Institute for European Studies of Tbilisi State University

PhD Thesis

EU Conflict Management and Mediation in Georgia and Moldova in 2004-2016 – Assessing and Explaining the Performance

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EUBAM in Moldova and Ukraine in 2015
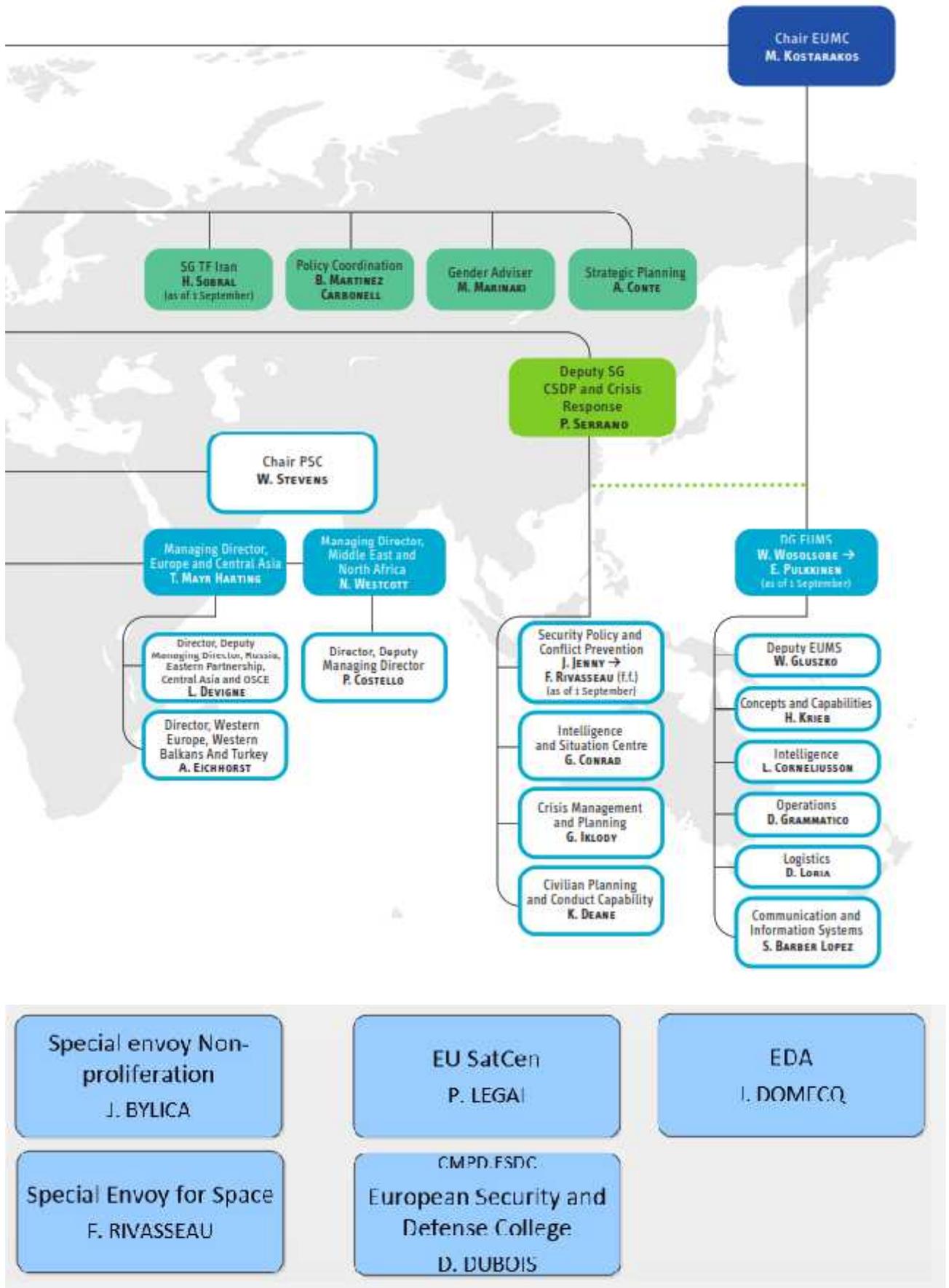
Abbreviations

AA Association Agreement

ABL Administrative Border Line

CBMs Confidence Building Measures

CCM Consular Crisis Management

CEU Council of the European Union

CFSP Common Foreign and Security Policy

CIVCOM Committee for Civilian Aspects of Crisis Management

CMPD Crisis Management and Planning Directorate

CoE Council of Europe

CPCC Civilian Planning and Conduct Capability

CMPD Crisis Management and Planning Directorate

CRPCD Crisis Response and Operational Coordination Department

CRPO Crisis Response Planning and Operations

CRS EEAS Crisis Response System

CSDP Common Security and Defense Policy

DCFTA Deep and Comprehensive Free Trade Area

EaP Eastern Partnership

EC European Commission

ECHO European Commission's European Civil Protection and Humanitarian Aid Operations

EEAS European External Action Service

EES European Security Strategy

ENP European Neighborhood Policy

EP European Parliament

EU European Union

EUBAM European Union Border Assistance Mission to Moldova and Ukraine

EUJUST THEMIS European Union Rule of Law Mission to Georgia

EUMC European Union Military Committee

EUMM European Union Monitoring Mission

EUMS European Union Military Staff

EU OPSCEN EU Operations Centre

EUSR European Union Special Representative

GIDs Geneva International Discussions

HRVP High Representatives of the European Union for Foreign Affairs and Security Policy / Vice President of the European Commission

IcSP Instrument contributing to Stability and Peace

IDPs Internally Displaced Persons

IfS Instrument for Stability

MSs Member States of the European Union

NATO North Atlantic Treaty Organization

NGO Non-Governmental Organization

OSCE Organization for Security and Cooperation in Europe

PbP Peace-building Partnership

PMG Politico-Military Group

PSC Political and Security Committee

SIAC Single Intelligence Analysis Capacity

SRNSF Shota Rustaveli National Science Foundation

UN United Nations

UNMSU UN Mediation Support Unit

US United States

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Abstract

Developments in the European Union's Eastern Partnership countries over the last two decades have been extraordinary. Secessionism has been a shared problem for many, destabilizing not only individual states but having negative repercussions in the entire region and beyond. It was arguably with this mindset that the European Union has been involved in the conflict management and mediation processes, particularly in Moldova and Georgia. However, the EU efforts have lasted long and yielded little. Therefore, it is critical to comprehensively re-evaluate and explain the Union's role in and impact on the conflicts in the region. Recent developments, including Russia's increasingly aggressive actions and military adventurism, escalation of violence, materialization of new conflicts, renewal of the old ones, and important successes of certain countries on the European integration path, added more relevance to this endeavour.

The research question stems from this reality and asks: **why was the EU conflict management and mediation in Georgia and Moldova ineffective in 2004-2016?**

The main goal of the research is to study the EU conflict management and mediation in Georgia and Moldova, and the reasons of its success/failure. The research is based on the data obtained by interviews with relevant individuals in the EU, the Eastern Partnership countries, and beyond, academic scholarship and personal observations.

Academically, this research will contribute to the debates about the role of the EU as an international actor in promoting conflict management and mediation in its Eastern neighbourhood. From a theoretical perspective, the study will provide value-added information to advance theoretical discussions by demonstrating the determining factors of deficiencies/successes in the EU conflict management and mediation instruments, structures and decision-making with regard to Georgia and Moldova. From a policy perspective, the research will provide essential updated findings on and contribute to a better understanding of the EU policy towards conflicts in Georgia and Moldova. The analysis will be beneficial for country leaders, official practitioners, experts and representatives of non-governmental organizations in improving their policies and practices, thus contributing to the societal relevance of the research.

Keywords: *European Union, Conflict Management, Mediation, Georgia, Moldova*

Chapter 1

Introduction

Puzzle

"The comfortable verities of the 'post-Cold War era' are a paradigm lost. The Soviet succession continues to rumble, and a new era has begun – more fluid, more turbulent, more open ended" (Hamilton & Meister, 2016, p. vii). Indeed, Russian aggression against Georgia in 2008 produced a chain reaction in countries, which now share the same fate of hostilities, occupation and unlawful annexation. Russia's current activities in the EU's Eastern neighbourhood attest to this statement. Its push through hard and soft power means in the region, which has intensified lately, undermines European security and stability. These actions are aimed at creating chaos in the wider region as well as obstructing the Western orientation and aspirations of the region's leading EU and NATO aligned countries.

Against this background, the West, including the European Union, has been lukewarm about it and slow to recognize and reward some of these countries (notable, Georgia) for their achievements in the fields of democratization, institution-building, defence and security reform. Nevertheless, we have lately witnessed several important changes on the EU integration journey, most importantly, the EU Association Agreements with and visa-free access to the Schengen Zone for Georgia, Moldova and Ukraine, as well as the groundbreaking developments in internal politics of these countries. In a parallel development, however, Russia signed the so called "partnership agreements" with Georgia's breakaway regions, annexed Ukraine's Crimean region and created another military/crisis hotspot in the Eastern Ukraine. The conflict escalation and renewed casualties in the Nagorno-Karabakh region, disputed between Azerbaijan and Armenia, in April 2016 further inflamed the regional turmoil.

In short, in Georgia, Moldova, Azerbaijan, Armenia, and now Ukraine – in five out of six countries of the Eastern Partnership (EaP), the European Union failed to successfully prevent, mediate, manage or ultimately resolve territorial conflicts in 2004-2016, as

envisaged in the spirit of the 2003 European Security Strategy. Such a severe breakdown may indicate not an accidental weakness but a systematic problem of the EU foreign policy towards the region. This can be particularly explicit in conflicts in Georgia and Moldova, where the EU efforts have lasted so long and yielded arguably so little. The Report of the European Commission (2015b) can also be indicative of the existential problems in the policy, acknowledged internally by the EU institutions and member states themselves.

Recent developments, including Russia's increasingly aggressive actions and military adventurism, escalation of violence, materialization of new conflicts, renewal of the old ones, and important successes of certain countries on the European integration path, added more relevance to this endeavour.

Therefore, in order to reduce the destructive impact of the policy failure and avoid new conflict hotspots in the region as well as to make foreign policies of the EU and EaP countries less vulnerable and more effective, these novel circumstances brought to the fore the importance and critical necessity of evaluating the EU's past engagements in conflict management and mediation, and examining the strengths and weaknesses in its approach. New findings can be used as guidelines for the Union's future conflict management activities.

Research question and the scope of research

The main goal of the research is to study the EU conflict management and mediation in Georgia and Moldova, and the reasons for their (in)effectiveness, success/failure. The research question stems from the puzzle demonstrated above and asks: ***why was the European Union's conflict management and mediation in Georgia and Moldova ineffective in 2004-2016?***

When I am talking about the EU conflict management and mediation efforts, I refer to any EU action aiming at ending hostilities and other violent behaviour, or addressing the roots of conflict and this way resolving the problem. Adapted from the United National Codebook and Operational Definitions, this may include the following activities: "fact-finding, offering

of good offices, condemnation, call for action by adversaries (includes call for cease-fire, withdrawal, negotiation, member action to facilitate termination), mediation (includes proposing a solution, offering advice, and conciliation of differences), [humanitarian efforts,] arbitration (formal binding settlement by arbitral body), sanctions, observer group, emergency military forces", etc. In this regard, for the purpose of this research, the EU engagement encompasses all actions and decisions of the EU institutions, its bodies and representatives attempting to end the conflict in these countries.

I argue that despite some success, the EU was ultimately ineffective, i.e. unsuccessful, in conflict management and mediation in Georgia and Moldova. The chapter on research results discusses this issue in detail and establishes a clear link between 'divergent positions of the EU member states' and 'ineffective EU conflict management and mediation' efforts.

Scope of research

By seeking to answer this important question, the research will delve into the following topics and areas:

- Conflict management and mediation; positive and negative factors influencing the process; why and how they influence it.

- EU policy and practice in conflict management and mediation.

- EU's policy and instruments in conflict management and mediation in Georgia and Moldova.

- Strategic interplay between the EU and Russia in the region's conflicts; why and how they influence each other.

- Reasons of (in)effectiveness of the EU conflict management and mediation policy and instruments in pushing the conflicts to a successful end.

Time selection

Over the last two decades, secessionism has been a problem in the EU's Eastern neighbourhood, destabilizing not only several individual countries but having serious political repercussions and negative practical consequences in the region and beyond (Cornell, Starr & Tsereteli, 2015). It was, arguably, with this mindset that the European Union has been involved in the conflict resolution processes (Boonstra & Delcour, 2015; Blocksmans et al., 2010). But meaningful programs and instruments for conflict management and mediation were introduced and/or strengthened only with the introduction of the European Neighbourhood Policy (ENP) in 2004, later cemented by the Eastern Partnership initiative in 2009. Only from thereafter can the depth and quality of these programs and instruments be reckoned as being strong and effective enough to have an impact in conflict resolution. Therefore, the starting point of the period examined in this doctoral study will be the introduction of the European Neighbourhood Policy in 2004.

The analysis will cover the period between the year of 2004 (introduction of the European Neighbourhood Policy in Georgia and Moldova) and the year of 2016 (full entry into force of the Association Agreement in Georgia, while the similar document with Moldova entered into force earlier). This will provide the opportunity to evaluate the most important EU instruments and documents, including the European Neighbourhood Policy, the Eastern Partnership, the Association Agreement, the Geneva International Discussions, the "5+2 format" etc. Although some of them cannot be considered as a direct conflict management and mediation instrument, it is still worth studying them in the context of the contribution they generally and potentially may have on conflict resolution.

Hypothesis

Previous studies completed in this area as well as my preliminary research using brief face-to-face and e-mail interviews in various European capitals provided evidence pointing at the

hypothesis that *differences in the positions of the EU member states limited the EU's potential for conflict management and mediation in the conflicts in Georgia and Moldova in 2004-2016.* In other words, competing interests among the EU member states and resulted divergent positions seems to be a hindering factor for the EU's effective engagement in the conflicts in its Eastern neighbourhood.

Nuriyev (2015) argues that the EU member states "have thus far lacked cohesion in pursuing their rights, interests, and values in the region" (p. 3). Schmidt-Felzmann (2008) further highlights that by exploiting the divergent positions between the EU institutions and the national capitals, Russians "obtained political leverage by playing them off against each other" (p.170). Moreover, as Helly (2007) argues, "despite Moldovan and Georgian attempts to receive more explicit support in their struggle with Moscow, the EU as a whole, mostly because of lack of consensus amongst its Member States, remains cautious not to upset Russians too much" (p.113).

As a result, since the "EU policies are made through aggregative strategic bargaining, where outcomes reflect the member states' interests and relative strengths" (Carsnaes, 2006; Hyde-Price, 2008, 2006; Moravcsik, 1998), a causal link between the different interests of the EU member states and the EU (in)effectiveness in conflict management and mediation in Georgia and Moldova seems persuading.

A negative outcome of divergent positions can be an inappropriate usage of instruments. Apart from the fact that the EU did not use the strongest instrument (i.e. membership promise) for obvious reasons (e.g. they are not conflict resolution instruments *per se*), the Union did not use other important instruments effectively or timely either. It is true that since the Crimean crisis, several stronger initiatives have been accelerated for Moldova, Georgia and Ukraine and that more instruments are promised by the EU leaders to come, however it is still unclear whether it can positively influence the EU's role in conflict management and mediation, especially taking into consideration Russia's unpredictable foreign policy. Indeed, having far-reaching goals in the region, Russia's effective use of blackmail, occupation and the rhetoric of threat have significantly reduced effectiveness of

the EU instruments. The doctoral research will explore the possibility of the EU to have used such instruments for conflict management and mediation purposes in Georgia and Moldova in 2004-2016 – whether it was feasible to use such instruments, and why.

In this context, I have already done a noteworthy study on the Geneva International Discussions (GIDs). It is a platform/instrument with EU's potentially considerable influence; nevertheless it is still academically under-researched and under-theorized. I will be able to further elaborate on this in this dissertation. For example, in a chapter on research results I examine the EU mediation styles used in the GIDs. I also explain the behavioural change of de-facto authorities during the GIDs using juxtaposition of social learning/socialization and strategic socialization.

Rival hypotheses

Some may argue that the complexity of the EU governance structure can be an auxiliary hypothesis. As a matter of fact, taking into account the complexity of the EU governance structure and working mechanisms of the EU foreign policy decision-making, 'lack of coherence' in the EU position becomes a common phenomenon and systematic obstacle (Thomas, 2011; Gross, 2009; Bardakci, 2010; Tocci, 2011). And as a result, less coordinated and less coherent policy and action remarkably reduces EU's potential in conflict resolution in its Eastern neighbourhood.

Others may assume that vulnerability of the EU decision-making explains the weak EU conflict management and mediation efforts in Georgia and Moldova. In this regard, one may point at economic/energy dependence of certain EU member states on Russia or cultivation of relations with individual European politicians (e.g. former German Chancellor Gerhard Schröder, former Italian Prime-Minister Silvio Berlusconi) or political parties.

However, I believe that both arguments do not have their own independent explanatory power. Rather, <u>first,</u> they add to the existing engrained difficulty of the EU member states to find the compromise that can have rigorous positive repercussions in conflict management

and mediation in Georgia and Moldova; and second, they further weaken the already fragile unity during the decision-making process in the EU, and contribute to the disunity both in decision-making and implementation process.

Methodology

Methodology is based on the interview data, academic scholarship and personal observation in order to make evidence-based conclusion about the reasons of (in)effectiveness of the EU conflict management and mediation policy.

This research uses an inductive method widely characterized by qualitative studies (Lune & Berg, 2017; Tracy, 2013; Taylor, Bogdan & DeVault, 2016; Edmonds & Kennedy, 2017). In particular, I collect information via interviews, academic and official documents, and personal observations that help me form certain categories. Based on these categories, I later develop "broad patterns, theories, or generalizations" and compare them "with personal experiences or with existing literature on the topic" (Creswell, 2008, pp. 63-64). Stake (1995) refers to it as "propositional generalization" or "naturalistic generalization".

As expected from qualitative research of this type (see Creswell, 2008, pp. 175-176; Neuman, 2014):

- I opted for face-to-face interviews or brief conversations, whenever possible.

- I was personally engaged in all of these interactions rather than using questionnaires or other instruments.

- I explored multiple sources of data other than interviews, including academic scholarship, official documents and personal observations.

- I used inductive data analysis – a bottom-up research method.

- I tried to gain understanding of the issue by examining the interviewees' perceptions rather than sticking with my preconceptions of the situation.

- Based on the data collected in the process, I have continuously modified/updated the research phases, interview questions, initial list of interviewees and places-to-be-visited.

In order to increase internal validity of the study, I used several methods demonstrated in academic literature (Tracy, 2013; Creswell, 2008; Neuman, 2014; Taylor, Bogdan & DeVault, 2016). In particular, first, I collected data from multiple sources, including, as I mentioned above, interviews, my observations, official and scholarly documents (so called "triangulation of data"). Second, I used peer examination strategy (see acknowledgments) via international conferences, peer reviewed journals and proof-reading. Third, I tried to identify to a reader all potential bias associated to qualitative interpretation. Fourth, I reported all data collection and analysis strategies in a detailed and transparent manner. And finally, this project was under a careful scrutiny by my key supervisor, who luckily happens to be an expert in research methods, and external supervisors.

There can be other potential factors of ineffectiveness of the EU, but I believe only the hypothesis developed in this study meet the criteria of the INUS causality (insufficient but non-redundant parts of a condition which is itself unnecessary but sufficient for the occurrence of the effect) (Mackie, 1988). In other words, other arguments do not have explanatory power *per se* and are ultimately the outcomes of the "different positions" argument.

Data collection

The study uses comprehensive content analysis for examining academic scholarship on conflict resolution, conflict management, international mediation, mediation success, and related terms as well as for testing the hypothesis.

For this reason, apart from a comprehensive content analysis of a massive bulk of academic literature and official documents, the research will look to gauge the opinions of the policy and decision makers and implementers by interviewing the representatives of governmental

and non-governmental organizations in the European Union, the Eastern Partnership countries, secessionist entities, etc. In particular, both full-fledge and brief face-to-face interviews have been held and questions have been asked during lectures, seminars, trainings and research trips in Tbilisi (Georgia), Vienna (Austria), Brussels (Belgium), Kyiv (Ukraine), Ankara-Istanbul (Turkey), Berlin (Germany), Aghveran (Armenia), Paris (France), Edinburgh (UK), London (UK), Canterbury (UK) and Baku (Azerbaijan) with the following persons and the representatives of the following bodies.

My priority was the quality/depth of interview rather than its number. I wanted to examine the research topic from many angles, to generate new ideas and thoughts on the issue. Therefore, I opted for selected decision makers, bureaucrats and scholars from across these places, who are or were involved in this field professionally or academically. They do not necessarily represent everybody from governments or academic institutions.

I always asked permission from interviewees to record our conversation and/or to make notes. I almost always informed the people I conversed with that I was interested in particular information for my doctoral research. I do not disclose names of those individuals who asked to remain confidential.

Most of the brief face-to-face interviews and conversations were part of and recorded during professional programs, conferences, and business and research trips, available in the appendix together with detailed information on these interviews.

The research trips in Berlin and Paris as well as my participation in the Paris conference (International Conference on Humanity, History and Society) were possible thanks to a generous funding obtained from the Shota Rustaveli National Science Foundation under the Doctoral Research Grant Program (grant number: PHDF2016-22)

And finally, as a practitioner and career diplomat myself, I will also consider my observations in data collection and interpretation. In particular, I was an intern in the Department for European Integration of the Ministry of Foreign Affairs of Georgia in Tbilisi in February-August, 2009 as well as in the Permanent Representation of Georgia to the European Union

in Brussels in September-November, 2010. Later, I was a research assistant in the Institute of International Relations in Prague in November, 2010 – February, 2011. And finally, I was a career diplomat in the Ministry of Foreign Affairs from May, 2014 to January, 2017 before moving to the Parliament of Georgia as a Foreign Affairs Adviser to the Speaker of Parliament in February 2017. Furthermore, I have been teaching the EU-related subjects since 2011 at various universities in Georgian and English languages, and have been part of numerous EU-related projects in a number of EU and EaP countries. In short, my observations encompass the experience of Brussels (heart of EU decision-making), Prague (one of the important stakeholders of the EaP within EU), Tbilisi (see case selection below) and many EU/EaP capitals (as part of my professional jobs) in executive and legislative branches, think tanks, non-governmental organizations and academia.

I have made significant contribution to exploring the thesis-related issues within the frameworks of this PhD program as well as other research projects. Indeed, revised versions of several sections on the GIDs, the Association Agreements, and conflict management and mediation demonstrated in the following chapters have already been published in international peer-reviewed academic journals (Makhashvili, 2017a; 2017b; 2016a; 2016b; 2013).

In sum, the doctoral study builds on both primary and secondary data collected from EU documents, existing academic studies, and original research in the form of field work, qualitative semi-structured interviews conducted with officials and experts in the selected European capitals, and participant observations.

Case selection

Georgia and Moldova have been selected for the research for several reasons: first, they are closer to the EU in terms of political and economic orientation and integration, and thus the EU potentially has more leverage to influence conflict management and mediation processes. Indeed, the EU is well positioned for engaging with conflict management and mediation

activities in these two countries. In other words, the EU conflict management and mediation in its Eastern neighbourhood should be at its best in these two cases. Interestingly, the EU Neighbourhood Barometer concludes that the EU has a positive image in the majority of population of only Georgia and Moldova among the six Eastern Partnership countries (Kvashuk, Solonenko & Ursu, 2013, pp. 9-10).

Second, there is a wide range of academic literature and official documents available for the analysis.

Third, the secessionist conflicts of Georgia and Moldova are relatively comparable to each other.

And fourth, these cases can be used for generalization.

It is for these reasons that I selected Georgia and Moldova as case studies for my doctoral research.

Novelty and importance of the research

Although there have recently been efforts to study this issue, there is still little systematic understanding of the EU's role in conflicts in the EaP countries.

This subject becomes ever more important taking into consideration the unfolding challenges and dangerous tendencies in the region and beyond. Living in a turbulent world and facing commotions of regional and global scale, caused not least by the Russian Federation aiming at knocking the solidly established international system of balance, further reinforces the need to evaluate pitfalls of the European Union conflict management and mediation policy and practice.

Academically, this research will contribute to the debates about the role of EU as an international actor in promoting conflict resolution in its Eastern neighbourhood. It will also provide value-added information to advance theoretical discussions. From a policy perspective, the study will provide essential updated findings on the EU policy towards the

conflicts. It will contribute to the better understanding of the Union's conflict management and mediation mechanisms and instruments. The paper will be beneficial for country leaders, official practitioners, experts, representatives of non-governmental organizations and other stakeholders in improving their policies and practices, thus contributing to the *societal relevance* of the research. Based on this information, they will be able to formulate more effective foreign and conflict resolution policies, to appropriately reform the existing conflict resolution formats, to hold more efficient international negotiations and to get more successful tangible results on the ground.

Updated and original empirical information about the pitfalls of EU conflict management and mediation in Georgia and Moldova based on data obtained via interviews, academic and official documents, and personal observations will be one of the main novelties and strengths of the study.

In short, the importance of this topic in the scholarship and theory and practice of international relations should not be underestimated: there has been only a small number of comprehensive researches in the field, if any. Moreover, taking into consideration that the EU has been one of a few international actor/mechanism in such a tumultuous and strategic region (and the only one in Georgia), importance of reasons for the (in)effectiveness in managing and mediating conflicts becomes more useful for decision makers and implementers in preventing additional escalation or more effectively managing current tensions.

It was with this mindset that I began this doctoral research, hoping to shed some light on an area of EU conflict management and mediation in its Eastern neighbourhood that has never been so challenging. Although there is a considerable body of work on early years of the EU involvement and conflict resolution activities, including in Georgia and Moldova, very little work has focused on a deeper understanding of the processes, let alone on the analysis of recent events. For this reason, we have to engage in a more comprehensive discussion of what the EU has been doing in the sphere of conflict management and mediation in Georgia

and Moldova and why it has been (in)effective. A clear understanding of this issue is essential to the academic scholarship as well as to the stability of the region.

This research will make some tentative steps in this direction.

Ethical considerations

Qualitative research usually considers and addresses ethical dimensions (Wiles, 2013; Lune & Berg, 2017; Neuman, 2014). In order to minimize negative ethical issues, as mentioned above, I informed all the face-to-face and e-mail interviewees about data collection devices and activities. I also informed the people I briefly conversed with about my doctoral research intentions. Moreover, I kept all informants anonymous, unless advised otherwise by the informant himself/herself.

In this form, the research does not present any ethical or other sensitive questions.

Limitations

The reader should keep in mind certain limitations of this research and its findings.

First, this research does not aim to evaluate why the EU is or should be involved in conflict resolution processes in its Eastern neighbourhood. In other words, the research does not seek to explain why the EU was engaged in the regional conflicts, whether this was a pragmatic move or not. The thesis takes it as a fact that the EU is involved in the conflicts thus bearing its own political responsibility for their peaceful resolution as declared in its official documents. Moreover, taking the evolution of the EU's role and involvement in the Georgian conflicts and current standing on the ground into consideration, one may argue that the EU has more responsibility in conflict management and mediation, including in the Geneva International Discussions, and its mediating 'chair' carries (or should carry) more power than of any other country or international organization (i.e. other mediators). The research pays particular attention to the EU governance issues in order to answer the

research question. The following excerpt from one of the EU official documents can be also informative:

> "The EU, as a global actor committed to the promotion of peace, democracy, human rights and sustainable development, is generally seen as a credible and ethical actor in situations of instability and conflict and is thus well placed to mediate, facilitate or support mediation and dialogue processes" (Council of the European Union, 2009, p. 2)

Second, this study is not a comprehensive research of the EU foreign or conflict resolution policy. It does not investigate all conflicts in the Union's Eastern neighbourhood and all periods of independence of these countries or existence of these conflicts either. The research is limited only to those periods when the EU started to relatively actively engage in conflict resolution in Georgia and Moldova. In practical terms, this period is between 2004 and 2016, or roughly the period between the introduction of the European Neighbourhood Period and fully entering into force of the Association Agreements in these countries, as already explained previously.

Third, focus of the doctoral research is not the investigation of roots of the conflicts in Moldova and Georgia, or blaming certain individuals, groups or states for inflaming the tensions, but rather exploration of reasons of the EU's ultimate incapability to manage/mediate them in a certain period. The doctoral thesis only briefly overviews the development of the conflicts in Moldova and Georgia, in order to prove that the situation deteriorated during the EU engagement between 2004-2016.

Fourth, it should be noted that interested parties like the Russian Federation, the United States of America (U.S.), the United Nations (UN), the Organization for Security and Cooperation in Europe (OSCE), the Council of Europe (CoE) and Turkey may have influential and complementary role in the conflict management and mediation processes. However, the main aim of this particular research is the European Union. For this reason, the hypothesis focuses on assumptions that indicate strengths or weaknesses of the Union's conflict management/mediation instruments. Roles and activities of other actors, with the

only exception of Russia that is a hindering actor for the EU's success and methodologically important factor in the research, can be a topic of future studies.

Fifth, another limitation can be a way of thinking in determining the mediation success. As Tardy (2015) explains, "'success' in the peace and security domain is an inherently subjective concept… These notions [i.e. peace and security] are by nature subjective and determined by perceptions more than by objectively observable variables… Success furthermore carries a political dimension that impedes attempts to assess it in any scientific manner" (p. 36). In other words, quantitative measurement of success can be very difficult. However, I ask my reader to make judgments based on the operation definition of success and ineffectiveness that this doctoral research uses. After all, this study does not intend to provide a good operational definition of success. This research serves as a starting point for a deeper analysis of the EU conflict management and mediation policy in its Eastern neighbourhood. It is one of the first steps towards this direction leaving considerable room for further researches.

And finally, if the research data supports the proposed hypothesis, it does not mean that the EU is a problem in conflicts and in the conflict management and mediation in Georgia and Moldova or that the Union is not helpful in these processes. The EU has been a late-comer, and became involved in the conflict management of the already deeply-polarized conflicts. Therefore, the EU might fail to effectively pressurize the belligerents or use relevant instruments at relevant times to push the conflict to an ultimate conflict resolution. However, it seems highly likely that the EU has been useful in establishing and maintaining vital communication between the opposing sides, deterring the situation to certain extent from further escalation, obtaining objective information on ground, providing assistance in maintaining security and stability along the conflict lines, etc.

Structure of the study

The doctoral study is organized into the following parts: <u>second</u> chapter reviews academic scholarship on conflict management and mediation, notions and assessment criteria of

success in this field. Third chapter examines the EU involvement in conflict management and mediation generally.

Fourth chapter scrutinizes the EU engagement in conflict management and mediation activities particularly in Georgia and Moldova.

Fifth chapter is dedicated to the research results consisting of assessing and explaining the EU conflict management and mediation in Georgia and Moldova in 2004-2016. This also includes detailed evaluation of the Geneva International Discussions, European Union Monitoring Mission in Georgia, European Union Border Assistance Mission to Ukraine and Moldova, the 5+2 negotiations, and others.

Sixth chapter provides a theoretical understanding of the results, while seventh chapter summarizes the doctoral research and discusses the issues for future reference.

Chapter 2

Literature Review

It would be beyond the scope of this study to examine all concepts or to summarize the findings of all previous researches. But the following chapter will more or less comprehensively review the academic scholarship on conflict management, conflict resolution, international mediation, mediation success and other related terms and issues that are relevant for this doctoral research. This will create a solid platform to comprehensively investigate practical aspects of the European Union engagement in the conflicts in Georgia and Moldova.

Scholars usually differentiate conflict prevention and conflict management. Tanner (2000) explains that "[preventive] actions are designed to resolve, manage, or contain disputes before they become violent. Conflict management, in turn, means the limitation, mitigation and containment of conflict. The notion of conflict prevention includes numerous activities such as conflict avoidance and conflict resolution, with techniques such as mediation, peace-keeping, peacemaking, confidence-building measures, and track-two diplomacy" (p. 1). However, scholars sometimes refer to crisis management to describe these all-encompassing activities related to but not limited to a conflict. It is often used interchangeably with conflict management, including by the EU institutions. This study will use such broad understanding of the term.

Since the European Union was involved in already existed violent but "frozen" conflicts in Moldova and Georgia, its primary focus has been on conflict management activities. However, with the aim to avoid further escalation of violence, the Union had to engage in limited conflict prevention, primarily, in confidence building measures and mediation. Therefore, although all terms are significant for general conflict studies, examination of conflict management and mediation are more useful and relevant concepts for this doctoral study. The following sections will examine them in more detail.

Crisis Management

As Tardy (2015) clarifies, "[in] broad terms, crisis management is about preventing a crisis from occurring, responding to an ongoing crisis, or assisting in the consolidation of peace (or order) once the acute phase of a crisis has passed. It is not necessarily *per se* about conflict resolution" (p. 9). In other words, it includes everything from conflict prevention to conflict resolution to conflict management to peace building.

Primary feature of crisis management is its security-centred, multidimensional and complex nature. First, security "combines a traditional definition of state security (crisis management often involves reinforcing the state apparatus) with a more human security approach that establishes the link between the security of the state and that of individuals" (Tardy, 2015, p. 10). In such understanding, crisis management is primarily a security-related activity but also includes development-related agenda as an integral part of long-term and sustainable peace.

Second, based on the previous argument, crisis management covers a wide range of activities concerning "security, civilian protection, the rule of law, security sector reform, institution-building, electoral support, economic recovery and development, humanitarian assistance, human rights, good governance, demobilization and reintegration of former combatants, etc." (Tardy, 2015, p. 11). The wide variety of issues is complemented by similarly multiple types of actors involved in the processes.

This is the case in the EaP conflicts, including in Georgia and Moldova, where several organizations or individual states 'compete' each other with their own interests, decision-making structures and processes, command-control settings, operational practices and reporting mechanisms. Tardy (2015) calls it a "'hybridization' of operations, whereby operations are no longer the product of one single institution but rather the result of the interaction of several conflict management policies and/or cultures" (p. 11). However, the primary focus of this doctoral study, as mentioned above, is the European Union.

Third, the multidimensional crisis management aimed at achieving peace and security is understandably a complex process.

Conflict management

Conflict management is believed to be "an attempt by actors involved in conflict to reduce the level of hostility and generate some order in their relations" (Bercovitch & Regan, 1999, p. 3). Managing a conflict is no easy task, especially when political and ideological differences are entangled to its very roots. An effective manager needs a wide range of activities, creativity, proper instruments and some luck in order to push the counterparts of a deadlock to a successful compromise (Crocker, 2011; Hopmann, 2016; Crocker, Hampson & Aall, 2007; Bercovitch, Kremenyuk & Zartman, 2009). The Article 33(1) of Chapter VI of the UN Charter (United Nations, 1945) states that the "parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or by other peaceful means of their own choice". This statement is productive in understanding international conflict management. Some of these characteristics are discussed in more detail in the following sections.

For the purpose of this doctoral research, the EU conflict management typically is a "long-term engagement with a particular country or region, an engagement that, over time, will necessitate different conflict management policies, including military crisis management, development and humanitarian aid efforts, and mediation between conflict parties" (Wolff & Whitman, 2012, p. 5). The EU documents barely use the term 'conflict resolution', preferring 'crisis management' or 'conflict prevention'. However, some researchers note and this doctoral research shares this argument that the EU conflict management "subsumes these two sets of policies, but also covers a third, commonly referred to as conflict settlement or resolution, that is, policies aimed at finding a compromise between parties that will allow them to address remaining and/or future disputes between them by political or judicial means, rather than by recourse to violence" (Wolff & Whitman, 2012, p. 5; Oproiu, 2015, pp.

25-26). Therefore, I sometimes use these terms interchangeably, having 'conflict management' in mind.

Conflict management activities

There are various actions that a manager can use to make the stalemates sit around a table, discuss their differences and agree on mutually acceptable compromise, ranging from the most passive verbal statement to the most active direct military-related intervention, from minimum to maximum in terms of engagement and commitment, in terms of financial costs, relevant personnel and logistical support. In their seminal work, Frazier & Dixon (2006) identify five core forms of conflict management efforts: verbal actions, diplomatic approaches, judicial processes, administrative assistance and militaristic responses.

It is safe to say that *verbal statement* is the least active form of conflict management. Probably hundreds of such statements are issued every year from third parties (be it countries of any size, international/regional organizations, non-governmental organizations or individuals), urging the belligerents to cease fighting, to get involved into negotiations, to support conflict resolution process or just to avoid actions that may distort conflict management efforts of the process participants.

In occasions when verbal actions are not effective enough, third parties may use *diplomatic efforts* that in turn may encompass everything, including mediation, confidence-building measures, etc.

Judicial processes consist of arbitration, tribunals, fact-finding missions and other forms of actions aiming at identifying individuals who committed relevant crimes and bringing them to justice, thus, shedding more light on the conflict's dark realities and increasing legitimacy of the process and this way, supporting ultimate conflict resolution.

Conflict manager may go even further and offer election supervision/monitoring, humanitarian aid, thus provide *administrative assistance* where and when needed and if accepted by the conflict parties.

And finally, it may also be so that direct military-related intervention is necessary for a third party to effectively manage a conflict. Militaristic responses may include peacekeeping operation, military observation/monitoring mission, demobilization monitoring, monitoring of implementation of ceasefire agreement, etc.

It goes without saying that these activities are not necessarily independent and isolated from each other. To the contrary, some scholars demonstrate that in most cases, they are interrelated and complement each other (Greig & Diehl, 2012; Oswiak, 2014; Ramsbotham *et al.*, 2011; Bercovitch & Fretter, 2004; Carneiro, Novais & Neves, 2014, pp. 15-28).

