EU's Influence in Its Eastern Neighbourhood: The Case of Crisis Management in the Southern Caucasus

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Abstract

While the European Neighbourhood Policy has been largely inspired by the successive experiences of enlargement, it has also been designed partly not to replicate exactly enlargement approaches. Key differences include the existence of unresolved conflicts in the EU neighbourhood and the development of European security provisions since 1999, parallel to the traditional economic instruments of cooperation. This paper attempts to assess what lessons can be learnt from the ENP early experience regarding its impact on conflict resolution. It examines negotiations of EU economic support and peace-building efforts with South Caucasus countries and Moldova and builds upon these case studies to draw general lessons on the influence of the EU as an international actor. The article concludes that EU commitments in promoting conflict prevention partly fall short when they have to be implemented, due to the lack of coherence among Member States, while EU impact is real when main policy-makers and implementers are Europeanised in their working methods, and when EU member states agree to delegate their foreign policy to the EU.

Keywords: *ENP, Eastern neighbourhood, EU capabilities, crisis management, South Caucasus*

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1. Introduction

Conflict prevention stands as one of EU key external priorities, as shown by the firm commitment taken by the EU to set clear political priorities for preventive actions, improve EU's early warning, enhance the EU's instruments for long and short term prevention and build effective international partnerships in this field[1]. These objectives stated by the Göteborg programme for the prevention of violent conflicts adopted in 2001 under the Swedish presidency of late Anna Lindh still guide and frame the three EU institutions engagement in foreign affairs.

To ensure sustainable economic growth and development worldwide, including in its neighbourhood, the EU needs to support and help maintaining peace and security. Similarly, EU support to growth and development is supposed to be conducive to long-term peace[2]. We assume that this interrelation between economic support and peace-building is relevant in the cases of enlargement and of the European Neighbourhood Policy (ENP).

This paper attempts to assess what lessons can be learnt from the ENP early experience regarding its impact on conflict resolution. It first looks at similarities and differences between enlargement and the ENP. Negotiations of EU's economic support and peace-building efforts with Ukraine, Moldova and Georgia are then examined to contribute to the debates on the influence of the EU as an international actor.

2. Enlargement and Neighbourhood: two faces / instruments of the EU's external action

Enlargement and neighbourhood are two different components of the EU's external action.

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[1] EU programme for the prevention of violent conflicts, 2001.
2 Joint statement by the Council and the representatives of the governments of the Member States meeting within the Council, the European Parliament and the Commission on European Union Development Policy: 'The European Consensus', published in the Official Journal C/46 from 24.02.2006.

It is being argued in this volume that neighbourhood policies, to some extent, have been largely inspired by the successive experiences of enlargement. This point is certainly true but it also means that neighbourhood policies have been designed partly not to replicate exactly enlargement approaches. This is what we would like to explore in this section.

First of all, enlargement, despite the variety of acceding members, is very much expected to be a one-size-fits all approach. It has developed in a post WWII context and focused on economic growth and reconstruction. It is clearly not the case of the ENP. The ENP is a common approach for a set of very different kinds of policies supposed to address heterogeneous contexts all affected by globalisation and, in the case of the Eastern neighbourhood, by the fall of communist regimes and frozen conflicts. Enlargement responds to a political vision while neighbourhood policies are tools used to address political uncertainty. This article therefore uses the singular for enlargement and the plural for neighbourhood policies.

While the success of enlargement policies largely depends on timely fulfilment of already agreed criteria (the *acquis*), neighbourhood policies are officially supposed to rely upon EU neighbours' ownership of self-defined reforms. ENP is therefore supposed to be a demand-driven[3] process where recipient ownership is a primary factor for success. As it was conceived, enlargement is both about joint ownership and the transformation of a "relation between neighbours" into a "sharing the same housing space" state of play, as an ultimate goal. The ENP is much less clear about its objectives since membership is not granted.

