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The role of EU defence policy in the Eastern neighbourhood

Ariella Huff

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The role of EU defence policy in the Eastern neighbourhood

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Summary

The launch of the EU's Eastern Partnership in 2009 intended to signal a new, elevated level of EU engagement with its Eastern neighbourhood. Yet there remain several long-simmering and potentially destabilising conflicts in the region, with which EU engagement thus far has been sporadic at best. The Union's use of its Common Security and Defence Policy (CSDP) in the region and to help solve these disputes has been particularly *ad hoc* and inconsistent, wracked by inter-institutional incoherence and undermined by Member States' inability to agree on a broad strategic vision for engagement with the area.

The three CSDP missions deployed to the region thus far have all suffered from this incoherence to various extents. In particular, all three were tasked with long-term mandates far beyond their real capabilities, largely for symbolic reasons. This reflects a perception, common in Brussels even after the Treaty of Lisbon, that the EU's instruments are either 'political', like the CSDP, or 'technocratic', like the European Neighbourhood Policy (ENP). Yet the CSDP's role as political symbol has only made Member States reluctant to deploy it in such a politically-sensitive region, and this artificial and unrealistic distinction between the two types of policy instruments has hampered the EU's ability to use its wide variety of tools in an effective, coherent and long-term way.

This paper argues that the creation of the European External Action Service (EEAS), as well as the relatively positive current climate of EU-Russia relations, offer an unrivalled opportunity for the EU to reconsider its approach to using CSDP to help resolve the conflicts in its Eastern neighbourhood. First, the EEAS must develop a set of concrete and politically realistic policy aims for each of the three major disputes in the region: in Transnistria, Nagorno-Karabakh and the two breakaway provinces of Georgia, South Ossetia and Abkhazia. The EEAS, together with the Directorate General for the ENP, should then plan together to use their various instruments in support of one another, rather than, as has too often been the case until now, merely brief one another on separate but parallel policies.

The EU cannot solve these conflicts by itself. Yet there are concrete steps it can take in Transnistria, Georgia and even Nagorno-Karabakh to help bring about resolutions to these disputes, and it must be both willing and able to deploy CSDP missions and to support them with longer-term measures. With the establishment of the EEAS, the Union is in a better position than ever to take full advantage of its unique range of social, political, economic and security tools. By seizing this rare opportunity to act now, the EU may be able to prevent the outbreak of destabilising violence on its Eastern borders in the future.

Introduction

The current focus of EU foreign policy is firmly trained on its Southern neighbourhood, where sudden waves of protest and revolution across North Africa and the Middle East have taken the world by surprise. The Union will undoubtedly continue to focus much of its attention southward in the immediate future, as the aftermath of the revolutions becomes clearer and as the UN-sponsored, now NATO-helmed military intervention in Libya continues. The EU has even agreed, in principle, to deploy a military mission to support humanitarian assistance to Libya if the UN requests it, establishing a mission headquarters and appointing an operation commander.[1] While the EU will remain focused on its Southern neighbourhood for some time to come, it should not forget about the long-simmering disputes in its Eastern neighbourhood – disputes which have already required and may again require EU responses in the future, including through its Common Security and Defence Policy (CSDP).

In October 2010, the Commissioner for Enlargement and the European Neighbourhood Policy (ENP), Štefan Füle, told the European Parliament Foreign Affairs Committee: 'Partners have asked us to be more active ... There are clear expectations among our neighbours that, with the Lisbon Treaty, the EU will be able to deploy all its instruments (including the CFSP and CSDP) in a more coherent way.'[2] The war between Russia and Georgia in August 2008 demonstrated the suddenness and speed with which the so-called 'frozen conflicts' to the EU's East could develop into violent confrontations. In this context, the 2008 Report on the Implementation of the European Security Strategy called for a 'sustained effort to address conflicts' in the South Caucasus and Moldova.

However, since the CSDP's establishment in 1999, the EU has only undertaken three CSDP missions in its Eastern neighbourhood: two civilian operations in Georgia, and one 'hybrid' mission on the Ukraine-Moldova border combining some CSDP aspects with more technical, European Commission-led elements. In contrast, the EU has carried out no fewer

1. Council of the European Union, 'Council decides on EU military operation in support of humanitarian assistance operations by Libya,' Press release 8589/11, Brussels, 1 April 2011.

2. Štefan Füle, 'European Neighbourhood Policy Review,' European Parliament Foreign Affairs Committee, Brussels, 26 October 2010, p. 4.

than ten CSDP missions in Africa during this time, and six in the Western Balkans.

These three CSDP missions have been, on the whole, successful within their respective narrow parameters on the ground, even though the overall aims of their mandates were vague. The European Union Monitoring Mission (EUMM) in Georgia, in particular, has earned deserved praise for the speed of its launch and for its major contribution to preventing the outbreak of further hostilities between Russia and Georgia. Yet the three operations have all been fundamentally reactive and *ad hoc*, hindered by institutional incoherence, the lack of a broad strategic vision for the EU's Eastern neighbourhood and the inability of Member States to agree on how to engage with Russia, a key strategic partner for the EU in that region.

Furthermore, CSDP missions alone cannot produce long-term structural reforms or resolve conflicts. In Brussels, the supposedly 'political' CSDP is often contrasted with the 'non-political' European Neighbourhood Policy, which dominates the EU's involvement in its Eastern Neighbourhood. This dichotomy is both unhelpful and artificial. First, it exacerbates the problem caused by Member States disagreeing on Russia, since CSDP is seen as a political statement rather than as a short-term tool. The litany of CSDP missions *not* undertaken during this period illustrates this phenomenon. From refusing to replace the OSCE in Georgia in 2005 to avoiding peacekeeping in Transnistria a year later, the EU has consistently shied away from 'politicised' engagements to help resolve the region's conflicts.[3] This is further evident in the range of Union operations in the Eastern neighbourhood that could fall fully within the CSDP framework, but do not – including EUBAM Moldova-Ukraine and the Border Support Team in Georgia – because the EU has deliberately chosen to keep their profiles low.

