status of Transnistria has been underway, with Moldova and Transnistria as well as Russia, Ukraine and the OSCE as mediators. The negotiation mechanism was often referred to as the ‘five-sided format’, but it became “5+2” after the EU and the US joined it in 2005.

Transnistria is the only one of the four conflicts analysed in this dissertation where the secessionist conflict was not an outgrowth of clear-cut ethnic cleavages. It is not a conflict between Romanian-speaking Moldovans and Russians. The populations of both Moldova and Transnistria are ethnically mixed (though to varying degrees), and there are many Moldovans living in Transnistria who support Transnistrian secession, and many Russian and Ukrainians in Moldova and who oppose secession. The absence of ethnic cleavages has meant that there is little animosity between the populations on the two sides of river Nistru. Unlike in Nagorno-Karabakh, Abkhazia and South Ossetia, Transnistria is the only post-Soviet secessionist conflict where there is little danger of a new war and where the circulation of peoples between the conflict zones is essentially not restricted. There is a broad consensus in both Moldova and Transnistria that the solution to the conflict must be peaceful. Thus the lack of ethnic cleavages coupled with a rather peaceful environment on the ground creates the impression that this conflict is the most “solvable” of the four.

But the absence of ethnic cleavages was not enough to overcome deep economic, security and political factors that keep the conflict unsolved. The Transnistrian authorities controlled a substantial portion of Moldova’s border with Ukraine, 470 km out of 1222 km, as well as trade routes (roads and rail links) from Moldova to Russia and Ukraine, which created



copious opportunities for trafficking. The Transnistrian elites therefore had strong incentives to prevent the conflict from being solved (Lynch 2004). It created the right conditions for the Transnistrian leadership to accumulate resources and suppress internal opposition without much trouble (Keen 2001:2). In addition, smuggling goods through Transnistria into Ukraine and Moldova has been a boon to criminal networks in Transnistria with serious ramifications for the rest of Moldova, Ukraine and Russia.

Russia has traditionally used Transnistria as a tool to maintain geopolitical influence and military presence in Moldova. Transnistria could not have emerged without Russia, nor could it have survived as a de facto state (Lynch 2004). The European Court of Human Rights concluded in July 2004 that the Transnistrian Republic ‘remained under the effective authority, or at the very least under the decisive influence, of Russia, and in any event that it survived by virtue of the military, economic, financial and political support that Russia gave it’ (ECHR 2004). The Russian-led peacekeeping operation has effectively guarded the borders of the secessionist entity, freezing a status quo that is favourable to one side. Russia maintains military forces in Transnistria. They number some 1,500 people with some 25,000 tons of armaments. In addition, Russia has massively subsidised the economy of the region by offering various forms of economic assistance and not demanding repayment of gas debts that reached a staggering USD 1.8 billion in more than a decade.

Ukraine has traditionally played a rather ambiguous role in the Transnistrian conflict. It would seem that Ukraine would have a great interest in settling the conflict. The perpetuation of the conflict on Ukraine’s border contributes neither to regional stability nor to Ukraine’s long-term European and Euro-Atlantic aspirations. Ukraine is not interested in having Transnistria as a Kaliningrad-type Russian exclave with Russian military presence on its border. Yet,

Ukraine's record on Transnistria is mixed. Transnistria could not survive without Ukraine's implicit support. All of the alleged Transnistrian smuggling, trafficking and export of arms passes mainly through Ukraine: by sea, through the Odessa and Ilichiovsk ports, or by land. Influential interest groups in Ukraine have benefitted from corruption in Transnistria, especially during the Kuchma era. For example, the former first deputy chairman of the Ukrainian Customs Service, Nikolay Salagor, stated in September 2005 that there are 'huge holes' at the Ukrainian border, 'through which enormous uncontrolled contraband flows have been passing (...) President [Youshchenko] has requested that the customs put an end to smuggling from Transnistria. No measures have been taken to solve the problem (...) People having important connections in Tiraspol, have long ago established a network to deliver smuggled goods' (Zerkalo Nedeli 2005). The Orange revolution has changed some of that, but influential officials in Ukraine continued to benefit from their ties with officials in Transnistria.

Moldova's weakness as a state and its lack of attractiveness for most ordinary Transnistrians is another factor contributing to the continuance of the conflict. The then foreign minister of Transnistria, Valery Litskai, once claimed that if Moldova were Switzerland, Transnistria would be "counting the minutes to join it as a canton" (Ava.md 2008). In other words, there is little reason for most Transnistrians to support re-unification with Moldova, which remains one of the poorest countries in Europe. In fact, with many Transnistrians holding Russian or Ukrainian passports, the idea of joining Russia as a second Kaliningrad or Ukraine may be a more attractive option.<sup>26</sup> The collusion of some parts of the Moldovan elites with

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<sup>26</sup> Igor Smirnov states that 'there are 100, 000 Russian citizens [living in Transnistria], and if there was a Russian consulate [in Tiraspol], there would be more,' See interview for *Politicheskij Zhurnal* reprinted in *Pridnestrovie*, 21 April 2005, available at: <http://www.pridnestrovie-daily.net>.

Transnistria's opaque interests groups also helped sustain the secessionist conflict for over a decade.

### **The 90s: EU's Ambivalence over Moldova**

Throughout the 1990s, the EU pursued relations with Moldova under the so-called Partnership and Cooperation Agreements and the TACIS assistance program (Technical Assistance for the Commonwealth of Independent States), as it did with any other post-Soviet state, with the exception of the Baltics. Trade and political relations were limited and security was almost inexistent. The EU did not consider it a priority to contribute to conflict settlement in Transnistria, even though the EU financed the rebuilding of one bridge across the Nistru river that had been destroyed during the 1992 conflict (European Commission 2000). The lack of EU funding projects in Transnistria stands in stark contrast to European Commission funding for post-conflict rehabilitation in the Abkhaz and South Ossetian conflict areas in Georgia (see the next chapter).

No EU member state played or tried to play any political role in settlement talks on Transnistria, unlike Nagorno-Karabakh (where France was involved) and Abkhazia (Germany, France and the UK). Certainly, EU member states had security interests in the area, but these were pursued through the Organisation for Security and Cooperation in Europe (OSCE). The OSCE was the preferred channel for EU member states to project their interests in conflict resolution in Transnistria. The OSCE has had a field mission in Moldova since 1993 and has been involved in various conflict settlement efforts since 1994. EU member states also supported politically and financially the withdrawal of Russian military troops and equipment from Moldova. For this, a political agreement was concluded at the OSCE summit in Istanbul in November 1999 under which Russia agreed to the unconditional withdrawal of

troops and weapons from Moldova (and Georgia) within a few years, while US and EU member states agreed to adapt the arms-reduction Conventional Forces in Europe Treaty.

For a decade after the 1992 war, the EU as an institution did not undertake any action to promote conflict resolution in Transnistria. Transnistria was the post-Soviet secessionist conflict with the lowest level of European involvement (with the exception of the OSCE). In Nagorno-Karabakh, France was part of the negotiating format; in Abkhazia – Germany, France and the United Kingdom were involved in conflict mediation through the UN; and in South Ossetia (and Abkhazia) the European Commission has directly financed successive post-conflict rehabilitation projects. This stands in contrast to the case of Transnistria. If anything, the EU has avoided playing any role at all. A good example of this was when Moldova tried to join the Stability Pact for South East Europe. The Stability Pact was launched by the EU in the aftermath of the 1999 NATO campaign in Serbia/Kosovo as a way of stabilising the Balkans by promoting EU engagement, encouraging regional cooperation and offering a European perspective to the countries of the region. Throughout 1999-2001, Moldova tried to join this regional arrangement as a way of getting closer to the EU. It also wanted to enter negotiations over EU accession that was going on in the Balkans at the time, and dilute Russia's influence as the main conflict-settlement mediator in Transnistria. Moldova's bid was accepted in mid 2001. But on the conditions that it would not to request an association agreement from the EU, and would not to raise the Transnistria issue as part of the Stability Pact process (Ungureanu 2001). The EU was explicit in its desire to avoid any involvement with conflict resolution in Transnistria in the period between 1992 and 2001. But this entrenched approach changed rather suddenly. By the second half of 2002, the EU was actively looking for ways to play a bigger role in resolving a conflict that would border the EU in just a few years. The overall philosophy of the EU's approach to conflict resolution in

Transnistria was to reduce the benefits that the secessionist authorities extracted from the “no peace, no war” situation. At the same time the EU would offer increased support for Moldova’s reforms in order to make it more economically and politically attractive state for the inhabitants of Transnistria.

### **2003-2004: Testing the Waters**

Moldova has for many years been the poorest state in Europe. The perception that the conflict in Transnistria affects the performance of the Moldovan state has permeated EU policy on Moldova. A 2002 European Commission paper on EU approaches to Moldova stated: ‘Moldova’s stability clearly matters to the EU. Within a few years, Moldova will be on the borders of an enlarged EU. It has been destabilised by weak government, armed conflict and secession, near economic collapse, organised crime and emigration [...] The EU needs to help Moldova address these problems’<sup>27</sup>.

Since late 2002, the EU has rapidly accelerated its involvement in Transnistria. The turning point came with the launch of the discussions on the ENP in 2002, which provided the right moment for EU institutions to pro-actively promote greater EU conflict resolution in the neighbourhood. Since then, the EU has used an increasing array of foreign policy instruments to affect the conflict resolution process. This proceeded in two phases. From 2003 to 2005, the EU took a number of steps to prepare the ground for involvement in the conflict settlement process. This was followed by a much more ambitious set of interventions after 2005 which transformed the EU into one of the key players in the settlement process.

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<sup>27</sup> *EU approach on Moldova* (Unpublished, 2002).

**Table 7: EU policy on Transnistria: A Chronology**

1992-2002	<ul style="list-style-type: none"> <li>• Supporting OSCE conflict settlement efforts. No direct EU actions.</li> <li>• 2001-2002: Refusal to tackle Transnistria as part of the Stability Pact for South East Europe.</li> </ul>
2003	<ul style="list-style-type: none"> <li>• EU introduces a travel ban against 17 Transnistrian leaders (February).</li> <li>• EU Council Secretariat sends experts to a Moldovan-Transnistrian joint constitutional commission (February).</li> <li>• The European Commission launches trilateral Moldova-Ukraine-EU talks on border management (March).</li> <li>• OSCE Dutch chairmanship proposes an EU peacekeeping operation in Moldova. Russia refuses (July).</li> <li>• The Russian-backed “Kozak Memorandum” fails (November 2003).</li> </ul>
2004	<ul style="list-style-type: none"> <li>• No negotiations on conflict settlement after the Kozak debacle.</li> <li>• EU and Moldova negotiate the ENP Action Plan (throughout 2004)</li> <li>• EU extends the travel ban to another 10 Transnistrian officials (August).</li> <li>• The European Commission introduces a “double-checking” mechanism for Transnistrian steel (September 2004).</li> </ul>
2005	<ul style="list-style-type: none"> <li>• Adriaan Jacobovits de Szeged is appointed as the first EU Special Representative on Moldova (March).</li> <li>• Moldova and Ukraine invite the EU to deploy a border mission (June).</li> <li>• The EU and US join the negotiations on Transnistria as mediators in the 5+2 format (September).</li> <li>• EU Border Assistance Mission to Ukraine and Moldova is deployed with some 70 border police and customs experts (November).</li> <li>• The EUSR team is extended with political advisors in Kiev, Odessa and Chisinau.</li> </ul>
2006	<ul style="list-style-type: none"> <li>• The EU extend GSP Plus trade facilitation regime for Moldova (January).</li> <li>• Ukraine stops accepting Transnistrian goods without Moldovan customs stamps (March).</li> <li>• EUBAM budget is tripled and personnel is increased to cca 100 experts (second half of the year).</li> <li>• EUSR Jacobovits promotes the idea of EU peacekeepers to Moldova. Some EU member states and the Council Secretariat oppose it.</li> </ul>
2007	<ul style="list-style-type: none"> <li>• Kalman Mizsei replaces Jacobovits de Szeged as EU Special Representative on Moldova.</li> <li>• EUBAM mandate is extended for another two years. The number of EUBAM experts increases to 122.</li> <li>• 2007-2010 Moldova is the second biggest recipient of EU funding in the European neighbourhood.</li> </ul>
2008	<ul style="list-style-type: none"> <li>• EU Autonomous Trade Preferences are extended to Moldova (March).</li> <li>• Moldova and the EU agree to work towards the establishment of a deep free trade area.</li> </ul>

### *Diplomatic Actions*

Negotiations between Moldova and Transnistria over the settlement of the conflict have proceeded with ups and downs since the end of the war in 1992. Moments of rapprochement occurred in 1997 and 2001, but failed to translate into a settlement because the status quo was simply too lucrative for the secessionist authorities as well as corrupt elites in Moldova, Ukraine and Russia. A new opportunity came in the second half of 2002 when, in a breakthrough agreement, Moldova and Transnistria agreed to unite in a federal state. In late 2002 the parties agreed to set up a joint constitutional commission that would co-author the constitution of a reunited state. It looked like Moldova and Transnistria were close to an agreement under which Transnistria would be reintegrated into a federal Moldova. For the first time, this triggered EU diplomatic activism on Transnistria. Two EU officials promoted this: Kees van Rij and Carl Hartzel in the Policy Unit advised the EU High Representative Solana to start consulting with relevant stakeholders – Russia, Ukraine and Moldova - in the conflict resolution process in Transnistria. In early 2003 the Dutch chairmanship-in-office of the OSCE, an organisation involved in conflict settlement in Transnistria, appointed a special representative on Transnistria, Adriaan Jacobovits de Szeged. The EU and the Dutch OSCE chairmanship worked closely on Transnistria. Since early 2003 the EU Council officials and Jacobovits de Szeged became observers to the Moldovan-Transnistrian joint constitutional commission that effectively took over the settlement negotiations from the five-party talks. The constitutional commission ultimately failed in its task, but this marked a symbolic change in the conflict resolution mechanisms, with the EU becoming involved for the first time in negotiations over the status of Transnistria. Moreover, in the first half of 2003 the EU Council and the Dutch foreign ministry were engaged in intense consultations over the mechanisms of a possible peace support operation to be deployed in Moldova immediately after a political settlement (Lowenhardt 2004:3).

In parallel, the European Commission has started to tackle issues related to the lack of proper border controls between Ukraine and Moldova. Starting in March 2003, at the initiative of the European Commission, a series of trilateral consultations between Ukraine, Moldova and the EU were held in Brussels on the issue of joint border controls on the Moldovan-Ukrainian border, including its Transnistrian segment. The EU position was based on the assumption that ‘a key element in any effort to achieve a settlement relates to ensuring Moldova’s control over its entire customs territory’ (ENP Country Report on Moldova 2005). The report states also that ‘without effective customs control on the goods crossing Transnistria, smuggling is flourishing with serious consequences on the government budget and the rule of law’. The EU thus supported Moldova’s proposals for the creation of a joint border control between Moldova and Ukraine to ensure control over all of Moldova’s external borders. The EU also pledged funds to support the development of border infrastructure between Moldova and Ukraine.

Throughout 2004, while negotiating with Ukraine over the ENP action plan, the EU made the Transnistrian conflict a prominent issue in the bilateral EU-Ukraine dialogue. On the EU’s insistence, the EU-Ukraine action plan stated the necessity of enhancing cooperation in ‘working toward a viable solution to the Transnistria conflict in Moldova, including addressing border issues’. The EU clearly made this issue a priority in its approach to Ukraine.

### *Sanctions*

The EU has also raised the stakes of conflict settlement by using targeted sanctions against Transnistrian leaders over alleged foot-dragging in the joint constitutional commission. In February 2003, the EU and the US introduced a travel ban against the Transnistrian



leadership. The joint statement read: ‘The leadership of the secessionist Transnistrian region has continually demonstrated obstructionism and unwillingness to change the status quo, thereby impeding meaningful negotiations’ (EU Council 2003). The EU statement noted also: ‘The EU reserves the right to consider additional targeted restrictive measures at a later date. The EU will review its position in the light of further developments, in particular steps taken by the Transnistrian leadership to make substantial progress in negotiations’ (EU Council 2003). In August 2004, the travel ban was in fact extended to an additional ten officials from Transnistria who were responsible for the attempt to close down the Romanian-language schools using the Latin alphabet (rather than Cyrillic) in Transnistria. This was considered a human rights violation (EU Presidency 2004).

The EU has used sanctions quite flexibly. When Romanian-language schools were allowed to operate in Transnistria, the respective officials have been waived from the visa ban. More important politically was the exclusion in February 2008 from the travel ban of Evgheny Shevchuk, the de facto speaker of the Transnistrian parliament and a political adversary of the hawkish de facto president Smirnov. By engaging with moderate leaders and maintaining pressure on the hawks, the EU was encouraging splits in the Transnistrian elite.

#### *The Failed EU Peacekeeping in Moldova: Part 1*

Building on the momentum of increasing EU interest in the eastern neighbourhood, and the apparent progress on conflict settlement in Moldova, the Dutch OSCE Chairmanship-in-office circulated in June 2003 a “Food-for-Thought Paper” (2003) suggesting the deployment of an OSCE peace support operation in Moldova that would be conducted by the EU as the lead organisation (with possible Russian and Ukrainian contributions). Jacobovits de Szeged played a crucial role in promoting the idea of an EU peace support operation in Moldova. The idea was supported by the EU Council secretariat, and was discussed in the EU Political and

Security Committee and in the EU Military staff<sup>28</sup>. All this had been done on the assumption that a conflict settlement agreement could be achieved by keeping up the momentum of negotiations, while increasing sanctions and diplomatic pressures on Transnistria to cooperate. However, Russia came out publicly against the plan. The Russian foreign ministry issued a statement in July 2003 explicitly opposing any change in the Russian-dominated peacekeeping format in Transnistria, and the EU put the idea aside. Talks of EU peacekeeping in Moldova immediately faded after Russia voiced its opposition. The very idea of EU peacekeepers in the post-Soviet space was considered “real dynamite” in Moscow, leading to sudden politicization of the issue and triggering Putin’s personal involvement (Lowenhardt 2004:4).

#### *The “Kozak Memorandum” Debacle*

Recognizing that its monopoly over conflict settlement and peacekeeping in the post Soviet space was being challenged, Russia moved quickly to regain the initiative. In the summer of 2003, President Putin appointed Dmitri Kozak, then first deputy head of presidential administration of the Russian Federation, as his personal envoy on conflict settlement in Transnistria. After treating Transnistria as an instrument for influencing Moldova and as an excuse to keep military troops in the region for over a decade, Russia apparently decided to push through a settlement on Transnistria before the EU could become influential in the region. After two months of secret negotiations outside the original five-party talks, and without informing Ukraine, the EU, the US or the OSCE, Dmitri Kozak hammered out a framework document for a settlement. The agreement envisaged the creation of a new Moldovan Federation, with a long list of joint competencies between Moldova and Transnistria, ensuring that Russia had significant influence over the reunited state. Moreover, a secret version of the memorandum, initialled by the Moldovan president, allowed for the

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<sup>28</sup> Interview, Ministry of Defence of the United Kingdom, London, October 2003.

establishment of a Russian military base for 20 years. It was publicly announced that President Putin would travel to Chisinau to take part in the signing of the agreement on Moldova's reunification on 25 November 2003. Russia asked the OSCE to support the agreement. In many ways the EU was outplayed as Russia tried to assert a near-monopolistic geopolitical influence over a reunited and federalised Moldova.

Two days before the expected signature of the agreement, the EU High Representative Javier Solana, the OSCE Dutch chairman and the US Ambassador to Moldova all informed the Moldovan authorities that they were against the "Kozak memorandum" because the vague division of competencies in the agreement was not likely to lead to a sustainable federative solution, but rather to a dysfunctional state that would require permanent mediation and intervention of an external actor, in casu Russia. As a result, Moldova cancelled the signature ceremony that was to be attended by Putin. The conflict could have been settled on Russian terms, but the EU and the US refused to accept such a development in EU's new neighbourhood. Javier Solana's call to Moldovan President Vladimir Voronin happened over the weekend when there was no time for consultation with EU member states representations in Brussels. This was clearly an autonomous intervention by the EU institutions to prevent the resolution of the Transnistrian conflict on Moscow's terms. The Kozak debacle led to a complete breakdown of settlement talks for two years, a serious crisis in Moldova-Russia relations, the failure of the OSCE ministerial council in December 2003 and years of mutual recriminations between Russia and the EU over the issue.

#### *Trade Related Actions*

In September 2004 the European Commission introduced a so-called "double-checking" mechanism for steel exports from Moldova without imposing any quotas (EU Council 2004). In fact, this was a measure to enhance the transparency of steel exports from Transnistria to

the European Union. Such exports could no longer happen without Moldovan certificates confirming the origin of the steel. This meant in effect that the Transnistrian steel factory in Rybnitsa would not be able to export steel without Moldovan custom stamps or supervision by Moldovan authorities. The impact has been felt in Transnistria, which has had to redirect exports toward Russia and China in particular. The objective of the policy was to force the steel mill – the biggest company and exporter in Transnistria – to register with the Moldovan government, thereby promoting gradual economic reintegration of the entity into Moldova. The attempt to reduce the benefits of secessionism failed because Ukraine accepted Transnistrian exports without Moldovan custom stamps.

#### *Moldova in the European Neighbourhood Policy*

The context of broader EU-Moldova relations was also changing. Since late 2002 Moldova was included in the newly emerging European Neighbourhood Policy. In order to increase their cooperation the EU and Moldova negotiated throughout most of 2004 an ENP Action Plan to serve as the main framework document for cooperation between. It presupposes a whole set of objectives and actions to be undertaken by Moldova and the EU to strengthen their cooperation. These include integrating parts of the *acquis communautaire* into Moldovan legislation, harmonising standards, and strengthening the political dialogue.

While negotiating the ENP Action Plan the EU was reluctant to commit to any concrete and significant actions to conflict resolution in Transnistria. The European Commission did not have a mandate from member states to do that, and there was no intra-EU consensus on a “big-bang” EU engagement in conflict resolution in Transnistria. On Moldova’s insistence, the European Commission agreed to make Transnistria a first priority in the action plan, but only vaguely pledged to strengthen its engagement in conflict resolution and commit to post-conflict rehabilitation arrangements and guarantees (EU-Moldova Action Plan 2005:11-2). No

concrete actions have been outlined thus far. However, the language of the action plan gave the European Commission some room for manoeuvre to increase its impact on the conflict once the timing was right. In many ways the ENP Action Plan tried to bring together the many policy strands that the EU pursued on Moldova. By the time the ENP Action Plan entered into force in early 2005, many of the stepping stones of the future EU engagement in conflict settlement in Transnistria were in place and the EU ready to move into higher gear.

This “testing of the waters” provided a number of lessons for EU institutions. On the one hand, the Kozak debacle showed that no solution to the conflict could be found without EU being part of the solution. On the other hand, no cavalry-like assault on fortress Transnistria was likely to propel the EU into becoming a key player in conflict resolution, let alone solving the conflict. Apart from an extraordinary call from Solana to Voronin to halt the adoption of the Kozak Memorandum, the EU lacked the channels and the institutions to systematically influence the conflict settlement process. Russia easily sidelined the EU, the OSCE and Ukraine by engaging in secret talks with Moldova. The first year of active EU policy on Transnistria also showed that in the face of Russian opposition, and without a political agreement between Moldova and Transnistria, the EU could do little in the way of high politics such as peacekeeping, and constitution-writing for a reunited Moldova. After the Kozak debacle in late 2003, lingering tensions between Moldova and Russia, and Russian accusations that the EU had disrupted the deal out of “jealousy” for Russian foreign policy successes, negotiations came to a halt in 2004 (Interfax 2008). At this point, virtually nothing was done in the way of direct negotiations over the conflict. In response, the EU focused on changing the context of the conflict. But even this was very difficult because real pressure could not be applied to the intransigent leadership of Transnistria without closer cooperation with Ukraine that under President Kuchma was not forthcoming.

Due to the disruption of Moldova-Russia relations, and the breakdown of five-party talks, Moldova became a constant and vocal *demandeur* for EU conflict settlement in Transnistria, creating some external pressure and increasing expectations on the EU to deliver. This dynamic intensified after the 2004 enlargement, as such demands resonated with the new EU member states. These factors created fresh impetus for a more pro-active EU policy on Transnistria. Overall, the EU Council Secretariat and the European Commission have pursued an expansionary strategy on the conflict resolution process. These institutions have tried to intervene in high politics issues by pushing an EU peacekeeping contribution to Moldova, and preventing Russia from pushing through with the Kozak Memorandum. However, the EU has not advanced too far in trying to reach a resolution of the conflict through high-visibility measures. This made the EU focus increasingly on the low-politics of conflict resolution such as border control issues and trade incentives for Moldovan and Transnistrian businesses. Quite in unison with the EU, Moldova also played the low-politics game well, making it easier for EU institutions to increase their involvement in conflict settlement in Transnistria. Rather than adopting a conflictual approach to Russia (as Georgia did), Moldova tried to depoliticise EU involvement in conflict settlement in Transnistria, and also focused on technical issues of cooperation such as border controls and trade related matters. Such an approach also had the advantage that Russia-friendly EU member states such as Austria or Greece, have often been much more supportive of EU intervention in Moldova, than in Georgia, since it was less politically controversial for EU-Russia relations.

### **EU Conflict Intervention in Transnistria in 2005-2008**

Having gone through a number of failures, and against the background of an almost total freeze in the conflict settlement throughout 2004, the EU has engaged in building a more systematic and integrated approach to conflict resolution in Transnistria. Such an approach

was based on two tenets. First, a more prosperous, economically attractive, and democratic Moldova was thought to be key to resolving the conflict, since this would make Moldova more attractive to Transnistrian residents (and to significant business interests in the region). Second, for conflict resolution to become more viable, the benefits to the authoritarian leadership of the frozen conflict had to be drastically reduced. Therefore, EU policy focused on two broad objectives: making Moldova attractive, and reducing the benefits of corruption to secessionist entity elites. To achieve these objectives, three priorities for EU action have been identified: streamlining the diplomatic channels, applying more pressure on the secessionist entity, and convincing Ukraine to enforce border management measures on the Transnistrian section of Ukraine-Moldova border. All these measures could be achieved without depending on Russian acquiescence, and could be undertaken through low-politics measures making it easier for EU institutions to act. EU actions were related to the low politics of conflict settlement as they dealt with trade, economics, visas and customs controls, rather than peacekeeping or high-level political interventions.

### *The EU Special Representatives*

In early 2005, a decision was made to increase the profile of the EU in the region and streamline its diplomacy. In March, the EU appointed a EU Special Representative for Moldova. Adriaan Jacobovits de Szeged, the former special envoy of the OSCE Dutch chairmanship on Moldova was appointed as the first EU Special Representative (EUSR) on Moldova. He held this position from March 2005 until March 2007. His mandate was to ‘strengthen the EU contribution to the resolution of the Transnistria conflict [...]; assist in the preparation [...] of EU contributions to the implementation of an eventual conflict settlement’ (EU Council 2005/265). In this way, EU intended to institutionalise its influence over the settlement process.

Jacobovits de Szeged was based in the Hague, which limited his ability to interact with EU member states representatives in Brussels and the European Commission. This ultimately undermined the EUSR's ability to efficiently pursue his conflict resolution agenda (see below). The second EUSR, Kalman Mizsei, was appointed in March 2007 and *was* based in Brussels, which facilitated interaction with member states.

Besides appointing an EUSR, the number of EU officials dealing with Moldova also increased exponentially. If in 2002-2004 there were just two persons in the Policy Unit covering most of the eastern neighbourhood (Russia, Belarus, Ukraine, Moldova and the South Caucasus), in 2005-2006 a gradual expansion of personnel dealing with the eastern neighbourhood from the EU Council took place. Since mid-2004, one EU Council *fonctionnaire* (Annika Weidemann) was appointed desk officer for Moldova in the EU Council Secretariat. In late 2004 a Finnish diplomat, Pirkka Tapiola became Solana's advisor on Belarus, Ukraine and Moldova in the Policy Unit. In March 2005, the EUSR was appointed, and subsequently his team received a political advisor in Chisinau, Moldova. In late 2005-early 2006, with the launch of the EU Border Assistance Mission to Moldova Ukraine, EUSR Moldova's team was supplemented with one more advisor based in Chisinau, another in Kiev and another in Odessa. Thus in a rather short period of time in 2004-2006 the EU's team of people working on Moldova expanded significantly.

The way the EUSR operated revealed a number of interesting things about the interactions among EU institutions, EU member states and third countries that are the objects of the EU policy. The appointment of a EUSR Moldova moved the EU into a territory where it needed a clearly formulated position of the daily aspects and nuances of the peace negotiations. Given



that no member states were previously involved in conflict resolution in Transnistria (unlike in Abkhazia and Nagorno-Karabakh), none of the EU member states had a clear-cut position on the conflict apart from general political objectives (such as “withdrawal of Russian troops” or “reunification of Moldova”). Moreover, the diplomatic presence of EU member states in Moldova was very limited. Until the 2004 enlargement, only three EU member states had embassies in Moldova (the UK, France and Germany), and even the UK and French embassies usually had two or three diplomats. Thus, a consensus on action at the EU level came easily to member states. When the EUSR’s teams were strengthened with advisors based in Brussels, Chisinau, Kiev and Odessa (see below), the EUSR and his team became one of the best informed EU policy actors on Transnistria. Their reports were distributed to all member states, making the EUSR the main sources of information, analysis and policy advice for member states on Transnistria. The EUSR’s team to a large extent shaped the perceptions of national foreign ministries concerning the conflict resolution process, and this influenced their perceptions of the EU policy needs on the ground. In this respect, EUSR Moldova enjoyed more influence than did EUSR South Caucasus, where member states had larger embassies and more entrenched foreign policies, which limited the influence of EUSR concerning the way in which member states viewed EU priorities in the region. In short, the lack of involvement by EU member states in conflict resolution in Transnistria gave the EUSR more room for manoeuvre, as did the EUSR’s role as the central source of information and policy advice about Moldova.

Another observation relates to the relation between the EUSR and the countries to which they are appointed. A pattern that emerged in the case of EUSRs – both for Moldova and South Caucasus – was that in the exercise of their mandate they are guided only by the preferences of their principals, i.e. the member states that appoint them. The effectiveness of their actions

depend on the political access and influence they have with the authorities of the target countries, since relations with their governments were an important source of power in Brussels. The better the relations with the target state's authorities, the more indispensable and influential an EUSR was in Brussels. Moreover, EUSRs tend to have a significant overlap of interests with the target states – Moldova's wish for greater EU conflict resolution in Transnistria coincided naturally with the interests of the EUSR Moldova to have greater capabilities, personnel, and crisis-management missions in order to have an impact on the peace process. Thus, EUSR and the target countries are often mutually reinforcing players in Brussels. Moldova asked for greater EU intervention in the conflict, and its EUSR wanted the same. The EUSR thus used Moldovan demands to lobby in Brussels for greater EU action. At the same time, the EUSR could not be seen as a Moldovan lobbyist in Brussels, which shows that what a difficult balancing act the job implied.

#### *The "5+2" Conflict Settlement Negotiations*

Having appointed an EUSR with the aim of playing a greater diplomatic role in conflict settlement talks in Transnistria, the EU sought to join the conflict settlement talks, which until that moment were pursued in the so-called "five-party" format (Moldova, Transnistria, Russia, Ukraine and the OSCE). Moldova has been a strong *demandeur* for EU and US involvement in the negotiations, since in Moldova's view this would correct for Russia's dominance in the talks. From the EU's point of view, participation in settlement talks would increase the transparency of negotiations and reduce the possibility of a repeat of the situation around the "Kozak memorandum" in 2003, when settlement talks happened without the involvement of the EU. Transnistria and Russia have traditionally been opposed to EU involvement in conflict settlement talks, while Moldova, Ukraine and the OSCE have been in favour. Russia and Transnistria agreed to accept the EU and the US as observers in conflict

settlement talks in September 2005, thus the format changed from “five-party” to “5+2”. Despite its formal status as an observer, the role of the EU was no different from that of other actors involved. Still, EU involvement did not appear to make much of an impact. After just a few rounds of negotiations, Transnistria withdrew from the talks in March 2006 when Ukraine enacted a new border regime for goods exported by Transnistria (see below). The lack of progress in the 5+2 negotiations continued until autumn 2008 because Transnistria refused to take part in any meetings in such a format. This did not, however, prevent the EU from being rather active on changing realities on the ground around Transnistria and consulting regularly with Moldova, Russia, Ukraine and Transnistria on the settlement issues. Notwithstanding EU’s participation in talks, and the streamlining of EU diplomatic involvement through the EUSR Moldova, these measures were no substitute for actions on the ground. Diplomatic efforts were not enough to break the entrenched interests sustaining Transnistria as a secessionist entity.