Enlargement policies have been a very specific foreign policy (Smith 1999) that has vocation to develop and die. As stated by numerous policy-makers, neighbourhood policies is a "ni-ni" option: neither in nor out. It is like an "entre deux" policy that has the

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[3] CEPS Report of Event, EU support to civil society in the Eastern Neighbourhood, remarks by Hilde Hardemann, Head of Unit, Moldova, Belarus and Ukraine, DG Relex, European Commission, 28 March 2006.

weakness of partnership relations without the strength of the carrots offered by enlargement[4].

The pattern of negotiations of ENP action plans may have varied over time as negotiation for accession partnerships did. For example the first seven ones were but little negotiated and looked quite similar while Commission's benchmarks started to be diluted after negotiations with Egypt[5]. However the fact is that ENP's rationale remains unclear as far as future membership of Eastern European countries is concerned.

Post Cold War enlargements had to deal with security concerns and conflict risks with the support of NATO and WEU at a time when the EU had not yet developed its security competences. Tensions between central European countries on sovereignty (the Czech-Slovak partition), minority disputes (Hungarian minorities in Romania) and spill-over of Balkans conflicts have been dealt with by frameworks outside the EU such as the Stability Pact, the Weimar triangle or the Visegrád group. Since 1999, the face of European security has dramatically evolved and the EU is now both in charge of negotiating partnerships and contributing to provide stability on the continent.

The tensions induced by these new internal links existing between the economic dimension of enlargement and the development of European security provisions are particularly acute in the case of conflict resolution in former Soviet Union[6]. While conflict prevention encompasses explicit early warning and peace-building activities as well as indirect contributions to peace like development cooperation conflict resolution is more usually applied to the case of Eastern European so-called "frozen" conflicts that remain unsolved since the end of the cold war.

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[4] "La politique de nouveau voisinage n'a pas pour objectif l'élargissement de l'UE ; elle ne l'implique pas, mais ne l'exclut pas non plus", Javier Solana, interviewed by Caucaz.com, 2 November 2005.
[5] I thank Elsa Tulmets for this remark.
[6] On conflict prevention, see Evans 2006. On conflict resolution in the neighbourhood, see Coppieters *et al.* 2004.

In the framework of the ENP, the EU has to deal with unsolved conflicts that may resurge at any time. Enlargement to Central Europe did not have to face similar situations (apart from Cyprus) where conflicts had already occurred and above mentioned mechanisms, together with EU accession, all contributed to prevent violent solutions.

In the Eastern Neighbourhood, TACIS and then the ENP have so far addressed conflicts partly with the same old economic instruments of co-operation and technical assistance that were used in the framework of enlargement[7]. It can therefore be said that TACIS and the ENPI are to a limited extent the successors of Phare programmes.

In this frame specific measures have though been taken to specifically tackle conflict and post-conflicts challenges, such as rehabilitation and reconstruction programmes, assistance to Internally Displaced People (in Azerbaijan and Georgia/Abkhazia/South Ossetia), and activities to assist third countries in the field of border security management (Georgia and Moldova). The EUROJUST THEMIS, a mission launched and managed by the Council's General Secretariat in the field of criminal law in 2004 was supposed to assist the Georgian Government in drafting a national strategy for criminal law. It was set up as a preventative tool in order to support the new leadership's reforms in the aftermath of the Rose Revolution. Themis was nonetheless more of a test-case for Rule of Law missions under the second pillar than an explicit conflict prevention policy in the country[8].

Notwithstanding efforts made to assist conflict resolution through economic and technical assistance the ENP still suffers from missing links to play a central role in conflict resolution processes in its neighbourhood: while it has a security dimension and provides a vision to prevent conflicts (Cameron, Balfour 2006), it lacks of a security arm to actually help solving them (which is a problem of ownership, resources/capacities and political will - for the EU itself,

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[7] For an example of the use of technical co-operation in the field of transportation to solve the Nagorno-Karabakh conflict in the mid-1990s, see Helly 2001.
[8] For a more detailed evaluation of the mission, see Helly 2006.

as elaborated later in this paper) (Popescu 2005). Although improving security is an objective of the ENP, there is still a lot of room to improve and strengthen the ways it could develop and implement its security components (Lynch 2005). This reflects the delays to be expected between policy Commission's policy statements and implementation[9].