Moreover, this dichotomy has also caused the ENP to shy away from active, 'politicised' engagement in conflict resolution. Yet whether promoting good governance or encouraging economic reform, the ENP has applied a principle of conditionality borrowed from the most political process of all: EU accession. The argument that partner countries accept the ENP because it is non-political also belies the fact that Russia, for example,

3. Author's interviews with EU officials, 7, 8 and 9 February 2011.

has strenuously objected to the Eastern aspects of ENP, perceiving it as a deliberate attempt to expand the EU's sphere of influence at the expense of its own. Similarly, countries like Moldova still have potential EU membership in their sights; from their perspective, ENP represents the EU's attempt to offer an 'alternative' to accession. Recognising and accepting the political aspects of the ENP would enable the EU to evaluate and deploy its multiple instruments in a far more realistic and coherent way.

This paper will not cover every aspect of the EU's relationship with its Eastern neighbours, but focuses on how the CSDP can work alongside the EU's other instruments to help solve the protracted conflicts in Moldova and the South Caucasus. Therefore, Ukraine and Belarus do not feature significantly in the report (except with respect to Ukraine-Moldova border issues). Nor does this paper devote major analysis to EU-Russia relations, or to the differences between Member States on their bilateral relations with Moscow. Although these issues obviously have major effects on the EU's policies in the east, they deserve their own, separate examinations, and indeed have been covered elsewhere in great detail.[4] Instead, this paper focuses on incoherence within and between EU institutions, and argues that there remain several ways in which the EU can improve its use of the various policy instruments it already deploys in its Eastern neighbourhood, in particular CSDP.

The EU will never be able to resolve the disputes in its Eastern neighbourhood alone: building lasting peace will require sustained effort on the part of the countries and people in conflict regions themselves. Yet the EU has a huge range and variety of stabilisation and conflict-resolution instruments at its disposal. Far from being a source of inter-institutional turf wars and incoherence, this should be the Union's greatest strength. The creation of the External Action Service offers a unique window of opportunity for the EU to examine the particular needs of its Eastern neighbours and to consider how to make the most of its broad toolkit to help resolve conflicts in its Eastern neighbourhood.

4. See, for example, Sabine Fischer, 'The EU, Russia and the Neighbourhood,' EUISS Analysis, December 2010; Nicu Popescu and Andrew Wilson, 'The Limits of Enlargement-lite: European and Russian power in the troubled neighbourhood,' Policy Report, European Council on Foreign Relations (ECFR), London, 2009; Mathias Roth, 'Bilateral Disputes between EU Member States and Russia,' CEPS Working Document no. 319, Centre for European Policy Studies (CEPS), Brussels, August 2009; Mark Leonard and Nicu Popescu, 'A Power Audit of EU-Russia Relations,' Policy Report, ECFR, London, 2007.

1. The strategic context: a window of opportunity

Combining instruments: CSDP, the ENP and the External Action Service

EU activity through CSDP in the East should be understood in the context of EU Eastern policy as a whole, of which it only forms one part. Since 2004, EU policy toward the Eastern region has been dominated by the European Commission, via the European Neighbourhood Policy (ENP) and, since 2009, by the Eastern Partnership (EaP). The ENP and EaP are not umbrella frameworks within which all policy towards the region is situated, but rather long-term, technical processes promoting gradual reform.

The ENP operates on the basis of bilateral agreements between the EU and participating countries, called 'Action Plans'. These Action Plans outline strategies for broad economic and political reforms in these countries, ranging from market and regulatory reforms to sectoral reform (e.g. energy, transport and information technology) to the so-called 'human dimension' (including civil society promotion, education reform and public health reform).[5] In return, the Commission offers incentives including greater access to the internal market and integration into other EU programmes.[6] The Commission monitors the implementation of the Action Plans, producing regular progress reports for each country. Until the establishment of the External Action Service, the Commission also had delegations on the ground in each country (these have since become 'EU' delegations). The foundation of the ENP is the principle of conditionality: the idea that the rewards of greater integration with the EU, such as privileged market access, depend on the partner country's progress in realising the reform goals outlined in each Action Plan. At the time of writing, the ENP is undergoing a major review, expected to be completed during May 2011.

5. European Commission, 'The Policy: How does the European Neighbourhood Policy work?'. Available at: http://ec.europa.eu/world/enp/howitworks_en.htm.

6. Ibid.

The Eastern Partnership, meanwhile, was established in 2009 to signal a 'significant upgrading of political, economic and trade relations' between the EU and its Eastern neighbours, in response to the accusation that the ENP failed to distinguish between Mediterranean and Eastern counties (many states in the latter group, the policy's proponents argued, might one day be potential EU members).'[7] The EaP covers Ukraine, Moldova, Georgia, Armenia, Azerbaijan and, with some conditions, Belarus.[8] In this respect Poland and Sweden, who proposed the initiative, intended it as a counterpoint to the France-led Union for the Mediterranean (UfM).[9]

According to ENP Commissioner Füle, the EaP augments and complements the ENP with extra funding and new initiatives.[10] It maintains the conditionality principle as well as the technical, long-term approach characteristic of the Commission. Its aims include new and enhanced partnership agreements including 'Deep and Comprehensive Free Trade Agreements' (DCFTAs), high-level initiatives on mobility and energy, and enhanced cooperation on a range of societal issues.[11] The EaP promised a €350 million increase in funds allocated to the six participating countries between 2010 and 2013, as well as the reallocation of a further €250 million from the existing ENP fund to the EaP. The EaP also adds a multilateral dimension which has been absent from the ENP, structured around four thematic platforms (democracy and good governance; economic integration; climate and energy security; and 'contacts between people'). This is bolstered by a Civil Society Forum, featuring representatives from all participating countries and the EU.[12]

However, the extent to which the EaP has thus far succeeded in significantly improving high-level political relations between the EU and the partner countries is highly debatable. Chancellor Merkel of Germany was the only leader to turn up to the policy's launch in Prague, and some

7. Council of the European Union, 'Report on the Implementation of the European Security Strategy: providing security in a changing world,' doc. S407/08, Brussels, 11 December 2008.

8. Belarus is part of the bilateral dimension of the EaP, but does not participate in its multilateral dimension. It does not participate in the European Neighbourhood Policy. See European Commission, 'Eastern Partnership FAQ,' Press release Memo 09/217, Brussels, 5 May 2009.

9. Popescu and Wilson, op. cit. in note 4, p. 14.

10. Štefan Füle, Transcript: 'A Conversation with Štefan Füle,' Brookings Institution, Washington DC, 29 November 2010.