#### *Preparing the EU Border Assistance Mission*

One of the key elements making the status quo in Transnistria attractive, therefore sustaining the secessionist problem, has been Transnistria’s control of 470 km of the border between Moldova and Ukraine. Allegedly, the elites in the secessionist region have been involved in smuggling and trafficking activities in collusion with Moldovan and Ukrainian partners. The alleged Transnistrian smuggling and trafficking passes mainly through Ukraine. One of the ways in which smuggling operated was the following. Certain goods were delivered to the Ukrainian port of Odessa. According to the 1997 agreement, goods destined for Transnistria were not to be taxed in Ukraine (or Moldova), if Transnistria was declared the end destination of the goods. From Odessa, literally one or two persons with a single folder of documents could drive to the border posts, and stamp the documents at the Ukrainian customs and

Transnistrian customs. The goods were thus considered to have entered Transnistria, though in reality they remained in Ukraine and were sold in Ukraine without any import customs duties.<sup>29</sup> Another scheme was to import the goods into Transnistria, and then smuggle them back into Ukraine at night by bribing Ukrainian customs officials and the Transnistrian authorities (the son of Transnistria's president was also head of the Customs service), or through the border.<sup>30</sup>

The border between Ukraine and the region of Transnistria is a smuggler's paradise – it is not demarcated and there are almost no natural barriers such as big rivers or mountains.<sup>31</sup> A popular smuggled good was chicken legs. In six months between October 2005 and March 2006, Transnistria imported some 67 kg/per capita of chicken legs. Given that the consumption of chicken legs in Germany, for example, was 5.6 kg/per capita,<sup>32</sup> it was obvious that Transnistria could not possibly have consumed the quantities of poultry that they claimed to have “imported.” They were instead smuggled into Ukraine or Moldova. EUBAM estimated that the Ukrainian budget lost Eur 43 mln in customs duties over six months due to smuggled poultry alone. All these schemes were implemented by colluding Transnistrian, Ukrainian and Moldovan customs officials for private profit. The amounts of money involved were enormous, as the smuggling involved used cars, meat, cigarettes, spirits and many other goods.

Little progress could be achieved on the political aspects of conflict resolution in Transnistria without tackling border management issues. Moldova was desperate to change the situation, but during the Kuchma presidency in Ukraine, the authorities were adamantly opposed to any

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<sup>29</sup> Interview with EU official, Brussels, June 2005.

<sup>30</sup> Interview with EUBAM officials, Kuchurgan, May 2006.

<sup>31</sup> Interview with EUBAM experts, Kuchurgan and Odessa, May 2006.

<sup>32</sup> Interview with EUBAM officials, Kuchurgan and Odessa, May 2006.

attempt to enforce stricter border controls by accepting joint border posts with Moldova on Ukrainian territory (therefore “locking” Transnistria) or inviting EU border monitors. Moldova focused significant diplomatic efforts throughout 2002-2005 on convincing the EU to press Ukraine to accept stricter border controls. As a result of this, the EU gradually became involved in border-related issues. Since 2003, the EU launched trilateral consultations with Ukraine and Moldova over the border, though Ukraine still refused to change its position.

The Orange Revolution in late 2004 provided a window of opportunity to change Ukraine’s position on the border issue. In foreign policy, Viktor Yushchenko, the new Ukrainian president, was eager to show his pro-European credentials. In domestic policy, the new administration was eager to fight corruption. Reforming the customs service and reducing smuggling around Transnistria served this domestic imperative. The then prime-minister Yulia Timoshenko backed these measures as well.

These developments facilitated the EU’s goals in the region. The European Commission had been involved in border related negotiations with Moldova and Ukraine since early 2003 and recognised the need for stronger EU intervention on the ground. However, it could not realistically launch a border mission, much less convince all the EU member states of such a need, without an invitation from Ukraine. Anticipating foreign policy changes in post-Orange revolution Ukraine, the European Commission in January 2005 began to prepare for the deployment of a border mission to Ukraine and Moldova.<sup>33</sup> Without a mandate or a request from EU member states the European Commission engaged in anticipatory planning of a mission that under normal circumstances was supposed to be an EU Council operation.

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<sup>33</sup> Interview with an EU diplomat, Brussels, November 2006.

EU institutions framed resolution of the border issue as a credibility test for the foreign policy of a post-Kuchma Ukraine. The European Commission and the EU Council informally lobbied Ukraine to invite the EU to assist in border management. The result was that President Vladimir Voronin of Moldova and Viktor Yushchenko of Ukraine signed a joint letter on 2 June 2005 inviting the EU to contribute to border monitoring. The letter requested the EU to assist in the creation of an “international customs control arrangement and an effective border monitoring mechanism on the Transnistrian segment of the Moldova-Ukraine State border” (EU Factsheet on EUBAM).

Even though the EU institutions had acknowledged the need for such a mission for months if not years in advance, they could not have achieved it without evidence of a “local demand”. Despite a clear EU interest to tackle the border issue – both to enforce border controls at the enlarged border of the EU and to contribute to conflict settlement in Transnistria - EU’s ability to pursue these interests depended more on local conditions than on the EU’s strategic calculations. Its policy actions on the ground could not achieve any meaningful success without local support or acceptance.

As a result of the Ukrainian-Moldovan letter in August 2005, the EU presented a memorandum on the creation of an EU Border Assistance Mission that would monitor and assist customs and border controls on the whole frontier between Moldova and Ukraine, including its Transnistrian sector. On 23-29 August 2005, the EU sent an EU Council-European Commission fact-finding mission to Moldova and Ukraine to identify the needs on the ground. A memorandum of understanding on the creation of EUBAM was signed on 7 October 2005 (EU-Moldova-Ukraine Memorandum 2005).

### *The EU Border Assistance Mission*

The Mission was launched on 30 November 2005 by EU High representative for CFSP Javier Solana and the European Commissioner for External Relations Benita Ferrero-Waldner. According to the mission's first mandate, it was supposed to be deployed for 2 years, with the possibility to extend it for another year. The initial budget of the Mission was some 8 mln Euro.

The main reasons for the launch of EU BAM was to ensure better border management in the conflict area, while at the same time undermining the economic basis of the Transnistrian secessionist regime whose main *raison d'être* was to benefit from untransparent economic activities. An EU declaration stated that the mission's objective is to strengthen "cooperation between the EU and the Moldovan and Ukrainian authorities in the fight against weapons trafficking, smuggling, organised crime and corruption. The Mission is also part of the EU's ongoing commitment to helping to improve security and stability in the region [...] the EU hopes that the Mission will contribute to wider efforts to find a viable and sustainable solution to the Transnistria conflict" (EU Presidency Statement 30.11.2005).

The EU opted for a rather intrusive mandate and extensive operations. Formally, the mission did not have executive functions. However, it has the right to undertake unannounced visits to border units and customs points, to inland police stations; to be present and observe customs clearance procedures, examine documents and records including computerised data; request re-examination and re-assessment of goods already processed, etc. This had a significant impact on the ability of the often corrupt customs officials to continue such practices, as EU

officials could request re-examination of any cargo, and even installed Closed Circuit TV Cameras in some border crossing points<sup>34</sup>.

For most of 2006, the mission consisted of 70 border police and customs officials from 16 EU member states and some 46 people of local support staff such as interpreters, drivers and security guards (Banfi 2006). Thus, the total number of people working with the mission was some 120 people. Immediately after deployment, EUBAM officials, the European Commission and the EU Council started to argue that the existing personnel was insufficient in size to fulfil their objective. An EUBAM official argued that to be effective the mission should have some 200 border and customs experts, which was three times the size of the mission at that moment.<sup>35</sup> Indeed, EUBAM was not very big. For example, the EU border assistance mission to the Gaza Strip, EUBAM Rafah had some 70 persons monitoring one border post, while in Moldova and Ukraine a similar number of people were supposed to monitor 470 km of un-demarcated border. The EU officials involved persuaded the EU member states to approve an extension of the EU operations on the ground by saying that the original aim cannot be achieved without further common action – a classical spillover argument.

By mid 2006, EU member states agreed to increase the number of EUBAM personnel by some 30 more persons, to 100 EU personnel. The budget was almost tripled from EUR 8 to some EUR 20 mln (EUBAM Annual Report 2005/2006). Once on the ground, the EU mission also requested from the Ukrainian and Moldovan authorities to allow EUBAM not only the monitoring of the Moldova-Ukraine border *stricto sensu*, but also customs operations at the

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<sup>34</sup> I witnessed such cameras financed by EUBAM installed at the Kuchurgan rail border crossing point, May 2006.

<sup>35</sup> Interview with EUBAM official, Odessa, May 2006.



Odessa and Ilichevsk ports in Ukraine, through which most of the Transnistrian trade was directed, and the Moldovan capital Chisinau. Thus, through a number of sequenced steps and “dosed” requests, the EU institutions, after having deployed the border mission, enlarged its scope by increasing the number of personnel and budget. Then in late 2007, the mandate of the EUBAM was extended for another two years, the budget increased to EUR 24 mln, and the number of international experts was raised to 122 people (plus 111 local staff). This clearly indicated a step-by-step acceleration of EU involvement in the Ukrainian-Moldovan border region and a growing degree of EU intrusiveness into border-management issues.

Through its policies of dosage EUBAM also started to get increasingly involved in Moldova. In late 2008-early 2009 EUBAM started to look into possibilities to advise the Moldovan Centre for the fight against corruption and organised crime on anti-corruption strategy. To achieve that, EUBAM co-located one of its experts with the Moldovan anti-corruption agency. Similarly, on 22 January 2009 EUBAM sponsored the signing of a trilateral agreement on cooperation between EUBAM and the Moldovan and Ukrainian intelligence agencies. Such activities have not been originally envisaged when EUBAM was launched, but clearly demonstrated an expansionary strategy on the part of EUBAM in the implementation of its mandate.

EUBAM challenged many of the corrupt practices that existed on the border before the launch of EUBAM. For example, due to the EU presence the Ukrainian officials at the Kuchurgan border crossing point stopped the VIP treatment offered to Igor Smirnov, the self-proclaimed president of Transnistria, who often crossed the border when travelling to Ukraine. Before EUBAM was deployed, Smirnov used to cross the border without even being checked, neither

by the border guards nor custom officers. After observing this practice, the EUBAM raised the issue with Ukrainian customs service arguing that there is no legal basis for such treatment since Smirnov is an ordinary citizen (of Russia, in fact); the practice has since stopped. Since then, Smirnov's cortege was always checked.<sup>36</sup> While these changes have been insufficient to solve the conflict, it shows how one of the objectives of the mission – that of decreasing the benefits of the status quo for the leadership of Transnistria - was slowly being realized through small actions.

Other actions have been less symbolic but have had a greater impact on the momentum of the Transnistrian secessionist conflict. EUBAM focused on identifying weaknesses in border management in Ukraine and Moldova that were exploited by various criminal groupings operating around Transnistria. For example, EUBAM asserted that of the four agencies involved in border management in Ukraine and Moldova (a customs and a border services for Moldova and for Ukraine), only the Moldovan customs service had the legal prerogatives to investigate serious criminal violations (ICG 2006b). This meant that if smugglers were caught, the Ukrainian customs officers would have to call the police from nearby towns, and often wait for up to 2-3 hours for them to arrive. Custom officers had little incentives to investigate smuggling cases that used a lot of time and were not rewarded professionally. To counteract this, EUBAM recommended legislative amendments to allow Ukrainian border guards to launch criminal investigations. Another loophole related to the fact that, according to Ukrainian legislation, if smuggled goods are worth less than 10.000 USD, the case could not be criminally prosecuted. This meant that smugglers who were caught could escape by only paying a fine and having their goods confiscated (but not even the cars they used for smuggling). Thus the following smuggling scheme was executed: goods (for example chicken

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<sup>36</sup> Interview with EU officials and Moldovan diplomats, Brussels, February 2006. Also see "Smirnov-chasers with dash of cheek", *European Voice*, Vol. 12 No. 8 : 8 March 2006.

legs) were imported from anywhere in the world via Ukraine into Transnistria in large quantities. These would be distributed in mini-vans carrying goods worth less than 10.000 USD that would try to cross the border back into Ukraine at night through the undemarcated border or through official customs points by bribing customs officials. This minimised the risks for smugglers. The result was millions of euro in lost customs revenues for the Ukrainian and Moldovan budgets. EUBAM pressed Ukraine to lower the threshold for the value of smuggled goods that would launch a criminal investigation and would increase the penalties for smuggling. Another EUBAM recommendation was related to border patrolling. For example, Ukrainian border patrols had a pre-approved schedule for patrolling the border between Moldova and Ukraine that was centrally approved by the Ukrainian border guards' service. So, officials in the central apparatus would know for a week in advance at what time and which place on the border each patrol would happen to be at any given moment. Smugglers could buy the patrolling schedule from corrupt border officers, and discover which parts of the border were patrolled at which time. Therefore, smugglers could plan their smuggling in a way that drastically reduced the risk of being caught by border patrols. EUBAM pressed the Ukrainian border service to decentralise planning of border patrols, so that each patrol decides what sections and what time it is going to inspect, making it more difficult for smugglers to predict patterns of border patrolling. EUBAM has identified numerous weaknesses of this kind and made 41 recommendations to the Ukrainian and Moldovan customs and border services on how to eliminate them.<sup>37</sup>

#### *Inter-institutional aspects of EUBAM*

From an intra-EU point of view, EUBAM is a rare animal. It is one of the very few significant EU security policy endeavours that is not an ESDP operation but a European Commission-led

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<sup>37</sup> Interviews with EUBAM officials, Kuchurgan and Odessa, Ukraine, May 2006.

mission. The entrance of EUBAM into conflict management reflected an interesting pattern of inter-institutional competition inside the EU, with the Commission and the Council competing for prerogatives in setting up the mission. Discussions inside the EU institutions lasted for a few weeks in summer 2005<sup>38</sup>, and resulted in a compromise solution giving both the Council and the Commission a say in the management of the border mission.

Interestingly, the planning of EUBAM entered into competition for political attention and resources with an EU mission to Aceh, Indonesia. The planning of the mission to Indonesia was a few weeks ahead to the planning for the mission to Moldova. On 12-17 July 2005, the rebel forces in Aceh and the Indonesian government achieved an agreement on the content of a memorandum of understanding on settling the conflict. The document was mediated with the help of the former Finnish president Marti Ahtisaari, and was supposed to be signed on 15 August 2005. The launch of an EU monitoring mission overseeing the peace deal starting 15 August was lobbied by Indonesia itself, Ahtisaari and a few member states (Grevi 2005:21-2). The likelihood of success and the urgency of deployment in Aceh mobilised the EU foreign policy machinery to establish an EU Monitoring Mission in Aceh. But the Aceh mission ran into the difficulty of finding on short notice and in the summer months budgetary resources (Grevi 2005:26-27). An inter-institutional battle between the EU Council and the European Commission ensued. The EC could contribute financially to the mission but wanted some oversight of the political operation, while the legal service of the EU Council argued that the EC could not have any political say over a crisis-management operation. In the end, the EU managed to deploy by mid-September a Council-led 231-person EU Monitoring Mission to Aceh.

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<sup>38</sup> Interviews with EU officials in Brussels, June and October 2005.

The EU mission to Aceh had a number of implications for planning the EU mission to Moldova. To start with, it showed that when confronted with a choice for priorities between an unsolved conflict in the neighbourhood and a successfully-solved conflict in Asia, the EU Council gave priority to a quick foreign policy success over strategic imperatives to stabilize the immediate neighbourhood. As a result of the mission to Aceh, the EU Council's CFSP budget was exhausted by September 2005 and the Council could not support financially a new mission (Beatty 2005).

The European Commission seemed better prepared than the EU Council to launch EUBAM. The Commission had the funds via the Rapid Reaction Mechanism and other budgetary lines to launch such a mission (European Commission, DG Relex 2005). After being sidelined from the Aceh mission, the European Commission firmly defended its intention to run the EU mission to Moldova. The European Commission argued that EUBAM would not be a crisis-management mission so much as a depoliticised technical-support mission. Presented in this light, the mission would be more acceptable to Ukraine and less irritating to Russia, which had its own interests in Transnistria. It was also argued that having a high profile ESDP mission on the ground in Ukraine could have been more problematic politically in Ukraine since it would suggest that Ukraine could not manage its borders and was generally an unstable country, given that ESDP missions are launched in conflict regions.<sup>39</sup>

The European Commission has framed EUBAM as a low-politics activity, in order to maintain institutional control of its actions, rather than let it become an EU Council (inter-governmental) operation as was the case for all other EU crisis management operations. The European Commission thus insisted that EUBAM was not a crisis-management mission

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<sup>39</sup> Interviews with diplomats in Chisinau, August 2005, and EU officials in Brussels, October 2005.

(which it definitely was given its huge impact on the situation in Transnistria), but a technical-support and capacity building mission. The way EUBAM was presented demonstrated both the EU institutional bias in favour of low-politics actions, and showed that the European Commission frames certain actions as technical non-political measures in order to retain greater institutional autonomy. Presenting actions as low-politics was used as a power-maximising strategy for institutions that try to expand their mandates while still remaining under the radar of the member states. The European Commission also argued that the EU needed to build on the momentum of the Yuschneko-Voronin invitation and “seize the window of opportunity which may not last long” (European Commission, DG Relex 2005). This suggested both the extent to which the EU is dependent on *external stimuli* for launching such policies, but also highlighted that the issue was urgent and the European Commission could address it in a faster way than the EU Council.

In the end it was decided that EUBAM was to be a Commission-led mission. However, the Council was given a say in the management of EUBAM by double-hatting the Head of EUBAM who is both a European Commission official and Senior Political Advisor to the EUSR. However, the EUBAM itself was integrated in the line of command of the European Commission only. Part of the compromise was also the strengthening of the EUSR with four advisors on the border issue based in Chisinau, Kiev and Odessa. The EUSR Border team would consist of a Senior Political Advisor in Odessa who combines his/her function with that of the Head of EUBAM; a Senior Advisor in Kiev, a Liaison Officer in Odessa and one Advisor in Chisinau.<sup>40</sup> Thus, it confirmed the not so uncommon situation that inside the EU,

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<sup>40</sup> For details on the EUSR Border team see a document of the Foreign Relations Counsellors Working Party addressed to the Political and Security Committee on “Reinforcement of the team of the EUSR for Moldova”, 13077/05, PESC 834, COEST 162, Brussels, 13 October 2005, [http://eurojournal.org/files/EUSR\\_team.pdf](http://eurojournal.org/files/EUSR_team.pdf) ; and “Draft Council Joint Action amending the mandate of the European Union Special Representative for Moldova”, 13059/05, PESC 832, COEST 160, OC 683, 13 October 2005, [http://eurojournal.org/files/EUSR\\_and\\_BAM.pdf](http://eurojournal.org/files/EUSR_and_BAM.pdf)

contradictions are solved by the mutual expansion of competencies. The European Commission has defended the low-politics nature of its border support efforts in Transnistria in order to retain control over the issue. With time, the EUSR has had some influence over EUBAM, but in fact did not have a hands-on approach to EUBAM and was concerned primarily with political negotiations around Transnistria. Meanwhile, DG RELEX in the European Commission became the main agency directing the work of EUBAM, while also trying to limit the EU Council's involvement in the day-to-day running of EUBAM for fear of EUBAM being slowly taken over by EU member states.<sup>41</sup>

### *The ENP: Making Moldova Attractive*

The EU has launched a number of potentially significant political and economic measures aimed at supporting reforms in Moldova, with the implicit aim of making it more attractive for Transnistria. Many of these measures had their intended effects. For example, in 2007 the EU signed with Moldova a visa-facilitation agreement that would allow certain categories of Moldova citizens, such as businessmen, students, academics, civil society activists, and lorry drivers to benefit from a less restrictive visa regime with the EU (Trauner and Kruse 2008). This led the Transnistrian Chamber of Commerce to request that the visa-facilitation regime be applied to Transnistrian businessmen (with Moldovan passports) as well (Novyi Region 2007). Such measures increased incentives for the above mentioned categories of residents of Transnistria to apply for Moldovan passports.

The EU has also significantly increased its financial assistance to Moldova. In 2007-2010 EU assistance for Moldova doubled to some Eur 250 mln for three years with the launch of the ENP financial assistance instrument – the European Neighbourhood and Partnership

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<sup>41</sup> Interview with EU official, March 2008.

Instrument (ENPI) – which replaced TACIS. Thus Moldova became the second biggest recipient of EU funding per capita in the neighbourhood, just after Palestine. Georgia, for example, which has a population slightly larger than that of Moldova, received only EUR 120 mln, while Ukraine--12 times the population of Moldova--was pledged just double the amount of EU assistance to Moldova. However, due to the division of labour between the European Commission dealing with assistance and the EUSR involved in political negotiations, these funds could not be used as leverage to back up the EUSR's political strategy on Transnistria. Since 2008 the EU for the first time announced its intention to finance projects in Transnistria predominantly aimed at supporting civil society. It is worth noting that the EU has been financing projects in the secessionist entities in Abkhazia and South Ossetia since 1997.

Another significant element of EU support is related to trade liberalisation with Moldova. In 2006 the EU granted Moldova the so-called Generalised System of Preferences Plus trade regime, lowering taxes for Moldovan exports to the EU. At the same time, after the introduction of the new customs regime in March 2006, Transnistrian companies could not export anything without registering with the Moldovan government. This forced virtually all Transnistrian exporters to register in Moldova, which made it possible for them to benefit from facilitated trade access to the EU. This proved beneficial for Transnistrian exports to the EU, which grew by 59% between January 2006 and January 2008 according to the OSCE Mission to Moldova (Remler 2008). EU trade facilitation gave strong incentives for Transnistrian companies to operate under Moldovan law. In 2008, the EU also extended to Moldova Autonomous Trade Preferences – a special regime applied only to the countries of the Western Balkans and Moldova – whereby the EU unilaterally opens its market to products from these countries, while allowing them to maintain some level of protection for their own markets for a few years, in order not to undermine their domestic industries. Such a regime



amounts to a one-sided, non-reciprocal free trade area, before moving in a few years toward a full free trade area. Given the already existing trend of significant growth in Transnistrian exports to the EU, such a regime made it more attractive than ever for economic entities in the region to reintegrate into the Moldovan economic space.

These examples show how the European Commission has used a number of measures within the framework of the ENP action plan to influence conflict resolution in Moldova. These have been low-level and technical in nature, but have the potential to make a big impact on the structure of interests in the conflict region.

#### *Reintegrating Moldova's Economy*

EUBAM has contributed significantly to improving border management practices in Ukraine and Moldova. It has identified a number of loopholes in the Moldovan and Ukrainian border management regimes, and has pressed for reforms. But the most politically significant and controversial action has been EU's coercive contribution to the economic reintegration of Moldova, by pressing Transnistrian companies to register with legal authorities in Chisinau.

Under a 1997 deal between Moldova and Transnistria, the Moldovan government granted the secessionist Transnistrian authorities the right to conduct foreign economic relations and use the Moldovan customs stamp for those purposes. In exchange, the Transnistrian authorities agreed to accept Moldovan customs officers at the crossing points that the secessionist authorities controlled on the Moldova-Ukraine border. However, the deal was not respected by Transnistria. Transnistria received the Moldovan customs stamp but did not let Moldovan customs officers into its territory. This led Moldova to rescind Transnistria's right to use Moldovan customs stamps (by replacing the custom stamps) in 2001. However, Ukraine

continued accepting Transnistrian exports (and goods in transit for Russia) as though the expired Moldovan custom stamps were legal. This allowed Transnistrian companies to conduct import-export operations, without being legally part of the Moldovan economy and without paying taxes or customs duties. The system also created problems for Moldova. For a number of years, Transnistrian companies, which did not recognise Moldovan jurisdiction, benefited from Moldova's Most Favoured Nation status with the US and Generalised System of Preferences with the EU. Moldova also had anti-dumping cases for steel exported from Transnistria over which Moldova had no control. The system clearly worked to strengthen Transnistria's secessionist aspirations and sustainability, while undermining the Moldovan economy.

The situation could not be reversed without Ukraine ceasing to accept Transnistrian goods that lacked official Moldovan custom stamps. The EU and Moldova had pressed Ukraine for a number of years to stop accepting Transnistrian goods without Moldovan customs stamps – a measure that would force all Transnistrian companies to legally register with the Moldovan authorities, effectively producing an economic reunification with Moldova. Following significant EU pressure on Ukraine, on 3 March 2006 Ukraine stopped accepting goods produced in Transnistria that did not bear Moldovan custom stamps, while Moldova agreed to facilitate the registration of Transnistrian companies in Chisinau. The reason for such measures was expressed by President Yushchenko of Ukraine, who stated that Transnistria “used to trade goods in ways that are considered contraband everywhere, because they did not have proper documents. Ukrainian experts calculated that the value of the smuggled goods was approximately USD 200-250 mln annually. And this is, by the way a conservative estimate... the Ukrainian budget is losing approximately USD 80 mln a year]” (Kommersant Vlast 2006). In the end EU pressures on Ukraine bear fruits.

EU pressure on Ukraine to introduce a new border regime was not necessarily in the realm of low-politics. In Transnistria and Russia, it was characterized as an economic blockade. The Transnistrians organised protests at the border, pressured the companies not to register with the Moldovan government (which made it impossible for them to export goods), while Russia retaliated against Moldova by introducing a ban on Moldova wines, one of the most important export items for Moldova. However, after a few months, the Transnistrian companies succeeded in persuading the secessionist authorities to allow them to register in Chisinau, since the economic costs of operating under the old system were now too high. This has led to a gradual registration of all exporting Transnistrian companies with the Moldovan authorities, meaning that these businesses had to keep double books – one for Transnistria and one for Moldova. It also made them subject to Moldovan legislation while increasing the leverage of the Moldovan government and the EU on business interests.

The very exercise of Transnistrian companies working with the Moldovan authorities was seen as an important process by all the parties and mediators in the conflict. For the first time since the secessionist war of 1992, Transnistrian companies and the Moldovan government began to engage in an economic partnership. In the EU's view, it was important to induce such cooperation to show that they could work together and that an eventual reunification of Moldova would not worsen the situation for Transnistrian companies.<sup>42</sup> The demonstration effect of this exercise was quite important for integrating the two entities.

Once registered with the Moldovan government, the opportunity to benefit from better export regimes to the EU emerged. When the companies were not registered in Chisinau (and did not

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<sup>42</sup> Interview with an EU official, Brussels, October 2006.

have the Moldovan custom stamps on exported goods), any goods exported from Transnistria to the EU were treated in the single market as “goods of non-specified origin” to which maximal taxes were applied. For legally-registered Moldovan companies the situation was different. Moldova has been a member of the World Trade Organisation and has benefited from a preferential trade regime with the EU (GSP, GSP Plus and then ATP). Once registered with the Moldovan authorities, Transnistrian companies could benefit from increased business opportunities under the EU-Moldova trade regime, while being exempt from paying taxes to the Moldovan authorities. Under ATP, the EU imposed no customs duties on Moldovan exports, though some quotas remained. Therefore, trading with the EU as a Moldovan company was much more profitable than trading as a Transnistrian entity (or even as a Ukrainian or Russian company). Certainly, the benefits were no automatic. Goods had to correspond to certain standards, with strict rules of origin and the right of the EU to exercise on-site inspections to see if the goods were really produced in Moldova and corresponded to the production standards. For their part, the European Commission launched a series of seminars for Transnistrian businessmen in order to explain how the system functions, and how to benefit from it.

The European Commission has institutionalised a process of dialogue with the Transnistrian business community through a number of seminars held in Odessa. Interestingly, the European Commission did not allow the Moldovan government to be present or involved in any way in the process. It has even tried to keep the EU Council, EU member states and the EU Special Representative uninvolved, claiming that this would unduly politicise otherwise technical talks on trade-related issues by making explicit their link with political talks on a settlement. In this way, the European Commission has tried to maintain its autonomy on dealing with the highly-political trade aspects of conflict resolution in Transnistria.

The economic impact of the registration of Transnistrian companies with the Moldovan government and the EC dialogue with Transnistrian businesses has been significant. As already mentioned, the growth of Transnistrian exports to the EU in 2006-2008 was 59%. This has certainly showed how economically attractive it was for Transnistrian businesses to act as Moldovan entities. Thus, the EU strategy of strengthening Moldova's attractiveness yielded results. The registration of Transnistrian companies in Chisinau also launched a process of creeping economic reintegration of Transnistrian businesses into the Moldovan economy. It did not solve the conflict per se, but it still was a significant confidence-building measure which created new stakeholders in the conflict resolution process.

#### *The EU Failed Peacekeeping in Moldova: Episode 2*

Building on the momentum of EUBAM in 2005, which had effectively challenged the entrenched status quo around Transnistria, EUSR Jacobovits de Szeged tried to remove another critical source of support for the secessionist authorities in Transnistria – the Russian military presence, which had acted for more than a decade to entrench Transnistrian secessionism through “piece-keeping” rather than peace-keeping (Socor 2006). Thus, in the first half of 2006, EUSR Jacobovits de Szeged started to lobby for a change in the peacekeeping format in Transnistria whereby the EU would press Russia to accept a joint EU-Russia operation in Moldova in place of the existing Russia-led operation.

The strategy consisted of two steps. First, it was necessary to convince the EU to adopt the change in the peacekeeping format as the next big priority for EU action in conflict resolution in Transnistria. Then the EU would pressure Russia to accept a change the peacekeeping operation. Second, the EU would engage in operational planning for this peacekeeping

mission through its military structures. It was also Jacobovits de Szeged who promoted a change in the peace-keeping format in 2003 while working at the Dutch Foreign ministry as OSCE CiO representative on Moldova.

A significant number of EU member states opposed the initiative. There were two main reasons for this. One was the lack of a formal conflict settlement between the conflict parties in Moldova. Sending EU peacekeepers to Moldova without a conflict settlement agreement could have locked EU forces for many years in a conflict that has been frozen for over a decade. The EU would have no exit strategy in this case and did not want to commit to an open-ended process with little hope of success. But these reasons could not explain the outright refusal of some EU member states to even discuss contingency planning for EU involvement in case a settlement was achieved, since it was generally understood that in any post-settlement context, the EU would be a key contributor to a peace-support operation in Moldova.

Another reason for blocking discussions over EU peacekeeping was the concern of a number of Russia-friendly EU member states that such an EU initiative would complicate EU-Russia relations, since it was almost certain to provoke Russia, especially since Russia had rejected any EU involvement in the conflict region in the summer of 2003. The divisions in the EU highlighted very clearly the importance of this factor. EU planning for a peace operation to Moldova was supported by eleven states: the Czech Republic, Estonia, Hungary, Ireland, Latvia, Lithuania, the Netherlands, Poland, Sweden, the United Kingdom, and Romania (which was not yet a member state but was present at all EU meetings). This group of states represented all Central and East European EU member states except Slovakia, and old EU member states critical of Russia's assertive foreign policy. Nine EU states were against

operational planning for an EU peacekeeping in Moldova: Cyprus, Germany, Greece, Finland, France, Italy, Portugal, Spain, and Slovakia. These states were Russia-friendly states (Germany, Finland, Slovakia, Greece); or states sceptical of any significant EU involvement in the eastern neighbourhood for fear of diverting resources from the southern neighbourhood (Portugal, Spain); or both (France, Italy, Cyprus).<sup>43</sup> The fact that Germany and France were against the peacekeeping effort led the EU High Representative Javier Solana to adopt a similar position;<sup>44</sup> this interestingly put EUSR Jacobovits at odds not only with some EU member states, but also with his immediate boss.