Creativity and Luck

Creativity and creative thinking are often fundamental in effective conflict management, especially in cases of large-scale, complex and international conflicts (Gruber, 2009). Arai (2009) clarifies that "conflict resolution creativity is a social and epistemological process, whereby actors involved in a given social conflict learn to formulate an unconventional resolution option or procedure, and a growing number of others gradually come to recognize it as acceptable and workable" (p. 3). He further argues that creativity is often the only chance for "transcending seemingly intractable inter-communal conflicts" (p. 3). Indeed, when interests are tangled and contradictory, when feelings are spoiled, when temperature is high and the conflict counterparts use physical violence from time to time, relevant decision-makers need to think out-of-box and approach the conflict with creative strategies and initiatives.

At some point, however well traditional and creative conflict management activities can be planned, additionally some luck is always needed for their swift implementation. A widely known fact of the creation of chess and backgammon can be illustrative here. In particular,

the Indian king sent the game of chess to the Sasanian Empire (Iran's early ancestor) and ignorantly asked to find out the game logic. In turn, the Persians (namely, Bozorgmehr-e Bokhtagan, an Iranian minister and later a grand vizier and an army chief) created backgammon and sent it to the Indians, commenting subsequently that logics and strategies are indeed significant but luck is also important to win the war. This explanation clearly demonstrates the need of luck for every undertaking, including conflict management.

Proper instruments and strategies

Once involved in the mediation process, mediators use different strategies and leverages/instruments in order to facilitate the outcome and its implementation (Svensson, 2007). Bercovitch (2005) defines strategy as "a broad plan of action designed to indicate which measures may be taken to achieve desired objectives in conflicts" (p. 113), while Vuković (2016) clarifies behaviour as "actual tactics, techniques or instruments at a mediator's disposal" (p. 25).

Mediation

Broadly speaking, "[mediation] is a method of conflict management in which conflicting parties gather to seek solutions to their problems, accompanied by a mediator who facilitates discussion and the flow of information, aiding in the processes of reaching agreement" (Bercovitch, 2006, p. 290). In other words, it can be labelled as a kind of "'assisted negotiation', in which an external actor enters the peacemaking process in order to influence and alter the character of previous relations between the conflicting sides" (Vuković, 2016, pp. 10-11). Raymond & Kegley (1985, in Vuković, 2016) classify mediation "as an activity in which a third party helps the disputant to reach a voluntary agreement using facilitative methods such as agenda setting, simplification of communication, clarification of respective positions, issue 'reconceptualization', bargaining facilitation and support for agreement" (p. 11).

Bercovitch & Fretter (2004) further simplify the definition arguing that mediation is "a conflict-management method in which an outside party helps adversaries to solve their differences peacefully" (p. 16). Or as Tocci (2004) believes, mediation is a third-party intervention with the main goal of a mediator 'to enhance the incentives for an agreement by altering the payoff structure of the bargain […] by adding, denying, promising or threatening side payments to negotiations thereby increasing the prospects for a win-win agreement' (p. 3).

Mediation is usually "non-coercive in nature, voluntary in structure and performance and ad hoc in orientation", and has no "legal basis or institutionalized authority". The participants usually maintain autonomy throughout the mediation (decision-making) process and are not obliged to accept the ideas offered or pressed by the mediation (Ramsbotham *et al.*, 2011, p. 19; Frazier & Dixon, 2006; Greig & Diehl, 2012; Touval & Zartman, 2006, p. 427). Woolford & Ratner (2009) argue that "[through] mediation, new rules of interaction are implemented that influence participants to make adaptations in order to demonstrate forms of competence distinct from those typically exhibited in the juridical fields" (p. 317). Moreover, based on various academic studies, mediation is often labelled as the most efficient method of conflict management as well as a low-cost alternative comparing to other peaceful approaches (e.g. Bercovitch, 1984; Bercovitch *et al.,* 1991; Touval & Zartman, 1985; Holsti, 1991; Council of the European Union, 2009, pp. 3-4). Arguably for this reason, no wonder that most of the international actors prefer mediation over other kind of communication (Bercovitch, 1992; Bercovitch & Fretter, 2004, p. 29).

All of the above-mentioned definitions of mediation are relevant and useful for this study. But for the sake of easy understanding and less ambiguity, the term 'mediation' is defined in this research, originally developed by Bercovitch (2006), "as a process of conflict management, related to, but distinct from the parties' own negotiations, where those in conflict seek the assistance of, or accept an offer of help from, an outsider (whether an individual, an organization, a group, or a state) to change their perceptions or behaviour, and to do so without resorting to physical force or invoking the authority of law" (p. 290) (see also Bercovitch, 1997; Ramsbotham *et al.*, 2011).

This definition implies that any mediation situation includes: "(a) parties in conflict, (b) a mediator, (c) a process of mediation, and (d) the context of mediation" as essential elements for understanding "the nature, quality, and success of any mediation event" (Ramsbotham *et al.*, 2011; Bercovitch, 2006, pp. 290-291).

On the basis of the mediation definition, a mediator can logically be anything and anybody from a state to an international/regional organization to a non-governmental/civil society organization to a respectable and trustworthy individual (Bercovitch & Fretter, 2004, pp. 16-17).

Mediator's role is important, sometimes more decisively so than of the parties of conflict because amidst the political and military deadlock, mediators can ease the tension and facilitate the resolution by "[bringing] with them consciously or otherwise, ideas, knowledge, resources and interests, of their own or of the group they represent" (Bercovitch & Jackson, 2009, p. 35).

Early phases of conflict is relatively easier for mediators to manage, as the parties have not opted to violence yet. This period is usually characterized by high levels of uncertainty and suspicion. For this reason, initial steps of escalation spiral can be effectively stopped and reversed even by non-official actors or, in other words, by low-key mediators, as scholars call them, such as non-governmental organizations (Crocker *et al.*, 1999; 2001; 2003; 2004). They can provide informal environment for communication and problem discussion without losing face publicly before constituencies of the conflicting parties (Bercovitch & Jackson, 2001, p. 72).

"Real, heavy-weight" mediators can enter the process once the low-key mediators established and developed initial communication channels. They are referred as "real, heavy-weight" because they are the ones with "coercive and reward power that can be used in a formal setting" to "induce conflicting sides to change their preconceived options and convince them to turn away from violence" (Crocker *et al.*, 2001, p. 62; Vuković, 2016, p. 42).

Mediator has a critical role in ripening the conflict for ultimate resolution, i.e. in persuading the conflicting parties that there is no alternative to peaceful resolution negotiated on the table as well as in establishing a perception in the minds of the conflicting parties that "negotiations generate 'mutually enticing opportunities' that would be unavailable outside of the process" (Zartman, 2001, p. 14).

Furthermore, mediator is also important in overseeing and enforcing the implementation of the negotiated agreement and providing technical, financial and other kinds of expertise and assistance in this post-agreement stage. Indeed, while tangible and intangible resources/incentives of the mediator "might prove useful in terminating violence and reaching a peaceful agreement, if the third party does not maintain its commitment in the long-run, these incentives might prove to be highly artificial and, as such, will foster re-escalation of violence" (Vuković, 2016, p. 18; Beardsley, 2011; Svensson, 2009).

So far, we have discussed an ideal situation, or in other words the condition when mediation is a choice of the conflicting parties truly searching for a negotiated solution. However, accepting mediation does not necessarily and automatically mean that the conflicting parties are keen to a peaceful resolution. Indeed, in practice, due to many reasons (for more details, see Bercovitch & Gartner, 2006), the stalemates may use a mediation process as an instrument to "[buy time] to regroup and reorganize on the ground" or as Vuković (2016) puts it on the basis of Richmond's (1998) research,

> "by buying time [the conflicting parties] may postpone making costly concessions; they may also see mediation as a platform through which their goals may gain international traction; mediation can serve as a mechanism through which they could gain more international allies; and the process could confer a higher degree of legitimacy for their claims and bargaining positions" (p. 17).

This can be somewhat true to the Geneva International Discussions (see the section on the GIDs for more details).

Mediation mandate

Another related important term is the "mediator's mandate". It indicates "the manner in which a third party enters the dispute" and can establish initial expectation of what the mediator's activities and success is or should be (Vuković, 2016, p. 13). It is usually expected that the mediation efforts will be reflected in a long-lasting solution. However, it can be the case that mediation does not directly seek a formal resolution but can rather aim to improve and maintain the "communication channels between conflicting parties, [alleviate]… humanitarian crises and [explore]… elements that could be used for a final agreement in possible future mediation activities" (Vuković, 2016, p. 13; Svensson & Wallensteen, 2010).

Advantages and disadvantages of mediation for a mediator and conflicting parties

Mediation process can be both advantageous and disadvantageous <u>for a mediator</u>. Depending on many issues, including, the results of the mediation process, a mediator can be praised by its energetic and successful efforts and can be awarded with increasing international reputation and role (benefits) as well as faced by reputational/political challenges and severe criticism (non-material costs). In both situations, any mediator also has to be ready to contribute financial, technical, logistical, human and other types of resources (material costs) to the mediation process (Princen, 1992). For this reason, mediator's motivation to be involved or be more (pro)active in the mediation process is one of the most decisive factors in achieving the success. Since the level of motivation is usually determined by cost-benefit calculations, several assumptions can be developed (Bercovitch & Schneider, 2000; Ramsbotham *et al.*, 2011):

- More the expected benefits of a successful mediation, more the mediator's motivation to be engaged in the process.
- More the potential costs of a mediation, less the mediator's motivation to be engaged in the process.
- Bigger the difference between the expected benefits and potential costs, more the mediator's motivation.

- Smaller the difference between the expected benefits and potential costs, less the mediator's motivation.

What can be the benefits (and thus, the reasons of self-interest) that push third country to be involved in the mediation process? Firstly, for a country, (a) it can be the desire to contain the conflict as it creates instability in its neighbourhood or to avoid escalation of the conflict as it may have spillover effects on its own territory. And (b) countries may be involved in the mediation process in order to strengthen their influence over the conflicting states, especially when other third parties also have interests in the region (Vuković, 2016, p. 20). Russia's pseudo-mediation in the conflicts in Georgia (before August 2008 war between Georgia and Russia) and between Armenia and Azerbaijan over the Nagorno-Karabakh region can be exemplary to the latter argument.

Secondly, for an international/regional organization (apart from military alliances), it is usually the desire to earn gratitude and obtain/strengthen prestige and positive status from successfully mediating a conflict as well as, where possible, to satisfy the interests of the mostly concerned member states (only until the point when the dominance and assertiveness of one of its member states is perceived as suspicious by the conflict parties, risking the credibility of the organization) (Hopmann, 2016; Zellner, 2016). Unlike the countries, in most cases, international/regional organization does not have enough capabilities, so "it has to rely on its status as a global/regional organization…, the legitimacy it derives from this status, its credibility as an international actor, the cohesiveness of its members, and mediators' experience and persuasiveness" (Fretter, 2002, p. 98; Kydd, 2006). In other words, comparing to the countries as mediators, international/regional organizations are often seen by the conflicting parties as less politically/ideologically motivated, having less interests in expanding their powers, enjoying more expertise and experience in mediation, possessing stronger institutional mechanisms for mediation, and more thoroughly recognizing and respecting cultural sensitivies. Indeed, this is true to the European Union. Despite its potentially many shortcomings in the conflict resolution policy, these are probably the best reasons of why the EU should be involved in the conflicts in Moldova and Georgia and why this involvement can be potentially more effective than those of the countries.

And thirdly, although their capabilities and resources are limited, the so called "low-key mediators" (i.e. non-governmental/civil society organizations and individuals) sometimes also have a significant role in preparing the conflicting parties and the situation in general for more formal discussions (Postica, 2016; Fialová, 2016). They are usually recognized by the stalemates as acceptable mediators due to their reputation/status, professional experience, a "developed network of contacts" and the perceivably impeccable past, and are perceived "as actors whose primary focus is 'the pursuit of peace, including the promotion of the philosophy and techniques of negotiation, conflict resolution, and nonviolence'" (Anderson, 1996, p. 344; Vuković, 2016, pp. 24-25).

Mediation can be advantageous <u>for the conflicting parties</u> in many dimensions as well. Firstly, they can avoid popular dissatisfaction for unpopular decisions by putting blame to the mediator rather than to themselves. Second, a mediator can create a value in the negotiations through creating or widening the zone of possible agreement by providing the conflicting parties the information about the opponent's positions, interests, needs, preferences and capabilities, 'reservation points' (Savun, 2009; Rauchhaus, 2006). As Vuković (2016) argues, "mediator's presence fosters the expectation that the utility of the agreement attainable through mediation exceeds the utility of an agreement that the parties could reach if they negotiated directly" (p. 18).

When a party thinks that the alternatives outside of negotiations are better than those in the negotiations, when the BATNA (the best alternative to a negotiated agreement, the best alternative to leaving the negotiations) is more attractive to the conflicting sides, then the party will most likely not negotiate honestly, if at all (as argued by Prof. Esra Çuhader in Ankara during the "Negotiation Skills" course of the International Junior Diplomat Training program on 12 April 2016).

Multiparty mediation

Practice of international mediation is familiar with the situation when more than one third party is involved in the process. Scholars usually call it *multiparty mediation* (Crocker *et al.*, 1999) and describe it as process with "sequential, simultaneous and composite involvement of more than one external actor in mediating a dispute" (Vuković, 2016, p. 39).

Multiparty mediation has many advantages over single party mediation. In case of single party mediation, a mediator may not have enough resources or willingness to influence the conflict parties. In case of multiparty mediation, more mediators mean potentially more resources, more ideas, more opportunities and more chances for conflict resolution. First, as Crocker *et al.* (2001) clarify, "[joining] a multiparty effort allows actors to pool in their resources and skills and, as a consequence, increase the overall leverage that can be applied in the mediation process" (p. 59).

Second, multiparty mediation is less costly for individual mediating coalition members as a collective and concerted effort "generates smaller shares of fiscal burden and political risk associated with mediation" (Böhmelt, 2012, p. 702; 2011, p. 108; Beber, 2010; Hopmann, 2016).

Third, legitimacy increases with the increase in number of mediating coalition members and more importantly, of their collective actions (Vuković, 2016, p. 40).

Fourth, some researchers argue that mediating coalition with democratic states as its members are more likely to have success in the mediation process because these members have "high levels of communication, coordination, collaboration and integration" (Böhmelt, 2011, p. 113) (Indeed, these characteristics are vital in mediation success, as discussed in relevant section of this dissertation). In other words, more democratic coalitions perform more effective mediation.

And last but not the least, chances for achieving a mediated/negotiated solution increase when powerful and respectable actors are involved in the mediation coalition by "'restructuring' both domestic and regional relationships" (Vuković, 2016, p. 40). This effect is stronger if mediators do not change during the mediation process (Böhmelt, 2013).

Mediation Success

First thing that catches the reader's attention while talking about mediation success is that it is an abstract concept. Although there is a considerable body of work on other characteristics of conflicts and mediation (Bercovitch, 2006; 1991; Levy, 1998; Frazier & Dixon, 2009; Hopmann, 2016), there is still no clear and concrete definition of <u>success</u> in the field of conflict mediation. It is widely defined by using other equally elusive concepts such as fairness, justice, stability, efficiency, satisfaction, etc. But what is fairness itself? What is justice, efficiency or satisfaction? Are there measurement criteria/indicators for these concepts? It is, however, important for the development of conflict management theory and practice to have an explicit definition and unambiguous understanding of success.

It was Blair Sheppard (1984) who, as one of the first scholars of international relations trying to define the notion of success, suggested the consideration of the process and the outcome as two key aspects of mediation events. As Bercovitch (2006) further clarifies, "[the] process refers to what transpires at the mediation table, and the outcome refers to what has been achieved (or not achieved) as a result of mediation" (p. 292). Such differentiation between a success in the process and a successful outcome can indeed make the assessment of mediation more feasible.

Other scholars attempted to define success by reference to its four criteria: effectiveness, satisfaction, fairness and efficiency (Sheppard, 1984; Jameson, 1999; Bercovitch & Langley, 1993). Susskind & Cruikshank (1987) had a different understanding of mediation, considering fairness, efficiency, wisdom and stability as its most important indices. These researchers made a valuable contribution to the academic scholarship in defining these vague notions and thus aiding the understanding of the concept of mediation success.

In an attempt to avoid ambiguity and provide a better understanding, Sheppard (1984) breaks down the notion of fairness into several more observable indicators, including "levels of process neutrality, disputant control, equitability, consistency of results and consistency with

accepted norms" (p. 144). Other scholars characterize fairness as "improvement of procedure and institution of precedent, access to information, opportunity for expression", etc. (Bercovitch, 2006, p. 292; Jameson, 1999; Susskind & Cruikshank, 1987).

As for participant satisfaction, it is clear that if participants are satisfied with the mediation process/outcome, their positive perception of success and therefore their commitment increases. This is directly connected to another indicator of success – stability: more the participant satisfaction in the process and/or outcome, greater the stability of the mediation process and more stable and longer-lasting the outcome. Nevertheless, as Bercovitch (2006) neatly puts it,

> "party satisfaction is largely perpetual and has a very personal quality. Satisfaction is often deemed an almost emotional response to the achievement of a goal or attainment of some requirement. The sorts of goals taken into an event by those involved in conflict are personal in nature and formed by the specific configuration of their personality, environment, [values and expectations]" (p. 293).

Effectiveness is a more observable indicator of mediation, as it is "a measure of results achieved, change brought about, or behavioural transformation" (Bercovitch, 2006, p. 294; Frazier & Dixon, 2009). All in all, Bercovitch (2006) concludes that

> "for mediation to be deemed successful, it must have some (positive) impact, or effect, on the conflict. Here, we are talking about such changes as moving from violent to non-violent behavior, signing an agreement, accepting a ceasefire or settlement, or agreeing to a peacekeeping/monitoring force/mission, among others. If any of these has occurred as a result of mediation, we can safely say that the mediation was effective, and thus successful. Effectiveness allows us to observe what has changed after a mediator has entered a conflict. It is to a large extent much less subject to perceptual disagreements and more easily observable and measurable" (p. 294).

For example, Achkar, Samy & Carment (2009) believe that success in mediation is indeed not a "resolution of conflict *per se*, but... the cessation of violence and the initiation of a very long process whereby adversaries can address mutual grievances and the underlying causes of hostility" (p. 216).

Measuring the EU missions and operations, Rodt (2017) offers 4 criteria to assess their effectiveness in operational conflict prevention. She argues that "effectiveness is when a

mission/operation achieves its purpose in an appropriate manner when seen from the perspective of the intervener as well as the conflict in which it intervenes (at least in part) to prevent (further) violent conflict" (p. 79). Her framework of effectiveness in operation conflict prevention takes into consideration the fulfilment of politico-strategic goals and key operational objectives (internal goal attainment); timeliness, efficiency and cost-effectiveness of implementation (internal appropriateness); prevention of initiation, continuation, diffusion, escalation and intensification of (further) violent conflict (external goal attainment); and proportional prevention – positive, meaningful and sustainable contribution made by necessary and sufficient means (external appropriateness).

Efficiency is another criterion of successes that needs our particular attention. It aims at the procedural and temporal dimension of conflict management and "addresses such issues as the cost of conflict management, resources devoted to it, timeliness and disruptiveness of the undertaking" (Bercovitch, 2006, p. 295). Talking about efficiency, Susskind & Cruikshank (1987) imply that a "fair agreement is not acceptable if it takes an inordinately long time to achieve or if it costs several times what it should have" (p. 22). This is an apparent indication of high importance bestowed on the notion of efficiency.

So far, the discussion has been on the situations when agreement has been achieved or changes have been witnessed in the conflict situation as a result of the mediation process. That is a relatively easier state of affairs, because there is something that conflict parties or impartial scholars can observe and measure. Indeed, in this case there can be either a signed agreement (success) or an absence of a signed agreement (failure). Other mid-processes, such as acceptance of mediation or implementation of the signed document, have no room in this strict success-failure dichotomy.

Nevertheless, there are often more options between these two extremes. Indeed, there are more complicated scenarios with no agreement and no change (Melin *et al.*, 2013). In such cases, what mid-achievement can be labelled as success? For this reason, researchers (e.g. D'Estree, Fast, Weiss & Jakobsen, 2001) often consider several notions that are helpful in

identifying a wider array of mediation success: settlement, management, resolution and transformation.

Although all are useful terms in general, two of them can have particular importance for this research (management was discussed above in detail). In particular, as Bercovitch (2006) clarifies, a "settlement takes place when conflict-generating [behaviour] (most notably of the damaging or destructive kind) is neutralized, dampened, reduced, or eliminated", while "[resolution]… occurs when the root causes of a conflict are addressed, thus negating the threat of further conflict-generating [behaviour]" (pp. 295-296). Settlement may entail elements of enforcement, while resolution does not. Settlement outcome can be negotiated or imposed (Gochman & Maoz, 1984; Ghosn & Bennett, 2003; Ghosn, Palmer & Bremer, 2004; Jones, Bremer & Singer, 1996), while resolution can be negotiated and not imposed. Primarily, settlement addresses the conflict's symptoms, expressions, signs, while resolution targets its causes and roots. Settlement cannot and is not designed to eliminate the need of the parties to re-visit the conflict, while real successfulness of resolution can be assessed with this criterion. Most scholars acknowledge that settlement can be more effective in "value-added disputes, small-scale, interpersonal or group conflicts", while resolution can be well-served for "interest-based disputes, large-scale, complex, international conflicts" (Bercovitch, 2006, pp. 295-296; 1984).

Referring to different theories of international relations, the above-mentioned characterization of settlement vs resolution dichotomy evidently indicates the ground upon which to build a clear understanding of mediation success. On the one hand, if scholars belong to a neo-liberal school of thought, their assessment criteria would be focused primarily on a reduction or elimination of violence and conflict-generating behaviour because a full-fledge conflict resolution is not feasible due to structural arrangements and prevailing rules of a 'system defined by power politic [behaviour]' (Bercovitch & Houston, 1996). Or as Bercovitch (2006) precisely puts it, "conflict itself is natural, unavoidable, and unlikely to be resolved [in such kind of system] and, hence, success is best judged as the ability to avert, or end, the damaging aspects of conflict" (p. 296). In other words, if a

mediator aims at conflict settlement or studies effectiveness of this process, settlement can be reckoned as a successful mediation outcome.

However, on the other hand, if scholars belong to a school of idealistic theories of international relations, they would argue that

> "the possibilities of transformation and the malleability of all social situations in international relations may have more exacting requirements. If conflict is perceived as an aberration of sorts, born out of structural discrepancies, rather than as part of the natural order of things, one is more likely to consider comprehensive resolution possible, and, hence, the prime indicator of mediation success" (Bercovitch, 2006, p. 296).

Researchers investigating such cases would qualify the conflict settlement as a failure or rather an insufficient success of a mediator to manage the conflict, "leaving conflict to smoulder beneath the surface before erupting again" (Burton, 1987, p. 32; Bercovitch & Houston, 1996).

Few would argue that resolution is not a better option leaving less room for re-eruption of violent behaviour. Nevertheless, in the real world, taking into consideration the protracted destruction and hostilities, vested interests and political short-termism of adversaries and strategic players, resources invested by these actors, and many other factors, successful resolution is a rare phenomenon (Zellner, 2016). For this reason, in situations where resolution is not feasible or realistic, academic scholarship often deems settlement the only feasibly successful result.

Another interesting dimension in assessing the mediation success is offered by Kriesberg (1991) in his seminal work. The author explains that "mediation success is best understood as a significant (or even essential) contribution to de-escalation of conflict, movement towards an acceptable agreement or reconciliation, under the prevailing conditions" (p. 20). This dynamic process entails several stages that can also be analyzed in the case of the EU involvement in the conflicts in Moldova and Georgia. During the first stage, mediator tries to bring the conflicting parties to the table (i.e. acceptance of mediation). Information about the conflict as well as the interests of the respective sides is critically important for a mediator

who in turn can use it to change the expectations and increase the attractiveness of the peaceful and negotiated alternatives (Rauchhaus, 2006; Savun, 2009). For this reason, "the first degree of success in international mediation is reflected in the mediator's ability to transform conflictual relations and de-escalate the conflict by getting the parties to the table" (Vuković, 2016, p. 35).

In case of Georgia, the EU was successful in bringing the parties to the negotiation table in Geneva within the Geneva International Discussions but experienced many shortcomings within the same format of discussions (Makhashvili, 2013). The EU as well as other mediators were often mere observers of the process instead of being active mediators using different strategies to "increase attractiveness of a negotiated solution and highlight the ineffectiveness of confrontational methods" (Vuković, 2016, p. 35) (See more on the GIDs in the following sections).

The second stage can be that of absence/presence of formal agreement, a dichotomy that goes through the pipeline of a mediation process. It can be presumed that the EU had success in achieving a ceasefire agreement between Russia and Georgia in 2008 and mini-successes in the Geneva discussions, like the establishment of Incident Prevention and Reaction Mechanism, its reinvigoration in Gali in 2016, locking parties to the negotiation table despite many demonstrative leave-outs and tensions throughout the years, etc. But if we analyze it deeper (in terms of their implementation and daily functioning), these accomplishments can be questioned. Furthermore, academically speaking, several researchers do not even label a ceasefire agreement as a success at all because it is the least comprehensive agreement and "while [it is] the simplest form of agreement to achieve, [it is] the easiest to break" (Greig & Diehl, 2012, p. 105; Vuković, 2016, p. 36). The results section on the Geneva International Discussions below will academically shed more light on this issue and demonstrate that a formal agreement can be labelled as a mediation success only partially, while the other part of the story can be traced in its practical application.

The latter can be identified as one of the reasons for the EU's potential ineffectiveness in conflict management and mediation in Moldova and Georgia. Mediator's strong 'post-

agreement commitment' is indeed absent in Georgia where the EU is represented meaningfully only by the civilian European Union Monitoring Mission on ground and its presence is often questioned by several member states while its continuation is a result of long and dedicated diplomatic efforts once per 2 years (acknowledged by several interviewees from various ministries of Georgia). More importantly, its functioning is limited to the territories controlled by Georgia's central government, and its access to the breakaway regions is denied since the very first days of its functioning.

These three stages/degrees of success certainly cannot encompass everything but will be used in this study for the sake of simplicity and better illustration.

Cooperation and Coordination

Cooperation is another important issue in the process of mediation. Zartman & Touval (2010) define it as "a situation where parties agree to work together to produce new gains for each of the participants that would be unavailable to them by unilateral action, at some cost" (p. 1). Based on earlier studies, Vuković (2016) explains that

> "[by] exchanging the necessary information about their interests and needs, parties redefine their incompatibilities and seek to create join gains. Establishing joint gains requires parties to abandon their maximalist goals and formulate a solution on the basis of compromise that benefits all of them" (p. 47).

Another important notion in the process of mediation is coordination. Vuković (2016) calls it "a method of synchronized usage of the different leverage and resources each mediator has at its disposal in the process in order to create the necessary incentives that would have been unavailable from a single mediator alone" (p. 59).

Coordination is thus an important issue in a successful mediation. However, it is not as easy as it may seem. In reality, there are many problems regarding "a regulated exchange of information about the respective peacemaking efforts" as well as "analysis of the conflict from the participating external actors' perspective" (Fisher, 2006, p. 68). These disturbances often lead to overlapping each others' activities, loss of coalition memory, lack of learning

from previous efforts and best practices, chaotic and inconsistent efforts, etc. (Heldt, 2013, p. 13).

Moreover, lack of coordination also hinders the overall process of convergence, i.e. establishing a shared interest "in mediating a peaceful solution that is acceptable to all sides and, more importantly, a clearly defined idea of what this solution should look like" (Vuković, 2016, pp. 64-65). The EU itself also acknowledges that the success of its civilian and military crisis management tools highly depends on effective "coordination and communication between all relevant EU actors [including High Representative, Presidency, European Commission, EU Special Representatives, ESDP missions, European Commission delegations] to ensure that the EU can respond quickly to rapidly evolving situation", the Political and Security Committee being the decisive body in this process (Council of the European Union, 2009, p. 4). Moreover, the EU recognizes the significance of coordination with both internal EU agencies and international partners such as UN, OSCE, and individual countries (Council of the European Union, 2009, p. 9).

Without well coordinated, coherent and concerted actions of mediators, the conflict parties may use the so called forum shopping that will complicate the situation and hinder a peaceful conflict resolution. It can be further complicated by different interests, negotiations/mediation styles/strategies/traditions and ideologies/beliefs of multiple mediators involved in the process, if these are not well coordinated among mediators and well communicated to the conflict parties. Indeed, if third parties (international/regional organizations, states, non-governmental organizations or individuals) mediate a conflict in an uncoordinated and conflictual manner, while not understanding the conflict and mediation process structurally, idea/ideology-wise, historically, not grasping and understanding the roots and essence of the conflict, incorrectly interpreting the messages and activities of all the actors involved and not sensing the moments/windows of opportunity and signs of potential breakthrough (Greig & Diehl, 2012), then mediators will have less chances for success.

In short, any successful solution lies in the ability of mediators "to realize the inadequacy of unilateral action and recognize the utility of cooperation" (Vuković, 2016, p. 54). But a mediation success is similarly strongly influenced by other developments in international arena, be it situational factor, personal/role factor, motivational factor, interactional factor or something else. Bercovitch (2006) explains that they usually "exert influence on the way mediation is undertaken, performed and terminated… and affect the success or failure of any mediation event" (p. 299). In most cases, they are not taken into consideration during initial calculations of a mediator. Indeed, they usually happen unexpectedly and may become a room of opportunity by leading the mediators to the point when a successful conflict management/resolution becomes their common interest.

These developments can be grouped in several sets: first, "[significant] developments on the systemic level caused by pivotal political, social, economic and/or natural events might strongly affect an actor's strategic priorities and encourage them to re-evaluate the guiding principles of their foreign policies" (Vuković, 2016, p. 54). A widely well-known example (although not related to our topic) is a full prohibition of chlorofluorocarbons (CFCs) production: the observation in late 1970s that usage of the CFCs was a primary source of disastrously depleting ozone layer above the Antarctic attracted the attention of most of the countries which quickly realized the potential existential threat. As a result of their aggressive lobbying, countries agreed to fully prohibit the CFCs production and usage by 2040.

Second, tragic developments of natural or man-made origin can have similar effects and may push the mediators to change their strategies in the conflict management. Indeed, arguably it was not until the fall of airplane MH17 that the European society (and many politicians alike) fully realized the tragic side of and the need to more actively react to the Russian military intervention in Ukraine.

And third, a change in political leadership may also create a room of opportunity for conflict management as a new leader or elite can be more willing to compromise, believing that this will yield more benefits than previous, more destructive strategies.

In short, the rationale behind these new potential developments is that "as confrontational strategies have resulted in higher costs than expected benefits, the non-cooperative third party might find that it is in its interest to re-evaluate its approach and seek the attainment of greater benefits via cooperation" (Vuković, 2016, p. 56).

None of these three factors have been evident in Moldova and Georgia. One clear exception can be the Russian intervention to Georgia in 2008 that made the European Union to play bigger role in conflict management and mediation in the process. However, Russia has not paid its price for the intervention. To the contrary, as demonstrated below, Russia has created a new status quo that is hard to reverse even for multiparty mediation (EU, OSCE and UN in the GIDs). Indeed, according to the game theory of Moves, alternatives other than complete annexation of the breakaway regions seem unacceptable with current conditions because they lead to less preferable final state for Russia.

Contextual factors affecting mediation

As suggested above, mediation is not a purely internal and closed process. Several researchers have attempted to analyze those contextual factors that influence this process. Firstly, geopolitical conditions (i.e. distribution and balance of power, national interests, strategic alliances, etc.) "create the operational framework within which conflict management activities are conducted" (Vuković, 2016, p. 31) and thus determine the meditation success with high extent. 'Perception of a hurting stalemate' can be changed by the external support (from patron, ally, otherwise interested third-party), thus making the uncompromised behaviour more acceptable, increasing the attractiveness of the BATNA (best alternative to the negotiated agreement), continuing the conflict and decreasing the chances of mediation success (Zartman, 2001, pp. 8-9; Bercovitch, 2005, p. 108).

And secondly, researchers also indicate that "the nature of the conflict at hand" is an important factor that complicate a mediation process, especially in the high-intensity conflicts. As Vuković (2016) explains,

> "protracted and destructive nature [of such conflicts]… contributes to the psychological manifestation of animosity, profound sentiments of fear and distrust, exaggerated stereotypes and misgiving among the parties involved… Positions and promoted solutions are conditioned by the parties' zero-sum perceptions and competitive attitudes… With the passing of the time, conflict becomes engrained in peoples' daily routine and such behavior even becomes institutionalized" (p. 32)

Due to this, conflicting parties sometimes are reluctant to change the status quo, particularly if, apart from the above-mentioned factor, the conflict is also a source of additional benefits or can be used by politicians to obtain/maintain power (Meerts, 2004; Kriesberg, 2005). It is for this reason that a mediator has more chances of success in early phase of conflict, before such behaviour becomes institutionalized, "identities become polarized and new grievances emerge" (Bercovitch *et al*, 1991; Bercovitch, 2005). That is why researchers believe that in such cases conflict settlement can be a more pragmatic approach than conflict resolution. However, after some time (in real life it can be years or tens of years) the conflicting parties may realize that their initial goals are not feasible, start redefining their objectives and become more tolerant to a compromise. Mediation can facilitate this transformation by encouraging the parties to a negotiated solution.

The Moldovan and Georgian cases are already polarized conflicts with at least one conflict side having institutionalized behaviour and being persistent (i.e. unwilling or obliged by a third party not) to change the status quo. Thus, it should be expected from the European Union to be engaged in conflict settlement rather than conflict resolution, and to have more success in the former rather than in the latter.

Choice of Mediation

Bercovitch (2011) argues that mediation is

> "an extension of negotiations where the parties to a dispute seek the assistance of, or accept an offer of help, from a party not directly involved in the conflict, to resolve their differences without invoking the authority of the law. The key differences between the two methods relate to the additional

resources and expanded relationships and communication possibilities that a mediator brings to the conflict management" (p. 154).

Various studies have demonstrated that negotiation is an important tool in the conflict resolution, especially when these conflicts are not complicated, highly intensive and the parties are asymmetric in power (Johnson & Tullar, 1972; Bigoness, 1976; Johnson & Pruitt, 1972; Hiltrop & Rubin, 1982). In contrast, mediation is used more often "in disputes characterized by high complexity, high intensity, long duration, unequal and fractionated parties, and where the willingness of the parties to settle peacefully is in doubt" (Bercovitch & Jackson, 2001, p. 59). Indeed, many influential scholars consider that as long as a "disparity [i.e. a rough power parity between the parties] will dispose the stronger party to reject negotiation in the first place, or at least resist a compromise", mediation (rather than a two-sided negotiation) can best serve this kind of asymmetric disputes (Young, 1967; Zartman, 1981; Kriesberg, 1982; Touval, 1982; Kleiboer, 1996). Moreover, the research data demonstrates that more the power disparity between the conflicting sides, more chances for the mediation to occur (Bercovitch & Jackson, 2001, pp. 70-71). Similarly, more the difference between the "identity and power capabilities" of the belligerents, less possibility for direct negotiations (Bercovitch & Houston, 1996, p. 21; Kleiboer, 1996; Pruitt & Carnevale, 1993). Rationale behind the 'identity capability' argument is simple: "when parties to a conflict do not share either the same political system or the same set of cultural norms and values, negotiation becomes very difficult indeed. This is because - shared norms and socio-political similarity minimize misperception and facilitate a successful conclusion to the conflict" (Bercovitch & Houston 1996, p. 21; Bakaki, Böhmelt & Bove, 2015).

Just like negotiation, mediation may "encompass a wide spectrum of [behaviours] that range from formal discussions in a multilateral forum like the United Nations, to informal conversations at an embassy cocktail party", and "can be conducted formally or informally, in secret or in the open, by heads of state or by low-level officials, with closed or open-ended agendas" (Bercovitch & Jackson, 2001, p. 60).

But mediation cannot be taken as granted. Apart from a third-party intervention, conflict parties may use unilateral or bilateral actions. Unilateralism can be expressed in actions aimed at violently taking over the opponent or simply withdrawing, while bilateralism can be revealed in a two-sided negotiation (Bercovitch & Houston 1996, p. 19). However, parties choose to use third parties (which is a neutral/objective actor not involved in the conflict) and to opt for an external mediation if certain conditions are met and expected results are acceptable for them (Beardsley, 2011).

Several scholars argue that the following pre-conditions are necessary for both negotiation and mediation to occur:

- "a low or decreasing probability of attaining conflict goals through violent struggle, withdrawal, or avoidance.
- a decreasing value of the conflict goals, relative to the direct costs of pursuing those goals and relative to other goals.
- a set of common or compatible interests between the parties, or at least the possibility of a settlement offering mutual advantages over continued conflict.
- the flexibility by each leadership to consider negotiation" (Stephens, 1988, p. 57; Bercovitch & Jackson, 2001, p. 60; Bercovitch, 2011, p. 155).

However, based on the very nature of mediation and particular differences between mediation and negotiation, mediation needs additional conditions to happen:

- A dispute is procrastinated for a long time, has a "complex issue structure" and the opposing sides are in a shortage of resources to opt for further unilateral actions (Bercovitch, 1991, p. 17; Bercovitch & Jackson, 2001, p. 73).
- The parties' unilateral or bilateral efforts are in a deadlock, unable to progress towards conflict resolution (Kleiboer & Hart, 1995, p. 310) or "antagonism prevents conflict management from even getting under way" (Stephens, 1988, p. 57).
- A third party is ready and willing to play a role of mediator (Gulliver, 1979; Greig, 2005).
- There should a room of opportunity for a mediator to play its role. Otherwise, if the conflicting parties do not want a third party to intervene or if there are some other

factors hindering the intervention, mediation will not occur or will be doomed to failure (Rubin, 1992, p. 252; Greig, 2005; Zartman, 2001, p. 8).

- As mentioned above, expected results must be beneficial/acceptable for the opposing parties in order to opt for a third party intervention. In other words, mediation tends to occur if the belligerents believe that either "it will help them reach a better settlement than they can achieve on their own", or "the mediator will provide them with a face-saving way out of the conflict or a means of influencing their opponent, or when rejecting mediation will result in greater harm than accepting it" (Kleiboer, 1996, p. 380; Zartman & Touval, 1996, p. 450; Bercovitch & Jackson, 2001, p. 61; Butterworth, 1976).