11. Ibid.

12. European External Action Service, 'The Eastern Partnership Multilateral Platforms'. Available at: http://eeas.europa.eu/eastern/platforms/index_en.htm.

analysts question the level of its political impact.[13] Andrew Wilson of the European Council on Foreign Relations told Radio Free Europe in May 2010 that the EaP had been 'overtaken by events' – particularly the global economic downturn – adding that the policy had not had 'the kind of impact its founders had hoped it would have.'[14]

The EaP's failure to raise the political profile of the EU's relationship with its Eastern neighbourhood also reflects the contradiction inherent in its design as a kind of 'ENP-plus'. Since the ENP's launch, the Commission has deliberately and consistently chosen to de-politicise it; in Brussels, the policy is often described as 'non-political'.[15] This argument holds that the ENP is less controversial among the governments of partner countries than using military means through CSDP – as well as less antagonistic towards Russia – due to its highly technical and long-term focus. Indeed, this non-political designation is seen within the Commission as the key to the policy's success; one former Commission official, for example – now at the EEAS – suggested to the author that the Commission's strenuous avoidance of 'big political dramas' made it difficult for countries, including Russia, to object to the ENP's reform agenda.[16] By contrast, many policymakers in both the Council and the Commission describe CSDP as highly 'political' – even if only in symbolic terms.[17]

However, this concept of the ENP as 'non-political' seems confined to Brussels, and does not necessarily reflect the reality of the EU's engagement with its Eastern neighbours. Eastern countries do not like the idea that the EU's main policy framework for the East, the ENP, is purely technocratic and non-political — particularly Ukraine and Moldova, for which future EU membership remains an eventual goal, albeit a distant possibility.[18] Commissioner Füle even admitted to the European Parliament last year that several of the EU's partners had requested 'more political

13. Michael Emerson, 'Rendez-vous with Eastern Europe,' CEPS Commentary, CEPS, Brussels, 2 November 2010, p. 2.

14. Andrew Wilson to Radio Free Europe, 'Interview: After just one year, are the wheels coming off the EU's Eastern Partnership?', Radio Free Europe/Radio Liberty Online, 7 May 2010. Available at: http://www.rferl.org/content/Interview_After_Just_One_Year_Are_The_Wheels_Coming_Off_The_EUs_Eastern_Partnership/2035235.html.

15. Author's interviews with EU officials, 8 February 2011 and 9 February 2011.

16. Author's interview with EU official, 8 February 2011.

17. Author's interviews with EU officials, 8, 9 and 10 February 2011.

18. Andrew Rettman, 'EU unlikely to expand into post-Soviet east in next decade,' *EUObserver.com*, 22 October 2010. Available at: http://euobserver.com/?aid=31109.

steering' of their relationships through the ENP.[19] Russia, meanwhile, sees both ENP and EaP as instruments for the EU to expand its political influence in the region – a sensitivity EU leaders are aware of, as demonstrated by their rush to reassure the Kremlin that the EaP did not represent major EU infringement on Russia's sphere of influence.[20]

This distinction between 'political' [CSDP] and 'non-political' [ENP] instruments seems artificial at best, and has hampered the EU's ability to combine its various tools in service of both short- and long-term crisis management in its neighbourhood. First, it has led to significant inter-institutional conflict. The Council and the Commission have briefed one another regularly on their respective activities, at PSC level and via the Council Working Groups, but they have not been guided by a single overarching strategic plan for EU involvement in the region. As a result, coherence between the two policies has been poor at best.[21] One EU official even suggested that the Commission saw the Council's engagements in the region as a 'threat' to the Commission's influence.[22]

Yet the EU also needs to be both able and willing to deploy short-term instruments like the CSDP if it wants to manage crises effectively – as shown by the war between Georgia and Russia in 2008. The establishment of the European External Action Service (EEAS) provides a clear window of opportunity for the EU in this respect. The incorporation of the CSDP structures (including the Crisis Management Planning Department [CMPD], the EU Military Staff [EUMS] and Civilian Planning and Conduct Capability [CPCC]) into the EAS, along with the Eastern Partnership officers under the Managing Director for Europe and two ENP officers who coordinate with the Commission's DG ENP, offers a unique chance for the EEAS to consign inter-institutional rivalry to the past, by developing a set of clear EU policy goals for the Eastern neighbourhood and considering the use of all the instruments in the EU's broad toolkit. The forthcoming strategic review of the ENP provides an opportunity for the Commission to re-evaluate both its opposition to long-term 'political' involvement in conflict resolution, and to consider how it should

19. Štefan Füle, op. cit in note 2, p. 4.

20. Andrew Rettman, 'EU leaders soothe Russia over new eastern club,' *EUObserver.com*, 7 May 2009. Available at: http://euobserver.com/?aid=28090.

21. Interview with EU official, 9 February 2011.

22. Interview with EU official, 8 February 2011.

work with the EEAS to exploit the full range of EU policy instruments, including for resolving conflicts.[23]

However, there are internal impediments which, if they persist, may hamper the ability of the EEAS to exploit this opportunity to join up policy instruments more effectively. According to officials in Brussels, the old institutional cultures of Council and Commission persist in the new organisation.[24] In interviews, Council officials expressed concern that the EEAS has already become dominated by the Commission's technocratic approach, while Commission officials worry that the higher political profile of the EEAS might impede their allegedly de-politicised engagements in the neighbourhood.[25] These divisions must be overcome if the EU wants to play a meaningful role in the aftermath of the Arab revolutions, and – as the upcoming Polish presidency will surely emphasise – to be more active in its Eastern neighbourhood as well.[26]

Russian *rapprochement*

Although this paper does not focus primarily on EU-Russia relations, the Kremlin has an undeniably heavy presence in shaping the EU's approach to its Eastern neighbourhood, regardless of how political or not EU policy instruments, like CSDP and the ENP, are perceived in Brussels. Member States have traditionally argued over whether to preserve relations with Moscow by minimising the EU's role in the Eastern region, or to deepen relations with the Eastern neighbourhood countries even at the risk of antagonising Russia.[27] Recently, however, EU Member States have become significantly less divided over the question of how to engage with Moscow.

After the low point of the 2008 war with Georgia, an economically weakened Russia has been increasingly keen to improve its bilateral relations with the Union.[28] In May 2010, for example, the EU Observer reported on a leaked Kremlin paper advising the Russian government to parlay its

23. Štefan Füle, op. cit in note 2, p. 4.

