Lessons Learned? The EU and the South Caucasus De Facto States

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Abstract

The 2008 war and Russia's increased role in the de facto states[1] of Abkhazia and South Ossetia since then has been a wake-up call for the EU. As part of its efforts aimed at conflict resolution and in order to end the entities' isolation, the EU has presented a "Non-Recognition and Engagement" strategy that specifically targets Abkhazia and South Ossetia. The third South Caucasus de facto state, Nagorno-Karabakh, however, has been left unaddressed by the strategy. This article explores the EU's engagement and its challenges in the case of Abkhazia and takes a look at the possibility of extending the Non-Recognition and Engagement strategy to the de facto state of Nagorno-Karabakh.

Introduction

The South Caucasus conflicts have long been on the EU radar. Despite a general awareness, however, concrete EU engagement as regards the Abkhazia, South Ossetia and Nagorno-Karabakh conflicts has been limited. It was only after the 2008 August war pitting Georgia against South Ossetia and Russia that the EU started to re-evaluate its approach to Georgia's conflicts. Not only did the EU in general step up its engagement but it also re-thought its policy on the so-called de facto states which have emerged as a result of the conflict. In September 2008 the position of EU Special Representative (EUSR) for the Crisis in Georgia was introduced, complementing the work of the EUSR for the South Caucasus that was created in 2003. Moreover, the EU formulated the Non-Recognition and Engagement policy to directly address Abkhazia and South Ossetia. However, Nagorno-Karabakh, the third South Caucasus de facto state, has been left unaddressed by the strategy—despite the EU's awareness of the Nagorno-Karabakh conflict's highly fragile status quo. While the Non-Recognition and Engagement policy arguably is not the most visible of the EU's policies in the region, it nonetheless constitutes a significant adjustment in the EU's approach towards Georgia's conflicts in general and the de facto states in particular. It is therefore worth taking a closer look at it: First, this article assesses the policy's implementation in the context of Georgia's break away regions. Then, with reference to the former, it examines the possibilities of extending the strategy to the de facto state of Nagorno-Karabakh.

Even though the Non-Recognition and Engagement strategy is directed at both South Ossetia and Abkhazia, the evaluation of its implementation focuses on the Abkhazian case. Since, as a consequence of the August war, entry to South Ossetia has been practically closed for international assistance (Russia excluded), implementation of the Non-Recognition and Engagement strategy in South Ossetia has been postponed.

New Realities—New Strategy: Engaging Abkhazia and South Ossetia

Similar to South Ossetia and Abkhazia which gained de facto independence from Georgia, the secessionist entity Nagorno-Karabakh has developed empirical statehood in the course of about 20 years of de facto independence from Azerbaijan. While all three conflicts as well as the respective de facto states have featured their own specific characteristics even before the events of summer 2008, the five-day war and its aftermath set conflicts and de facto states even further apart: whereas after the war Russia recognized South Ossetia and Abkhazia as independent states—and a couple of further countries have by now followed Russia's lead, Nagorno-Karabakh remains without partial recognition—with even its closest ally and kin state, Armenia, failing to recognize it. In the context of partial recognition, Abkhazia and South Ossetia have been furthermore re-positioned on the EU's agenda for the South Caucasus.

As concerns Nagorno-Karabakh, given the frequent criticism of the OSCE Minsk Group, the official conflict mediator, calls for enhanced EU engagement have likewise become more numerous. The EU itself is considering enhanced involvement. While, on the one hand, a possible role for the EU as one of the Minsk Group's co-chairs is discussed (currently the Minsk Group is co-chaired by representatives from Russia, the US and France), a second line of thinking focuses on extending the EU's Non-Recognition and Engagement strategy to the de facto state of Nagorno-Karabakh. Yet neither of these possibilities has been implemented.

1 The term de facto state is used to jointly address the three South Caucasus self-proclaimed statelets that feature empirical statehood but are not or only partially recognized internationally. Since in all three conflicts terminology is debated, where necessary I use both variants of spelling (e.g. Sukhum/i—for Georgian Sukhumi and Abkhaz Sukhum).