Since the matter was related to peace-keeping, and Russia was adamantly opposed to such a measure, the issue entered the realm of high-politics for many member states, who had kept a close eye on the issue. After the first attempt to promote EU peacekeeping in Moldova failed in 2003, it was known that Russia was opposed to it. Thus, the EUSR's room for manoeuvre on the issue was extremely limited. When EUSR Jacobovits de Szeged continued to promote the issue, against the explicit refusal of many member states and the High Representative Solana to even consider it, member state support for him dropped and the EUSR had to leave his job a few months later. In many ways, Jacobovits de Szeged, as an institutional agent, was punished by EU member states for pursuing an agenda without their explicit approval. In early 2007, EUSR Jacobovits de Szeged was replaced with EUSR Kalman Mizsei. The new EUSR's room for manoeuvre was now considerably narrower in some respects than it had been previously. It was clear that the proposed change of the peace-keeping format was now explicitly off the table.

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<sup>43</sup> All the information on EU peacekeeping in Moldova were collected during interviews with EU member states diplomats and EU officials in Brussels, February – October 2006, February 2007, and October 2007.

<sup>44</sup> Interviews in Brussels with EU member states officials in October and November 2007.

Paradoxically, the EU had been readier to send peacekeepers to Moldova in 2003 (when no EU state was openly opposed to it) than in 2006. In 2003, EU plans to send peacekeepers to Moldova failed in the face of Russian opposition, while in 2006 they failed due to internal opposition in the EU. This occurred in spite of progress in EU enlargement to the East, the greater involvement of the EU in Transnistria and the launch of the European neighbourhood policy. This shows that despite a strong EU interest on the ground in advancing conflict resolution in Moldova, many member states considered relations with Russia more important. In fact, EU-Russia relations have been increasingly tense during president Putin's second term in 2004-2008. This had to do with a Russia that was assertive in the neighbourhood, revisionist in its relations with the EU and increasingly authoritarian. A growing number of Russian commercial, diplomatic and political disputes with EU member states such as the United Kingdom, Estonia, Poland, Lithuania and many others, meant that the agenda was already too tense and many EU member states were even more reluctant to irritate Russia on an issue like Transnistria (Leonard and Popescu 2007). Thus EU member states have asserted strong control of the EU policy on Transnistria. This immediately led to a lowest common denominator policy on the peacekeeping issue, and the punishment of the institutional agent who lobbied for high-politics EU actions in the face of opposition of some EU member states.

## **Conclusions**

Throughout the 1990s, Transnistria was the conflict with the lowest level of European involvement in conflict resolution. With the launch of the European neighbourhood policy in 2003 and the 2004 round of EU enlargement, this has rapidly changed. Transnistria became the conflict with the highest level of EU involvement in conflict resolution. EU institutions have clearly taken a lead in reintegrating the two conflict parties. Since no EU member states had been involved in conflict settlement mechanisms (as they did in Nagorno-Karabakh and Abkhazia), EU institutions found it easier to become pro-active in their policy on Transnistria



without being afraid of challenging established national policies of EU member states. The handicap of non-involvement in the 1990s actually facilitated subsequent EU involvement. Due to EU actions, Transnistrian businesses registered as Moldovan legal entities. Due to facilitated trade access to the EU as Moldovan legal entities, Transnistrian export to the EU had been booming until the financial crisis of late 2008. The EU border assistance mission drastically reduced smuggling around Transnistria, reducing the resilience of the secessionist leadership. Even without a formal resolution of the conflict, EU actions have set in a motion a process of gradual, though slow, creeping reintegration of Moldova.

Dealing with the low-politics of conflict settlement is where EU institutions have a comparative advantage (because of their prerogatives) and a higher degree of autonomy from EU member states. On such issues they have the necessary policy instruments to act. Transnistria is an ideal setting for low-politics conflict management. It is a non-violent conflict largely sustained through corrupt economic networks right at the border of the enlarged EU, and by its very nature it provided just the right mix of conditions for EU institutions to take the lead in conflict settlement efforts. The EU has improved border controls, thereby combating smuggling through the EU Border Assistance Mission to Moldova and Ukraine, and offered Moldova economic and political support to make it more attractive for Transnistrian residents. Despite the political tensions some of their policies create in the region, EU institutions have kept their activities as depoliticised as possible. Moldova played a similar game by trying not to excessively antagonise Russia, which in the end made it easier for the EU institutions to use the strategy of stealth intervention in Moldova.

The relatively high level of EU intervention in conflict settlement did not happen overnight. For fear of irritating Russia, many EU member states have been leery about supporting a too interventionist EU policy in Transnistria. To minimize opposition, EU institutions have “dosed” their demands for action in the region. They have opted for policies of incremental intervention by “slicing” their policies into low-cost, relatively uncontroversial actions that over time amounted to a rather substantial level of EU involvement in Transnistria. This was quite effective in facilitating and increasing EUBAM activities and liberalising trade with Moldova. In just a few years of activities EUBAM significantly expanded through dosage its personnel, budgets and moved beyond border management issues into initiating cooperation with the Ukrainian and Moldovan intelligence services and the Moldovan anti-corruption agency. But EU’s low-politics approach also constrained the EU’s ability to tackle more security-relevant issues in the conflict settlement process. The EU could increasingly intervene in border-related issues through a process of spillover, but found it extremely difficult to induce spillover into other, security-related fields such as the issue of peacekeeping.

Active EU peacekeeping missions to Moldova were considered twice. In 2003, an EU peacekeeping mission was blocked by Russia, which clearly opposed such a move at the highest political level and the EU was not ready to openly oppose Russia on that. More interestingly, in 2006 the EU Special Representative Moldova pushed for a greater EU peacekeeping role, but this initiative was blocked by the EU member states. They anticipated Russian resistance to the idea and they cared more about the need not to irritate Russia, than by advancing a change in the peacekeeping operation. EU member states clearly asserted their control of pro-active institutions, and rolled back the actions of the EUSR when he moved into high-politics areas of conflict management such as launching a discussion on an EU

peacekeeping force in Moldova. In both 2003 and 2006, peacekeeping was a high-politics issue. However, in 2006 the issue was much more politically contentious because of Russia's increasing assertiveness in international affairs, its previous refusal to accept cooperation with the EU on Transnistria in 2003, and a spiralling number of disputes between Russia and EU member states. Clearly, when touching upon the high-politics of peacekeeping operations, intergovernmentalism (that is, the preferences of EU member states) explains the pattern of EU policy making. Despite reservations on the issue of peacekeeping, it is on Transnistria that the EU strategy of stealth intervention came closest to an integrated approach to conflict intervention where civilian, security, economic and political instruments are synergetically brought together to advance the settlement of a conflict. The conflict has not been solved, but it arguably has been put on a track towards resolution, which cannot be said of the conflicts in Abkhazia and South Ossetia which are discussed in the next chapter.

## CHAPTER 5: EU Policy on Abkhazia and South Ossetia

Since the Rose Revolution in 2003, Georgia has emerged as the leader of political and economic reforms in the South Caucasus. Fast economic growth, robust state-building efforts and fighting corruption have helped Georgia emerge from a state of near-collapse that characterised it in the 1990s. Despite increasing political centralisation, Georgia has also launched a process of rapprochement with the European Union and NATO with the ultimate. At the same Georgia has developed a very crisis-prone relationship with Russia due to Russian support for secessionist entities in Abkhazia and South Ossetia. After years of brinkmanship on all sides, the situation degenerated into a full scale war in 2008. The conflicts in Abkhazia and South Ossetia raise important dilemmas for the EU regarding the scale of its involvement in the EU neighbourhood and its relations with Russia. They are close enough to the EU to ensure its involvement, but not close enough for the conflicts to become a top EU priority. The story of EU conflict resolution in Georgia is full of contradictions, ups and downs, increased activism and sudden apathy, a desire to act in unison and a record of strong internal disagreements among the EU member states. Hence, EU conflict resolution in Abkhazia and South Ossetia lies somewhere between its more active approach to Transnistria and its virtual non-involvement in Nagorno-Karabakh.

The high visibility of Georgia's 2003 Rose Revolution, the 2008 war with Russia and regular shoot-outs and tensions in the conflict zones ensured that the two conflicts would be important concerns for governments, the media and politicians. EU institutions have operated in a context where EU member states remain very divided, while Russia is involved at the highest level of government. Such a politically charged atmosphere has clearly limited the

room for manoeuvre of EU institutions. Failed attempts to depoliticise EU conflict resolution policies have been a regular feature of the conflict environment. The strategy of “dosage” has been effectively neutralised by “carousel foot-dragging” by reluctant EU member states, while circumstantial evidence suggests that Russian lobbying of EU member states has prevented greater EU toward involvement in the conflicts.

This chapter follows the structure of the previous chapter. It starts by explaining the background to the conflicts in Abkhazia and South Ossetia, the EU approach to the region in the 1990s and the changes that came with the launch of the European neighbourhood policy. This chapter explains how the EU policies on the secessionist conflicts have been pursued at two levels. At the first level, until the August 2008 war the EU has supported reforms aimed at making Georgia more attractive to Abkhazians and South Ossetians. The second level of EU policies has specifically targeted the secessionist entities. The chapter discusses two levels of EU policy, the reasons and constraints for a greater EU involvement in Georgia’s conflicts, as well as the effects and perception of EU actions on the side of the secessionist entities.

### **The Conflicts in Abkhazia and South Ossetia**

Abkhazia is a region on the Black Sea that de facto seceded from Georgia after a war in 1992-1993.<sup>45</sup> Abkhazia’s territory is some 8700 km<sup>2</sup>, and it borders Russia. Before the war, Abkhazia was an autonomous republic within Soviet Georgia, with a population of approximately 500.000 people; some 45% were Georgians, 17% Abkhaz, and the rest predominantly Armenians and Russians. Abkhazians are part of the North Caucasian

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<sup>45</sup> For a paper on the conflict regions see the author’s “Abkhazia i Juzhnaia Osetia: nezavisimost ili vyzhivanie?” (Abkhazia and South Ossetia : independence or survival?), in *Pro et Contra* Vol. 10, Nr. 5-6 (34), 2006, Carnegie Moscow Center, pp. 40-52, (In Russian). For a paper on Russian policy toward the secessionist entities, see “Outsourcing de facto statehood: Russia and the secessionist entities in Moldova and Georgia”, *CEPS Policy Brief* 109, 20 July 2006.

Adyghean ethnic group that comprises Adyghs, Cherkessians and Kabardins. There are approximately 200.000 people today in Abkhazia (ICG 2006c). Exact numbers are disputed and highly controversial because ethnic Abkhaz are in fact a minority that controls the political life of the region. Most likely ethnic Abkhaz, Armenians and Georgians (including Mingrelian Georgians) are roughly one-third of the population each, though Abkhaz and Armenians may slightly outnumber the Georgians.

The conflict in Abkhazia claimed more than 10.000 lives between September 1992 and September 1993 with atrocities on both sides. The Abkhaz have won the war militarily and expelled not only the Georgian troops but also most of the Georgian population (numbering almost one-half of the pre-war population) in what amounted to ethnic cleansing. Since then, some 50.000-60.000 thousand Georgian (of the Mingrelian sub-ethnic group) have been allowed to return to the Gali region in the South of Abkhazia that was predominantly Georgian. Outbursts of violence and some guerrilla actions persisted in Abkhazia well after these agreements, especially in the Georgian-inhabited Gali region. Conflict settlement efforts have been sporadic and ineffective. A Russian-led peacekeeping under the supervision of the United Nations Observer Mission in Georgia (UNOMIG) had a role in maintaining peace in the 1990s, but has since become part of problem due to biased involvement. Political talks between Georgia and Abkhazia have been pursued as part of a UN-led Geneva process as well as the Russia-sponsored Sochi-process. However, these have led to few results.

South Ossetia is a mountainous region on the southern side of the Caucasus mountains that proclaimed independence from Georgia after a war in 1992, but remains unrecognised internationally (except by Russia). During Soviet times, South Ossetia was an Autonomous

Oblast (District). The region's territory is approximately 3900 km<sup>2</sup>. It borders the Russian region of North Ossetia, which has the same ethnic population as in South Ossetia.

Until the 2008 war between Russia and Georgia over South Ossetia (see below), Georgian and Ossetian villages were intermingled like a chessboard. The Georgian villages were not under the control of the secessionist government, and in fact the secessionist region did not have territorial continuity because Georgian and Ossetian villages were intermingled. In late 2006, a pro-Georgian administration of South Ossetia was created, headed by Dmitri Sanakoev, a former minister of defence and prime minister of the secessionist South Ossetia. He was forced out of government by the current South Ossetian secessionist authorities and a few years later switched sides<sup>46</sup> With the support of the Georgian government he established a pro-Georgia administration of South Ossetia based in Kurta, just a few kilometres north of Tskhinvali, the capital of the secessionist entity. The pro-Georgian administration claimed to control some 50% of South Ossetia.<sup>47</sup> The region in its entirety is in a deep demographic crisis. The secessionist entity had some 30-35.000 people living in the villages under its control, while the Georgian-controlled territories had another 20-25.000 people.<sup>48</sup> After the August 2008 war, the absolute majority of ethnic Georgians as well as the Kurta administration have been forced out of the region, and the secessionist authorities of South Ossetia as well as the Russian military established full control of the region.

The violent phase of the conflict in South Ossetia took place mainly in 1992 and claimed approximately one thousand lives. The conflict ended with a ceasefire agreement, which was signed on 14 July 1992. As a result of the ceasefire agreement, there was a trilateral peace-

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<sup>46</sup> Rumour has it that the Georgian government has repaid his gambling debts as part of an incentive package; interviews in Tskhinvali, South Ossetia and Tbilisi, Georgia, April 2008.

<sup>47</sup> Interview with Temuri Yakobashvili, Minister of Reintegration of Georgia, April 2008.

<sup>48</sup> Both sides claim they had bigger populations. The numbers are based on estimates obtained during interviews in Tskhinvali, South Ossetia; Kurta, South Ossetia; and Tbilisi, April 2008.

keeping operation with Russian, Georgian and South Ossetian troops. A Joint Control Commission (JCC) consisting of Russia, South Ossetia, North Ossetia (a Russian region) and Georgia supervised the security situation and pursued negotiations on conflict settlement. The OSCE supervised implementation of the agreement. The European Commission was an observer in JCC meetings on economic issues. However, the JCC was not really a conflict settlement mechanism, but a format to discuss issues on the fringes of the peace process as well as security issues in the region that do not relate to the entity's status. Unlike in Abkhazia, Transnistria or Nagorno-Karabakh, there was no comprehensive diplomatic framework within which to negotiate a settlement to the conflict.

There are a few differences between the two conflict regions. To begin with, Abkhazia wants to attain independence, while South Ossetia wants to join North Ossetia/Russia (after having obtaining independence). Abkhazia is geographically isolated from Georgia by mountains to the west and south and a river to the south. It also has a bigger population and is more self-sustainable economically because of a tourist industry that stagnated after the conflict but which has picked up in the last few years. South Ossetia is different. It is too small to have a self-sufficient economy. Virtually the only jobs in the region are in the military and paramilitary formations of the secessionist government.<sup>49</sup> At the same time, it was less isolated from Georgia until 2008. The capital of Tskhinvali is situated a half an hour drive from one of the biggest Georgian cities – Gori, and less than an hour-and-half drive from Tbilisi. Because the conflict in Abkhazia was much bloodier, the region is more self-sustainable, bigger and more isolated from Georgia, there has been a wide-spread perception that Abkhazia is more intractable than South Ossetia. After the 2008 war, this perception has

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<sup>49</sup> Interviews in Tskhinvali and Kurta, South Ossetia, April 2008.



changed, with South Ossetia becoming as intractable as Abkhazia in the eyes of most observers and politicians.

Russia is deeply engaged with the secessionist regions of Abkhazia and South Ossetia. Both regions are bordering on Russia and neither could have persisted in their secessionist bids (especially South Ossetia) without Russian support. Russian peacekeepers have served as the de facto border guards of these entities. Almost all the inhabitants of the two secessionist regions have Russian passports. However, this number is not 90% as is often claimed by the secessionist authorities because the Georgians living in Gali, Abkhazia and in South Ossetia until 2008 did not have Russian passports. Both Abkhazia and South Ossetia use the Russian rouble as their official currency. Russia pays most of the pensions in the two regions. Both Abkhazia and South Ossetia claim to model their political institutions on that of Russia. Most importantly, Russia offers significant economic and military support and builds and maintains infrastructure such as gas and electricity pipelines (in South Ossetia) as well as roads and railroads (in Abkhazia). These measures serve to deepen the links between the regions and Russia, amounting to a situation of de facto annexation. Russia appoints many of the de facto state officials, from the posts of de facto prime minister (in South Ossetia until 2008) to ministers of defence (in both regions) to lower ranking officials. Some of the most influential persons in charge of the secessionist governments are Russian-seconded personnel on a mission to Abkhazia and South Ossetia. Abkhazia has tried to retain greater control of its own affairs, though it is still importantly influenced by Russian policy priorities. In addition, Abkhazia was open to greater international engagement with the EU as a way of avoiding becoming overly dependent on Russia. Still, because of Russian influence, Abkhazia's room for manoeuvre has been quite limited. However, South Ossetia's objective is to "become independent" in order to be able to join North Ossetia, a region of Russia, i.e. become part of

Russia. Both Abkhazia and South Ossetia have “outsourced” their de facto independence to Russia (Popescu 2006a).

Georgia-Russia relations have been very tense throughout this period, partly because of the secessionist conflicts and partly because of bilateral differences. Russia’s main interest in the region is to maintain influence in post-Soviet space; this has clashed with Georgia’s desire to join NATO and the EU, as well as solve its conflicts, if necessary by challenging Russia’s monopoly over peacekeeping and conflict resolution processes in the region. The post-Rose Revolution efforts of the Saakashvili administration to de-freeze and internationalise the conflict settlement process produced a whole range of economic, political and security tensions with Russia since 2004. These included at various stages the introduction of Russian visas for Georgians, alleged Georgian tolerance of transit by Chechen fighters in 2001, expulsions of Russian spies from Georgia in 2006, expulsions of Georgian emigrants from Russia, a postal and air-transportation blockade between 2006 and 2008, the closing of the only border-crossing between Georgia and Russia (outside the border crossing points in Abkhazia and South Ossetia), and Georgia’s blocking Russia’s accession to the World Trade Organisation due a Russian embargo on Georgian wine. Military tensions between Russian peacekeepers and Georgian police occurred regularly in the conflict zones. Russia has violated the Georgian airspace a number of times, allegedly bombing parts of Georgian territory. Moreover, Georgia’s efforts to integrate into NATO have led to the widening of tensions to a conflict between Russia on the one side and NATO, the US and the EU on the other.

These simmering tensions erupted in early to mid-2008. In February 2008, Kosovo declared its independence from Serbia and was recognised by most European states and the US. Russia

has repeatedly stated that Kosovo will set a precedent for the recognition of Abkhazia and South Ossetia. In April, at a NATO summit in Bucharest, Georgia (along with Ukraine) was promised entrance to NATO and the launch of the NATO accession process through inclusion in the so-called Membership Action Plan. Russia vehemently opposed Georgian membership in NATO. In response to the west's recognition of Kosovo independence and moves to integrate Georgia toward into NATO, Russia moved its troops into Abkhazia and South Ossetia, shot down Georgian drones and invaded the Georgian air space on a few occasions. Tensions remained high, and Georgia increased its military presence around the conflict zones. Georgia began to consider a military campaign to retake one or both of the secessionist regions. In June, Javier Solana and the German foreign minister visited Georgia and Abkhazia in an attempt to diffuse tensions. These attempts have failed.

The situation remained tense in both conflict zones. After a few nights of shelling and shootouts around Tskhinvali, where Ossetians shelled Georgian villages and vice versa, the Georgian army launched a full scale military attack on the South Ossetian capital late in the evening of August 7. After heavy and indiscriminate shelling, the Georgian army captured the town on August 8. Within just a few hours, the Russian Federation moved troops into Georgia to recapture South Ossetia (see Valasek 2008, Popescu 2008). All the ethnic Georgians from South Ossetia fled the region, and the Georgian villages were destroyed by Ossetian militia. Then Russian troops moved into the rest of Georgia, occupying some of the biggest cities of Georgia, bombing air- and seaports. In the midst of the Russian military campaign, Abkhazia also launched a military strike to capture the Georgian-controlled enclave in Abkhazia of Upper Kodori. After five days of fighting, Russia halted its military campaign under a ceasefire mediated by France which held the rotating EU presidency at that moment. However, Russia maintained a strong military presence in the two secessionist entities and

moved its troops into previously Georgian-controlled areas such as Upper Kodori in Abkhazia and Akhalkalaki in South Ossetia. Then, on 26 August, Russia announced that it recognised the independence of both Abkhazia and South Ossetia (Medvedev Statement 26 August 2008). Georgia's military defeat was total.

### **EU Ambivalence in Georgia**

#### *EU policies in the 1990s.*

EU policies toward the countries of the South Caucasus were to a large extent marked by the instability and the conflicts of these countries. A 1999 EU document on the region asserted that “the root cause of a number of the three countries' problems was their inability to resolve ethnic conflict. This stalemate has worsened humanitarian problems and held back the development of democratic institutions and a market economy; correspondingly, the three countries depend increasingly on international aid, which itself grows increasingly less effective.” (Bulletin EU 1999) Because of ethnic conflicts in the middle of the 1990s, the EU was even debating whether a Partnership and Cooperation Agreement (PCA) with the countries of the region could be signed. A 1995 European Commission communication on the South Caucasus asked, “how realistic is it to expect full implementation of the relatively high levels of obligations inherent to a PCA” by countries that were facing the difficulties which confront the South Caucasus (European Commission 1995)<sup>50</sup>.

The Partnership and Cooperation Agreement (PCA) defining the relations between the EU and Georgia entered into force in 1999. Before that, EU-Georgia relations had been defined

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<sup>50</sup> The document refers to South Caucasus as ‘Transcaucasia’, i.e. across the Caucasus Mountains, which is a translation from the Russian ‘Zakavkazie’. The three countries are certainly not “across the Caucasus” from the EU standpoint. Thus, even at a discursive level, the South Caucasus did not exist yet for the EU but instead was a Russian “province” across the Caucasus Mountains.

by a PCA framework, modelled on the type of relations the EU had developed with all the CIS states and Mongolia. Under the PCA, a financial assistance programme TACIS was established for 13 beneficiary states, including Georgia. Overall, Georgia received some 370 mln euro in EU assistance between 1992 and 2003.<sup>51</sup> Out of this, some 27 mln euro was allocated for the rehabilitation of conflict zones.<sup>52</sup> Evaluations of the effectiveness of PCA and TACIS have been rather critical. On 17 of July 2006, the EU Council of ministers noted in relation to TACIS spending in Russia “that the efficiency of the use of TACIS funds in the Russian Federation has been low. It regrets that the objectives were not met in a number of the audited projects and that projects were deemed sustainable in only a few cases”(EU Council 2006). The same ineffective spending patterns could be observed in other TACIS countries as well.

EU policies toward the South Caucasus in general and Georgia in particular have been marked by a Russia-first approach. The 1995 Commission communication stated that “A key element in an eventual resolution of the conflicts will be the attitude of Russia.” The EU claimed that “given Russia’s drive to dominate the region militarily, many look at the EU as the only other actor capable of playing a major political role.” Despite this assessment, the EU did not undertake such a role. The South Caucasus was simply too far away and too fraught with difficulties for the EU to want to intervene. At the same time, the region was too close and important for Russia for the EU to dare to intervene.

With little EU foreign policy action on South Caucasus, the EU tried to develop a comprehensive policy approach toward the region. In 1997, the European Commission set up

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<sup>51</sup> European Commission, EU’s relations with Georgia, Overview, [http://ec.europa.eu/comm/external\\_relations/georgia/intro/index.htm](http://ec.europa.eu/comm/external_relations/georgia/intro/index.htm)

<sup>52</sup> Ibid.

a 'Conflict prevention network' of NGOs funded by the European Commission to provide analysis and recommendations on how the EU should act in conflict regions. The Conflict prevention network was part of a larger effort by the European Commission to build up greater EU involvement in crisis-management issues. One of the task forces in the Conflict prevention network was dedicated to the South Caucasus. The Conflict prevention network task force on the South Caucasus has held a number of meetings and produced analytical reports and recommendations for the European Commission. Among these was a number of studies on EU conflict prevention role advocating greater EU involvement in the Caucasus because "the region deserves attention primarily because of the great number of conflicts, the amount of energy resources and its dependence on safe transit routes for oil and natural gas." (Rummel and Zullo 1999:141). However, the Conflict prevention network was considered not entirely effective, and had ceased to exist by 2001. In any case, since the appointment of Javier Solana as EU High Representative on Common Foreign and Security Policy in 1999, the intergovernmental control of EU foreign policy was reasserted, and the European Commission's development of new foreign policy domains was seriously curtailed.

Even though the EU as an institution had little involvement in Georgia's conflicts, EU member states did. Since 1994, France, Germany and the UK (along with Russia and the United States) were part of the Group of Friends of the UN Secretary General on Georgia that became involved in the mediation of the conflict in Abkhazia. Both France and the UK were sceptical of any efforts to develop a common EU policy toward the conflict resolution process, since both had national interests in the region and wanted to prevent any possible dilution of national policies by a common EU policy (Helly 2003:225). In South Ossetia the situation was different, as no EU member state was involved in conflict resolution mechanisms. Only the OSCE was involved in the conflict resolution process in South Ossetia,

along with Georgia, Russia, and the secessionist authorities themselves. The differences between the international engagements in Abkhazia and South Ossetia were due to a number of factors. Abkhazia was a high-intensity war, with some 10000 victims, which had led to a UN-led peacekeeping engagement to settle the conflict; this generated early internationalisation of the conflict settlement mechanism. South Ossetia, on the contrary, was a low-intensity conflict, reducing the level of international attention to that conflict. Despite various levels of engagement from the international community, both conflict settlement processes remained “frozen”.

It is not easy to talk of an EU policy toward the conflicts in the South Caucasus in the 1990s. There was virtually none. This was due to a number of reasons. Firstly, Georgia was geographically too far removed from the EU, and its problems seemed too grave for the EU to make a real difference. Second, the EU was consumed by internal developments: reforming itself through three new treaties in less than a decade – Maastricht in 1993, Amsterdam in 1997 and Nice in 2000 - while preparing for enlargement. Third, the EU did not have a proper framework for foreign policy action. Until the appointment on the EU High Representative for CFSP in 1999, the EU did not have a coherent institutional set-up to play a more active EU foreign policy role. Even though the Commission had been exploring ways to play a more active role in the region under a ‘conflict prevention’ label in the 1990s, it lacked the mandate to push these activities too far. Thus, the Commission’s claim in 1995 that it was seen as a “partner of first importance” and that it should play a “major political role” in the South Caucasus certainly did not materialise. The EU retained a low profile, with little involvement in conflict settlement efforts, no direct involvement in mediation, and an undefined strategy for future involvement (Lynch 2006:61). In some respects, the 1990s EU policy toward Georgia and the South Caucasus ended only in 2003.

**Table 8: EU Policy on Abkhazia and South Ossetia: A Chronology**

1990s	<ul style="list-style-type: none"> <li>• EU policy is channeled via the OSCE and UN.</li> <li>• France, Germany and UK are part of the conflict settlement process in Abkhazia.</li> <li>• The European Commission looks for way to play a bigger role in conflict resolution.</li> <li>• The European Commission starts funding post-conflict rehabilitation programs (since 1997).</li> </ul>
2001	<ul style="list-style-type: none"> <li>• European Commission becomes an observer on economic issues in the Joint Control Commission in South Ossetia.</li> </ul>
2002	<ul style="list-style-type: none"> <li>• UK proposes the appointment of an EU Special Representative on the South Caucasus. The idea is rejected by other EU states.</li> </ul>
2003	<ul style="list-style-type: none"> <li>• South Caucasus is not included in the European neighbourhood policy.</li> <li>• Heikki Talvitie is appointed as the first EU Special representative on the South Caucasus (July).</li> <li>• The Rose Revolution takes place in Georgia (November).</li> </ul>
2004	<ul style="list-style-type: none"> <li>• South Caucasus is included in the ENP (June 2004)</li> <li>• EUJUST Themis Rule of Law mission is deployed to Georgia (July).</li> </ul>
2005	<ul style="list-style-type: none"> <li>• Georgia invites the EU to take over the OSCE border monitoring operation (early 2005)</li> <li>• EU sends a three-persons Border Support Team (April).</li> <li>• EUSR Border Support Team is extended to twelve persons (September).</li> </ul>
2006	<ul style="list-style-type: none"> <li>• EU becomes the biggest international donor to Abkhazia and South Ossetia (bar Russia).</li> <li>• Peter Semneby is appointed EUSR with a strengthened mandate (February).</li> <li>• EU and Georgia finalise negotiations on the ENP Action Plan.</li> </ul>
2007	<ul style="list-style-type: none"> <li>• EU fact finding mission to Abkhazia and South Ossetia (January). The EU institutions submit proposals on the next step in EU policy towards the region.</li> <li>• EU member states accept most proposals, but proposals on customs and police liaison officers are delayed.</li> </ul>
2008	<ul style="list-style-type: none"> <li>• Tensions around the conflicts zones escalate (March-July).</li> <li>• EU High Representative Javier Solana visits Abkhazia trying to diffuse tensions (June).</li> <li>• Tensions around South Ossetia degenerate into a war between Russia and Georgia (August).</li> <li>• The French EU presidency negotiates the cease fire agreement (August-September).</li> <li>• Pierre Moret is appointed EUSR for the crisis in Georgia, while Peter Semneby remains EUSR for South Caucasus (September).</li> <li>• EU deploys an EU Monitoring Mission to Georgia (October).</li> <li>• EU offers. In October 2008 the EU deployed an EU monitoring mission to Georgia that numbered almost 300 unarmed observers who started to monitor the line of cease-fire, but were not allowed into South Ossetia and Abkhazia by Russia and the secessionist authorities. Assistance to Georgia's reconstruction (October).</li> </ul>



*False start: 2002-2003*

By 2002-2003, the lack of EU policy toward the South Caucasus was challenged by a number of factors, both endogenous and exogenous. These factors made the EU policy of non-involvement hard to sustain. The main institutions of CFSP were established, making the EU better prepared institutionally to get involved in conflict resolution. With enlargement nearly accomplished and talks over a new neighbourhood policy underway, Georgia was a clear case in which the EU could play a greater role in conflict resolution. However, these factors were not compelling enough for the EU to decide to engage in conflict resolution in Georgia. There was no critical mass of EU member states that supported such measures, which restricted EU policy on Georgia to the lowest common denominator of member state preferences.

In 2002, the UK circulated a proposal in the EU suggesting the appointment of an EU Special Representative for South Caucasus. This happened roughly in parallel with the initiation by the UK of discussions over a new neighbourhood policy toward Moldova, Ukraine and Belarus in April 2002 (later extended to cover all of EU's neighbours). From among the big EU member states, only Germany and the UK supported the idea. Small EU states had limited interests in the South Caucasus, their policy being limited to reactions and responses to demands from the region, and budgetary constraints on the EU (Helly 2003:227). There were no policy drivers for greater EU involvement in Georgia's conflicts. In addition, opportunism was at play. Portugal had the OSCE chairmanship-in-office (CiO) in 2002. OSCE Chairmanships in office rotate annually; these are high profile positions, with media attention, hands-on involvement of the foreign minister and numerous governmental employees, and an OSCE ministerial council at the end of every term in office, when all (usually most) ministers of foreign affairs of the 56 OSCE member states gather in the country that has the chairmanship. Given that the OSCE had been involved in conflict resolution in the post-

Soviet conflicts, Portugal also played a role in that in its capacity of CiO of the OSCE. This led Portugal to oppose a stronger EU presence in the South Caucasus in 2002 for fear that the EU could steal the show from the OSCE, in case some breakthrough in conflict resolution was achieved. In sum, Portugal wanted the OSCE to play the central role as long as it had the presidency (Helly 2002:339).

A similar false start was made in relation to the inclusion of the South Caucasus into the European neighbourhood policy. As was already discussed, the ENP was proposed in early 2002 for Ukraine, Belarus and Moldova, which were due to share a border with the EU with the 2004 enlargement. By the end of 2002, it was decided that the neighbourhood policy would also cover the South Mediterranean neighbours of the EU. Thus, it was implicitly decided that not only land neighbours, but also neighbours across the sea would be covered by the policy. It was only logical that South Caucasus should be included in the neighbourhood policy since it would be a neighbour across the sea from EU member states Bulgaria and Romania (and because the region shared a border with Turkey, an EU candidate country); the same applied to Egypt or Syria that are neighbours across the sea from Italy or Greece.