24. Author's interviews with EU officials, 8 and 9 February 2011.

25. Ibid.

26. Government of Poland, 'Polish Preparation for the Presidency: Program', 19 July 2010. Available at:http://www.prezydencjaue.gov.pl/en/areas-of-preparations/program.

27. Fischer, op. cit. in note 4, p. 2.

28. Ibid., p. 3.

good relationships with Germany and France into better relations at the EU level.[29] Along with Germany, Russia has proposed the development of a new EU-Russia political and security structure, modelled on the NATO-Russia council, which according to Foreign Minister Sergei Lavarov 'would be empowered to make practical decisions in the sphere of crisis management, that is, peacemaking.'[30] Russia's desire for such a partnership gives the EU a rare opportunity to offer concrete benefits in exchange for cooperation in the Eastern neighbourhood.

From the EU's perspective, the recent *rapprochement* between Poland and Russia, which had its roots in the 2007 election of Poland's Civic Platform government and solidified in the aftermath of the 2010 Smolensk plane crash tragedy, has begun to narrow the gap between the EU's Russia-sceptic states and those – like Germany, France and Italy – that have traditionally favoured closer links with Moscow. Poland's government has been increasingly active in engaging with Russia on multiple levels. President Bronisław Komorowski has even invited Russia to a summit meeting of the 'Weimar triangle', which brings together Poland, Germany and France, during Poland's EU Presidency in the second half of 2011.[31] Similarly, the Presidents of Latvia and Estonia made a symbolic gesture of *rapprochement* in their frosty relationship with Russia in May 2010, when they travelled to Moscow to take part in Victory Day events to celebrate the Soviet role in defeating Nazi Germany in the Second World War.[32]

However, it remains unclear to what extent this positive development is sustainable. Recent disagreements between Poland and Russia over the investigation into the Smolensk crash and other issues show that this moment of *rapprochement* is fragile, and should be seized while it still holds. Although this paper argues that the EU can deploy its policy instruments in the Eastern neighbourhood more consistently, even without total Member State consensus on Russia, such a consensus undoubtedly creates a context conducive to improving coherence within Brussels as well.

29. Andrew Rettman, 'Russian document prioritises better EU relations,' *EUObserver.com*, 12 May 2010. Available at: http://euobserver.com/?aid=30066.

30. 'Russia's Foreign Minister Sergei Lavarov on relations with NATO, the EU and WTO,' *Rossiyskaya Gazeta*, 22 Jun 2010 [reproduced in the *Telegraph*].

31. Andrew Rettman, 'Poland invites Russia to mini-summit during EU Presidency,' *EUObserver.com*, 8 February 2011. Available at: http://euobserver.com/24/31768.

32. Viktor Makarov, 'The Baltic-Russian history controversy: from war to diplomacy,' CEPS Commentary, CEPS, Brussels, June 2010, p. 1.

2. EU peace operations in the Eastern neighbourhood

The EU has deployed three CDSP missions in its Eastern neighbourhood since 2004. While all three operations have been considered relatively successful by the EU's standards, they also share certain common political and institutional shortcomings. All three missions were reactions to specific events in the region, rather than pro-active engagements deployed as part of broader EU policies towards the region. All three were also hampered by institutional incoherence at the EU level. And, all three operations had overly broad mandates which they could not possibly fulfil given the limited constraints of CSDP in isolation from other EU policies. Identifying these patterns helps show how the EU can learn to use the CSDP more effectively in future.

EUJUST *Themis*

EUJUST *Themis* in Georgia represented multiple 'firsts' for the EU: the first CSDP mission in the post-Soviet area, as well as the first pure rule-of-law operation. Crucially, in July 2004, when the mission was launched, Georgia had only been a participant in the European Neighbourhood Policy for one month, and had not yet agreed on an Action Plan. The Commission's presence in the country was therefore relatively small, even though it recognised as early as 1999 that EU aid to Georgia would only be effective if the long-simmering conflicts in South Ossetia and Abkhazia could be resolved.[33] The Council had a similarly limited profile in the post-Soviet region at the time of the launch of *Themis* and basically limited itself to supporting the OSCE's work in the region.[34]

However, the appointment of an EU Special Representative (EUSR) for the South Caucasus in July 2003 was intended to herald a new and higher level of EU involvement in the area.[35] *Themis* constituted a reaction to the

33. See Dov Lynch, 'Why Georgia Matters,' *Chaillot Paper* no. 86, European Union Institute for Security Studies (EUISS), Paris, February 2006, p. 60.

34. Ibid, p. 61.

35. Giovanni Grevi, 'Pioneering foreign policy: the EU Special Representatives,' *Chaillot Paper* no. 106, EUISS, Paris, October 2007, p. 55.

'Rose Revolution' later that same year.[36] Building on the Commission instruments already in use in Georgia, including criminal code and penitentiary reform programmes under the Technical Aid to the Commonwealth of Independent States (TACIS) mechanism, the *Themis* mission intended to 'send a clear political signal' that the EU would support the Saakashvili government.[37] More broadly, the operation indicated that the EU planned to become more involved in the region as a whole – illustrating the perception of CSDP as a political symbol.[38]

The Commission initially opposed the use of the CSDP, proposing instead to take the lead by enhancing its existing programmes in Georgia and assigning more responsibility for judicial reform to its delegation in Tbilisi.[39] The Council, meanwhile, backed by the then High Representative Javier Solana, countered that CSDP benefited from quicker deployment capabilities and from a far higher political profile, which would send a stronger message of support to the Georgian government. However, it was agreed that any CSDP operation would need to complement existing Commission initiatives in the region, and to work closely with Commission instruments on the ground.[40] Launched in July 2004, the small mission – comprising only nine EU legal experts, situated within a number of Georgian ministries and legal institutions – aimed to 'assist in the development of a horizontal governmental strategy' for reforming Georgia's criminal justice system.[41] The mission would have three phases: working with Georgian authorities to assess the progress and needs of Georgia's criminal justice system, devising a strategy for further reform, and planning for the implementation of that strategy.

