

Bystanders in its neighbourhood? The European Union's involvement in protracted conflicts in the Post-Soviet space

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BYSTANDER IN ITS NEIGHBOURHOOD?

The European Union's involvement in
protracted conflicts in the post-Soviet space

Marco Siddi / Barbara Gaweda

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Abstract

Following the dissolution of the Soviet Union, there remains a number of protracted conflicts, within and between the successor states, concerning irredentist entities. This article examines four cases of such *de facto* states, the self-proclaimed republics of Abkhazia, South Ossetia, Nagorno-Karabakh and Transnistria. After reviewing the genesis and geopolitical significance of these conflicts, the article focuses on the role of the European Union in conflict resolution. We argue that the EU plays a marginal role in all the protracted conflicts. Based on an analysis of its recent policies, we claim that the Union will maintain a low profile in the foreseeable future.

1. Introduction

Twenty years after the collapse of the Soviet Union, some of its successor states are still riddled by conflicts with secessionist entities that erupted in the late 1980s and early 1990s. Due to their seemingly dormant state and the failure of the parties to achieve a final settlement, these conflicts have been referred to as “frozen conflicts” or “unresolved conflicts”. In this article, the term “protracted conflict” will be used, which emphasizes the evolving nature of the conflicts.¹ Four of the conflicts under analysis have resulted in the creation of *de facto* states, namely the self-proclaimed Abkhazian Republic, the Republic of South Ossetia, the Pridnestrovian Moldavian Republic (usually referred to as “Transnistria”) and the Nagorno-Karabakh Republic. *De facto* states are political entities that enjoy sovereignty over a territory and a population but are not recognized by any or the vast majority of other states.² Of the four *de facto* states under analysis, Abkhazia and South Ossetia have obtained very limited international recognition.³ The key international financial and military supporters of Transnistria and Nagorno-Karabakh, Russia and Armenia respectively, have not recognized the self-proclaimed status of either of the entities.

The four conflicts in question differ from one another in terms of scope, history and international actors involved. However, they share several essential features, including a protracted conflict between the secessionist entity and the parent state, the *de facto* state’s economic and military dependence on a patron state and the gradual consolidation of semi-independent state structures

during the last two decades.⁴ Russia acts as patron state for Abkhazia and South Ossetia, which were both breakaway provinces of Georgia, as well as for Transnistria, which was part of Moldova when the latter gained its independence from the USSR. Armenia is the patron state of Nagorno-Karabakh and is officially still at war with Azerbaijan, the breakaway province’s parent state. Given Armenia’s military and economic dependence on Russia, it is sensible to argue that the Kremlin has at least some influence on the Nagorno-Karabakh conflict as well.⁵

Since Russia is a key player in all four conflicts, its policies and role will be a subject of analysis in this article. However, in order to understand the specificities of each conflict, the analysis will first draw on the most recent literature to outline the current state of the four conflicts and the role of international conflict resolution efforts. In this context, particular attention will be devoted to the European Union’s (EU) contribution to conflict resolution until now. Brussels has an interest in the resolution of the four conflicts under analysis, as they destabilize areas that are strategic for the EU’s energy security and for the stability of its neighbourhood. The EU has attempted to become more involved and claim a role in the resolution of these conflicts, particularly through the appointment of Special Representatives and the deployment of civilian missions in and around the separatist entities. Furthermore, Brussels concluded Action Plans with partner states within the framework of the European Neighbourhood Policy (ENP), which *inter alia* stipulate priorities for both sides to address the conflicts.

However, so far, EU policies on the ground have kept a low profile and focused mostly on

1 The term was adopted also by the Organization for Security and Co-operation in Europe, which has a “Special Representative for Protracted Conflicts” to represent the organization at the Geneva talks on the Abkhaz and South Ossetian conflicts.

2 D. Lynch, *Engaging Eurasia’s Separatist States: Unresolved Conflicts and De facto States* (Washington: United States Institute of Peace Press, 2004), p. 16.

3 Russia, Venezuela, Nicaragua and Nauru have recognized both Abkhazia and South Ossetia. As of 31 May 2011, Abkhazia was recognized also by Vanuatu – see http://www.governmentofvanuatu.gov.vu/index.php?option=com_content&view=article&id=95:vanuatus-recognition-to-the-republic-of-abkhazia&catid=1:latest-news&Itemid=65 (accessed on 17 July 2011).

4 M. Kapitonenko, ‘Resolving post-Soviet “frozen conflicts”: is regional integration helpful?’, *Caucasian Review of International Affairs*, Vol. 3, No. 1 (2009), p. 37. The term “parent state” refers to the state to which the secessionist entities belong according to international law; the “patron state” is the international actor that supports the secessionist entity and its consolidation as a *de facto* state.

5 Armenia is a member of the Collective Security Treaty Organization, a military alliance under heavy Russian influence. Furthermore, Russia is by far the main international investor in Armenia, as well as Yerevan’s main creditor; see H. Khachatrian ‘Foreign Investment in Armenia: influence of the crisis and other peculiarities’, *Caucasus Analytical Digest*, No. 28 (June 2011), p. 18.

the monitoring of borders and local economic rehabilitation. The analysis will show that this approach has not been successful, as Brussels has not been able to increase its role and implement its ambitious conflict resolution agenda in the region. This is also due to the EU's lack of leverage in the conflicts and the reluctance of some member states, such as Germany, Italy, France, Spain, Greece and Cyprus⁶, to challenge Russia's dominant position. The EU is currently excluded from negotiations on the Nagorno-Karabakh conflict and has no influence on internal developments in Abkhazia and South Ossetia. Transnistria constitutes a partial exception, as this is the only conflict where the EU has some noteworthy leverage on both the parent state and the secessionist entity. However, also in this case Brussels has achieved only very modest results. This article will argue that, in spite of its declared ambitions, the EU cannot make a significant contribution to the conflict resolution process due to its lack of internal coherence, political will and economic and military leverage. As a result of these deficiencies, it is highly unlikely that the EU will step up its efforts and play a more prominent role in any of these conflicts in the short and medium term.

2. Protracted conflicts and *de facto* states in the post-Soviet space

2.1 Geopolitical context and Russia's role

The four conflicts under analysis take place in areas that are of considerable strategic importance for both Russia and the European Union. The conflicts in Abkhazia, South Ossetia and Nagorno-Karabakh constitute the main determinant of instability in the South Caucasus (see Figure 1), a region that the European Union has identified as a key transit corridor in its plans for the diversification of energy supplies.⁷ For Russia, the South Caucasus is strategically significant both as an area within the post-Soviet space, which the Kremlin considers a top priority of its foreign policy, and as a territory bordering with its own troublesome North Caucasian republics, which have recently witnessed secessionist wars, the spread of Islamic terrorism and a deep economic and structural crisis.⁸

The National Security Strategy of the Russian Federation to 2020 states that "The main threats to the border-related interests and security of the Russian Federation are the presence and possible escalation of armed conflicts near its state borders [...]" and emphasizes the risks related to the spillover of illegal activities such as terrorism and arms and drug trafficking from the conflict areas to Russia's bordering regions.⁹ However, the Kremlin has applied a different rationale to the Transnistrian conflict, where it supports a separatist government that earns considerable revenues from illegal activities such as those listed in the National Security Strategy. Due to

6 Mark Leonard and Nicu Popescu have called these member states Russia's "strategic partners" (Germany, France, Italy and Spain) and "Trojan horses" (Greece and Cyprus) in the European Union, due to their tight economic and diplomatic relations with Russia; see M. Leonard and N. Popescu, *A power audit of EU-Russia relations*. European Council on Foreign Relations (November 2007), pp. 27-36.

7 'Energy infrastructure priorities for 2020 and beyond - A Blueprint for an integrated European energy network', *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions* (17 November 2010), pp. 10-11.

8 In this regard, see the *National Security Strategy of the Russian Federation to 2020*, available (in Russian) at <http://www.scrf.gov.ru/documents/99.html> (accessed on 18 July 2011); S. Dimitrakopoulou and A. Liaropoulos, 'Russia's National Security Strategy to 2020: a great power in the making?', *Caucasian Review of International Affairs*, Vol. 4, No. 1 (2010) and M. de Haas and H. Schroeder, 'Russian National Security Strategy', *Russian Analytical Digest*, No. 62 (June 2009).