In practice, the ENP will be managed according to the principle of differentiation, even in the case of regional approaches. Because priorities are defined jointly with third countries, differentiated approaches have already had to be applied to negotiate action plans in all neighbouring countries. This has created a precedent that will influence the way policies will be implemented in each country. National contexts and governments in the neighbourhood, varying expectations and objectives will shape the content and the future of EU-neighbourhood dialogues and relations in varying countries. As Javier Solana puts it,

> "Not every country is equal, not every country moves at the same speed, but in general terms if we can do it together that will be better" (Solana 2006)

It is thus to be expected that the ENP will increasingly become a puzzle composed of very heterogeneous pieces as differences in trajectories in Southern Caucasus have already started to demonstrate despite the EU's regional approach (Solana 2006). The ENP as such is a framework and the content of the relationship will be defined by evolving interactions, negotiations and reciprocal perceptions.

Apart from conflict resolution, ENP economic and trade dimensions seem to replicate enlargement policies that had made a bet on the virtues of functionalism[10]. By extending its infrastructure networks, trade preferences and standards to its neighbourhood, the EU appears to be trying, as it has done with enlargement policies, to foster

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[9] Popescu (2005) quotes a Commission document (EC 2004: 24) stating that the EU cannot confine itself to economic and political spheres.
[10] "The economic effects of wider Europe", CEPS discussion, early 2001.

political change via structural, long-term and functional change[11]. The day-to-day work at low level in organisations and administrations may very well be similar in candidate and neighbouring countries. However, how successful this work is will be determined by the level of commitment in partner governments. Because of ENP lack of clear incentive (like EU accession) to implement genuine reforms, efforts made under the neighbourhood policy may result in lack of political back-up from top level leaderships in neighbouring countries.

Ultimately, in conflict-affected countries, ENP governance and security dimensions promise to be the most difficult to implement[12] and one of the reasons why is because they often cause conflicts as much as (if not more than) economic factors. In Moldova and Transdniestria, weak, ill-equipped and corrupt customs and border guards structures together with conservative and soviet-style intelligence services, by maintaining a status quo, have prevented constructive efforts from the OSCE or the EU to achieve any encouraging result in the resolution of the conflict[13].

In Georgia, Mikhail Saakashvili has brought to powers young falcons who don't have much respect from Human Rights and who have fostered resurgence of conflict in South Ossetia just one year after coming to power[14].

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[11] A report of International Crisis Group of 2006 quotes an EU diplomat saying that the EU should use its experience acquired in Central and Eastern Europe (International Crisis Group 2006: 11).

[12] For a short overview of security sector reforms stakes in the Eastern neighbourhood, see Hanggi, Tanner 2005.

[13] Research carried by the author in Moldova and Transdniestria, April 2005 and August 2004. Moldovan and Transdniestrian intelligence services use rough and counter-productive propaganda methods to discredit each other, thus worsening tensions between the two sides of the Dniestr. On customs and border guards see also Crisis Group Draft Report on Moldova/Transdniestria, in possession of the author, August 2006. The report confirms that smuggling is going on through the Moldovan-Ukrainian border despite the presence of the EU Border Assistance Mission.

[14] See various 2004 and 2005 International Crisis Group's reports and briefings on the conflict in South Ossetia. Accessible on: www.crisisgroup.org

For some in the NGO community, ENP action plans were a good opportunity for the EU to remind its neighbours that they should comply to those basic human rights practices they adopted while entering the Council of Europe[15].