Mediation styles

Scholars agree that mediators differ from each other on the basis of several circumstances, including intensity of their activities during the negotiations, their bargaining strategies, degree of involvement, degree of creativity and proactivity, level of utilization of their leverages and other manipulative instruments, etc. There is no doubt that each style of mediation has its own distinguished and peculiar influence on the process and ultimate results of the negotiations.

Depending on the scale of engagement and the level of assertiveness of a mediator, there can be different types of mediation/mediator. Following other scholars' classifications, Wilkenfeld *et al.* (2005) identify three types of mediation: facilitation, formulation and manipulation.

Mediator as a *facilitator* (or as others also call it a *communicator*) serves a role of antennae transmitting information and other communicative messages from one party to another (Keashly & Fisher, 1996; Woolford & Ratner, 2009, pp. 319-320). Facilitative mediation includes but is not limited to "[providing] the physical space for negotiations, […] [organizing] logistics of the negotiation process, [collecting] information, [setting] agenda

regarding which issues will be discussed and in what order, and/or [assisting] conflicting parties in understanding the messages being conveyed among parties […] [and channelling] massages between disputants, especially when face-to-face communication isn't possible or desired" (Wilkenfeld *et al.*, 2005, pp. 319-320).

In other words, facilitation accommodates several roles: "the process facilitator; the facilitator of communication, compromise, and convergence; and the facilitator of cognitive change, attempting to induce the parties to see the problem in a new light and view each other empathetically, without making specific suggestions regarding potential solutions" (Hopmann, 1996, p. 70). Facilitative mediator settles the differences down to the acceptable-for-the-negotiations level, neutralizes the nervous atmosphere and paves a way to result-oriented negotiations. As Vuković (2016) clarifies, such kind of mediators "elucidate the overall situation for both sides, identify pertinent issues and promote confidence-building measures, all of which help the parties recognize joint gains and the availability of mutually acceptable solutions through negotiations" (p. 26).

An important point worth mentioning is that this is the least assertive meditation strategy, and a degree of involvement of a facilitative mediator in the substance of the negotiations is minimal. This kind of mediator is actually limited to "ensuring continued, and […] constructive, discussion and dialogue among disputants" (Wilkenfeld *et al.*, 2005, p. 71) and is "non-evaluative, non-coercive, and non-directive over outcomes" (Keashly & Fisher, 1996, p. 238). For this reason, many researchers criticize this kind of 'restrained intervention' as being not a 'true mediation' (Keashly & Fisher, 1996, p. 238).

Facing "with zero-sum perceptions and hard-liner bargaining attitudes on the part of conflicting parties" (Vuković, 2016, p. 26), mediator as *formulator* goes further by increasing degree of its involvement and actually contributing to the negotiating process. Contrary to the facilitation, formulative mediation includes "conceiving and proposing new solutions to the disputants […] by [redefining] the issues at hand in a conflict and […] [attempting] to employ innovative strategies aimed at 'unblock(ing) the thinking of the conflicting parties'" (Wilkenfeld *et al.*, 2005, p. 72; Zartman & Touval, 1996, p. 454). Or as Vuković (2016)

underlines, formulative mediators offer "innovative solutions that could downplay those commitments that constrain parties, emphasizing that unilateral (i.e. belligerent) action is in no one's interest and that the current stalemate requires immediate solutions" (p. 27). Hence, the mediator's proactive creativity is recognized and highly valued as it has more potential to push the mediation process to a successful end by suggesting fresh ideas and proposals. However, whatever idea, proposal, strategy or outcome is on the negotiation table, formulative mediation does not combine any type of coercion, i.e. disputants are free to choose the options and to abide the voluntarily accepted rules.

Beardsley et al. (2006) explain that facilitative and formulative mediations "are forms of integrative bargaining strategies that help the actors correctly identify solutions within the overlapping range of possible nonviolent outcomes" (p. 63). They can be used most effectively in low-intensity conflicts, where communication between conflicting parties is often decisive in pushing them to the negotiated agreement and its successful implementation. But in high-intensity conflicts, where conflicting parties are reluctant and less motivated to compromise, more asserting engagement of a mediator is critical (Sisk, 2009; Bercovitch, 2009).

Comparing to facilitator and formulator, mediator as *manipulator* is most intensively involved in the negotiations. It is often referred as "mediation with muscle" or "power mediation" (Svensson, 2007; Beardsley, 2009). Its proactivity is expressed not only in its strategy to use *facilitator's* roles but also in its attempt to "manipulate the parties into agreement" (Touval & Zartman, 1985, p. 12) by using its own beneficial position and manipulative instruments (Bercovitch & Houston, 1996). As Beardsley (2006) suggests, "threats and promises, or carrots and sticks, are intended to alter the parties' cost-benefit calculations and induce them to recognize viable alternatives within the rapidly developing range of mutually acceptable solutions" (p. 64). A classical method of manipulation by utilizing leverages is reckoned to be a situation when compliance to the agreement or cooperative spirit during the negotiations is praised by incentives (or 'carrots' such as financial/development/humanitarian aid, security guarantees, increased reputation/status, etc.), whereas non-compliance or non-cooperation is punished by costly sanctions (or 'sticks'

such as sanctions, military deployment, etc.). In most cases, only powerful third parties can pursue manipulative mediation. Indeed, there will be little chance for progress if mediator's reputation is severely undermined or if there are doubts about the perceived power and credibility of its 'sticks and carrots'.

Leverage in mediation is understood in this paper as "the ability to move a party in an intended direction" (Touval & Zartman, 2006, p. 436). Zartman & Touval (1985) believe that the "leverage is the ticket to mediation – third parties are only accepted as mediators if they are likely to produce an agreement or help the parties out of a predicament, and for this they usually need leverage" (p. 40). Leverages are part of what Carnevale (2002) calls "strategic strength" (or "the resource-based aspect of social power"), i.e. "what the mediator has, … what the mediator brings to the negotiation table" (p. 27). Scholars argue that the strategic strength entails the following types of social power: coercive power (sticks), reward power (carrots), legitimate power, relational power, referent power, information power and expert power (Carnevale, 2002, pp. 29-30; French & Raven, 1959). This can be well used in the manipulative mediation.

Apart from the strategic strength, third party can also use "tactical strength" (or "the behavioural aspect of mediation"), i.e. "what the mediator does at the negotiation table" (Carnevale, 2002, p. 28). Tactical strength is more important in facilitative and formulative mediations because a third party is incapable of or unwilling to use its strategic strength (classical power-based strategies, including 'sticks and carrots').

It is important to highlight that facilitative/communicative, formulative and manipulative mediation strategies are not necessarily mutually exclusive.

Scholars legitimately argue that mediation is not a fixed process. It indeed "changes as the dispute changes and as the intermediary and the disputants gain information and skill" (Princen, 1992, p. 65). It is therefore expected that mediators adapt to the process changes by evaluating, revising and altering their mediation styles in order to adjust to a given situation and to more efficiently mediate the dispute (Wilkenfeld *et al.*, 2005, p. 75). Thus, certain type of mediation could be best suited to and most beneficial in certain kinds of crisis. For

example, one school of researchers believes that facilitative mediation is the most effective strategy "for securing long-lasting, mutually beneficial outcomes and resolving the fundamental causes of conflicts" (Jabri, 1996; Wilkenfeld *et al.*, 2005, p. 75). They further argue that "disputing parties should arrive at their own solutions rather than having outcomes developed and/or imposed by a third party". They also criticize the manipulative strategies for damaging the "atmosphere of good will, trust, and joint problem solving' between the parties" (Kelman, 1992; Wilkenfeld *et al.*, 2005, p. 75). However, other scholars do not see high-level efficiency of facilitative mediation in disputes other than 'low-intensity conflicts' (Hiltrop, 1989; Donohue, 1989).

Contrary to Jabri, Kelman and their ideological colleagues, Schelling (1960) advocates formulative mediation, arguing that it utilizes more effective instruments for successful negotiations. By initiating and suggesting fresh proposals (that are out of vested interests, subjective perceptions, political pressure and short-termism) to the disputants, a formulator takes the responsibility of perceived 'capitulations or concessions' from the stalemates and, in turn, gives them opportunity to reassess the cost-benefit calculations, redefine their cognitive structures and possibly accept the proposals, paving the way to the conflict resolution.

Bercovitch (1986) and Bercovitch & Houston (1996) take a different stance by presenting empirical data indicating the effectiveness of manipulative mediation (52% success rate in international conflicts and only 32% for facilitation). Berridge (2002) supports the argument as well noting that "the mediator needs to employ a judicious combination of carrots and sticks, together with deadlines and [to] press manipulation in order to sustain diplomatic momentum" (p. 201). Other researchers affirm that "manipulative mediators' ability to provide side payments to crisis actors makes them especially effective in helping to manage crises", as they "can change the overall stakes of a situation in order to encourage agreements even in the most dangerous and hostile environments" (Wilkenfeld *et al.*, 2005, p. 76). However, manipulator must be careful in pushing to an agreement strictly and coercively in order to avoid unexpected negative consequences. It is also argued that "since manipulation 'only alters the relative costs of conflict and deflates each party's reservation point,'" it "is

likely to have a lesser effect on tension reduction" because it does not necessarily lead to the outcome that is "in line with the true distribution of capabilities" (Wilkenfeld *et al.*, 2005, p. 80; Beardsley *et al.*, 2004, p. 12).

Proponents of facilitative, formulative and manipulative mediation seem to suggest extremes of their positions by exaggerating particular type of mediation while undermining the others. The best type of mediation is more likely to be a mixture of all three. As Wilkenfeld *et al.* (2005) more precisely and clearly express this point, "reformulations and suggestions offered by [formulator], and the sanctions and rewards offered by [manipulator] create new options for parties, and 'a way out' that were not there without the mediator" (Wilkenfeld *et al.*, p. 79).

Chapter 3

European Union Involvement in Conflict Management and Mediation

It is paradox but should be underlined from the beginning that the European Union has no clear-cut conflict resolution policy with conflict management and mediation as its components. EU's Common Foreign and Security Policy as well as Common Security and Defence Policy are integral parts of a wider EU foreign policy that is referred as "the sets of policies adopted by the Union's member states to address issues and manage relationships beyond their collective external border" (Thomas, 2011, p. 10; Webber, 2011). More concretely, it may include the following policy outputs: "Council Conclusions related to world affairs; Common Strategies, Common Positions, Joint Actions and other CFSP/CSDP instruments; and the wide variety of positions adopted in other areas of external relations, such as mandates for international negotiations on trade, environment, or EU accession, decisions on development or humanitarian assistance, or the imposition of sanctions" (Thomas, 2011, p. 10). It is within these broader policies and instruments that conflict resolution, conflict management and mediation-related activities usually emerge and develop.

There has been an increasing volume of academic scholarship on the EU conflict management and mediation during recent years. The researches vary from EU's Europeanization approach to the conflicts in its immediate neighbourhood (Emerson *et al.*, 2004) to the EU conflict prevention, peace-building and crisis management in policy and legal lens (Kronnenberger & Wouters, 2004; Blockmans, 2008; Blockmans, Wouters & Ruys, 2010; Lundin, 2016), as well as to the comparative case studies of conflicts in the EU's neighbourhood (Diez & Tocci, 2017) and the repercussions of the EU contractual relations on them (Tocci, 2007). More recent analyses focus on the motivational factors of the EU to be (or not to be) involved in the conflict resolution processes (Pohl, 2012; Popescu, 2009). Other studies address the issue of success of the EU in managing conflicts effectively (Whitman & Wolff, 2012). Nevertheless, taking the changing strategic circumstances in the EU's immediate Eastern neighbourhood and beyond, it becomes more necessary than ever to

revisit the important period of 2004-2016 when, in parallel to and based on relevant treaty changes, the EU has been actively developing its international standing and tools and adapting to the new 21st century international order. It is indeed important to revisit the EU successes and failures, ups and downs, and draw relevant lessons on them for future more effective and successful external action. This doctoral research indeed intends to do this.

Based on the Whitman & Wolff's (2012) analytical framework, the EU as a conflict manager must have (1) capabilities to act, (2) capabilities to fund and (3) capabilities to cooperate and coordinate. All of these terms were discussed in relevant depth in previous chapter. This chapter will explore their practical application to the European Union, i.e. what are the EU policy, instruments and institutional network for conflict management and mediation-related processes.

First set of capabilities outlined by Whitman & Wolff (2012) means that the EU has "[appropriate] policy tools and ability to deploy them in the right time", arguably under the circumstances that there is a political will from the EU and its member states for doing so. There is indeed a wide range of EU instruments, bodies and efforts present in the world, in general, and in Georgia and Moldova, in particular, demonstrated in the following chapters.

Second set of capabilities includes the ability of the European Union to provide financial assistance for its own conflict management activities. This has been closely connected to the first capability and, although there have been necessary financial instruments, their usage (or rather absence of usage) has often been undermined due to a lack of political will (Whitman & Wolff, 2012, pp. 3-19).

And third set of capabilities encompasses cooperation and coordination of everything from horizontal to vertical dimensions of EU activities both externally and internally, on the ground in Georgia and Moldova, and among the Union's institutions and member states, with host countries and other stakeholders (Whitman & Wolff, 2010).

European Union usually has a wide range of military and civilian crisis management instruments. Additionally, the EU tools and policies in trade, development and crisis

response are often used for this purpose. Davies (2011) explains that "[these] instruments, directly under the [political] authority of the European Council, aim to offer political and diplomatic support to defuse potential crises, improve stability and protect human rights and democracy during transitional periods, and begin the process of economic and social reforms" (p. 145).

Ultimately, everything is regulated within the framework of umbrella documents establishing contractual relations with relevant third countries and group of countries. In this context, both Moldova and Georgia enjoyed the membership of the Partnership and Cooperation Agreement (until the Association Agreements), the European Neighbourhood Policy, the Eastern Partnership since 2009, and the Association Agreement since 2014 and 2016, respectively (however, the AA's 80% was in force in Georgia already since its signing in 2014 until its ratification process fully completed in 2016). Based on these documents and formats, the EU is capable of providing direct and indirect incentives for conflict resolution via enforcing reforms agenda, legislative approximation to the EU *acquis,* political dialogue, CFSP/CSDP missions, financial support, etc. In other words, the EU contributes to the peace building primarily through increasing the attractiveness of the conflict parties, "based on the assumption that the transformation of conflict requires the prior establishment of the rule of law and effective governance structure" (Oproiu, 2015, p. 25).

Apart from being a mediator itself, the EU generally has a substantial power in promoting, leveraging, funding and otherwise supporting mediation efforts (Council of the European Union, 2009, pp. 9-10). Comparing to other international actors, the Union has been in a comparatively advantageous position in crisis management due to the following positive developments (Tardy, 2015, pp. 41-42): First, EU's expertise in "security sector reform (SSR), the rule of law, military and civilian training, maritime security or border management" has been widely appreciated. Second, due to a wide variety of instruments, the EU was able both to "respond in a multidimensional manner to situations where other crisis management actors are less well-positioned", and to intervene in situations "where other institutions could not necessarily intervene for material reasons or considerations of legitimacy". Third, many CSDP operations are seen to be "by and large delivered in an efficient manner". And fourth,

the establishment of the European External Action Service [EEAS] contributed to the "incremental professionalization of CSDP".

Decades-long experience shows that "[traditionally,] crisis management is the intergovernmental Council's domain, while the Commission focuses on conflict prevention and post-conflict rebuilding" (Davies, 2011, p. 147). Yet, the practice also demonstrates that "although the Council regularly takes the lead on EU foreign affairs, it is the Commission which possesses the instruments necessary to implement the Council's positions" (Davies, 2011, p. 148). That is why it has been always relevant to lobby both with individual EU member states and the European Commission. It is also an important factor in assessing the EU effectiveness/success both in terms of process (decision-making in the Council/European Council) and outcome (implementation by the Commission).

EU crisis management and conflict resolution policy

Since the Balkan Wars, the EU gradually started to realize the importance of conflict prevention and crisis management, and slowly started to be engaged in mostly civilian crisis management missions. Its main goal has been the promotion of "stability by strengthening the rule of law in a conflict zone, whether by educating local police forces, training civil administration, monitoring ceasefires and borders or otherwise supporting the EU Special Representative" (Davies, 2010, p. 145).

It is surprising, however, that the EU, surrounded by so many conflicts on the European continent or in its neighbourhood, does not have a clear-cut conflict resolution policy. The EU generally approaches conflicts by the Common Security and Defence Policy (CSDP) (within a broader Common Foreign and Security Policy (CFSP)) – an EU instrument to carry out humanitarian, crisis management, peacemaking or peacekeeping tasks. However, even in this case, the EU rarely uses real peacekeeping, humanitarian or peace-enforcing missions and operations. Indeed, most of them (both completed and ongoing) rather have a peace-building nature (EEAS, 2016d).

Tardy (2015) clarifies that "[essentially,] CSDP is about responding to threats that are not direct or immediate. It is about projecting security outside of the EU area so as to contribute to the stabilization of states of regions that may potentially be the source of further destabilization or threaten EU societies more directly" (p. 33).

Although CSDP is not without merit, scholars are often vocal about its inherent limitation – "[to] a large extent, CSDP is a states-led process. The nature of CSDP is such that nothing is possible in this field without the initiative, commitment and support of [the EU] member states" (Tardy, 2015, p. 43).

EU crisis management and conflict resolution structures and regimes

Since its formal establishment, the EU has significantly extended its outreach in international relations. So have its structures responsible for crisis management, conflict management, conflict resolution, strategic planning, military planning, early warning, situation assessment, military training and education, military partnerships, etc. (Balfour & Raik, 2013; Faleg, 2017). The European Security Strategy published in 2003 was one of the first significant steps of the EU acknowledging the importance of addressing the security challenges in a new millennium, underlying the EU's role in these processes and stressing the necessity of "preventive engagement" through the EU conflict prevention instruments, "including political, diplomatic, military and civilian, trade and development tools" (Council of the European Union, 2003).

The Lisbon Treaty in 2009 recognized the conflict prevention, peace preservation and strengthening of international security as key goals of the Union's external action. Moreover, the Council of the European Union (2011) reiterated that "preventing conflicts and relapses into conflicts… is a primary objective of the EU's external action, in which it could take a leading role acting in conjunction with its global, regional, national and local partners" (p. 1).

As a part of the European Security Strategy implementation follow-up, the EU also developed the "Concept on Strengthening EU Mediation and Dialogue Capacities" in 2009

(Council of the European Union, 2009). The document aimed at strengthening mediation capacities of mediators, and expressed its readiness to continue support of "local, regional, international partners, relevant non-governmental organizations and institutions for conflict prevention and resolution and the strengthening of peace efforts, as appropriate" (Council of the European Union, 2011, p. 2). Interestingly, scholars recognize that this was one of the first serious attempts to "narrow the perceived gap between the EU's engagement in long-term conflict prevention on the one hand, and crisis management and post-conflict rehabilitation on the other" (Schachinger, 2012, p. 17). Moreover, the document clarified the methods of EU engagement in mediation, from being a party to mediation to promoting, leveraging, supporting or funding the mediation. The Concept can be reckoned as a policy basis for the EU mediation.

The European External Action Service (EEAS), headed by the High Representative of the European Union for Foreign Affairs and Security Policy / Vice-President of the European Commission (HRVP), was created by the Lisbon Treaty and intended to facilitate and increase effectiveness and efficiency of EU policies, bodies and instruments in the field of the CFSP/CSDP (EEAS, 2013; Bicchi, 2012). Indeed, based on the Lisbon Treaty, all the CSDP bodies (some directly in the Council, others in the EEAS) are currently under direct supervision of or guided by a broader structure of the European External Action Service. The most important of these bodies/structures, tasked to facilitate crisis management activities of the Union, include the following (EEAS, 2016a; 2015; Lequesne, 2015; Webber, 2011, pp. 215-218; Youngs, 2017; Faleg, 2017; Schachinger, 2012):

- *Political and Security Committee (PSC)* meets at the ambassadorial level as a preparatory body for the Council of the EU, and provides strategic direction to CSDP missions. To this end, its main functions are to keep track of the international situation, and help to define policies within the CFSP/CSDP. It prepares a coherent EU response to a crisis and exercises its political control and strategic direction.

  ➢ *European Union Military Committee (EUMC)* is the highest military body set up within the Council. It is composed of the Chiefs of Defence of the EU

Member States, who are regularly represented by their permanent military representatives. The EUMC provides the PSC with advice and recommendations on all military matters within the EU.

➢ The PSC is further advised by a *Committee for Civilian Aspects of Crisis Management (CIVCOM)*. The CIVCOM's activities are important elements of the CSDP. The committee, comprised of professionals mostly with military background, provides information, drafts recommendations, discusses the reports of the CSDP missions and gives its opinion to the PSC on civilian aspects of crisis management. The CIVCOM is among those bodies that prepare one of the recommendatory reports on the issue of continuation of the EUMM's mandate. For this reason, they often visit the problematic zones and assess the situation on the ground. As of October 2016, their most recent visit was on 19-23 September 2016 in Georgia. The CIVCOM delegation, headed by the Committee Chair Jana Kalimonova and accompanied by the EEAS officials, visited the EUMM offices, joined the EUMM monitors during the patrolling process near the Administrative Border Line (ABL) with Tskhinvali Region/South Ossetia, met with Georgian authorities, foreign diplomats and civil society representatives, familiarized with the problematic issues of the Internally Displaced Persons (IDPs) as well as the functioning of the Georgian militaries deployed near the ABL (EUMM, 2016b).

➢ *Politico-Military Group (PMG)* carries out preparatory work in the field of CSDP for the Political and Security Committee. It covers the political aspects of EU military and civil-military issues, including concepts, capabilities, and operations and missions. It prepares Council Conclusions, provides recommendations for PSC, and monitors their effective implementation. It contributes to the development of (horizontal) policy and facilitates exchanges of information. The PMG is chaired by a representative of the HRVP.

• *Crisis Management and Planning Directorate (CMPD)* contributes to the objectives of EEAS, CSDP, and a more secure international environment by the political-strategic

planning of CSDP civilian missions and military operations, ensuring coherence and effectiveness of those actions as part of the EU comprehensive approach to crisis management and developing CSDP partnerships, policies, concepts and capabilities.

- *European Union Military Staff (EUMS)* working under the direction of the EUMC and under the authority of the HR/VP – is the source of collective (multi-disciplinary) military expertise within the EEAS. As an integral component of the EEAS's Comprehensive Approach, the EUMS coordinates the military instrument, with particular focus on operations/missions (both military and those requiring military support) and the creation of military capability. Enabling activity in support of this output includes: early warning (via the *Single Intelligence Analysis Capacity - SIAC*), situation assessment, strategic planning, Communications and Information Systems, concept development, training and education, and support of partnerships through military-military relationships. In addition, the EUMS is charged with sustaining the *EU Operations Centre (EU OPSCEN)* and providing its core staff when activated.

- *Civilian Planning and Conduct Capability (CPCC)* is the permanent structure responsible for an autonomous operational conduct of civilian CSDP operations. Under the political control and strategic direction of the Political and Security Committee and the overall authority of the HRVP, the CPCC ensures the effective planning and conduct of civilian CSDP crisis management operations, as well as the proper implementation of all mission-related tasks.

- *EU Special Representative (EUSR)* – in general, EU Special Representatives play important role in the EU mediation efforts. Their mandates usually include "supporting stabilization and conciliation processes, contributing to initiatives leading to settlement of conflicts and to negotiation and implementation of peace and cease fire agreements, facilitating and maintaining close contact with all the parties" (Council of the European Union, 2009, p. 5).

- Bodies of the European External Action Service –

  - *Crisis Response and Operational Coordination Department (CRPCD)* is responsible for the activation of the *EEAS Crisis Response System (Crisis*

Platform, EU Situation Room, Crisis Management Board). Therefore, it plays a central role in ensuring both swift and effective mobilization of actors and instruments across the EU system as well as coherence of policies and actions throughout the various phases of the crisis life cycle. The CRPCD is comprised of three divisions: 1) *Crisis Response Planning and Operations (CRPO)*; 2) *EU Situation Room*; 3) *Consular Crisis Management (CCM)*.

➢ In turn, the *EEAS Crisis Response System (CRS)* covers crises which may affect EU security and interests occurring outside the EU, including those affecting the EU delegations or any other EU asset or person in a third country. The CRS contributes to ensuring the coherence between various aspects of crisis response and management measures, in particular in the security, political, diplomatic, consular, humanitarian, developmental, space related, environmental and corporate fields.

➢ *The Crisis Platform*, chaired by the HRVP, the EEAS Executive Director or the EEAS Managing Director for Crisis Response, encompasses a number of services within the EU system. It provides the EEAS and Commission services with a clear political and strategic guidance for the management of a given crisis. Depending on the crisis, several crisis response/management structures mentioned above can meet within this format, the EEAS Crisis Response Department providing the secretariat support. The Crisis Platform was put to the first test during the 'Arab Spring' in 2011.

➢ *The EU Situation Room* is a permanent stand-by body that provides worldwide monitoring and current situation awareness in a 24/7 regime. It collects information from all relevant institutions as well as distributes the analysis and recommendations to the member states, EU delegations and other relevant teams.

➢ *Conflict Prevention, Peacebuilding and Mediation Instruments Division (CPPMID)* is tasked to provide mediation support and organize an early warning

conflict prevention system as well as provide operation support to geographical services.

In theory, the EU crisis management structure and bodies function perfectly. However, in practice, the power struggle between various institutions/bodies, often-diverging interests and overlapping accountability and responsibility relations complicate the situation (Adler-Nissen, 2014; Juncos & Pomorska, 2014; 2013; Lequesne, 2013; Spence, 2012). For example, on the one hand, according to the founding legislation of the EEAS, the HRVP is empowered by the EU member states to formulate, coordinate and implement the organization's external policies. In parallel, on the other hand, the EU member states (in the Council) have the decision-making power in the CFSP, whereas the Commission is a 'super-power' in development and cooperation policies (Duke, 2011). Davies (2011) refers to this role of Commission a 'backseat driver', explaining that "[while] the member states in the Council may determine the political direction of foreign policy, the Commission is often pulling the levers in the back room to get the foreign policy machinery moving" (p. 130).

To further complicate the situation, depending on the issue, the EEAS lies in, across and/or under all these structures. In addition, Declaration 13 of the Lisbon Treaty "states that the establishment of the EEAS should not 'affect the responsibilities of the Member States, as they currently exist, for the formulation and conduct of their foreign policies nor of their national representation in third countries and international organizations'" (Lequesne, 2015, p. 6). Such complex bureaucracy as well as intricate institutional and functional arrangements complicate both decision-making and implementation, especially in the period of crisis when stakes are high and fast actions as well as trust among the members are fundamental (though often lacking). Indeed, although the EU has been energetic in improving the internal and external coordination for CSDP operations during last several years, Tardy (2015) claims that "[at] the three levels of interaction between the civilians and the military, the [EEAS]... and the Commission, and the EU and its member states, differences in working methods, institutional cultures and degrees of politicization make coordination a permanent challenge" (p 28). Moreover, Davies (2011) argues that "due to the

large number of European institutions and directorates-general whose portfolios occasionally intersect with external affairs…, it has been difficult to ensure that all Community policies are consistent with the aims of the crisis management missions" (p. 145). Davies (2011) further explains that "the Commission is responsible for carrying out the political aims of the Council, but even when the problem is identified it can be difficult to coordinate a response" (p. 148).

As a result, although the EU has a rich toolbox for conflict management and mediation, it either employs them only selectively or has difficulty in defining relevant timing for their usage, significantly reducing potential for the EU conflict management instruments. Popescu's (2009) remark can be eloquently demonstrative in this context: "EU policies and approaches toward conflicts have been geographically wide but institutionally shallow" (p. 462).

EU conflict management and mediation instruments

Over the last three decades, the EU used various instruments for its conflict management and mediation efforts. Some have political nature; others are economic or military in its essence. The following is a non-exhaustive list of these instruments (Gordon, Rodt & Wolff, 2008, p. 44; European Commission, 2016):

- Joint statements – declarations on part of the Council or the foreign ministers of the EU member states expressing concern about the turn of events in particular conflict situation.

- Joint actions – legally binding operational actions with fixed aims and financial means.

- Common strategies – adopted by the European Council in 'areas where the Member States have important interests in common' – Before the Lisbon Treaty, these might

combine first and third pillar issues along with CFSP matters, and combined the Union and Member States means.

- Common positions – laying out the Union's approach towards particular geographic or thematic issues.

- Economic sanctions – Article 228a of Maastricht Treaty provided a legal basis for economic sanctions, an instrument that can be levied to give positive incentives as well as negative sticks to conflicting parties.

- ESDP civilian, police and military operations.

- Support for civil society and other democratisation projects – under framework of the European Instrument for Democracy and Human Rights (EIDHR).

Financial instruments of EU crisis management and conflict resolution

EU has a wide range financial instruments of crisis response and management. Their coordination across a number of institutional and decision-making processes is as important as their actual implementation. Several regimes/structures are created for this reason (EEAS, 2016c; European Commission, 2015a; European Parliament & Council of the EU, 2014; Crombois, 2007, p. 11).

- <u>Instrument contributing to Stability and Peace (IcSP)</u> (until March 2014, the Instrument for Stability – IfS) – was proposed by the Commission in 2004 and adopted in 2006. It is managed by the Commission and the EEAS for the purposes of crisis response, crisis preparedness and conflict prevention. The IcSP supports mediation and confidence building through crisis response projects. Its main purpose is to provide urgent short-term actions in emerging crisis in concert with EU humanitarian assistance, and to provide longer-term capacity building of organizations working in the field of crisis response and peace-building. It is implemented usually under the supervision of the EU delegations.

- The Peace-building Partnership (PbP) (part of IcSP) – is tailored for non-governmental organizations, think tanks, regional/sub-regional organizations, international organizations and EU member state agencies and its member states to increase civilian expertise for peace-building activities and to deepen dialogue between EU institutions and civil society.

- Individual financing – the EU member states often provide grants for confidence-building projects individually via their foreign ministries. The United Kingdom, Sweden, Romania and others have been especially active in this regard in Moldova and Georgia 2004-2017.

EU conflict management and conflict resolution mechanisms

The EU employs several mechanisms of behaviour/communication while using its financial and organizational structures, regimes and instruments for conflict management and resolution. EU conditionality and social learning are worth mentioning here.

The idea of the EU conditionality or the policy of 'sticks and carrots' "is based on cost-benefit calculations in which domestic change is a response by the applicants to the material and social benefits offered by the [EU]" (Schimmelfennig, Engert & Knobel, 2003, p. 11; Schimmelfenig & Sedelmeier, 2004, p. 662; Hill, 2001; Smith, 1998a, p. 139; Smith, 1998b). In other words, some scholars believe that the EU is capable of changing "the strategic calculations of the players in the conflict" through conditionality by granting or removing "aid, trade, investment, security guarantees, membership of an international organizations" etc., that can, in turn, speed up conflict resolution or promote conflict prevention (Tocci, 2004, p. 3; Cameron, 2004, pp. 212-213).

However, conditionality does not have decisive impact on vested interests and deep-rooted changes of the actors. Conditionality may only influence the disputants' short-to-medium term interests. That is, the actors "simply alter their actions to account for a change in context" (Tocci, 2004, p. 14). As Tocci further explains, "the more deep-rooted change that

occurs through the transformation of identity and interests can only occur over the longer term" without "coercion and incentives, but through an endogenous processes of social change. Over time and through institutional contact actors may alter their perceived identity and interests" (Tocci, 2004, pp. 14-15). This process is known as social learning. It involves the actors into persuasion, argumentation and socialization that leads to the changes of identity, "perceived interests and ensuing action" (Checkel, 2003). In this sense, participation of the de-facto authorities in the negotiations (e.g. in the Geneva International Discussions) can be believed to be an important step towards the resolution.

Being usually in a superior position, the Union can "either directly [...] coerce [the conflict parties] into agreeing on an acceptable solution or indirectly [...] shift the domestic balance of power by encouraging moderate groups and discouraging hard-liners" (Emerson *et al.*, 2004, p. 12). Although this can be true for the countries striving for the immediate EU membership, it fails when it comes to the Eastern neighbourhood. Not surprisingly, one of the main reasons of the failure is another strong player in the region – Russia that successfully competes with the Union and makes conditionality and social learning less effective, if not marginal.

Additionally, it is important to mention that conditionality and social learning do not inevitably cause conflict resolution. In other words, "[if] policies of conditionality are viewed as insufficiently legitimate, if existing domestic practice is uncontested, if EU norms are insufficiently related to domestic norms or if institutional ties are too weak", efficiency of these instruments will likely be reduced (Tocci, 2004, p. 15). In this case, disputants will use other strategies to temporarily adjust to the situation without having changed deep-rooted interests and identity. Or as several scholars highlight (Checkel, 1999a) and Emerson and his colleagues (2004) put it effectively, the

> "EU conditionality generates 'simple learning'. This means that rationally calculating players, confronted by institutional constraints, may easily alter their strategies and tactics in order to achieve their objectives. But this does not mean that they will therefore change their underlying identities" (p. 12).

EU's earlier conflict management and mediation efforts

The EU has been relatively actively engaged in conflict processes in recent decades. That is especially true if we refer the 'conflict processes' both in a narrow sense (i.e. prevention, mediation, peacebuilding, crisis management, post-conflict stabilization and rehabilitation, etc.) and in a broader sense (i.e. building sustainable peace through supporting democratization, the rule of law, security and stability, economic recovery and liberalization, civil society promotion, etc.) (Blockmans *et al.*, 2010; Merlingen & Ostrauskaite, 2006). The EU has done so using a combination of instruments described above, in the frameworks of peacebuilding, development aid, enlargement and association policies, to name a few. The EU refers it "a comprehensive approach" (Visoka & Doyle, 2016, p. 864). This is the reason why the EU is often considered as a "normative" or "civil" power (Manners, 2002).

It is obvious that the EU has been impressively successful in avoiding further military confrontation among its own member states. However, the record is less encouraging when it comes to the countries outside its borders. The latter is of particular interest for this research, and will be reviewed briefly in this section.

Throughout last 2-3 decades, the European Union (Sherriff, 2012, pp. 23-24; Ferreira-Pereira, 2008):

- issued hundreds of statements, conclusions and recommendations from Mali to Madagascar to Bosnia and Herzegovina;

- engaged in workshops and coaching from Africa to Asia;

- funded (most notably by the Instrument of Stability or the Peace Facility for Africa) countless initiatives of numerous actors from civil society to national authorities to mediation units of international organizations in Haiti, Bolivia, Central African Republic, Indonesia, Dominican Republic, etc.;

- engaged in military operation in the Democratic Republic of Congo (ARTEMIS);

- used multidimensional approaches of being a mediator in the Serbia-Kosovo dialogue while at the same time pressurizing Serbia in the frameworks of the enlargement negotiations.

Indeed, there has been considerable studies for these EU engagements, from the Israeli-Palestine conflict (Aoun, 2003; Tocci, 2009, Mueller, 2013) to Western Sahara (Darbouce & Zoubir, 2008; Gillespie, 2010) to Lebanon (Engberg, 2010; Ruffa, 2011).

However, for many this has been far from enough in solving the conflicts and thoroughly addressing their root causes. On the example of the Mediterranean region, Colombo & Huber (2016) explain this gap

> "by the unipolar context in international relations, whereby the EU left the American "great power" shaping security dynamics…, and by the very nature of the conflicts themselves, whereby the EU preferred to focus on a mildly transformative agenda that was meant to foster peace indirectly" (p. 7).

This was reflected in a lack of adequate strategy and tools for the conflicts in the MENA region. Indeed, researchers find it difficult to find EU's crisis management and conflict prevention strategies in the Euro-Mediterranean Partnership, let alone the Barcelona Declaration of 1995 (Vasconcelos & Joffé, 2000). The issue of conflicts remained only indirectly addressed in the following European Neighbourhood Policy and the Union for the Mediterranean (Joffé, 2011; Seeberg, 2014). Only the 1996 Commission's Communication to the Council on conflicts in Africa can be reckoned as one of the first documents that demonstrated the EU's interest in prevention, management and resolution of African conflicts.

The EU's new assertive role and appetite for Africa was inaugurated with the first fully autonomous (crisis management) military operation in the RDC in 2003, followed by the European Strategy for Africa and launching of the EUSEC RDCONGO and EUPOL Kinshasa in the RDC and AMIS II in Sudan (in the frameworks of the ESDP). Interestingly, the EUSEC and EUPOL were not designed to be long-term independent missions. The former was a transitional mission to prepare ground for the later UN mission, while the latter supported the UN mission during the first democratic elections in the country (Ferreira-

Pereira, 2008, pp. 147-153). Despite all the shortcomings, these missions were one of the first steps of the Union towards establishing itself as a global actor in providing international peace and security.

The above-mentioned bilateral and multilateral frameworks appeared less equipped especially after the Arab Spring and assertion of terrorism across the MENA region, thus making the intra-state conflicts more acute over the inter-state confrontations. Because the "Euro-Mediterranean relations explicitly excluded any form of intervention in intra-state dynamics and conflicts" (Aliboni, Guazzone & Pioppi, 2001, p. 25), Colombo & Huber (2016) argue that "today's conflicts and the interdependence and transnationality of risk factors in the Mediterranean region are not matched by a coherent set of security policies on the side of the EU" (p. 19), justifying their argument based on the cases of Israel-Palestine, Western Sahara, Libya, Egypt and Syria.

The EU engagement in the Balkans was more substantial. It has used a wide variety of instruments, mostly in the frameworks of neighbourhood and enlargement policies (Keil & Arkan, 2015). The EU approach to conflict prevention and peacebuilding has been called a 'Stabilization and Association Process' (SAP), based on the prospect of the EU membership and supported by numerous CSDP operations. The Union used the 'Community Assistance for Reconstruction, Democratization and Stabilization' (CARDS), followed by the 'Instrument for Pre-Accession Assistance' (IPA) in 2007 (Rodt *et al.*, 2017).