However, in 2002-2003 the EU refused to include the South Caucasus in the ENP. Contradictions in the EU institutional position were also apparent. While the European Commission (which was in charge of the development of the ENP) did not include the South Caucasus into the policy, the EU Council and the member states adopted in 2003 the European Security Strategy that stated that the EU “should now take a stronger and more active interest in the problems of the Southern Caucasus, which will in due course also be a neighbouring region” (European Security Strategy 2003). Thus, an apparent contradiction emerged between the more pro-active EU Council approach and European Commission’s

reluctance to engage with the South Caucasus. Political expectations from the ENP in the countries of the South Caucasus, and in Georgia especially, were quite high. All these countries wished to be included in the neighbourhood policy and their exclusion from ENP in 2003 was a signal of disregard for them. To counter this message of non-engagement, the EU decided to appoint in July 2003 an EU Special Representative on the South Caucasus. Thus, interestingly enough, after being unable to appoint an EU Special Representative (EUSR) in 2002, the EU managed to agree to appoint an EUSR in mid-2003, if only to offset the non-inclusion of the region into the neighbourhood policy. This decision was made after having failed to do make such an appointment just one year earlier. The same happened with the ENP. After having excluded them in 2003, Georgia, Armenia and Azerbaijan were included into the ENP in mid-2004.

#### *Observing the negotiations*

Reflecting EU's financial contribution to rehabilitation of South Ossetia (see below), the European Commission has been participating in the sessions on economic issues of the Joint Control Commission for South Ossetia between 2001 and 2008. The EU has also financed the operations of the JCC (EU Council Draft Joint Action 2006). The EU has provided 1,5 million euro to support the work of the JCC secretariat and its travel expenses and to support cooperation between Georgian and South Ossetian law-enforcement agencies. In a certain sense, the European Commission "bought" itself a place in the conflict settlement format, from which it intended to slowly develop greater influence on the political process. However, European Commission's involvement in post-conflict rehabilitation talks did not lead to its inclusion in the political conflict settlement process. South Ossetia and Russia have been firm in their determination not to allow greater political influence for the EU in the conflict regions. They have managed to prevent EU's expansionist approach to involvement in

conflict settlement processes. This has changed since the 2008 war, which showed that pre-existing conflict settlement negotiations formats were partly to blame for the escalation of violence (see below).

Even the EU's modest involvement in conflicts settlement talks on South Ossetia could not be replicated in Abkhazia. The EU institutions – both the European Commission and the EU Council - had a freer hand in pushing for a more active role in South Ossetia than in Abkhazia because EU member states (France, Germany and the UK) were involved in the UN-led conflict settlement format and did not want to cede their place to EU institutions. As one EU official explained, “the fact that some member states were involved in conflict resolution since the 90s means that they have rather established policies in the region. This narrows EU's corridor for action.”<sup>53</sup> This confirms that EU foreign policy develops predominantly in areas where EU member states have had *minimal* involvement (such as in Transnistria and South Ossetia), but meets greater constraints where EU member states already have established policies (in Abkhazia and Nagorno-Karabakh).

### **Working Around the Conflicts: ENP and Georgia in 2004-2008**

Already in 2002-2003, there were more discussions inside the EU on the need for a more substantial policy on the conflicts in the South Caucasus. But the EU had little capacity to move beyond the lowest common denominator policy toward the region. An important external event changed that. In November 2003, peaceful demonstrators overthrew Eduard Shevardnadze, the then-Georgian president who had tried to rig parliamentary elections, in what became known as the Rose Revolution. The revolution was not only the first popular revolt against rigged elections in the region, but started to be perceived as a harbinger of a broader trend toward democratisation in the former Soviet Union and even in the greater EU

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<sup>53</sup> Interview with an EU official, Berlin 2007.

neighbourhood – from Georgia, through Ukraine to Kyrgyzstan and Lebanon (Emerson 2005). Georgia’s post-revolutionary reformist zeal and efforts to come closer to the EU, while reforming the country, were creating significant expectations for increased EU engagement with Georgia. External demand for EU action was high. In addition, many EU member states were supportive of intervention, and the admission of ten new EU member states on 1 May 2004 only increased intra-EU pressures for actions on Georgia. As a result, on 14 June 2004 the whole of South Caucasus was included in the ENP.

One of the consequences of the post-Rose Revolution climate was a new determination on the part of the Georgian government to solve its territorial conflicts and see greater EU involvement in the conflict settlement efforts. For the Saakashvili administration, the status-quo around South Ossetia and Abkhazia was no longer acceptable. In addition, the new Georgian administration had finally managed to restore full control over Ajaria, which had recognised Georgian sovereignty but maintained its own troops, controlled the external border of Georgia and in many ways behaved as though it was independent. The success in reintegrating Ajaria in May 2004 encouraged the Georgian government to pursue resolution of the other conflicts. Georgia’s activism challenged the EU to consider ways of increasing its role in the region, but also posed some policy dilemmas for the EU. Georgia’s very active diplomacy aiming to get the EU involved in conflict-settlement efforts led to the emergence of “Georgia fatigue” in some EU member states and some quarters of the EU institutions in Brussels.<sup>54</sup>

Georgia’s strategy of “demanding” EU involvement in conflict settlement has been very high-politics. Regular visits to Brussels, political tensions with Russia, brinkmanship in the conflict

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<sup>54</sup> Interview with EU officials and EU member states diplomats, February 2007, Brussels.

zones, threats to terminate the Russian peacekeeping mission and demands for the EU or NATO to deploy peacekeepers in the conflicts zones made sure Georgia's conflicts remained on the radar screens. Georgia's strategy of pushing for greater EU engagement with its conflicts was centred on a deliberate policy of politicising and securitising its conflicts (with the secessionist regions as well as with Russia), in order to practically force the EU to step. This strategy of was totally opposite to the way Moldova was trying to push for greater EU intervention through low-politics measures.

The EU was committed to supporting Georgia's reform process, but it was neither ready nor willing to assume too high a profile in the conflict resolution processes in Abkhazia and South Ossetia. The conflicts in Abkhazia and South Ossetia had the classic characteristics of conflicts that belonged to the high politics domain. The likelihood of violence was high. A failed Georgian military attempt to assume control of South Ossetia in August 2004 only highlighted the risk of violence in the region. Periodic clashes and shoot-outs in Abkhazia and South Ossetia were the norm. In addition, Russia played a very significant role in the region. It dominated the secessionist regions, was in open political conflict with Georgia, and actively opposed any EU involvement in the conflict resolution processes. These factors ensured that EU decision-making on Georgia was intergovernmental, due to the sensitivity of EU involvement in the region for EU-Russia relations, (Coppieters 2007) but also because some EU member states' did not trust that the Georgian administration's strategy of "unfreezing the conflicts" was wise. Georgia's flamboyant and often provocative way of pushing the EU to take sides in its conflicts and making its conflicts as visible and as high-politics as possible only made more difficult EU intervention in the conflict settlement processes by placing the Georgian dossier under the close scrutiny of EU member states. Under such conditions stealth EU intervention was quasi impossible. Many Russia-friendly EU states made sure the EU

policy toward Georgia's conflict developed at the slowest possible pace. As one EU official described the policy of EU engagement in conflict resolution in the eastern neighbourhood: "There is one taboo: that of [EU] military involvement in the CIS. Civilian missions can be sold to EU member states. But even [ ]military advisors have no chance to be accepted! Because this will irritate the big neighbour [Russia]."<sup>55</sup> The only way to get EU institutions and EU member states to support a greater EU role in Georgia's conflicts was to work on issues that were indirectly linked to conflict-settlement.

### *EU Special Representative*

After failing to do so in 2002, in July 2003 the EU members states agreed on the appointment of an EUSR for South Caucasus with the mandate to "assist Armenia, Azerbaijan and Georgia in carrying out political and economic reforms, notably in the fields of rule of law, democratisation, human rights, good governance, development and poverty reduction" and "to prevent conflicts in the region, to assist in the resolution of conflicts, and to prepare the return of peace, including through promoting the return of refugees and internally displaced persons" (Official Journal of the EU 2003). The EUSR South Caucasus was appointed not because there was a strong EU consensus on the need for a pro-active EU involvement in the South Caucasus, but rather to compensate the countries of the region for their exclusion (at that stage) from the ENP. The appointment of EUSRs as "substitutes" for policy is not uncommon for the EU (Grevi 2007:41). Moreover, there was no critical mass of member states in favour of pro-active EU policies in the region, primarily due to fears of irritating Russia.

To assuage the concerns of reluctant member states, the EUSR was granted a rather weak mandate. Rather than appointing the EUSR to achieve conflict resolution, the mandate was

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<sup>55</sup> Interview with EU official, April 2008.

that the EUSR “support the United Nations Secretary General and his Special Representative for Georgia, the Group of Friends of the United Nations Secretary General for Georgia [...] and the conflict resolution mechanism for South Ossetia under the aegis of the OSCE”<sup>56</sup> No independent role for the EU was envisaged at that stage. To dilute this institution further, the EU appointed Finnish Diplomat Heikki Talvitie as EUSR. The fact that the EUSR had a weak mandate, and was a diplomat from Finland (a country with a traditionally non-assertive policy toward Russia), was aimed at reducing worries about any anti-Russian dimension to EU policies in the South Caucasus. As one EU diplomat explained in a discussion: “The Russians were worried when they heard the EU wants to appoint a special representative on the South Caucasus. But they immediately relaxed when they learned who the person would be.”<sup>57</sup> The appointment of the EUSR South Caucasus was also marred by financial problems. There was no budget for such a position in 2003, and for the first six months, the EUSR was financed by Finland. Strikingly, he was based in Helsinki for the whole period of his mandate, but frequently travelled to the South Caucasus, Brussels and Moscow.

Despite its modest beginnings, the appointment of the first EUSR created an important precedent on which greater EU involvement in conflict resolution could be built through spillover and dosage. If the post of the EUSR was initially designed as a substitute for policy, in time it developed an institutional logic of its own. As mentioned earlier, EUSR Heikki Talvitie oversaw the gradual expansion of the border support team.

In February 2006, a new EUSR, Peter Semneby (Sweden), was appointed with a more ambitious political mandate that reflected EU’s apparent greater readiness to play a bigger role in conflict settlement in the South Caucasus. This time, the EUSR had a mandate “to

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<sup>56</sup> Ibid.

<sup>57</sup> Interview with an EU diplomat, October 2006, Brussels.



assist creating the conditions for progress on settlement of conflicts”, rather than just support existing frameworks of conflict resolution. Peter Semneby also adopted a more pro-active stance on the negotiation format. He has stated in relation to the JCC in South Ossetia that is an instrument for stalling the negotiations, rather than achieve a solution and that he intends “to support the conflict resolution mechanisms that are functioning for dialogue”, and “see what [the EU] can do to complement them” (Caucaz.com 2006). Unsurprisingly, Russia has been stonewalling the efforts to the EUSR to change the conflict-settlement formats.

The job of the EUSR South Caucasus was in many ways more difficult than that of EUSR Moldova. For a number of reasons, Georgia’s conflicts have remained far more in the domain of high politics than has Moldova’s due to divergent positions on the respective conflicts by EU member states and Russia. Russia has been much more involved in Georgia’s conflicts. South Ossetia and Abkhazia are closer to Russia; the probability for violence in these regions is much higher than in Transnistria; and Russia and Georgia have been involved in a wide diplomatic, political and economic conflict with serious security implications. Georgia is also a key transit corridor for Caspian energy resources to Europe and is an important factor for EU attempts to diversify its energy links away from Russia. Moreover, Georgia is seeking to join NATO, which has only increased Russian animosity toward Georgian authorities. As one EU official explained, “The Russia-first approach of many member states is the most important factor limiting the EU policy toward Georgia.”<sup>58</sup> EUSR South Caucasus must navigate much stormier waters than EUSR Moldova, and his room for manoeuvre and institutional autonomy is more limited. Nor can he use substantial information asymmetries to strengthen his position vis-à-vis member states. All of the big member states have had a strong diplomatic presence in Georgia since the 90s (which was not the case in Moldova). EU

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<sup>58</sup> Interview with an EU official, Brussels, January 2008.

member states have been involved in conflict resolution in Abkhazia and Nagorno-Karabakh since the 90s, reducing the room for manoeuvre for the EUSR who would need to navigate within the narrower confines of pre-established national policies toward the South Caucasus.

#### *EUJUST Themis Rule of Law Mission*

In July 2004, the EU launched a rule of law mission EUJUST Themis (Popescu and Gnedina 2006). By launching the mission, the EU aimed at showing high-level political engagement with post-revolution Georgia and support its democratisation efforts. On the technical level, the mission had to help Georgia to address its problems in the criminal-justice sector and to advise its leaders on future criminal-justice reform. More specifically, the mission was assigned four tasks: to assist the government in drafting the new criminal justice reform strategy; to support the overall coordinating role of the relevant Georgian authorities in the field of judicial reform and anti-corruption; and to support the planning for new legislation as necessary; and finally, to support the development of international and regional cooperation in the area of criminal justice (Official Journal of the EU 2004).

The mission consisted of several senior EU experts (including judges, prosecutors and penitentiary experts) who would be located at key positions within the Georgian government: the Ministry of Justice, the Ministry of Interior, the General Prosecutor's Office, the Supreme Court of Georgia, the High Council of Justice, the Public Defender's Office, the Court of Appeals in Tbilisi and the City Prosecutor's Office in Tbilisi. On October 2004, the Georgian government created a High Level Working Group, an inter-agency commission presided over by the Minister of Justice, to lead the criminal-justice reform. The most important achievement of the mission was the adoption of a Strategy for Criminal Justice Reform by the

Georgian government in May 2005<sup>59</sup>. Still, this was a modest achievement. Elaborating a document is not the same as implementing it. Substantive changes in the real world depended on the implementation of the strategy by Georgia. The fact that the EU did not prolong the mandate of THEMIS reduced its impact on the reform process.

EUJUST Themis, despite its small size, was symbolically important. It was the first-ever (and so far only) ESDP mission in the former Soviet Union (Helly 2003:91). It was also the first ever EU rule of law mission. Through EUJUST THEMIS, the EU wanted to send a clear political signal of support to the Georgian leadership about the EU's full support; for the EU itself, it was a good opportunity to test its civilian crisis management capabilities in the field of Rule of Law. Despite such symbolic politics, the EU's desire to play high-politics on Georgia quickly faded when it came to facing Russian interests in Georgia.

### *The Failed Border Monitoring*

Probably one of the most telling characteristics of the EU approach to Georgia and its conflicts is not what the EU did, but what it narrowly failed to do. At the end of 2004, Russia vetoed the continuation of the OSCE Border Monitoring Operation (BMO) in Georgia that was monitoring the Russian-Georgian border. This was part of a high-profile attempt led by Russian foreign minister Lavrov not only to stop the mission but also to reform the OSCE according to Russian interests. This was happening during the Orange Revolution in Ukraine, when relations between Russia and the EU were quite strained.

Georgia invited the EU to take over the terminated OSCE BMO and conduct a similar operation under the EU flag (Socor 2006a, 2006b). In response to Georgia's invitation, the EU

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<sup>59</sup> Strategy of the Reform of the Criminal Legislation of Georgia, (Working group established by the Presidential Decree No. 914 of 19 October 2004), Tbilisi 2005.

discussed four possible options. The first, and most ambitious, option was to take over the OSCE BMO entirely to make it an EU mission. A second option was to avoid placing the new mission under an EU flag, but instead support a 'coalition of the willing' mission to monitor the Georgia-Russian border. A third option was to launch an EU training mission for Georgian border guards. The fourth and weakest option was to send three EU border experts to advise Georgia on border reform (Socor 2006a). Inside the EU, the Baltic states supported by the UK were in favour of sending an EU border mission to Georgia, while France with the support of Belgium, Italy, Spain, and Greece, and to some extent Germany opposed such a move (Socor 2006a). After a few months of discussion, the fourth option prevailed. This choice was driven in large part by EU fears of irritating Russia<sup>60</sup>.

Taking over the OSCE BMO would have been quite easy for the EU to do technically, but not politically.<sup>61</sup> The OSCE BMO was manned by fewer than 150 people, and it would have been feasible for the EU to deploy this number of personnel. Moreover, under international law, Georgia and any international organization or informal group of countries were fully entitled to deploy a BMO-type mission on Georgian territory. However, concerns about Russia made it difficult for the EU to agree internally on sending such a mission to Georgia (Socor 2006a). After Russia's high-profile termination of the mission, few member states were ready for a public affront to Russian interests in Georgia. Nor were they willing to be seen to be taking sides in the Russian-Georgian conflict. Since any high-profile EU involvement in Georgia was seen through the prism of EU-Russia relations, intergovernmental decision-making and lowest common denominator policies prevailed once more, and EU institutions or pro-active EU member states could do little to clear the blockage. It would also be fair to note that many

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<sup>60</sup> Interviews with EU member states diplomats and EU officials in Brussels, October 2005 and February 2006.

<sup>61</sup> Interview with a former member of EUSR border support team, Brussels, June 2006.

EU member states were hesitant to engage in conflict settlement efforts because they were worried about the way Georgia would make use of their presence for their own purposes.<sup>62</sup> Some EU officials also think that the resolution of these conflicts in the foreseeable future was hopeless and therefore the best strategy is to keep them “frozen”, i.e. maintain the status quo.<sup>63</sup>

### *EUSR Border Support Team*

The failure to take over the OSCE border mission exposed clear-cut divisions within the EU over its policy toward the separatist conflicts. On the one hand, there was a group of EU member states that were in favour of greater EU involvement in Georgia. These included most of the new EU member states--especially the Baltic States, Sweden, the UK, the Netherlands, Ireland and a few other member states. Meanwhile, a group of “brakemen” – France, Germany, Portugal, Spain, Greece, Italy, Austria and a few others – tried to minimize EU involvement in this capacity either because they enjoyed close relations with Russia, for fear of irritating Russia, or for fear that the EU paid too much attention to the eastern neighbourhood at the expense of the southern neighbours. As one EU diplomat explained: “Georgia is the most obvious case where the intra-EU competition for political attention and resources between southern vs eastern neighbourhood is seen.”<sup>64</sup> Notwithstanding such divisions, the number of states in favour of a pro-active EU policy on Georgia has greatly increased with the May 2004 enlargement. In early 2005, Estonia, Latvia, Lithuania, Poland, Romania, and Bulgaria founded the “New Group of Georgia's Friends” – a replica of the “old” group of friends of Georgia that was seen as not active enough due to France and Germany’s Russia-first approach to Georgia.

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<sup>62</sup> The author thanks Bruno Coppieters for suggesting this point.

<sup>63</sup> Interview with one EU ambassador to a South Caucasus state.

<sup>64</sup> Interview with an EU official, January 2008, Brussels.

The support of the New Group of Friends for the Georgian government against the secessionist entities, coupled with Georgia's active requests for EU involvement, could not be easily dismissed by the other EU member states. It also highlighted the lack of EU unity: the "new friends" were closer to Georgia than to other EU member states, while some of the "old friends" were closer to Russia's view of EU involvement in Georgia. As one EU official argued: "by undermining unity between EU member states, the new group of friends harms the EU more than it helps Georgia".<sup>65</sup> Naturally, EU institutions were caught in between and were often hamstrung by such divisions between the member states. The result has been little improvement on the status quo – a low-cost EU policy measure has been implemented in order to placate the pro-active member states; this policy amounts to token EU involvement in border-management issues. Having been asked to take over a 150 persons strong border mission, the EU deployed a three-person team of advisors on border issues.

The rationale behind establishing the EUSR Border Support Team (EUSR BST) was two-fold. It was intended to support Georgia's reform of the border management system, and to provide some kind of political cover for Georgia in the face of Russian accusations that Georgia did not control its frontier. In fact, Georgia faces two types of (interrelated) conflicts – the territorial conflicts over South Ossetia and Abkhazia and a broader Georgian-Russian conflict. The EUSR border support team was intended to help Georgia de-escalate the Georgian-Russian tensions related to border controls. With the EU tackling the border issue, it would become more difficult for Russia to accuse Georgia of harbouring Chechen and other North Caucasian terrorists and threatening to bomb Georgian territory in retaliation, as Russia did on a number of occasions. But the mandate of the border team did not include a mandate

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<sup>65</sup> Interview with an EU official, Brussels, 15 may 2008.

to deal with border issues around the conflict zones of Abkhazia and South Ossetia. Thus, the mandate of the mission was carefully crafted to avoid contentious issues related to conflict resolution.

The functions of the EUSR support team were outlined in the following mandate that stated that the support team would:

“provide the European Union with reporting and a continued assessment of the border situation and to facilitate confidence-building between Georgia and the Russian Federation, thereby ensuring efficient cooperation and liaison with all relevant actors; assist the Georgian Border Guard and other relevant government institutions in Tbilisi in preparing a comprehensive reform strategy; work with the Georgian authorities to increase communication between Tbilisi and the border, including mentoring. This shall be done by working closely with Regional Border Guard Centres between Tbilisi and the border (excluding Abkhazia and South Ossetia).<sup>66</sup>

In April 2005, three EU civilian experts were sent to Georgia to start working on border issues in Georgia (Civil Georgia 2005). In September 2005, the team was expanded to 13 EU personnel staff and seven Georgians (five reform experts, one administration, and one secretariat). Eleven EU staff were seconded (nine on border guard issues, two on EUJUST Themis as a follow-up mission), and two EU staff were contracted (head of administration, procurement). Of the nine EU staff working on border guard issues, three worked on reforms

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<sup>66</sup> Council Joint Action 2006/121/CFSP of 20 February 2006 appointing the European Union Special Representative for the South Caucasus, Official Journal of the European Union, 21.02.2006, L 49/14.

in Tbilisi, five worked in the field, and one was the team leader.<sup>67</sup> The three experts working in Tbilisi were co-located in Georgian institutions, including the National Security Council of Georgia and the Border Guard Service of Georgia. The five experts in the field were to visit all Georgian border crossing points at the border with Russia, Azerbaijan and Armenia to identify the needs and problems on the ground as well as to mentor Georgian border guards. In November 2005, the EUSR Border Support Team finished a paper on an assessment of the Georgian border management with recommendations for reform. One of the key recommendations was to deploy professional border police rather than use conscripts for border controls.

The way EUSR BST was deployed suggested a number of things about the EU. First, in the face of Russian high-level opposition to EU involvement in Georgia, the EU could not develop a policy on Georgia based solely on the merits of EU-Georgia relations and EU priorities in the South Caucasus. The EU had to take Russian sensitivities into account, and because of these sensitivities, many EU member states opposed any substantial EU involvement in Georgia. However, EU institutions were able to upgrade the lowest common denominator (the status quo ante, i.e. lack of any involvement in border issues in Georgia) by suggesting low-cost low-politics areas of EU involvement – the EUSR BST. The deployment of the EUSR BST showed that EU member states sometimes prefer to resolve crises of contradictions by expanding mutual obligations (“spillover”) rather than contracting or simply reasserting them (Schmitter 2004:57).

Second, another revealing element of EUSR BST was its status as a “stealth mission”. The border support team is not formally an ESDP operation; there is little mention of it on the EU

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<sup>67</sup> Interview and email correspondence with an EU Council official, Brussels, 22 November 2005.



websites where EU security operations are described, and it does not have a distinguishable “brand” as do other missions (such as Concordia in Macedonia, Artemis in DR Congo, or Altea in Bosnia). Even its designation as a “team” was intended to downplay its importance by emphasising that it was not a “mission”, but only a “support team”. This represented a break from past missions in the sense that the EU likes to publicise its operations worldwide and the contributions it brings to international stability through the ESDP. Importantly, the mandate of the EUSR BST did not cover areas of the Georgia-Russia border that were controlled by the secessionist authorities of Abkhazia and South Ossetia. The EU steered clear of involvement in issues that encroached on the high-politics of conflict resolution, as well as from key areas of Georgian-Russian tensions. The EU has kept the EUSR border support team as low-profile and depoliticised as possible. This was done in order to forestall the kind of opposition from Russia that could lead to similar responses from Russia-friendly EU member states. The EU institutions tried to pretend that “little happened” around the EUSR BST and to extend its assistance in border management in Georgia through a dosage of low-politics measures, such as the gradual expansion of personnel and mandate of the existing border team. Through such gradual expansion of mandates pro-active EU institutions hoped to push the BST to start dealing with the secessionist regions (see below).

Third, EU institutions and pro-active member states have used the strategy of dosage to expand EU engagement in Georgia. While initially the EU sent only 3 EU experts, it later increased the number of experts. When EU institutions could not undertake one big step toward involvement in Georgia’s border issues, it chose to take a number of smaller steps that led in the same direction. Over time, the EUSR border support team became comparable in personnel and involvement to ESDP missions in other regions. The strategy of dosage was thus deliberately used by the EU Special Representative on South Caucasus to expand

involvement in the region. One EU official summarised the rationale for the politics of dosage in the following way: “The politics of little action has two objectives. It creates precedents for EU action in the region. It also prepares the ground for more substantive policy measures. Once the EU is engaged, we can build on that engagement, and the threshold of new actions becomes lower.”<sup>68</sup> This strategy has worked, but only up to a certain point. In early 2007, the European Commission and the EU Special Representative suggested extending the mandate of the EUSR BST to cover the secessionist regions of Abkhazia and South Ossetia, and the measure was vetoed by Greece, most likely because it was feared that such a measure would have irritated Russia. Here, the strategy of dosage appears to have “hit the ceiling,” and EU action was blocked when one member state declared that the EU institutions’ policy initiatives had ventured too far in the domain of high politics.

### *The ENP Action Plan*

Under the ENP, the EU and Georgia agreed on a joint Action Plan in November 2006. The ENP Action Plan (ENP AP) *per se* was not an instance of EU conflict management toward; however, provisions on conflict resolution have been a key issue in EU-Georgia relations. During the negotiations on the ENP AP throughout 2006, the EU approach was to keep provisions on conflict resolution to a minimum, whereas Georgia wanted conflict resolution to be the first priority of the action plan (Gegeshidze 2006). In the Action Plan negotiations, Georgia was seeking EU support for implementing the Georgian peace plan for settlement of the conflict in South Ossetia, including assistance in demilitarisation, confidence building, and economic development, and wanted the Action Plan to include more instruments from the ESDP toolbox to promote regional stability and crisis management (ICG 2006a). But in the words of a Georgian official involved in the negotiations of the Action Plan, “The European

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<sup>68</sup> Interview with an EU official, February 2008.

Commission was irritated because Georgia came with its own priorities” and did not accept automatically what the EU has to offer.<sup>69</sup>

The European Commission and the EU Council were rather insistent on avoiding any possibility of getting locked into a rhetorical promise to play a bigger role in Georgia’s conflicts. This contrasted with EU’s readiness to make conflict resolution in Transnistria a top priority in the EU-Moldova action plan. Unlike in South Ossetia and Abkhazia, there was no threat of violence in Transnistria, and the EU could focus on the low-politics of conflict resolution through border assistance, and the use of economic pressures and incentives. Moreover, in Transnistria the EU could circumvent Russian opposition to EU involvement by cooperating with Ukraine to achieve conflict resolution in Transnistria. Such cooperation was not possible in Georgia, since Russia was the only country bordering the secessionist regions. Russia’s higher stakes in Georgia’s conflicts also made the EU more reluctant to accept strong provisions on conflict resolution in the action plan.

In the end, the conflict resolution provisions were listed as only the sixth priority in the EU-Georgia Action Plan, which clearly contrasted with EU’s readiness to make conflict resolution in Transnistria the first priority of the EU-Moldova action plan. The EU declared that it is ready to “contribute to the conflicts settlement in Abkhazia, Georgia and Tskhinvali Region/South Ossetia, Georgia, based on respect of the sovereignty and territorial integrity of Georgia”. However, the measures to achieve this objective have not been very concrete. The Action plan just mentioned that there is a need to “to increase the effectiveness of the negotiating mechanisms”, to develop the role of the EUSR for the South Caucasus in conflict resolution, and to include the issue of settlement of Georgia’s conflicts in EU-Russia political

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<sup>69</sup> Interview with a Georgian official, Tbilisi, 2 March 2006.

dialogue (EU-Georgia ENP Action Plan 2006). Thus, the action plan did not envisage any clear steps toward greater EU contribution to conflict resolution in Georgia, though it acknowledged the importance of greater EU-Georgia cooperation on conflict resolution.

The broader political and economic measures of support for Georgia have also been more modest in Georgia than in Moldova. The EU has not offered Georgia a visa-facilitation agreement. This has had some perverse unintended consequences. Since Russia had a visa-facilitation deal with the EU, and the absolute majority of residents of Abkhazia and South Ossetia had Russian passports, they could also benefit from visa-facilitation to the EU (as Russian citizens), while Georgian citizens could not. So while the EU invested considerable effort into making Georgia more attractive to the residents of the secessionist entities, the lack of a visa-facilitation regime for the country clearly undermined this policy by creating greater incentives to integrate with Russia.

The EU trade liberalization offer to Georgia was also more modest than in the case of Moldova. Both countries have benefited from the so-called EU Generalized System of Preferences Plus (GSP Plus) trade regime effective since 2005. However, in 2008 Moldova was granted even greater access to the EU market under the Autonomous Trade Preferences. Still, the EU and Georgia were preparing for a Free Trade Agreement throughout 2007-2008. Unlike in Moldova, EU-Georgia trade liberalisation had barely any impact on conflict resolution. Abkhazia and South Ossetia, unlike Transnistria, are geographically isolated from the EU, barely produce any goods (though Abkhazia is an important tourist destination) and have virtually no trade with the EU. The EU could not use trade with the secessionist regions as a lever to force or induce them to be more cooperative with Georgia as it did in Transnistria.

## **EU Policies Toward the Conflicts**

Despite efforts to stay away from controversial aspects of conflict resolution in Georgia, the EU could not have a substantial impact on Georgia's transformations without a policy toward the conflict areas. The broader success of EU policy toward Georgia and the South Caucasus depended on at least some progress toward conflict resolution in Abkhazia and South Ossetia. These conflicts led to disproportionate spending for the military, a lack of proper border controls, periodic outbreaks of tensions around the conflict areas and sustained nationalism in Georgia. The conflicts were thus diverting political and economic resources away from democracy building and economic and social reforms. The EU strategy paper on Georgia claimed that "the EU wants Georgia to develop in the context of a politically stable and economically prosperous Southern Caucasus. In this respect, the conflicts in Abkhazia (Georgia) and Tskhinvali region/South Ossetia remain a major impediment" and "the resolution of internal conflicts also appears as a major condition for sustainable economic and social development" as the EU Country Strategy paper on Georgia states (European Commission 2003b). Through a process of spillover from one area to another, EU political and economic objectives in Georgia proper created pressures for greater EU action on conflict resolution so that the overall success of EU policy toward the region was ensured.

### *Rehabilitation of conflict zones*

The first EU contribution to efforts to tackle the conflicts in Georgia has been through rehabilitation assistance to the conflict zones. The European Commission started to finance such activities in 1997.<sup>70</sup> The EU's declared objective of providing assistance is "to build greater trust between the conflict-affected populations, [...] improving living conditions of the population affected by the conflict and creating conditions for the return of internally

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<sup>70</sup> European Commission, EU's relations with Georgia, Overview, [http://ec.europa.eu/comm/external\\_relations/georgia/intro/index.htm](http://ec.europa.eu/comm/external_relations/georgia/intro/index.htm)

displaced persons, as well as facilitating progress in a constructive dialogue' between the conflict parties (European Commission Delegation to Georgia 2006).

From 2006, the EU became the largest international donor to both regions. Between 1997 and 2006, the EU committed some 25 mln euro for projects in Abkhazia. EU-funded projects have remained as depoliticized as possible and were not conditioned on progress in the conflict resolution process. They were also designed to be very technical. The projects in Abkhazia focused on two priorities. First was economic rehabilitation and humanitarian assistance. In the conflict zone (the Gali region in the south of Abkhazia and the Georgian districts bordering Abkhazia), the EU has financed the rehabilitation of the Inguri hydropower plant, electricity networks, hospitals, basic utilities (water, sewage and waste management), and supporting farming and other agricultural activities. The EU has also supported de-mining efforts by HALO Trust in Abkhazia. From 2006, the EU has started to support activities outside the direct conflict zone through the so-called decentralized Cooperation projects. These include other parts of Abkhazia such as the capital of Sukhumi, and west Abkhazia. The EU supported projects for developing the local economy. In addition, it offered support for civil society development and confidence-building measures. Projects in this area included capacity building for NGOs and universities, supporting civil society dialogue with authorities, and facilitating meetings between civil society leaders from Abkhazia and Georgia.