While EU's capabilities in the neighbourhood consist of ENP assistance (with the security gaps identified above), expectations have been managed by the EU in such a way that it created ambiguities vis-à-vis future accession possibilities. For some neighbouring (in particular Eastern ones) countries, accession may still be possible one day but it is not granted. For the most motivated countries who still firmly believe in their EU destiny this ambiguity may become an incentive to make full use of EU capabilities in accordance with their own ambitious expectations. This may be the case of Ukraine or Moldova whose EU's future has remained possible but much less obvious for the three South Caucasian countries.
Such a virtual circle may result in an increased EU influence on its neighbourhood provided all favourable factors are in place.

3. Factors of EU influence: lessons learnt to inform neighbourhood policies[16]

Understanding the EU's external action requires a systemic approach that includes all EU institutions and member states, non state actors and EU's direct interlocutors in third countries (Easton 1964, 1965; Ginsberg 2001; Helly 2003).

Several general lessons regarding EU's influence can be drawn from the cases of Southern Caucasus and Moldova. First, EU's influence is strong when the main policy-makers, implementers and agenda-setters have become Europeanised[17] in their working meth-

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[15] Human Rights Watch briefings on ENP Action plans in the Caucasus. Accessible on: www.hrw.org

[16] This general section is also available from a book by GCSP and Chatham House 2006 and are elaborated in Helly 2003.

[17] Europeanisation here is understood as a process along which actors, as policy entrepreneurs, might they represent a member state, an EU institution or a non state organisation, have increasingly recourse to EU policy references, justifications, allies, resources and practices to achieve their objectives. Europeanisation

ods and have played the role of genuine political entrepreneurs. Second, bottom-up lesson learning from the field to the capitals and to Brussels has increased levels of both field-informed and EU knowledge among EU staff. Third, EU impact is real and positive when Member States accept that they will not veto EU-centred initiatives, and are prepared to delegate their foreign policy to the EU flag. Fourth, the EU's added value exists when it is mirrored by genuine interest from third parties. When this combination of factors is reached, the so-called political dwarf's soft power appears sometimes more efficient and influential than a giant's hard power.

However, when these factors are absent, EU's influence is rather weak and hampered by several key variables. When member states' policies are only made in European capitals and are under the influence of individuals who appear to be mesmerised by the value of national diplomacies; and when these policy makers are unaware of, or not properly trained to evaluate and acknowledge national foreign policies' limits on the ground, there is barely room for the effective influence of the EU. When this happens, it seems that the Commission then has to try to manage 'non-decision' situations, which in turn means that it loses credibility because of its own structural weaknesses. These weaknesses include a high staff turnover, a lack of a genuine institutional memory, in-fighting between departments within the Commission, and counter-productive cultural, economic and political implicit messages.[18] The Commission can also face a lack of commitments from third parties, and of course exogenous factors (regional or other global players that are more influential in the EU in a given country) do play a role and limit EU's influence.

As far as conflict resolution in the Eastern European Neighbourhood is concerned, case studies may help to understand how and why the EU exerts its influence as an international actor.

has been discussed at length by academics and engendered endless debates on its definition and scope of application in the EU political system (internally and externally). The one offered here does not pretend to be affiliated to any particular school.

[18] A large literature is available on implicit messages and the lack of (conflict) sensitivity, much of which is discussed on the Berghof Centre's website: http://www.berghof-center.org/english.htm

4. Action plans negotiations and implementation: lessons learnt for the EU as an international actor

4.1 The EU is an influential international actor in its Eastern neighbourhood by creating high expectations

As many have already noted neighbourhood policy is to a very large degree a domestic reform process, highly dependent on local capacities and political will. However, the pace of reforms is itself interlinked with the availability of appropriate EU tools, resources and support.

The recent and short experience of ENP in Moldova and Ukraine (i.e. the negotiation phase of action plans and the first year of their implementation in some countries) shows that the EU is an influential international actor in its neighbourhood despite the lack of convincing sticks or carrots.