The EU assumed the roles from NATO and UN, providing six CSDP deployments in the Western Balkans: EU Police Mission in Bosnia and Herzegovina (2003-2012), EUFOR CONCORDIA in the Former Yugoslav Republic of Macedonia (2003), EUPOL PROXIMA in the Former Yugoslav Republic of Macedonia (2003-2005), EU Police Advisory Team in the Former Yugoslav Republic of Macedonia (2006), EUFOR ALTHEA in Bosnia and Herzegovina (2004-ongoing), and EU Rule of Law Mission in Kosovo (2008-ongoing) (Rodt *et al.*, 2017, pp. 31-35; EEAS, 2017).

The case of the Former Yugoslav Republic of Macedonia (FYROM) is often regarded in academic literature as the EU's most successful conflict resolution effort (Rodt *et al.*, 2017;

Gordon, Rodt & Wolff, 2008; Tamminen, 2012). Indeed, although finding it challenging to prevent the conflict, its response to the escalation ultimately was more apt and its crisis management efforts delivered positive consequences. Nevertheless, the FYROM cannot be compared to the Georgian and Moldovan cases because of the following important differences:

a) The Union was involved in the conflict management since its very beginning.

b) The EU acted together with and based on initial *solid* efforts of other international actors, such as NATO, U.S. and OSCE.

c) No powerful third party played the 'devil's game'.

d) The Union used the EU membership prospect as a catalytic effect in the conflict management process.

The Serbia/Kosovo case can also be interesting and productive for our analysis. However, similar to the FYROM, there are certain differences that make the EU engagement in Serbia/Kosovo more effective than both in Georgia and Moldova. In particular, Visoka & Doyle (2016) identify five developments that were key to the normalization process between Serbia and Kosovo (and that are absent in the Georgian and Moldovan cases):

1. "The background conditions were ripe for both sides to initiate a peace process, whereby the normalization of relations between Kosovo and Serbia emerged as a key condition for advancing the stalled EU integration process for both countries.
2. Technical dialogue and agreements in areas of 'low politics' permitted confidence building, socialization and development of mutual commitments.
3. Technical agreements had a spillover effect which launched a high-level political dialogue and resolved numerous outstanding sensitive political issues.
4. The ambiguous nature, technical language and transcendental meaning of agreements permitted progress on sensitive political issues, such as sovereignty and regional membership, without negatively affecting the self-interest and domestic legitimacy of parties.
5. The EU rewarded parties based on the process and commitment rather than outcomes and impact of agreements, which does not exclude the possibility for encapsulation, spillback and retrenchment of all sides in the peace process" (p. 867).

Chapter 4

European Union Conflict Management and Mediation in Georgia and Moldova

This chapter will scrutinize the engagement of the European Union in conflict management and mediation in Georgia and Moldova in 2004-2016.

Moldova was not on EU or academic agenda actively in 2004-2016 because it was not as volatile or revolutionary as Ukraine or South Caucasus countries. Therefore, EU-Moldova relations have largely been slow but steadily progressing, encompassing only a handful of agreements and developments. Georgia, by contrast, has been more dynamic in political, economic and security terms (not necessarily with positive connotation, as the 2008 war demonstrates). Scholars also observe that "[from] an institutional perspective, Georgia has become a very 'crowded' arena for the EU, particularly since the [2008] war" (Huff, 2011, p. 23). Thus, EU engagement has been more meaningful in Georgia encompassing more agreements and formats in 2004-2016 (Stewart, 2011, p. 236). As a result, the Georgian case in this study will get more attention than the Moldovan one.

EU conflict management and mediation in Georgia and Moldova

Prior to the 2008 Russia-Georgia war, the EU's experience in conflict management was limited to the Balkans, which was torn apart by the wars that erupted after the collapse of Yugoslavia (Merlingen & Ostrauskaitė, 2010, p. 276). This experience was not impressive due to diverse foreign policy preferences of the Member States and the inadequacy of the then-newly-established Common Foreign and Security Policy. Stakes were high – the Balkan region was in the heart of the European continent, and together with other international developments such as the collapse of communism and the Soviet Union, as well as, peaceful revolutions in the Central and Eastern European countries, it could contribute to the massive security problems in the EU. However, the Union alone was unable to end the fighting throughout the 1990s, from the secession of Slovenia and the resulting bloodshed to the Kosovo war.

Since the EU established relations with Georgia and Moldova, little was done in terms of conflict resolution up until the ENP (Stewart, 2011, pp. 233-234). Only several relatively important documents or events can be mentioned here that could have had potential, indirect impact on conflict management. This short list includes the Partnership and Cooperation Agreements with Georgia and Moldova that institutionalized political dialogue and formally established economic cooperation between the EU and the newly independent Eastern European countries (MFA Georgia, 2009b).

The EU presence in its Eastern neighbourhood in the later, most 'intensive' period of 2004-2016 can be generally characterized with the following assessment: "a reluctant EU getting more and more engaged through comprehensive policies, including in conflict management" (Oproiu, 2015, p. 25; Wolff & Whitman, 2012, pp. 6-7). Indeed, some scholars consider that EU engagement with its new Eastern neighbours was "more by necessity and less by choice" (Oproiu, 2015, p. 24; Sasse 2009). The most obvious practical demonstrations of this statement can be the refusal of the European Union to replace the OSCE mission in Georgia in 2005 and to engage in peacekeeping in Transnistria, Moldova in 2006, or to keep low profiles of the EUBAM Moldova-Ukraine and the Border Support Team in Georgia (Huff, 2011, p. 8; Karniewicz, Petrovická & Wunsch, 2010, p. 8). Let us examine this period in more detail.

In 2003, at the time when the region of the Easternmost Europe was not yet part of the ENP and did not speak to hearts and minds of most European bureaucrats, the European Security Strategy underlined that "[violent] or frozen conflicts, which also persist on our borders, threaten regional stability", and therefore, called on the EU to "take a stronger and more active interest in the problems of the Southern Caucasus" (Council of the European Union, 2003, pp. 4-8). Soon after the acknowledgment of importance of the South Caucasus region, the EU Special Representative for the South Caucasus started functioning. However, its mandate was limited to contributing to conflict prevention and only supporting the UN and OSCE conflict settlement efforts, with no autonomous EU activities (Crombois, 2007, p. 15).

The EU's Eastern enlargement in 2004, political instability in the Eastern neighbourhood and security concerns played the role in the EU decision to engage with the new immediate Eastern neighbours, including with Georgia and Moldova, in the form of the European Neighbourhood Policy (ENP). Since this time the EU has been increasingly involved in the conflict resolution processes in its Eastern neighbourhood along the development of its Common Foreign and Security Policy. The ENP was one of the first serious attempts of "[projecting] a single 'EU voice' into neighbouring countries" (Sasse, 2007, p. 164) and can be characterized as "the communitarization of foreign policy towards specific countries" (Sasse, 2007, p. 178), or as Simão & Dias (2016) suggest, a "securitization of the EU's Eastern [neighbourhood]".

The ENP stressed the importance of resolving conflicts to avoid "negative effects of conflict on economic and political development" (European Commission, 2003, p. 9), and acknowledged the necessity of "increased efforts to promote settlement of the conflicts in the region" (European Commission, 2004, p. 11). The document also recognized the region's significance in increasing EU's energy independence by producing and transiting much-needed energy commodities for and to the Union. Popescu (2006b) explains that the "ENP policy instruments include support for institution building, trade liberalization, economic reform, legislative harmonization and *contribution to conflict resolution* in the neighbourhood" [emphasis added] (p. 2).

The ENP was not primarily envisaged to be a conflict management tool. It is important to underline that conflict resolution was not an explicit part of this policy (as well as of the Association Agreements later with Georgia and Moldova). Nevertheless, scholars recognize that "it still contains useful elements to resolve conflict situations" (Crombois, 2007, p. 4; Cameron & Balfour, 2006) and that it is an important framework "in terms of the EU's efforts at conflict prevention and management" (Ganzle, 2007, p. 113). Simão & Dias (2016) go even further, arguing that "[from its inception], the ENP reveals a security commitment to the management of the EU's external border and the political and socioeconomic stability of its [neighbours]" (p. 108).

Indeed, the ENP objectives, outlined in the earlier European Commission's (2004) document, included conflict prevention and crisis management with the following wording:

> "Through the ENP, the parties will strengthen their political dialogue and make it more effective. This encompasses foreign and security policy issues including regional and international issues, conflict prevention and crisis management and common security threats… Improved co-ordination within the established political dialogue formats should be explored, as well as the possible involvement of partner countries in aspects of CFSP and ESDP, conflict prevention, crisis management, the exchange of information, joint training and exercises and possible participation in EU-led crisis management operations. Another important priority will be the further development of a shared responsibility between the EU and partners for security and stability in the neighbourhood region".

In fact, the researchers are confident in ENP's strong connection with conflict resolution arguing that

> "by providing political association and deeper economic integration with the EU, together with increased mobility, the partner states are incentivised to contribute to ensuring stability, to commit to share EU values and to support regional cooperation. It is in this framework that conditionality and passive enforcement can be used by the EU in order to change beliefs, behaviours and strategies of the conflict parties, rendering them more willing to negotiate for conflict settlement" (Oproiu, 2015, p. 27).

Although the ENP is not without merit, it invites a number of critics. In the context of EU's passive engagement, Sasse (2007) argues that "ENP is an expression of the fact that the EU has become the victim of its greatest success story in its external relations: [Eastern enlargement]" (p. 165). Many researchers claim that the ENP's most important drawbacks are in its foundation. Several of them can be mentioned here. <u>First</u>, its structure does not reflect actual relations between and/or expectations of the EU and EaP countries (at least, with Georgia, Moldova and Ukraine). As Sasse (2007) explains,

> "The ENP is clearly [modelled] on the institutional and procedural experience of the EU's recent [i.e. 2004] round of enlargement, which was hinged on the notion of conditionality. In this context the ENP may appear as a form of conditionality 'lite' for noncandidate countries. Within the ENP the EU's commitment to a membership prospect is missing, but an ENP country's type of relationship with the EU depends on the compliance with conditions [modelled] on the Copenhagen criteria for EU accession" (p. 164).

For this reason of 'capability-expectations gap', early critics of the ENP presumed that it "is located in the undefined space between the EU's partnership and membership and is aptly described as 'politics of the half-open door'", the door that is "neither open nor closed" (Sasse, 2007, p. 167; Timmermann, 2003, p. 8; Axyonova, 2016). Some scholars go as far as to arguing that "Brussels did not promise eventual EU membership to its neighbours in the South Caucasus but rather sought to make the region more predictable and controllable – and to create a secure geopolitical buffer between itself and Russia" (Nuriyev, 2015, p. 2).

Speaking about the 'capability-expectations gap', one should also highlight the expectation-reality gap. In other words, *on the one hand*, the EU institutions and decision-makers raised the expectations by fully understanding the potential threats and opportunities stemming from the Eastern neighbourhood and noting that

> "the EU has a direct interest in working with partners to promote [the resolution of the frozen conflicts in the neighbourhood] because they undermine EU efforts to promote political reform and economic development in the [neighbourhood] and because they could affect the EU's own security" (European Commission, 2007, p. 6).

The German EU Presidency further underlined that the ENP "shall make a clearer contribution to conflict resolution in our neighbourhood, by creating a climate conducive to dialogue and by playing a more active role in regional and multilateral conflict-resolution efforts" (Council of the European Union, 2007, p. 9)

However, *on the other hand*, scholars (e.g. Christou, 2010) admit that little has been done on a concrete policy and practical level (e.g. through CFSP/CSDP) to "address conflict resolution as a priority", and as a result the "EU has… been mainly reactive to conflict-related developments" in the region:

> "In practice, the EU adopted a low-profile approach to conflict resolution in the neighbourhood aimed at preventing the spillover of negative outcomes of conflict into the Union's territory, including the potential negative impact on its energy security and on political stability at its borders" (Simão & Dias, 2016, p. 106).

Second, based on the first drawback, the ENP's incentive structure and inherent deficiencies were problematic issues. For example, Wallace was sceptical about the ENP's effectiveness already in 2003 when the ENP was still not in place, arguing that "[a] common foreign and security policy that did not have at its core a coherent strategy towards the EU's immediate neighbours would be a contradiction in terms" (p. 27). Coherence can be understood here as "the assurance that the different policies do not legally contradict each other, [as] a quest for synergy and added value in the different components of EU policies" (Hillion, 2008, p. 17). This statement is still valid nowadays and can clearly explain the failure of the EU conflict resolution policy in Moldova and Georgia in 2004-2016. Probably this was one of the reasons why the EU launched a major revision process of ENP in 2015.

Another problem associated with the challenging incentive structure of ENP is that there is no membership promise (as the strongest incentive) in the document. Indeed, comparing the neighbourhood and enlargement policies, Parmentier (2008) claims that

> "these two policies share numerous similarities – in their origins…, principles (extending the European internal order, embedded in its social preferences) and methods (conditionality and socialization)… - but there is also a fundamental distinction between the two polities in the absence of membership prospects for the ENP" (p. 103).

Scholars believe that the EU tried to transform its Eastern neighbours without membership perspective, focusing only on the process rather than the end, sacrificing the ENP for ultimate failure (Redman, 2004; Kapanadze, 2009, pp. 42-43).

In addition, the incentive structure was further undermined by other unclear promises from the EU side (Kapanadze, 2009, pp. 44-45). A mere "prospect of a stake in the EU Internal Market... the participation in a number of EU programmes and improved interconnection and physical links with the EU" (European Commission, 2004, p. 14) sounds too general to be persuaded by its rhetoric and to have concrete/tangible expectations on its consequences. The following ENP Action Plans contain more concrete formulations but also fail to persuade the targeted states in potential solid benefits (Kelley, 2005, p. 8).

Furthermore, lack of financial resources or scarce distribution of finances across all 17 ENP countries as well as a frequent gap between finances and country commitments in Georgia and Moldova have played their role in decreasing the effectiveness of the EU initiative (Kapanadze, 2009, pp. 48-49).

And a final note on this issue is that scholars often criticize the ENP and ENP Action Plans for an absence of effective supervision and monitoring mechanism (Kapanadze, 2009, pp. 46-47) as an integral part of a successful conditionality process.

In sum, Davies (2011) clarifies that the European Union

> "has turned to the [ENP] as an alternative to membership, offering 'everything but the institutions' to potential candidates. This inclusive approach is meant to create political stability on the EU's external borders, recognizing the economic and political sources of conflict in the region and resolving disputes with non-military instruments, but critics fault it for offering a one-size-fits-all approach to foreign policy, as not every conflict many be resolved through these mechanisms" (p. 141).

For these reasons, Van Vooren (2011) refers to the ENP as "a Harlequin's costume of geographically and topically defined initiatives and ad hoc overlapping responses to major international events, constrained and defined by internal diverse interests of the Member States and the EU institutions" (p. 150). Merlingen & Ostrauskaitė (2010) further argue that as a result, "the EU has only half-heartedly translated its structural power into bargaining leverage to push forward the resolution of Georgia's territorial conflicts" (p. 281).

Third, the EU member states realized that something had to be done but there was no agreement on how to translate this desire into effective foreign policy. In the absence of "a minimum degree of convergence… the shared recognition of a need for policy" was not enough (Sasse, 2007, p. 164). Therefore, scholars assume that although "the ENP tries to emphasize the congruence of member state interests… [it] cannot conceal the diverging national priorities associated with the countries and issues subsumed under the ENP" (Sasse, 2007, p. 178). This argument directly echoes the hypothesis that divergent positions of the EU member states contributed to the ineffectiveness of the EU in conflict management and mediation in Georgian and Moldova.

Fourth, early ENP documents did not pay attention to the regional context, most importantly, "a potential clash with Russian interests in the region" (Lynch, 2004, p. 97; Sasse, 2007, p. 171). Indeed, Russia expressed its negative position on the ENP (and later the Eastern Partnership), adding to the perceptions of competition rather than cooperation in Moscow. It is thus no surprise that, based on a wide range of developments in 2004-2016, not least the Russian increasingly assertive language and activities, natural gas conflicts in 2006 and 2009 between Ukraine and Russia, the Georgia-Russia war in 2008, creation of the Eurasian Customs Union and the Crimean annexation, Casier (2016) concludes that "[intertwined] with a process of changing identities, Moscow and Brussels… increasingly understood the geostrategic context in which they operated as a competitive one, in which both parties had opposite, incompatible interests… in their overlapping neighbourhoods" (pp. 19-20). Interestingly, later documents and initiatives always indicated that they were not against anybody, reading Russia behind the paragraphs.

Based on all these critics, many researchers argue that given the fact that the ENP by design is "legally based on bilateral agreements and focuses on internal reforms undertaken by each specific country", "the added value of the [ENP] in terms of conflict management stems mostly from its capacity to promote internal reforms and to foster political dialogue" (Delcour & Duhot, 2011, p. 14).

With the Eastern Partnership (EaP), a more targeted regional cooperation initiative launched in 2009, the EU put stronger emphasis on conflict resolution as one of the ways to provide peace, prosperity and stable development in this strategic region (EEAS, 2016b), and extended "greater political and institutional opportunities" for Georgia and Moldova (Davies, 2011, p. 141). Conflict resolution became a part of the EaP's thematic platform on "democracy, good governance and stability". Much like the ENP, the EaP provided asymmetric relations between the EU and EaP countries through which the Union could enforce rules via 'sticks and carrots' strategy (Oproiu, 2015, p. 27). Although EaP shared many drawbacks with ENP, it was widely accepted as potentially a more effective and a more conditionality-driven EU instrument (Schaffer & Tolksdorf, 2009; Lapczynski, 2009).

As a matter of fact, EaP provided new opportunity for its members to become more attractive for the separatist regions. Georgia and Moldova obtained several important tangible results in the European integration process in the frameworks of EaP rather than ENP. For example, on a bilateral level, Moldova and Georgia used this possibility to the maximum and obtained visa-free access to the Schengen area. Moldova progressed faster and obtained this benefit in 2014. Georgia also got positive recognition from the European Commission but became an early victim of political and institutional struggle over the 'early suspension mechanism' in Brussels and other national capitals of the EU, and got visa-free access to the Schengen area only in early 2017.

Moreover, both countries formalized the Association Agreements (AA) with the European Union, replacing the Partnership and Cooperation Agreements. The Association Agreements are often called as a 'new generation' agreements because unlike previous documents, they contain a component of Deep and Comprehensive Free Trade Area (DCFTA) and envisage concrete and deeper mechanisms for Georgia's and Moldova's relationship with the European Union.

The AAs and free access to the Schengen area are arguably the most major developments in Georgia and Moldova in 2004-2016 on their quest to improve their attractiveness and this way contribute to the conflict resolution. In addition, they are probably the most influential incentives used by the EU during this period. Therefore, although they are not conflict resolution instruments *per* se, it is important to examine their role in and potential impact on conflict resolution (see the following chapters).

The European Parliament (EP) tried to play its role in the EU's Eastern neighbourhood and adopted the "Resolution on the Need for an EU Strategy for the South Caucasus" in 2010 (European Parliament, 2010). The document, similar to the European Commission documents on the inclusion of the South Caucasus in the ENP in early 2000s, underlined that "the frozen conflicts are an impediment to the economic and social development and hinder the improvement of the standard of living of the South Caucasus region as well as the full development of the Eastern Partnership of the ENP; whereas a peaceful resolution of the

conflicts is essential for stability in the EU Neighbourhood" (p. 2). The European Parliament's another Resolution on the "EU Strategy for the Black Sea" adopted a year later, once again recognized the strategic importance of this region for the EU and demonstrated similar approach to the significance of conflict resolution in Georgia and Moldova in the frameworks of the EU security (European Parliament, 2011). The EP called on the European Commission and the European External Action Service to formulate clear, integrated and comprehensive EU strategy and approach towards these regions to improve coordination and effectiveness of EU activities. It also called for increased EU engagement and efforts in conflict resolution processes. Although the EP's calls remained largely rhetorical, this process highlighted at least two things: 1. key EU institutions realized the shortcomings of the EU involvement in the region; 2. despite the understanding of these shortcomings, the EU institutions were unable to produce radical changes due to scepticism of the EU member states.

All in all, as Simão & Dias (2016) rightly believe, "external events in the neighbourhood have created 'security continuums' that provided the EU with windows of opportunity for political change in its approach eastwards" (p. 109). As a result, the European Union has been utilizing its conflict management efforts in Georgia and Moldova since 2004 on two levels. First, the higher-level process focused on political leaders and behavioural aspects of conflict, i.e. directly or indirectly supporting and facilitating negotiations between political establishments of the adversaries, securing a ceasefire and preventing eruption of violence. Clear examples can be the visits of special representatives of the EU or the EU member states to Abkhazia before the 2008 August war (e.g. June 2008 visit of EU CFSP HR Javier Solana to Tbilisi and Sokhumi), the Geneva International Discussions, the Incident Prevention and Response Mechanism (IPRM), and the EUMM in Georgia, as well as the 5+2 negotiations format and the EUBAM in Moldova. Second, the lower level mediation process deals primarily with building confidence and understanding between the rivals, and devotes its activities to the causes and roots of the conflict rather than expressions of the problem. This is evidently demonstrated by a wide set of confidence building measures utilized by Georgia and Moldova with significant help and contribution from the European Union.

EU involvement in Georgia

With the Rose Revolution in Georgia in November 2003 and the following radical waves of reforms taking place in the country, the EU established the EUJUST Themis, the first rule of law and CSDP mission in the entire post-Soviet space aimed at supporting the criminal justice system reform. Interestingly, at that moment Georgia had been an ENP participant for only one month (Huff, 2011, p. 17; MFA Georgia, 2009a).

The EU became more concentrated on conflict resolution when the latter became one of the priorities in the ENP Action Plan (MFA Georgia, 2009c). The EU's contribution further increased with the expansion of the EU Special Representative's mandate to conflict management after Russian veto on the OSCE border mission on the Georgian-Chechen border and the Georgian request of EU engagement (Crombois, 2007, pp. 14-15; Stewart, 2011, p. 235). Moreover, the EU became the biggest international donor in Georgia's regions of Abkhazia and South Ossetia/Tskhinvali Region (after their patron state, Russia) (Popescu, 2011, p. 176), aiming to "change enemy perceptions, encourage institutional change and empower civil society" (Merlingen & Ostrauskaitė, 2010, p. 283). The EU invested heavily especially in the parts of South Ossetia/Tskhinvali Region (namely, Akhalgori district and tens of villages throughout the region), controlled by central government of Georgia (later, after the 2008 war and with giving up the de-facto control of central government, all the EU rehabilitation programs appeared to be meaningless).

Nevertheless, the EU's direct engagement in Georgia remained limited. The cross-border economic rehabilitation schemes enabled the EU (the European Commission, in particular) to become an observer in economic meetings of the Tskhinvali Region/South Ossetia Joint Control Commission managed by the OSCE. Germany, France and the United Kingdom were part of the UN Secretary General's Group of Friends of Georgia for the Abkhazian conflict, but the EU itself was an outsider in the process (Stewart, 2011, p. 236; Merlingen & Ostrauskaitė, 2010, p. 276).

The 5-day military confrontation erupted on the territory of Tskhinvali Region/South Ossetia on 7 August 2008. Russian troops evidently took control not only on the whole Tskhinvali region and part of Abkhazia previously controlled by the central government of Georgia (i.e. Kodori gorge) but blatantly occupied parts of Georgia beyond these 2 regions (See figure 2). Many researchers and organizations argue that Russia invaded Georgia as a punishment for the neighbour's Euro-Atlantic inspirations and as a lesson for others with similar ambitions (International Crisis Group, 2008; Nichol, 2009, pp. 12-13).

This event was a 'game-changer' in terms of level of the EU engagement in conflict management in Georgia. Before the 2008 August war, the EU dealt mostly with confidence building, particularly in Tskhinvali Region/South Ossetia. After the 2008 August war, the EU increasingly became a security actor, engaged in international mediation and having the only international mission on ground (while the UN and the OSCE had to close their missions). The war made the EU "deploy a more robust approach towards conflict resolution in the region" (Simão & Dias, 2016, p. 109). Latvia, Lithuania, Estonia and Poland were most vocal to the Russian actions. Polish President Kaczynski recommended a plan to French President Sarkozy, elaborated by these countries to establish an international stabilization force for the South Caucasus. Polish Foreign Minister Sikorski explained that "it is no longer possible for Russian soldiers alone to assure the peace in South Ossetia", thus recommending an EU stabilization force instead (Nichol, 2009, p. 18). As a result, the Russian military advance is widely acknowledged to have been stopped by the EU's French Presidency (President Sarkozy and Foreign Minister Kouchner, with the support of the Foreign Minister of Finland Stubbs), which brokered a 6-point ceasefire agreement between Georgia and Russia. The 6-point ceasefire agreement included the following provisions (President of France, 2008):

1) No resort to force.

2) A definitive halt to hostilities.

3) Provision of free access for humanitarian assistance.

4) Georgian military forces must withdraw to the places they are usually stationed.

5) The Russian armed forces will be pulled back on the line, preceding the start of hostilities. While awaiting an international mechanism, Russian peacekeeping forces will implement additional security measures.

6) Opening of international discussions on security and stability modalities in Abkhazia and South Ossetia.

Although these points seem clear and feasible, full implementation of the document has not been possible ever since its adoption.

At later days, other EU leaders, with Berlusconi as an obvious exception, "were overwhelmingly critical of what they viewed as Russia's non-compliance with the provision of the six-point peace plan" (Nichol, 2009, p. 18). Moreover, the European Parliament sharply criticized Russia for its activities and postponed the then-ongoing consultations on a Partnership and Cooperation Agreement with Russia (although the consultations were resumed soon after) (Nichol, 2009, p. 18).

The EU External Relations Council called for a donors' conference on 15 September 2008 to rebuild Georgia. It was held on 22 October 2008 in Brussels together with the World Bank and resulted in around $4,5 billion in aid for Georgia in 2008-2010, from 38 countries and 15 international organizations. While the U.S. was the largest contributor ($1 billion), the EU humanitarian efforts should not be underestimated: the European Commission's European Civil Protection and Humanitarian Aid Operations (ECHO) "has funded humanitarian assistance such as food aid, firewood distribution, psycho-social support for children and the provision of shelter", whereas the EU's Instrument for Stability "has paid for, among others, the winterization of the shelters of IDPs; small infrastructure rehabilitation; the reintegration of IDPs, including the construction of new housing; confidence-building measures; and civil society capacity building" (Merlingen & Ostrauskaitė, 2010, pp. 283-284).

The European Union Monitoring Mission (EUMM) was soon deployed according to the cease-fire agreement, starting to actually function in less than 2 months after the war, on 1 October 2008. It was the second time, after the Aceh Monitoring Mission in 2005-2006,

when the EU monitoring mission was established based on a peace treaty. Its mandate includes the "stabilization, normalization and confidence-building, as well as reporting to the EU in order to inform European policymaking and thus contribute to EU engagement in the region" (EUMM, 2015). As of 28 February 2017, the European Union Monitoring Mission encompassed 209 members from 23 EU member states (Malta, Luxembourg, Slovenia and France abstained from participation for various reasons) (See table 1).

Table 1	Brussels	Tbilisi HQ	Mtskheta FO	Gori FO	Zugdidi FO	FO Total	Missionwide		
							Male	Female	Total
Austria	-	2	2	2	2	6	8	0	8
Belgium	1	1	1	1	1	3	4	1	5
Bulgaria	-	-	2	4	2	8	8	0	8
Croatia	-	1	-	2	-	2	3	0	3
Cyprus	-	-	2	1	-	3	2	1	3
Czech Republic	-	3	3	2	4	9	8	4	12
Denmark	-	2	1	1	3	5	6	1	7
Estonia	-	2	1	-	-	1	2	1	3
Finland	-	4	2	5	3	10	6	8	14
France	-	-	-	-	-	0	0	0	0
Germany	-	2	2	4	2	8	8	2	10
Greece	-	-	3	5	2	10	10	0	10
Hungary	-	4	4	3	4	11	10	5	15
Ireland	-	3	-	-	-	0	3	0	3
Italy	-	-	1	-	1	2	2	0	2
Latvia	-	2	1	1	-	2	4	0	4
Lithuania	-	4	-	-	-	0	3	1	4
Luxembourg	-	-	-	-	-	0	0	0	0
Malta	-	-	-	-	-	0	0	0	0
Netherlands	-	-	2	3	3	8	6	2	8
Poland	-	4	4	6	6	16	17	3	20
Portugal	-	-	-	2	-	2	2	0	2

Romania	-	8	5	7	6	18	18	8	26
Slovakia	-	-	1	2	2	5	5	0	5
Slovenia	-	-	-	-	-	0	0	0	0
Spain	-	1	-	-	-	0	1	0	1
Sweden	1	7	4	6	5	15	10	13	23
United Kingdom	-	7	1	2	3	6	10	3	13
Total	2	57	42	59	49	150	156	53	209

The EUMM was accompanied by the Union's delegation in Tbilisi, the EU Special Representative for the South Caucasus (since 2003) and the EU Special Representative for the crisis in Georgia (Since 2008). The latter represented the EU at the Geneva International Discussions, and supervised and facilitated the implementation of the 6-Point Agreement. However, arguably due to the problems deriving from overlapping competencies and functions between EUSRs and EUMM, the positions of the two EUSRs were merged by the Union's HRVP in September 2011. The newly created EU Special Representative for the South Caucasus and the Crisis in Georgia had new occupant of the post, Philippe Lefort but only underwent cosmetic changes to its functioning, instruments and influence, if any.

Interestingly, neither EUMM nor EUSR office has been within the ENP direct scope. At a political level, this is the case for most of the other EU actions in relations to conflict settlement (Delcour & Duhot, 2011, p. 14).

Meanwhile, the EU has started to lead the humanitarian assistance energetically and still continues to provide generous funding for confidence-building programs. Nevertheless, initial enthusiasm soon diminished and was politically stalled by the Russian obstructionism, its recognition of the secessionist regions as independent states, limiting direct people-to-people ties through the so called 'borderisation' process, limiting free movement of people, and hindering any political resolution.

The Geneva International Discussions became another institutionalized structure (although decoupled from the Union's system) in the hands of the EU (co-chaired by EU, OSCE and

UN) for discussing and monitoring security and humanitarian situation in the regions. An information note of the Ministry of Foreign Affairs of Georgia (2016a) gives a comprehensive description of the format. In particular, the GIDs on security and stability and the return of internally displaced persons and refugees have been conducted since October 2008, in line with the six-point ceasefire agreement of 12 August 2008 (Point 6) and its implementing measures of 8 September 2008. The format was launched on 15 October 2008 under the joint co-chairmanship of EU, OSCE and UN. As of 15 December 2016, 38 rounds of the GIDs were held. Authorities from Georgia, Russia and the U.S. participate in the Geneva process. De-facto authorities of the Tskhinvali Region/South Ossetia and Abkhazia also attend the meetings via Russian delegation. All participants take part in the format in an individual capacity, thus making it possible to avoid futile discussions on the legality of participation of these representatives.

The GIDs-related Incidents Prevention and Response Mechanisms (IPRMs) with regard to Abkhazia and Tskhinvali regions, agreed among the participants during the 4th round of the GIDs on 17-18 February 2009, are important tools in addressing the security situation on the ground. Indeed, the IPRMs in Gali and Ergneti, co-chaired and co-facilitated by the EU and the OSCE (but UN is a leading body in Gali IPRM, and EU is a leading body in Ergneti IPRM), are aimed at addressing practical issues and preventing incidents on the ground and therefore, constitute an important instrument for stability and confidence building (MFA Georgia, 2016a).

EU involvement in Moldova

European Commission (2002) argued that "Moldova's stability clearly matters to the EU. Within a few years, Moldova will be on the borders of an enlarged EU. It has been destabilized by weak government, armed conflict and secession, near economic collapse, organized crime and immigration… The EU needs to help Moldova address these problems". This document indicated a shift in the EU interest and action towards Moldova by late 2002.

It was with this argument that the Union has started to legitimize its Moldovan policy and include this country in its later initiatives.

Nowadays, the EU is relatively well represented in the country and uses a handful of instruments and formats on various levels to manage and resolve the Transnistria conflict.

Much like Georgia, the Association Agreement, signed in 2014 and replacing the Partnership and Cooperation Agreement, is envisaged to be the main legal document regulating the EU-Moldovan relations and is supposed to have similar effects on conflict resolution as in Georgia. Also similar to Georgia, Moldova has developed extensive ties with the European Union over recent years, ENP arguably being the most important EU mechanism. However, unlike Georgia, Moldova became a part of the EU-initiated Stability Pact for South-Eastern Europe in 2001 (since 2008 the platform was replaced by the Regional Cooperation Council). The EU involvement in Moldova has increased with the EU 2004 enlargement on horizon – the EU Special Representative to Moldova started working in 2005, the EU Border Assistance Mission and the Commission delegation to Moldova opening in the meantime (Davies, 2011, p. 140), whereas the EU participated in the unsuccessful Joint Constitutional Commission established to negotiate the status of Transnistria (Karniewicz, Petrovická & Wunsch, 2010, pp. 7-8).

The ENP Action Plan that was negotiated with Moldova and approved in December 2004 "focused primarily on stabilization of the breakaway Transnistrian region on the Moldovan-Ukrainian border, recommending major democratic reforms in Moldova as a tool to draw the region back into the state structure and put an end to the rampant corruption and crime that exists in the province" (Bosse, 2010, p. 1299; Davies, 2011, p. 142). The document aimed "to further support a viable solution to the Transnistrian conflict, more specifically promotion of political dialogue with the Council of Europe and the OSCE and in line with the EU Security Strategy" (EEAS, 2012, p. 4)

Similarly to Georgia, "through ENP the EU has voiced a greater commitment to Moldova and a solution to the Transnistria conflict, and it has created a new incentive structure for Ukraine to support conflict resolution" (Sasse, 2007, p. 176).

On a general level, the EU was engaged in the development of Moldova to make it more attractive to the breakaway region in 2004-2016. It has provided the country with hundreds of millions of Euros in assistance programs since its independence, oriented on the support for democratic development, good governance, economic growth, regulatory reform, improving social conditions, education and rule of law (EU Delegation to Moldova, 2016b). Moldova has been successful in obtaining financial resources in the security field, particularly, for the Moldova-Romania-Ukraine cross-border cooperation program and the Black Sea cross-border cooperation program in 2007-2013 (MFA Moldova, 2016). Moreover, the EU was one of the leading partners in a reforms project "Rethink Moldova" that generated $2,6 billion from international donors for 2011-2013 (Ghinea & Chirilă, 2010, p. 4).

On a specific level, the EU has significantly contributed to the process of conflict settlement in the Transnistrian region by operating the EU Border Assistance Mission to Moldova and Ukraine, implementing confidence-building measures (EU Delegation to Moldova, 2016c) and having a travel ban against certain leaders of Transnistria.

The EU Border Assistance Mission should be especially emphasized. It was established by the Council Joint Action in 2005 upon a request of Ukrainian and Moldovan presidents and the recommendation of the joint Council/Commission fact-finding mission in the region (European Commission, 2005). It is a supportive/advisory mission funded by the EU European Neighbourhood and Partnership Instrument, and having the International Organization for Migration and the UN Development Program as implementing partners. Many EU member states also provide "direct contribution by funding secondments of border professionals from their national services to the Mission" (UNDP Ukraine, 2012). One of the main reasons of its creation was the fact that, as a result of the Transnistrian conflict, Moldova's central government could not directly control a 454km-long section of the Ukraine-Moldova international border (EU Delegation to Moldova, 2016a). It is staffed with around 200 personal located in several field offices in Moldova and Ukraine (EU Delegation to Moldova, 2010).
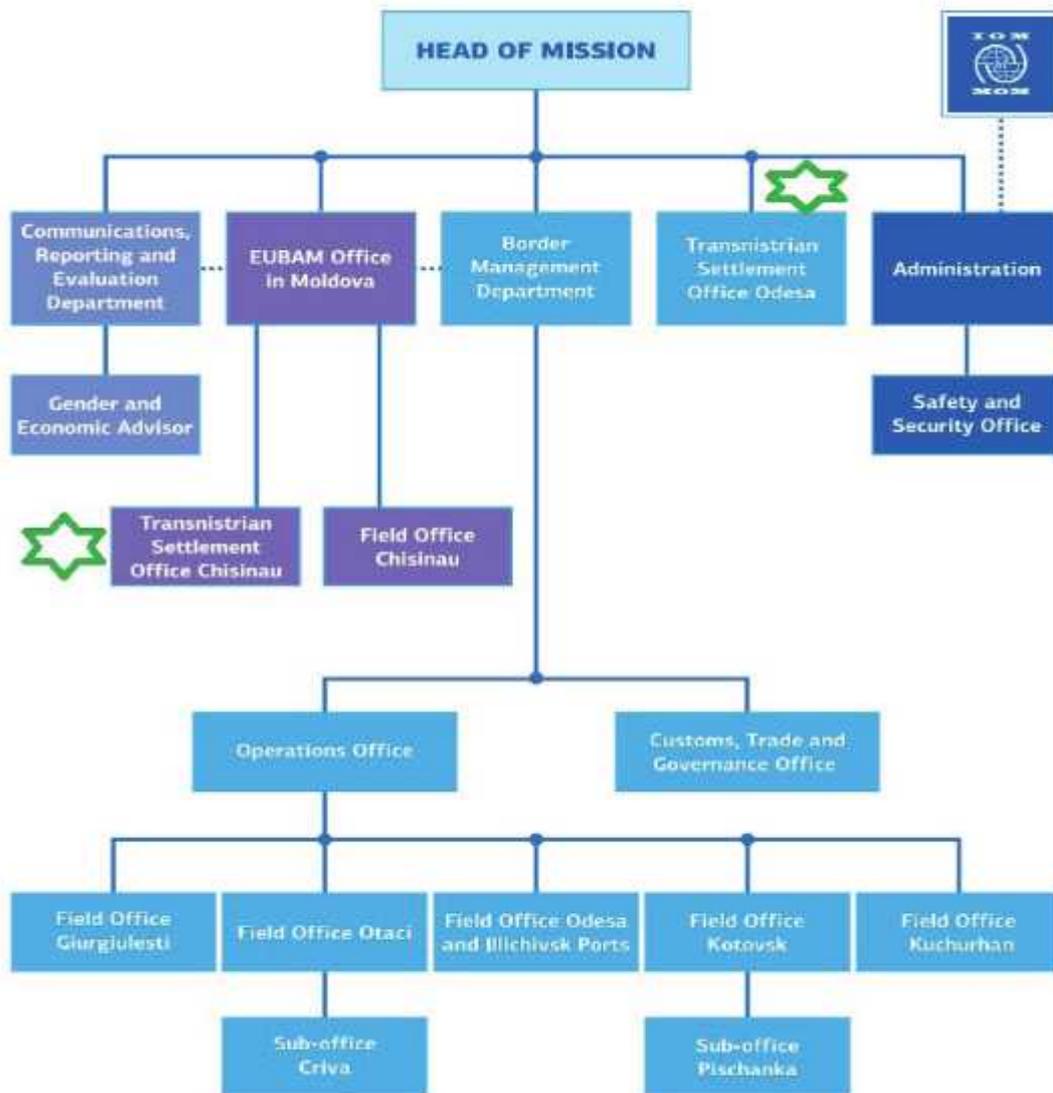
Structure of EUBAM in 2012-2015

One of the main dimensions of the EUBAM functioning is conflict resolution. The EUBAM indeed contributes to the peaceful conflict resolution through an official international negotiation mechanism (the so-called 5+2 process where EU participates as an observer) and through the technical and advisory work, enshrined in the Memorandum of Understanding signed on 7 October 2005 (EUBAM, 2016a).