In the cases of Abkhazia and South Ossetia, the EU had channeled some of its assistance to these de facto states even before the events of 2008. EU donor assistance focused in particular on ameliorating the situation of internally displaced persons (IDPs) as well as on socio-economic reconstruction in the conflict-affected areas. While humanitarian in nature, the EU thought of this assistance as part of its efforts towards conflict resolution. Since 2003, the EU moreover has been present in the region in the form of its Special Representative for the South Caucasus, whose mandate explicitly included engagement with the South Caucasus conflicts. While the work of the EUSR has often been carried out without much public ado, the EUSR has been crucial in maintaining links with Abkhazia and South Ossetia, not least facilitated by his not being affiliated with a European embassy or the EU delegation based in Tbilisi. EU policies as regards conflict resolution in general, however, have been assessed in rather negative terms. It was the war of 2008 as well as the partial recognition of Abkhazia and South Ossetia that marked a turning point as concerns the realities on the ground—and thus the conditions for international engagement in the region. These new conditions include an almost complete foreclosure for EU (funded) projects to South Ossetia, an increased Russian presence in the de facto states—not least in the form of thousands of Russian troops stationed there to defend the new status quo—as well as boosted self-esteem especially on the part of Abkhazia and its bid for independent statehood. It seems as if Russia's even further increased role in the partially recognized statelets led to heightened sensitivity and necessitated a re-evaluation and re-orientation of the EU's engagement with the conflicts. While in discussion even before 2008 and in several regards only the formalization of assistance that the EU has already provided, the approval of what came to be known as the Non-Recognition and Engagement strategy in December 2009 nonetheless marks a certain change of approach in the EU's efforts towards conflict resolution. With this step EU policy directly addresses the de facto states of Abkhazia and South Ossetia, thus holding the potential for EU assistance that thoroughly takes into account local conditions in the de facto states and the (new) realities of the region.

The Non-Recognition and Engagement strategy was adopted by the Political and Security Committee of the Council of the European Union and has to be considered in light of the European Commission's proposal to provide for enhanced targeting of regional conflicts within the EU's Neighborhood Policy. The strategy's essence is already given by its name. Central are two, inseparable building blocks: engagement with the de facto states while at the same time clearly stating the EU's adherence to Georgia's territorial integrity. The formula therefore reflects the difficult position the EU finds itself in where its adherence to Georgia's internationally recognized borders remains in tension with addressing the new realities. Despite the explicit bias towards an ultimate resolution of the conflicts which favors the Georgian (and Western) standpoint, the strategy seems however rather directed at countering Russia's growing influence rather than actively supporting Georgia's regaining of Abkhazia and South Ossetia. The strategy's central objective of de-isolation is thus to provide and foster, as former EU Special Representative Peter Semneby put it, "an alternative perspective to the predominant Russian one". Such de-isolation is thought possible via upholding or establishing contacts on different levels—contact with the de facto authorities not explicitly excluded but practically restricted by the statement on Georgia's territorial integrity. Centrally, the strategy aims at focusing on people-to-people contacts and the implementation of projects in different realms such as rehabilitation, education, information or training. Yet, the strategy still largely waits to be animated—thus far rather than being a generator of new initiatives it constitutes rather a new umbrella label for ongoing projects.

Engagement with Obstacles

The events of 2008 constitute a further rupture as regards relations between Tbilisi and Sukhum/i and between Sukhum/i and the international community. While in the context of the cease-fire agreement brokered by French President Nicolas Sarkozy a new negotiation format, the Geneva talks, was established, both the UN mission that monitored the Georgian–Abkhaz ceasefire and the OSCE presence in South Ossetia were disbanded in mid-2009 after Russia vetoed their extensions. The Geneva talks regularly bring together representatives of Georgia, Russia, Abkhazia, South Ossetia as well as of the UN, OSCE and the EU with the objective of arriving at conflict resolution. The latter three organizations function as the Geneva process' co-chairs with the EU being represented by its Special Representative for the Crisis in Georgia. Even though such a steady communication platform has been welcomed, critics complain that a means to an end has become an end in itself: Given a lack of tangible progress as concerns relations between Tbilisi and Tskhinval/i and Sukhum/i, mediators are forced to settle for maintaining the status-quo.