In South Ossetia, the EU funded projects of approximately 8 mln euro between 1997 and 2006. These projects included the reconstruction of drinkable water supply networks; the rebuilding of schools, electricity, gas networks and railways; and support for agriculture development in different towns and villages of the conflict region. Some of these projects were not entirely successful. The EU financed the rebuilding of a railway station in

Tskhinvali, the capital of South Ossetia. But because the local partners did not manage to rebuild the railroad itself, the renovated railway station remained unused.<sup>71</sup> The political projects related to confidence-building activities through track-two diplomacy between Georgians and South Ossetians, as well as financial support for the JCC.<sup>72</sup> The EU has been more politically engaged in South Ossetia than in Abkhazia, but not enough to speak of a distinctive EU role in the region. As in Abkhazia, the EU's main focus has been on infrastructure rehabilitation and humanitarian assistance. However, the EU has been less involved in projects for supporting civil society, youth, media, women and former combatants. EU priorities have been to promote road engineering, civil engineering, finances, banking, agriculture and energy rather than social, political or security projects. Human rights, political, media, and security do not number among EU's financing priorities (ICG 2006a), reflecting the European Commission's focus on technical and uncontroversial activities. Civil society activists in South Ossetia complained that "the EU has been quite passive in dealing with the South Ossetia problem [...] Compared to Abkhazia or Georgia, European structures are under-represented in South Ossetia. As a result of that civil society is also less developed here" (Regnum 2006).

It worth mentioning that the European Commission has been funding these projects independently from the EU Council and the EU Special Representative, who do not have any prerogatives in deciding how the European Commission spends funds. Cooperation between European Commission technical assistance and the Council-led political approach to the conflicts has been ad-hoc and decentralised.

Independent assessments of EU conflict resolution in the region are rather negative. The International Crisis Group claimed that "[t]he EU risks working around rather than directly on

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<sup>71</sup> Observation and interviews in Tskhinvali, South Ossetia, April 2008.

<sup>72</sup> Ibid.

conflict. Its projects in the conflict zone focus mainly on local infrastructure, agriculture and social services. They allocate much less to more traditional conflict resolution fields such as demobilisation, disarmament and reintegration (DDR), rule of law, human rights promotion and media development. No substantial work has been done on security sector reform in Abkhazia, arms proliferation and re-integration of combatants, or improving rule of law through policing projects on either side of the Inguri. In Abkhazia, few projects support development of an independent judiciary, free media, critical civil society, female leaders or active youth” (ICG 2006a).

Despite modest levels of involvement, even humanitarian EU support has been politically motivated. Asked to explain the philosophy of the EU approach to assistance to Abkhazia and South Ossetia, one EU official noted that the EU objectives were: (1) to decrease the (financial) dependence of the secessionist entities on Russia and give them an opportunity to diversify their economies, (2) to create links between the secessionists and Tbilisi in order to promote reconciliation and (3) to promote knowledge about Europe and its values.<sup>73</sup> However, these rather political objectives are presented as technical assistance with few political implications. As one EU official claimed, “The European Commission can get involved in the conflict areas because its assistance is apolitical. It is difficult for the EU to use political conditionality. The EU does not have enough leverage, or the right instruments.”<sup>74</sup> This happens because as one observer put it, “What is EU’s few millions when Russia offers them a future?”(UCG 2006a).

The effectiveness of financial assistance as a tool for future political influence was limited by realities on the ground. In recent years, financial assistance has been less important for the region than before. An increasingly wealthy Russia has been able to offer residents of the

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<sup>73</sup> Interview with EU official, Brussels, 12 June 2006.

<sup>74</sup> Interview with EU official, July 2006. “”



regions substantial financial, economic and military support, finance infrastructure development and arrange for the Olympic Games to be held in Sochi, Russia in 2014, providing Abkhazia substantial business opportunities and reducing the potential effectiveness of EU financial assistance as an incentive to reintegrate with Georgia proper. Similarly, Georgia's financial commitment to the rehabilitation of the conflict zones was considerably increased. The budget of the head of the pro-Georgian administration in South Ossetia headed by Dmitri Sanakoev was some 27 mn Georgian Lari (some 20 mn USD), while the EU-supported OSCE rehabilitation program in the region was roughly half of it.<sup>75</sup> In any case, neither Georgia nor the EU could outspend Russian assistance to Abkhazia and South Ossetia.

*On the Radar Screen: the EUSR and the European Commission*

The EUSR and the European Commission have behaved like active policy entrepreneurs on the South Caucasus. They have sought a gradual expansion of EU involvement in Georgia's conflicts. They have used dosage strategies, i.e. using many small steps to expand their actions in Georgia. Good personal relations between the South Caucasus teams in the European Commission and the EU Council (Grevi 2007:60) ensured that there were no excessive inter-institutional frictions, and that both institutions united to promote the proactive agenda of EU engagement in Georgia's conflicts. One technique used for improving their coordination was the fact that EUSR Peter Semneby included representatives of the European Commission and the EU presidency in all his important meetings in Georgia, a practice that was not very widespread between other EUSRs and European Commission Delegations.<sup>76</sup>

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<sup>75</sup> Interviews with officials from the Georgian government in Tbilisi, 5-9 April 2008; Dmitri Sanakoev, the head of pro-Georgian Administration of South Ossetia, Kurta, 9 April 2009; Murat Dzhoev, de facto (secessionist) minister of foreign affairs of South Ossetia, Tskhinvali, 9 April 2008; and OSCE officials in Tbilisi and Tskhinvali, 8 April 2008.

<sup>76</sup> Interview with an EU official, Tbilisi, Georgia, 7 April 2008.

As already mentioned, in 2006-2007 the European Commission became the biggest international donor to the conflict regions, though much smaller than Russia's untransparent assistance in the form of arms supplies, direct budgetary support and payment of pensions. Building on a certain momentum, the EU institutions sought to launch a new cycle of EU measures contributing to conflict resolution in Georgia. In January 2007, the EU Council and the European Commission sent a joint fact-finding mission to Abkhazia and South Ossetia. The mission consisted of 18 EU officials and experts from the European Commission (11 persons), the EU Council and a few member state officials (Germany as the then-holder of the EU presidency, Latvia and Lithuania). The mission was headed by EUSR Peter Semneby and Hugues Mingarelli, Deputy Director-General in DG RELEX of the European Commission, who was responsible for the European Neighbourhood Policy, Eastern Europe, the Southern Caucasus and Central Asia, the Middle East and the Southern Mediterranean (the so-called Directorates D, E and F). This fact-finding mission was one of the bureaucratic methods of infusing momentum into EU conflict resolution in Georgia. Some of the ideas the EU institutions wanted to promote – police liaison officers and border-management cooperation with the secessionist entities (see below) – were probably by EU institutions already before the fact-finding mission was launched. When in Abkhazia and South Ossetia, the EU officials already discussed with the secessionist authorities some of the ideas that would later become policy recommendations to the EU member states. In Abkhazia, the EU fact-finding mission even visited the Abkhaz border crossing points with Russia.<sup>77</sup>

As a result of the mission, the European Commission and the EU Council submitted in April 2007 a report with policy recommendations that needed to be approved by the member states in the Political and Security Committee. The policy recommendations of the EU institutions

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<sup>77</sup> Phone interview with an Abkhaz de facto official, January 2007.

were *a priori* scaled down. They proceeded not from what is necessary on the ground, but from what would be acceptable to the most obstructionist EU member state. One EU official explained how EU institutions act on Georgia: “EU diplomats know what is realistic or not”.<sup>78</sup>

EU institutions thus adopted the risk-averse and incremental strategy of dosage, not moving too far from what they believed to be the lowest common denominator policy, and putting forward low-politics policy proposals. These included a number of rather uncontroversial policy recommendations for technical activities such as greater support and financing for civil society and youth support in Abkhazia and South Ossetia and greater support for institution-building in Georgia’s customs service. At a more political level, the EU institutions suggested co-locating an EU expert with the Georgian ministry of conflict resolution, which was in charge of conflict settlement in Abkhazia and South Ossetia. This was presented as capacity-building for the Georgian government, but also aimed at greater EU involvement and coordination with Georgia in developing government policies toward Abkhazia and South Ossetia. The EU institutions also proposed the opening of European Information Centres in Abkhazia and South Ossetia. These ideas were accepted by EU member states, confirming that EU institutions have greater autonomy for action in the low-politics of conflict resolution. The strategy was less effective in policy areas that were more controversial.

Another joint proposal advanced by the EU Council and the European Commission in the wake of the fact-finding mission was to co-locate a EU police liaison officer with UNOMIG (the UN mission involved in conflict settlement in Abkhazia) and another with OSCE to start developing a dialogue with the secessionist entities on civilian aspects of peacekeeping in the conflict regions. The EU officers were supposed to develop proposals on how the EU could

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<sup>78</sup> Interview with an EU official, April 2008.

play a bigger role in confidence-building and policing in the conflict areas. In this sense, these proposals served as a platform to promote a more significant policy agenda over time through a step-by-step strategy. They were also supposed to look into methods of joint police training of Georgians together with Abkhazians and Ossetians. This was controversial because it would take the EU into a whole new area of activity (policing) as it related to conflict resolution. This was likely to provoke Russian opposition. In addition, Georgia was increasingly concerned that EU engagement with Abkhazia and South Ossetia might not lead to the reintegration of Georgia, while strengthening the international legitimacy of the secessionists. Given the controversy of such actions, EU member states carefully scrutinized the proposal. Following an April 2007 discussion over the proposals, EU member states requested more information and details from the EUSR and finally accepted the proposal in autumn 2007.

A second controversial idea was the extension of the mandate of the EUSR BST to cover the sections of the Georgia-Russia border controlled by the secessionists regions and the extension of the EUSR BST by two new experts, one in charge in developing a dialogue on border issues around Abkhazia and the other around South Ossetia. This request amounted to a significant reversal of the initial mandate of EUSR BST that explicitly excluded this possibility. According to the EU institutions' proposal, the EUSR BST would deploy one expert to work with Abkhazia and another to work with South Ossetia's secessionist authorities on the improvement of border management between these regions and Russia. Given the de facto integration of these entities into the economic and political space of the Russian federation, the EU's gradual involvement into border management was rather intrusive, as they were internationalising the shady cooperation between Abkhazia, South Ossetia and Russia. Such an explicit attempt by the EU institutions to increase their profile

and influence in the conflict regions had a number of objectives: to gain a foothold in conflict settlement efforts, decrease the dependence of the secessionist regions on Russia, enforce greater control of the border areas where alleged arms transfers and smuggling from Russia occurred, and thereby undermine some of the factors that maintained the status quo in the conflict zones. Russia was almost certain to dislike such proposals, while acceptance by Abkhazia and South Ossetia (acting in cooperation with Russia) was far from certain. Given Russia's opposition to the measure, the measure was likely to be subjected to greater inter-governmental scrutiny and face problems gaining approval within the EU.

Before submitting the proposals to a formal discussion in COPS, EUSR Peter Semneby engaged in diplomatic efforts to build support for, and reduce opposition to, his proposals among the member states and other stake-holders. He met the Russian ambassador to the EU on 14 March 2007 and travelled to Moscow on 20 March 2007 in order to present his ideas to the Russian authorities, according to one partly declassified EU document (EU Council 6.06.2007). This indicates the extent to which the acceptance of internal, even classified, proposals on EU policy toward Georgia was dependent on the positions of external actors such as Russia. Indeed, it is quite probable that some EU member states consult bilaterally with Russia before deciding on EU involvement in the South Caucasus.<sup>79</sup>

The proposal for extending the mandate of the EUSR BST to cover Abkhazia and South Ossetia was vetoed by Greece in April 2007, the only country to oppose the measure. The Greek representatives said that more information on the proposal was needed before a decision could be made, claiming that they received the proposal on too short notice. But one EU diplomat claimed that was not a *bona fide* excuse since the content of the proposals was

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<sup>79</sup> Interview with an EU diplomat, Brussels, April 2008.

well-known in advance.<sup>80</sup> Greece was the only state vetoing a proposal accepted by all other states. This was in line with Greece's broader strategy of supporting Russian positions in the EU (Leonard and Popescu 2007). As one senior member state official said in an interview: "every possible EU step in the eastern neighbourhood that might even theoretically upset the Russians is opposed by Greece."<sup>81</sup> The blockage of the EUSR BST extensions was, most probably, not an instance of anticipatory vetoing by Greece, but rather the result of targeted Russian lobbying. As Van Shendelen argues in a book about lobbying in Brussels, two crucial resources for successful lobbying is friendship and language, since this offers advantages of close communication (Van Shendelen 2005:111-116). The blockage of the EUSR BST mandate extension might have been facilitated by very good personal communication between the Greek ambassador to COPS and the Russian ambassador to the EU, Vladimir Chizhov, who speaks fluent Greek and spent twelve years of his diplomatic career as ambassador to Greece and then Cyprus.<sup>82</sup>

This illustrates another feature of EU politics that I call *carousel foot-dragging*. Many states are concerned that an EU that is too proactive in the eastern neighbourhood will irritate Russia or divert EU foreign policy resources from other priorities such a focus on Africa or the southern neighbourhood. However, no EU member state wants to be perceived as systematically obstructionist, since no state wishes to be seen as playing only a negative game (Van Shendelen 2005:103). It is not considered appropriate to be seen as a "bad European", and consistent obstruction can lead to isolation of a member state or even retaliation where other states respond by vetoing the proposals of the obstructionist state. Consequently, the Russia-friendly EU member states speak in turns. As one EU member state official explained: "When we discuss post-Soviet affairs, you can often see EU countries speaking up against a

<sup>80</sup> Interview with EU officials in Brussels, May-June 2007, April 2008.

<sup>81</sup> Interview with EU member state official in Brussels, 5 October 2007.

<sup>82</sup> CV the of Vladimir Chizhov, the Russian Ambassador to the EU, [http://www.russiaeu.mid.ru/post\\_en.html](http://www.russiaeu.mid.ru/post_en.html)

too assertive EU. They do so in turns. Today it is Greece, tomorrow it is Germany”. Moreover, such states often hide behind each other’s backs. This happens on many foreign policy issues such as the Spanish-Moroccan conflict over the Perejil islands where many member states are unwilling to be involved in the conflict hid behind France’s back (Monar 2002:252). Greece’s veto in this case was probably supported tacitly by a number of other EU member states. The discussion on Georgia happened during the German presidency. One EU member state official present at the relevant COPS meeting said that the German presidency played a crucial role in shelving the issue of EU action on Georgia. It was explained that: “Normally when only one or two EU member states oppose something without any fundamental reason, the presidency suggests that ambassadors should get more instructions from their capitals and that the issue be discussed again in one or two weeks time. The German presidency could have reconvened such a meeting, since only one EU member state was opposing the EUSR and Commission proposals on Georgia. But the presidency did not do that.”<sup>83</sup> This shows that the presidency through its agenda-setting power can also contribute to shelving issues. Given that a single EU member state can veto a foreign policy proposal, it is relatively easy to block EU foreign policy initiatives. But carousel foot-dragging makes it even easier, because it allows members to scupper substantive policies toward conflict resolution without any one EU country being seen as overly obstructionist. In the case of Georgia in 2008, Cyprus and Spain took the lead in opposing an EU peacekeeping mission to the region; this was an instance of carousel foot-dragging since more states were sceptical of such a course of actions, but took cover behind these two states (International Herald Tribune 2008).

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<sup>83</sup> Interview with an EU member state diplomat., Brussels, April 2008.

This illustrates yet another reality in EU politics. It shows that issue-linkages are not the norm in foreign policy decision-making as they are in economic integration. For example, a country that generally supports EU involvement in Georgia would not block Greek priorities in order to extract concessions on EU policy in the eastern neighbourhood. Most often, decision-making in EU foreign policy remains a one-off affair, and tends not to infect other areas of foreign policy cooperation. Thus, the only way to break a stalemate is through persuasion. As one EU official explained: “When at least one member state opposes a measure, the only alternative for us is to persuade and convince. There is no other way”.<sup>84</sup>

The EU institutional behaviour described above confirms a number of things about the EU. EU institutional agents – the EU Council and the European Commission – have been proactive in their push for greater EU conflict resolution. They have sponsored new initiatives that were deliberately low-politics since this increased the likelihood that they would be accepted by EU member states. They also used dosage as a strategy to achieve greater EU involvement in conflict resolution, since the deployment of police experts to the conflict regions was seen only as the first step toward greater EU involvement in civilian aspects of crisis management in the region. The least controversial proposals were accepted almost automatically by member states. However, the more controversial proposals – the deployment of police liaison officers and border-guard experts to the conflict regions – faced problems. These two measures were not a major foreign policy initiative for the EU, since it only meant the deployment of four EU experts to two conflict regions. However, given the Russian opposition to such a measure, the issue became a high-politics affair leading to greater intergovernmental scrutiny of the proposal and the vetoing of one policy recommendation by one of the most Russia-friendly states in the EU. This confirms that external actors often

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<sup>84</sup> Interview with an EU Council official, Brussels, March 2008.



establish the parameters of high-politics issues for EU foreign policy in ways that are used to limit EU institutional activism by lobbying friendly EU member states. In any case, when EU institutions have ventured into policy areas of high-politics, member states move to reassert control over their actions.

When the EU institutions continued to promote the extension of the EUSR BST mandate after the Greek veto, this worsened relations between Greece and the EU Council to the degree that, as one EU member state diplomat put it, “Greece is fishing for Semneby’s mistakes.” But the situation was different in the case of EUSR Moldova Jacobovits de Szeged who had to resign after he promoted a change in the peacekeeping operation in Moldova in 2006 against the will of some big EU member states. Peter Semneby, EUSR South Caucasus, was opposed only by one relatively small member state and therefore continued to maintain his post, even though this conflict complicated his job and limited his institutional autonomy. In any case, both instances show that when EU institutions strongly promote a policy agenda that member states oppose, these states will try to roll back the institutional activism and punish the individuals involved.

*What is the priority: Abkhazia or South Ossetia?*

The level of attention the EU institutions have paid to South Ossetia and Abkhazia has varied over time. At times, the EU prioritised its involvement in conflict resolution in South Ossetia; at other times it favoured involvement in Abkhazia. These tactical shifts in EU engagement in the region have been driven by local realities in the conflict zones.

As already described, the EU has been more involved in South Ossetia than in Abkhazia until 2007. The lack of involvement of EU member states in the South Ossetian conflict made it

easier for the EU to seek a greater role in the peace process, without having to compete with EU member states. Thus, in South Ossetia but not Abkhazia, the EU used its financial contribution to rehabilitate the economies of the conflict zones to gain a seat at the negotiating table (even if only on economic issues).

There are a number of reasons why South Ossetia became the focus of EU conflict management in the region. Firstly, between 1992 and 2008 South Ossetia was perceived as a conflict that was easier to solve than Abkhazia because the war was less intense, there was no history of mutual ethnic cleansing and there was less ethnic animosity. A success-driven EU naturally chose to focus on a conflict that was believed to be easier to solve. These factors also led Georgia to focus on reintegrating South Ossetia first, leaving Abkhazia for a later stage. Georgia's focus on South Ossetia reinforced EU's choice.

However, EU institutions had to reconsider this focus some time later. Many of the recommendations of the EU institutions that resulted from the January 2007 fact-finding mission to Abkhazia and South Ossetia depended on some kind of cooperation with the secessionist authorities, be it opening European Information Centres or developing a dialogue on policing in the conflict areas. In 2007, the EU found that many of their policy priorities could potentially be more easily achieved in Abkhazia than in South Ossetia. As one EU official explained: "Discussions with Abkhazia are more substantial. The Abkhaz are more self-confident and formulate better what they want. Therefore it is easier to reach an agreement with them. Discussions with the South Ossetians are more sterile. They are less sure of what they want, and what they can do without Russian consent. It is very difficult to reach an agreement with them, because they decide so little for themselves".<sup>85</sup>

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<sup>85</sup> Interview with an EU official, Brussels, January 2008.

This difference is easily explained by the fact that Abkhazia and South Ossetian separatist authorities had different objectives. Abkhazia wanted independence and an ability to maintain it least some kind of room for manoeuvre vis-à-vis Russia while South Ossetia wanted to unite with North Ossetia, a region of the Russian Federation. This made Abkhazia more open to engagement with the EU as it tried to reduce its near-total dependence on Russia. As Leonid Lakerbaia, a de facto deputy prime minister of Abkhazia, explained: “You can’t put all your eggs into the same basket [...] Even Russia is moving closer to Europe [...] And I don’t think that there is anything bad if we will become part of wider Europe” (Grazhdanskoe Obshestvo 2005). In addition, Abkhazia seeks recognition from the international community. The quest for international legitimacy encourages the use of European discourses. The de facto president of Abkhazia Sergei Bagapsh stated that, “We have one aspiration – to be in Europe. We want to live in a European house. And we want openness and dialogue from the EU.”<sup>86</sup> South Ossetia has less pretence to be an independent state. It does not look for ‘geopolitical balances’ to diversify its future options and it can be more hostile to the EU. A South Ossetian de facto deputy speaker of parliament and chair of the committee for international affairs, defence and security stated that, “The EU has invested more than a billion euro into the South Caucasus. Seventy percent of these went into Georgia. In South Ossetia they rebuilt a school in Java, the railway station in Tskhinvali and have put here houses in which it is simply impossible to live. We call them henhouses. What kind of help have they offered to South Ossetia? [...] Of course international mediators normally expect political concessions in exchange for money [...]. The activities of the EU should have a humanitarian character and no organisation should claim to solve political questions” (Regnum 2005).

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<sup>86</sup> Interview with Sergey Bagapsh, de facto president of Abkhazia, Sukhumi, 21 March 2006.

The EU's decision to get involved in South Ossetia first indicates the extent to which the EU is success-driven. This also coincided with Georgia's focus on South Ossetia and EU's avoidance from challenging the UN-led conflict resolution format in Abkhazia where member states were involved. Once UN-led negotiations in Abkhazia had stalled, and Abkhazia became more open to international cooperation than South Ossetia, the EU institutional agents focused on increasing their involvement in conflict resolution in Abkhazia. In these changes, external constraints and opportunities were the primary drivers of EU policy actions in Georgia's conflicts.

The EU's unwillingness to play a bigger role in conflict resolution in Abkhazia and South Ossetia only contributed to greater tensions between Russia and Georgia. In the aftermath of Kosovo's declaration of independence, Russia drastically increased its military presence in Abkhazia and South Ossetia. This led Georgia to believe that it cannot rely on the international community to help it solve its secessionist problems, and therefore a military solution should be considered before the annexation of Abkhazia and South Ossetia to Russia became irreversible. As one Georgian official put it in July 2008, just two weeks before the August war: "If we don't act now, we will lose Abkhazia and South Ossetia forever."<sup>87</sup> The growing militarisation of the conflicts was at least partly the result of failed EU commitment to play a bigger role in trying to diffuse the conflicts.

### *Failed EU Peacekeeping*

Perhaps the most politically sensitive issue for all the stakeholders in the conflict zones was the nature of the peacekeeping operations in Abkhazia and South Ossetia. For years the EU member states refused outright to even seriously envisage a discussion on the change in

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<sup>87</sup> Interview in Tbilisi, July 2008.

peacekeeping arrangements in the two conflict zones. From the Georgian perspective, Russia was using the secessionist entities in Abkhazia and South Ossetia as a tool to maintain its influence in the South Caucasus and prevent Georgia from integration into NATO. The fact that Russia provided military, economic and political support to the secessionist entities certainly implied that Russia has not been a neutral party to the conflict. The granting of citizenships to the inhabitants of Abkhazia and South Ossetia and the use of the Russian rouble as the regions' currency only accentuated the perception of creeping Russian annexation. In Georgia's view, the Russian peacekeepers were part of the problem not the solution. Given this, starting in 2004, the Georgian administration embarked on a large-scale political and diplomatic effort to internationalise the peacekeeping operations in Abkhazia and South Ossetia. Internationalisation implied the launch of new peacekeeping operations where Russia would be involved but not as the sole peacekeeper. Georgia's hope was that EU member states and other post-Soviet states such as Ukraine, Moldova or Azerbaijan would also get involved in an internationally (UN or OSCE) supervised peace-support operation. Throughout, Russia has opposed any changes in the peacekeeping format.

Despite intensive diplomatic efforts on behalf of Georgia to internationalize their peacekeeping operations, the EU refused to even consider such an option until the 2008 war crisis. Most EU member states agreed that since Russia adamantly opposed such a measure, the issue was not worth raising in their negotiations with Russia. Georgia was told that the addition of EU peacekeepers could be explored only if Russia and the secessionist entities, together with Georgia, requested such a contribution. The 2008 war between Russia and Georgia demonstrated just how unsustainable and biased the peacekeeping operation was, and how it actually *contributed* to the escalation of violence. It also showed how the absence of any credible and substantial international presence on the ground made only easier the

escalation of the whirlwind of military tensions that ultimately led to the first full scale, inter state war after the Balkans.

*Forced to Intervene: the EU in the Russia-Georgia war*

When the war between Georgia and Russia over South Ossetia started on August 8, most EU officials were on holiday. This was the first full-scale war in Europe after the NATO campaign in Kosovo in 1999. France, which held the presidency of the EU at the time, issued a statement on the first day of the war. Then it immediately engaged in a series of diplomatic efforts to stop the war by first sponsoring a cease-fire, and then establishing peace support arrangements to sustain peace in the aftermath of the war. President Nicolas Sarkozy and Foreign Minister Bernard Kouchner travelled to Tbilisi and Moscow where they mediated a six-point ceasefire agreement. The Finnish minister of foreign affairs Alexander Stubb also visited Tbilisi in his capacity of Chairman in Office of the OSCE. On August 13, the French president convened an extraordinary meeting of the EU foreign affairs ministers to discuss Georgia. On August 15, German Chancellor Angela Merkel held a summit with Russian President Dmitry Medvedev in Sochi, in which the main topic of the conversation was the Russian-Georgian war. On 1 September the EU convened as an emergency summit where it issued a statement on the conflict in Georgia and announced that it will appoint a new EU Special representative for the crisis. Despite parallel efforts of EU states to stop the conflict, it was France that took the lead in managing the crisis and its aftermath by virtue of its presidency of the European Union which gave it the authority to speak and act on behalf of the entire block.

The EU leaders pushed for the withdrawal Russian military troops from the territory of Georgia (except South Ossetia and Abkhazia), which Russia had under occupation for some

two weeks after the cessation of the hostilities. Many EU member states have declared solidarity with Georgia in the face of the Russian invasion. In a matter of two weeks, Georgia was visited by the EU heads of state of Estonia, Latvia, Lithuania, Poland, Romania, as well as the foreign ministers of the UK and Sweden. The EU Special Representative and his team have been constantly working in Tbilisi and Brussels on developing policy options for the EU. From the first days of the August war, the European Commission offered 1 million Euro in humanitarian assistance, a sum that was later increased by another 5 million EUR to help the victims of the hostilities (European Commission 11.08.2008). In the aftermath of the conflict, a donor's conference for Georgia was organised in Brussels where the EU collectively – EU member states and the European Commission – became the biggest international of a USD 4.5 billions package pledged to finance Georgia's post-conflict reconstruction.

The Georgia crisis was divisive for the EU. The UK, Sweden, the Baltic states and Poland were calling for sanctions against Russia. Countries like Germany, Slovakia, Spain, and Cyprus tended to put the blame on Georgia for initiating the military actions against South Ossetia, and hence provoking Russia (International Herald Tribune 2008). France oscillated in between. Initially, it avoided any tough retaliation against Russia, but its position gradually toughened, particularly as Russia appeared to ignore some of the provisions on the ceasefire, the French ambassador was detained by Russian soldiers for three hours in a Georgian town on 22 August (Kommersant 2008), and Russia unilaterally recognised the independence of Georgia and South Ossetia on 27 August 2008. A few months after the crisis, in November-December 2008 the attitudes of EU member states towards Russia started to soften again, as more and more questions about Georgia's conduct of the war emerged. Media reports of Georgian indiscriminate shelling of civilians in South Ossetia as well as the fact that Georgia

was increasingly seen as the initiator of hostilities greatly undermined Georgia's credibility as a partner in many EU member states.

Throughout the crisis, the EU High Representative for CFSP kept a low profile, partly because the French EU presidency sought to sideline him. Javier Solana did not visit Georgia or Russia in August, nor did he play any visible role in the diplomatic efforts to achieve the cease-fire in August. Javier Solana only went to Moscow with Nicolas Sarkozy on 8 September, a month after the conflict, to negotiate the conditions of Russian troops withdrawal from Georgia proper. Solana's first visit to Georgia took place only on the 30 September, almost two months after the outbreak of the war. Apparently France did a lot to sideline EU institutions during the management of the crisis. As one EU official claimed the French presidency "told Javier Solana not to interrupt his August holiday". If a smaller EU member state held the EU presidency (Slovenia, had the EU presidency before France, and the Czech Republic after) one might assume that the High Representative Solana would have probably been the main EU actor managing the crisis. However, in the face of a big EU member states such as France EU institutions have failed to provide such leadership, suggesting that on issues of high-politics, as this undoubtedly was, EU institution had very little influence or room for manoeuvre whereas big EU member states, primarily France and Germany, were clearly in charge. The low-profile of EU institutions during the crisis has been both because they are inherently weak on foreign policy issues, especially vis-à-vis big EU member states, but also because there was a clear French presidency effort to sideline them.

Despite the low-visibility of EU institutions, they still had a role to play. In response to the EU foreign affairs ministers' meeting on August 13, the EU Council Secretariat, in coordination with the European Commission, developed a paper on "Possible EU support to



stabilising the Georgian region”. The report suggested a number of immediate actions such as ensuring humanitarian access, temporary deployment of Council Secretariat General technical experts, liaising with the OSCE and UN, reinforcement of the EUSR office, and expansion of the role and reinforcement of the EU border support team. More broadly, the report discussed the following options for EU actions in the stabilisation of Georgia: offering support to the UN and/or OSCE; deploying an EU Interposition Mission with armed peacekeepers separating the conflict parties; or deploying a civilian EU monitoring mission.

The EU seriously considered a more robust contribution to peace support efforts in Georgia (in addition to strengthening OSCE and UN missions in the region). A first option was to deploy EU armed peacekeepers – as an interposition force between Georgia and Russia. Many member states were sceptical about such a possibility, with Spain and Cyprus apparently taking the lead in opposing the measure at an EU foreign affairs ministers extraordinary meeting a few days after the war (International Herald Tribune 2008). The second possibility was a possible deployment of a civilian observation mission to monitor the cease-fire and deter any possible renewed break-out of hostilities. Unsurprisingly the second option prevailed. The EU again opted in favour of non-military ways to manage conflicts, and showed its predilection for the low-politics of conflict resolution. During the negotiations over these possible options for EU action, member states were clearly in charge of the process with EU institutions put on the backburner. In October 2008 the EU deployed an EU monitoring mission to Georgia that numbered almost 300 unarmed observers who started to monitor the line of cease-fire, but were not allowed into South Ossetia and Abkhazia by Russia and the secessionist authorities.