Following the failure of the Russian-supported Kozak Memorandum to solve the conflict on Transdniestria Moldova has opted for a pro-European stance. President Voronin changed political colours and with his reformed Communist party he has become one of the most fervent Europeanised Eastern leaders. The Council and the Commission have acted in coherence in Moldova by issuing visa ban against key figures of the Transdniestrian elite and by finding technical and inter-institutional arrangements to launch the BAM (Border Management Mission) along the Transdniestrian-Ukrainian border. The presence of EU Special Representatives, whose teams were sometimes composed of staff coming either from Member States' Foreign Ministries (in Georgia) or Commission's delegations[19], certainly has provided Brussels with a thorough understanding of local contexts and players. Even when fully EU-oriented leaders from Neighbourhood countries like in Georgia or Moldova do their best to implement their action plans, they ultimately remain dependent on how the EU machinery delivers assistance (Popescu *forthcoming*).

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[19] In Moldova, the political affairs officer of the EC Delegation in Kiev was appointed in Chisinau to assist the EUSR. This example of cross-pillar staff mobility illustrates how field expertise can benefit the EU system of external action.

The Commission in particular remains extremely powerful in the way it set priorities for ENP Action plans. Cyprus, as an EU member, withheld EU negotiations with Azerbaijan on the basis of the fact that Baku was willing to pursue ties with the Northern Cyprus[20]. In March 2006 Georgia was still hoping but in vain for a shift in the EU's draft action plan towards strong engagement in conflict resolution while the EU's original draft didn't go beyond a reference to its readiness to assist with post-conflict rehabilitation (RFE/RL 2006a).

The Georgian experience has shown that despite consultation with civil society and clear priorities set by the Government, joint ownership is in the end the result of a negotiation where the EU is the strongest player, partly because it cannot afford to be very flexible Although ENP implementation will vary from one country to another, it also remains a template approach, legally defined by a Communication and several other policy documents (Council's conclusions, reports). Commission's officials therefore remain constrained by a mandate and limited resources and time. Since peace and security issues ultimately fall under Council's field of competences, conflict resolution will be problematic until the new constitutional arrangements in 2008 clarify future EU's outreach, as agreed at the last EU Council in June 2006.

4.2 The EU remains weak in conflict resolution mainly because of Member States' choice

The ENP created frustration on third parties when it has not matched their expectations. Moldovan and Georgian representatives have expressed such discontent in Spring 2006 and it remains to be seen if EU rigidity will have counter-productive effects on its neighbours motivation for reforms in the long term. While Moldova's Prime Minister stated that EU membership is its country's "firm intention" Ursula Plassnik, the Austrian Foreign Minis-

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[20] "EU officials say Azerbaijan has only allowed one commercial flight to take place in violation of the policy of isolation followed by the EU with regard to Northern Cyprus, but refuses to commit itself unequivocally to ruling out any further flights". www.eurasianet.org

ter, underlined that Moldova must "manage its expectations in a responsible way" (RFE/RL (2006b).

Mismatch between the EU and neighbours expectations are often linked to two factors: neighbourhood and ownership (Heinrich Böll Foundation 2004). The EU is often viewed by small neighbours as an opportunity to strengthen their positions vis-à-vis their (sometimes too intrusive) border countries. This is certainly the case for Moldova and Georgia regarding Russia[21]. 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 Russia too much.

Viktor Yushchenko, Mikhail Saakashvili and Vladimir Voronin all have first clearly stated that EU Membership was a top priority for their countries, reflecting their high expectations vis-à-vis Western European powers and the EU. In these cases, the EU (some of its big member states in particular France and Germany) has been influential enough to resist Eastern neighbours' requests as well as internal pressures from more supportive new Eastern members such as Poland or Estonia. Whether this has to be seen as a weakness or strength, it is left to the reader's judgement.