Despite such a rather bleak picture, there is also experience of engagement and mutual contact beyond the track one-level to draw upon. International organizations and NGOs have, and continue, to implement projects in Abkhazia, while communication channels between Georgia and separatist Abkhazia were never

completely closed either. The administrative boundary line (ABL) between Georgia and Abkhazia has been permeable, not least due to several thousands of ethnic Georgian IDPs who returned to their homes in Abkhaz-controlled Gal/i region and have subsequently commuted across the ABL. However, for Abkhazia's non-Georgian population, too, crossing the ABL was possible, for example in the context of medical treatment. Moreover, until the events of 2008 there even was direct, that is non-mediated, contact between Abkhazian and Georgian top-level officials. It is such fragile forms of contact and pragmatic cooperation that the EU's policy may aim to revitalize or draw upon and possibly expand. On the other hand, obstacles which were already present before 2008 have become even more critical now. These can be located on different levels: On the one side project implementers are confronted with obstacles on an operational level such as which passports to accept, where to issue necessary visas, from where to import materials, etc. On the other side, a further difficulty presents itself on the more conceptual level: commonly, in Abkhazia the EU is regarded as pro-Georgian and its new policy therefore viewed with suspicion. This, however, influences the policy's possible impact. The strategy's perceived Georgia bias is not only linked to the EU's vocal commitment to Georgia's territorial integrity, but also to its prior record of assistance. People in Abkhazia criticize the EU as well as other international organizations for having channeled their help predominantly to Gal/i region, facilitating IDP return, therefore favoring ethnic Georgians. The internationals justify their engagement by pointing to stipulations of the 1994 framework agreement and by arguing that this area in particular has been most severely affected by the persistent conflict and that it is the ethnic Georgian IDPs who are most vulnerable. Ethnic Abkhaz interlocutors, however, stress that they have likewise experienced tremendous hardships due to the war and the economic blockade, having waited in vain for help.

While in Abkhazia there have been, and still are, groups of people who adhere to a "multi-vector-foreign policy" and, in this context, welcome cooperation with the EU, the EU's offers are not able to seriously challenge Russian influence in Abkhazia. Not only is Russia militarily present in the region and seen as the protector of Abkhaz independence, it also possesses tremendous economic leverage—to name only the two most striking aspects of Abkhaz–Russian relations. Even though the Russian–Abkhaz honeymoon has likely ended, or at least has been beclouded by a couple of contested issues such as the question of real estate purchases by non-Abkhaz, the territorial dispute as regards the village Aibga or the dispute concerning the Abkhaz church, Russia's influence and elevated position will remain for the foreseeable future. Therefore, the more the Non-Recognition and Engagement policy's central objective to promote an *alternative* perspective is interpreted by the Abkhaz side as aimed at substituting, rather than complementing, Russia's presence, the less likely are its chances for substantial realization.

No Recognition, No Engagement: The EU and Nagorno-Karabakh

Turning to the Nagorno-Karabakh conflict, we face a different picture. Compared to the Georgian–Abkhaz conflict, the EU's efforts as regards conflict resolution in the case of the Nagorno-Karabakh conflict are even smaller and more inconsistent.[2] This is not least due to local circumstances and the configuration of forces, which are quite different from the Georgian–Abkhaz case. While it is the ABL that separates Abkhazia and Georgia proper, Nagorno-Karabakh and Azerbaijan are separated by the "line of contact". This is the official name for what actually are World War I-like fortified trenches, mine fields and thousands of soldiers from the Azerbaijani, Nagorno-Karabakh and Armenian armies standing guard against each other and exchanging sniper fire on an almost daily basis. In contrast with the Georgian–Abkhaz case, the "line of contact" is completely sealed and the implementation of cross-community projects is possible only indirectly, traffic to and from the de facto state of Nagorno-Karabakh occurs—much to Azerbaijan's resentment—via the Lachin corridor that connects Nagorno-Karabakh with the Republic of Armenia. At the conflict's current stage, therefore, struggling with practical questions, as in the case of Abkhazia, is wishful thinking.