9 *National Security Strategy of the Russian Federation to 2020*, paragraph 41.

the proliferation of such activities, Transnistria constitutes a security challenge for the European Union, as the latter's eastern borders are a mere 150 kilometers away from the secessionist province. For Russia, the relative distance of its borders mitigates the security risks posed by criminal activities in Transnistria. Most importantly, these risks are offset by the strategic advantages of having a friendly government in the secessionist entity that practically thwarts any Moldovan ambition to join NATO or the European Union.¹⁰

the conflicts with Abkhazia and South Ossetia are one of the main factors preventing Georgia from undertaking the desired path of NATO membership. Moldova and Azerbaijan have not manifested an interest in joining the Atlantic alliance until now; if they decided to do so, the conflicts over Transnistria and Nagorno-Karabakh would most likely be an insurmountable obstacle in the path to accession.¹¹

The Georgian-Russian war of August 2008 provides the best example of the wider geopolitical significance of the protracted conflicts



Figure 1: Geostrategic situation and the conflicts in the Caucasus region.
<http://mondediplo.com/maps/georgiawar>

Following NATO's and the EU's eastern enlargement in the years 1999-2004, the protracted conflicts in the post-Soviet space have become one of the instruments in the Kremlin's toolkit to prevent any further eastward expansion of both organizations close to Russia's borders. Neither the EU nor NATO would accept a new member state that lacks full control over its territory, is involved in internal conflicts with breakaway regions and has Russian troops on its soil. Thus,

in the post-Soviet space. The "de-freezing" and rapid escalation of the conflicts in Abkhazia and South Ossetia was mainly the consequence of US-Russian disputes in the international arena and the direct and indirect intervention of foreign powers in the conflicts. Kosovo's declaration of independence in February 2008 and its recognition by the United States and its allies, in violation of international law, angered Russia and provided

10 A. Akçakoca, T. Vanhauwaert, R. Whitman and S. Wolff, 'After Georgia: conflict resolution in the EU's Eastern neighbourhood', *EPC Issue Paper*, No. 58 (April 2009), p. 11.

11 For a more detailed overview of the strategic relevance of the protracted conflicts, see also U. Halbach, 'Ungelöste Regionalkonflikte im Südkaukasus', *SWP Studie* (March 2010), pp. 8-11.

secessionist entities with a pretext to revive their demands for international recognition.¹² Furthermore, Washington's strong backing of the Saakashvili government in Georgia, which rapidly increased military spending and took an aggressive stance towards Abkhazia and South Ossetia, emboldened Tbilisi to seek a solution of the secessionist conflicts by military means.¹³

Following the August 2008 war, the United States have kept a low profile in their policies towards the four secessionist conflicts and attempted to obtain Russia's cooperation on issues to which they attach a higher priority, most notably Iran's nuclear programme and the war in Afghanistan. Conversely, Russia has maintained its strategic position and even stepped up its military and economic presence in Abkhazia and South Ossetia. Following the crisis, the Kremlin also undertook some mediation efforts in the context of the Transnistrian and the Nagorno-Karabakh conflicts, but failed to achieve any significant breakthroughs.

The analysis will now turn to the history and specificities of each protracted conflict. The Abkhaz and South Ossetian conflicts will be analyzed independently from each other, as their history and international mediation attempts until 2008 differ for the most part.

2.2 Abkhazia

Abkhazia is a strip of land covering approximately 8,700 square kilometres (Figure 1), which amounts to 12% of the area that became part of

Georgia after the collapse of the Soviet Union. Abkhazia's territory is delimited by the main ridge of the Greater Caucasus in the north-east and the Black Sea coast in the south-west. According to the Abkhaz census of 2003, approximately 216,000 people inhabited the region, including 94,500 Abkhazians (44.2%), 45,000 Armenians (21.0%), 44,000 Georgians (20.6%), 23,500 Russians (10.9%) and some smaller Ukrainian, Greek and Estonian minorities.¹⁴ These statistics do not include the 200,000 Georgians who were expelled from the region during the 1992-1993 war and have not returned to their homes.¹⁵ The number of Georgians living in Abkhazia today is most likely even smaller than the one stated in the 2003 census, due to the expulsions that took place after the August 2008 conflict.

The history of the Georgian-Abkhaz conflict dates back from the early twentieth century. The first military clashes between the ethnic groups took place during the revolutionary period and the civil war, when the Abkhazians sided with the Bolsheviks and the Georgians with the Mensheviks. In 1922, Abkhazia joined the Soviet Union as an independent Union Republic (the Abkhaz Soviet Socialist Republic). However, in 1931 Stalin demoted the status of Abkhazia to that of Autonomous Socialist Federal Republic within the Georgian Republic and intensified the policy of "Georgianisation" of the province.¹⁶ In the post-Stalinist era, tensions between Abkhazians and Georgians persisted, as the former felt discriminated by Abkhazia's administrative

12 H. Krueger, 'Implications of Kosovo, Abkhazia and South Ossetia for international law', in *Caucasus Review of International Affairs*, Vol. 3, No. 2 (2009), pp. 121-142; B. Harzl, 'Conflicting perceptions: Russia, the West and Kosovo', *Review of Central and East European Law* 33 (2008), pp. 491-518; M. Siddi, 'Abkhazia, Kosovo and the right to external self-determination of peoples', *Central Asia and the Caucasus*, Issue 12, No. 1 (2011), pp. 62-70; M. Mammadov, "'Traditional gap' in the ICJ's advisory opinion on Kosovo', *Caucasian Review of International Affairs*, Vol. 4, No. 4 (2010), pp. 313-324.

13 US policies are analyzed in S. Blank, 'What Comes After the Russo-Georgian War? What's at Stake in the CIS', *American Foreign Policy Interests*, Vol. 30, No. 6 (November 2008), pp. 379-391; J. Nichol, 'Georgia and NATO enlargement. Issues and implications', *CRS Report for Congress* (7 March 2008); F. Ismailzade, 'US policy towards the South Caucasus: how to move forward', *Caucasus Analytical Digest*, No. 13 (February 2010), pp. 5-8.

14 *2003 Census of the Republic of Abkhazia*, <http://www.ethno-kavkaz.narod.ru/rnabkhazia.html> (accessed on 18 July 2011).

15 In 1989, the total population of Abkhazia was of 525,061, of which 45.7% (239,872) were ethnic Georgians. However, Abkhazians had become a minority in their own land as a result of their forced expulsion during the tsarist empire and the resettlement of ethnic Georgians in Abkhazia during the Stalinist period. In 1886, Abkhazians made up around 85% of the population, Georgians only 6%; D. Müller, 'Demography', in G. Hewitt (ed.), *The Abkhazians* (Richmond, 1999), pp. 235-237; *НАСЕЛЕНИЕ АБХАЗИИ (Population of Abkhazia)*, available at <http://www.ethno-kavkaz.narod.ru/rnabkhazia.html> (accessed on 18 July 2011).

16 S. Lakoba, 'History: 1917-1989', in G. Hewitt (ed.), *The Abkhazians* (Richmond, 1999), pp. 89-94; *Report of the Independent International Fact-Finding Mission on the Conflict in Georgia*, Vol. II, p. 67; R. G. Suny, *The making of the Georgian nation* (Bloomington, 1994), p. 215.

inclusion in Georgia and the latter complained about their underrepresentation in the political structures of the autonomous republic.¹⁷

When the Soviet Union collapsed, Georgia declared its independence, but it soon fell in a civil war involving rival Georgian factions and South Ossetians. In August 1992, Georgian forces invaded Abkhazia and started a civil war that lasted more than a year, causing large material destruction and thousands of casualties. The conflict was ended by Russia's intervention and mediation. Georgia had to sign the Agreement on a Ceasefire and Separation of Forces, concluded on 14 May 1994 in Moscow under the mediation of Russia and the United Nations (UN), and accept the deployment of 3,000 Russian peacekeepers under the mandate of the Commonwealth of Independent States (CIS). The CIS mission was to operate under the supervision of a UN mission, the United Nations Observer Mission in Georgia (UNOMIG). The subsequent negotiations for a resolution of the conflict produced no significant results.¹⁸

Mikhail Saakashvili's rise to power in Georgia and his policies aimed at recovering sovereignty over the country's breakaway provinces led to another escalation of the crisis in the summer of 2008.¹⁹ In the attempt to thwart Georgia's application for NATO membership, Russia increased its support to the breakaway provinces and intervened militarily on their side when Tbilisi launched a military operation against South Ossetia in August 2008. The war ended with the defeat of Georgian military forces and both sides' acceptance of a Six-Point Ceasefire Agreement mediated by French President Nicolas Sarkozy.²⁰