In theory, attempts were made to ensure coherence between Council and Commission operations during *Themis*. The portion of the draft strategy dealing with penitentiary reform, for example, was left to the Commission, which had already taken the lead in that field; meanwhile, the Com-

36. Xymena Kurowska, 'EUJUST Themis,' in Giovanni Grevi, Damien Helly and Daniel Keohane (eds.), *European Security and Defence Policy: The First Ten Years (1999-2009)*, EUISS, Paris, 2009, p. 202.

37. Damien Helly, 'EUJUST *Themis* in Georgia: an ambitious bet on rule of law,' in Agnieszka Nowak (ed.), 'Civilian Crisis Management: the EU Way', *Chaillot Paper* no. 90, EUISS, Paris, June 2006, pp. 90-91.

38. Kurowska, op. cit. in note 36, p. 203.

39. Xymena Kurowska reports that the CSDP's civilian elements were initially conceived as supporting military operations, rather than as stand-alone missions. See Kurowska, op. cit. in note 36, p. 204.

40. Helly, op. cit. in note 37, p. 93.

41. Kurowska, op. cit. in note 36, p. 204.

mission also provided €4.65 million via TACIS to follow up with the implementation of *Themis*' reform strategy. In practice, however, relations on the ground were somewhat strained by 'inter-institutional and individual tensions between *Themis*' Head of Mission and the Commission's delegation.'[42] Although the mission's reform strategy was ultimately incorporated into the EU-Georgia Action Plan, this lack of coordination undercut the operation's long-term reform goals.

Themis has also been criticised for its broad and ambitious mandate, which could not feasibly have been achieved within a year.[43] *Themis*' lofty objectives, meanwhile, stand in contrast to the Council's relative unwillingness to take on a more prominent role in the broader regional political arena. This paradox was illustrated in May and June 2005, during *Themis*' time in operation, when Russia abruptly withdrew its support from the OSCE Border Monitoring Operation on the Georgian-Russian border. Despite the urging of the Baltic States and UK, as well as the Georgian government's repeated requests, the Council ultimately could not agree to launch another CSDP mission to replace the aborted OSCE operation.[44] Instead, the EUSR's mandate and support team were expanded to include border monitoring, including the creation of a Border Support Team (BST) which reported directly to the EUSR.[45] The EU then 'kept the profile of the EUSR border support mission as low as possible' in order to refrain from antagonising Russia.[46] With the expiration of the EUSR's mandate in February 2011, the BST has been dissolved. Although EUMM Georgia has to some extent taken its place, this deprives the EU of much-needed experience and contacts in the region.

EUBAM Moldova-Ukraine

EUBAM Moldova-Ukraine provides a counterpoint to EUJUST *Themis*: although the two missions were very different, they suffered from similar institutional ambiguity. Both missions involved elements of both Council and Commission competence; in both cases, there was some debate over

42. Helly, op. cit. in note 37, p. 94.

43. Ibid, p. 100; Kurowska, op. cit. in note 36, p. 204.

44. Helly, op. cit. in note 37, p. 95.

45. Grevi, op. cit. in note 35, p. 61.

46. Nicu Popescu, 'Europe's Unrecognised Neighbours,' CEPS Working Document no. 260, CEPS, Brussels, March 2007, p. 12.

whether Council or Commission instruments would provide the most appropriate mechanisms for the missions. Although established by a Council Joint Action in November 2005 EUBAM Moldova-Ukraine is financed and managed by the Commission. The aim of the mission — established following a joint request by the presidents of Ukraine and Moldova — is to provide 'advice and training' for the Ukrainian and Moldovan authorities in establishing an 'international customs control arrangement and an effective border monitoring mechanism' on the border between Ukraine and the separatist Moldovan region of Transnistria.[47] The mission's main objectives are to help bring border management practices into line with those used in the EU, to combat smuggling and trafficking – one of the most important sources of income for the Transnistrian regime – and to develop better cross-border cooperation between the two countries. More than 20 Member States have taken part in the operation, providing a total of more than 200 staff, alongside UN Development Programme representatives from Georgia, Kazakhstan and Tajikistan.[48]

The Council's involvement, meanwhile, theoretically reflects the difficult political and security situation within which EUBAM operates, and the mission's broader aim to 'contribute to a peaceful resolution of the Transnistrian conflict.'[49] On the ground, Council oversight was provided by the EU Special Representative for Moldova. The EUSR's primary objective was 'first and foremost' to 'strengthen the European Union contribution to the resolution of the Transnistria conflict in accordance with European Union policy objectives.'[50] Given that the Commission situated EUBAM firmly within that political context, it was deemed essential that the mission work closely with the EUSR, resulting in the development of the EUSR 'support team' system, with the head of EUBAM also serving as a 'senior political advisor' to the EUSR.[51] Following the expiration of the EUSR's mandate in February 2011, the head of EUBAM now reports to the EU delegations in both Kiev and Chişinău, though he is ultimately accountable only to the former.

47. European Council, 'EU Border Assistance Mission to Moldova and Ukraine,' Factsheet, European Council, Brussels, December 2007.

48. Ibid; George Dura, 'EUBAM Moldova-Ukraine,' in Grevi, Helly and Keohane (eds.), op. cit. in note 36, p. 277; The UN Development Programme works alongside EUBAM on the ground as an implementation partner.

49. 'Overview,' EUBAM website; see: http://www.eubam.org/en/for_everyone/overview.

50. Grevi, op. cit. in note 35, p. 65.

51. Grevi, op. cit. in note 35, p. 66

EUBAM has been considered fairly successful, helping to improve border and customs cooperation between Moldova and Ukraine, and reducing the 'lawlessness' of the Transnistrian area of the border.[52] Its mandate has been extended twice, in 2007 and 2009. However, the mission has been tasked with a mandate — to contribute to the resolution of the Transnistria conflict — that is simultaneously too ambitious and too vague to allow for an assessment of its true effectiveness on the ground. Moreover, negotiations between the conflicting parties have been stalled since 2006, and the separatist authorities in Transnistria have simply become more reliant on Russian financial support.[53] It has been argued that the mission 'struggles to be defined beyond the ENP framework', which has only limited economic and border-management tools available for conflict resolution.[54] This suggests that the level of inter-institutional cooperation that evolved on the ground, while ultimately successful, was not underpinned by any concrete planning or overarching strategic approach to ENP-CSDP coordination.[55] A report by DG Relex, delivered to the European Parliament Foreign Affairs Committee in November 2008, conceded this point, suggesting that the EU 'should expand its policy of engagement beyond the scope of border management.'[56]

In this way, the Commission's leadership of EUBAM Moldova-Ukraine underscores the Council's relative reluctance to use CSDP in the region. The decision to deploy EUBAM was preceded by 'a confusing period of political shuffling' between Commission and Council over leadership of the mission. Both the DG Relex report and the International Crisis Group state that there were initial 'expectations' that the EU would send a CSDP mission to Transnistria, but that the Member States – particularly Germany and France – were reluctant to become so heavily involved in the region.[57] Political and institutional calculations thus played a significant role in the decision to launch EUBAM Moldova-Ukraine as a Commission operation, with the Commission perceived both as the dominant institu-

52. International Crisis Group, 'Moldova's Uncertain Future', *Europe Report* no. 175, August 2006, p. 6; Dura, op. cit. in note 48, p. 284.