Nonetheless, the question of how to approach Armenia as Nagorno-Karabakh's protector and kin state remains to be tackled. Even more than is the case with Russia and Georgia after the events of 2008, Armenia adds an international dimension to the secessionist conflict. While Nagorno-Karabakh features largely separate political and administrative structures, it is tightly connected to Armenia via, for example, a common financial, educational and defense space.

Despite Georgia's increased efforts at monitoring international assistance to Abkhazia, Tbilisi has started to question the fruitfulness of its isolation strategy. Parallel to the EU's introduction of the Non-Recognition and Engagement strategy, Georgia presented its own pol-

2 Only very sporadically has the EU become active as a donor to projects in Nagorno-Karabakh, such as in the framework of the EU financed *European Partnership for the Peaceful Settlement of the Conflict over Nagorno-Karabakh* (EPNK), which is an umbrella for five organizations that since 2010 has supported peace-building related activities—also in Nagorno-Karabakh itself.

icy towards Abkhazia and South Ossetia—the Law on Occupied Territories as well as the corresponding strategy, action plan and modalities, adopted between the fall of 2009 and fall of 2010. Despite its being largely dismissed by the Abkhaz side and despite its contested origin—it is debated whether it was a genuine Georgian initiative. Developed in close cooperation with Georgia's Western partners, this policy presents an attempt to open up communication and cooperation channels, something that is missing in the case of Azerbaijan and Nagorno-Karabakh. Even more than is the case with Georgia, Azerbaijan fears that any EU engagement with Nagorno-Karabakh potentially helps the de facto state's ability to build institutional capacity which then might be exploited to further back Nagorno-Karabakh's claim for independence. Azerbaijan therefore regards any international engagement with Nagorno-Karabakh as a further challenge to its territorial integrity. Such concern is moreover related to an Azerbaijani perception of the EU as less clearly supporting Azerbaijan's territorial integrity—contrary to the case with Georgia.

However, the EU's priorities, too, differ in the case of the Nagorno-Karabakh conflict. Azerbaijan—an EU target for closer economic ties in the context of energy diversification plans—will hardly face serious EU pressure to change its position as regards international engagement with Nagorno-Karabakh. Arguably, the 2008 events were not conducive to bestow more attention upon the Nagorno-Karabakh conflict: Not only is the Non-Recognition and Engagement strategy only oriented towards Abkhazia and (potentially) South Ossetia, what is more, the September 2011 merger of the two EUSR mandates related to the South Caucasus, the EUSR for the South Caucasus (until February 2011 held by Peter Semneby) and the EUSR for the Crisis in Georgia (until August 2011 held by Pierre Morel), into one—the EUSR for the South Caucasus and the Crisis in Georgia—equally favors engagement with Georgia's breakaway regions. The position is held by French diplomat Philippe Lefort. Commentators have focused on the new EUSR's French nationality: While some consider this a further upgrade of France's standing in the region and in particular concerning the Nagorno-Karabakh conflict (to recall: France holds one of the three Minsk Group co-chairs), others thought a transformation of the French co-chair into an EU-one more likely. While rumors concerning the latter have already been dismissed, it also remains to be seen whether the office-holder's personal qualities and traits or the position's mandate will have a greater influence upon the orientation of the EUSR's work.

Finally, enhanced EU engagement might be impaired by the EU's reputation in the de facto state of Nagorno-Karabakh itself—similar to the case of Abkhazia. The EU's standing among Nagorno-Karabakh's population is not very high. According to an opinion poll from 2010, the EU scores lowest—by far compared to Russia, but also compared to France and the OSCE—as regards people's trust towards it, its role in the settlement process as well as its perceived interest in peace. It is in fact the latter question where the EU scores worst. Such distrust is not least linked to the role of the EUSR: People in Karabakh blamed Peter Semneby for not having visited Nagorno-Karabakh once.