On 26 August 2008, Russia recognized the independence of both Abkhazia and South Ossetia. During the following months, the Kremlin increased its military presence in both regions and made considerable investments in the economies of both secessionist entities. Following the termination of UNOMIG and of the mission of the Organization for Security and Co-operation in Europe (OSCE) in Georgia, which were both determined by a Russian veto on their extension in 2009, there is no other significant international presence in Abkhazia and South Ossetia. The European Union Monitoring Mission in Georgia (EUMM), established in October 2008 by the EU Council, has been denied access to the Abkhaz and South Ossetian side of the border and operates exclusively on undisputed Georgian territory, even though its mandate includes monitoring within Abkhazia and South Ossetia.²¹

2.3 South Ossetia

South Ossetia covers an area of approximately 3,900 square kilometers, most of which are mountainous territory (Figure 1). Most of its estimated 55,000 inhabitants live in the southern part of the region, close to the administrative border with Georgia proper. According to the last Soviet census, Ossetians constituted around 66% of the population, followed by Georgians (29%), Russians (2%), and other smaller ethnic groups. Contrary to Abkhazia, the ethnic balance in the region has remained fairly stable over the last century.²²

Although also the first clashes between South Ossetians and Georgians date back from the civil war period (1918-1920), relations between the two ethnic groups were relatively good throughout the Soviet era.²³ The situation deteriorated quickly at the time of the Soviet Union's collapse. The Georgian nationalist government led by Zviad

17 C. Zürcher, *The Post-Soviet Wars* (New York, 2007), pp. 120-121.

18 A. Petersen, 'The 1992-93 Georgia-Abkhazia war: a forgotten conflict', *Caucasian Review of International Affairs*, Vol. 2, No. 4 (2008), pp. 195-197; *Security Council Document S/1994/583. Annex I: Cease-Fire and Separation of Forces Agreement* (Moscow, 14 May 1994); *Report of the Independent International Fact-Finding Mission on the Conflict in Georgia*, Vol. II, pp. 80-89.

19 For a discussion of Georgian moves in the upper Kodori valley in 2006 and the outbreak of hostilities in August 2008, see *Report of the Independent International Fact-Finding Mission on the Conflict in Georgia*, Vol. II, pp. 89-90 and 209-210.

20 The Six Point Ceasefire Agreement is available in *Report of the Independent International Fact-Finding Mission on the Conflict in Georgia*, Vol. III, p. 587.

21 *Report of the Independent International Fact-Finding Mission on the Conflict in Georgia*, Vol. II, pp. 89-91 and 211-219, Vol. III, pp. 587-594.

22 *НАСЕЛЕНИЕ ЮЖНОЙ ОСЕТИИ (Population of South Ossetia)*, available at <http://www.ethno-kavkaz.narod.ru/riossetia.html> (accessed on 19 July 2011).

23 *Report of the Independent International Fact-Finding Mission on the Conflict in Georgia*, Vol. II, p. 4.

Gamsakhurdia attempted to bring the region under tight Georgian control. South Ossetia had enjoyed the status of Autonomous Oblast within the Georgian Soviet Socialist Republic under the Soviet Union and, perceiving the threat of losing any form of autonomy, it proclaimed its full sovereignty within the Soviet Union in September 1990. The clash with Tbilisi led to a military escalation that resulted in a destructive war lasting from January 1991 until June 1992. In the summer of 1992 the Georgians accepted a Russian-brokered ceasefire and an agreement establishing a security corridor along the administrative border between South Ossetia and Georgia proper, a Joint Control Commission (with representatives from Georgia, Russia, North Ossetia and South Ossetia) and a Joint Peacekeeping Force of Russian, Georgians and Ossetian soldiers. Furthermore, the OSCE dispatched a mission to monitor the peacekeeping operation.²⁴

The re-escalation of the conflict in South Ossetia took place at the same time as the Abkhaz conflict. Georgian attempts to re-establish control over the region revived tensions starting in the summer of 2004. On 7 August 2008, the Georgian army shelled the city of Tskhinvali, killing more than a hundred civilians, ten Russian peacekeepers and wounding many others, and launched a major military operation against South Ossetia. This provoked Russia's military intervention, which repelled the Georgian attack and expelled Tbilisi's troops from the entire region. In the process, around 20,000 Georgian civilians were also expelled from South Ossetia.²⁵ The subsequent phases of the conflict, including the achievement of a ceasefire and Russia's recognition of the separatist entity's independence, coincide with the events described above with regard to Abkhazia. For both Georgian separatist republics

negotiations on the resolution of the respective conflicts with Tbilisi are taking place within the framework of the Geneva process and are co-chaired by the EU, the OSCE and the UN.²⁶

2.4 Nagorno-Karabakh

The self-proclaimed Nagorno-Karabakh Republic constitutes one of the most daunting obstacles to regional stability in the Southern Caucasus, especially due to the persisting state of war between the two main parties involved in the conflict, namely Armenia and Azerbaijan. In 1989, according to the last Soviet census, Nagorno-Karabakh had a population of almost 200,000 people, amongst whom 76% were Armenian, 23% Azerbaijani and the rest Russian and Kurdish. Current estimates place the population size at around 130,000, though no official data is available. Since the formal cessation of hostilities, Nagorno-Karabakh and the seven districts that surround it remain effectively under Armenian occupation. This area constitutes 17% of Azerbaijan's total territory.²⁷

The conflict over Nagorno-Karabakh has its roots in the years of the Russian revolution and civil war.²⁸ In 1988, in the power vacuum left by the dissolving Soviet empire, an ethnic conflict between Armenia and Azerbaijan broke out again, shortly after the parliament of the Nagorno-Karabakh Autonomous Oblast in Azerbaijan unilaterally decided to join the enclave with Armenia. In 1992, following a referendum boycotted by the Azerbaijanis, the Armenians of Nagorno-Karabakh declared full independence. In May 1994, a ceasefire was achieved with Russian mediation. However, the six-year conflict left more than half a million of internally displaced peoples (IDPs) in Azerbaijan, causing one of the

24 *Report of the Independent International Fact-Finding Mission on the Conflict in Georgia*, Vol. II, pp. 89-91 and 211-219, Vol. II, pp. 92-100; Halbach, 'Ungelöste Regionalkonflikte', pp. 12-15; P. Baev, C. Zürcher and J. Koehler, 'Civil Wars in the Caucasus' in Paul Collier & Nicholas Sambanis (eds.), *Understanding Civil War: Evidence and Analysis* (Washington, 2005), pp. 267-275; Akçakoca, Vanhauwaert, Whitman and Wolff, 'After Georgia', p. 12.

25 Halbach, 'Ungelöste Regionalkonflikte', p. 14; *Report of the Independent International Fact-Finding Mission on the Conflict in Georgia*, Vol. II, pp. 203-211.

26 However, negotiations have made little progress so far; see N. Mikhelidze, 'The Geneva talks over Georgia's territorial conflicts: achievements and challenges', *Documenti Istituto Affari Internazionali*, No. 10/25 (Rome, November 2010).

27 Akçakoca, Vanhauwaert, Whitman and Wolff, 'After Georgia', p. 14.

28 Especially in the 1918-20 Armenian-Azerbaijani war over border delineation. For a historical discussion of the conflict see M. P. Croissant, *The Armenia-Azerbaijan Conflict: Causes and Implications* (London, 1998).

most severe refugee crises to date.²⁹ What is more, the Nagorno-Karabakh area remains a landmine-ridden, devastated and largely de-populated region.³⁰

Despite both sides' official adherence to the ceasefire, regular incidents resulting in casualties have occurred and Azerbaijan and Armenia have involved themselves in a major arms race.³¹ Today, approximately 30,000 Azerbaijani and Armenian troops face each other along a 175-kilometre fault line, which is monitored by a mere total of six OSCE observers.³² The latter cannot patrol the area without prior notification to both conflict sides, which effectively renders their efforts to nothing. The volatile truce is far from a resolution of the conflict, leaving a possibility of an even more deadly war between Armenia and Azerbaijan in this context of escalation.³³

Settlement attempts have been in vain so far. The so-called "Basic Principles" document, put forward by the OSCE mediators in 2007, is the most recent settlement proposal. These "Basic Principles" require *inter alia*: the return of the territories surrounding Nagorno-Karabakh to Azerbaijani control (entailing the complete withdrawal of Armenian forces from five out of the seven occupied districts and a progressive withdrawal from a sixth one); a corridor linking Armenia to Nagorno-Karabakh; an interim status for Nagorno-Karabakh for 10-15 years, providing guarantees for security and self-governance; future determination of the final legal status of Nagorno-Karabakh through a legally-binding referendum; the right of all IDPs and refugees to return to their former places of residence; international security guarantees that would include a peacekeeping operation (numbering around 10,000).³⁴

Azerbaijan maintains that any resolution must entail the restoration of what they consider to be the native Azerbaijani territory of Nagorno-Karabakh, while Armenia favours a self-determination option for the entity. For the past 15 years the OSCE Minsk Group, the main (highly confidential) conflict settlement discussion mechanism co-chaired by Russia, France and the United States, has not been able to put enough pressure on both sides to make them agree on a solution.³⁵

The *de facto* statehood³⁶ of Nagorno-Karabakh is dependent on the material support of Armenia and its powerful diaspora overseas. In 2006, a said 98% of Nagorno-Karabakh voters supported a referendum calling for the enclave's independence. The international community, however, did not recognize the referendum. In terms of internal politics, the separatist entity remains under martial law. Although civil rights are curbed, the government has tried to hold free elections, mainly in order to gain public support in the international arena.³⁷

On the identity and nation-building side, Nagorno-Karabakh retains close ties to Armenia, as in all other areas of its *de facto* statehood project. What exacerbates the situation and

(accessed on 12 August 2011).