A particularly confusing story happened around the EU special envoys towards the conflicts. As already discussed, Peter Semneby had been EUSR for the South Caucasus since 2006. During the August 2008 he has been most of the time in Georgia trying to diffuse the crisis. However, at the EU summit on 1 September 2008 it was declared that the EU will appoint another EUSR. Towards the end of September, Pierre Morel a very senior French diplomat who was EUSR for Central Asia was also appointed EUSR for the crisis in Georgia. The situation was not very logical. Pierre Morel thus became EUSR for Central Asia, and at the same time EUSR for the crisis in Georgia (EU Council Joint Action 25.09.2008). Peter Semneby was kept as EUSR South Caucasus but with his Georgia-related responsibilities clearly trimmed. Gradually some kind of division of labour between the two EUSRs emerged. Pierre Morel focused on post-war negotiations between Russia, Georgia and the secessionist entities as part of a so-called Geneva process, while Peter Semneby dealt with “other issues” related to the whole region. In any case EUSR South Caucasus was clearly sidelined. The process of appointing the new EUSR was highly unorthodox, even by EU’s messy institutional standards. By appointing a new French EUSR, the French EU presidency wanted to enforce greater control of EU policy towards the crisis in Georgia which was considered very sensitive for relations with Russia and highly political. The French were supported by a number of other EU member states that thought that Peter Semneby was too critical of Russia and a more “neutral” EUSR was needed. As one EU member states put it “in times of crisis the big EU member states could not let a Swedish diplomat handle such a sensitive dossier”.<sup>88</sup>

The behaviour of EU institutions and EU member states have confirmed the basic argument of this dissertation. When it came to high-politics issues such as the war in Georgia and a diplomatic confrontation with Russia, EU institutions have kept an extremely low profile

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<sup>88</sup> Interview with EU member states official, Brussels, November 2008.

politically. EU diplomatic efforts were firmly in the hands of EU member states, with France having the credibility and the power to be the voice of the EU in the crisis. France also drastically sidelined the EU as an actor, be it the High Representative Javier Solana or the EUSR Peter Semneby, in the post-war environment. The European Commission confined itself to humanitarian aid, and ordinary statements on the need for peace. The EU Council secretariat did the same. Despite strong engagement on the ground of the EUSR South Caucasus, the High Representative did not play any visible role in the efforts to mediate the conflict for almost a month after the conflict. And when it came to behind-the-scenes diplomacy on EU contribution to peace support, the EU Council secretariat apparently favoured a civilian mission.

## **Conclusions**

The conflicts in Abkhazia and South Ossetia probably represent the most controversial cases of EU involvement in conflict resolution in the Eastern neighbourhood. EU institutions have been preparing the ground for a greater role in conflict resolution since the second half of the 1990s, but few of their initiatives have materialized. Despite growing financial EU commitment to post-conflict rehabilitation in Abkhazia and South Ossetia, the appointment of an EUSR and the launch of an EU Border support team in Georgia and attempts to play a bigger role in conflict mediation, the scale of EU engagement in conflict resolution in Georgia remained very low, even compared to EU engagement in Transnistria. As a proof of that the EU has failed to respond to Georgia's invitation for a border monitoring mission in 2005 and to at least consider raising with Russia the issue of changing the peacekeeping operation.

EU's ambivalent policies toward Abkhazia and South Ossetia were largely the result of internal EU divisions. Some EU states actively promoted stronger EU intervention in conflict settlement, while others strongly opposed such actions for fear that other areas of EU-Russia

cooperation could be adversely affected. Thus, Georgia emerged as one of the most divisive issues inside the EU. Georgia's efforts to join NATO, periodic escalation of violence in the conflict regions, Russia's high-level support for the secessionist entities and vehement opposition to EU intervention in the conflicts only politicised the issue further, ensuring that the issue of conflict management in Georgia remained in the realm of high politics where the EU had a minimal role to play. Under such circumstances, EU member states increasingly regarded any potential EU role in conflict settlement through the prism of EU relations with Russia. These factors ensured that EU decision-making on Georgia's conflicts was predominantly intergovernmental and lowest common denominator policies prevailed.

EU institutions have tried to bridge EU divisions on action in Georgia and break the inertia of non-involvement by putting forward policy proposals of low-politics action, such as financial assistance for post-conflict reconstruction, support for civil society and launching a dialogue on policing and border management with the secessionist authorities. EU's border support team became something akin to an "invisible mission" – much lower profile than all other EU security and defence operations in the world. Despite attempts to use "dosage" strategies by EU institutions aimed at extending the level of EU engagement with the conflicts, these have worked to a much lesser extent than in Transnistria. Georgia's often provocative and confrontational policies vis-à-vis Russia didn't help. Georgia's attempts to politicise and securitise its conflicts made any chances of EU stealth intervention in conflict settlement only less likely. Russia-friendly EU member states were much more determined to limit greater EU intervention in Georgia's conflicts, partly due to Russian lobbying. Through the strategy of "carousel foot-dragging," EU member states were able to limit EU institutional activism on conflicts in the Eastern neighbourhood. This was especially the case during the Georgia-Russia war in the summer of 2008, when all conflict management initiatives were undertaken

by the French Presidency of the EU, with no high-level involvement by the EU High Representative for the CFSP.

When it came to conflict intervention in Abkhazia and South Ossetia the EU has been far from its own professed ideal of an integrated approach to conflict management. EU actions have been scattered across a wide range of issues – from rule of law to border management and ad hoc conflict mediation. More often than not these actions had little serious commitment from the EU and especially its member states. The strategy of stealth EU intervention in conflict settlement process worked to a much more limited extent than in Moldova. Despite attempts to use stealth intervention, the high-politics nature of Georgia's conflicts for the EU and EU-Russia relations significantly reduced the chances for such an engagement. In the end the lack of a serious EU commitment to play a bigger role in Georgia's conflict made even more likely the gradual escalation of violence that degenerated into the first full-scale European war in almost a decade.

## CHAPTER 6: EU Policy on Nagorno-Karabakh

Azerbaijan's importance for EU energy security, Russia's limited role in the conflict and the dangers of renewed war all make the conflict a prime candidate for EU conflict management. From a geopolitical perspective, the conflict in Nagorno-Karabakh could have been a top priority for the EU in the South Caucasus. Despite this, Nagorno-Karabakh is the conflict in post-Soviet Europe in which the EU is *least* involved. Despite the relatively modest scale of EU interventions in conflict settlement processes in Transnistria, Abkhazia and South Ossetia, EU policies toward Nagorno-Karabakh pale in comparison with the other cases. Nagorno-Karabakh (along with Western Sahara) is perhaps one of the two secessionist conflicts in the European neighbourhood that the EU deals with hardly at all. Understanding why this is the case has explanatory value for understanding what drives the EU as a crisis management actor.

The EU's non-involvement in Nagorno-Karabakh serves as a critical negative case for the narrative on EU involvement in conflict resolution. EU's non-involvement in Nagorno-Karabakh is the result of a lack of local demand from either Armenia or Azerbaijan. But internal EU politics also played a role in its failure to intervene. France, as co-chair of the Minsk Group, has generally opposed a greater EU role in conflict mediation. This obviously had an inhibiting effect on efforts of EU institutions to develop a policy toward Nagorno-Karabakh. Until the 2008 Georgia-Russia war, Nagorno-Karabakh was believed to be the conflict in the region most likely to degenerate into war. Azerbaijan's oil-boom was seen as providing the resources for a military attempt to regain the secessionist region. This rather

charged political and security atmosphere is just the kind of environment that places the Nagorno-Karabakh conflict out of reach for the kind of conflict settlement policies the EU is good at: post-conflict rehabilitation, confidence building and tackling soft-security issues. When the potential for violence is involved, EU member states are firmly in charge of their policies toward such conflicts, especially when they have a stake in such regions.

This chapter traces the development of the EU approach to Nagorno-Karabakh, as well as the interaction between EU institutions and EU member states. It first presents the context of the conflict. Then it outlines the pursuit of EU policies in the 1990s. Second, it discusses the centrality of the conflict in the South Caucasus and EU stakes in the conflict. Third, the chapter discusses the EU approach to conflict resolution in Nagorno-Karabakh. It outlines how the EU deals with the Nagorno-Karabakh issue in its ENP Action Plans with Azerbaijan and Armenia and its relationship with the OSCE Minsk Group. The chapter also outlines the policy dilemmas facing an EU that is forced to stay neutral between Azerbaijan and Armenia and is hugely constrained in trying to engage with the conflict resolution process in the absence of a local demand for EU actions.

### **The Conflict over Nagorno-Karabakh**

The Nagorno-Karabakh Autonomous Oblast (with a territory of 4400 km<sup>2</sup>) was a region of Soviet Azerbaijan inhabited primarily by ethnic Armenians. As *perestroika* was unfolding in the Soviet Union, Karabakh Armenians voted on 20 February 1988 to leave the Azerbaijani Soviet Socialist Republic and join the Armenian Soviet Socialist Republic. This sparked an ethnic conflict between ethnic Armenians and ethnic Azeris, a Turkic people. Pogroms in Azerbaijan and Armenia led to mass expulsions of Azeris from Armenia and Armenians from Azerbaijan (De Waal 2004). After the dissolution of the USSR in December 1991, the conflict

between Armenia and Azerbaijan over Nagorno-Karabakh became an inter-state war (De Waal 2005). The situation escalated most seriously in the region of Nagorno-Karabakh where a full scale war took place between 1992 and 1994 (though tensions had begun in 1988). After approximately 20.000 deaths in the context of ethnic cleansing on both sides, the war ended with the military victory of Armenia. This victory was facilitated by the fact that two contenders for the Azeri presidency and their armed supporters were engaged in a civil war. Armenia not only ensured military control of Nagorno-Karabakh, but also occupied and ethnically cleansed seven other districts, amounting to some 16% of the territory of Azerbaijan. Some 600.000 Azeris have been expelled from Armenian-occupied territories (only 40.000 of them from Nagorno-Karabakh itself). Since then, Armenia has used the territories as a bargaining chip in its negotiations with Azerbaijan, ready to withdraw from the occupied territories (but not from Nagorno-Karabakh) as part of a comprehensive settlement. The situation has led to the introduction of a blockade against Armenia not only by Azerbaijan, but also by Turkey, Azerbaijan's closest international ally. The active hostilities ended with a ceasefire agreement in May 1994. This remains the only document regulating the cessation of violence, and it did not amount to a peace agreement.

Peace negotiations in Nagorno-Karabakh have progressed with the mediation of the international community. Under the aegis of the OSCE, a group of international mediators called the Minsk Group has mediated between the conflict sides – Armenia and Azerbaijan, with the Nagorno-Karabakh authorities excluded from the talks. The three co-chairs of the OSCE Minsk Group are Russia, France and the US. There is no peacekeeping force in Nagorno-Karabakh, unlike in Abkhazia, South Ossetia and Transnistria. The line of division between Armenian and Azeri troops is a heavily militarised area, where clashes, sniper fire



and mine explosions are regular occurrences. The situation is nothing like a “frozen conflict”, which is a widely-used misnomer.

Despite a number of occasions when Armenia and Azerbaijan were allegedly close to achieving a negotiated solution, both countries have been subject to radicalising pressures. On one hand, political life in Armenia has been dominated not only by the issue of Nagorno-Karabakh, but also by diasporic Karabakh Armenians. The first president of Armenia, Levon Ter-Petrossian, was forced out of office in early 1998 after he allegedly accepted a compromise with Azerbaijan sponsored by the OSCE Minsk Group. He was replaced by Robert Kocharian, the first de facto president of Nagorno-Karabakh in 1992-1997, who moved to Armenia as Ter-Petrossian’s prime minister in early 1997, and in less than a year became Armenia’s president for ten years. In early 2008, Serzh Sargsyan, the designated successor to Kocharian, became president of Armenia after an election that was marred with irregularities. A close ally of Kocharian, Sargsyan was also an Armenian from Nagorno-Karabakh who fought against Azeri authorities during the hostilities. The dominance of Armenian politics (and the military) by Karabakh Armenians only accentuated the de facto military, economic and political integration between Armenia and Nagorno-Karabakh, even though Nagorno-Karabakh claims to be pursuing independent statehood.

Another radicalising pressure on Armenia has been the Armenian diaspora. Armenia has been quite isolated since its independence, squeezed as it is by a blockade by Azerbaijan and Turkey. Because of its conflict with Azerbaijan, it is excluded from many regional cooperation initiatives in the South Caucasus. Infrastructural projects such as oil and gas pipelines (Baku-Tbilisi-Ceyhan and Baku-Tbilisi-Erzurum) or railways have been built from Azerbaijan to Georgia and onwards to Turkey, bypassing Armenia. The large and influential

Armenian diaspora worldwide (primarily in the US and France) has provided substantial economic assistance to both Armenia and Nagorno-Karabakh. The diaspora is an important source of investment, assistance for infrastructure rehabilitation, post-conflict reconstruction and even lobbying for favourable engagement by Western powers. But the diaspora, quite influential in internal Armenian politics, is also the principal source of an uncompromising attitude toward Turkey and Azerbaijan. With many having descended from Armenians who emigrated from Turkey after the 1915 genocide, many perceive the war over Nagorno-Karabakh as a continuation the century-old attempt of Turks (Azeris included) to destroy the Armenian nation.<sup>89</sup> Therefore, they are less inclined to accept compromises over highly-symbolic issues as the status of Nagorno-Karabakh or peace with Turkey and Azerbaijan. This has created internal disputes between Armenians in Armenia and Karabakh Armenians and the diaspora over this issue. The former believes that all other priorities such as state building, regional cooperation, economic development and democracy-building have been unwisely subordinated to the issue of Nagorno-Karabakh and genocide-recognition promoted by the Karabakh Armenians and the diaspora.<sup>90</sup> As one opposition politician from Armenia noted: “Armenia is occupied by Karabakh Armenians and the diaspora. They do not want a democratic Armenia. They primarily want an anti-Turkish Armenia and are unwilling to compromise over Nagorno-Karabakh.”<sup>91</sup>

The context shaping Azerbaijan’s views on the Nagorno-Karabakh conflict is as follows. In Azerbaijan’s view, Armenia unlawfully occupied a significant part of its territory and expelled more than half a million people from their land. This was clearly a breach of international law. At the same time, the international community has not been unambiguously

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<sup>89</sup> Interviews with experts in Armenia, Yerevan, March 2006.

<sup>90</sup> Interviews with experts in Armenia, Yerevan, March 2006.

<sup>91</sup> Interview with an Armenian opposition politician, Tbilisi, April 2008.

supportive of Azerbaijan's territorial integrity. The OSCE Minsk Group did not pressure Armenia to accept a solution in line with Azerbaijan's territorial integrity. This is partly because the US and France have been susceptible to pro-Armenian lobbying by the Armenian diaspora. At the same time, Azerbaijan has seen a political stabilization and consolidation of the political system around Heydar Aliiev (president in 1993-2003) and his son Ilham Aliiev (president since 2003) who have ensured authoritarian control of the country. With increasing oil prices and growing oil production, Azerbaijan was the fastest growing economy in the world in 2006 and 2007 with approximately +30% GDP growth per year. Azerbaijan also had the highest defence spending in the region; such expenditures are enabled by the fact that its overall GDP is highest in the region. Its defence budget is equivalent to the entire budget of Armenia, which is also a smaller country. For these reasons, the Azeri officials believe that time will work in its favour with respect to the conflict, since the balance of power has gradually shifted in favour of Azerbaijan. Indeed, Azerbaijan never excluded the use of military means to regain Nagorno-Karabakh from Armenia (Ziyadov 2005). The possibility of military escalation of tensions has led analysts to conclude that this conflict may be the most dangerous in the region.

### **EU Policy in the 90s**

The EU's policies on the conflict in Nagorno-Karabakh in the 1990s are of a piece of the the generally hesitant and ill-formulated patterns of intervention described in greater detail in the previous chapter on Georgia (Demirag 2004). The EU's approach was determined by its understanding that the conflicts in the region are at the core of political, security and economic existence of the South Caucasus, but also the realisation that EU's impact on these conflicts is unlikely to be very substantial. Unlike the intra-state conflicts in Moldova and Georgia, the conflict over Nagorno-Karabakh has in many ways been an inter-state conflict between two recognised states – Armenia and Azerbaijan - with their own partnerships with

the EU. This has created even greater pressure for neutrality on EU, limiting its range of manoeuvre in the conflict region. Thus, any understanding of the EU policy on Nagorno-Karabakh cannot be taken out of the context of EU relations not only with Azerbaijan, but also with Armenia.

The EU's relations with Azerbaijan and Armenia have been established by their Partnership and Cooperation Agreements. Under the EU's financing program for post-Soviet states, TACIS Armenia has received €380 and Azerbaijan €399 in EU assistance since 1991.<sup>92</sup> Some of the funds for Azerbaijan have been dedicated to assisting the Internally Displaced Persons (IDPs) from Nagorno-Karabakh and the adjacent occupied territories of Azerbaijan through feeding programmes, providing shelter for IDPs and refugees and medical programmes. Such assistance was believed to be important from a humanitarian point of view, but had almost no impact on the EU's political profile in the region, and was unlikely to influence the dynamics of the conflict.

The reasons for the EU's low profile in the Nagorno-Karabakh conflict have been rather similar to what was described in the case of Georgia (see previous chapter). The region was too far geographically from the EU, while the EU was too concentrated on its institutional reforms, as well as the enlargement and development of CFSP, to be interested in playing a serious role in the South Caucasus and its conflicts. EU enlargement to Central and Eastern Europe in 2004 and 2007 and the development of the European Neighbourhood Policy have started to change the way the EU has viewed the conflicts in its eastern neighbourhood. Since 2003-2004, the EU has become increasingly involved in the conflicts in Transnistria,

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<sup>92</sup> See the Overview of EU's relations with Azerbaijan, [http://ec.europa.eu/external\\_relations/azerbaidjan/intro/index.htm](http://ec.europa.eu/external_relations/azerbaidjan/intro/index.htm) ; Overview of EU's relations with Armenia, [http://ec.europa.eu/external\\_relations/armenia/intro/index.htm](http://ec.europa.eu/external_relations/armenia/intro/index.htm)

Abkhazia and South Ossetia as part of the development of its neighbourhood policy. But to what extent is the same true of conflict in Nagorno-Karabakh?

**Table 9: EU Policy on Nagorno-Karabakh: A Chronology**

1992-2008	<ul style="list-style-type: none"> <li>• France is co-chair of the OSCE Minsk Group mediating between Armenia and Azerbaijan.</li> <li>• France refused a number of times to consider ceding its place to the EU.</li> </ul>
2003	<ul style="list-style-type: none"> <li>• The EU appoints an EUSR for South Caucasus</li> </ul>
2004	<ul style="list-style-type: none"> <li>• Azerbaijan and Armenia are included in the European Neighbourhood Policy</li> </ul>
2005	<ul style="list-style-type: none"> <li>• Cyprus delays negotiations on the ENP Action Plan with Azerbaijan because of Azeri links to North Cyprus (second half of the year).</li> </ul>
2006	<ul style="list-style-type: none"> <li>• EU discusses the possibility of sending peacekeepers if there is a peace-deal (first half of the year).</li> <li>• ENP Action Plans with Armenia and Azerbaijan are finalised (November).</li> <li>• Azerbaijan signs memorandum on energy cooperation with the EU (November).</li> </ul>
2007	<ul style="list-style-type: none"> <li>• A visit by EUSR Peter Semneby to Nagorno-Karabakh is called off by Azerbaijan (June).</li> </ul>

### **Nagorno-Karabakh in the EU Neighbourhood**

Nagorno-Karabakh is one of the conflicts in the neighbourhood that the EU pledged to help solve. European Commissioner for External Relations Benita Ferrero-Waldner stated that ‘resolving or at least de-escalating the conflicts must be the first priority’ in the South Caucasus because these conflicts are the ‘most important impediments to the region’s development’ (Ferrero-Waldner 2006). In the South Caucasus, Nagorno-Karabakh emerged as the central conflict that incapacitates the development of the region. This was the case at least until the Russian-Georgian war in August 2008.

First, Nagorno-Karabakh has been seen as the conflict with the greatest potential for destabilising the South Caucasus. Subsequent events demonstrated that Georgia’s conflicts

had potential for violence as well, but for years decision-makers and experts considered Nagorno-Karabakh to be a prime candidate for renewed war, and that perception has shaped their approach to the region. The conflict over Nagorno-Karabakh keeps Azerbaijan and Armenia in a situation of de jure (although not de facto) war, debilitating all efforts to establish greater regional cooperation while escalating the conflict into a wider regional dispute with Turkey and Russia. It also fuels an arms race which undermines the stability and economic and social development of the region. The conflict is used to excuse and strengthen authoritarianism in Armenia and Azerbaijan. It also blocks regional trade and cooperation, induces Turkey and Azerbaijan to maintain a blockade against Armenia and significantly undermines the transit potential of the whole South Caucasus that would otherwise be a natural transportation hub between the Caspian region and Europe. As Benita Ferrero-Waldner puts it, “defence expenditure in the region is going through the roof... There is a serious danger of the rhetoric lowering the threshold for war... Leaders have a responsibility to prepare their populations for peace, not war” (Ferrero-Waldner 2006). The EU country strategy papers on Azerbaijan and Armenia state that the two countries are unlikely to achieve their full potential for development unless the conflict is solved.<sup>93</sup>

Moreover, the conflict in Nagorno-Karabakh critically shapes the development of Azerbaijan, a state so central to Europe’s energy interests in the Caspian region that it is a declared “strategic partner” of the EU. Azerbaijan is the biggest state in the region, it is a producer of oil and gas, and the only state that can participate in European projects of ensuring European access to the oil and gas of Central Asia, while bypassing Russia and Iran. A joint Memorandum of Understanding on energy between the EU and Azerbaijan stated,

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<sup>93</sup> European Neighbourhood and Partnership Instrument (ENPI), Country Strategy Paper on Azerbaijan 2007-2013, European Commission, 2007. Also see ENPI Country Strategy paper on Armenia, European Commission 2007.

“Azerbaijan is rapidly becoming a key producer as well as potentially an important transit country for hydrocarbon supplies to the EU from the Caspian Basin and Central Asia... The development of Shah Deniz gas production [in Azerbaijan-n.a.], and the possible transit of natural gas from the Caspian region into EU markets remain high on the agenda.”<sup>94</sup>

Until the 2008 war over South Ossetia the conflict in Nagorno-Karabakh was perceived as having far broader implications for regional stability than was the case with Abkhazia and South Ossetia. Nagorno-Karabakh blocks regional cooperation, fuels a regional arms race, keeps Turkey and Russia poised to intervene in possible hostilities between Armenia and Azerbaijan, and has implications for EU energy interests in the Caspian region. Many EU member states have proceeded to pursue their energy interests in Azerbaijan, and most of this energy diplomacy has remained at the national level, to the detriment of establishing a common EU foreign policy line in the region. All of these factors ensured that the Nagorno-Karabakh conflict would remain in the domain of high-politics.

### **EU Policy on Nagorno-Karabakh**

The launch of the ENP and the appointment of an EU Special Representative for the South Caucasus in 2003, the inclusion of the region into the ENP in 2004 and the declaration of conflict resolution as a central objective of the ENP have set the stage for a greater EU role in South Caucasus. These developments were a turning point for increased EU involvement in the conflicts in Georgia and Moldova. But to what extent have they also affected EU involvement in Nagorno-Karabakh?

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<sup>94</sup> Memorandum of Understanding on a Strategic Partnership between the European Union and the Republic of Azerbaijan in the Field of Energy, 7 November 2006.

### *EU's Action Plans with Armenia and Azerbaijan*

Throughout 2006, the EU has negotiated with Armenia and Azerbaijan over ENP Action Plans. The European Commission's recommendations for negotiations on the Action Plan with Armenia, Azerbaijan and Georgia avoided any clear directives toward the conflicts, referring only to a vaguely-defined need for "further support for economic rehabilitation of the conflict zones in the context of conflict settlement" (European Commission 2005). Armenia has generally been contemptuous of the EU's determination to steer clear of conflict-resolution issues. Meanwhile, Azerbaijan has insisted that the EU support its territorial integrity and commit to help reintegrate Nagorno-Karabakh into the country. Both have been contrary to the EU's intention to avoid conflict resolution issues in the Action Plans, since this would entail "excessive politicisation" of the Action Plan (Alieva 2006:12). This clearly contradicted the explicit focus of both the European Security Strategy and ENP documents on the need to contribute to conflict-settlement in the neighbourhood. The EU institutions clearly tried to keep the negotiations on the action plans as technical and as depoliticised as possible. The Azeri government's conclusion was that the EU was not willing to assist in conflict resolution in Nagorno-Karabakh<sup>95</sup>, which contributed to Azerbaijan's decision not to demand greater EU conflict resolution in Nagorno-Karabakh.

Another problem that affected the negotiations on the ENP AP relates to a dispute between Azerbaijan and Cyprus. Azerbaijan, a Turkic-speaking country and a strategic partner of Turkey, developed relations with the secessionist Turkish Republic of Northern Cyprus. In mid-2005, an Azerbaijani air company flew one charter flight to northern Cyprus and the prospect of Azerbaijan recognising the passports of northern Cyprus was raised (International Herald Tribune 2005). In Cyprus's view, this challenged the territorial integrity of the internationally recognised Republic of Cyprus, which controls the south of the island. Given

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<sup>95</sup> Interview with Azeri official, Ministry of Foreign Affairs, Baku, 4 April 2008.



that the Republic of Cyprus has been a member of the EU since 2004, it was able to block the launch of EU-Azerbaijan negotiations on the Action Plan from mid-2005 to early spring 2006. The blockage in negotiations with Azerbaijan affected EU relations with all the South Caucasus states. Since the EU has maintained a regional approach to the South Caucasus, it has refrained from initiating negotiations with either Georgia or Armenia, in order not to differentiate them from Azerbaijan. As a result, the preferences of a single member state have halted the development of key EU policy instrument toward the region for more than half a year. In this way, Cyprus had an inhibitive effect on the development of the EU policy toward the region, and has to some extent undermined the credibility of the EU as an actor capable of pursuing its stated objectives in the neighbourhood.<sup>96</sup> This also shows that when one member state perceives that some actions challenged its territorial integrity, a high-politics issue par excellence, it moved to assert and scrutinise the negotiations on the ENP Action Plan between EU institutions and Azerbaijan, thereby reducing to a minimum the institutional autonomy of Brussels-based actors. This case also shows how technical negotiations pursued by the European Commission can quickly become high-politics when they touch upon sensitive issues for member states. It also shows how member states move to assert maximum control of EU institutions actions when high-politics issues, however symbolic, are at stake.

Paradoxically enough, Cyprus was in a diplomatic conflict with Azerbaijan over the flights to northern Cyprus, but they were implicit tactical allies in pushing for a clause recognising the “territorial integrity” in the EU-Azerbaijan Action Plan against the preferences of the European Commission. Cyprus and Azerbaijan differed in their approach to North Cyprus, but they clearly shared an interest in stressing their commitment to the principle of territorial integrity. Azerbaijan wanted a clear-cut recognition of the territorial integrity of its country due to disputed territorial claims over Nagorno-Karabakh, while Cyprus wanted recognition

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<sup>96</sup> Interview with Georgian and Armenian diplomats in October 2006, Brussels.

of territorial integrity of the island in order to prevent any partnership between the unrecognised Turkish Cyprus and Azerbaijan. As a result, the EU accepted that the second paragraph of the EU-Azerbaijan Action Plan, which clearly states that the EU, its member states and Azerbaijan will base their relations on a mutual commitment to “common values, including the respect of and support for the sovereignty, territorial integrity and inviolability of internationally recognised borders of each other.” (EU-Azerbaijan Action Plan 2006). The EU also accepted that measures to support conflict resolution in Nagorno-Karabakh would be the first priority of the document, though this was not its original intention.

The issue of territorial integrity is a high-politics and high-salience one for most nation states in the world. But it is particularly sensitive for countries affected by secessionist conflicts, like Cyprus. During EU negotiations on an action plan with Azerbaijan, Cyprus, as an EU member state, sought to assert control of the EU institution’s position over the issue of “territorial integrity”. To do so, Cyprus first blocked negotiations on the Action Plan and then scrutinised the negotiations and lobbied the EU institutions to mention respect for “territorial integrity” in the Action Plan as a key principle of EU-Azerbaijan relations. This shows the limited autonomy of EU institutions even when one of the smallest of EU member states stakes out a position on a high-politics issue such as the respect for “territorial integrity”.

The Action Plans were finally made public in November 2006. The EU’s Action Plans with both Azerbaijan and Armenia contain practically identical language on Nagorno-Karabakh envisaging an intensification of EU efforts to promote conflict resolution, the implementation of de-mining initiatives in the conflict region, support for IDPs and refugees, encouragement of people-to-people contacts as well as support for the OSCE Minsk Group mediating between the conflict parties. Leila Alieva argued that the “EU role as is reflected in the Action Plans does not shape an individual short-term contribution of the EU in the power balance,

which has been supporting the status quo for many years, but rather shapes EU role as a secondary and supporting for the other international organisations such as OSCE” (Alieva 2006:17).

### *EU's neutrality game*

One EU official explained once that “Armenia’s occupation of a large part of Azerbaijan’s territory resulted from a military invasion and is clearly a violation of international law. But the EU never stated this publicly”.<sup>97</sup> This was because the EU has traditionally invested much energy and political effort in maintaining a neutral approach to the Armenia-Azerbaijan conflict over Nagorno-Karabakh. The EU has tried to develop a balanced partnership with both Armenia and Azerbaijan, and avoided at all costs taking the side of one state against another. Sometimes, the neutrality game was pushed to the extreme. Between 1991-2006, EU assistance to both Azerbaijan was EUR 400 mln and to Armenia EUR 380, though Azerbaijan’s population of 8 mln is significantly larger than Armenia’s 3,5 mln, making EU assistance per-capita to Azerbaijan significantly smaller (ENPI Country Strategy Papers on Azerbaijan and Armenia, 2007).

The policy of neutrality naturally defined the EU approach to Nagorno-Karabakh and resulted in a contradictory policy. An EU official involved in negotiations said that the EU tried to maintain some level of transparency in these negotiations so that a certain balance of language and commitment would be maintained in the EU approach to Armenia on one hand, and Azerbaijan on the other.<sup>98</sup> When the EU accepted a reference to “territorial integrity” in Azerbaijan’s Action Plan, it had to accept Armenia’s request to include in its action plan a

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<sup>97</sup> Interview with EU official, April 2008.

<sup>98</sup> Interview with an EU diplomat, Brussels, February 2007.

recognition of the principle of “self-determination” of peoples in order not to be perceived as favouring Azerbaijan (EU-Armenia Action Plan 2006:16).

In its quest for neutrality, the EU has moved from a non policy on Nagorno-Karabakh to a “personality split”, where one face of the EU recognised Azerbaijan’s territorial integrity while the other face of the EU recognised the region’s right to self-determination, which is a central rationale for Nagorno-Karabakh’s secessionist movement. This EU neutrality significantly contrasted with EU’s explicit and unambiguous support for Moldova and Georgia’s territorial integrity expressed on numerous occasions through unambiguous language.<sup>99</sup> Because the disputes between Armenia and Azerbaijan are so strident, the EU has remained paralysed in the middle without having a clear-cut approach toward conflict mediation. At the same time, EU’s ambiguity over Azerbaijan’s territorial integrity significantly undermined credibility of EU actions inside Azerbaijan. As one Azeri official claimed: “during the negotiations on the action plan, Azerbaijan witnessed for the first time that the EU sees Nagorno-Karabakh differently from the conflicts in Moldova and Georgia. In those countries the EU unambiguously supports their territorial integrity, while here in Azerbaijan EU claims that it supports ours, but at the same time says it does preclude any status for the region.”<sup>100</sup>

#### *EU, France and the OSCE Minsk Group*

The international framework for negotiations on conflict resolution in Nagorno-Karabakh is the OSCE Minsk Group, with France, the US and Russia as co-chairs since 1997 (ICG 2005:9-10). The EU has supported the Minsk Group as a legitimate mediation mechanism.

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<sup>99</sup> For example see the EU-Moldova Action Plan, 2005, page 11; and EU-Georgia Action Plan which mentions territorial integrity four times in total on pages 10 and 17.

<sup>100</sup> Interview with Azeri official, Baku, 4 September 2008.

EU's action plans with both Armenia and Azerbaijan state that the EU will "increase political support to OSCE Minsk Group conflict settlement efforts." However, unlike in the conflicts in Moldova and Georgia, the EU has put very little effort into accelerating its intervention in Nagorno-Karabakh.

With the development of EU CFSP, and especially after the EU created the position of an EU Special Representative on South Caucasus, the issue of the EU involvement in the Minsk Group has been raised on a number of occasions. A possible option for the EU was to replace France as co-chair of the Minsk Group, with a French diplomat still appointed to represent the EU. This would have strengthened the EU's weight in the negotiations without decreasing Paris' diplomatic profile (Helly 2007:113). As one EU official claimed, "The French position in the Minsk Group is increasingly anomalous. France argues that it represents the EU, but it rarely consults properly with the other EU member states and the institutions in Brussels."<sup>101</sup> The French co-chair of the OSCE Minsk Group makes presentations to EU institutions on conflict settlement in Nagorno-Karabakh only about once a year (ICG 2006a). Even though single EU member states are usually too small to exert significant influence in the region by themselves (Nuriyev 2007:5), France has refused to "Europeanise" its co-chairmanship of the OSCE Minsk Group either by ceding its place to the EU Special Representative or acting as the EU voice in the Minsk Group. For their part, EU institutions have been in no position to oppose the strong wishes of any single member state. Thus, like in Abkhazia (but not in Transnistria and South Ossetia), the interference of EU member states in conflict resolution mechanisms has inhibited greater involvement by EU institutions and limited their ability to pursue autonomously a more active EU intervention in conflict settlement.