In addition to this institutionalized presence on the ground, the EU also contributes to the confidence building measures "between Chisinau and Tiraspol through joint initiatives involving local authorities, civil society organizations and other stakeholders from both sides" (EU Delegation to Moldova, 2016a; EUBAM, 2016b).

Moreover, Moldova has been the most successful in obtaining tangible results from the European integration process relatively early and having potentially positive repercussions on the conflict resolution, especially in the field of visa liberalization. Indeed, Moldovan citizens with biometric passports enjoy visa-free access to the Schengen area since 28 April 2014 (EU Delegation to Moldova, 2016a), whereas, Georgia has been struggling to get an ultimate political approval from Brussels for more than one year (from the period of the European Commission's proposal of 9 March 2016 until its actual entering into force on 28 March 2017).
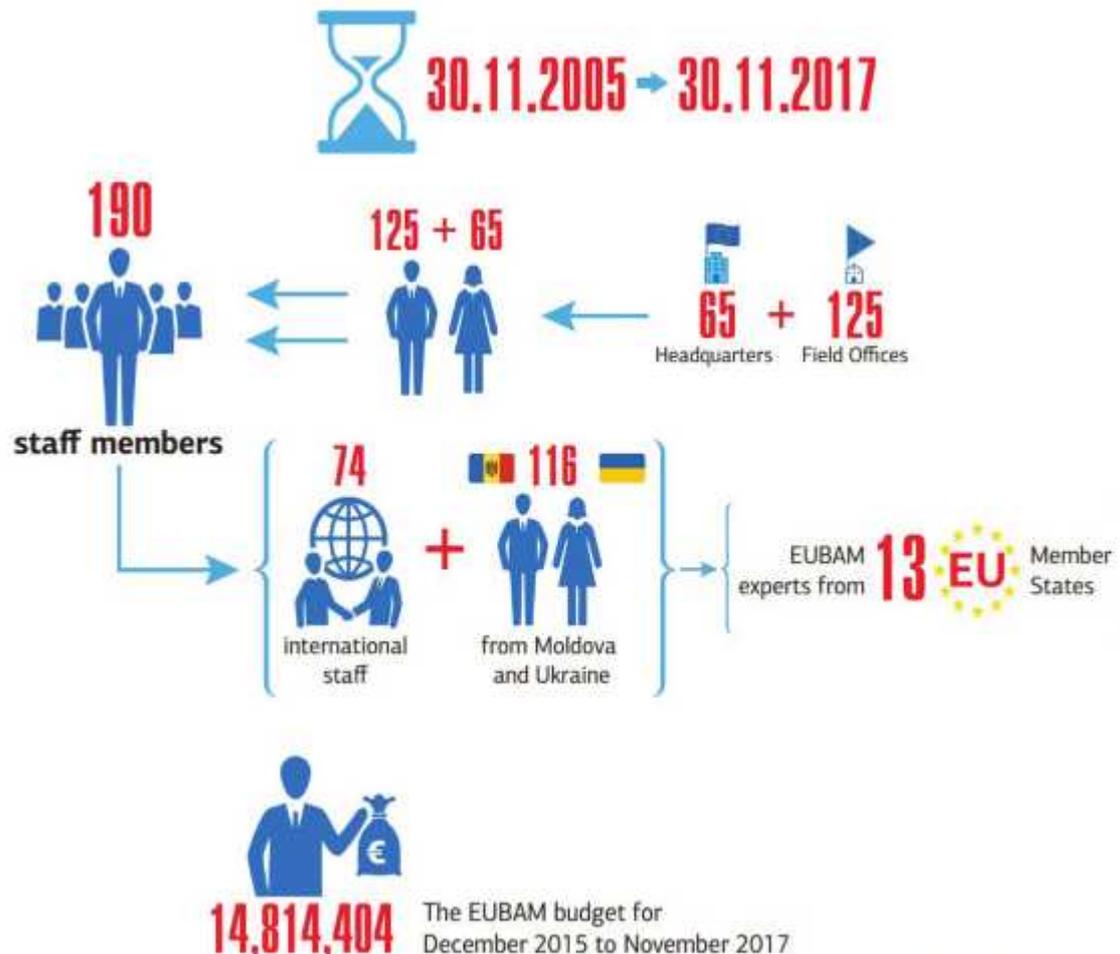
The 5+2 process, with the EU and U.S. involvement since 2005, is a major format of negotiations between central government of Moldova and its breakaway region of Transnistria with OSCE, European Union, United States, Ukraine and Russia as observers and mediators. As a chair of the negotiation process, the OSCE has a leading role while others try, although often reluctantly, to influence the process in bilateral or multilateral manner (Vasiloi, 2017a).

Similar to the negotiation formats for the Georgian conflicts, the 5+2 process has been bumpy. It had been interrupted for six years until 2011 when, arguably after international (and particularly, surprisingly, German) pressure during the OSCE conference in 2011 at Bad Reichenhall (Remler, 2013), the sides resumed discussions on "issues affecting the lives of the people on both banks of the Dniester/Nistru River" (OSCE, 2015).

The sides signed a protocol following the 2011 meeting regarding the confidence-building measures. The protocol reflected the 5+2 meeting agenda, stipulating that the sides would "continue regular meetings at the level of expert/working groups and of Political Representatives in order to achieve the following specific agreements: apostilization of diplomas issued by higher education institutions from Transnistria; identification of a practical solution able to guarantee the participation of vehicles from Transnistria in the international road traffic; restoring telephone interconnection between the two banks of the Dniester; boosting cooperation in the area of environmental protection" (Berbeca, 2016, pp. 21-22).

The 2011 meeting was considered as an achievement in an otherwise futile process. The Special Representative of the German OSCE Chairperson-in-Office for the Transnistrian Settlement process, Amb. Cord Meier-Klodt was satisfied with a fresh impetus, while the Head of EU Delegation in Moldova Pirkka Tapiola was supportive to the idea of "pursuing the policy of small steps" (Berbeca, 2016, p. 22).

EUBAM IN NUMBERS AS OF 1 DECEMBER 2015[3]

30.11.2005 → 30.11.2017

190 staff members

125 + 65

65 + 125
Headquarters   Field Offices

74 international staff

116 from Moldova and Ukraine

EUBAM experts from 13 EU Member States

14,814,404
The EUBAM budget for December 2015 to November 2017

(Source: Vasiloi, 2017, p. 31)

3   The budget for EUBAM Phase 10 (1 Dec 2015 to 50 Nov 2015) amounted to Euro 20,690,450. During the reporting period EUBAM had 242 staff members.

As mentioned above, the EU Special Representative has also been working in Moldova since March 2005, having almost similar goals as the one in Georgia. Before establishing the position of the Union's HRVP, the EUSR Moldova reported directly to the EU High Representative for CFSP Javier Solana. Much like in Georgia, "[despite] the Council's clear authority over the EUSR, the Commission… played the 'backseat driver' role by '[providing] logistical support in the region', along with the Presidency and/or the Member States, and

the EUSR remained in 'full association' with the Commission through frequent progress reports and briefings" (Davies, 2011, p. 146).

The EUSR's mandate was in practice limited almost entirely to the Transnistrian conflict and 'relevant aspects' of ENP, whereas the Commission remained in full control of implementation of the ENP Action Plan in Moldova. The establishment of the European External Action Service by the Lisbon Treaty helped reduce the inter-institutional bickering between the Commission and the Council.

EU in confidence-building process

In order to assess effectiveness of the EU policy and instruments, the indicators of success need to be formulated. Generally speaking, it can be argued that there are two components of peaceful conflict resolution: 1) political-diplomatic aspect; 2) confidence-building aspect – after political-diplomatic success, war-torn societies need to communicate each other peacefully, without alienation and violence. This is a preparation of solid ground for ultimate peaceful resolution. Intensified confidence-building measures (CBMs) can in turn contribute to the political bargaining by pressurizing its participants bottom-up. The OSCE (2012) suggests a broad and comprehensive definition of the confidence-building measures, being the "actions or processes undertaken in all phases of the conflict cycle and across the three dimensions of security in political, economic, environmental, social or cultural fields with the aim of increasing transparency and the level of trust and confidence between two or more conflicting parties to prevent inter-State and/or intra-State conflicts from emerging, or (re-) escalating and to pave the way for lasting conflict settlement" (p. 9). As Mason & Siegfried (2013) further clarify, confidence-building measures "can improve relationships, humanize the other, signal positive intentions and commitment, and avoid escalation. Through CBMs, mediators try to 'humanize' the conflict parties and to break down the image of an impeccable villain, usually incarnate beyond redemption" (p. 57).

For this particular issue-study, the discussion will be based on assumption in theory that confidence-building measures contribute to peaceful conflict resolution (Mason & Siegfried, 2013).

The interviewees explain that the AAs express an overarching political support and strengthen the existing conflict resolution mechanisms rather than introduce a new tangible tool in itself in Georgia and Moldova. Indeed, there are long-experienced EU confidence-building activities beyond the AAs that the interviewees exhibit. In this regard, the EU is the biggest donor of the projects implemented in and with the breakaway regions. The funding covers a wide range of fields, including healthcare, education, agriculture, human rights, public awareness activities, summer schools, rehabilitations, etc.

On the example of Georgia, the interviewee from the State Ministry of Georgia for Reconciliation and Civic Equality explains the EU funding activities in detail. In particular, as she clarifies, the EU usually does its funding through a third party organization, be it the UN bodies (UNDP, UNICEF, UNHCR), the Council of Europe, international or local NGOs (e.g. Danish Refugee Council, Premier Urgence, Action Against Hunger, World Vision, Avangard, World Without Violence, Hello Trust). It does so via several major ways, including: First, Confidence Building Early Response Mechanism (COBERM) is the most significant mechanism. The EU finances go through the UNDP grant application process. I myself have participated in such program in Istanbul, Budapest and Vienna. This is an especially important component of the confidence-building process because of the opportunity of intensified people-to-people contacts in a friendly atmosphere and establishment of friendly ties between the war-torn communities.

Second, apart from the EU itself, the EU member states also contribute a big share of finances to confidence-building activities. These efforts are implemented either via their individual embassies (e.g. the UK or Swedish embassy), or via their national institutions (Bundestag), or via their national non-governmental organizations (e.g. the project 'Through History Dialogue to Future Cooperation' funded by the German Foreign Office).

<u>Third</u>, ENPI and later ENI – the ENI has four major dimensions of the EU financing, actually reflecting the AA. But because conflict resolution is not a separate dimension in the AA, financing for confidence-building measures is very limited.

<u>Fourth</u>, European Commission sometimes grants money to international NGOs, such as International Alert, Conciliation Resources, and ICRC for the projects. However, obtaining the information on these procedures as well as the projects is very challenging.

<u>Fifth</u>, the EU allocated €6 m. through ENPARD program for developing agriculture and €1 m. for civil society development in the breakaway Abkhazia.
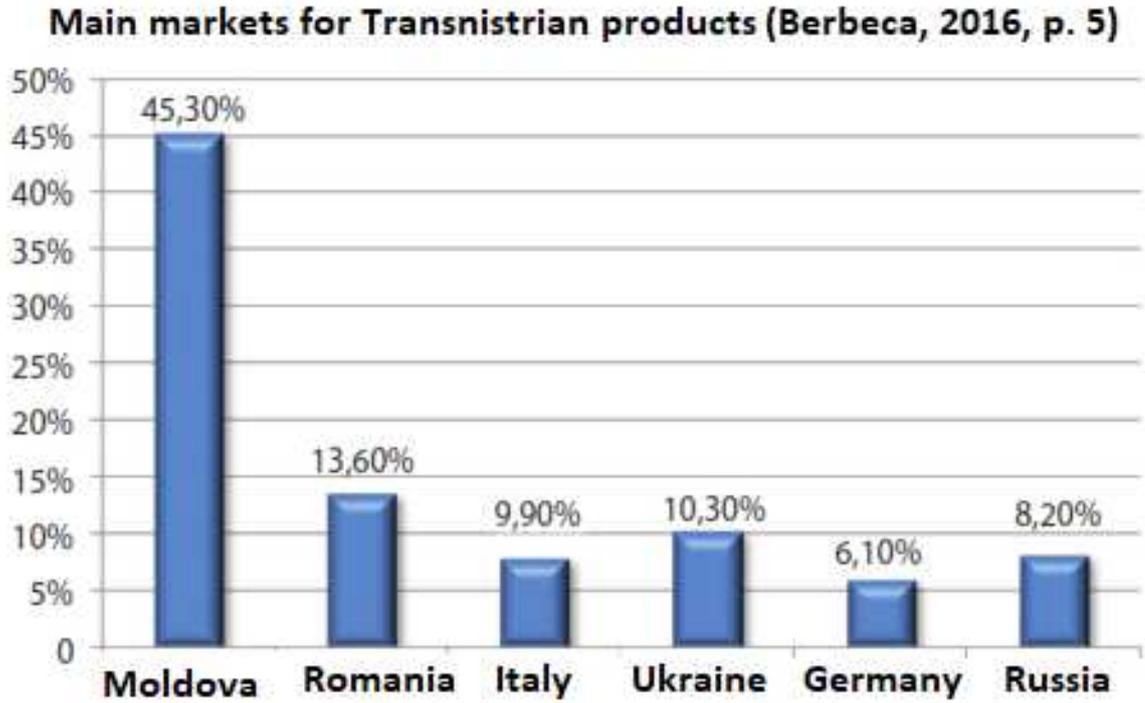
As general interview data indicates, the EU activities do not come without difficulties. As several interviewees from Georgia, Ukraine and Brussels underline, these difficulties have to be addressed in order to make the AAs and the related EU instruments more successful. *Firstly*, these activities usually lack sustainability. They are typically one-time events. *Secondly*, the interviewees indicate to a common problem that exists in the principle-agent relationship (Pollack, 2003), i.e. when ultimately principal's wishes sometimes do not exactly coincide with the agent's behaviour. In other words, final 'product' is sometimes deviated from the exact EU will. A widely publicized illustration is the project of the International Alert: the organization spent EU money in actually facilitating 'pre-election process' in de-facto Abkhazia and increasing 'electoral' capacity-building, evidently crossing the red-lines of official Tbilisi.

Thirdly, one of the most important aspects of the confidence-building process is humanitarian programs. Central government of Georgia provides free medical treatment, immunization and veterinary vaccines, medicines of diabetes and tuberculosis to the inhabitants of the breakaway regions, as well as fully funds an HIV/AIDS centre in Sokhumi. The EU facilitates the process by a status-neutral liaison mechanism, established in 2010 under the UN in the frameworks of the Engagement Strategy of Georgia and funded by the EU. It is a mechanism by which Georgia can physically bring all the medical aid to the occupied regions. It is also a communication channel for the central Government to get information on the necessities of the regions. Nevertheless, there have been some concerns

from individual EU member states on its 'unnecessarily excessive expenses', as one of the officials of Ministry of Foreign Affairs of Georgia explains, recalling the wording of this concern. However, by highlighting its high humanitarian and political importance and wishing to win 'hearts and minds' of communities of Abkhazia and Tskhinvali Region/South Ossetia, the Georgian government has so far been successful in keeping this format actively functioning.

On the example of Moldova, the Moldova's government has also been keen to continuing the humanitarian and confidence-building programs, in cooperation with international donors. The EU was involved to greater extent after 2007. There are two reasons for such strengthened EU interest after 2007. First, Romania became the EU member state and the Republic of Moldova became a direct land neighbour of the Union. Second, Romania's EU membership meant that the Romanian confidence-building efforts officially fell under the EU statistics.

As of 2013, about 4000 people from Transnistrian region were studying in Moldova's educational institutions, Transnistrian sport teams were participating in all-Moldovan championships, and Transnistrian businesses were extensively using the opportunity to access the EU common market through the Chamber of Commerce and Industry of Moldova (Nantoi & Platon, 2013, p. 26; Ioniță, 2017). Moreover, Transnistrian economic agents registered by the Ministry of Justice of the Republic of Moldova, can carry out export operations on the basis of Moldovan certificates. These economic agents do not pay taxes to the Moldovan budget and enjoy all the commercial advantages of DCFTA and World Trade Organization (WTO), to which the Republic of Moldova is a member/participating state. Vast majority of these economic agents from the left bank of the Dniester River are registered at Chisinau and benefit from all the facilities available to the Moldovan state for export (Berbeca, 2016, p. 5).

Number of registered economic agents (Vasiloi,2017a,p. 33)

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
	380	498	596	681	767	769	1000	1277	1460	1580	2396

Main markets for Transnistrian products (Berbeca, 2016, p. 5)

Moldova	Romania	Italy	Ukraine	Germany	Russia
45,30%	13,60%	9,90%	10,30%	6,10%	8,20%

Nevertheless, much like Georgia, the process has never been an easy affair. Tensions sporadically erupted (however, non-violent) throughout 2004-2016 between the de-facto authorities and the representatives of Moldova's central government, settling down only

after the OSCE engagement on ground. On a another remarkable occasion, de-facto President of Transnistria Yevgeny Shevchuk promoted the idea of 'civilized divorce' in 2013 while attending the conference on confidence building measures on conflict settlement in Landshut, Germany. Such oxymoron often spoiled the spirit of existing settlement efforts (Nantoi & Platon, 2013, p. 31).

Chapter 5

Research Results

Previous chapters have covered all relevant concepts, such as crisis management, conflict management, conflict mediation, success in conflict management and mediation, mediation mandate, multiparty mediation, cooperation and coordination in conflict management and mediation, contextual factors affecting conflict management and mediation, mediation styles, etc. This was necessary to comprehensively understand the data obtained from the interviewees/conversations, content analysis and personal observations in 10 countries of EU and Eastern Partnership. In addition, this study has hitherto reviewed the EU involvement in the conflict management activities in Moldova and Georgia. It was mostly with this information that I embarked on a time-consuming and extensive process of data interpretation.

Based on the academic scholarship on conflict management and mediation demonstrated above, there can be various interpretations and opinions on whether the EU was effective and thus successful in Georgia and Moldova or not, and why it was so. For example, Georgian and Moldovan views can be different compared to that of the EU or Russia. That is because all stakeholders have different expectations from the EU and thus different understanding of its success/effectiveness. Indeed, many interviewees agree in their assessment that the European Union (France in its Presidency) had some success in the conflict management and mediation process in Georgia and Moldova, including a 2008 ceasefire agreement, de-escalation of hostilities to some extent, the establishment of the GIDs, IPRMs, EUMM and various confidence-building measures in Georgia, and continued functioning of the 5+2 format (although the EU is a mere observer), the establishment of the EUBAM and a number of confidence-building programs in Moldova. However, others argue that it failed to achieve a breakthrough and successfully push the conflicting sides to a negotiated peaceful resolution. Their perceptions, positions and observations on as well as my interpretation of the reasons of (in)effectiveness of the EU and its instruments in this process are demonstrated in this chapter.

The Association Agreements with Moldova and Georgia as well as the Geneva International Discussions in Georgia are both significant EU instruments with regard to these countries. Practical implications of the AA for confidence-building measures envisioned behind the lines of the document can potentially be significant. First, DCFTA can contribute to the increased business ties and cross-ABL (Administrative Border Line) trade activities.

Second, although not being a part of the AA but being the AA-related activity and politically supported by the AA, the visa liberalization and ultimately visa-free regime with the EU can also increase attractiveness of Georgia and Moldova for the inhabitants of the breakaway regions and this way further intensify the confidence-building process.

Third, it is expected that the AA will make Georgia and Moldova more attractive by firmly affiliating it to the European family.

And fourth, in long-term perspective, by developing and modernizing Georgia's and Moldova's economy and society, the AA will likely increase their prosperity, making it more interesting to the secessionist regions. Therefore, although the AAs are not conflict management instruments *per* se, it would be still interesting to analyze their potential in the EU conflict management processes because they have significant indirect impact on conflict management. Much like the AAs, only a handful of recent studies examine the GIDs, often only descriptively (Coyle, 2017; Herța & Sabou, 2015; Jafarova, 2014; Mikhelidze, 2010). This research will address this gap and examine several aspects of the AAs and GIDs[1].

Several limitations

Before moving towards the research results, there are several key points to take into consideration to set a proper plank for expectations of the EU success/failure. <u>First</u>, we need to recognize the deep-rooted nature of conflicts in Abkhazian and Transnistrian regions and (to letter extent) in Tskhinvali Region/South Ossetia. Without this, we will understate an

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[1] I have already done significant research on these issues (see Makhashvili, 2016b; 2013) and will be able to further elaborate on them in this chapter.

important aspect of the context in which the EU conflict management and mediation efforts have taken place. In the literature review, I highlighted the scholars who stressed the importance of the 'nature of conflict' for success or failure of a third-party intervention. Generally speaking, these conflicts were already deep-seated in nature, protracted, in post-violent phase and defined by the parties in existential terms once the EU arrived as a late-comer mediator/manager. For this reason, one should not increase the plank of expectations from the EU, but also should not underestimate the importance of each successful step of the EU in this complicated conflict management and mediation process.

Second, situation de-jure (not only de-facto) after 2008 – Russia is not only a mediator but directly involved in conflicts (along with Abkhaz and South Ossetian de-facto authorities). Russia has been a mediator while at the same time used almost all types of actions threatening Georgia and Moldova, including a threat to use force, a threat to blockade, a threat to occupy territory, a threat to declare war, a threat to use nuclear weapons, show of troops, show of ships, show of planes, nuclear alert, mobilization, border fortification, border violation, blockade, occupation of territory, seizure, clash, raid, use of CBR weapons, etc. This was less explicit before the 2008 war but became obvious after this event.

It is a unique situation faced by the EU mediation whereby a side of conflict is at the same time one of the mediators. How is this going to affect EU mediation? That in and of itself presents a significant challenge to EU conflict management and mediation which may explain to an extent its degree of success. Together with the difficult nature of the conflicts, this factor may further lower the plank of expectations for EU conflict management and mediation to be effective and deliver significant or dramatic changes.

Third, neither GIDs nor 5+2 are unilateral mediation formats. They both represent a classic multiparty mediation effort. How is such multiparty mediation going to affect EU mediation?

In the literature review chapter, I have examined academic scholarship on multiparty mediation and its advantages. But in order to answer these questions, we need to see how multiparty mediation can be disadvantageous too, if not addressed properly. One of such important dimensions is a political competition between mediators. Indeed, having their

own (sometimes contradicting) interests, powerful states can and do have political competition on the international arena. Therefore, the mediation process can be effective only if these mediators first mediate between themselves and as a result, agree with the distribution of priorities and relative responsibilities in the mediation and implementation phases (Jones, 2002). Based on this background, it seems reasonable and legitimate to analyze the Moldovan and Georgian cases in a wider context of clash of interests between Russia and the West.

The Geneva International Discussions format can be a useful illustration for this purpose. Although it is not successful so far, it is the only forum where parties sit face-to-face and express their divergent interests. In spite of the fact that the parties do not agree on anything substantial, existence of such format can still be important for the attempts of cooperation and socialization.

Moreover, in theory, it is anticipated during the cooperation process that the parties not only acknowledge each other's interests as legitimate, but also they "emphasize with each other and recognize that each other's well-being is mutually reinforcing and that they are codependent" (Vuković, 2016, p. 47). Once the parties admit that cooperation is mutually beneficial, effectiveness of coordination among the mediating parties can increase significantly (Strimling, 2006). Most probably, these factors (or rather their absence) explain the failure of the Geneva International Discussions. Indeed, there is a zero-sum / win-lose (rather than win-win) situation where one's potential win is perceived as a loss for another (especially when we are talking about Russia and Georgia). In addition, Russia usually refrains from cooperation and coordination with other mediating powers. As a result, it is usually representatives of three co-mediators (EU, UN, OSCE), often together with a U.S. representative, who provide regional visits in Georgia and the breakaway regions to collect information, and reconcile and coordinate their positions and efforts. For this reason, even if the GIDs were only a technical negotiation issue, ultimate success might have been difficult, if not impossible, unless the parties change their zero-sum strategy and accept the legitimacy of others' interests.

Cooperation is even more important in multiparty mediation as parties need to closely cooperate and coordinate on different levels. As theory suggests, "stronger the co-ordination of policy among co-operating states, the greater are the benefits and the more powerful will be the impact of the policy" (Hughes, 2007, p. 76). This can be anything from mere information sharing to "collaborative analysis and strategizing, resource sharing, formal partnerships and other means of synchronizing and/or integrating activities" (Nan & Strimling, 2006, p. 2). Some patterns can indeed be observed in the case of Georgia when all three co-chairs of the Geneva International Discussions (EU, OSCE, UN) try to coordinate their activities by information sharing, resource sharing, joint visits on the ground, joint statements, etc. The Moldovan case can also be illustrative to some extent here.

Fourth, we should also underline a factor of mistrust. The EU is not completely detached from the region – it has its own interests. The EU is increasing seen as a competing power vis-à-vis Russia in the region. How is this going to affect perceptions of the de-facto authorities in the mediation process, especially after recent escalation of tensions between Russian and the West? Future researches should explore this question.

Post-conflict phases are usually characterized by violence-prone activities, conflictual policies and higher levels of mistrust between the stalemates. Thus, role of mediators is of greater importance on this stage as their leverages, such as sticks and carrots, have to be implemented (Svensson, 2007). Mediators' success often depends on how well they build trust and credibility as "it becomes crucial to avoid defection of the parties who can produce and put into effect various security guarantees, economic assistance and capacity building provisions that were used to incentivize the parties in reaching a negotiated solution" (Vuković, 2016, p. 42; Kydd, 2006). Credibility arguably is the key notion at this stage and can be understood as the "extent to which disputants think that (1) the mediator's offer is believable (i.e. the mediator is not bluffing and/or is not being deceived by the opponent), and (2) the mediator can deliver the offer (i.e. mediator can make the offer stick)" (Maoz & Terris, 2009, p. 69; Kydd, 2006). For the sake of obtaining credibility, any successful mediator "[1] must have a specific self-interest in upholding a promise; [2] it must be willing to use force if necessary (and capable of punishing whoever violates the agreement); and to be able

to signal resolve" (Vuković, 2016, p. 14; Walter, 1997). In other words, more interest for a mediator in the resolution of conflict, more chances of a committed and dedicated involvement/engagement of a third party in a mediation process, and thus, more chances of success of implementation of mediation commitments from the conflicting sides (Bercovitch, 2002).

This is true not only to a mediator-vis-à-vis-conflicting-parties scenario but to a mediator-vis-à-vis-another-mediator case as well, observable in multiparty mediation. Discouraging defection and encouraging cooperation is indeed more complicated in the latter case. In order to be an effective and successful mediator, Vuković (2016) suggests, that

> "it is not enough just to issue a reprimand for non-cooperative [behaviour] or warn that such a strategy is not constructive for the overall process of mediation and leave it at all. It is essential that the defecting party [comes] to recognize the benefits of deciding to change its strategy and pursue cooperative strategies" (p. 53).

Moreover, as Vuković (2016) further explains, "defection is a direct expression of an actor's policy preferences, so one way of encouraging a mediator to abandon non-cooperative attitudes is to expose it to pressure exercised by the rest of the mediating coalition" (p. 57).

Speaking about Moldovan and Georgian cases, what was (and still is) the EU doing vis-à-vis Russia to discourage defection? A general and rough answer is mostly just statements – both in bilateral and multilateral formats, be it bilateral EU-Russia summits or multilateral Geneva International Discussions. The EU had no effective instrument to intervene in Russia's policy objectives during the years of interest of this research. The EU's recent sanctions and stricter rhetoric are a result of Russia's military aggression against Ukraine, and not an outcome of its earlier hard and soft power activities in Georgia and Moldova. And there is no sign so far that the EU is tilting towards this direction (i.e. imposing sanctions or otherwise tightening its policies for Russia's territorial adventurism in Georgia and Moldova). Therefore, one should not expect Russia changing its strategy towards cooperation because this does not lead to a more preferred condition.

Furthermore, mediators carry various interests and resources that become a comparative advantage once incorporated into a coherent mediating strategy. Scholars argue that mediation is more effective when this mediator can "play heavy" (Vuković, 2016, p. 60). Sisk (2009) further suggests that

> "this implies the provision of strongly structured incentives and sanctions against the parties, promotion of diplomatic consistency through maintenance of communication and by sharing relevant information and, if needed, acting as a guarantor in the implementation phase" (p. 53).

None of these characteristics are evident to the EU in the Moldovan and Georgian cases, probably apart from weak attempts to promote diplomatic consistency. Indeed, usage of incentives and sanctions by the EU is often chaotic and reactive.

In addition, the EU has never played a role of guarantor in the implementation phase. Recent developments in Ukraine are more promising in this direction but this role is shared by the Organization for Security and Cooperation in Europe and has been only partially successful.

Comparative advantage of a powerful mediator can be used both for positive and negative purposes. The Russian-led mediation in Moldova and Georgia in earlier decades can be exemplary for demonstrating how mediation efforts led by powerful states can be unsuccessful and ineffective in producing a mutually acceptable solution (Whitefield, 2010, p. 15).

In short, it is the context of these limitations and/or factors (deep-rooted nature of conflicts; Russia as a mediator and a conflict party at the same time; multipartism of mediation in GIDs and 5+2; limitations in cooperation and credibility) in which we are to assess the performance of EU management and mediation in Georgia and Moldova in 2004-2016.

In the beginning, it is important to establish facts on 'different positions of the EU member states' and 'success/failure of the EU management and mediation efforts'. In methodological terms, this is to operationalize independent and dependent variables (X and Y, respectively). Afterwards, we will be able to establish a causal path between these facts, and define a mechanism of how X causes Y.

Independent variable X: different positions

Interviewees from the German research centres pointed at frequently cautious positions of France, Germany and like-minded EU member states vis-à-vis Poland and the Baltic countries. My work experience completely coincides with such conclusion. In particular, Germany, France, Austria, Netherlands and Italy have been slow, sceptical and less ambitious in their activities and future plans with the EaP countries. In contrast, Poland, Estonia, Latvia, Lithuania, Romania and Czech Republic have been quick, optimistic and more ambitious in their engagement with the EaP states. This is not to judge their behaviour patterns and foreign policy priorities. But I want to highlight the argument that was so vivid since the EU's 2004 enlargement: there were at least two groups divided on the relations with Russia that in fact defined their policy towards EU's other Eastern neighbours.

One may argue that the 2008 war must have been an exception due to its importance to and potential repercussions for Europe's peace and security architecture. Indeed, the 2008 war made the EU to "deploy a more robust approach towards conflict resolution in the region" (Simão & Dias, 2016, p. 109). But even in this case, it was usual 'suspects', i.e. Latvia, Lithuania, Estonia and Poland, who were most vocal to the Russian actions. Polish President Kaczynski recommended a plan to French President Sarkozy, elaborated by these countries to establish an international stabilization force for the South Caucasus. Polish Foreign Minister Sikorski explained that "it is no longer possible for Russian soldiers alone to assure the peace in South Ossetia", thus recommending an EU stabilization force instead (Nichol, 2009, p. 18). France, in the capacity of the EU presidency at that time, had to react. As a result, the Russian military advance is widely acknowledged to have been stopped by the EU's French Presidency (President Sarkozy and Foreign Minister Kouchner, with the support of the Foreign Minister of Finland Stubbs), which brokered a 6-point ceasefire agreement between Georgia and Russia.

Dependent variable Y: success or failure?

The argumentation in the academic scholarship discussed above allows for the conclusion that any assessment or definition of success gives way to multiple interpretations and leads to subjective conclusions. This is a primary source of academic confusion, or as Bercovitch (2006) clarifies, "the perceptual nature of any interpretation of such abstract concepts, incorporated with the very fluid nature of what they may entail in a given situation, means that interpretation begs as many questions as it provides answers" (p. 293). Nevertheless, we should not abandon the quest to provide a more concrete and observable description of success. For this reason, the following practical benchmarks can generally be illustrative in assessing success for the purpose of this analysis:

- Level of hostilities between 2004 and 2016 increased or decreased? Hostility level may change from the point of the mediator entering the mediation process to the point of its departure: hostility level may increase, decrease or remain same.

- Geneva International Discussions

- 5+2 format

- Progress on ground.

- EUMM/EUBAM.

- Feelings of participants of the Geneva International Discussions and the European Union Monitoring Mission in Georgia, and the 5+2 process and the European Union Border Assistance Mission in Moldova as a measure of success.

Although the list cannot be exhaustive, it covers a wide range of potential "mini" successes during negotiations table and on the ground, and decreases the risk of over-subjectivity and increases the level of objectivity in assessing the success of the European Union in the processes.

➢ *Level of hostilities*

As it was demonstrated in previous chapters, the EU engaged relatively seriously with Georgia and Moldova only later in 2004 with the introduction of the European Neighbourhood Policy. This is the moment that we can refer as a point of the mediator entering the mediation process. Since this time, the conflicts remained largely 'frozen', sporadically escalating into severe tensions.

The 2008 August war between Russia and Georgia has been a major exception in its scale and political and security repercussions, and a game-changer in terms of level of hostilities. The Russian military adventurism in separatist regions turned into a full-scale interstate war between Russia and Georgia on 7 August 2008, major hostilities lasting for five days. Russia recognized the independence of the two Georgian territories, signed the so-called partnership agreements and dramatically increased its control and influence on the territories. Interestingly for this research, despite the calls of the European Union and other international actors, as mediators in the process, Russia (this time openly) launched active military build-up and the so-called "borderisation" process, whereas humanitarian and security situation severely deteriorated. International scholars and observers recognized that "[in] the intervening years, South Ossetia has been effectively annexed by Russia in all but name" (Stronski & Vreeman, 2017).

Moldova has been less active on foreign press agenda thanks to a relatively calmer situation. However, like in Georgia, Russia continued to employ blackmail, economic blockade, support for separatists and the pro-Russian political parties, information war campaign and other forms of pressure and intimidation in parallel to the Moldova's European integration process. The Transnistrian region remained in 2016 as separated as in 2004, and there was no meaningful step in this period to expect any breakthrough.

The interesting and relevant point here is that there is a deterioration of security and humanitarian situation on ground as well as no actual progress towards conflict resolution since the EU's first serious involvement in the region via ENP in 2004. The following data

demonstrates that the hostility level from the point of the EU entering the conflict management and mediation process in 2004 to the year of 2016 increased.

Detailed information on military build-up and deteriorated humanitarian and human rights situation in the breakaway regions are available in Appendix 1.

➢ *Geneva International Discussions*

Some may argue that the GIDs is a successful and effective tool in the hands of the EU to manage conflicts in Georgia. Let's look at it in more detail to properly assess its success/failure.

The French-brokered (i.e. the EU-brokered) mediation was the first major development since the Kosovo War, and commonly accepted as a success due to the cessation of fire and the perceived readiness of Russia to cooperate. The Geneva International Discussions, a negotiations' framework established on the bases of the 6-point Cease-Fire Agreement ending the dramatic August 2008 war between Georgia and Russia, has been under limited academic attention since its launching.

Despite the efforts of EU, UN, OSCE and U.S. to reconcile Georgia and Russia and to provide 'stability, security and conflict resolution' in the region, these politically significant status negotiations have not achieved any of the noble goals. Indeed, hard militarization, declarations of independence of the secessionist entities of Abkhazia and South Ossetia by Russia, termination of UN and OSCE missions and other abruptly negative processes (as demonstrated above) have been witnessed in the conflict regions.

The IPRM that represents the only format for discussing the existing problematic issues on the ground in Gali (for Abkhazia) and Ergneti (for Tskhinvali Region/South Ossetia), could not manage to bring any significant progress either. Much like the GIDs, the IPRM meetings have been no easy gatherings (see Makhashvili, 2013). The IPRM in Ergneti (In Tskhinvali Region/South Ossetia) was deadlocked for one year and resumed (arguably) only after the

solidified international pressure on Russia in October 2010. On 24 April 2012, the EUMM head, General Tyskiewicz was not allowed to enter Abkhazia to participate in the 36th meeting of IPRM in Gali. The event was followed by uneasy developments and a subsequent suspension of the IPRM in Gali due to the harsh Russian position, up until 2016 when (arguably) once-again accumulated international pressure and political bargaining succeeded.