29 Halbach, 'Ungelöste Regionalkonflikte', pp. 18-20; Akçakoca, Vanhauwaert, Whitman and Wolff, 'After Georgia', pp. 14 and 17.

30 Akçakoca, Vanhauwaert, Whitman and Wolff, 'After Georgia', p. 14.

31 'Armenia and Azerbaijan: Preventing War', *International Crisis Group Europe Briefing* N°60, 8 Feb 2011.

32 A. Paul, 'Nagorno-Karabakh – A ticking bomb', *European Policy Centre* (17 September 2010).

33 For a more detailed strategic analysis, see also A. Jackson, 'The Military Balance in Nagorno-Karabakh', *Caucasus update*, Issue 18 (19 January 2009).

34 *Statement by the OSCE Minsk Group Co-Chair countries*, press release 10 July 2009, available at: <http://www.osce.org/item/51152>

35 Akçakoca, Vanhauwaert, Whitman and Wolff, 'After Georgia', p. 15; Halbach, 'Ungelöste Regionalkonflikte', pp. 20-21. In the most recent round of talks convened in June 2011, no progress on the resolution of the dispute over the enclave was achieved; E. Barry, 'Azerbaijan and Armenia Fail to End Enclave Dispute', *The New York Times*, (24 June 2011). For recent developments on the ground, see also 'Armenia and Azerbaijan: preventing war', *International Crisis Group, Europe Briefing No. 60* (8 February 2011). For a further discussion of the deadlock in Azerbaijani-Armenian negotiations and its probable persistence in the future see: F. Ismailzade, 'The Nagorno-Karabakh Conflict: Current Trends and Future Scenarios', IAI Working Papers 1129 (November 2011).

36 For our definition of *de facto* statehood, see p. 2.

37 Freedom House rated these elections as "partly free" and considered them as no less democratic than the ones in both Armenia and Azerbaijan; nevertheless, the EU has not recognized the validity of any election in Nagorno-Karabakh, as was reiterated by High Representative Catherine Ashton on the occasion of the May 2010 elections. See 'Nagorno-Karabakh Country Report 2010', Freedom House, <http://www.freedomhouse.org/template.cfm?page=22&country=7955&year=2010> (accessed on 19 July 2011) and the Statement by High Representative Catherine Ashton on Nagorno-Karabakh, Brussels 21 May 2010, available at <http://www.consilium.europa.eu/uedocs/cmsUpload/114603.pdf> (accessed on 15 December 2011).

makes the conflict even more volatile is the fact that the Armenian and Azeri populations have maintained no contact with each other and there were no bottom-up attempts to bridge the gap between them. On the contrary, both populations have been exposed to and encouraged by the intense hate propaganda pursued by their respective governments in domestic debates. As a consequence, public opinion on both sides of the conflict remains sternly opposed to any concessions, largely turning settlement compromises to unwanted political choices.³⁸

2.5 Transnistria

The “Pridnestrovian Moldavian Republic” (Transnistria in Moldovan; Pridnestrov’e in Russian) is located on the thin strip of land on the left bank of the river Dniester, wedged between Moldova and Ukraine (Figure 2). While it remains a *de jure* part of Moldova, it has been a *de facto* separate state entity for 20 years – since its declaration of independence on 27 August 1991. Out of all the post-Soviet conflict zones, the term “frozen conflict” is most fitting here, as there have been no reports of incidents resulting in casualties since the ceasefire in July 1992.³⁹

Transnistria declared independence from Moldova merely a day before the Moldovan declaration of independence from the USSR.⁴⁰ However, Transnistrian leaders did not manage to secure international recognition or reach a deal with the parent state on secession. The military conflict itself was directly spurred by Chisinau’s decision to establish Moldovan as the state language of the new republic. Following months of skirmishes, in the spring of 1992 Moldovan forces attempted to retake the left bank of the Dniester River, triggering a full-fledged war and a prompt intervention by the Russian army. By the summer of 1992, a ceasefire was signed and the conflict “froze”, basically in an “as-is” form up to this day.⁴¹

Currently, there are approximately 1,200 Russian troops in Transnistria, namely the remnant of the former Soviet 14th army, as well as large amounts of Soviet-time ammunition. Since the 1992 war, there have been various conflict settlement attempts. On the whole, all of the proposals advocated the return of Transnistria to Moldova, and either side rejected all. Any agreement in the case of the Transnistrian conflict would have to entail the resolution of a number of distinct but interconnected issues.⁴² The proposals tabled in the years 1993-2007, by actors ranging from the Conference on Security and Co-operation in Europe (CSCE), through Ukrainian and Russian politicians, to the Moldovan side, have addressed questions such as the distribution of powers, potential federalism, external and internal guarantees for compliance and the permission of secession in the case of a Moldovan merge with Romania⁴³. The current round of negotiations in a 5+2 format, including Moldova, Transnistria, Russia, Ukraine, the OSCE, as well as the EU and the US as observers, has not yielded any solutions so far.⁴⁴

Transnistria remains a “net importer” of security, as a result of Moscow’s long-standing involvement in the conflict. Its *de facto* statehood ultimately depends on Russia’s willingness to renew its security guarantee.⁴⁵ In terms of securing physical territorial control, Transnistrian authorities have managed to maintain a fixed and deliberately delineated border, as well as

Transnistria’, p. 2.

42 Ibid.

43 *Report No. 13 by the CSCE Mission to Moldova* (13 November 1993), available at <http://www.osce.org/moldova/42307> (accessed on 17 August 2011); *Kozak Memorandum*, available in Russian at <http://www.regnum.ru/news/458547.html> (accessed on 17 August 2011); *Proposals and recommendations of the mediators from the OSCE, the Russian Federation, Ukraine with regards to the Transdnestrian settlement*, (13 February 2004), available at <http://www.osce.org/moldova/23585> (accessed on 17 August 2011); *Ukrainian Plan of 2005 (Plan for the settlement of the Transdnestrian problem)*, available at <http://www.stefanwolff.com/files/Ukrainian-Plan.pdf> (accessed on 17 August 2011); *Moldovan Framework Law 2005 (law □ On Fundamental Regulations of the Special Legal Status of Settlements on the Left Bank of the River Nistru (Transnistria)*, 22 July 2005).

44 Akçakoca, Vanhauwaert, Whitman and Wolff, ‘After Georgia’, p. 20.

45 Blakkisrud and Kolstø, ‘From Secessionist Conflict Toward a Functioning State’, p. 186.

38 Akçakoca, Vanhauwaert, Whitman and Wolff, ‘After Georgia’, pp. 15-16.

39 S. Wolff, ‘The Prospects of a Sustainable Conflict Settlement for Transnistria’, Research Seminar, 9 February 2011, p. 1.

40 Blakkisrud and Kolstø, ‘From Secessionist Conflict Toward a Functioning State: Processes of State- and Nation-Building in Transnistria’, p. 183.