In the case of Nagorno Karabakh, France has repeatedly rejected the idea to cede its co-chair seat to the EU in the OCSE Minsk Group in charge of negotiating a settlement[22]. Such move, with a French being appointed as co-chair anyway, would certainly have strengthened the EU's weight on the negotiation without decreasing Paris' diplomatic profile. Another example of Member states' veto-like position is Abkhazia where Germany, France and the UK could decide to speak with one voice on behalf of the EU in the framework of the Group of Friends of Georgia. Instead, a second informal Group of friends was created by new or to-be member states (Poland, Lithuania, Estonia, Latvia, Romania and Bulgaria) to counterbalance pro-Russian trend in the first Group of Friends (Socor 2005).

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[21] Even though Russia and Moldova don't have any common border.
[22] More details on the Nagorno-Karabakh conflict and its context: ICG (2005 a,b).

4.3 EU's influence still relies a lot upon third parties' ownership of reforms

The ENP implementation very much looks like a learning process for neighbourhood countries in their relations with the EU. A lot still has to become usual business and there is a long way to go before reaching a routine level in EU's relations with its neighbours[23]. First months of enthusiasm in accession have followed by more realistic statements and attitudes. As some analysts wrote in the case of South Caucasus, "Decision-makers in Baku and Tbilisi are increasingly sceptical about their chances for membership, and their interest in strengthening ties to Brussels is beginning to cool" (International Crisis Group 2006). At the end of the day accession prospects for neighbourhood countries will become clearer if progress made in internal reform is obvious. Strong efforts in the field of corruption, security sector reform, democratisation and economic legislative framework will remain key benchmarks against which countries' motivation to join the EU will be assessed. In the short term, disappointment from EU' lack of engagement in conflict resolution may result in disillusioned ownership followed by lack of progress and a stagnation in EU-Eastern neighbours relations. Such an option would confirm that mere EU economic support with standardised criteria along the enlargement approach without sufficient incentives may not be enough to build-up long-term stability and Europeanisation in the Eastern neighbourhood. In the long run developing more conflict or security-related policies to match expectations in the field of conflict resolution may help the EU to assert itself as an international actor in its Eastern Neighbourhood.

5. Conclusion

This paper has first compared enlargement and ENP approaches. It then provided a rapid overview of lessons learnt on the conditions

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[23] Nicu Popescu reported that Ukrainian and Moldovan first ENP implementation reports in Ukraine and Moldova were far too long and not focused enough. (Popescu *forthcoming*, paper initially presented on 11 March 2006 in Yerevan, Armenia, at the STARLINK conference on "Security, Transparency, Accountability and Reform: Linking the Security Sectors of Georgia, Moldova and Ukraine to the European Mainstream").

for EU influence before looking at how they apply in the case of EU's Eastern neighbourhood and conflict resolution.

EU commitments in promoting conflict prevention and developed in the 2001 Göteborg programme partly fall short when they have to be implemented and applied to frozen conflicts and their resolution in its Eastern neighbourhood[24]. This clearly illustrates a lack of coherence mainly due to lack of political will from or agreement amongst some Member States regarding the EU's role but also to a structural situation where security components of EU's foreign policy are still being developed. Some improvements were made in Moldova and Georgia with assistance in border security and advice on criminal law but these are still embryonic initiatives.

Despite these missing links and delays that create frustrations in third countries as well as inside the EU, some EU influence is still exerted through the creation of high expectations vis-à-vis economic and trade elements of the ENP. This means that the EU policies can reach influence without necessarily being fully coherent and comprehensive in their implementation. Ultimately more security/conflict resolution engagement by the EU in its Eastern Neighbourhood will probably strengthen its existing impact so far obtained, for example, through assistance programmes in the field of rehabilitation or confidence-building. Deeper engagement in the security sphere will help deepen the relation with countries as long as their expectations remain high and as their leaderships are genuinely committed to implement locally-owned reforms.

While a large amount of ENP instruments used in the framework of technical assistance and co-operation can be seen as a prolongation of enlargement policies, a new European security component is in the making. This implies new arrangements to be found amongst EU institutions and Member states and that will certainly evolve over time with the revival of the Constitution project in the years to come.

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[24] The EU Border Assistance Monitoring between Ukraine and Moldova might be an exception but its impact still needs to be properly assessed.

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