53. Dura, op. cit. in note 48, p. 284

54. Grevi, op. cit. in note 35, p. 69.

55. Andris Spruds, Renars Danelsons and Vadim Kononenko, 'Analysis of the EU's Assistance to Moldova,' DG Relex Briefing Paper, European Parliament Committee on Foreign Affairs, Brussels, November 2008, p. 15.

56. Ibid, p. 16.

57. Ibid, p. 15; International Crisis Group, op. cit. in note 52, p. 5. The ICG report claims that Germany, France and the former High Representative for Foreign and Security Policy, Javier Solana, were particularly opposed to sending a CSDP mission to Transnistria 'until after a settlement ha[d] been reached'.

tion in the region and as a less political – and therefore less anti-Russian – instrument than the CSDP.[58] One EU official noted that other Member States, more keen to get involved with conflict resolution in the Eastern neighbourhood and less friendly toward Russia, saw EUBAM as 'selling out' to the Commission. However, the same official believes that, in hindsight, the decision was correct since its Commission designation has enabled EUBAM to operate for far longer than a CSDP mission could.[59] If anything, this further highlights the inability of Member States to agree to use CSDP consistently in the Eastern neighbourhood except as a reaction to events – as in the case of the next mission, EUMM Georgia.

EUMM Georgia

EUMM Georgia differs markedly from the two operations described above: it was deployed in response to the immediate crisis of the 2008 Russia-Georgia war. The mission was relatively large for a civilian operation and enjoyed a high political profile. Open hostilities broke out on 7 August 2008 after months of increased tension over the separatist region of South Ossetia. The EU, under the direction of France's Presidency, moved with remarkable speed to mediate between the parties, culminating on 12 August in the signing of a six-point ceasefire agreement requiring Russia to withdraw its troops to their pre-war positions and Georgia to bring its forces back to their respective bases. The agreement also included provisions for an international presence in the region to ensure the implementation of the ceasefire, and on 1 September an extraordinary meeting of the Council concluded that the EU would support the ceasefire 'including through a presence on the ground.'[60]

Launched on 1 October, the mission boasts a staff of 340 from 24 EU Member States and its mandate has, thus far, been renewed twice. Its objectives are 'stabilisation, normalisation and confidence building, as well as reporting to the EU in order to inform European policy-making and thus contribute to the future EU engagement in the region.'[61] Although it is somewhat too early to assess the mission's performance on all levels,

58. In contrast, EUBAM Rafah on the border between Egypt and the Gaza Strip – a technically similar mission, though in a region with only a small Commission footprint – falls squarely within the CFSP framework.

59. Author's interview with EU official, 9 February 2011.

60. GAERC, 'Council Conclusion 12453/08', Brussels, 13 August 2008.

61. See EUMM website: http://eumm.eu/en/about_eumm.

it is clear that the immediate stabilisation effort was highly successful at preventing a resurgence of open conflict.[62] On the other hand, tensions in the area remain very high, and Russia has not withdrawn its troops from South Ossetia and Abkhazia (in violation of the 12 August agreement). Both breakaway regions have declared themselves independent of Georgia, and Russia has recognised them. EUMM, whose mandate covers the territory of Georgia, has been denied access to the two secessionist regions since the mission's inception. This severely constrains the mission's ability to achieve its confidence-building and normalisation objectives.

The speed and scale of EUMM's deployment have been widely praised as evidence of the CSDP's positive development, particularly given the extraordinarily delicate political context in which it operates.[63] However, it is not evident that EUMM signals the development of a more coherent long-term strategy for EU involvement in the region. From an institutional perspective, Georgia has become a very 'crowded' arena for the EU, particularly since the war.[64] The Commission is heavily involved in the area through the framework of the ENP; the EUSR for the Crisis in Georgia is very active; while the EUSR for the South Caucasus was also very active until his mandate ended in February 2011. However, these instruments have not always worked in support of one another and in some cases have actively clashed, indicating a severe lack of long-term strategic thinking about inter-institutional relations in conflict resolution situations.[65] There is also a great deal of overlap between the EU's various instruments in the area, with the Council (via EUMM and the Incident Prevention and Response Mechanism [IPRM]), the EUSRs and the Commission involved in parallel confidence-building operations.

Nor does the launch of EUMM Georgia indicate that the Union has developed a more coherent policy toward the political situation in the Eastern region and Russia. The EU has been unable to pressure Russia, Abkhazia and South Ossetia to give the EUMM access to the conflict regions, hampering the ability of EUMM to fulfil its mandate. Furthermore, the prominence of the French Presidency in the launch of EUMM raises the question of whether the politically-delicate deployment could have succeeded under

62. Sabine Fischer, 'EUMM Georgia,' in Grevi, Helly and Keohane (eds.), op. cit. in note 36, p. 385.

63. See, for example: Richard G Whitman and Stefan Wolff, 'The EU as a Conflict Manager? The case of Georgia and its implications,' *International Affairs*, vol. 86, no.1, January 2010, p. 94; Fischer, op. cit. in note 62, p. 389.

64. Fischer, op. cit. in note 62, p. 388.

65. Ibid, p. 386.

the direction of a less Russia-friendly Member State Presidency. As one EU official put it, the speed and political profile of EUMM was only possible because 'the stars aligned' – had a less Russia-friendly Member State held the EU Presidency at the time, Russia may not have been so willing to countenance the EU's involvement.[66] The decreased role of the Presidency in foreign policymaking after Lisbon, however, means that the Union has to develop an institutional structure capable of taking on such politically-charged challenges without the influence of a strong Presidency.