41 Wolff, ‘The Prospects of a Sustainable Conflict Settlement for



Figure 2: Transnistria and Moldova.

http://upload.moldova.org/map/moldova_map_transnistria.jpg

full control over the territory within it. The Joint Control Commission, a trilateral force consisting of Russian, Moldovan and Transnistrian security and peacekeeping forces with a common command structure, has been established to patrol the Transnistrian-Moldovan frontier areas. In practical terms, border control carried out in conjunction with external actors has helped to entrench the Transnistrian territorial status quo. Initially, the Transnistrian-Ukrainian border was given less attention. As a result, it became a hub for the lucrative market of smuggling, trafficking of human beings, drugs and weapons. Looking back, however, the reports about the dire border situation seem to have been overblown and exaggerated from the start.⁴⁶

Although Transnistria is not recognized internationally by any state besides the other three

separatist entities discussed in this article, it has established and consolidated state-like features. The Transnistrian political system is highly centralized, with the balance of power shifted towards the presidency. Igor Smirnov has been the president of Transnistria since 1990, winning four consecutive presidential elections with Moscow's support. In December 2011, however, after 21 years of rule, he was defeated by Yevgeniy Shevchuk – albeit a “new face”, arguably no less Russia-oriented. Moscow seems to have abandoned Smirnov, perhaps seeking a renewed momentum in international negotiations.⁴⁷

46 Blakkisrud and Kolstø, 'From Secessionist Conflict Toward a Functioning State', pp. 187-188.

47 Akçakoca, Vanhauwaert, Whitman and Wolff, 'After Georgia', p. 17; A. Racz, 'Russian approaches to the 'common neighbourhood: change or preservation of the status quo?', *SPES Policy Papers* (November 2010), p. 13; Wolff, 'The Prospects of a Sustainable Conflict Settlement for Transnistria', pp. 2-5. For a discussion of the 2011 Transnistrian presidential elections see: V. Socor, 'Smirnov out, Shevchuk in: A Short-Term Win-Win for Moscow in Transnistria', *Eurasia Daily Monitor* Vol.9 Issue 18 (26 January 2012).

The general sentiment that Moldovans are much worse off economically pervades among Transnistrians. Moreover, significant political and economic interest groups have a stake and a say in the Transnistrian independence bid. Transnistrian political elites have been the major beneficiaries of the “crony privatization” of the major industrial plants, which dominate the country’s economy. Furthermore, Russia remains the primary export market, as well as the foremost provider of loans and subsidies. Thus, the main rationale for the Transnistrian independence bid remains economic. There have been no significant tensions among the Moldovan, Russian and Ukrainian ethnic groups, each of which constitutes approximately one third of the population.

3. The European Union’s involvement in the protracted conflicts

3.1 Instruments and policies

The European Union started to look for a role in the resolution of the four conflicts in the late 1990s. In 1998, the Partnership and Cooperation Agreement (PCA) between the EU and the Republic of Moldova entered into force, followed by similar PCAs with Armenia, Azerbaijan and Georgia the year after. However, these documents dealt mainly with market reforms and the harmonization of national legislation with EU legislation, while the resolution of the conflicts did not feature prominently. The PCA with Moldova did not include any reference to the Transnistrian conflict, even though it recognized Moldova’s territorial integrity in the preamble.⁴⁸ The PCAs with Georgia, Armenia and Azerbaijan only stated that “Dialogue may take place on a regional basis, with a view to contributing towards the resolution of regional conflicts and tensions”.⁴⁹ Abkhazia,

South Ossetia and Nagorno-Karabakh were not even mentioned and no concrete guidelines were provided for a comprehensive EU strategy on conflict resolution in the region. This approach corresponded to the EU’s intention to prioritize economic transition in post-Soviet states in the late 1990s and postpone confrontation with the complex challenges posed by unresolved conflicts to a later stage.

During the following decade, Brussels recognized the importance of solving the conflicts, both for the stability of post-Soviet countries and for its own security and strategic interests, as seen in the EU conflict resolution initiatives as well as the voiced objectives in terms of energy policy. Consequently, the Union attempted to step up its role in the resolution of the four protracted conflicts under analysis. In July 2003, a Special Representative (EUSR) for the South Caucasus, Peter Semneby, was appointed. In March 2005, a EUSR for Moldova was also appointed and given the task of streamlining EU efforts within the 5+2 negotiation framework, in which the Union is involved as an observer. Despite the EUSR’s efforts aimed at contributing to conflict resolution, they achieved little in this respect.⁵⁰

The EUSR’s weak performance highlighted the gap between the EU’s declared aim of playing a major role in conflict resolution in the region and its limited power on the ground. The Union’s

Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Armenia, of the other part, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:21999A0909%2801%29:EN:HTML> (accessed on 19 July 2011); *Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Azerbaijan, of the other part*, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:21999A0917%2801%29:EN:HTML> (accessed on 19 July 2011).

48 *Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Moldova, of the other part*, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:21998A0624%2801%29:EN:HTML> (accessed on 19 July 2011).

49 *Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and Georgia, of the other part*, available at [http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:21999A0804\(01\):EN:HTML](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:21999A0804(01):EN:HTML) (accessed on 19 July 2011); *Partnership and*

50 Their weak performance may be one of the reasons why Catherine Ashton, High Representative of the Union for Foreign Affairs and Security Policy, planned to abolish both posts in 2010; A. Lobjakas, ‘EU Plans To Scrap South Caucasus, Moldova Envoys’, *Radio Free Europe* (31 May 2010), available at http://www.rferl.org/content/EU_Plans_To_Scrap_South_Caucasus_Moldova_Envoys/2057672.html (accessed on 19 July 2011). Eventually, the post of EUSR for the South Caucasus was merged with the one of EUSR for the crisis in Georgia, created in 2008; Philippe Lefort took over both positions. The post of EUSR for Moldova was abolished. See <http://www.consilium.europa.eu/policies/foreign-policy/eu-special-representatives?lang=ga> (accessed on 9 February 2012).

weak leverage on the conflicting parties and the lack of coordination between Brussels and its representatives in the conflict regions weakened the EU's diplomatic position. These problems were compounded by the lack of internal coherence in the EU when addressing the four protracted conflicts, which was caused by the member states' diverging interests and priorities, particularly with regard to Russia.⁵¹ Consequently, the EUSRs limited themselves to supporting existing mediation efforts, proving that the EU lacked a proactive strategy for conflict resolution. This also emerged clearly in the European Security Strategy (ESS), published in December 2003. The ESS argues that the EU intends to make sure that its neighbourhood is peaceful and well governed. However, the document fails to specify a clear strategy to achieve this objective; it only includes vague statements on "dealing with the older problems of regional conflict" in order to "tackle the often elusive new threats".⁵²

The Eastern enlargement of 2004 and the shifting of the EU's borders eastwards prompted the Union to adopt another policy toward its new neighbourhood, which now geographically included the four conflicts under analysis. The European Neighbourhood Policy (ENP) was launched in 2004 and further developed through the adoption of bilateral Action Plans by the Union and each of Armenia, Azerbaijan, Georgia and Moldova between February 2005 and November

2006.⁵³ The Action Plans addressed each conflict more precisely than the PCAs, which confirmed the EU's willingness to acquire a more prominent role in conflict resolution. However, lack of leverage, internal coherence and coordination continued to undermine the Union's policies, hence there was no substantial progress on the ground. Furthermore, the Action Plans did not establish a coherent EU policy towards the conflicts. Due to the EU's attempts to accommodate the interests of its various ENP partners, the Action Plans were even contradictory in some respects. Most notably, the EU-Azerbaijan Action Plan included a reference to the territorial integrity of Azerbaijan, while the EU-Armenia Action Plan stressed the hardly reconcilable principle of self-determination of peoples as a priority in the resolution of the Nagorno-Karabakh conflict.⁵⁴

The most visible EU effort on the ground during this phase was the deployment of a border assistance mission, EUBAM, in November 2005, at the Moldovan-Ukrainian border. The mission was given the task of monitoring 1,222 kilometres of borders, including 472 kilometres of Transnistrian-Ukrainian frontier. The monitoring of this area was particularly important, as it significantly decreased Transnistrian revenues from smuggling and trafficking activities.⁵⁵ The EU deployed another monitoring mission in Georgia (EUMM) in September 2008, following the August crisis in Abkhazia and South Ossetia (see Figure 3). Although the mission does not have access to Abkhazia and South Ossetia, it contributes to preventing the re-escalation of the conflict thanks to its presence on the Georgian side of the border.⁵⁶

51 For instance, in 2006 nine EU member states (Cyprus, Greece, Germany, Italy, Spain, France, Slovakia, Finland and Portugal) opposed plans for a peace support operation in Moldova in order not to alienate Russia, which opposes further EU involvement in the region. In addition, the Mediterranean member states also feared a diversion of limited EU foreign policy resources from the Southern to the Eastern neighbourhood. For these and further examples of divergent interests, see N. Popescu, 'EU and the Eastern neighbourhood: reluctant involvement in conflict resolution', *European Foreign Affairs Review*, No. 14, pp. 463-464.

52 *A secure Europe in a better world. European Security Strategy* (12 December 2003), p. 4, available at <http://www.consilium.europa.eu/eeas/security-defence/european-security-strategy.aspx?lang=en> (accessed on 19 July 2011). *The Report on the Implementation of the European Security Strategy*, published in December 2008, specified that the EU's involvement in the protracted conflicts would include leading the Geneva Process and active participation in the 5+2 negotiations on Transnistria, see http://www.eu-un.europa.eu/documents/en/081211_EU%20Security%20Strategy.pdf (accessed on 10 February 2012), p. 6.