While not ignoring the roles and influence of other participants, I will focus particularly on the EU and its inability to change the preferences of the separatist representatives from Abkhazia and Tskhinvali Region/South Ossetia. As a broker and an active participant of the negotiations, it is striking why the EU could not manage to make the Geneva International Discussions a successful story in this regard. The following sections will investigate the negotiating styles and instruments of the EU to answer this question. Based on the academic scholarship on the types of mediation developed in the theory of international negotiations and international crisis mediation, namely 'facilitation, formulation and manipulation', demonstrated in the chapter on literature review, this part of the doctoral study will identify which one of them best suits to the EU during the GIDs. The study also explores the shortcomings of the EU mediation style contributing to the failure of the negotiations. In addition, it examines whether EU mechanisms (i.e. conditionality and social learning) are responsible for any kind of progress in the negotiations or other processes (e.g. strategic socialization) better explain the initial behavioural change.

Several indicators of success are evaluated here: any change in the behaviour of the representatives of secessionist Abkhazia and Tskhinvali Region/South Ossetia; any significant agreement adopted on the negotiations in Geneva; any resulted progress on the ground; participant satisfaction.

European Union mediation style

The European Union (together with other co-chairs of the GIDs) provides a physical space (i.e. 'good offices') to the disputants in the Palais Des Nations building in Geneva,

Switzerland. In order to continue negotiations deadlocked by legitimacy problems of the secessionist participants, the disputants agreed to meet in one official and two unofficial formations. Official plenary sessions accommodate the U.S., Georgian and Russian officials while other two informal working groups let separatists (under Russian delegation) as well as representatives of legitimate governments of Abkhazia and Tskhinvali Region/South Ossetia (under Georgian delegation) to attend the negotiations. The latter is the format where disputants sit face-to-face discussing security issues and questions concerning the Internally Displaced Persons (Mikhelidze, 2010).

The GIDs is also a forum where the European Union could potentially have the most frequent contacts with and thus possibility to influence the representatives of the breakaway regions to the maximum possible extent.

The interview data regarding the internal GIDs atmosphere illustrates that the divided structure and a tense nature of the negotiations push the EU to play the role of facilitative mediator transmitting messages among the disputants and formal and informal working groups. Moreover, the EU accommodates the functions of a formulative mediator by providing with various proposals to the stalemates with the aim to de-escalate the situation on the ground, to obtain and maintain stability there and to remedy the most acute demands of the counterparts.

However, it is also apparent that this is not enough for decisive progress. The situation on ground remains extremely tense. It seems as if the EU's less substantial involvement (i.e. less 'aggressive' mediation style) traps the negotiations into a deadlock. It would be wise for the European Union to use manipulation to push the disputants to the agreement, i.e. to "deliberately alter the relative bargaining strength" by offering 'threats and promises' (Tocci, 2004, p. 2). But this is where the most striking limitation of the EU (and its mediation style) comes into play. As scholars emphasize, mediators cannot independently select a mediating style. Participants of negotiations usually limit the manoeuvrability of a mediator. In other words, disputants' preferences, power and effectiveness often influence and mirror the mediation styles employed by a mediator. This is true to the GIDs – the EU is not in a

position to effectively use its mediating power and leverages in order to successfully reconcile the counterparts. Russia, as one of the GIDs' participants, is viewed by many interviewees to be a persistent counterweight vis-à-vis the European Union. They believe that Russia can (and actually does) severely restrict the EU's ability to manipulate the disputants to the successful agreement.

In spite of the limitations of the EU mediation style, there is still some opportunity for success. Although privacy and lack of transparency of the negotiations make it difficult to thoroughly observe the patterns of and mechanisms utilized by the EU, the following sections will nevertheless examine, based on interviews data how the EU applies its two most important mechanisms of Europeanization – conditionality and social learning – to influence the GIDs participants, and whether they are perceived by the interviewees as effective or not.

GIDs, EU social learning and conditionality

In an e-mail interview with an official of the MFA of Georgia and a GIDs participant, the interviewee talked about observable changes in the behaviour of the representatives of Abkhazia and Tskhinvali Region/South Ossetia between the first and last meetings (12th at the time of interview) of the Geneva International Discussions. The interviewee highlighted that during the first meeting these delegates behaved in a very uncivilized manner and used a lot of words which are out of norms and ethics of diplomatic relations. They stood on harsh positions, only demanding certain actions and not expressing readiness or willingness for any compromise. Daniel Fried, the U.S. Assistant Secretary of State at the time, also proves this information: "authorities from South Ossetia and Abkhazia did not exhibit […] cooperative spirit […] and attempted to force a number of demands" (Kellerhals, 2008). As the Georgian official continued in the e-mail interview, last meeting proved their behavioural progress – these delegates behaved in a much more civilized way. The interviewee further remarked that it was apparent how the separatist delegates progressed from meeting to meeting. After six such meetings in Geneva, the IPRM was agreed and established. That is why, it is

tempting to conclude that social learning played its role in socializing these people into international environment and making them relatively more compromise-builders.

The newly adopted mechanism of the IPRM might be reckoned as a success of the Geneva International Discussions, as its task is "to reach and maintain security and stability in the occupied regions" (EU Council, 2009). Indeed, when I asked one EUMM official to assess the IPRM, the interviewee answered: "depends how you look at it. If you look at the fact that the IPRM keeps the sides on the table, then yes, it is a success. Does it provide opportunity to smoothly implement some of the confidence-building measures (like giving archives, providing medical assistance, etc.)? Then yes, it is a success".

However, the security situation was not improved on the ground. Apart from merely technical issues, the participatory sides failed to achieve any relatively valuable decision that can *actually* provide and sustain 'security and stability' in the conflict regions, as demonstrated elsewhere in these sections where I discuss the hostility level and progress on ground. Therefore, it cannot be discussed as an ultimate success story.

The EU conditionality is vague and weak because the most important incentive ('golden carrot') – full membership (Schimmelfenig & Sedelmeier, 2004) – is missing from all documents. Even if it is assumed that full membership or any other strong incentive had been offered before, it would less likely have worked effectively because of several reasons. These reasons also explain why it has been impossible so far to settle the conflict. They are formulated by various scholars and will be examined in the following section.

Role and Interests of Russia

It is clear that the behaviour of the separatists has changed during the GIDs. But it was not reflected into conflict resolution. Indeed, the situation in the conflict regions deteriorated significantly. Many interviewees believe it is Russia that seriously limits the EU's effectiveness and pushes the conflict resolution towards a deadlock.

The starting point is a set of assumptions pooled in a single article by Nicu Popescu (2004) in one of his works but originally developed by other scholars. Popescu discussed the conditions in which a process of Europeanization might be successful. These conditions include the variations in potential costs and benefits of Europeanization for the conflict sides, attractiveness of Europeanization "for the protector state of the secessionist entity" (Russia in this case), possible alternatives to the process, etc.

Russia obviously is another power in the South Caucasus with its own interests (Legvold, 2007; elikpala, 2010; Götz, 2007; Halbach, 2010), and has stronger influence on the region than the EU. It supported Abkhazia and Tskhinvali Region/South Ossetia militarily before and during the august war in 2008, followed by their recognition as independent states. The regions depend on Russia in all aspects. Recent so called "partnership agreements" are vivid demonstration of the situation. Clearly, Russia has played a role of their 'patron state'. Thus, it would have been a smart decision from the EU to put pressure on the secessionist regions through influencing Russia. However, the EU has little or no leverage on the country. The reason of this is at least two-fold. First, Russia is not keen on Europeanization that would stand the EU in a relatively preferential, superior position. And second, Russia is militarily, economically and strategically strong enough to negotiate with the EU from an 'equal' position.

Due to 'cross conditionality' (offers from the EU and Russia at the same time), Abkhazia and Tskhinvali Region/South Ossetia are also reluctant to Europeanization. Russia offers them 'independence' and military/political/economic assistance without much concern about Georgia's territorial integrity. In turn, the EU recognizes Georgia's territorial integrity and leaves those entities unrecognized. EU's perspective on the conflict resolution automatically means the loss of their *de-facto* sovereignty. Hence, the solution through Europeanization is much more costly than beneficial for these entities. As a result, they prefer being under Russian (rather than the EU) umbrella. These three conditions – unattractiveness of Europeanization for Abkhazia and Tskhinvali Region/South Ossetia, and for their 'protector state' (Popescu, 2004), and more costs for Europeanization than benefits (Schimmelfennig *et*

al., 2003) – significantly decrease the EU's power abilities and by extension, the chances for the conflict resolution at the Geneva International Discussions.

Conditionality and social learning or strategic socialization?

Despite some potential success during the GIDs, the situation on ground remains grave. Here is a question: then why did the secessionist delegates change their behaviour? This drives the analysis to the supposition that the separatists changed their behaviour during the negotiations because of their strategic calculations rather than social learning or conditionality. In other words, the separatists, "confronted by institutional constraints" (i.e. the GIDs framework), changed their behaviour as a part of their tactical/strategic manoeuvre, without actually changing their rooted identities, vested interests and ultimate preferences. Again, the latter argument can be strongly supported up by the situation on ground, where neither IPRM nor any other instrument has been working successfully. In theory, this occurrence is referred as *strategic socialization*.

While considering the socialization process in the CFSP Council Working Groups, Juncos & Pomorska (2006) explain that "where […] evidence of internationalization of norms is still lacking, compliance with [cognitive scripts] can be better explained by strategic factors: long-term perspective of the negotiations and reputation" (p. 4). In other words,

> "socialization may be better perceived as a strategic action undertaken by actors, pursuing their interests and resulting from […] rational cost-benefit calculations […] The actors' motivation to follow social pressures stems from the desire to maintain or improve their position within the group, as part of their long-term interest calculation. Legitimacy and reputation, factors contributing to one actor's status in a group, become highly appreciated as they improve the chances of getting the national interest reflected in the policy outcome. Credibility is particularly important in the case of iterated negotiations […] where frequent and repetitive contacts with the same group of officials occur" (Juncos & Pomorska, 2006, p. 4).

This argument can be true to the GIDs too. Indeed, intentive and imaginative socialization is in interest of and beneficial for the secessionists for several reasons. *First*, there is an illusion

as if the disputants are loyal to the mediators, including the European Union, and to the established rules and norms of negotiations. *Second*, reputation of a harsh actor is taken from the negotiations table while reputation of a compromise-builder is introduced. And *third*, in a long term perspective, the loyalty and positive reputation improves levels of 'legitimacy' and credibility of the disputant in the negotiations. Hence, already having control over the processes in the conflict regions, it was more beneficial for the secessionists to socialize themselves strategically and to express imaginative readiness for and openness to a compromise and the mediator's activities. In other words, strategic socialization enabled the separatists both to recover their reputation, 'legitimacy' and credibility, and to remain loyal to their deep-rooted and vested ('national') interests at the same time.

Relative success of the EU mediation style at the negotiations table needs to be evaluated in this context. The EU mediation was as effective as the disputants let it to be. The most valuable and tangible outcome of the GIDs – the IPRM – can indeed be seen as a result and example of strategic socialization rather than conditionality or social learning: de-facto authorities expressed their 'fake' negotiative spirit with this decision while obstructing its day-to-day working process in the conflict regions.

Brief conclusion

These sections examined the functioning of EU's existing mechanisms (i.e. social leaning and conditionality) and the EU mediation styles in pushing the negotiations to the resolution at the Geneva International Discussions.

It was expected that the EU was relatively effective during the negotiations by using different mediation styles. Indeed, the pressure and institutional constraints created by the EU as a mediator (together with other co-chairs) were successfully reflected in the behavioural change of the representatives of Abkhazia and South Ossetia/Tskhinvali Region. Nevertheless, this was not decisive enough for substantial progress either on the negotiations table or on the ground.

'Confronted by institutional constraints' and mediation pressure, the separatists changed their behaviour but they socialized themselves strategically rather than internally. In other words, their behaviour was based on costs and benefits calculation demonstrating a fake/imaginative negotiative spirit but actually maintaining the status quo. This justification has stronger explanatory power taking into account the deteriorated situation in the conflict regions. Thus, it can be argued that the EU failed to effectively influence the secessionists, change their deep-rooted preferences through its mechanisms and mediation styles, and to obtain a decisive progress in conflict resolution on the ground. Moreover, the analysis indicated that the Union failed to produce effective framework or mechanism for conflict resolution because of another, more powerful player, Russia, over which the EU has no effective leverage.

I do not intend to ignore the roles and influence of other mediators of the GIDs, particularly, the UN, U.S. and OSCE. They surely have their impact on the negotiations process, sometimes maybe even more than the European Union. However, this could be a topic for future analysis.

In sum, we can suggest the following conclusions: <u>first</u>, taking the adoption of the IPRM on the GIDs into consideration, it could be argued that the EU managed to change behaviour of the delegates of separatist Abkhazia and Tskhinvali Region/South Ossetia on *GIDs level*. Indeed, Nichol (2009) reported initially that the "Georgians and the emissaries from Abkhazia and South Ossetia allegedly clashed at the afternoon session, with the latter demanding that they be treated as representatives of sovereign countries and walking out" (p. 11). However, as it was revealed, the de-facto representatives changed their behaviour at later rounds, creating an imaginative impression that they adapted to the established or perceived rules and norms of the meetings. <u>Second</u>, contrary to the negotiations' table, the situation in the regions has been deteriorating ever since, thus, indicating that the EU failed to change deep-rooted preferences of the secessionist entities through its mechanisms and mediation style and to obtain progress in conflict resolution *on ground*.

Because of this gap between *GIDs level* and *on ground*, I conclude that the EU mediation style is only partially effective in changing the behaviour of the separatist participants, but because of its serious limitations, it is not decisive enough to push the disputants to the final agreement.

> ➢ *Progress on ground*

Situation on ground has been clearly deteriorating since 2008. There have been several developments that undermined the EU's efforts and complicated the process of implementation of the confidence-building measures between the war-torn communities in Georgia.

- • <u>Deteriorated situation in Georgia's breakaway regions</u>

In parallel with Georgia's deepening European integration process, Russia has been isolating the breakaway regions from the central government and further reducing the engagement opportunities, thus additionally minimizing potential effects of the EU instruments. One of such and the most recent activities has been the so called 'partnership agreements' between Russia and Abkhazia (on 24 November 2014) and Tskhinvali Region/South Ossetia (on 18 March 2015). The 'treaties' envisage a qualitatively deeper level of integration and incorporation of the regions into the Russian military, economic, social and legal space.

Moreover, other alarming activities on the separatist territories and further deprivation of fundamental rights for the local population continued to deteriorate the human rights and humanitarian situation in the regions (i.e. restriction of freedom of movement, prohibition of education on native language, another wave of forceful 'passportisation', illegal detentions and kidnapping, other discriminatory measures against ethnic Georgians, militarization process, etc.).

Another manifestation of Russia's aggressive policy has been the so called 'borderisation' process, i.e. installing the barbed wire fences and other obstacles along the occupation line

(European Commission & High Representative, 2015, p. 3). This way, Russia has been dropping iron curtain along the Administrative Border Lines (ABLs), minimizing people-to-people activities and thus further limiting the effectiveness and opportunities of new or existing EU conflict management instruments. One of the highly-publicized expansions of the installations was on 10 July 2015, when the Russian forces placed the banners along the occupation line in Tsitelubani, Gori disctict and Orchosani, Akhalgori district, leaving a considerable segment of the Baku-Supra pipeline (approximately 1600m) under an effective control of the Russian forces (President of CoE Parliamentary Assembly, 2015).

- Deteriorated situation in Moldova's breakaway region

Transnistria has not witnessed armed clashes since 1992. However, this did not prevent the situation on ground to deteriorate for many reasons.

The Russian side has been trying to strengthen its presence in the region and change the status quo on ground to its benefit. The Military Victory Show staged in Tiraspol in 2016 demonstrated that the Russians (i.e. Russian Military Contingent and 'Peacekeepers') had taken full control of the region and continued to violate its internationally taken obligations, equipping the army of the breakaway region with the military equipment perceived to be withdrawn from Transnistria in accordance with the 1999 OSCE Istanbul Summit Declaration. Russia has been increasing its military capabilities in Transnitria via obtaining assets of the region, holding sophisticated drills, recruiting local conscripts (under the guise of a Russian peacekeeping operation and against the obligation of 1999 OSCE Istanbul Summit Declaration) (Munteanu, 2016, p. 14; Nantoi & Platon, 2013, pp. 26-27).

The 2003 Kozak Plan stipulated the Russian military backup forces would stay in Moldova for further twenty year. The plan had never entered into force but the above-mentioned information demonstrates that its military dimension has always been on Russian mind (Leahu, 2017, pp. 12-13). Russia has done a lot to modernize and upgrade its military capabilities in the Transnistrian region (For more details on the Russian involvement in the region's defence, security and public order fields, please, see Chapter 3 of Vasiloi, 2017b).

Absence of the official 5+2 format gatherings in 2006-2011 and presence of sporadic informal negotiations had massive consequences on Transnistria's security and humanitarian situation on ground. Some of the few notable examples in this regard include: the initiation of the mechanism of harmonising the alleged legal framework of the region in line with the provisions of the Russian Federation legislation; the exclusive financing from the Russian part of the infrastructure projects implemented in the localities from the left bank of the Nistru River; the non-application of the embargo for the goods traded by the companies from the Transnistrian region; the simplified granting of the Russian Federation citizenship to the residents of the Transnistrian region; joint TFRT (Task Force of the Russian Troops) military staff command – peacemakers – de-facto force structures; blocking the access of farmers from Dubasari district to their farmlands behind the route Camenca-Tiraspol (since the spring of 2014); the increase of the number of military exercises simulated in the Security Zone, with the involvement of the forces from the Task Force of the Russian Troops and of the Transnistrian force structures; tensioning and further destabilising the situation in the Security Zone, erroneously interpreting premeditated incidents caused by the Transnistrian forces structures and blocking the access of military observers to document the situation on the spot; hindering the regular activities of the Moldovan Latin-script educational institutions in Transnistrian region.

Uneasy relations between Russia and Moldova further deepened by the first stage of rotation of the peacekeeping battalion of Operation Group of Russian Troops in the Transnistrian region in 2016. This could have been perceived as a normal activity without taking into consideration that it needed Moldova's prior permission and confirmation in accordance with the Agreement on Principles of a Peaceful Settlement of the Armed Conflict in the Transnistrian region of the Republic of Moldova, signed on 21 July 1992, and the 21 October 1994 Moldovan-Russian Agreement on "the legal status, procedures and timeframe of withdrawal of the military forces of the Russian Federation, temporarily stationed on the territory of the Republic of Moldova". The political tensions escalated to the point that Russian Ambassador Farit Mukhametshin was summoned for this occasion in Moldova's Ministry of Foreign Affairs and European Integration (MFA Moldova, 2016).

In sum, it can be stated that the situation on ground in Transnistrian region clearly deteriorated.

> *European Union Monitoring Mission*

As mentioned before, the EUMM 'enjoyed' the presence of other EU structures in Georgia while other bodies, such as the United Nation Mission (UNOMIG) in Abkhazia and the OSCE Mission in South Ossetia were forced to leave the region due to Russian vetoes, leaving the EU as the only international actor on the ground. As a result, importance of the activities of the EUMM grew significantly (according to its official mandate priorities, the EUMM is there "to ensure that there is no return to hostilities; to facilitate the resumption of a safe and normal life for the local communities living on both sides of the Administrative Boundary Lines with Abkhazia and South Ossetia; to build confidence among the conflict parties; to inform EU policy in Georgia and the wider region" [EUMM, 2016a]).

Establishment and deployment of the EUMM was perceived as an effective and unexpectedly fast reaction from the European Union to the crisis (Delcour & Duhot, 2011, p. 14). As scholars argue, the "speedy start-up of the EUMM was made possible by the bending of EU crisis management procedures and the deployment of pre-equipped national teams which had their own vehicles, communications equipment, etc." (Merlingen & Ostrauskaitė, 2010, p. 287). Regardless of the circumstances behind it, the EU's initial, relatively speedy manoeuvring through decision-making, financing and deployment was promising.

The monitoring mission continues to play a vital role in providing peace and security in the region via implementing its mandate functions. As Popescu (2009) argues, the EUMM's "effect in stabilizing the situation is to psychologically and politically dissuade the parties from any potential hostilities" (p. 461).

However, its access to the conflict regions has been denied since its deployment, seriously limiting its capabilities and opportunities for success. And referring to its mandate, there is nothing to conclude that the local communities enjoy a safe and normal life. Murders,

weekly kidnappings or otherwise breaching fundamental human rights along the ABL demonstrate how fragile the situation is on the ground. That also indicates that although the EUMM is a productive tool for gathering objective information for international stakeholders and maintaining a communication life for the conflicting sides, its functioning is short of sufficiently fulfilling its mandate.

> *EUBAM*

EUBAM's initial role was to respond rapidly on emergency situations. Over the following years it had transformed into a more complex mission with a wide range of functions, including "providing technical advice, [developing] partner services, and organizing confidence-building measures related to the technical aspects of the settlement of the Transnistrian conflict" (EUBAM, 2015, p. 3), and engaging "in drafting, verification and rectification of Moldova's legal actors having an impact on the Transnistria region" (EUBAM, 2015, p. 13).

Key mandate of the EUBAM has been the facilitation of border crossing via improving border services and strengthening border security, and the avoidance of 'safe zone' for traffickers and smugglers in Moldova and Ukraine. These functions are closely connected to another key dimension of the EUBAM mandate – "advancing on the settlement of the Transnistrian conflict". In this regard, based on the Memorandum of Understanding signed on 7 October 2005, the Mission contributes to the peaceful conflict resolution in two ways. First, it is represented in the so-called 5+2 process. Second, it is helpful through the technical and advisory work, usually provided to the representatives of the 5+2 format, e.g. on registration plates, road and rail freight traffic, improvement of customs control, certificates of origin, other trade-related activities, etc.

EUBAM has been relatively successful both for Moldova and Ukraine in "enhancing border management, aligning the national standards in Moldova and Ukraine to those of the European Union, building capacities to counteract trans-national organized and cross-border

crime, contributing to compliance and trade facilitation, the implementation of trade policy measures and the modernization of customs procedures, and supporting the anti-corruption efforts of partners, focusing on the implementation of EU principles of good governance" (EUBAM, 2015, p. 3). Both sides used to express their satisfaction with the Mission's work and easily agreed to extend its mandate on several occasions.

But in the context of the settlement of the Transnistrian conflict, feelings and its assessment are mixed. Key benefit of the EUBAM has been on the level of confidence building. It gave opportunity to experts, government representatives and ordinary citizens from both banks of the Dniester River to engage into improvement of daily lives of the warn-torn societies (EUBAM, 2012). But the breakaway region remained a safe zone and potential threat for the stakeholders. EUBAM's statement and call for more engagement can be illustrative here:

> "Stronger involvement in the settlement of the Transnistrian conflict and promotion of the Confidence Building Measures; EUBAM needs to make sure that Moldova and Ukraine have established and are using all the necessary tools and dialogues to cooperate operationally on tackling the illegal movement of goods and people from and to the Transnistria region, and from and to the Odessa region. These are hubs of organised crime, probably the most prominent in the Black Sea, and are a clear crime threat for Ukraine and Moldova as well as the European Union" (EUBAM, 2015, p. 7).

Security situation in the area of EUBAM operation fluctuated throughout the years of our interest obstructing the activities of the mission. At the same time, both government of Moldova and the Transnitrian region authorities had unwillingness to engage in genuine cooperation.

In short, the EUBAM was partially successful in fulfilling its mandate in the context of the Transnistrian conflict in 2004-2016.

➢ *5+2 format*

The 5+2 process is the key format of negotiations between central government of Moldova and its breakaway region of Transnistria. Initially, the OSCE, Ukraine and Russia were the

key mediators. European Union and the U.S. later joined the format as observers. As a chair of the negotiation process, the OSCE has a leading role while others also influence the process in bilateral or multilateral manner.

Similar to the negotiation formats for the Georgian conflicts, the 5+2 process has been bumpy. It had been interrupted for six years until 2011 when the sides resumed discussions in Berlin on "issues affecting the lives of the people on both banks of the Dniester/Nistru River", in the frameworks and with attempts of the OSCE German Presidency. In fact, it was a unilateral agenda put forward by de-facto Tiraspol authorities and strongly supported by Russia. Between 2011-2014, 13 meetings took place in this format, after which the process of the negotiations were interrupted once again in 2014 and resumed only in June 2016 as a result of an informal consultative meeting in 2015 (Berbeca, 2016, p. 21).

However, Popescu (2005) believes that the 5+2 format, established to negotiate the status of Transnistria as well as the Joint Control Commission (JCC) (and the related peacekeeping mechanism) created after the war between Moldova's central government and Transnistria to supervise the security situation in the demilitarized zone, "supported rather than challenged the status quo" and "contributed to sustaining Transnistria's *de facto* independence, while providing *de facto* legitimacy to the status quo through the formal pursuit of negotiations, which have done nothing to halt Transnistrian separatism" (p. 17).

EUBAM recognized these shortcomings of the 5+2 format in 2015 with the following statement: "The "5+2" negotiation process on the resolution of the Transnistrian conflict was resumed in 2011, although no significant outcome has been seen so far. The situation in the field remains very much as it has been for the last few years" (EUBAM, 2015, p. 5).

The 2011 meeting of 5+2, during which the sides agreed to resume the negotiations, also proposed to hold working group meetings for confidence-building purposes. These expert-level gatherings were mandated to discuss issues such as education, agriculture, transport and infrastructure, health, etc.

Number of meetings of the working groups in 2011-2016 (Srouce: Berbeca, 2016, p. 24)

2011	2012	2013	2014	2015	2016˙
7	32	27	28	21	31

However, as researchers conclude, the negotiations have stagnated over the years and couldn't reach any meaningful agreement. For example, in 2016 only two out of 31 meetings finished with a signed protocol. Both of them were about environmental protection within the 'agriculture and ecology' working group (Berbeca, 2016, p. 24).

Activity of working groups by area (Source: Berbeca, 2016, p. 25)

Working group	Nr. meetings	Protocol decisions signed
Economy	1	
Education	6	
Telecommunications and postal services	3	
Civil status	2	
Combating crime and Emergency Situations	2	
Agriculture and ecology	4	2
Infrastructure and transport	8	
Health	1	
Humanitarian aid and social problems	2	
Customs administration	1	

As it was mentioned before, the EU participates in the 5+2 format merely as an observer since 2005. And since the format was disrupted for many years in the period of interest of this thesis and there has been little progress, if any, positive assessment of the EU's influence and impact can be difficult. Indeed, interviewees say, the EU engagement has been more meaningful in confidence building measures or indirectly via strengthening Moldova's

statehood and society rather than directly mediating the conflict sides.

Therefore, we may conclude that the EU engagement in the 5+2 format has not been successful.

> *Feelings of participants of GIDs*

Participants from all sides had mixed feelings in 2008-2016. Arguably, it was because of different expectations from the GIDs. Georgia wanted … Russia demanded … Mediators were interested in having the sides on the table. De-facto authorities also left meetings on several occasions in a demonstrative manner as they did not feel comfortable.

Even in such situation, the U.S. patience levelled out when the State Department hinted that it wanted to lower the level of its participation because of lack of progress. Ultimately, the Georgian side managed to persuade the Americans and others to remain engaged on same level. Georgia also buoyed the opportunity to increase the level of participation in the GIDs, voiced several times by Prime Minister Giorgi Kvirikashvili.

The following statement exemplifies a typical heavy mode of official exchanges and blame-game between Georgia and Russia during all these years: "any attempt for undermining the GID-IPRMs formats is unacceptable. The recent statements and actions of the Russian Federation as well as the representatives of the occupation regimes at the GID and IPRMs are directed to destroy the whole format of peace negotiations of GID-IPRMs. The recent example is a destructive act of representatives of the Russian Federation and Sokhumi regime disrupting IPRM meeting in Gali on the 27th of June".

Thus, at least officially, participants did not feel positive about the developments regarding the GIDs. There is nothing to suggest that participants feel that their concerns are respectfully addressed or that they feel empowered.

Taking this information into consideration, we can now provide the assessment of EU success in conflict management and mediation in Moldova and Georgia:

Practical Components of Success	Assessment (in the context of EU)
Level of hostilities	Increased
Progress on ground	Deteriorated
EUMM	Partially successful
GIDs	Partially successful
GIDs participant satisfaction	Negative
EUBAM	Partially successful
5+2 format	Unsuccessful

Referring to the differentiation of success by Sheppard (1984) and Bercovitch (2006) into "a success in the process" and "a successful outcome", we may argue that the EU had some success in terms of process and no progress in terms of outcome:

Aspects of Success	Assessment
Process	Partially successful
Outcome	Unsuccessful

As a conclusion, for methodological purposes, it is safe to say that despite some limited successes, the EU generally failed in its conflict mediation and management efforts in Moldova and Georgia in 2004-2016.

From X to Y: from different positions to failure

Different national interests are not bad by default. To the contrary, it is a normal phenomenon and can be productive in many cases. But in the context of the EU external action, it gets problematic when divergent national interests are translated into uncompromising divergent positions ("red lines") during the decision-making process.

Many interviewees argued that different positions in fact caused a failure of the EU in managing and mediating the conflicts in Moldova and Georgia. In this section, I will try to develop a logical chain and establish a clear correlation between different positions and the failure.

Different positions were problematic on many levels. German interviewees explained this in the most coherent manner. In particular, on a country level, several EU member states internally struggled to formulate a single country position. The interviewee 1 in Berlin states that even Germany, the most influential EU member state, has often been split between enthusiastic and supportive Foreign Service and sceptical Ministry of the Interior, for instance, on the visa-liberalization or other mobility initiatives for the EaP countries. On an EU level, differences in the positions of the EU member states, reflected in the lack of EU's political will, significantly limited the EU's potential for conflict resolution in the region. Interviewees from the German research centres point at frequently cautious positions of France, Germany and like-minded EU member states vis-à-vis Poland and the Baltic countries. And, on a global level, another problem for the interviewees seems to be the fact that EU and Russian positions and interests diverged on the conflicts in Moldova and Georgia that complicated the conflict management and mediation activities. Unlike the EU, Russia is not only a 'mediator', as it is explained above, but a directly involved actor in the conflicts in Moldova and Georgia too. More importantly, Russia's interests and subsequent actions in the region differ significantly enough to make the EU's conflict management and mediation efforts ineffective.

In practice, divergent positions of the EU member states were translated into ambiguous EU conflict resolution policy and vague understanding of its constituencies. This lack of clarity in the policy, or even a problem of non-policy, further hindered daily implementation process of confidence-building measures and restrained the EU participants from proactive efforts. The European Union has itself publicly recognized problems in its policy towards the neighbouring countries and embarked on a difficult process of consultations in order to improve its effectiveness (see European Commission, 2015c).

Moreover, during the decision-making process, decision-makers think through the prism of their relations with Russia – how much should we antagonize Russians? This is how dependency on Russia can and does influence the decision-making in the EU. I call it a 'perceptional vulnerability'. It does not necessarily need direct third-party intervention. It is often a matter of perception. In practice, it works as the following: experience of last decades indicates that Russia becomes active and especially forceful at times when Moldova and Georgia advance on their paths towards western integration. This common practice creates unwillingness of leaders of certain European countries to actively proceed with supporting this integration. The reason always remains the same – 'unwillingness to provoke Russia'. This is how anti-Western information war waged by Russia can be linked to the EU's efforts in conflict management and mediation in Georgia and Moldova, via widening gap between interests and positions of the EU member states and complicating decision making process in the Union. But the officials and expert circles recently gradually realize that this is an erroneous perception as Russia has proved on numerous occasions that it is already reckless enough in its strategic and tactical approaches to wait out another moment hoping to capitalize on any potential future 'provocations'.

Such vulnerability to external pressure is not a unique feature of the EU. Any democratic government is vulnerable to external pressure or influence. This also may take place by means of influencing the opinion of its public, which will then make demands on its government to do or not to do certain things; or a more targeted approach known as lobbying where one focuses on the legislative or executive branches of government itself. The EU, albeit a unique entity, is no different from any democratic national government in

this respect. It can probably be more insulated than a national government from direct pressure of public opinion. But given its cumbersome institutional structure and lack of enough transparency, it is more vulnerable to lobbying.

All interviewees in Berlin argued that an outcome of the diverging interests has been a lack of political will, ultimately determining the EU's ineffectiveness. Furthermore, struggling to find a compromise, the EU could not even define its own interests in the region, formulate a clear strategic vision towards it and more importantly, it has not taken account of its previous failures. The interviewees believed that these shortcomings, all directly determined by the diverging interests/positions of the EU member states and the related lack of EU's political will, were important in explaining the EU's poor performance in conflict management and mediation in Georgia and Moldova in 2004-2016. This assessment can be an echo of the British government's outspoken catchphrase: "When we do not agree, there is no common policy" (Reynolds, 2004).

Interviewee 3 in Berlin made a reasonable observation in this regard: "real problem is not that there are no instruments on the ground. There are instruments there. But it is lack of political will that is not there". Similarly, while assessing the Geneva International Discussions, one EUMM official explained: "does it have any potential? Yes, it has a potential. But the problem is not whether it has potential or not but rather that fact that a political will is missing".

In other words, because of divergent positions (defined by different national interests) of the EU member states, the Union has been unwilling or unable to seriously challenge Russian activities in the region, and this way to cause tectonic shift in the conflict deadlocks in Georgia and Moldova. The 2008 war between Georgia and Russia was an opportunity for the EU to increase its engagement in the region. And it did so to some extent by establishing the EUMM and the GIDs. However, Russia managed to rebalance the shift and find new strategic equilibrium by recognizing the conflict regions as independent states, firmly establishing its presence in Abkhazia and Tskhinvali Region/South Ossetia while limiting the

access of others by all means, and falling the GIDs format to the victim of its institutional arrangements.

In addition, complexity of EU governance has further complicated the situation. As many interviewees emphasized, complexity of EU governance increased the Union's slowness and further limited its effectiveness in conflict management and mediation. In other words, the complexity of the EU governance structure and working mechanisms and the amount of actors with their own divergent interests often contributed to the 'lack of coherence' in the EU position, remarkably reducing the EU's potential in conflict resolution in its Eastern neighbourhood. Indeed, the interviewee 3 in Berlin believes that the "EU is a technical institution" and it is hard "to understand the logic of Brussels". Number of studies in recent years have demonstrated that such complexity further hampered the process of effective implementation of confidence-building measures and conflict resolution in general (Schmidt-Felzmann, 2008; Milczarek et al., 2013; Thomas, 2011; Tocci, 2011; Popescu, 2011; Whitman & Wolff, 2012; 2010; Akcakoca et al., 2009; Flenley, 2008; Makhashvili, 2013).

Instruments

Policy instruments are results of decision-making and can reveal many things about this process. More people on board, stronger the instruments. Wider the overlap of interests, stronger the instruments. Lowest common denominators can rarely be comprehensive solutions. Taking this into consideration, it would be worthwhile to look at the EU instruments.

Some people may argue that the EU used the instruments that were not created particularly for the Georgian or Moldovan conflicts. Others may claim that the EU did not use strong tools properly and in a timely manner either, including the ones concerning visa liberalization, economic incentives, etc. Indeed, while assessing the ENP, Sasse's (2009) concluded that the EU instruments were "politically, institutionally and financially under-equipped…, and it [faced] obvious external constraints, such as the role of Russia in the

region" (p. 369). Interviewee 3 in Berlin further explained this problem by arguing that this was because the "EU institutions [generally] do not think about security, it is not part of their mindset".

In academic scholarship, policy-makers and researchers recognize that the EU's neighbourhood policy is like a 'ni-ni' option, i.e. "it is like an 'entre deux' policy that has the weakness of partnership relations without the strength of the carrots offered by enlargement" (Helly, 2007, pp. 104-105; Popescu, 2011; 2009; Koutrakos, 2011; Whitman & Wolff, 2012; 2010; Bindi, 2010; Akcakoca *et al.*, 2009). Critical evaluation of the ENP above can be illustrative here.

However, the Union has not used other important (indirect) instruments effectively either (Lucarelli & Manners, 2006). Despite the fact that since the annexation of the Crimean peninsula by Russia in 2014, some new and strong initiatives have been accelerated for some Easter Partnership countries (especially, for Moldova and Georgia in parallel to and as a result of their internal reforms), like visa liberalization or access to free market, and that more instruments are promised by the EU leaders to come, it is still unclear whether it can positively influence EU's role in conflict resolution in future. Moreover, taking Russia's unpredictable foreign policy and its warmed-up foreign and trade policies with some of these EaP countries into consideration, the EU's soft power abilities can be further questioned.

But before rushing to conclusions and blaming the EU, one should ask whether the EU was capable of using such instruments at all. I agree with scholars claiming that membership promise is a different category comparing to other instruments and that it has a transformative power clearly demonstrated in the 2004 EU enlargement process. However, it will be illogical to suggest that the EU uses the membership promise as a primary instrument to regulate conflicts. This is especially true when both Moldova and Georgia were not ready technically or otherwise for the EU membership in 2004-2016. Therefore, blaming the EU in not using the membership promise for positive prospects of conflict management and mediation is unreasonable.

But other less ambitious and more feasible (indirect) instruments, such as Association Agreement or visa liberalization, that also could transform societies and increase attractiveness of Moldova and Georgia to their breakaway regions can be a matter of discussion. I will assess their potential in the following section. Nevertheless, even in these cases, the EU was constrained by objective limitations that made it impossible to launch these instruments in earlier periods. The only exception can be the visa liberalization process for Georgia where EU's inter-institutional struggle (i.e. complex EU governance structure) procrastinated the process for many months.