Any Good? Prospects for Extending the EU's Policy of Non-Recognition and Engagement

Despite the many political challenges to engage directly with the de facto states which have impeded the implementation of the EU's policy in Abkhazia, it should nonetheless not be abandoned. Furthermore: While the political circumstances are equally complex and hostilities arguably even more protracted in the case of Nagorno-Karabakh, an extension of the EU's Non-Recognition and Engagement policy to Nagorno-Karabakh still has the potential to positively affect the present status quo, albeit indirectly. As regards the Nagorno-Karabakh conflict's mediation process, not only has the *top-level–top-secret* character of the Minsk Group-led negotiations been criticized, Nagorno-Karabakh is neither present in these negotiations, nor is first track mediation substantially undergirded by efforts aimed at conflict transformation. Given Nagorno-Karabakh's isolation, even more severe than in the case of Abkhazia, and the lack of a prior history of international peacekeeping or monitors on the ground, EU efforts that in analogy to the Abkhazian case are targeted at diversifying Nagorno-Karabakh's information field or establishing cooperation in the area of education might at the least be beneficial to laying the ground-work for future reconciliation.

The EU often stresses its potential as a neutral, though not indifferent, mediator and facilitator in the South Caucasus, including in the realm of conflict transformation. Even though perceptions of the EU differ across the region, local actors largely regard the EU as being less partisan than Russia or the US. Yet, the EU has not capitalized on its standing, or effectively tried to do so for that matter. Often, its policy in regard to the conflicts has been more declarative than substantial, more reactive than proactive. The EU's policy towards Abkhazia and South Ossetia with its Non-Recognition and Engagement strategy is a case in point. As concerns the Nagorno-Karabakh conflict, it might be good advice not to wait for an escalation to step up engagement.

Please see overleaf for information about the author

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Further Reading

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Alignment with the EU's Common Foreign and Security Policy in the Southern Caucasus

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Abstract
This article deals with the EU's provision for Common Foreign and Security Policy (CFSP) alignment, a procedure by which a number of governments from the EU's European Neighborhood Policy program may support previously adopted CFSP documents. Although they lack the possibility to join the EU and are unable to shape the substance of the CFSP, Georgia, Armenia and Azerbaijan do make use of CFSP alignment, albeit with considerable variance. The article illustrates and attempts to explain the patterns of policy alignment by accounting for a number of key factors.

Introduction
This article illustrates and attempts to explain the patterns of policy alignment to the EU's Common Foreign and Security Policy (CFSP) in the Southern Caucasus (SC). CFSP alignment is a political decision by which a European Neighbourhood Country (ENC) supports a statement or legal act within the CFSP framework that has previously been adopted by EU members. From the EU perspective, this serves to strengthen its voice in regional and global affairs. Alignment obliges an ENC to ensure that its policies are in line with the provisions of the respective document and hence might require policy change. CFSP alignment therefore tends to lead to a convergence with underlying EU norms and rules, and the post-hoc character of this procedure clearly indicates a unilateral adaptation to given EU standards.

Unlike accession countries, ENCs are less prepared to sacrifice their foreign policy autonomy. While the former have eventually been rewarded with the possibility to shape CFSP policy contents, aligned ENCs are neither involved in the drafting of CFSP texts, nor have they a right to veto the adoption of a document. They are simply entitled to align to a previously endorsed CFSP statement, or not align to it. It is no surprise, then, that they sometimes oppose policy change by refusing to align to certain acts.

Despite the lack of influence and the limited prospects for joining the EU, all three SC states do make use of CFSP alignment to gain access to the associated benefits offered by the EU. But alignment occurs with considerable variance. An examination of aggregated data from the EC's progress reports for (non-)alignment with CFSP documents from the whole spectrum of acts