53 All Action Plans and the most recent progress reports can be found on the European Commission website, see http://ec.europa.eu/world/enp/documents_en.htm#2 (accessed on 19 July 2011).

54 *EU-Azerbaijan Action Plan*, p. 1; *EU-Armenia Action Plan*, p. 9.

55 Popescu, 'EU and the Eastern neighbourhood', p. 462. For a detailed analysis of EUBAM, see G. Dura, 'The EU Border Assistance Mission to the Republic of Moldova and Ukraine', in G. Grevi, D. Kelly and D. Keohane (eds.), *European Security and Defence Policy. The first 10 years* (Paris, 2009), pp. 275-286.

56 An analysis of EUMM's deployment and the early stages of its operation is available in S. Fischer, 'EUMM Georgia. The European Monitoring Mission in Georgia', in G. Grevi, D. Kelly and D. Keohane (eds.), *European Security and Defence Policy. The first 10 years* (Paris, 2009), pp. 379-390.

Following the August 2008 crisis, the EU has also become a co-chair of the negotiations for the resolution of the conflicts in Abkhazia and South Ossetia. A Special Representative for the Crisis in Georgia, Pierre Morel, was appointed and given *inter alia* the task of representing the EU's position in the negotiations. However, except for these modest measures, which were taken in the immediate aftermath of the August 2008 crisis, the EU has not developed any new effective policies or instruments to tackle the four conflicts under analysis.⁵⁷ The recent review of the ENP only summarized very shortly the efforts undertaken by the EU so far, without providing substantial guidelines on future policies.⁵⁸ In the final document, the lack of specific measures to tackle protracted conflicts in the neighbourhood constituted another missed opportunity for the EU to address the issue adequately and acquire a more prominent role in conflict resolution. Furthermore, the technicalities related to the restructuring of the EU's external relations services, particularly the establishment of the European External Action Service (EEAS), have not helped to strengthen the EU's focus on the four conflicts.⁵⁹ In February 2011, the post of EUSR for Moldova was abolished, while in September the posts of EUSR for the South Caucasus and the crisis in Georgia were merged and taken over by Philippe Lefort.

3.2 Abkhazia and South Ossetia

Although the Abkhaz and South Ossetian conflicts have a different history and developed independent of each other, the EU has always had a single approach to both of them. For this reason, EU policies towards the two conflicts shall be analyzed together. EU involvement in the Abkhaz and South Ossetian conflicts during the period 1992-July 2008 gradually became more significant. However, it was always too weak to play a decisive role in conflict resolution and conflict prevention. As emerges from the bilateral treaties between the Union and Georgia, the EU dealt with the conflicts merely as part of its broader relations with Tbilisi, which downplayed their complexity and the actual strength of separatist forces in Tskhinvali and Sukhumi.⁶⁰

In November 2006 a bilateral ENP Action Plan between the EU and Georgia was adopted for the following five years. The Action Plan defined conflict resolution as one of the EU's priorities for action and addressed the Abkhaz and South Ossetian conflicts directly. Point 4.2 of the General Objectives and Action advocated sustained efforts towards peaceful resolution of the conflicts by stepping up EU support to the existing UN and OSCE negotiation mechanisms. Furthermore, Priority Area 6 proposed to grant economic assistance depending on progress in conflict settlement, accelerate the demilitarization process, implement agreements previously achieved and include the issue of Georgia's internal conflicts in the dialogue between the EU and Russia.⁶¹

The Action Plan's outright and unconditional support for Georgia's sovereignty and territorial integrity constituted an unequivocal pro-Georgian bias. It also ignored the reality on the ground, notably the fact that the Abkhazians and South Ossetians had set up *de facto* independent institutions. In addition, the Action Plan focused mainly on political and economic transformation rather than on conflict settlement. This meant that, in order not to alienate Russia and to avoid direct involvement in the tense conflict

57 The Eastern Partnership constitutes no exception in this respect. The Prague Eastern Partnership summit of May 2009 failed to address the issue of protracted conflicts adequately, as shown by the lack of references to them in the Joint Declaration – see http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/er/107589.pdf. The Joint Declaration of the Warsaw Eastern Partnership summit of September 2011 stressed the importance of EUMM's presence on the ground and welcomed the appointment of a new EUSR for the South Caucasus and the crisis in Georgia, as well as the decision to resume 5+2 negotiations on Transnistria. However, it does not include any significant new policy proposals for the EU to address the protracted conflicts; see http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/124843.pdf.

58 *Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 'A new response to a changing Neighbourhood'* (Brussels, 25 May 2011), pp. 5-6, available at http://ec.europa.eu/world/enp/pdf/com_11_303_en.pdf (accessed on 19 July 2011).

59 Lobjakas, 'EU Plans To Scrap South Caucasus, Moldova Envoys.'

60 *Report of the Independent International Fact-Finding Mission on the Conflict in Georgia*, Vol. II, p. 59.

61 *EU-Georgia Action Plan*, pp. 10 and 17.

resolution talks, the EU practically opted for a background role in conflict resolution, supporting negotiations without actively participating in them.⁶² On the ground, the Russia-dominated peacekeeping forces played the leading role. Due to disagreements among its member states, the EU was not even able to take up the functions of an OSCE border monitoring mission on the Georgian-Russian border when Moscow vetoed the extension of its mandate. Several EU member states, including France, Germany and Italy, feared that deploying a EU mission in the area would lead to a deterioration of relations with Russia.⁶³

Thus, on the eve of the August 2008 crisis the EU had neither a coherent policy, nor sufficient presence on the ground to influence events. The EU's leverage on Georgia, an ENP partner, was further diminished by the stance of the US government. Washington's apparently unconditional support for Saakashvili emboldened the Georgian president to seek a military solution of the conflict and ignore proposals for a peaceful settlement coming from the EU. The visit of Javier Solana, High Representative for the Common Foreign and Security Policy (CFSP), to both Tbilisi and Sukhumi was all that the EU was able to achieve in the months preceding the crisis.⁶⁴ Furthermore, disagreements within the Union contributed to the failure of the peace plan for Abkhazia presented by German foreign minister Frank-Walter Steinmeier in mid-July 2008. Both in the run-up to and during the August 2008 war, the UK and the Central-Eastern European member states advocated a tougher stance towards Russia. This was particularly true of Poland and the Baltic States, which had strained bilateral relations with Moscow and were willing to confront the Kremlin from a stronger, EU-wide diplomatic

position.⁶⁵ Sarkozy's relative success in mediating the ceasefire in August was due to the fact that he acted out of his own initiative, without waiting for the formulation of a common EU position, which would have been very difficult to attain. Sarkozy, acting also in its function of EU Council President, flew to Moscow on 12 August 2008 and drafted the ceasefire plan together with Russian President Dmitry Medvedev, based on a proposal that had been prepared in Paris.⁶⁶

Russia's approval of the French initiative and the latter's pliability to Moscow's demands also facilitated the process. The Six-Point Ceasefire Agreement did not include any reference to Georgian territorial integrity, which the EU had been keen to stress until then, in order not to anger the Russians.⁶⁷ What is more, Russia did not implement the agreement in a timely manner and recognized the independence of both Abkhazia and South Ossetia on 26 August 2008. The EU responded by freezing the negotiations on a new partnership agreement with Russia, but did not impose additional sanctions, which would have been detrimental for its own commercial and energy security interests. Relations with the Kremlin were normalized in November 2008, following the withdrawal of Russian troops from almost all uncontested Georgian territory. Nonetheless, Moscow simultaneously consolidated its military presence in both Abkhazia and South Ossetia, which the EU merely accepted as a *fait accompli*.⁶⁸

On 15 September 2008, the Council of the European Union established a civilian mission, the EU Monitoring Mission in Georgia, in order

62 German, 'The Caucasus and energy security', *Caucasus Review of International Affairs*, Vol. 2 No. 2 (2008), p. 362.

63 *Report of the Independent International Fact-Finding Mission on the Conflict in Georgia*, Vol. II, p. 58; R. Eggleston, 'Russia/Georgia: Moscow vetoes OSCE's border monitoring mission', *Radio Free Europe* (30 December 2004), available at <http://www.rferl.org/content/article/1056632.html> (accessed on 9 August 2011); Popescu, 'EU and the Eastern neighbourhood', pp. 465-466.

64 *Report of the Independent International Fact-Finding Mission on the Conflict in Georgia*, Vol. II, pp. 56-59.