Looking back to the years of 2004-2016, it is clear that the existing EU instruments could not compete with those of Russia. Having far-reaching goals in the South Caucasus, such as "exclusive military and political presence in the area", avoidance of the Western involvement in the region, "disturbance of regional cooperation" and exclusive control over the Caspian Sea resources and their transit routes, Russia has been using a wide array of its foreign policy instruments to achieve its aims (Mankoff, 2012; Abushov, 2009, p. 204; German, 2007; Tardieu, 2009; Dellecker & Gomart, 2011; Donaldson, Nogee & Nadkarni, 2014; Nygren, 2008; Hamilton & Meister, 2016, pp. 19-26). Among these instruments of Russia (as an external negative actor imposing 'managed instability' in the South Caucasus), Tolstrup (2009) identifies "military interventions, military bases, threats, support to the secessionist entities, support of anti-western groups/governments, trade embargos, energy monopoly, multilateral organizations dominated by Russia" (p. 929). Russia continues "to undermine European democracies through a range of nefarious activities, including cyber-attacks, energy and economic pressure, espionage, psychological warfare, disinformation and bribery", cultivation of strong bilateral (rather than multilateral) relations and playing up with internal EU divisions (Rogin, 2017; Govella & Aggarwal, 2012; Kulhanek, 2010). This has significantly reduced ability of the EU's instruments to successfully manage the conflicts in the EaP countries (Flenley, 2008).

In sum, it can be concluded that because of lack of political will, the European Union was unwilling to effectively use its existing instruments or bargain with its important (not yet

existing in that period, direct or indirect) instruments in Georgia and Moldova in 2004-2016 in the context of conflict resolution.

Potential of the Association Agreements and other indirect instruments

I have already mentioned four potential practical implications of the AA that could be important for confidence-building measures. However, we should approach the arguments cautiously pointing at potential difficulties of the AA.

First, there are two major problems in terms of the DCFTA – a) in case of Georgia, strictly legally speaking, it will not work on the breakaway regions until effective control of central government there. So, the DCFTA will have limited or no direct benefit for the inhabitants, unless there is an illicit trade on the ground. Moldova is in better situation as many products produced in Transnistria go through official recognition and certification in Moldovan central institutions before they are exported to the EU; b) in order to get benefits, citizens of the breakaway regions will have to use official Georgian documentation for their business/trade activities that seems difficult in many cases. The Moldovan case is progressive in this regard.

The Moldovan case seems more promising for the interviewees as there are more people-to-people contacts and more international presence of monitors facilitating 'cross-border' trade. The Georgian case is less promising because of ever-growing limitations to cross-ABL trade from the Russian and de-facto Abkhaz authorities, as demonstrated before. For these reasons, many interviewees are pessimistic about using the DCFTA as an (indirect) instrument in the peace process. There have been speculations regarding Georgia to ease the Law on the Occupied Regions (European Commission & High Representative, 2015, pp. 9-10) and to recognize certificates of origin from the breakaway regions for the reasons of trade facilitation and increased business and people-to-people contacts. But this did not happen up until recently, when the Government of Georgia launched a new peace initiative "a step to better future", although its effect still needs to be seen in future.

Second, interviewees believe that visa-free regime will be a very important instrument not only because Georgian and Moldovan passports will become more attractive for those communities, contributing ultimately to the confidence building. But also because it will be a political demonstration that Moldova and Georgia are indeed close associates to Europe. However, as a factual counter-productive activity, Russia is trying to hinder the process by the so called 'borderisation', another wave of 'passportisation' and the 'agreements' in Georgia that will further isolate the regions away from the rest of Georgia and integrate them into Russian space. Interviewees' perceptions on effectiveness of visa instrument are thus mixed. Several interviewees stay pessimistic, while others' optimism is based on pragmatic interests of ordinary citizens of the breakaway regions, believing that they will use this opportunity for their own benefit. The latter often quote the Moldovan case where tens of thousands of Transnistrian citizens obtained Moldovan passports. In either case, effectiveness of visa free regime remains to be seen in future.

In short, the AAs with Moldova and Georgia exhibit an overarching political support for the existing instruments, introduces new mechanism of DCFTA, strengthens separate processes of visa-liberalization, and creates potential opportunities for establishing a solid ground for conflict resolution. In other words, the AA is neither an entirely new EU conflict resolution mechanism nor just another beautiful cloth on the same body. However, their prospects and likely effectiveness are undermined by the so called 'partnership agreements', the 'borderisation' and 'passportisation' on the ground, ambiguous EU conflict resolution policy and other EU-related difficulties. For these reasons, the ability of the AAs and generally, the EU instruments to strengthen confidence-building measures and to play a 'game-changing' role in the conflict resolution still remains questionable for the interviewees.

In conclusion, I consider that divergent positions of the EU member states faded any political appetite of the Union to engage successfully in the conflict management and mediation in Moldova and Georgia in 2004-2016.

Chapter 6

Theoretical Understanding

This chapter considers various theoretical schools and seeks to explain the hypothesis developed in this research from theoretical perspective. In particular, I discuss three clusters of theoretical thought and justify the different positions of the EU member states using rationalist, liberal and governance approaches.

The European Union foreign policy has been conceptualized mainly through the lens of European integration theories, foreign policy analysis and international relations theories, all different in their epistemological and ontological presumptions and analytical focuses (Smith, 2008; Andreatta, 2011; Norheim-Martinsen, 2010). These researches have been dominated by policy-making, decision-making and regional/issue-based case studies (Bergman & Niemann, 2013). Creation of the CFSP/CSDP injected more energy in these discussions (Tonra & Christiansen, 2004; Nasra, 2009, pp. 1-2). This scholarship was valuable in providing profound knowledge on EU's previous engagements in conflict management and mediation. In turn, my doctoral thesis will add to better understanding of the issue for future researches.

Scholars acknowledge that the EU foreign policy, including in its Eastern neighbourhood, lacks a systematic theorization. They argue that the CSDP is "fragmented in its theoretical inquiry" and that "a loud normative debate dominates in the absence of systemic, empirically grounded theoretical inquiry" (Bickerton, Irondelle & Menon, 2011, p. 10). There have recently been some improvements to this end (e.g. Kratochvil & Tulmets, 2010; Gstöhl & Schunz, 2017; Carta & Morin, 2014; Kurowska & Breuer, 2012), focusing more on "theory building, applied theory and theory expansion than on normative prescription or descriptive analyses" (Fiott, 2013; Bickerton, Irondelle & Menon, 2011; Bickerton, 2011a). My research contributes to closing this gap by providing further empirical evidence.

Scholars of various theoretical thoughts generally approach the EU foreign policy with 3 ways: 'state-centric', comparative and 'sui generis' (unique) (Nasra, 2009, p. 3). Each of them has its own analytical tool(s) for the EU foreign policy analysis. First, the state-centric

approach looks at the European Union foreign policy as one of the forms of international cooperation. In such understanding, EU member states are key players and decision makers of the process; the EU institutions are established voluntarily by the MSs for cooperation benefits (Risse-Kappen, 1996). Second, the comparative perspective is more ambitious in arguing that the EU is a political system standing independently from but related to domestic political systems of the member states. The EU and its institutions have more autonomous powers while the EU itself, to some extent, resembles to nation-states within international system (Rosamond, 2007; Pollack, 2005). Third, by underling the unique character, instruments, institutional set-up and identity of the EU, the third strand disregards the former two traditional categorizations and refers the Union as a *sui generis* actor on international arena. Based on this approach, "EU foreign policy is… seen as part of an evolving multi-actor global system, resulting from complex interactions produced at different levels of action, i.e. national, transnational and international" (Nasra, 2009, p. 4; Krahmann, 2003; Elgström & Smith, 2006). State-centric researchers apply analytical tools of theories of international relations and European integration; comparative analysts choose comparative politics and conventional foreign policy analysis for this purpose; whereas followers of the *sui generis* perspective do not have a single, integrated approach and propose individual conceptual tools to consider the EU's functioning (Tonra, 2000; White, 2004; Øhrgaard, 2004).

Such a diversity of approaches and analytical tools has been a weakness for certain reasons. First, it has been impossible to develop a single overarching theory explaining the EU foreign policy. Second, neither state-centric nor comparative nor *sui generis* approach can fully grasp all developments of EU foreign policy because their primary focus is different (Jørgensen, 2004). As Nasra (2009) explains, "[they] simply examine different phenomena" (p. 6).

Dozens of concrete theories have been developed in the framework of these three approaches. Several of them can be useful for this doctoral thesis and can be grouped in three broader clusters. For example, first, based on the hypothesis, it was expected that rationalist, power-based theories have more explanatory power in justifying the EU weakness to

effectively manage and mediate the conflicts in Georgia and Moldova. The research data suggest that these expectations are generally correct.

Second, as the examination of the Geneva International Discussions demonstrates, in some cases socialization and social learning can have some but limited influence on the process, reflecting in behavioural change of de-facto authorities. In particular, socialization and social learning did not directly define behavioural change but rather created a pressure on the participants who then used it for their 'strategic' interests. Thus, sociological institutionalism can be valuable for the research.

And third, governance theories can be insightful in demonstrating the role of governance structure and mechanisms in influencing the EU decision-making process and this way having impact on the EU conflict management and mediation in third countries.

All theories may have varying explanatory power for particular developments in the EU conflict management and mediation and can be valuable in understanding why the European Union had certain success in this regard in Georgia and Moldova in 2004-2016 and why it ultimately failed in this process.

It should be highlighted from the beginning that I favour rationalist/realist theories. But before I provide my justification, I will first explore these three clusters in more detail and provide their criticism.

Rationalist theories

Rationalist, realist, power-based theories claim that actors are rational in the sense that their behavior is strongly based on 'cost and benefit calculations' and they always maximize their interests (Lewis, 2003, pp. 102-106). Most importantly, unlike liberal theories, scholars suggest that participatory sides have "fixed and given (exogenous) preferences" and that "actors undertake means-ends calculations in choosing their best course of action. Whatever actors want (and this is canonically to maximize utility), they choose what they believe to be

the best means available to attain it" (Checkel, 2001, p. 12; Jupille, Caporaso & Checkel, 2003; Schimmelfenig & Sedelmeier, 2004).

Both, realist theory of international relations and intergovernmentalist school of European integration theories, believe that states operate in an international anarchy based on national interests, and that they voluntarily and selectively give up part of their sovereignty to the European Union for integration benefits, although maintaining strong enforcement and decision-making capacities (Pollack, 2003; Hoffman, 1966; Abbott & Snidal, 1998; Waltz, 2000; Mearsheimer, 1994). Gradual increase of EU's supranational powers but intact intergovernmental institutional design of CSFP/CSDP and firm consensual decision-making in the so called "high politics" can be testament to this argument (Toje, 2011).

In the context of European integration theories, scholars of intergovernmentalism argue that "the development of European integration is determined by states' interests and the outcomes of EU bargaining" (Bergman & Niemann, 2013, p. 7). As Thomas (2011) explains, intergovernmentalists treat "the EU as an international forum in which member states act strategically in pursuit of their interests and policy preferences on particular issues", and claim that "divergences in the member states' policy preferences are not significantly compensated by a shared commitment to common goals or values" (p. 20). In this condition, internal EU foreign policy negotiation is a zero-sum game, a 'competitive bargaining', also referred as a 'hard bargaining', each member state having a veto power, and final result being a lowest common denominator.

Moravcsik (1998) offers a more liberal account of Intergovernmentalism. Liberal intergovernmentalism claims that national interests/preferences are determined in the context of dynamic domestic polity comprising of influential actors other than just government.

Rational choice institutionalism is one of several institutionalism theories that views institutions as a decisive factor for explaining political outcome (Hasenclever, Mayer & Rittberger, 1996). Unlike other variants, this realism-embedded school of thought argues that institutions are established to solve cooperation problems among states by decreasing

uncertainty and providing platform (Pollack, 2003). Indeed, it can be argued that the EU member states created the CFSP/CSDP to improve information shortages, and coordinate and increase effectiveness of their external action. However, based on the EU performance in Georgia and Moldova (and beyond), rational choice institutionalists can conclude that the "CSDP's institutional design is not apt to solve these cooperation problems" (Haesebrouck, 2015, p. 13). Indeed, consensual decision-making, i.e. each member state having a veto power, seriously limits the ambitions and effectiveness of any EU action abroad.

Another important point regarding the institutional design is the fact that the member states are not obliged to contribute to CSDP operations (Grevi & Keohane, 2009). This has been a constant problem in case of Georgia where the EUMM has always lacked personnel (it has almost always had several free vacancies) while several countries always refused to participate. Reluctance to provide financial support to the formats the EU created and co-chaired led to constant talks behind the curtains on the effectiveness of the Geneva International Discussions.

Some scholars try to explain why EU member states usually prefer unilateralism to multilateralism on the EU level:

> "i) inadequate material capabilities may explain why elites perceive a crisis in national defence policies; ii) asymmetries in material capabilities may cause frictions between allies, allowing domestic actors to question the relevance of the CSDP or to forward alternatives; iii) changing economic and budgetary situations may allow domestic actors to question the CSDP or allow supranational actors to enhance closer cooperation through efficiency; and iv) relative strength in military capabilities over non-CSDP members can soften threat perception and stabilize these perceptions" (Meyer & Strickmann, 2011, pp. 73-77; Fiott, 2013).

Let us take an example of the GIDs. I have already discussed earlier in the chapter on research results the reasons of why the EU conditionality and social learning failed to function efficiently. As I have demonstrated, strategic socialization utilized by the de-facto authorities during the GIDs negotiations was a clear example and result of cost and benefit calculations, and can be better explained by the power-based models than sociological institutionalism or any other constructivism-related theory.

In theory conceptualizing the EU decision-making system, strategic socialization is sometimes referred as rhetorical entrapment. Schimmelfennig (2001) explains that

> "[in] an institutional environment like the EU, political actors are concerned about their reputation as members and about the legitimacy of their preferences and [behaviour]. Actors who can justify their interests on the grounds of the community's standard of legitimacy are therefore able to shame their opponents into norm-conforming [behaviour] and to modify the collective outcome that would have resulted from constellations of interests and power alone" (p. 48).

In sum, a permanent divergence of interests and a resulted difference of positions of the EU member states is nothing but a clear demonstration that realist, rationalistic theories have explanatory power.

Liberal theories

Studying the CSDP operations, Pohl (2013) argues that domestic politics (particularly, preferences of domestic societies) constitute an important part of foreign policy decision-making. This is one of the core arguments of liberal theories of international relations. Moravcsik (2010) refers this 'ideational liberalism'. Scholars claim that 'core domestic social identities' can be demonstrated in government's decision-making calculations in the area of crisis management in two ways: "On the one hand, governments want to demonstrate 'that they are capable of influencing international events in line with domestic values and priorities'. On the other hand, they do not want to be accused of 'paying too high a price in treasure or casualties for foreign policy projects which turn out ill-conceived'" (Pohl, 2013, p. 317; Haesebrouck, 2015, p. 10). This may explain why the CSDP operations as well as the entire EU engagement have been risk-averse, unambitious, of low profile and extremely carefully and meticulously decided and implemented in Georgia and Moldova in 2004-2016.

Constructivist theory of international relations focuses on "norms, identities and cultures" as explanatory determinants of political outcome (Wendt, 1999). Theorists of constructivism believe that domestic and/or international environment shape state identities. Referring to the domestic environment, Meyer & Strickmann (2011) argue that "the differences between

EU member states in terms of their foreign policy traditions, and strategic and bureaucratic cultures" can explain the patterns of CSDP operations (p. 64). Meyer (2011) claims that "norms within the context of strategic culture can be conceptualized as beliefs about what is appropriate, legitimate, or just regarding the goals and modalities concerning the use of force" (p. 677). Taking into consideration that "elites embedded in different strategic cultures are expected to make different choices when confronted with a similar situation" (Johnston, 1995, p. 35), it can be a hindering factor in decision-making and implementation of EU foreign policy, including in crisis management and mediation. Therefore, Haesebrouck (2015) explains that "the risk-averse nature of the CSDP operations and the prevalence of civilian over military missions is… in line with constructivist expectations on the constraining impact of norms: collective action under the CSDP-framework was largely limited to areas in which norms converged" (p. 12).

Governance theories

The following theories grouped under the governance approach have certain similarities in their arguments and sometimes overlap each other. But all deserve some attention for this doctoral research.

Some of these theories belong to liberal theories while others represent rationalistic schools; in other words, the governance approach is not really a *sui generis* perspective but rather draws from IR and comparative politics traditions. They provide a framework for analyzing the EU foreign policy rather than explaining it.

Moreover, Schimmelfennig & Wagner (2004) add that the "governance approach does not primarily seek to analyze the establishment and development of EU foreign policy or the EU's international role, but takes the existing foreign policy system as a starting assumption for analyzing the modes and processes of EU foreign policy-making" (p. 657). Apart from governmental institutions and legal framework, it additionally considers informal

mechanisms and structures for its analysis. As a result, to some extent, it complements rather than competes with state-centric and comparative approaches (Nasra, 2009, p. 7).

Bergman & Niemann (2013) also explain that governance theories generally share the following characteristics:

> "first, the main analytical focus lies on investigating the impact of the EU's political system on the decision-making and policy-implementation processes on the European and domestic level. While in classic integration theory the Euro-polity is the dependent variable, the governance approach treats it as the independent variable… [second], the governance approach takes on an agency-oriented perspective that shifts away from a state-centric view of international and European politics to a perspective that also takes into account the role of non-state actors in policy formulation and implementation process" (p. 10).

One of the governance theories, referred as <u>prospect theory</u>, was originally developed by Kahneman & Tversky (1979) and later revisited by Levy (1992) and McDermott (1992). Although it is a behavioural economic theory seeking to explain how people choose between probabilistic alternatives under risk, it can still offer several useful conclusions. In particular, as representatives of the theory argue, "the way the decision information is presented can affect the choice"… "thus, information can be framed in such a way as to change the decision outcome" (Mintz & DeRouen, 2010, p. 76). The prospect theory differs from rational models in that it underlines the significance of the order and method of information in determining the choice rather than only interests.

Furthermore, <u>bureaucratic politics theory</u> (Allison, 1971; Allison & Morton, 1972; Wilson, 1991; Welch, 1992; Halperin & Clapp, 2006) can also be useful. Scholars of bureaucratic politics theory general seek to explain the policymaking role of bureaucracy (Vanhoonacker, Dijkstra & Maurer, 2010; Dijkstra, 2012) by examining "the behaviour, actions and preferences of non-elected actors in day-to-day foreign policy-making", arguing that "policy-making processes and the resulting policies are influenced by domestic bureaucratic environments" (Delreux, 2015, pp. 152-153). Indeed, as Delreaux (2015) clarifies, the "growing bureaucratization of EU foreign policy clearly points to the fact that the latter is no longer only determined by intergovernmental dynamics, and, consequently, that studying it from the perspective of bureaucratic politics has become a necessity" (p. 153). Moreover, in

her famous study, Klein (2010) demonstrates that CSDP actors have considerable autonomy in the process of the EU crisis management formulation and implementation.

At some point, the bureaucratic politics theory is similar to rational models in asserting that "the actors… are key individuals sitting atop key organizations, each of which is trying to maximize its interests, agendas, and goals". However, unlike rational models, it "assumes multiple organizations and bureaucracies rather than a single actor" (Mintz & DeRouen, 2010, p. 71). As Mintz & DeRouen (2010) further put it, "[the] process may affect which information is presented to the leader and may even restrict information on additional policy options available to the leader" (p. 71).

The prospect and bureaucratic politics theories can certainly clarify the importance of lobby mobilized on different levels of EU decision-making and potential consequences that external influence can have on final foreign policy outcomes. In other words, they can be useful in understanding how EEAS staff, influenced by either direct lobby or propaganda narratives or personal motivations, can switch EU focus from peace-enforcement, peacekeeping and humanitarian tasks towards peace-building, and this way decrease the EU effectiveness in conflict resolution, as suggested in Kmec's (2015) work. The bureaucratic politics theory can be especially illustrative in analyzing and theorizing negative sides of openness and accessibility of mid-level EU bureaucratic structure to the external influence and explaining the related deficiencies in the EU foreign policy. They can also be helpful in explaining the role and consequences of complexity of EU decision-making structures and mechanisms in EU crisis management and mediation.

The multi-level governance promotes an existence of several layers of actors involved in the EU decision-making as an integral part of EU governance. Vanhoonacker & Pomorska (2013) highlight that "in a system of multi-level governance such as the EU, the potential number of venues is considerable, triggering Guy B. Peters to call it an agenda-setting paradise" (p. 1318). This can also be an interesting starting point for scholars who study potential external influence on the EU foreign policy decision-making.

Practice theory can also contribute to the theoretical discussion (Navari, 2011; Pouliot, 2012) in this context. Lequesne's (2015) study of the European External Action Service shows that the EU institutions may and do have important impact on the EU foreign affairs decision-making and may facilitate the change of preferences of the EU member states. Indeed, "if practices form repetitive patterns, they are also permanently displacing and shifting" (Lequesne, 2015, p. 14). Bueger (2014) further explains that "practices are dispersed, dynamic and continuously rearranging" (p. 391). In this context, the practice theory resembles to historical institutionalism. As Lequesne (2015) clarifies,

> "[to] understand an international policy or an international institution (such as the [European External Action Service]), the scholar cannot limit himself/herself to what he/she observes empirically during his/her participatory observation or interviews. They must also ask and interpret the past, and reconstitute the historical background that shapes the present. The study of IR cannot be de-historicized" (p. 14).

Austermann's (2014) research on the role of European Union delegation in EU foreign policy implementation should also be of interest for scholars of the governance theories.

And lastly and more importantly, sociological institutionalism and normative institutionalism theories can be alternative to the power-based models explaining the behavioural change of the de-facto authorities during the Geneva International Discussions or generally, demonstrating a constructivist reading of European governance and EU foreign policy decision-making (John, Peters & Stoker, 2006; Lowndes & Roberts, 2013). Therefore, let us discuss their key relevant postulates (it should be, however, underlined that several scholars are sceptical in distinguishing normative institutionalism from other classical institutionalist models (Menon, 2011)).

On the side of sociological institutionalism, Lewis (2003) argues that "[basic] actor properties are treated as endogenous to institutional environments, where interaction and the exchange of views can lead to the creation of new identities, attitudes, or roles – or the multiplication and nesting of existing identity configurations" (pp. 107-108). Thomas (2011) clarifies that "suasion is pursued through the communication of normative reasons why particular member states should reconceive their identities and fundamental interests and thus their

views on why particular policies are more desirable or more appropriate, particularly with reference to the target's identity as an EU member" (p. 23). As a result, "successful normative suasion produces a convergence of member state preferences that facilitate consensus on EU common policies" (Thomas, 2011, p. 24).

Indeed, as other scholars explain, "the CSDP is a 'social field' comprised of policy-makers seeking to make sense of the world which in turn leaves them 'open to new ways (rules, power structures, and symbolic representations) of structuring' the CSDP" (Mérand, 2010, p. 372; Fiott, 2013).

Other researchers share the same argument and believe that 'persuasion and argumentation' (i.e. social learning) are the drivers of the "socialized negotiation in a 'thick' institutional environment" (Jupille, Caporaso & Checkel, 2003; Schimmelfenig & Sedelmeier, 2004; Checkel, 2001; Dijkstra, 2013).

Looking at the Geneva International Discussions, it could be reckoned as a 'socialized negotiation', the highest platform, the strongest source of socialization and relatively permanent negotiation framework in which the de-facto representatives of Tskhinvali Region/South Ossetia and Abkhazia have ever participated. That is why, one may argue that the meetings with the disputants and the EU's efforts to socialize them and to make them more compromise-builders *through social learning* achieved its goals (e.g. the IPRM was established after six such meetings).

However, as it was clarified earlier, it was a strategic move to agree with the IPRM showing the rest of the community an imaginative negotiative and peace-and-stability-seeking spirit. It can be argued that their behavioural change was a result of pressure from mediation and institutional constraints, leaving their identities and interests unchanged. This argument is strengthened by the actual deteriorated situation in the conflict regions, meaning that "[sociological] accounts of socialization have underestimated the strategic use of norms and practices" (Juncos & Pomorska, 2006, p. 4), and that power-based models seem to have much more explanatory power.

Similar to sociological institutionalism, normative institutionalism also argues that "EU's substantive and procedural norms significantly shape the behaviour of its member states" (Thomas, 2011, p. 13). Speaking about procedural norms, one can speak (at least) about 'regular communication and consultation', 'confidentiality in the use of shared information' and consensual decision-making. As a result, Thomas (2011) explains that

> "EU member states pursue their foreign policy preferences within an institutionalized setting that encourages certain negotiation practices and legitimates certain substantive outcomes while discouraging and delegitimizing others. If Normative Institutionalism is correct, these norms and policy commitments should have a significant effect on how member states negotiate divergences in their policy preferences and on the type of policies they adopt at the EU level. The likelihood that the EU will adopt a common policy on a given issue, as well as the content of that policy, thus depend upon both the distribution of preferences among the member states (which varies from issue to issue) and how EU norms affect their choices in pursuit of those preferences" (p. 15).

Such theoretical understanding is different from power-based models in that, as it argues, "as member states deliberate over foreign policy issues at the EU level, movement toward common policies is dominated by cooperative tactics (also known as 'integrative bargaining' or 'problem-solving') rather than the competitive tactics that prevail in less institutionalized setting" (Thomas, 2011, p. 19). In this condition, because of the established consensus/consultation norm, internal EU foreign policy negotiations are not a zero-sum game and contain mutual compromises. Or as Schimmelfennig & Thomas (2011) clarify, "[cooperative bargaining] is the process by which veto threats are sidelined by the EU's procedural norms in favor of consultation and consensus, leading member states to adopt common policies based on mutual compromise" (p. 177). Consequently, final consensual result is bigger than a lowest common denominator but not necessarily similarly acceptable and satisfactory for all negotiators.

This theoretical modelling, offered by normative institutionalism, can alternatively explain the EU foreign policy decision-making in the fields of conflict management and mediation in Georgia and Moldova.

However, a careful reader will identify several important pitfalls of the normative suasion without which a convergence of member states preferences on common positions is very difficult, if not impossible. In particular, persuasion can be effective in the following conditions:

> "First, the target of the suasion attempt 'is in a novel and uncertain environment and thus cognitively motivated to analyze new information'. Second, the target 'has few prior, ingrained beliefs that are inconsistent' with the reasons offered for redefining its interests of policy preferences. Third, the actor seeking to persuade 'is an authoritative member of the ingroup to which the target belongs or wants to belong [and/or] does not lecture or demand but, instead, acts out principles of serious deliberative argument'. And fourth, the interaction 'occurs in less politicized and more insulated, in-camera settings'" (Thomas, 2011, p. 24; Checkel, 2005, p. 813).

In any case, March & Olsen (1998) argue that "[when] preferences and consequences are precise and identities or rules are ambiguous, a logic of consequences tends to be more important. [However,] when identities and their implications are clear but the implications of preferences or expected consequences are not, a logic of appropriateness tends to be more important" (p. 952).

All of these can be decisive in understanding the failures of the European Union and other mediators during the Geneva International Discussions.

Liberal vs realist perspectives

Liberals are confident that a human nature is fundamentally good and that "states will choose to pool together resources in order to effectively and efficiently eliminate violent conflict. They will choose to do this because conflict… is viewed as an international problem, not just a problem for the states involved" (Kegley, 1995, p. 4). Liberal, constructivist theorists would also assume that the EU institutions are important in the EU foreign policy decision-making (Smith, 2011; Bickerton, 2011b) and that the European Union has meaningful/substantial influence and effect in the process of conflict management and mediation. Therefore, while interpreting the results of this doctoral research, they would

argue that the mini-successes on the way to the EU conflict management and mediation in Georgia and Moldova in 2004-2016 (including within the frameworks of the Geneva International Discussions and "5+2" process, establishment of local security and cross-border arrangements in Georgia and Moldova, ceasefire agreement in Georgia in 2008, development of confident-building measures and other humanitarian activities) derive from the consensual and liberal spirit rather than from mere cost and benefit calculations and strategic interests. They would also assume that the reason of ultimate EU failure could be found in structure/construction of international system that encourages conflict rather than cooperation or avoids proper management of and effective reaction to non-compliance. Consequently, proponents of liberal theories would argue that unless this systemic problem is overcome, unless the system structure that is conducive to non-compliance and violence remains unchanged, the EU will enjoy only limited success in conflict management in its Eastern neighbourhood and will be incapable of pushing the process to ultimate successful resolution.

Scholars of more orthodox models (i.e. realist, rational, power-based theoretical schools, including realism, intergovernmentalism, liberal intergovernmentalism, rational choice institutionalism), on the other hand, would find most of the liberal assumptions controversial, and believe that the research results are confirmation and endorsement of their position and serve as further evidence for their arguments. They would claim that the EU was ultimately ineffective because there was no consensus within the EU as well as not in the best interest of the EU and Russia to solve these conflicts. They would also expect that no matter how the international system is constructed, the EU (as well as other international organizations) will be ineffective unless the interests and positions of the EU member states as well as of the EU and Russia coincide, and costs of the procrastinated conflicts will outweigh benefits of successful resolution. In other words, the EU or its member states may have marginal success in the process of conflict management and mediation when their interests rarely converge. And, despite the history of the conflicts, decision-making structure or construction of international system, "states will continue to quarrel as long as it remains rational to do so".

If the state-centric schools of thought are correct in interpreting the results, then it is plausible for realists to argue that there was little, if any, hope for the EU or other similar organizations to make a substantial progress in the conflict management and mediation in Moldova and Georgia in 2004-2016.

Conclusion

Speaking about the possibility for the EU institutions to modify the preferences of EU member states and influence the EU foreign policy decision-making, Smith (2011) concludes with a theoretical dichotomy of position ranging from 'minimalist' to 'maximalist', from extremely conservative realism to extreme liberal approach:

> "[the] minimalist position is based on realism and asserts that EU institutions can have no independent impact on either the preferences or policies of EU member states; all [European foreign policy] outcomes are the result of (typically lowest-common-denominator, or 'LCD') competitive intergovernmental bargains, particularly among the EU's major powers. An intermediate position, which is based on functional or instrumental institutionalism, asserts that EU institutions can help EU member states find common policies by pooling information (i.e. learning or suasion) and providing opportunities for side-payments, logrolling, and other joint decision mechanisms, especially when general preferences must be pooled into specific common policies. The maximalist position, which is generally consistent with social constructivism, asserts that not just member state policies but also their basic preferences can be modified, if not inspired in the first place, thanks to their intensive participation in EU institutions (particularly in terms of the discourse on the content/purpose of [European foreign policy])" (p. 219).

The research results do not lend full credence to any single theory. I do not expect any single theory to thoroughly explain the complex dynamics behind the EU conflict management and mediation in Georgia and Moldova in 2004-2016. Nasra (2009) rightly suggests that "various approaches within all strands are not sufficient in themselves but offer each partial tools to improve our understanding of foreign policy-making in the EU" (p. 6). Indeed, the right interpretation of the research data probably lies somewhere between these two general viewpoints.

Nevertheless, if there is any single trend to generally describe the ultimate failure of the EU to successfully manage and mediate the conflicts in Georgia and Moldova in 2004-2016, then explicitly it is realist, power-based approach that can interpret the research results in a more admissible and academic manner.

Chapter 7

Conclusion and Discussion

It is obvious from the research that there is a significant difference of interests, views, and as a result, positions on the EaP region both between the EU and Russia as well as within the EU among its member states. This was the key reason of ineffectiveness of the EU to successfully manage and mediate conflicts in Georgia and Moldova in 2004-2016.

When speaking about the inability of the EU to ultimately manage the conflicts in Georgia and Moldova, one should bear the following UN-related words in mind: "the responsibility of tackling the most difficult issues is passed from one actor to another, often ending up in the hands of 'the institution of last resort – the United Nations – which frequently has neither the resources nor the support of member states to shoulder the burden'" (Vuković 2016, p. 42; Croker *et al.*, 2001, p. 59). Few international actors can be characterised so well with these UN-related words than the European Union's involvement in the conflicts in its Eastern neighborhood in 2004-2016. Indeed, the EU has been a late-comer, and was involved in the conflict management and mediation "more by necessity and less by choice", with already vested interests, protracted destruction and polarised positions on ground. Thus, the EU was already limited in its acticities.

The most important shortcoming is not simply the fact that the EU member states have different interests, opinions and strategies on various external relations issues. In fact, divergent opinions may contribute to the establishment of a comprehensive and 'all-inclusive' approach. However, the problem is that due to a lack of political will, such comprehensive approach does not develop into comprehensive EU action, i.e. what the Union refers to it "the effective use and sequencing of the entire range of tools and instruments" (EEAS, 2016a). Diverging EU interests do not capitalize into an all-encompassing, well-scrutinized and well-planned action. On the contrary, they rather often undermine the very foundation of such action and result in a weak and non-result-oriented

action reflecting the lowest common denominator among the EU capitals. Such actions, often poorly coordinated within and outside the EU, are usually far from being effective.

All the EU formats, instruments and efforts described in chapters 3 and 4 have a potential to ultimately achieve success, and it did indeed achieve some success in Georgia, Moldova and elsewhere. However, the absence of political will (together with mismanagement of the EU instruments and complexity of EU governance) deriving from divergent interests of the EU member states contributed to the ultimate EU ineffectiveness to overcome the deadlock in the conflicts in Moldova and Georgia in 2004-2016.

In the presence of the conflict of interest what can be done for interest convergence? Academically/theoretically speaking, several developments may influence the process and: (a) facilitate a more cooperative spirit in the conflicting mediators that may open up the deadlock between the conflicting parties and increase the chances for successful peaceful conflict resolution; (b) raise interest of sceptical EU member states and improve the chances of rigorous consensus among them. Firstly, exogenous geo-political shifts or in other words "significant developments on a systemic level caused by pivotal political, social, economic and/or natural events [may] encourage a party to rethink its guiding principles" (Vuković, 2016, p. 166). Secondly, changes in conflict dynamics "might [also] induce those outside actors that are directly involved in the conflict – [e.g.] by providing logistical and/or military support – to consider using mediation as a viable option for ending the conflict" (Vuković, 2016, pp. 167-168). And thirdly, bargaining for cooperation or engagement of "a defecting party in a bargaining process, where an alternative to their current behaviour can be found by offering them sufficient incentives to make participation an attractive option" can be used to facilitate a change (Vuković, 2016, p. 168).

In addition, on the basis of extensive case analysis, Vuković (2016) once again verified the assumption developed earlier by other scholars that mediators' cooperative spirit, their common willingness to cooperate, their common understanding of the importance of their cooperation in process of conflict resolution (i.e. convergence of interests) is the first and most important step in a successful mediation process. This paves a way to a second stage of

coordination when mediators clearly define their roles, assign clear duties to themselves and try to influence the conflicting parties in a consistent and concerted manner. It is the only case when international mediation has a worthwhile chance to succeed. Indeed, as Vuković (2016) rightly summarizes it, "each peacemaking activity is largely conditioned by an adequate mix of well-coordinated activities conducted by international actors that share a common goal in managing a given conflict" (p. 25).

In the cases of Georgia and Moldova, none of the above-mentioned developments and conditions are expected to happen in the near future. The reasons are structural and incompatible, as explained by the interviewees: internally, there are interest struggles inside the EU member states as well as across the European Union. Externally, Russia and European Union have strongly contradictory understanding of the conflicts in Georgia and Moldova, on their roots, scenarios on their resolution, and in general, on the future of these two countries and the region. Therefore, unless they change, it is highly unlikely that the EU conflict management and mediation efforts will be ultimately successful in Georgia and Moldova.

Against this background, what is the way out? What can future hold for those who seek peace and stability in Georgia and Moldova? We have to look at two levels: on the level of the EU, its institutions and member states (internally) and on the level of EU-EaP-Russia relations (externally).

What should EU do internally?

More clear EU conflict resolution policy, closer coordination and cooperation within the EU and between the EU and Moldova/Georgia on the matter, increased EU presence in the region, more efforts and financing on sustainable confidence-building and reconciliation projects and their stricter monitoring, more assertive mediation and more unity in the policies and activities towards the region is essential for improving the prospects of the EU instruments in conflict management and mediation.

The fact that there is an extensive system of instruments and bodies in place, does not mean that the EU should not do anything else. To the contrary, for example, we can point at the report of the Council of the European Union (2009) and argue that there are indeed several aspects of mediation that need to be improved. In particular, the report urges for more coherence and coordination among these instruments, bodies and efforts, more synergy between all levels of activities, more operational support to EU-related mediators, more developed capacity-building skills of these mediators, and strengthened outreach and cooperation with other partners and like-minded actors, most notably, with the UN Mediation Support Unit and the OSCE (p. 11-13). Or as the document recommends, the

> "EU needs to develop arrangements which allow it to respond rapidly to conflict situations in which opportunities for mediation exists. The SG/HR, EUSRs, ESDP missions, Commission Delegations, the Presidency and Member States' diplomatic representations should facilitate early EU mediation involvement. The need to establish a flexible and useable roster of experts in mediation processes and related thematic areas and to make provisions for appropriate deployment mechanisms will be explored. Synergies should be sought with Civilian Response Teams and Security Sector Reform pools" (Council of the European Union, 2009, p. 5).

Moreover, previous studies as well as this doctoral research indicate that "more powerful [EU] member states have a general preference for bilateralism [rather than multilateralism] and have their own institutional capacity for pursuing their national interests irrespective of the EU", and more importantly, "[there] is no comprehensive system for pooling resources or sharing information among [EU] member states" (Hughes, 2007, p. 84). Therefore, improvement of coordination and coherence and more preference for multilateralism should be one of the key tasks of the EU and its member states in order to improve effectiveness of the EU conflict resolution policy.

In the absence of consensus and common interests and positions of the EU member states on Georgia, Moldova and the entire region, we can suggest several more operational recommendations as well in order to improve the effectiveness of EU instruments in confidence-building process and to avoid mistakes that undermine these measures. *First*, EU should pay more focus to more sustainable projects. *Second*, EU should put more efforts into

and allocate more financing to projects that more actively involve the war-torn communities. *Third*, EU should have more control over its projects, more communication with and stronger monitoring mechanisms on the implementing organizations.

Fourth, the liaison mechanism in Georgia is an important instrument for increasing trust and confidence. Hence, it should be maintained and its coverage should be extended to Tskhinvali Region/South Ossetia. *Fifth*, it is vitally important to have closer coordination and cooperation between the EU and Georgia/Moldova in their activities. *Sixth*, the EU should be very careful in financing or otherwise facilitating the processes that can contribute to de-facto or de-jure legitimization of the breakaway regions, be it recognition of documents, making de-facto authorities as actors, increasing capacity-building, democratic society development, reforms, etc. These seemingly harmless and generous activities could lock the EU in recognition of the results and contribute to the state-building.