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<sup>101</sup> Interview with an EU official, Brussels 1<sup>st</sup> June 2007

In addition, the OSCE Minsk Group was perceived as being reasonably effective in bringing the sides close to a compromise and was seen as reasonably neutral. This was certainly in contrast to the dysfunctional and very biased Russia-dominated negotiations frameworks for resolving the conflict in Transnistria and South Ossetia. As one EU official claimed, the Minsk Group was worth supporting as long as it kept some momentum for conflict resolution, but if it became ineffective, a greater EU push for EU involvement could re-emerge.<sup>102</sup> Despite such arguments, the OSCE Minsk Group was not able to bridge the gap between Azerbaijan and Armenia, and notwithstanding its relative effectiveness or ineffectiveness, France has never been ready to accept its replacement by a collective EU diplomatic voice. In the meantime, Azerbaijan has grown increasingly wary of the Minsk Group's activities due to its alleged "pro-Armenian bias" (RFE RL 2002, 2004). This is because the governments of France (and the US) are susceptible to strong Armenian diaspora lobbying, while Armenia is Russia's main ally in the South Caucasus.

### *Armenian Diaspora Politics*

France's refusal to renounce its position in the in the Minsk Group in favour of the EU was at least partly driven by the presence of a numerous and influential Armenian diaspora in France. The Armenian diaspora has been lobbying the French government to pursue a more pro-Armenian foreign policy than that of the EU, and was opposed to France renouncing its co-chairmanship of the Group.<sup>103</sup> There is a strong Armenian presence in France (as well as in the US, which is the other co-chair of the OSCE Minsk group). The Armenian diaspora is one of the most politically active diasporas in the world. It is politically mobilised and quite institutionalised, since for many decades it has promoted the issue of recognition of the 1915 Armenian genocide in Turkey worldwide. Many Armenian diaspora associations are situated

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<sup>102</sup> Interview with an EU diplomat, Brussels, 1 June 2007.

<sup>103</sup> Interview with an EU diplomat, Brussels, 1 June 2007.

in France, such as the Committee for Defence of the Armenian Cause<sup>104</sup> or in Brussels, such as Inside Europe<sup>105</sup> or the European Armenian Committee for Justice and Democracy.<sup>106</sup> Such organisations successfully lobbied the French parliament in 2006 to adopt a draft law making it a criminal offence to deny the existence of the Armenian genocide (Aydin, Carrera and Geyer 2006). As one French diplomat puts it: “Armenian lobbies are influential enough to push for such laws in France” suggesting that their influence on the French position in the Nagorno-Karabakh peace process has not been inconsequential.<sup>107</sup>

When the Nagorno-Karabakh conflict erupted in late 80s - early 90s, Armenia and the Armenian diaspora saw the conflict with Turkic-speaking Azerbaijan as a continuation of the 1915 conflict. Thus, the cause of Nagorno-Karabakh became a second *cause célèbre* for the Armenian communities abroad. The fact that Turkey sided diplomatically with Azerbaijan over Nagorno-Karabakh, and introduced a blockade against Armenia only led to further perceptions that Turkey and Azerbaijan were aligned against Armenians as part of a century-old conflict with “the Turks”.

The Armenian communities of France are also active lobbyists in the European parliament.<sup>108</sup> As Damien Helly argues, France (along with the US) is a country where the Armenian communities are sufficiently involved in the policy making process to exercise a certain influence (Helly 2003:454). The influence of the Armenian diaspora contrasts sharply with that of Azeris abroad. These are divided between Azeris from Azerbaijan and Azeris from

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<sup>104</sup> <http://www.cdca.asso.fr/>

<sup>105</sup> <http://www.insideeurope.org/>

<sup>106</sup> <http://eafjd.eu/>

<sup>107</sup> Interview with a French diplomat, April 2008.

<sup>108</sup> In fact, political forces in France advocating against Turkish EU membership have also used the issue of the Armenian genocide in Turkey to thwart Turkey’s EU accession perspectives. In this sense Armenian lobbies have also played on the more salient strand of public opinion (particularly in France) that has opposed Turkish EU membership.

Iran, and are predominantly persons who emigrated due to the economic hardships of the 1990s. Therefore, they tend to have little interest in politics and still have few organisations to promote their interests.

The lobbying of domestic interest groups is one of the factors that led France oppose a greater EU role in the OSCE Minsk Group.<sup>109</sup> The lobbying of EU member states by domestic interest groups affected policy at the EU level, and constrained the development of EU policies toward Nagorno-Karabakh.<sup>110</sup> These factors reduced the possibility for action of the EU institutions in trying to promote conflict resolution in Nagorno-Karabakh. This is not unlike the impact of lobbying by various business groups in the EU that argue that the EU and EU member states should not challenge Russia on issues related to the eastern neighbourhood, including the conflicts in Georgia and Moldova. Since their primary interests are profits, they lobby the EU to avoid potential political tensions with Russia that might endanger their profits (Lucas 2008).

### *The EU Special Representative*

The EU's hesitant approach to conflict resolution in Nagorno-Karabakh manifested itself not only in the modest scale of EU ambitions in the ENP Action Plan, but also in the activity of the EU Special Representative with respect to the conflict. The EU Special Representative for the South Caucasus (EUSR) – covering Georgia, Azerbaijan and Armenia - was appointed in 2003 with a mandate to “prevent conflicts in the region, to assist in the resolution of conflicts, and to prepare the return of peace, including through promoting the return of refugees and

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<sup>109</sup> Interviews with EU member states officials, February 2006.

<sup>110</sup> Interviews in EU member states' officials Brussels, June 2007; and experts in Baku, Azerbaijan, April 2008.



internally displaced persons.”<sup>111</sup> The necessary background on the scope of the mandate and activities of the EUSR for South Caucasus Heikki Talvitie (2003-2006) and Peter Semneby (since 2006) are discussed in greater detail in the previous chapter dealing with EU involvement in Abkhazia and South Ossetia.

Hampered by the lack of local demand for EU action, the EUSRs have generally had limited impact and room for involvement in conflict resolution in Nagorno-Karabakh. Even since 2006, the mandate of the EUSR South Caucasus included the task of “contributing”, not just “assisting” in conflict resolution (as was the case in 2003-2006) there was little action in this regard by EU institutions.<sup>112</sup> Despite this mandate, and some diplomatic efforts to increase the EU profile in this issue-area, little has been achieved. As one EU diplomat explained, “the EU does not want to undermine or get involved in the OSCE Minsk Group, when there are so many things to do on the ground. The EU is more interested in doing some projects in the conflict areas.”<sup>113</sup> Throughout 2007, the EUSR South Caucasus was working behind the scenes to send a needs-assessment mission to the conflict areas in Azerbaijan that could spearhead more EU action in the conflicts. This was supposed to replicate the fact-finding mission that was sent to Abkhazia and South Ossetia in January 2007, which provided impetus for greater EU involvement in Georgia’s secessionist conflicts. As in all other conflicts, the EU institutions have adhered to low-politics conflict resolution: seeking to develop post-conflict rehabilitation projects, rather than getting involved in conflict-settlement negotiations. Throughout 2007-2008 they also tried to launch a process of gradual involvement (i.e. dosage) into the conflict settlement process by sending a fact-finding mission to Nagorno-Karabakh that never materialised.

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<sup>111</sup> Council Joint Action 2003/496/CFSP of 7 July 2003 concerning the appointment of an EU Special Representative for the South Caucasus, Official Journal of the European Union 8.7.2003, L 169/74.

<sup>112</sup> Council Joint Action 2006/121/CFSP of 20 February 2006 appointing the European Union Special Representative for the South Caucasus, Official Journal of the European Union 21.2.2006, L 49/14.

<sup>113</sup> Interview with EU official, Brussels, 1 June 2007.

But due to Azerbaijan's sensitivities, even low-level involvement by the EU was very difficult. On 17 June 2007, the EUSR Peter Semneby was supposed to visit Nagorno-Karabakh after a visit to Yerevan, Armenia. The Azerbaijani side was informed of this intention and tacitly approved it<sup>114</sup>. En route from Yerevan to Nagorno-Karabakh, the EUSR stopped half-way and returned. Two of his political advisor, Mark Fawcett and Kaupo Kand (Armtown 2007), continued the journey whereas Semneby returned without any public explanation. The last minute change in plans was due to a call from the Azerbaijani foreign minister who informed the EUSR that Azerbaijan opposed his visit to the region.<sup>115</sup> The fact that previous EUSR Heikki Talvitie had been able to visit Nagorno-Karabakh twice during his mandate indicated that the room for manoeuvre for EU institutions in Nagorno-Karabakh was narrowing because Azerbaijan was increasingly sceptical of the international community's role in the settlement process. With local opposition to EU foreign policy engagement, it was not surprising that the EU has been far more involved in Georgia's conflict resolution processes than in that of Nagorno-Karabakh.

### *Lack of EU Projects*

There have been very few EU projects to support rehabilitation of the conflict zones. The EU, working in parallel with the World Bank, UNHCR and UNDP financed between 1996 and 2000 the rehabilitation of water supplies, drinking and irrigation, housing, schools, electricity supplies, rail communications, agricultural and other economic activity in Fizuli and Agdam districts of Azerbaijan that were affected by the war but outside Nagorno-Karabakh.<sup>116</sup> However, the EU has not financed any projects on post-conflict rehabilitation, nor

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<sup>114</sup> Interview with an EU official, November 2007, Berlin.

<sup>115</sup> Interview with an EU official, Berlin, November 2007.

<sup>116</sup> European Commission, Country Strategy Paper on Azerbaijan 2002-2006, 27 December 2001.

democratisation in or around the secessionist region of Nagorno-Karabakh the way it has done in Abkhazia and South Ossetia. Nor have there been any EU crisis management missions on the order of EUBAM in Moldova and Ukraine, or EUJUST Themis and EU Border Support Team in Georgia. The EU has provided some humanitarian aid in the form of feeding programmes, while providing shelter for IDPs and refugees from the region affected by conflict.<sup>117</sup> An EU diplomat dealing with the South Caucasus stated that the EU is much more interested in doing concrete projects on the ground than in pushing to modify the Minsk Group.<sup>118</sup> The EU's focus, clearly, was on the low politics of conflict resolution. However, such aid, while important from a humanitarian point of view, can hardly be perceived as a political contribution to conflict resolution.

EU activities around the conflict could have focused on two priorities: assistance to internally displaced persons and refugees, as well as confidence and security building measures. EU officials realised that by providing more aid to the reintegration of 800.000 IDPs and refugees in Azerbaijan, it would contribute to greater stability in this country of 8.5 million people.<sup>119</sup> The effects of some EU programs to support the IDPs could have positive humanitarian and political effects. They could alleviate hardship, but also have de-radicalising effects on the IDPs, the great majority of whom are inclined to support a military solution to the conflict with Armenia. However, projects on the integration of IDPs are politically controversial in Azerbaijan. The Azerbaijani government and many IDPs fear that such aid could solidify the status quo in the conflict zone, and decrease the likelihood of the IDPs returning home once there is a settlement. Thus, what would seem to be a feasible humanitarian and political

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<sup>117</sup> See the Overview of EU's relations with Azerbaijan, [http://ec.europa.eu/external\\_relations/azerbaidjan/intro/index.htm](http://ec.europa.eu/external_relations/azerbaidjan/intro/index.htm)

<sup>118</sup> Interview with EU diplomats, Brussels, 1 June 2007.

<sup>119</sup> These 800.000 refugees and IDPs include Azeri refugees who left Armenia during the war, Azeri IDPs who fled from Nagorno-Karabakh, and IDPs who left from the 8 Azeri districts occupied by Armenia outside Nagorno-Karabakh proper.

objective for EU projects runs into controversy due to internal Azerbaijani politics. As for confidence and security building the EU could support measures such as the rehabilitation of the conflict areas, people-to-people contacts between Azerbaijan and Armenia in general and between former and current inhabitants of Nagorno-Karabakh. However, Azerbaijan fears that the projects would erode the blockade on Armenia and confer some sort of legitimacy to the secessionist government of Nagorno-Karabakh.

Armenia and Azerbaijan have faced “mirror dilemmas” regarding a possible EU involvement in the conflict resolution efforts. Azerbaijan dislikes the status quo, leading it to be supportive of a more assertive EU policy seeking to offset the status quo through involvement of the Minsk Group. At the same time, Azerbaijan fears that greater involvement of the EU in the conflict area would legitimise the secessionist authorities and erode the blockade around Armenia and Nagorno-Karabakh. Certainly, Azerbaijan has a record of criticising the Minsk Group and trying to promote alternative formats for conflict resolution by raising Nagorno-Karabakh in the Council of Europe, the UN and asking the EU for greater involvement. However, this effort has never been sustained long enough to make a difference and forum-picking by Azerbaijan has failed to draw the EU into the Minsk Group. Azerbaijan’s demands from the EU have also tended to be very general. As an Azerbaijani expert stated “Azerbaijani government and civil society are very reactive. They have no ability to formulate concrete policy demands from the EU. The government asked for EU suggestions on its way to get involved in Nagorno-Karabakh, rather than make concrete requests. The mood in Azerbaijan is that the EU and NATO should come and help us.”<sup>120</sup> But Azerbaijan’s doubts about a clear-cut EU support for its position lead to a certain scepticism of EU engagement in the conflict settlement process.

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<sup>120</sup> Interview by phone with an Azeri expert, 6 June 2007.

Armenia's ambivalence about the EU stems from an inverse dilemma. Armenia would like the EU to play a bigger role in the conflict so long as this helps erode the blockade and confer greater legitimacy upon the authorities in Nagorno-Karabakh. On the other hand, it is quite satisfied with the Minsk Group and the status quo around the conflict, so it is very careful not to offset it. In Nagorno-Karabakh a rather extreme idea of making it into an EU protectorate was raised by the leader of the local communist party Hrant Melkumian, who stated that "perhaps the most acceptable way would be if Nagorno-Karabakh appeared under the aegis of the EU until the resolution of the conflict (up to a referendum on the status of Nagorno-Karabakh). Nagorno-Karabakh would become a special area of the EU where the laws of the EU would be valid" (Huliq 2007). But clearly, such an idea was too unrealistic given Russia's power of veto over EU involvement in the region.

Such ambivalence on the part of the conflict parties has drastically limited the scope of EU involvement in the rehabilitation of the conflict areas as it has done in Georgia or Moldova's conflicts. One EU diplomat in Baku explained: "The EU is more enthusiastic about playing a role in Transnistria. But Nagorno-Karabakh is too difficult. And unlike Georgia or Moldova, Armenia and Azerbaijan did not force the issue on the agenda."<sup>121</sup> The attitude was that "no one has allowed us to do anything in Nagorno-Karabakh... we would do something if we were asked by the sides" (ICG 2006a). This approach has been consistent with the claim that the ENP is a demand-driven policy (CEPS Event Report 2006), but it also goes against the EU's professed interest in stabilising its neighbourhood.

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<sup>121</sup> Interview, EU member states diplomat, Baku, 3 April 2008.

*Waiting for peace: EU in Nagorno-Karabakh*

While the EU has done little to increase its contribution to conflict settlement in Nagorno-Karabakh, it has declared its readiness to play a role in case the conflict is solved. The EUSR South Caucasus stated in May 2006 that the EU “will be expected to make a major contribution when a solution is found, and we are looking into the possibilities we have, both in terms of post-conflict rehabilitation and also - if the parties should so desire - in terms of contributing peacekeepers. And possibly even leading a peacekeeping operation” (De Waal 2006). In other words, the EU has been waiting for peace in order to act, rather than acting to promote peace. There are several options for a post-conflict EU involvement aimed at reaching and consolidating a peace settlement. These include a possible contribution to a peacekeeping operation, reconstruction and rehabilitation of the conflict areas in Nagorno-Karabakh proper as well as in the 8 Azeri districts occupied by Armenia, support for the return of IDPs, de-mining and demilitarisation activities (ENPI Country Strategy Paper on Azerbaijan 2007). However, there seems to be a general consensus in the EU that “until there is a breakthrough in the settlement, the EU will not act.”<sup>122</sup>

In early 2006, Azerbaijan and Armenia apparently came very close to a solution on Nagorno-Karabakh. There were very high expectations that a deal could be reached at an Armenia-Azerbaijan summit in Rambouillet in February or in Bucharest in June. Stemming from this optimism, the EU stated in January 2006 that it would be ready to contribute peacekeepers to Nagorno-Karabakh or even undertake an EU-led peace support operation.<sup>123</sup> The Council of the EU launched a round of informal discussion on the planning of a possible EU peacekeeping contribution. These discussions involved the Policy Unit in the Council and the military cell in the Council, with periodic consultations with the OSCE Headquarters in

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<sup>122</sup> Interview with an EU official, Brussels, 31 May 2007.

<sup>123</sup> Interview with an EU official, Brussels, February 2006.

Vienna to identify the possible scope and needs of the peace support operation.<sup>124</sup> COPS, the committee of EU member states ambassadors, was not formally involved, though most likely some key EU ambassadors were at least informed and consulted. However, these discussions have ceased since the Armenian and Azerbaijani presidents failed to achieve an agreement on the settlement at both their summit in Rambouillet in February 2006 and their meeting in June 2006 in Bucharest.

The EU's preference for post-conflict involvement suggests a high degree of risk-aversion in the EU approach to Nagorno-Karabakh. It also suggests that on Nagorno-Karabakh, the EU was be a policy-taker, rather than a policy maker. The problem with such an approach is that so far the structural factors keeping the conflict unsolved have not changed, and the EU has done almost nothing to offset it. Without EU member states' support and little demand for EU action from the parties to the conflict, the EU can do little to contribute to conflict settlement.

### **Azerbaijan's Doctrine of Self-Help**

As described earlier, probably the biggest constraints on EU involvement in Nagorno-Karabakh has been the lack of local demand. This stemmed predominantly from a belief in Azerbaijan that the EU would not bring a value-added to the OSCE Minsk group and that its commitment to supporting Azerbaijan's territorial integrity was suspect. An Azeri expert expressed this feeling by saying: "We do not demand for the EU to replace the Minsk Group because we do not believe in this format, so we don't care."<sup>125</sup> Despite an ever-increasing EU profile in the European neighbourhood, and a small but growing involvement of the EU in conflict resolution in Moldova and Georgia, the involvement of the EU in Nagorno-Karabakh is not inevitable. If anything, the political and security context in the region has only increased

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<sup>124</sup> Interview with an EU official, Brussels, 31 May 2007.

<sup>125</sup> Interview with an Azeri expert, Baku, 4 April 2008.

the constraints on EU actions, while Azerbaijan increasingly believed that reliance on its own forces, rather than international efforts, will help solve the conflict in Azerbaijan's favor.

Azerbaijan is becoming increasingly assertive in the region. On the domestic level, the rise of energy prices and rapid expansion of Azerbaijan's oil industry, booming western energy investments, and rapid economic growth all led Azerbaijan to believe that it is in a favourable strategic position vis-a-vis Armenia. Even the global economic crisis that started in 2008 and the subsequent fall in oil prices did not significantly shatter such beliefs. In regional politics, Russia's growing assertiveness in relations with the West (Leonard and Popescu 2007) has forced the EU to look for alternative energy supplies and energy corridors from the Caspian region to Europe, where Azerbaijan was a central state, as a producer of oil and less so of gas. This has also increased Azerbaijan's importance as a potential transit hub for bringing Central Asian gas to Europe while bypassing Russia. Tensions around Iran have made Azerbaijan even more of a valued ally to the US and the EU in their efforts to contain Iran. All these factors have made Azerbaijan confident of its own economic future, political sovereignty and geopolitical room for manoeuvre. Azerbaijan has not been particularly interested in what the EU had to offer under the European neighbourhood policy either. Azerbaijan cared primarily about energy cooperation, much less about issues like the deep free trade, let alone EU efforts to support democratic reforms. If anything Azerbaijan wanted an "ENP a la carte" where it could cherry pick from what the EU had to offer, while avoiding too deep an engagement with the EU particularly on issues of democratic reforms.

Azerbaijan's growing self-confidence has only been reinforced by a growing mistrust of the way the international community handles ethnic conflicts. The declaration of Kosovo independence in February 2008, supported and recognised by the US and a majority of EU



member states, had a number of repercussions on attitudes in Azerbaijan. First, it undermined Azerbaijan's belief that the international community would defend its territorial integrity even though it was in accordance with international law. In the words of one expert from Azerbaijan, "After Kosovo, the central principle of the OSCE – that of inviolability of borders– is in tatters. How can we trust international institutions? How can we trust any promises of the OSCE, EU or the US?"<sup>126</sup>

Many in Azerbaijan thought that the international peacekeepers and the UN presence in Kosovo were accepted and legitimised by Serbia, but these then became institutions through which the international community later imposed a settlement on Serbia.<sup>127</sup> This had immediate implications for the way Azerbaijan viewed international involvement in conflict resolution in Nagorno-Karabakh. It first made Azerbaijan more wary than ever of international engagement with the secessionist authorities--even for humanitarian, post-conflict reconstruction or confidence-building. It has also made Azerbaijan more ambivalent about possible international peacekeepers in Nagorno-Karabakh even if a negotiated solution were found with Armenia. When Azerbaijan and Armenia were allegedly close to a solution in 2006, the assumption on which the conflict parties, but also the EU, worked was that there would be a peacekeeping mission that would ensure peace during the implementation of the agreement. In the aftermath of Kosovo, Azerbaijan concluded that the international peacekeeping presence had in fact steered Kosovo toward independence. Baku therefore became much less ready to see the peacekeepers as part of a negotiated solution, reducing the already low chances of such a settlement. Azeri supporters of a military solution on Nagorno-Karabakh have also used the Kosovo situation to legitimise a possible violent take-over of Nagorno-Karabakh, since in their view the 1999 NATO campaign against Serbia over Kosovo

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<sup>126</sup> Interview with Azeri expert, Baku, 3 april 2008.

<sup>127</sup> Interviews with experts and officials in Baku, Azerbaijan, 3-4 April 2008.

and the subsequent recognition of Kosovo independence legitimised violence as a means to manage ethnic conflicts. Azerbaijan's decreasing confidence in the international community, increasing assertiveness and rapidly growing defence spending has created a dangerous situation for Nagorno-Karabakh. The potential for violence was high, making the conflict a high-politics issue, while it also reduced Azerbaijan's desire to accept a growing EU role in conflict resolution. At the same time, the 2008 war in Georgia somehow reduced the danger of war. Georgia's failed effort to recapture militarily the secessionist regions, and Russia's strong intervention to protect South Ossetia and Abkhazia reduced the attractiveness of a military solution in the short-term to Azerbaijani authorities.

## **Conclusions**

Nagorno-Karabakh is the conflict in which the EU has been the least involved over the past two decades. Unlike the cases of Transnistria, Abkhazia and South Ossetia, the EU is not pushing for a greater role in the conflict settlement in Nagorno-Karabakh. The EU is trying to play a careful balancing act between Armenia and Azerbaijan. The official position of the EU is that it will consider a contribution to a peace keeping operation in the region once there is an agreement between the parties on the deployment of a peacekeeping operation. However, such an agreement might not necessarily come. At the same time, the EU is not really active in altering the stalemate that has kept the conflict unsolved for a decade and a half. Today the EU has little if any policy toward the conflict in Nagorno-Karabakh.

This lack of EU policy is conditioned by a set of factors. First, neither Armenia nor Azerbaijan has been actively lobbying for a greater EU role. If anything, Azerbaijan has become ever less disposed to seeing a greater role for international actors in conflict settlement in Nagorno-Karabakh. Second, member states such as France have had a certain inhibitive effect on the development of a consistent EU approach to Nagorno-Karabakh and

Azerbaijan due to national sensitivities. Third, there has been an internal consensus in the EU that a more substantive contribution could happen once the conflict is solved. This suggests that a possible EU contribution to conflict management in Nagorno-Karabakh rests on uncertain prospects for a solution.

The context surrounding the Nagorno-Karabakh conflict is characteristic of high politics--the danger of violence has been palpable, European energy interests in the region have been strong, and the issue of the Armenian genocide in Turkey has remained politically salient in EU member states with strong Armenian diaspora populations. All these issues indirectly made Nagorno-Karabakh a clear-cut high-politics issue for EU member states in the region. In such a context, the capacity of EU institutional agents to pursue a pro-active policy on EU conflict resolution was drastically limited. Many EU states had established unilateral approaches to the region: France was involved in the OSCE Minsk Group, and the UK has had strongly business ties to Azerbaijan's oil sector through BP. Thus, the biggest EU member states had more or less formulated national foreign policy priorities in Azerbaijan, which was significantly reducing any scope for autonomy for EU action in the region. The presence of such well-defined national policies reduced almost to zero EU's ability to pursue a more interventionist policy toward the conflict. Coupled with the lack of local demand for EU action, a relatively high-potential for violence and low probability of success even if the EU were to get involved, EU institutions could not even play a marginal role in conflict resolution in Nagorno-Karabakh. EU institutions have tried to launch some uncontroversial and depoliticised ways to contribute to conflict resolution. However, even these failed due to the above mentioned constraints. EU institutions were not even able to play the card of low-politics involvement, and therefore could not launch a process of ever increasing EU

engagement through dosage as it did in the other three secessionist conflicts in Abkhazia, South Ossetia and Transnistria.

## CHAPTER 7: Conclusions: EU's Involvement and Reluctance

That the EU has a global ambition to contribute to conflict resolution is clearly stated in EU's security strategy and many other EU foreign policy documents. It is no less clear that the EU has a capabilities-expectations gap (Hill 1993), where real EU foreign policy actions have not managed to catch up with EU's rhetoric and declared ambition. This dissertation has examined one of the many grey areas where EU rhetoric does not match reality – EU policy toward secessionist conflicts in the Eastern neighbourhood. The conflicts in this region are important enough for the EU to pay attention, but not important enough to pursue strong EU foreign policy actions like in the Balkans. In contrast to most of the literature on EU foreign policy and crisis management, this research is predominantly concerned with explaining not the impact of EU actions in conflicts but differential EU involvement in conflict settlement issues. Moreover, this work is predominantly directed at a policy audience. It analyses the politics of EU involvement and non-involvement in conflict settlement issues and draws some theoretical lessons about the EU as a foreign policy actor. The dissertation has showed how EU institutions seek to increase their role in conflict settlement efforts in EU's neighbourhood through a policy of stealth intervention.

### **EU Policies toward the Conflicts**

The record of EU involvement in conflict-settlement in the post-Soviet conflicts is mixed. Since the launch of the European neighbourhood policy in 2002/2003 the EU has been increasingly engaged with the unsolved territorial conflicts in the Eastern neighbourhood. This concern has translated into policy outputs on a number of occasions, but the EU still fell short of a significant level of involvement in conflict settlement efforts.

### *EU policies toward Transnistria*

The conflict around Transnistria, a secessionist region in Moldova, has experienced the greatest degree of EU involvement of the four cases explored in the dissertation. From 2002 the EU has deployed a growing range of EU CFSP tools to help advance conflict resolution. EU measures included the introduction of a travel ban against Transnistrian leaders, the appointment of an EU Special Representative, involvement in conflict settlement negotiations in the 5+2 format, and most importantly the launch of an EU Border Assistance Mission to Moldova and Ukraine (EUBAM). The EU focus has been on attracting (through trade preferences) and coercing (through EUBAM and the customs regime) the Transnistrian business community to work as Moldova-registered companies. EUBAM also adopted a rather expansionist interpretation of its mandate as it moved beyond border management issues into initiating cooperation with the Ukrainian and Moldovan intelligence services and the Moldovan anti-corruption agency. Generally, the EU used coercive instruments against the Transnistrian leadership, a strategy of cooperation with the Transnistrian businesses, and it offered moderate support to Moldova to assist its reforms. The EU has been quite successful in pushing toward conflict settlement using low-politics engagement, but it has been less effective in high-politics engagement.

The EU failed twice in the efforts to modify the Russian dominated peacekeeping operation in Moldova. An initial discussion about sending EU peace-keepers to Transnistria took place in 2003 on the initiative of the then Dutch presidency of the OSCE. After Russian opposition to EU peacekeepers, the EU abandoned the idea. But the second instance was even more revealing of EU's reluctance to get engaged. In 2006, the EU Special Representative on Moldova started to lobby EU member states to press Russia to accept a change in the

peacekeeping format in Moldova. After some preliminary discussion, a number of EU member states, including France and Germany, joined Javier Solana in opposing the idea. Consequently, the idea was rejected internally in the EU, and the EU never seriously raised it with Russia. But EU Special Representative (EUSR) Jacobovits continued to promote the idea against the opposition of the above mentioned actors, and was ultimately forced to resign as a result. To a certain extent, the EU was readier to challenge Russian interests in the area by getting involved in peacekeeping in Moldova in 2003 than in 2006, as the first time the idea was at least not so contested inside the EU.

#### *EU policies toward Abkhazia and South Ossetia*

Since the Rose Revolution in 2003, Georgia has been a persistent *demandeur* for greater EU involvement in conflict-resolution. However, the EU has been reluctant to involve in conflict-settlement issues in order to avoid tensions with Russia, which recognised the independence of Abkhazia and South Ossetia, is deeply involved in these regions and is suspicious of any Western interference. Russia's extremely tense relations with Georgia also meant the issue has been remained in the realm of high-politics for Moscow. The Russia-Georgian war in 2008, and Georgia's efforts to join NATO, only exacerbated the importance of the conflicts for Russia. This imposed great constraints on EU's ability to play a bigger role in the conflict zones. Consequently, the EU has oscillated between an intention to play a bigger role in the South Caucasus under the European neighbourhood policy, and EU member states' reluctance to authorise EU institutions to pursue specific policy objectives in the conflict areas. EU's moments of increased activism on the conflicts more often than not were interrupted by introspective reluctance to engage because of constraints EU member states imposed on them. On the one hand, the EU has appointed an EU Special Representative, launched an EU Rule of Law Mission to Georgia, and a Border Support Team. The European Commission also

became the biggest international donor supporting post-conflict rehabilitation in the conflict regions of Abkhazia and South Ossetia (outside of Russia's financial and military support for the secessionist governments). EU assistance to the secessionist regions amounted to a total of 33 mln euro in 1997-2005. By offering assistance, the EU aimed at alleviating poverty but also reducing the dependence of the secessionist entities on Moscow. On the other hand, the EU has refused to deploy a border monitoring mission following an invitation to do so by Georgia. Moreover EU institutions have never even raised the prospect of sending peacekeepers to Georgia until the Russia-Georgia war in august 2008. Perhaps even more indicative of EU's reluctance to act has been the persistent foot-dragging by EU member states of low politics policies proposed by EU institutions as happened when the EU institutions tried to deploy two experts in Georgia to initiate a dialogue on customs management with the secessionist authorities. Despite such reluctance, Georgia's efforts to induce greater EU involvement in conflict settlement efforts still yielded some results, especially compared to the EU's policy impact in Nagorno-Karabakh.

**Table 10: EU involvement in post-Soviet secessionist conflicts**

EU actions on the secessionist regions	Transnistria	Abkhazia	South Ossetia	Nagorno-Karabakh
Appointment of EU Special Representatives (for Moldova and South Caucasus)	x	x	x	x
EU involvement in negotiations	x	x	x	
ESDP/crisis management missions <sup>128</sup>	x	x	x	
Funds for the rehabilitation of conflict zones	x	x	x	
Strengthening the metropolitan states	x	x	x	
Support for democracy and civil society	x	x		
Targeted sanctions (travel restrictions)	x			
Economic pressures on the secessionists	x			

<sup>128</sup> EUBAM in Ukraine and Moldova is not an ESDP mission but a Commission-led mission.