65 A. Schmidt-Felzmann, 'All for one? EU member states and the Union's common policy towards the Russian Federation', *Journal of Contemporary European Studies*, Vol. 16, No. 2 (2008), pp. 169-187.

66 O. Kurtbag, 'EU's response to the Georgia crisis: an active peace broker or a confused and divided actor?', *Central Asian and Caucasian Studies*, Vol. 3 No. 6 (2008), pp. 60-62 and 67; T. Forsberg and A. Seppo, 'The Russo-Georgian war and EU mediation', in R. Kanet (ed.), *Russian Foreign Policy in the 21st Century* (Basingstoke, 2011), pp. 126-127; M. Volkhonskiy, 'Medvedev-Sarkozy's six points: the diplomatic aspect of the South Ossetian settlement', *Central Asia and the Caucasus*, Vol. 58-59, No. 4-5 (2009), pp. 203-206.

67 M. Volkhonskiy, 'Medvedev-Sarkozy's six points', pp. 203-206.

68 Forsberg and Seppo, 'The Russo-Georgian war and EU mediation', pp. 126-127.

Furthermore, Abkhazia and South Ossetia perceive EUMM as being closer to Tbilisi than UNOMIG and the OSCE mission, which were under considerable Russian influence. In both breakaway provinces, attitudes to the EU have changed radically since August 2008. Prior to the crisis, the Abkhaz leadership was interested in establishing closer relations with Brussels, but Western public statements during the war aroused criticism in Abkhazia and EUMM is now perceived as supporting the West's pro-Georgia policy.⁷³

3.3 Nagorno-Karabakh

Arguably, out of the four protracted conflicts discussed in this article the EU has shown least determination and proactive focus on the resolution of the Nagorno-Karabakh issue. Although Catherine Ashton has recently claimed that “the peaceful settlement of the Nagorny Karabakh conflict is a key strategic interest of the European Union”⁷⁴, the EU still has no policy towards the conflict.⁷⁵ Given that the status of this enclave remains the most volatile of all the protracted conflicts in the EU's eastern neighbourhood, limited EU engagement adds to the persisting impasse in the region. This lack of progress by the EU is a result of several developments. To begin with, the EU has no direct access to the negotiations of the OSCE Minsk Group and has to rely on information provided

by the French co-chair.⁷⁶ Therefore, the EU as a whole can give no direct input to the conflict resolution mechanism. Instead, Brussels has been trying to include references to the resolution of the Nagorno-Karabakh conflict within its respective Action Plans with Armenia and Azerbaijan.

However, the two Action Plans are contradictory due to the EU's attempt to accommodate the interests of two partners on which it has very limited leverage. Although the Action Plan for Azerbaijan lists the resolution of the Nagorno-Karabakh conflict as the topmost priority for action, the Action Plan for Armenia puts the resolution of the conflict as only the seventh priority (out of eight). What is more, while “Priority area 7” of the EU-Armenia Action Plan recommends the application of the principle of self-determination of peoples in the peaceful solution for Nagorno-Karabakh, the “Introduction” to the EU-Azerbaijan Action Plan clearly commits both parties to “territorial integrity and the inviolability of internationally recognized borders.”⁷⁷ These two commitments stand in contradiction and the EU has not specified how they can be reconciled. In addition to this, such an approach is also inconsistent with the EU support for Moldovan and Georgian territorial integrity in the face of their irredentist conflicts.

Moreover, the EU has a very weak negotiating position with regards to Azerbaijan, which is a key supplier and transit country for the EU-sponsored southern energy corridor. Baku could make its participation in the energy corridor conditional to obtaining EU's support on Nagorno-Karabakh. Thus, Brussels has a growing need to actively participate in the resolution of the Nagorno-Karabakh conflict, not least because the Baku-Tbilisi-Ceyhan pipeline runs merely 15 kilometers away from the conflict fault line.⁷⁸ Nevertheless, concerns of souring relations with the conflicting parties and repeated delays in the implementation of the southern energy corridor have left EU's policies in the region in an impasse. The current

reiterated the EU's support to the territorial integrity of Georgia in two statements in August and November 2011. On these occasions, he also stated that the EU did not recognize the validity of the elections that took place in Abkhazia on 27 August 2011 and in South Ossetia on 13 November 2011; see Statement by the spokesperson of EU High Representative Catherine Ashton on the elections in the breakaway region of Abkhazia in Georgia, available at http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/124445.pdf, and Statement by the spokesperson of EU High Representative Catherine Ashton on the elections in the breakaway region of South Ossetia in Georgia, 14 November 2011, available at http://www.eas.europa.eu/delegations/russia/press_corner/all_news/news/2011/20111114_01_en.htm (accessed on 15 December 2011).

73 Fischer, ‘The European Monitoring Mission in Georgia’, pp. 386-389; B. Harzl, A. Engl and G. von Toggenburg, *Guidelines and recommendations for EU conflict prevention and management: the case of the South Caucasus* (Bolzano, 2008), p. 33.

74 Speech by EU High Representative Catherine Ashton, Strasbourg, 6 July 2011, available at http://www.eu-un.europa.eu/articles/en/article_11195_en.htm (accessed on 14 December 2011).

75 Popescu, ‘EU and the Eastern neighbourhood’, p. 471.

76 Akçakoca, Vanhauwaert, Whitman and Wolff, ‘After Georgia’, pp. 15 and 24.

77 *EU-Azerbaijan Action Plan*, p. 1; *EU-Armenia Action Plan*, p. 9.

78 Akçakoca, Vanhauwaert, Whitman and Wolff, ‘After Georgia’, p. 25.

EU inaction has left Azerbaijan, which is arguably the main loser in the status quo, feeling alienated and predisposed to a “siege mentality”. Consequently, Baku has opposed EUSR visits to Nagorno-Karabakh for a number of years. Azerbaijan objects to greater EU involvement, lest it consolidates the Nagorno-Karabakh authorities and weakens the blockade on Armenia.⁷⁹

While the EU has been unable to propose its own peace plan for Nagorno-Karabakh, the “Document on Basic Principles”, which has been updated and reconfirmed in 2008 and 2009, remains the main settlement proposal to date.⁸⁰ Should Armenia and Azerbaijan endorse these “Basic Principles”, the drafting of a comprehensive settlement is envisaged for the future. Accordingly, in both the Armenian and the Azerbaijani Action Plans, the EU calls for a strengthened commitment to the OSCE Minsk group negotiations on the basis of the “Basic Principles”. However, disagreement on the final status of Nagorno-Karabakh persists, with neither side willing to compromise their positions and the EU unable to propose effective incentives for conflict resolution.

Furthermore, while Russia has stepped up its mediating efforts (particularly since 2008), the EU has not followed suit and has not managed to secure any role of significance in the conflict settlement discussions, remaining a passive bystander. While the EU has attempted to play a more important role in Abkhazia and South Ossetia after the 2008 Russo-Georgian war, it has remained completely passive with regard to the Nagorno-Karabakh conflict. The Prague EU Summit of May 2009, which officially launched the Eastern Partnership, also missed another chance of putting pressure for talks between Presidents Sargsyan of Armenia and Aliyev of Azerbaijan. Further OSCE Minsk Group talks during the Astana OSCE Summit in 2010 have shown how far apart the warring sides actually are and yielded no positive outcome.

79 Popescu, ‘EU and the Eastern neighbourhood’, p. 472.

80 *Statement by the OSCE Minsk Group Co-Chair countries*, Press release (10 July 2009), available at: <http://www.osce.org/item/51152> (accessed on 12 August 2011).

3.4 Transnistria

The conflict between Transnistria and Moldova has seen the highest and most intensive level of EU involvement in settlement efforts. Whether for reasons of geographical proximity, or due to the fact that Moldova has repeatedly asked for a EU role in conflict resolution mechanisms, Brussels has been directly implicated in the internationalization of the peacekeeping format. Accordingly, there is a EU Special Representative and a EU border assistance mission in Moldova; Brussels is also involved in the 5+2 negotiation format.⁸¹ Even so, the EU has not played a more significant role in the negotiations, where it only has observer status. Due to internal divisions and the reluctance of several member states to challenge Moscow’s position, the EU has not proposed any plan for the resolution of the conflict comparable to those proposed by Russia in 2003 or by Ukraine in 2005. Furthermore, the EUSR’s proposal to pressure Russia to accept a joint EU-Russian peacekeeping operation was opposed by several EU member states that feared alienating the Kremlin.⁸²

As far as the EU’s direct impact on the ground is concerned, the work of EUBAM has involved 120 border and customs experts (see Figure 4). In the years since its inception, EUBAM has been combating cross-border crime and customs fraud through confidence-building measures, the simplification of border crossing, and the support for organizational development, among others.⁸³ Its success, as judged from its scope, should not be underestimated. The deployment of EUBAM has also had economic consequences for Transnistria, notably the reduction of the income available to the separatist authorities from smuggling and trafficking. This development, coupled with the effects of the financial crisis, resulted in Tiraspol reaching near-bankruptcy and made it depend

81 See above, pp. 13 and 15-16.

82 L. Kuzmicheva, ‘Unresolved conflicts in the common neighbourhood: a comparative analysis of EU and Russian policies’, *SPES Policy Papers*, January 2011, p. 21; Popescu, ‘EU and the Eastern neighbourhood’, pp. 463-464.