Lessons learned?

Although these three missions were very different in both scale and ambition, they were all hampered by similar issues: reactive rather than proactive contexts, institutional incoherence, and overly broad mandates. These three problems are closely interlinked, and are rooted in the inability of Member States and institutions to agree on even a basic common strategy towards the Eastern neighbourhood. This would not necessarily require EU Member States to agree on the straitjacket of a common policy towards Russia. However, the EU cannot expect to make effective long-term contributions to the stability of its neighbourhood without even a basic strategy encompassing all its various instruments. Member States alongside the EEAS could, at the very least, outline a set of concrete goals for the Union with respect to the conflicts in the Eastern neighbourhood, tailoring their aims in the context of the EU's available tools. Furthermore, the institutional incoherence that bedevilled all three operations – marked by turf wars, overlapping mandates and inter-personal tensions – cannot be blamed solely on Member States' disagreements over Russia.

In many respects, the question of mandates is emblematic of the broader problems that have plagued the use of the CSDP in the Eastern region over the past decade. All three missions were tasked with mandates far beyond their capabilities. In the case of EUJUST *Themis* (which was not involved in conflict resolution), the mandate involved revolutionising the Georgian justice system in only one year; both EUBAM Moldova-Ukraine and EUMM Georgia, meanwhile, were allegedly intended to contribute significantly to the resolution of entrenched, complex and long-term conflicts.

66. Author's interview with EU official, 9 February 2011.

This indicates a relative lack of understanding about the capacities and, more importantly, the limitations of the CSDP as a long-term instrument. As one EU official noted, Member States will not deploy CSDP missions without an exit strategy in place, and Member States are generally unwilling to contribute significant financial resources to open-ended missions, particularly in the current economic climate.[67] CSDP missions alone cannot produce long-term structural reforms or resolve conflicts. CSDP missions can begin the process of long-term confidence building on the ground - as evidenced by the EUMM's role in the Incident Prevention and Response Mechanism (IPRM), which brings together the parties to the conflicts and international actors, such as the UN and the OSCE – but they cannot remain in theatre forever. Furthermore, the elevation of the CSDP to symbolic political gesture, divorced from the context of any broader, defined EU policy in the Eastern neighbourhood, has so far rendered Member States largely unwilling to use it. The CSDP should ideally be deployed as a limited-term tool with specific and realistic goals, backed up by longer-term policy instruments, in the context of the EU's broader political engagement with the region.

By that same token, the ENP alone cannot engage in policing or border monitoring. Instead, the new EEAS – working closely with Commissioner Füle and his staff in the Commission's DG Enlargement and ENP – needs to critically examine the EU's entire toolkit if it hopes to make lasting contributions to the stability of its neighbours and the resolution of the frozen conflicts. The work of both CSDP and ENP needs to be far more closely coordinated by the EU delegations (formerly Commission delegations) in the relevant Eastern neighbourhood countries. This process should be cyclical. In cases where CSDP missions remain unlikely, the EEAS and DG Enlargement-ENP should use their long-term economic, societal and political reform instruments to help bring about better conditions for settlement – which might in turn lead to the involvement of CSDP in a post-settlement context. Meanwhile, where CSDP missions have already been deployed, the EEAS and DG Enlargement-ENP should work together to ensure that longer-term measures, from economic reform to civil society promotion, serve to reinforce the short- and medium-term progress made by CSDP missions.

67. Author's interview with EU official, 10 February 2011.

3. Where next?

There remain several entrenched conflict regions in the Eastern neighbourhood to which these broader lessons can be applied: Transnistria, Georgia's breakaway regions, and Nagorno-Karabakh. The EU has a clear interest in resolving these conflicts, all of which could severely affect the Union if violence increases significantly. However, the EU's role in each case must be based on a clear assessment of the individual character of each dispute. This section therefore opens with a discussion of each conflict as well as the EU's involvement in them thus far, then examines where and how the CSDP might be able to play a role as part of broader EU conflict resolution efforts.

Transnistria: a critical opportunity

This dispute's modern incarnation began around the time of the Moldavian Soviet Socialist Republic's declaration of independence during the collapse of the Soviet Union. The leaders of Transnistria, a small strip of land east of the Dniester river, with a Slavic majority population and control over most of the country's heavy industry, preferred to continue their association with Russia. This led to a brief war in 1992, ending with an agreement between Russia and Moldova which left the pro-Russian Transnistrian elite in control of the area, led by President Igor Smirnov and backed by a Russian peacekeeping force.[68] Moldova, in turn, had to withdraw its troops from Transnistria, which left the government in Chişinău with virtually no authority over the breakaway region. Since then, Transnistria has developed a parallel state structure, with power centred on President Smirnov.[69]

The region's demands for secession from Moldova have been primarily anchored in economic considerations. Transnistria's heavy industry has benefited from significant Russian financial support, both in the form of direct payments and through the provision of cheap energy. Throughout the 1990s and early 2000s, the region earned much of its revenue through

68. Amanda Akçokoca, Thomas Vanhauwaert, Richard Whitman and Stefan Wolff, 'After Georgia: conflict resolution in the EU's Eastern Neighbourhood,' EPC Issue Paper no. 57, European Policy Centre (EPC), Brussels, April 2009, p. 42.