### *EU Policy toward Nagorno-Karabakh*

Nagorno-Karabakh is the conflict with virtually no EU involvement in settlement efforts. The EU has not actively tried to play a greater role in conflict settlement efforts, and neither Azerbaijan nor Armenia have sought such a role. The EU did not disburse any funds to help the reconstruction of the conflict zone (like it did in South Ossetia and Abkhazia). In contrast to its support for Moldova and Georgia's territorial integrity, the EU has maintained a more neutral approach toward the status of Nagorno-Karabakh. Despite some efforts by the EU institutions to find a niche where it could contribute to the conflict settlement process, such efforts have been in vain. Either Azerbaijan opposed them, or France, which is part of the OSCE Minsk Group of mediators of the conflict, did not support them. The end result is the absence of meaningful EU involvement in the Nagorno-Karabakh peace process. The EU has, however, declared its readiness to send a peacekeeping force if the conflict parties agreed on a settlement. This has never materialised due to the clash of interests between Armenia and Azerbaijan.

Overall, the EU came closest to a semblance of an integrated approach to conflict management in the case of Transnistria, where it could affect decisively conflict settlement patterns because its various actions had some synergies between them. However, this has not been really the case when it came to EU policies towards Abkhazia and South Ossetia, where EU institutions have been too constrained to pursue a long term, integrated approach to conflict resolution. The conflict in Nagorno-Karabakh has not even seen the type of scattered and sporadic actions that the EU took vis-à-vis the conflicts in Abkhazia and South Ossetia. And across all the conflicts, there has been a serious problem of EU commitment to use the necessary foreign policy resources to achieve its stated goals. As the empirical record of EU intervention in conflict-settlement efforts shows, EU institutions have pursued one strategy in

one conflict and a different strategy in others. There has been little consistency in EU approaches, which remain fairly ad hoc. Despite such divergent behaviour, the EU policy toward these conflicts followed some patterns that are common across the cases.

### **High versus Low Politics of Conflict Resolution**

Liberal intergovernmentalist theories argue that EU policies are the result of bargaining among member states and that the performance of EU institutions is dismal (Moravcsik 1998:483). These bargaining outcomes are tilted in favour of member states with bigger bargaining power. Alternative claims by institutionalist theories focus on the fact that institutions have had an impact on these bargains, as institutions are sometimes able to pursue interests of their own as well as shape the bargaining between member states. This dissertation examines these competing claims in light of the politics of EU conflict settlement efforts in the European neighbourhood. This research was not designed to rigorously test either liberal intergovernmentalist or institutionalist hypotheses. Rather, it developed a set of hypotheses based on both theories. These hypotheses have been tested across four cases of EU intervention in secessionist conflicts. Its focus and main research findings are also predominantly empirical, which fills an important research lacuna since there has been no systematic investigative research on the EU policy toward the post-Soviet conflicts. These theories are instead used to structure the understanding of EU intervention in conflict resolution in the post-Soviet space, while also revealing the nature of the EU as a foreign policy actor and the modus operandi of EU institutions in cases of crisis management.

#### *Institutional autonomy*

The central argument of this work is that liberal intergovernmentalism better explains EU foreign policy decision-making in high-politics where EU institutional autonomy is nearly absent. However, in the low-politics of conflict settlement EU institutions have played a more

significant independent role and have been able to influence policy outcomes. This argument has been confirmed by EU behaviour across all four conflicts. EU institutions have been able to incrementally push for EU policies toward the low politics of conflict resolution. European Commission has been able to offer funds for post conflict rehabilitation in South Ossetia and Abkhazia since 1997 and in Transnistria since 2008 without strong intergovernmental scrutiny. The European Commission has financed numerous projects in the conflicts zones in Abkhazia and South Ossetia and from 2006 became the biggest international donor to these conflict regions (while failing to finance any projects at the time in Nagorno-Karabakh and Transnistria). Due to its assistance, the European Commission also become an observer on economic rehabilitation issues in the Joint Control Commission – the conflict-settlement format in South Ossetia. The European Commission also developed an integrated package of economic measures aimed at influencing conflict settlement patterns in Moldova by offering trade concession to Moldova and making it possible for Transnistrian businesses to benefit from these only if they register with the government in Chisinau. Because Transnistria is strongly dependent on foreign commerce, such conditionality has been successful in starting a process of de facto reintegration of the single Moldovan economic space. Most importantly, this theoretical framework explains the very choice of conflicts where the EU has intervened, as they tended to become more involved in conflicts with perceived lower levels of violence most of the time, such as Transnistria and South Ossetia.

Beyond technical measures, EU member states remained firmly in control of EU policies toward more controversial and high politics aspects of conflict resolution. Conflict settlement efforts in the more violent conflicts of Abkhazia and Nagorno-Karabakh remained dominated by EU member states (Germany, the UK and France in Abkhazia and France in Nagorno-Karabakh) that were reluctant to see a greater EU role in the political aspects of conflict

settlement. A similar process happened in South Ossetia after the 2008 escalation of hostilities, with EU member states drastically increasing their involvement and trying to limit the role of EU institutions be it the High Representative for CFSP or the EUSR for South Caucasus. This confirms the proposition that the more controversial a decision is, the more EU member states retain control of the policy process. This also shows the dynamic process of South Ossetia moving from a low-politics concern into a high-politics concern due to escalation of hostilities, and consequent reduction in EU institutional autonomy. EU discussions over potential peacekeeping in the post-Soviet space have been under close member state scrutiny, and EU institutional autonomy on such issues has been nil, owing to the high-politics nature of peacekeeping issues and Russian opposition to it.

#### *The EU's Focus on Low-Politics*

The fact that EU institutions have greater autonomy in the low politics of conflict resolution left its imprint on the EU as a crisis-management actor as it skewed EU conflict management toward relatively uncontroversial, risk-averse aspects of conflict resolution. This pattern can be observed across all the four cases. In Transnistria, the EU has been concerned with economic and border-management issues of conflict resolution. In South Ossetia and Abkhazia, the EU concentrated on post-conflict rehabilitation funding, but remained very reluctant to push for the transformation of the security or political aspects of the conflict-settlement process, since EU member state support was not guaranteed. On Nagorno-Karabakh, the EU financed some programs on the support for internally displaced persons in Azerbaijan. It also explored ideas for confidence building measures between the parties to the conflict, but did not go too far. The EU institutions did not raise the prospects of changing the peacekeeping formats in Abkhazia and South Ossetia; and when the EUSR Moldova insisted on pushing for such a change in Transnistria, he was dismissed.

On all the aspects of EU intervention in conflict settlement, EU institutions have generally preferred a low politics approach to conflict resolution and have generally shied away from high-visibility political and security issues. This happened because EU institutions (particularly the European Commission) have greater discretion over low politics policies such as trade or assistance, on which EU member states are likely to agree (a factor particularly important for EUSRs). In all four conflicts, the EU has focused on working “around” the conflicts and modifying the context in which they progress, rather than seeking to play a greater role in political negotiations between the parties or peacekeeping. Such EU reliance on economic and financial instruments in conflict settlement is widespread and it results from an assumption that economic mechanisms of cooperation are the basis on which peace is to be built (Aoun 2003:300). Such an approach worked in the case of Transnistria, but not in the South Caucasus where conflicts have been much more violent. But this led to a very fragmented and unfocused EU approach to the conflicts as the EU tried to spread its shallow resources too thinly across a whole range of issues such as border management, strengthening rule of law, offering assistance, facilitating trade, promoting confidence-building measures.

The low politics approach has often failed to meet the real needs on the ground, as the EU has followed a top-down approach – defining the mission from what made sense in Brussels rather than from what was necessary on the ground. As one EU official explained: “when the EU does not have a policy, it tries to launch a mission” not always having a clear idea of what it tries to achieve.<sup>129</sup> EU institutions have persistently scaled down their policy initiatives to minimal levels of what was possible to achieve in Brussels, rather than what they thought was needed

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<sup>129</sup> Interview with an EU official, Brussels, June 2008.

to resolve the conflict on the ground. South Ossetia provided a remarkable example. EU institutional actors and many EU member state were aware that it was partly due to the dysfunctional Russian-dominated peacekeeping mission in the region that tensions were drastically increasing in the run-up to the 2008 war. But EU institutions never proposed a greater EU role in peacekeeping because the opposition of a high number of EU member states was well-known. Thus EU institutions remained focused on the low politics of conflict settlement. While the EU invested for years in the reconstruction of the conflict zone and avoided getting involved with the conflicts politically or through peacekeepers, the parties to the conflict were preparing for war. When the war erupted in 2008, most of the buildings that were reconstructed with EU money have been destroyed, and in the end, the EU sent military observers anyway. But the EU's approach did not change much, even after the august 2008 war over South Ossetia. In the immediate aftermath of the war, EU member states – especially Germany - shied away from a commitment to send peacekeepers and pushed for a civilian EU mission on the ground.

The distinction between high- and low-politics is not static and there is no clear border between these two dimensions. This distinction can vary across cases and time. It is more useful to think of this distinction as a continuum, where issues are gradually politicised or de-politicised by the stakeholders involved, and this has an impact on the floating relevance of EU institutional impact on crisis management policies pursued by the European Union.

### *EU's Stealth Intervention*

The confinement of EU institution to the low politics of conflict settlement is a necessity, not an institutional choice. Because EU foreign policy remains an intergovernmental policy domain, there is a tendency for foreign policy decisions to regress to the lowest common

denominator. In such a context, EU institutions try upgrade the lowest common denominator. They use a strategy of dosage - promoting series of low-intensity measures that over time can amount to substantial policy packages – to push for a greater EU role in conflict settlement efforts. In fact dosage is a strategy of EU institutions to push for a spillover of EU policies towards a particular issue.

Three out of the four cases analysed in this dissertation confirm the use of dosage. In Transnistria, the EU became gradually involved in border management issues – first by initiating and mediating a dialogue on border issues between Moldova and Ukraine, then by launching a border assistance mission that saw its budget and personnel exponentially grow, and finally by extending EUBAM activities into cooperation with local intelligence services and anti-corruption agencies. EU institutions have used dosage in their policy toward Georgia as well, though less successfully. When Georgia invited the EU to send up to 150 border monitors to Georgia, the EU member states approved sending only three border experts. These were later extended to twelve in what became the EUSR Border Support Team in Georgia. EU institutions then tried to expand the mandate of the team and further increase the numbers of persons involved, while allowing it to develop a certain dialogue on border-management with Abkhazia and South Ossetia. However, these subsequent efforts by EU institutions to expand the area of activity of EUSR BST through dosage stalled due to member states' blockages. “Dosage” is used by EU institutions to expand its conflict management remit, but the success of these measures depends again on how low-politics the measures are and the timing of dosage. Dosage manages to extend the EU policies toward conflicts in the face of often sceptical member states, but only as long as they do not cross into the realm of high-politics. When EU-Russia tensions were high, even the smallest de-politicised EU initiative vis-à-vis the conflict zones was bound to be considered too be closely scrutinised by

EU member states. The case of Nagorno-Karabakh neither confirms nor disconfirms this hypothesis concerning the EU's use of dosage simply because EU institutions failed to try it in this case in the face of Azeri, Armenian and even French reluctance to see a greater EU role.

The four cases discussed in this dissertation show that EU institutions attempt to use dosage as a strategy to expand their own prerogatives on conflict resolution policies, but that this strategy does not always work. Still, such a strategy seems to be more effective in extending EU actions than a big-bang approach to developing EU interventions in conflict settlement issues. The successful use of dosage confirms that the institutionalist (and neofunctionalist) claim that integration can advance as a result of spillover has some value when applied to the politics of EU conflict resolution, but only insofar as the policy remains in the low politics domain. But it also confirms that spillover is not automatic, and it can be easily stopped by EU member states when the issue becomes significant to them, which clearly limits the potential for EU autonomous action.

Despite clear limits to the EU's institutional autonomy, their predilection for low-politics measures and careful use of dosage as well as their institutional activism sometimes crossed the invisible boundaries of what is acceptable for the member states. When the conflict mediation efforts moved into the domain of high politics, EU member states attempted to roll back institutional activism and even punished the individuals responsible for such policies. When EUSR Moldova pushed for a change in the peacekeeping operation in Moldova against the will of some big member states in 2006 and the EU High Representative for CFSP, he was made to quit. Less dramatically, when the EUSR South Caucasus pushed for the extension of



the mandate of the EU border support team, one member state vetoed it and also applied pressure on the EUSR by trying to limit his diplomatic activism.

### *External Influences on the EU*

The most striking perhaps is the degree to which external actors can influence EU decision-making by politicising issues and defining what is high- and low politics. EU member states have often reacted opportunistically to externally-driven politicisation of issues. In the Eastern neighbourhood, Russia has actively opposed a greater EU role in conflict settlement efforts in the former Soviet Union, which it perceived as a zone of its own special interests. A central objective of the Russian foreign policy is to solidify a sphere of influence in the post-Soviet space, which lead Russia oppose American, European, or Chinese influences in this region.

The Eastern neighbourhood of the EU is one of the few regions of the world where an increased EU role in conflict resolution is actively opposed by one of EU's strategic partners (and competitor): Russia. Russia has politicised the secessionist conflicts through high-level statements, military presence and active diplomacy in the post-Soviet world. Such level of politicisation led many EU member states to approach their relations with many post-Soviet states through the prism of their bilateral relations with Russia. This made many EU member states reluctant to support greater EU interventions in post-Soviet conflicts. While the EU has been willing to cooperate with Russia in trying to solve these conflicts, Russia has openly opposed EU peacekeepers in Transnistria and South Ossetia. It has also challenged the reasons behind the EU border assistance mission in Moldova, and its high-level veto of the OSCE border monitoring mission in Georgia in 2005 made it controversial for the EU to take over the operations. But the most striking escalation came with the launch of the Russian military campaign in Georgia in 2008 when Russia's military attacks across the whole of

Georgia showed how determined Russia is to pursue its objectives in the South Caucasus, even through military means. In the face of Russian high-priority actions in the post-Soviet space, the EU carefully avoided measures that might seem confrontational from the Russian point of view. At the same time, EU member states, primarily France, which held the EU presidency, has taken a hands-on approach in mediating the conflict between Russia and Georgia and sponsored a peace plan. Germany also held a summit with Russia in the aftermath of the crisis, while the High Representative on CFSP kept a very low profile. In times of war, it was France, not the EU institutions, that took the lead in managing the crisis.

Opposing EU involvement in the conflicts, Russia often transformed issues into high politics which drastically reduced the autonomy of EU institutions and pushed EU policies closer to the lowest common denominator. Coupled with bilateral lobbying of some EU member states, this sometimes brought to a halt the whole EU policy process. Because Russia was much more concerned with the conflicts in Abkhazia and South Ossetia, which lie on its border, these were also the two conflicts in which EU intervention was most controversial from its point of view.

The EU is clearly vulnerable to extra-territorial influences (Richardson 2005:6). The mechanisms through which Russia shaped EU decision-making in have been multiple. To begin with EU institutions consult in advance with Russia before initiating some policy steps. But the most important mechanism is EU member states blocking or delaying EU initiatives for fear of irritating Russia. Sometime EU governments anticipate that Russia would oppose some measures, while other times Russia apparently lobbies EU member states to block or push for some policies. Thus, EU policies toward Georgia's conflicts often remained at the lowest common denominator. This was not the case in the Transnistrian conflict, where

Russian influence and stakes were significant, but much lower than in Abkhazia and South Ossetia. Russia did not play a similar role in Nagorno-Karabakh where it is less directly involved. However Azerbaijan itself has been reluctant to accept a greater EU role. When the EUSR South Caucasus tried to visit Nagorno-Karabakh in 2007, Azerbaijan opposed the visit because it was politically too sensitive.

The evidence in these cases support the hypothesis that EU institutions have greater autonomy in low-politics aspects of conflict resolution, which also makes them biased toward taking relatively uncontroversial actions. At the same time, EU institutions have been trying to proactively widen the scope of their actions through a strategy of “dosage”, by sponsoring compromises beyond EU member states that go beyond the lowest common denominator. When such efforts touch upon high-politics, EU member states seek to roll back EU institutions that are seen to move too far away from the position of the most reluctant member states. At the same time, external actors do have a certain influence on the outcome of EU bargaining, since they lobby in favour or against EU interventions in conflict resolution through EU member states.

### **Collateral Findings**

A number of additional findings have emerged concerning the nature of the EU as a foreign policy actor. These observations need to be tested further with other cases of secessionist conflicts. The central discovery is that, in a conflict-prone world and limited foreign policy resources, the EU will of necessity be variably engaged in secessionist conflicts in the neighbourhood. Thus, various patterns of intervention are at play.

### *External Stimuli*

EU conflict resolution tends to be externally-driven, i.e. EU action is determined by external constraints or opportunities, more than by strategic design or EU interests. EU member states' interests are often so diffused, if not contradictory, that the EU is often unable to pursue an integrated policy towards the conflicts. It does not define clear objectives, and subordinates policy measures to achieve those objectives. Rather, the EU is overly concerned with processes, launching missions, while not always having a clear sequence of steps in mind. This made the EU react more to "local demand" or "local opposition" for EU action in conflict zones, than pursue its own strategic interests.

This challenges the widespread claim that third party intervention in conflicts is usually explained by geostrategic interests (Carment and James 1996). Certainly EU interests matter, but the timing and scope of EU actions is largely determined by the local conditions around the conflict area. "Windows of opportunity" that emerge due to local political changes trigger EU actions. Events such as the Rose Revolution in Georgia in 2003, the failure of the Kozak Memorandum in Moldova in 2003, the Orange Revolution in Ukraine in 2004, and the Georgia-Russia war over South Ossetia in 2008 have all led to increased engagement by the EU in the conflict settlement processes. Outside such crisis points, EU remained much more constrained in maximising its involvement.

Generally, EU member states have a low intensity of preferences to deal with secessionist conflicts outside EU member states and candidate countries, while the domestic salience of these conflicts is relatively low. At the same time, their interest in demonstrating a successful CFSP is high. Consequently, when external actors can reduce the effectiveness of EU involvement in a conflict, the EU prefers to stand aside, even if its interests are at stake. As

one EU member state officials put it, “The EU needs not just successes. It needs shining successes”,<sup>130</sup> which created a collective preference for declaring each EU operation an unqualified success (Witney 2008:8). But it also created an aversion to intervene in conflicts where the danger of failure can be palpable. This explains EU’s reluctance to play a bigger role in conflict settlement in Abkhazia, South Ossetia and Nagorno-Karabakh, where its impact would be limited without cooperation with actors on the ground. This means non-EU actors enjoy significant indirect influence over EU decisions concerning involvement in separatist conflicts. This is consistent with Richardson’s claim that the “EU’s policy-agenda is permeable to extra-territorial influences- from non-EU states such as USA and Japan” (Richardson 2005:6). Indeed, the EU has been much more at ease in getting involved in conflicts where there was strong local demand for such involvement from the conflict parties themselves. When such demand is present, EU institutions use this to strengthen their claims for a greater degree of EU conflict resolution. However, countries involved in conflicts - such as Azerbaijan and Armenia over Nagorno-Karabakh, Morocco over Western Sahara, or Turkey over Kurdistan - can also constrain EU conflict resolution if they do not demand such involvement, or even oppose it.

Given that the EU is in many ways externally-driven in its involvement in conflict resolution issues, external stimuli play an important role in triggering EU action. Certainly EU documents indicate that the EU wants to contribute to the settlement of conflicts in the Middle East or the post-Soviet space. However, in a world where EU foreign policy capabilities cannot cover all conflict areas or even conflicts in EU’s neighbourhood, the EU decisions concerning when, how and where to get involved in conflict resolution is often more influenced by local conditions than by EU strategic pursuit of its interests and/or values.

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<sup>130</sup> Interview with an EU member state official, Brussels, 14 May 2008.

This might be changing in time, as the EU might become more of a strategic foreign policy actor, where objectives, interests and actual actions are more closely interlinked in a policy framework. However this is not the case yet. As Nick Witney, former head of the European Defence Agency puts it: “EU members have operated in a strategic vacuum; there has been little evidence of any coherent plan underlying the EU’s interventions. Though the European Security Strategy provides a good set of general principles, this does not explain why, for example, five out of the 20 operations have been in Congo” (Witney 2008:7).

The effects of *external stimuli* on the EU can be double-edged. On the one hand it can refer to external demand for EU actions, and on the other it can include external opposition to EU involvement in conflict resolution. The analysis of the cases in this dissertation suggests that the EU tends to be more active in those conflicts and on those issues where there is strong local demand for the EU. Because Moldova and Georgia have been strong *demandeurs* for a greater EU role in the resolution of their secessionist conflicts, while Azerbaijan was less, EU involvement in conflict resolution in Nagorno-Karabakh has been virtually nil.

The timing of EU interventions is also defined by “windows of opportunity” that emerge due to local political changes, rather than at times of EU’s strategic choosing. Events such as the Rose Revolution in Georgia in 2003, the failure of the Kozak Memorandum in Moldova in 2003, the Orange Revolution in Ukraine in 2004, and the Georgia-Russia war over South Ossetia in 2008 have all led to increased engagement by the EU in the conflict settlement processes. Outside such crisis points, EU remained much more constrained in maximising its involvement.

The lack of local demand for EU actions is what makes the case of Nagorno-Karabakh so different from an EU standpoint from the conflicts in Georgia and Moldova. In these two countries, a key driver for EU involvement was a sustained, pro-active and permanent effort by the Moldovan and Georgian governments to ask for a greater EU role in the settlement of their conflicts. Those demands were also often clearly defined, such as the demand for the EU to become involved in the conflict mediation formats or deploy border assistance missions. Nothing of that sort happened in the case of Nagorno-Karabakh. Armenia was contemptuous of the Minsk Group and its co-chairs' position on the conflicts, and actually opposed EU involvement in the OSCE Minsk Group. Azerbaijan has not consistently sought realistic ways for EU involvement either.

### *EU Divisions*

EU divisions played a huge constraining role on EU conflict management. Naturally, different geographies, histories and historical legacies mean that EU member states have different assessment of international politics. This is a phenomenon that leaves its imprint across most areas of the EU foreign policy. But still, ENP emerges as one of the most divisive issues for the EU. It faced two types of divisions. First, between committing resources to the southern neighbourhood and to the eastern neighbourhood. The Southern EU member states such as France, Italy, Spain, or Portugal have often been much more concerned with the Middle East and Africa, than with the Eastern neighbourhood. They saw that for more than a decade the EU has been overly focused on Central and Eastern Europe – through enlargement and stabilisation of the Balkans – and that it is time to commit more resources to dealing with the challenges arising from the South, such as conflicts, radical Islam or immigration. Given that EU foreign policy resources have been limited, EU's Southern member states have often been reluctant to see a greater EU role in the conflicts in the Eastern neighbourhood. The dynamics

of the South-East cleavage in the EU have also been determined by the fact that three big EU member states – France, Italy and Spain – lobbied intensively for a focus on the southern direction. These big member states have greater bargaining power than the proponents of the Eastern dimension of the ENP that are primarily small (except Poland) and/or new EU member states, such as the Baltic states, Czech Republic, Hungary, Romania, but also countries like Sweden. In this context, the High Representative for CFSP, Javier Solana, has also manifested a much stronger personal involvement with conflict resolution in the South than in the East. This has resulted in much more frequent and higher levels by EU officials to the Middle East, than to Moldova or the South Caucasus. In fact, Solana travelled only once to Moldova during 10 years of tenure as EU High Representative for CFSP, while taking several trips to the Middle East annually. The same applied to EU operations on the ground: the EU Border Assistance Mission in Rafah Palestine numbering some 70 persons was much bigger than the EU's very limited personnel in the South Caucasus (though not in Moldova). More strikingly, EU member states' contribution to the United Nations Interim Force in Lebanon keeping peace in Lebanon after the 2006 war was some 7000 soldiers, which contrasted markedly with the reluctance of the same EU member states to contribute peacekeepers to Georgia in 2008.

New EU members have been naturally more inclined to support a stronger EU role in the post-Soviet space, but they have rarely acted in concert and also had different priorities. The Baltic States and Poland favoured strong support for Georgia and Ukraine; Romania and Bulgaria focused on promoting Black Sea Synergy; and countries like Hungary, Slovakia, Slovenia or the Czech Republic have mainly focused on Ukraine (and to some extent Moldova), but not on the South Caucasus. Older EU member states like the UK and Sweden have also supported a more pro-active policy toward the conflicts in the post-Soviet space.



**Table 11: EU member states and EU engagement in the Eastern neighbourhood.**

Largely oppose EU intervention in post-Soviet conflicts (brakemen)	Reluctant acceptance of limited EU intervention (brakemen)	Drivers of strong EU intervention
Belgium, Cyprus, Greece, Italy, Luxembourg, Portugal, Spain.	Austria, Finland, France, Germany, the Netherlands, Slovakia, Slovenia.	Czech republic, Estonia, Latvia, Lithuania, Poland, Romania, Sweden, UK, and Latvia. (Not active, but supportive): Bulgaria, Denmark, Hungary, and Ireland.

A second category of divisions has to do with differing attitudes to Russia. Some EU member states have been reluctant to support a more active EU in post-Soviet secessionist conflicts for fear of irritating Russia. This consisted of a broad coalition of small and big, new and old, southern and northern EU member states such as Germany, France, Greece, Bulgaria, Austria, Slovakia, Finland, Cyprus etc. These states have valued their bilateral relations with Russia over engagement in the Eastern neighbourhood, and would not like to see their political, economic or energy partnerships with Moscow suffer because of EU intervention in conflict resolution in Moldova or the South Caucasus. They have persistently acted as brakemen on EU intervention in conflict resolution. These states opposed the ideas related to EU peacekeeping in Moldova or trimmed down proposals for greater EU intervention in conflicts over Abkhazia and South Ossetia.

*Carousel foot-dragging*

Few brakemen want to be seen as persistently delaying greater EU intervention in its neighbourhood. Thus states tend to delay or block EU initiatives on intervention in conflict-settlement processes in the post-Soviet space in turns, in a phenomenon referred to in this dissertation as carousel foot-dragging. The presence of this phenomenon has been confirmed only in the case of EU policy toward the conflicts in Abkhazia and South Ossetia when

Greece was the only state to delay for a year the extension of the mandate EU border support team in Tbilisi to make it possible to engage in a border dialogue with the two secessionist regions. Despite the fact it was only Greece that blocked this measure promoted by EU institutions, a number of other EU member states had similar positions, but did not speak up. Few small states would block EU policy initiatives that do not affect their vital interests without have the tacit support of other EU member states. Evidence from other academic works suggests this phenomenon is present in other foreign policy issues as well, such as the Spanish-Moroccan conflict over the Perejil islands (Monar 2002:252). Given that a single EU member state can veto a foreign policy proposal, it is relatively easy to block EU foreign policy initiatives. But carousel foot-dragging makes it even easier, because it allows members to scupper substantive policies toward conflict resolution without any one EU country being seen as overly obstructionist. In a sense, carousel foot-dragging has been a response of EU member states to EU institutions policies of dosage.

Despite the fact that “carousel foot-dragging” and external lobbying limit EU interventions in conflict settlement issues, it would be wrong to see EU foreign policy as entirely paralysed. When the EU can have a decisive impact on conflict resolution patterns, it can get involved even in the face of local opposition (shared by some EU member states). Between 2003 and 2008, the EU was substantially involved in conflict resolution in Moldova, even against Russian opposition, because it perceived that its impact could have a decisive impact on the settlement process. Such proactive involvement was possible because the success of EU actions was not dependent on cooperation with Russia, but on cooperation with Ukraine, which borders Transnistria. Similarly, in Georgia the preference of many EU member states was to do nothing. But given EU’s problem solving culture, EU member states sometimes prefer to resolve their contradictions by expanding their mutual obligations (“spillover”). As

the chapter on EU involvement in Georgia demonstrates, after the EU was invited to launch a large border monitoring mission to Georgia in 2005, which the majority of member states opposed, the outcome of negotiations in Brussels did not result in a total lack of action, but in the launch of a three-person EU border support team in Georgia, which expanded over time in its personnel and mandate.

### **Caveats and Limitations**

There has been no systematic comparative study of the EU policy toward the post-Soviet secessionist conflicts, as there was not systematic attempt to understand the role of EU institutions in this process and the constraints imposed on EU action. This is both a strength and a weakness of this dissertation. Focusing on these research areas implied significant efforts to conduct empirical research. Its main contribution is in taking research on EU foreign policy into new policy domains – studying EU behaviour in a new set of conflicts, while also focusing on EU decisions not to intervene. At the same time, comparative research on EU conflict management is also affected by the lack of coherent theoretical frameworks for the analysis of EU foreign policy. I used European integration theories for the least integrated area of EU cooperation, namely that of foreign policy, but similar research is needed on other conflicts if my hypotheses are to be proved correct for the cases of EU intervention in conflict resolution in other cases.

More importantly, a factor that might limit the generalisability of this dissertation is that of the presence of Russia. Russia is in many ways a unique consideration for EU foreign policy. It is the biggest country in Europe, and at the same time is not integrated into the European project. It also has a complicated relationship with the EU where interdependence is coupled with competition, especially in the shared neighbourhood. Thus when such an important partner of the EU opposes EU intervention in conflict settlement efforts in the post-soviet

space, this naturally has a strong impact on the EU. It is precisely this “Russia factor” that might make the post-Soviet conflicts different from other conflicts.

### **Future Research**

The research in this dissertation opens up new directions for research on EU and conflict resolution. First, it is worth testing to what extent the findings of this dissertation – including the policies of stealth conflict intervention, dosage and carousel foot-dragging - are confirmed by the record of EU intervention in other conflicts. Some preliminary data suggests that EU institutions might have a predilection for low politics aspects of conflict resolution across a number of cases. One can note that most EU missions have been civilian in nature (16 out of 21 in 1999-2008). More importantly, the type of EU operations is also suggestive. Even in conflicts with a high degree of violence, the EU has focused on low-politics aspects of conflict resolution such as the rule of law (in Iraq), police assistance (Afghanistan), and border management (Palestine).

Second, the phenomena of “dosage” and “carousel foot-dragging” are also worth exploring as mechanisms that facilitate and constrain EU action, respectively. To what extent are these strategies applied by EU institutions and EU member states across other cases? Is the assumption of pro-active institutions applicable to all the cases of EU intervention in conflict resolution?

A third avenue for further research relates to the role of external actors. My dissertation has identified Russia as a key factor affecting EU foreign policy making. Many EU member states, and the EU institutions themselves, have been careful in their intervention in conflicts in the Eastern neighbourhood for fear of upsetting Russia. Thus, a bigger question worth exploring is to what extent the EU avoids getting involved in conflict resolution in areas of its

concerns for fear of upsetting local partners. Apparently, EU has not played any active role in the conflict over Western Sahara since Morocco has clearly opposed such a role (Darbouche and Zoubir 2008). Similarly, the EU role in the Kurdish conflict in Turkey is constrained by Turkish opposition to international intervention in domestic affairs (Tocci 2007). But are there cases where local opposition to EU interventions hampers EU foreign policy action? If so, under what conditions is the EU reluctant to get involved or actively promoting intervention? When does it choose to intervene against local opposition and when does such opposition determine EU's reluctance to intervene in conflict settlement patterns?

Fourth, while the dissertation establishes that external actors lobby the EU for action or inaction in certain conflicts, the concrete modalities of this remain under-researched. It is clear that external partners lobby EU member states, and EU institutions consult external partners, even before tabling proposals to EU member states. But less clear are the channels, modalities and factors that determine the success of such lobbying. Hence, the big questions are how and under what conditions external actors can lobby for or against EU foreign policy action. A somewhat parallel question is whether EU businesses become lobbyists for external powers in trying to limit EU foreign policy if an active EU complicates the operations of EU businesses in countries such as Russia.

### **Concluding Remarks**

Despite clear foreign policy ambitions and a declared desire to work toward the resolution of the conflicts in the European neighbourhood the EU has remained a shallow actor in conflict resolution. No doubt the EU has been playing a greater role in conflict resolution in its Eastern neighbourhood. In the face of such constraints EU institutions – the European Commission and the EU Council secretariat – have been trying to push for a greater EU role in conflict management in the neighbourhood through a policy of stealth intervention. But such

involvement has frequently been driven or constrained by external actors, while the EU has tried to do too many things at once with limited resources, which lead to insufficient synergies between EU diplomatic, security, and economic actions. EU's strategic desire to promote peace on the European continent has all too often stumbled upon EU divisions, short-term interests of EU member states, and inability to accept that to be effective the EU might need to be more assertive at times. EU policy has been too focused on playing a role in *post*-conflict settings and defining its action from what was possible in Brussels, while failing to play any forceful role in pushing the conflicts on the ground toward resolution.

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