83 *EUBAM IMPACT*, European Union Border Assistance Mission (2005-2010), available at: <http://www.eubam.org/en/quick/impact> (accessed on 11 August 2011).

even more on Russian financial help.⁸⁴ In turn, Moscow's increased economic role further emphasized the reality that any settlement the EU might want to see in the region would have to include Russian input.

Furthermore, given the relevance of economic factors to conflict resolution in Transnistria,⁸⁵ the EU has been much more adept at administering its economic pressure than in the case of other protracted conflicts. For instance, it has abolished tariffs on about 12,000 Moldovan products through the Autonomous Trade Preferences (ATP) agreement, thereby creating new incentives for Transnistrian business to cooperate with the Moldovan side. What is more, EU pressure on Ukraine only to accept Transnistrian exports carrying Moldovan customs stamps has resulted in the registration of some 95% of Transnistrian economic activity as Moldovan companies in order to benefit from the ATP concessions.⁸⁶ As a result, Transnistrian exports to the EU, flowing thanks to Moldovan licenses, rose by 59% between the years 2006-2008.⁸⁷

In addition, the EU has included references to the Transnistrian conflict in its Action Plan for Moldova. The document states as one of its key objectives the support of a "viable solution to the Transnistria conflict" and, accordingly, sustained efforts for such a resolution are listed as the first priority for action.⁸⁸ However, the Action Plan simultaneously underlines the territorial integrity of Moldova "within its internationally recognized borders" and a system of efficient and effective border management "on all sectors of the Moldovan border including the Transnistrian sector."⁸⁹ Therefore, the EU commitment to Moldova concerning the status quo border situation paradoxically strengthens Transnistrian authorities, which control a long section of

Moldova's external borders. Furthermore, the persistent stress on, and call for further negotiations within already-existing formats precludes the EU from taking any initiative on its own and increasing its mediating role outside those structures.⁹⁰ Thus, despite having displayed increased efforts in conflict management, the EU has by no means exhausted its options for action in this conflict, as in all others discussed here.

84 Akçakoca, Vanhauwaert, Whitman and Wolff, 'After Georgia', p. 13.

85 See above, p. 14. Most of the Moldovan heavy industry is located in Transnistria, which, in turn, depends on the export of its industrial products; Akçakoca, Vanhauwaert, Whitman and Wolff, 'After Georgia', p. 13.

86 Akçakoca, Vanhauwaert, Whitman and Wolff, 'After Georgia', p. 13.

87 Popescu, 'EU and the Eastern neighbourhood', p. 462.

88 *EU-Moldova Action Plan*, pp. 1 and 3.

89 *EU-Moldova Action Plan*, pp. 4 and 11.

90 High Representative Catherine Ashton reiterated the EU's commitment to the 5+2 negotiation format in May 2010 and September 2011, in spite of the scarce results that this forum has produced so far; see Statement by High Representative Catherine Ashton on Moldova/Transnistria, Brussels, 17 May 2010, available at http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/114472.pdf and Statement by the EU High Representative Catherine Ashton on the resumption of official negotiations on the settlement of the Transnistria conflict, 22 September 2011, available at http://www.eeas.europa.eu/delegations/moldova/press_corner/all_news/news/2011/20110923_en.htm (accessed on 15 December 2011).

4. Conclusion and recommendations

This analysis has shown that the European Union plays a marginal role in all the four protracted conflicts under investigation, particularly if compared to the role played by Russia. The EU is excluded from negotiations on the Nagorno-Karabakh conflict, has no access to Abkhazia and South Ossetia and, despite its considerable economic and diplomatic leverage on Moldova and Transnistria, has been unable to propose a peace plan for the Transnistrian conflict. For the most part, the relevant objectives and priorities stated in bilateral Action Plans with partner countries have remained on paper only, mostly due to the EU's scarce leverage on the conflicting parties, internal divisions among EU member states and the fear of souring relations with Russia. When the EU undertook concrete action, results were mixed. The civilian missions deployed in Georgia and Moldova helped defuse tensions and monitor borders but, in terms of conflict resolution, they were mere *ad hoc* palliatives. EU's diplomatic efforts to solve the conflicts, both on the ground, via the EUSRs and in the international arena, have been inadequate to achieve the objectives that the Union set out in its Action Plans with the relevant ENP partners.

The most recent developments concerning the ENP suggest that the Union will not step up its conflict resolution efforts in the post-Soviet space in the foreseeable future. The paper issued by the Commission as a revision of the ENP general approach, "A new response to a changing neighbourhood", merely states that "EU geopolitical, economic and security interests are directly affected by continuing instability" and that Brussels is committed to confidence-building measures and to developing post-conflict reconstruction scenarios.⁹¹ Once again, an opportunity was missed to provide concrete and specific guidelines for an EU approach to conflict settlement.

As some observers have noted, if the EU wants

91 *Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 'A new response to a changing Neighbourhood'*, pp. 5-6.

to achieve its stated objectives and play a role in the resolution of the four protracted conflicts, it will need a coherent "Eastern Neighbourhood Conflict Prevention and Resolution Strategy", clearly defining its interests, a common strategy and concrete road maps for implementation.⁹² Furthermore, the EU will have to start a dialogue with the authorities of the *de facto* states. By avoiding diplomatic contacts and refusing to establish any economic relations, the EU will only push these entities further into a condition of total economic and political dependence on Russia.

As far as Abkhazia and South Ossetia are concerned, the EU should accept the fact that their independence and separation from Georgia is at this point irreversible. Russia will not withdraw its recognition of both entities and, given Moscow's preeminence in the region, it is unlikely that any other actor will challenge the status quo by either political or military means. In addition, maintaining a confrontational attitude towards Russia on the issue of Abkhazia's and South Ossetia's status contributes to growing tensions in the Caucasus region, the stability of which is essential for the implementation of the EU's southern energy corridor. Conversely, accepting a compromise on the status question would enable the EU to gain the trust of Abkhaz and South Ossetian authorities and potentially increase its economic and political influence in both entities.

With regard to the Transnistrian conflict, Brussels should match its economic leverage with bold diplomatic initiatives, which should result in a new and comprehensive peace plan. In order to have some chance of success, such diplomatic initiatives should take into account Russian interests. Thus, the Transnistrian conflict should be included in the agenda of the biannual EU-Russia summits, where Brussels could make concessions in areas of high priority for Russia, such as visa liberalization, so as to reach an agreement.

A similar bargaining approach could be adopted for the Nagorno-Karabakh conflict. In this case, however, the EU first needs to define a consistent and externally coherent policy that applies to both Armenia and Azerbaijan, particularly with regard

92 Akçakoca, Vanhauwaert, Whitman and Wolff, 'After Georgia', p. 37.

to the issue of reconciling the principles of self-determination of peoples and states' territorial integrity. The EU simply cannot afford to pursue mutually exclusive policies, which alienate and further antagonize the involved parties.

Lastly, and most importantly, the success of Brussels' involvement in the resolution of protracted conflicts greatly depends on the member states' unity and their effective support for EU policies. In particular, member states need to make a decision whether they really want to have a strong CFSP, or whether they would like the EU to keep its current low profile, which has led to such meager results. This question is particularly relevant to large member states, such as France, which prefers keeping its seat in the OSCE Minsk Group on Nagorno-Karabakh, rather than transferring that role to the pertinent EU institutions. However, the question also applies to smaller Central-Eastern European member states that, as shown during the August 2008 crisis, tend to see the Eastern dimension of the CFSP as a means of defying Russia from a stronger diplomatic position.⁹³ Such attitudes within the EU, focusing on particularistic interests, ultimately prevent the formulation of constructive policies that could enhance the Union's diplomatic action with regard to the protracted conflicts. This ultimately leaves Russia as the only dialogue partner with a clearly defined agenda for the separatist entities.

93 Schmidt-Felzmann, 'All for one? EU member states and the Union's common policy towards the Russian Federation', pp. 169-187.