Seventh, EU (conflict resolution) policy should be clear and be pooled in a single public document, containing unambiguous frameworks and guidelines for its implementers and leaving no space for interpretations and speculations.

Eight, one EUMM official claimed that "we do not recognize these regions as independent states. But the problem of non-recognition policy is that it does not have an action plan". It is indeed an important thought that both the EU and Georgia should consider for their future joint activities. A clear-cut action plan would synchronize their activities and avoid misunderstanding and mistakes.

Ninth, the EU has to increase its presence in the region and its role as a mediator. De-facto Abkhaz authorities reckon that the EU is indeed an important actor in the region. They also recall the period when many high-level officials from individual EU member states used to visit de-facto Abkhazia bringing different plans for peaceful conflict resolution (although ultimately not acceptable ones). Thus, it would be productive to increase ties between Abkhazia, Tskhinvali Region/South Ossetia and rest of Georgia as well as Transnistria and rest of Moldova with the help and mediation of international actors, especially the EU as one of the most trusted normative power.

Tenth, the EU member states and its institutions should continue to synchronize and complement their policies and activities in the region. This can help find a wider ground for consensus and unity among the EU member states.

Eleventh, the EUBAM has been playing an important role in fighting against smuggling and helping the Moldovan customs services to strengthen their capabilities. Its functioning should continue with more robust funding and political will.

What should EU do externally?

Proactive EU engagement, along with strong and concerted effort and implementation of practical mechanisms ensuring the security of EU's eastern flank, are needed now more than ever. Western vigilance now is simply not enough. There is no time to be passive or pensive, rather the time has come for resolute steps as "only a firm stance and action will appease Moscow's growing appetite for being a bully on the block". Moreover, the EU, with other like-minded international actors, should do more to support these countries politically, including continuing to be both vocal with non-recognition of breakaway regions of Georgia and Moldova and actively engaged in their de-occupation efforts. Meanwhile, the EU has to support direct ties and negotiations between central governments and the breakaway regions of Moldova and Georgia. It must actively demand full implementation of the 6-point ceasefire agreement and full access for the EUMM in the Georgian regions. And, it must persuade Russia to withdraw its troops from Transnistria, together with other mediators, pressurize all sides to be more compromising during the GIDs and the 5+2 negotiation formats, etc. Overall, the EU (and more broadly, the Western) response has to carry a clear message and seriousness of purpose, and be strategic, pre-emptive, creative, effective, consistent, and sustainable in nature.

It can also be helpful to include conflict resolution in the Easter Partnership priorities. It would give this dimension more resources, more political focus and attention. However, importance or impact of its potential inclusion should not be exaggerated. It could indeed

facilitate more coordinated and targeted action. But in the absence of political will of the EU member states, it would have ended up in limbo anyway, much like nowadays.

Living in these turbulent times caused by the advent of radical terrorism and pariah forces aiming to knocking the international system off balance, further reinforces the belief that it is only through promoting shared interests and managing common threats in the years ahead that the challenges can be overcome. In this context, this necessitates not only continued cooperation within the Union, but also a broader, more comprehensive and intensified partnership with other international actors. This is true for the Russian challenge, and by extension, for the conflicts in the EaP countries.

Russia has long been posing a problem to the international community, to the foundation of post-war Europe and, specifically, the European security architecture as we know it. However, now we have to realize, once and for all, that aggressive Russia with its forceful behaviour, willing to use hard power and gravely neglect international law, has long surpassed simply being a problem. It is the reality and we have to face it respectively.

Relevant joint, well-coordinated and determined actions are needed urgently, in parallel to the unprecedented-in-the-21st-century Russian information war and propaganda machine watering the seeds of chaos, division, disintegration and hopelessness, and in this way reducing the EU's and others' effectiveness in conflict resolution. Russia's aggressive behaviour must be countered with equal vigour. Simply deterring Russia would never be enough, as Russia historically never has really accepted the right of its former Soviet satellites to freedom of choice, especially in their foreign policy. Russia always happens to seize the precise moment and come back again with a harsh reaction.

The EU and the West should support all relevant Eastern Partnership countries through substantial financial assistance and through a special package that would be designed to alleviate for Russia's neighbours the negative spillover effects from sanctions introduced against Moscow. In addition, the West should be ready to provide increased military assistance to the countries of the region, including defensive weaponry.

The EU can play a key role in these processes. In addition, the EU and international society have to make it crystal clear to Russia that no third party can influence Georgia's, Moldova's, Ukraine's and others' rightful choices to have democratic political systems and pursue their desired foreign alliances.

Currently, sanctions against Russia are not connected to a broader strategy towards Russia. They are usually connected to the Russian aggression to Ukraine. They can be reversed based on Russian refusal to continue its aggression in Ukraine. This should apply to Georgia and Moldova as well, as the first victims of earlier Russian aggression. Indeed, Ukraine's case is simply a continuation of Russia's military adventurism and the West's insufficient reaction to the Russian invasion in Georgia in 2008. Indeed, had Russian actions during the Russia-Georgia War served as a wakeup call for the West, and had Russia paid an adequate price for its 2008 aggression against Georgia, it would not have retorted to the same scenario in Ukraine.

Sanctions do work (Dreyer & Popescu, 2014) and they should remain in place. Even partial lifting of sanctions without corresponding steps from Russia is likely to embolden the Kremlin, and the entire region, including Georgia and Moldova, will pay a much higher price. But for complete effect, the EU and others should not be solely limited by sanctions. They should be thinking ahead about effective strategic response, which would have a price tag attached to it. Indeed, the Berlin and Paris insiders are confident that the absence of long-term strategic vision was a strategic mistake of the EU and the West in 2004-2016. They further argue that such view and related actions will be instrumental in achieving success in the 'race' in future.

Nuriyev's (2015) explicit summary can be illustrative of general perceptions of the professional and academic insiders on the EU-Russia relations in 2004-2016: "[though] we should acknowledge the vital role the EU has played in bringing the South Caucasus closer to a wider EU-centred order of democracy, integration, and prosperity, the EU has at the same time refused to be a relevant security actor; Brussels primarily seeks to defuse tensions with Moscow, which has always been suspicious of Western encroachments. As a result, the EU

and Russia have been ill-equipped to move beyond a sort of geopolitical zero sum game in which one side loses what the other one wins" (p. 3). Probably it is the right time for the EU to learn from past experiences and start becoming a relevant security actor in the region.

Russia's engagement of past 20 years may only suggest that Russia will inevitably increase its power grip over the geostrategic region. That, in turn, may close the region down for – and promises the demise of – such strategic concepts as EU's Southern Gas Corridor, the Silk Road and important energy projects supported by both, the U.S. and the EU. This entanglement promises deepening Europe's further vulnerability through the increasing dependence on Russian hydrocarbons. The EU has to face this grim reality and be ready to address such development properly. As decision makers in European and other capitals may deliberate on what to do next on Moldova and Georgia, it should be boldly clear that dropping Tbilisi and Kishinev off the radar due to the potential political grand bargaining between Russia and the West would be a fateful mistake destined to bring about vast damage to the interests of the West, of the region as a whole, and to all other parties attracted to the idea of making the Black Sea region a stable and peaceful place.

Russia's aggression in Ukraine and in its other neighbours left the idea of Europe whole, free and at peace only in the minds of extreme optimists. The EU's sustainable Eastern policy/strategy as well as its energetic implementation can be a potential solution for the problems in Moldova, Georgia and elsewhere in the region. In addition, it has to be equipped with relevant instruments and political will of the EU member states. As Director of NATO and Regional Security Directorate of Ministry of Foreign Affairs of Bulgaria Lubomir Grancharov concluded during the Regional Security Seminar in Tbilisi in 2016, "if a strategic approach is not strengthened by relevant capabilities and foreign policy instruments, it will stay as empty words on papers, having same fate for the EU policy actions as in the period of 2004-2016".

Georgia and Moldova, to name a few, expressed their solid commitment to European integration, and demonstrated their sacrifices for the cause. Moreover, Stronski & Vreeman (2017) neatly suggest on the example of Georgia, that "while Georgia's lack of territorial

integrity remains a painful reminder of its past and its disputes with neighbours, the conflicts have not stopped the country's reform trajectory, curbed its democratization, or blocked its integration into the West's economic and political structures". Based on the optimistic and determined efforts of these countries, the EU should learn the lessons of its involvement in the region in 2004-2016, and further engage its Eastern neighbours with more responsible, more proactive, more unified, more powerful, more coordinated, more enthusiastic actions, strategies and instruments.

For future reference

It was with the Russian military adventurism in Ukraine since 2014, that the EU slowly but progressively started to reconsider its role in its Eastern neighbourhood and to embark on developing a geostrategic approach towards this region, rather than totally giving way to the technocratic politics (see, for example, Nitoiu 2015). This strategic approach can be understood as a clearer understanding by the EU of its interests in the region as well as a consideration of the regional geopolitics in the EU decision and policy making. However, how will this evolve in practice from technocratic politics to high politics beyond 2016? Will its normative power be supported by strategic actions? Will assertiveness and greater self-confidence of the EU only be demonstrated in its statements or will it be evident in relevant foreign policy instruments (other than sanctions) for strategic action? Will the strategic approach significantly improve the EU effectiveness in tackling the regional problems, including the conflicts? These are all topics for further research.

For now, the data demonstrated in this study suggests that although the EU managed to achieve several mini-successes on the bumpy road of conflict management and mediation in 2004-2016, the EU has ultimately been ineffective. In other words, as one Berlin insiders suggested, the "EU was not in a position to 'fix' the problems in Moldova and Georgia". With the ongoing developments in the EU and beyond (e.g. migration crisis, aftershocks of the financial crisis, BREXIT, increasingly aggressive Russia, 'in-door' terrorism, and increasing nationalistic sentiments), it is less likely that the Union will or is capable of doing so any

time soon. However, being an influential normative power as well as an inspiration and a role model for many neighbouring countries, it can still play a positive role in regional development.

The data may tempt a reader to conclude that the EU's supranational institutions are irrelevant when it comes to EU foreign policy. This is more likely incorrect. Indeed, as Thomas (2011) explains, "frequent and intensive consultation between member states has weakened egoistic identities and accustomed national policy-makers to seeking out the views of their counterparts before determining a national position on a particular issue. Over time, this has produced a partial convergence in the strategic cultures and identities of the member states and thus in their foreign policy preferences" (p. 12). Nevertheless, it remains to be seen how far and deep this convergence may go. Thomas' (2011) questions on "how and under what conditions do EU member states overcome their divergent preferences to reach agreement on common policies regarding issues and actors beyond their collective external border" are still generally not answered comprehensively. Future researches in this direction, including on the case of the EU's Eastern neighbourhood, would be highly praised.

The most striking and under-researched finding of the interviews in the European capitals was a firm belief of the interviewees that external actors can and do influence the EU decision-making both on the level of the EU and the member states. The researchers gradually begin to investigate this dimension academically. For example, in his research, Kmec (2015) argues that "policymakers working in the CSDP structures influence the content of the CSDP while emphasizing soft- and diplomatic approaches to conflicts" (p. 1). Such studies can be interesting in understanding the importance of vulnerability of the EU decision-making towards external influences. Indeed, by influencing the EEAS staff working in the CSDP structures, the impact-seekers can influence the content of CSDP, shift its whole focus from peace-enforcement, peacekeeping and humanitarian tasks towards peace-building, and through this decrease the EU effectiveness in conflict resolution. In addition, third party countries can indirectly influence country positions by targeted information campaign or direct lobbying (Kluger Dionigi, 2017, pp. 13-49). More research data is needed to validate or reject these arguments.

Although the EU was not ultimately successful in 2004-2016, it has to continue its efforts. For instance, in case of the Geneva International Discussions, although it is not successful so far, it is the only forum where parties come face-to-face to express and discuss their divergent interests. In spite of the fact that the parties do not agree on anything substantial, existence of such a format is still important for the attempts of cooperation and socialization. The assessment of Mr. Angelo Gnädinger, the GIDs co-chairman and Special Representative of the Swiss OSCE Chairperson-in-Office for the South Caucasus back in 2014, can be insightful: "the GIDs is a unique mechanism that provides involvement of all stakeholders. Asymmetry and incompatibility of narratives of the participants are all the hampering factors. However, this format operates as a process and this stimulates these meetings. Political realities affect the discussions. Situation on ground alienates the counterparts. Moreover, it is unfortunate that we do not think of political solution of the conflicts. Until there is no East-West understanding regarding Ukraine, Georgia's and Nagorno-Karabakh conflicts will not be solved".

Despite the results of this study, one should not be led to the hopeless assumption that the European Union is entirely ineffective in managing, mediating or ultimately resolving conflict. Indeed, as demonstrated in this thesis, there is a wide range of EU activities that bring hope to and improve livelihood for people living in the conflict-torn communities. Researchers, politicians, mere observers, we all often forget the tragic human dimension of conflicts and tend to look at it as a research 'object'. Continued EU engagement in this regard is worth even only for alleviating this suffering.

The research data may also suggest that once a conflict evolves to the level of already vested interests, protracted destruction, polarized positions and deeply ingrained issues on ground without early involvement, the EU is less likely to play a meaningful role in managing the conflict and substantially shift the stakeholders' preferences to the ultimate conflict resolution. This can too be a topic of future research.

Prospective studies should also focus on developing (if possible at all) an all-encompassing theoretical analytical framework explaining the EU foreign policy decision-making, structure, operational arrangements and other related processes in conflicts.

The EU conflict resolution policy is very complex in terms of sub-issues, policy outputs, internal and external actors and institutions to reduce to one or two variables. In other words, the claim of this research is not that the EU conflict management and mediation performance in Georgia and Moldova in 2004-2016 can be entirely explained on the basis of positions of the EU member states. But I believe that this is the key factor in understanding this performance. Moreover, we are dealing with qualitative data. Its interpretation may risk making incorrect judgements. Therefore, continued research in this field is needed to further validate or revoke the findings of this study.

As I stated previously in this dissertation, the demonstrated evidence neither is a complete picture of the European Union conflict management and mediation nor is it an exhaustive depiction of EU conflict management and mediation activities in Georgia and Moldova. The purpose of this doctoral research has been to offer updated evidence in support of the bigger picture of EU conflict management and mediation to be used by practitioners and academicians for improving their practical and theoretical understanding of the issue and strengthening their daily practices. I hope this thesis will contribute to this noble goal.

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Annexes

Annex 1

Russian military build-up and deteriorated humanitarian situation in Abkhazia, Georgia and the Tskhinvali Region/South Ossetia, Georgia

Russian military engagement in Abkhazia and Tskhinvali Region/South Ossetia

Georgia accused Russia of maintaining and intensifying its military build-up even in the lead-up to the war, despite protracted negotiations on the withdrawal of all military formations and personnel from the territory of Georgia (MFA, 2016a; 2016b; 2017). However, the build-up has magnified exponentially in the aftermath of the war despite the direct call of the Six Point Ceasefire Agreement of 12 August 2008 for the withdrawal of the Russian military forces to the positions held prior to August 2008 hostilities.

Since the 2008 war, Russia has been reinforcing its military presence in Abkhazia and Tskhinvali regions through military infrastructure build-up and deployment of advanced armament and military equipment. In one of such moves into the depth of the territory controlled by Georgia, Russia has shifted the administrative border closer to the central East-West highway thereby taking control over a considerable part of local farmlands and a substantial segment of the strategic Baku-Supsa Oil Pipeline (1,600m). Furthermore, currently Russian occupation line is located in close proximity (450m) to the central highway. Furthermore, Russia has gone as far as formalizing the so-called "Treaty on Alliance and Strategic Partnership" with de-facto Sokhumi authorities in 2014 as well as the treaty on "Alliance and Integration" with de-facto Tskhinvali authorities in 2015. As a result, the regions became fully incorporated into Russia's social, economic and military systems. Moreover, the process of "borderization", i.e. illegal placement of banners and installation of barbwire fences, continues.

Deterioration of security situation in Abkhazia and Tskhinvali Region/South Ossetia had its price for the people living in and adjacent to the regions. Children do not have right anymore to study at school in Georgian as their native language, while kidnappings and murders became frequent occasions. Recent murders of Georgian IDPs (A. Tatunashvili, G. Otkhozoria and D. Basharuli) quickly found reason for international condemnations (European Parliament, 2018). The following words of the European Parliament's (2018) Resolution is illustrative to the ever-increasing deterioration of situation on ground:

> „Russia constantly reinforces its illegal military presence in Georgia's occupied territories by constructing new bases, bringing in new troops and equipment, and conducting military exercises. Russia continues to be in breach of its international obligations and refuses to implement the EU-mediated ceasefire agreement of 12 August 2008; Russia continues to isolate both regions from the rest of the country by closing additional crossing points, putting in place physical barriers along the administrative boundary

line (ABL) and conducting a campaign aimed at eradicating Georgian culture; This line is slowly but steadily being moved deeper into Tbilisi-controlled territory in a process known as 'borderisation', in some places coming very close to critical infrastructure such as gas pipelines; Hundreds of thousands of internally displaced persons and refugees forcibly expelled from the Georgian territories of Abkhazia and Tskhinvali Region/South Ossetia as a result of several waves of ethnic cleansing continue to be deprived of their fundamental right to a safe and dignified return to their homes".

In face of Russia's violation of the Ceasefire Agreement, members of the international community, including EU, OSCE, UN, and U.S., have continuously called on Russia to comply with its international obligations under the Agreement (Group of Friends, 2018). Nevertheless, turning a blind eye to its obligations and the calls of the international community, Russia has significantly increased the number of troops in the occupied regions and deployed additional heavy military equipment.

Military personnel (MFA Georgia, 2016b)

Prior to the outbreak of hostilities in August 2008, Russian military presence in Georgia was supposed to be limited to Russia's contribution to the so-called CIS 'peacekeeping forces' in the Abkhazia and Tskhinvali regions. More specifically, in the Tskhinvali region, a battalion of 500 (plus 300 reserves) Russian peacekeepers was to be deployed, whereas in Abkhazia - only up to 2 500 - 3 000 CIS peacekeepers were permitted given the consent of the Georgian state. Currently, there are around 4200 soldiers in the Tskhinvali region and around 4500 soldiers in Abkhazia region. In addition, 2550 Russian FSB Border Guards are stationed in both regions. The so called "border guards" have established military posts along the occupation line, in 19 villages in the Tskhinvali region/South Ossetia, Georgia and 12 villages in Abkhazia, Georgia. The so-called Russian "border guards" systematically detain the local population, including women and children, for crossing the so-called "state border".

Georgia withdrew from the treaties regulating the presence of the Russian peacekeeping forces in Abkhazia and the Tskhinvali regions after the 2008 war. Therefore, as the MFA non-paper argues, the current Russian military presence in Georgia has no legal mandate and is in flagrant violation with international law.

In addition, Russia often carries out the military drills in its Southern Military District, covering also the 7th and 4th military bases in Abkhazia and Tskhinvali Region/South Ossetia. The military trainings are accompanied by frequent violations of Georgian Government's controlled airspace by Russian unmanned aerial vehicles (UAV) and military helicopters.

Military infrastructure and equipment build-up in the Tskhinvali Region/South Ossetia, Georgia (MFA Georgia, 2016b)

In addition to the personnel build-up, Russia has fortified its illegal military infrastructure in the occupied territories and deployed additional equipment. Russia has illegally established

the 4th military base in the Tskhinvali region consisting of three sites: (1) military base in the village of Ugardanta, Java district, including a helicopter landing field (2) military base in the northwestern part of the town of Tskhinvali and (3) a vanguard military base in the village of Kanchaveti, Akhalgori district with two helicopter landing fields.

In an effort to fortify the illegal military base, the Tskhinvali location was equipped with a multiple-launch rocket system artillery battalion (so-called "Smerch" units) in December 2010. In January 2011 the illegal base was further reinforced with tactical-operational missile launch system "Scarab B", also known as "Tochka U", which can be equipped with conventional and nuclear warheads. The operational range of the latter weapons is 120 km. With the Tskhinvali base being located within 40 km of Tbilisi, this installment clearly goes beyond Russia's claims of alleged defensive nature of the system, and has the potential to threaten Georgian territories well beyond the occupied region.

The military infrastructure in the occupied Tskhinvali region also includes surface-to-air missile systems BUK-M1, "Osa", "Tor" and "Strela 10"; self-propelled howitzers (2S3 "Akatsia"); multiple launch rocket systems (BM-21 "Grad", 9K57 "Uragan"); air defence systems BUK-M1 and 2S6M "Tunguska"; main battle tanks of T72BM and T90 types; infantry combat vehicles BMP-2 and BMP-3; armored personnel carriers of BTR-80 type.

In 2015 the illegal military base in the Tskhinvali region was further fortified with the modernized missile systems, such as ballistic missile system "Iskander", multiple rocket launcher BM-21"Grad", surface-to-air missile system "Strela 10", as well as tanks and UAVs.

Military infrastructure and equipment build-up in Abkhazia, Georgia (MFA Georgia, 2016b)

The 7th military base, illegally deployed by the Russian Federation in the Abkhazia region, includes: (1) Bombora airfield in Gudauta district; (2) naval base in Ochamchire, equipped with "Mangust" and "Sobol" type boats; (3) vanguard military base in the village of Okhurei, Ochamchire district; (4) military airport of Babushera.

Among other weaponry, the Russian military equipment in the Abkhazia region includes: multiple launch rocket artillery battalion of BM-21 "Grad" weapons; surface-to-air missile systems (S-300 and "Osa" types); surface-to-air missile artillery battalions of "Strela-10" 2S6M "Tunguska" types; self-propelled howitzers (2S3 "Akatsia"); ballistic missiles OTR-21 "Tochka"; armored personnel carriers of BTR-80 and BTR-82AM types; infantry combat vehicles BMP-2 and BMP-3; main battle tanks of T90 type.

The military exercises of the Russian occupation forces are planned and executed according to the annual plan of the General Staff, similar to every other units in the Southern Military District. Additionally, the military vessels and reconnaissance planes of the Russia's Black Sea Fleet are in a constant movement in the vicinity of the Abkhaz section of Georgia's territorial waters.

<u>Other components of military build-up (MFA Georgia, 2016b)</u>

The Sokhumi and Tskhinvali de-facto authorities have leased the territory of the bases to the Russian Federation for 49 years on the basis of an illegally signed so-called agreement with Russia. The occupying force signed various other agreements with proxy regimes in military and economic spheres, by means of which Russia is attempting to justify the deployment of its military bases in the regions of Abkhazia and Tskhinvali and to completely incorporate the occupied territories in its military, political and economic space[2].

In addition to the establishment of the military bases, Russia is renovating and developing new transport infrastructure in the occupied Georgian territories, which will allow it to move its forces and hardware more rapidly. This infrastructure includes: (1) a highway connecting Tskhinvali with Vladikavkaz, Russia; it is being widened and 4 additional tunnels and bridges are being constructed; reconstruction works in Roki tunnel were finished in November 2014; (2) the road connecting Tskhinvali with Akhalgori with a strategic location for a potential attack on Georgia's capital; (3) construction of four heliports in the Tskhinvali region (in the towns of Tskhinvali, Kvaisi, Djava and Akhalgori); (4) railway lines and airfields in Abkhazia.

Despite the direct call of the 12 August 2008 Ceasefire agreement to withdraw to the pre-war positions, Russian military forces continued expanding the area of occupation through installing barbwire fences and other artificial obstacles along the occupation line, on the territory controlled by the central Government of Georgia.

The MFA Georgia believes that the military build-up will further intensify as a result of implementation of the so called "treaty on alliance and strategic partnership" singed between Moscow and its occupation regime in Sokhumi on 24 November 2014, and "treaty on alliance and integration" signed with the Tskhinvali occupation regime on 18 March 2015 (as of 15 December 2016, many of their elements were already in force). Although similar Russian-led initiatives were undertaken in the past, these documents contain newer elements, representing a factual annexation of Georgia's occupied regions. Among others, the documents provide for the creation of "common security and defence space", while the Russian Federation reiterates its commitment to provide the occupation regimes with modern military equipment.

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[2] Agreement on "Friendship, Cooperation and Mutual Assistance" was signed on September 17, 2008; Agreement on deployment of Russian bases for a 49 years term (with the possibility of prolongation for 15 years) on the territory of Abkhazia, Georgia was signed on February 17 and in the same manner with Tskhinvali region/South Ossetia, Georgia on April 7, 2010; Agreement on joint efforts for the protection of the so-called "border" was signed on April 30, 2009, etc.

<u>Installation of barbed wire fences, trenches, so-called "border" signs and other artificial barriers</u> (MFA, 2017)

Russian FSB frontier guards continue installation of razor and barbed wire fences, so called "border" sign posts and other artificial obstacles along the occupation line. These actions seriously deteriorate the situation on the ground, dividing families and properties of the local residents. It directly affect the everyday life of the local population, who are losing access to their farmlands, religious sites and cemeteries. Sometimes, the fences include the territory controlled by the central Government of Georgia.

The total length of the trenches across the occupied Abkhazia Region's occupation line is around 12 km. The total length of artificial barriers along the occupation line in the Tskhinvali region has exceeded 60 km, affecting around 200 local families, while several of them were compelled to flee their places of residence left behind the occupation line, thus creating a further wave of IDPs.

Moreover, Russian forces have created artificial trenches to block the cross roads connecting the territories across the ABL. As a result of one of the last installations in close vicinity (450 m) to the Tbilisi-Gori central highway, a considerable segment of the BP-operated Baku-Supsa Oil Pipeline (approximately 1600 m) has fallen under the control of the Russian occupation forces.

<u>Severe humanitarian and human rights situation</u> (MFA, 2017)

Populations living in both Georgian regions are deprived of minimal safeguards and cannot exercise basic rights such as the freedom of movement, property rights, right to education in native language and others, which is particularly alarming given the absence of any international monitoring on the ground. Illegal detentions and kidnapping became the practice.

Recently, the Russian occupation regimes in Sokhumi and Tskhinvali have adopted new discriminatory regulations on "legal status of foreigners", which further deteriorate already grave conditions of ethnic Georgians in both occupied regions. New restrictions will be imposed on the freedom of movement and residence, the right to properly and labour rights. They endanger the presence of Georgian population in Abkhazia and Tskhinvali regions and can become ground for another wave of ethnic cleansing.

The Russian occupation regime in Sokhumi also adopted new restrictive provisions of entry, exit and movement inside Abkhazia, which target among others the representatives of the international community. As a consequence, already limited access and activities of international governmental and non-governmental organizations in Abkhazia will be further restricted.

Abkhazia and Tskhinvali region remain inaccessible for the international community. The EU Monitoring Mission, which is an extremely significant instrument to ensure security and

stability on the ground, is still prevented from full implementation of its mandate by not been allowed to access to the occupied regions. Notwithstanding, the EUMM is the only international mechanism capable of monitoring the situation in close proximity to the occupied regions.

The alarming security and humanitarian situation in Georgia's occupied regions has been vividly demonstrated by the Khurcha incident on 19 May, 2016, when the so-called "border guards" deployed along the occupation line in Abkhazia brutally killed the Georgian citizen in the territory, controlled by the Central Government of Georgia. The perpetrator, who control shot the unarmed person, is still at large, and the entire incident constitutes a source of provocation for those, who are not interested in rapprochement and conciliation of war-torn communities.

Another important negative development in the regions is their ethnic/linguistic discrimination. For example, since September 2015, in all 11 Georgian schools in Gali, Abkhazia, the instruction language has changed from Georgian into Russian in the first 4 grades. The teaching hours of the Georgian language have been decreased in upper classes, while the lessons of history and geography of Georgia have been prohibited. Neither teachers nor pupils speak Russian well enough, that is why the lessons in Russian language are extremely difficult for both of them. This directly affects the quality of education.

Russian military engagement in Transnistria, the Republic of Moldova

The Russian military build-up in Transnistria has not been as impressive as in the Georgian regions. However, the deterioration of situation on ground should not be under-evaluated.

Based on open sources, Russia stationed some 1400-1500 soldiers and supported armament in Transnistria in 2004-2016 that was seen as a foreign military occupation by Moldovan officials (Popescu, 2005, p. 19; Bundestag, 2017, p. 7).

Moreover, the judgment of the European Court of Human Rights in 2004 demonstrated the decisive role of Russia in maintaining the secessionism, stating that Transnistria "remained under the effective authority, or at the very least under the decisive influence, of Russian, and in any event that it survived by virtue of the military, economic, financial and political support that Russia gave it" (European Court of Human Rights, 2004). No significant improvement has been observed since then to think of the Russian role otherwise (Popescu, 2006a; Karniewicz, Petrovická & Wunsch, 2010, pp. 4-7).

List of interviews and other related information

Armenia

- Low-level official in the Ministry of Defence of Armenia

- Representative of the Regional Studies Centre

Austria

- Mid and high level officials in the Federal Ministry for Europe, Integration and Foreign Affairs of Austria

- Representatives of the Organization for Security and Cooperation in Europe (OSCE)

- Representatives of the United Nations (UN)

- Representative of the Chamber of Commerce of Austria

- Political Advisor to COM European Union Force

- Amb. Gregor Woschnagg, Permanent Representative of Austria to the European Union in 1999-2008

- Representatives of the Federal Ministry for Europe, Integration and Foreign Affairs of Austria

Azerbaijan

- Mid-level officials in the Ministry of Foreign Affairs

- Mid-level official in the European Union Delegation to Azerbaijan

Belarus

- Mid-level official in the Ministry of Foreign Affairs

Belgium

- Mid-level official in the Ministry of Foreign Affairs, Foreign Trade and Development Cooperation of Kingdom of Belgium

- Representative of the Permanent Representation of Austria to the European Union

- Representative of the Mission of Austria to NATO

- Representatives of the European Commission

- High and mid-level officials and MEPs in the European Parliament, including members of the Foreign Affairs Committee

- Representatives of the Mission of Georgia to the European Union

France

- Dr. Florent Parmentier – Professor of SciencesPo University; Lecturer on globalisation, EU enlargement, EU-Russia relations, EU and its neighbourhood; Head of Public Administration program

- Mid-level official in the Continental Europe Directorate of the Ministry of Foreign Affairs and International Development of France

- Dr. David Cadier, a TAPIR Fellow at the Center for Transatlantic Relations, SAIS Johns Hopkins University, and an Associate at LSE IDEAS, focusing on EU-Russia relations and on the foreign policies of EU member states and Russia

Georgia

- High and mid-level officials in the Ministry of Foreign Affairs

- Mid-level official of the Office of the State Minister for Reconciliation and Civic Equality

- Mid-level representative of the de-facto Ministry of Foreign Affairs of Abkhazia

- Mid-level officials in the European Union Monitoring Mission

- Several members of various civil society organizations / non-governmental organizations of Georgia working on conflict resolution, confidence building, EU-Georgia relations and the related issues

Germany

- Interviewee 1 – mid-level official of the German Foreign Service (Ministry of Foreign Affairs) focusing on the South Caucasus

- Interviewee 2 – Mr. Johannes Schraps, Political Advisor to the MP Achim Barchmann (SPD - Deputy Chair of the Committee on the Affairs of the EU) in the Bundestag

- Interviewee 3 – Dr. Stephen Meister, Head of Program on Eastern Europe, Russia, and Central Asia of the German Council on Foreign Relations

- Interviewee 4 – researcher in a division of Eastern Europe and Eurasia of the German Institute for International and Security Affairs

Moldova

- Low-level official in the Ministry of Foreign Affairs of Moldova

- Chair of the Defense and Security Committee of the Parliament of Moldova

Poland

- Mid-level official in the European Policy Department of the Ministry of Foreign Affairs

Turkey

- Middle and low level officials of the Ministry of Foreign Affairs of Turkey (Ankara)

- Representative of the Turkish Cooperation and Coordination Agency - TIKA (Ankara)

- Representative of the Foreign Economic Relations Board - DEİK (Istanbul)

Ukraine

- Representatives of the Ministry of Foreign Affairs

- Representative of the Ministry of Justice

- Representatives of the Verkhovna Rada

- Representative of the Government Office for European Integration

- Representatives of the Information Security Department of National Security and Defense Council

United Kingdom

- Professor at the University of Kent

- Professor at the University of Edinburgh

- Several MPs and professional staff members in the House of Commons and the House of Lords of the UK Parliament

Most of the brief face-to-face interviews and conversations were part of and recorded during the following professional programs, conferences or business trips:

B. International High-Level Seminar 'Studying the State of Arts in European Studies and Other Interdisciplinary Fields', organized by Central European University, Budapest, Hungary – Vienna, Austria, 9-19 September 2013. I had the opportunity to converse with representatives of de-facto Abkhaz authorities and NGOs.

C. 10th International Silk Road Conference "EU Association Agreement: Perspectives and Challenges", organized by International Black Sea University on 22-23 May 2015 in Tbilisi, Georgia.

D. "Executive Training Program 'European and International Affairs' for Junior Diplomats and Civil Service Officials from the Black Sea Region and South Caucasus"

organized by the Diplomatic Academy of Vienna on August 10 – September 4, 2015, held in Vienna (Austria), Brussels (Belgium) and the Hague (the Netherlands).

E. "22nd International Junior Diplomats Training Program" organized by the Diplomacy Academy of the Ministry of Foreign Affairs of Turkey on 9-30 April 2016, held in Ankara and Istanbul, having diplomats from 64 countries representing their respective Ministries of Foreign Affairs. Interestingly, Minister Çavuşoğlu personally had a speech and a Q/A session with our group during which he also talked about regional conflicts, EU-Turkey-Russia relations, Turkey's foreign policy and South Caucasus issues.

F. Seminar "Volatility in the Black Sea Region: Building Resilience and Cooperative Security" on 19-20 September 2016 in Tbilisi, Georgia, organized by the George Marshall European Centre for Security Studies.

G. Expert/Student Forum "The European Integration: Armenian and Georgian Perspectives" on 1-3 July 2016 in Aghveran, Armenia and on 28-30 October 2016 in Lopota, Georgia, organized by the Centre for Social Sciences Georgia, the Political Science Association of Armenia and the Friedrich Ebert Stiftung.

H. 3rd International Conference "International Information and Cyber Security: Modern Challenges and Threats", organized by Institute of International Relations of Taras Shevchenko National University, 7 December 2016, Kyiv, Ukraine.

I. 6th International Conference on Humanity, History and Society on 10-12 March 2017 in Paris, France.

J. Public discussion "Georgia in European Discourses: Trends and Challenges" organized by the Georgian Institute of Politics, Konrad Adenauer Foundation and Open Society Georgia Foundation in Tbilisi, Georgia on 10 March 2017. I had the opportunity to converse with Dr. David Cadier after the event.

K. High-Level Capacity Building Seminar "the Legislative Cycle – from Legislative Initiative to Implementation and Monitoring", organized by the European Parliament Democracy Support and Election Coordination Group (DEG) for the Comprehensive Democracy Support Approach Countries (CDSA) on 19-21 June 2017 in Brussels, Belgium. I had the opportunity during the seminar meetings, lunches, cocktail receptions and coffee-breaks to briefly converse with parliamentarians of relevant countries, four Vice-Presidents (including Ioan Mircea Paşcu who covers EU's Eastern neighbourhood and the Euronest Parliamentary Assembly), numerous committee chairs and staff members of the European Parliament. The Georgian delegation had a lunch with leading members of the EP Foreign Affairs Committee, including Elmar Brok and Ana Gomes, during which we talked, among other topics, about Russia's activities in the region. I also had the opportunity to attend the EP Foreign Affairs Committee on June 19 discussing the implementation of the Minsk Agreement in Ukraine.

L. 14ᵗʰ Batumi International Conference "Georgia's European Way – Ensuring Regional Stability" on 13-14 July 2017, Batumi, Georgia.

M. John Smith Trust Wider Europe Fellowship, May 19 – June 14, 2018, Edinburgh and London, UK. I held all the British interviews in the frameworks of this fellowship.

N. Strategic Communications Forum – Multi-Stakeholder Solutions for Strengthening Georgia's Democratic Narrative, 24 September 2018, Tbilisi, Georgia.

O. Inaugural Plenary Session of the Georgia, Moldova and Ukraine Inter-Parliamentary Assembly, 5-6 October 2018, Tbilisi, Georgia.

P. 10ᵗʰ Annual Assembly of the Eastern Partnership Civil Society Forum, 11 December 2018, Tbilisi, Georgia.

Q. 'Saving Europe as a Peace Project' – Scenario-mapping expert workshop organized by PAX peace organization on 20-21 December 2018 in Kyiv, Ukraine.

R. Business trips to Washington, D.C., U.S. (July 2016), Bucharest, Romania (November 2017), Stockholm, Sweden (December 2017), Riga, Latvia (January 2018), Kyiv, Ukraine (January 2018), Bern, Switzerland (September 2018), Tallinn, Estonia (December 2018) and Ankara, Turkey (January 2019).

Moreover, full-fledged face-to-face interviews were also recorded during my research visits in:

- Brussels, Belgium in September 2014 (funded by the EU delegation to Georgia and the Institute for European Studies of Tbilisi State University in cooperation with the Free University Brussels within the frameworks of my PhD European Studies program). This research trip primarily aimed at spending 2 weeks in the library of Institute for European Studies of Free University Brussels. Apart from obtaining data via interviews, it was instrumental in obtaining relevant and modern literature on conflict resolution, EU foreign policy, EU foreign policy decision-making and the Union's involvement in conflicts in its neighbourhood.

- Baku, Azerbaijan in April 2015.

- Kyiv, Ukraine in August 2014, January 2016 and August 2016.

- Berlin, Germany in November 2016 (funded by the Shota Rustaveli National Science Foundation).

- Paris, France in March 2017 (in parallel with participating in the 6ᵗʰ International Conference on Humanity, History and Society) (funded by the Shota Rustaveli National Science Foundation).