69. Ibid, p. 13.

illegal and semi-legal smuggling, largely designed to avoid Moldovan and Ukrainian tariffs (according to EUBAM, for example, in six months during 2005-2006, 40,000 tonnes of chicken meat were smuggled into Transnistria and re-sold to Ukraine and Moldova at significant profit).[70] Moldova, however, struggled economically after the collapse of the USSR, making the prospect of unification distinctly unappealing to Transnistria.[71] Meanwhile, Russia's financial support has reflected its interest in propping up Transnistria's separatists, as the persistence of the Transnistrian problem has prevented Moldova from pursuing its ambition of eventually joining the EU. For this reason, Russia has sought to marginalise the EU's already limited involvement in conflict-resolution negotiations, favouring a '2+1' negotiating framework (in which Russia alone acts as mediator between Moldova and Transnistria) over the established '5+2' mechanism (which involves Ukraine and the OSCE as mediators as well, with the EU and the US acting only as observers).[72]

The Union has discussed the option of greater CSDP involvement in Transnistria before, but with little progress. In 2006, EUSR for Moldova Adriaan Jacobovits de Szeged proposed a joint EU-Russia peacekeeping mission. He was supported by the Czechs, the Poles, the Baltic States, Hungary, the Netherlands, Poland, the UK and Ireland.[73] Romania, which shares a border and a language with Moldova, was also strongly in favour of heightened EU involvement. However, Cyprus, Finland, France, Germany, Greece, Italy, Portugal, Slovakia and Spain opposed the measure, contending that a mission should not be launched until after a settlement had been reached, and that Russia might oppose it. They were joined by High Representative Solana, thus effectively ruling out the possibility of action.[74]

However, a number of recent developments have improved prospects for EU involvement in settling the conflict. First, EUBAM Moldova-Ukraine has improved the security of the border between Transnistria and Ukraine

70. EUBAM, 'Achievements of EUBAM,' Ukraine, November 2007. Available at:http://www.consilium.europa.eu/uedocs/cmsUpload/Mission_achievementsNov07.pdf.

71. Nicu Popescu, 'The EU in Moldova – Settling conflicts in the Neighbourhood,' *Occasional Paper* no. 60, EUISS, Paris, October 2005, p. 17.

72. Popescu and Wilson, op. cit in note 4, p. 41.

73. Nicu Popescu, 'EU and the Eastern Neighbourhood: reluctant involvement in conflict resolution,' *European Foreign Affairs Review*, vol. 14, no. 4, 2009, p. 464.

74. Nicu Popescu, *EU Foreign Policy and Post-Soviet Conflicts: Stealth Intervention* (Oxford: Routledge, 2011), p. 61.

while depriving Transnistria's leaders of much of their illegal revenue. Second, Moldova now has a pro-European government, the Alliance for European Integration, which advocates for closer cooperation between Moldova and the EU. Finally, Moldova has declared on multiple occasions that it has no interest in joining the Atlantic Alliance, which assuages Russian fears of NATO encirclement.[75]

Transnistria, therefore, remains the arena in which the EU has the most room for manoeuvre to take on a major role in the near future, and also where CSDP mechanisms have the most potential to achieve tangible success in conflict settlement. Crucially, the question of Transnistria's status – rooted more in economic rather than ethnic disputes (although they exist) – is perceived as less intractable than the other 'frozen' conflicts, in part because there remains significant interaction between the populations on both sides of the Dniestr.[76] In a joint article published in *Le Monde* in March 2009, Chancellor Merkel and President Sarkozy opined that, working with Russia, 'a rapid solution could, for example, be found for the Transnistria issue.'[77] In late 2010, the *New York Times* reported that Chancellor Merkel had proposed such cooperation to Russian President Dmitri Medvedev, in exchange for 'the establishment of an EU-Russian Political and Security Committee where Europe and Russia would work closely together in civil and military crisis management operations.'[78]

Specifically, the EU and Russia could replace the existing Russian force in the region – its 14th Army, currently numbering around 1,300 – with a combined EU-Russia peacekeeping mission that would enjoy greater legitimacy both within Transnistria and internationally (possibly also involving Ukraine).[79] Although a single command structure would almost certainly be out of the question, Russia and the EU could field parallel forces that would coordinate very closely with one another.[80] Any EU mission would need to be based on a new evaluation of Transnistria's security needs, but would probably entail no more than 200-300 EU peace-

75. Akçokoca, Vanhauwert, Whitman and Wolff, op. cit. in note 68, p. 27.

76. Popescu and Wilson, op. cit. in note 4, p. 57; Interview with EU official, 7 February 2011.

77. Angela Merkel and Nicolas Sarkozy, 'La sécurité, notre mission commune,' *Le Monde*, 5 March 2009.

78. Judy Dempsey, 'Challenging Russia to fix a frozen feud,' *New York Times*, 27 October 2010.

79. Akçokoca, Vanhauwert, Whitman and Wolff, op. cit. in note 68, p. 27; Popescu and Wilson, op. cit. in note 4, p. 9.

80. Author's interview with EU official, 10 February 2011.

keepers, since only around 500 of the current 1,300 Russian soldiers are peacekeepers – the others watch over former Soviet arms depots. An EU operation could also include civilian elements as well as military, such as peacebuilding and governance experts.[81] At relatively low cost to budget-conscious Member States, such a mission could provide critical support to a revived negotiation process. It would also bring potential face-saving benefits to Russia, which, according to one senior EU official, would then be able to exit Transnistria alongside the EU as international peacekeepers leaving after the fulfilment of their mandate (rather than as an occupying power retreating in defeat).[82] Transnistria could therefore act as a testing ground for bringing Russia into closer partnership with the CSDP more generally, which would set a major precedent for future EU-Russia cooperation on peace operations in the common neighbourhood, as implied in the 2005 EU-Russia roadmap for a 'Common Space of External Security'.[83] It would also build on previous Russian cooperation with EU peace missions elsewhere, as in Chad, where Russia contributed helicopters, and on the waters off Somalia to counter pirates. This would, according to one EU diplomat, 'enhance the security relationship between the EU and Russia.'[84]

Such an operation would also provide an opportunity for the new External Action Service to devise a comprehensive approach to settling the separatist question, coordinating closely with EUBAM (assuming its mandate is renewed). Any CSDP peacekeeping operation would need to be complemented by support for economic development in Moldova, which has suffered severely in the global downturn. Through the European Neighbourhood Policy Instrument (ENPI), the Commission already provides more funding to Moldova than to any other EaP country except Ukraine (€209.7 million from 2007-2010).[85] The EU accounts for more than half of Moldova's trade, and 60 percent of Transnistria's. Given the prominent role of economic factors in fuelling Transnistrian separatism, the ENP and EaP mechanisms should continue to focus their resources on improving Moldova's economy and strengthening the rule of law,

81. The author thanks Nicu Popescu and Damien Helly for their suggestions on this point.

82. Author's interview with EU official, 9 February 2011.

83. See: Annex III, 'Roadmap for the Common Space of External Security', May 2005. Available at: http://eeas.europa.eu/russia/docs/roadmap_economic_en.pdf.

84. Author's interview with EU official, 7 February 2011.

85. European Commission, 'Eastern Partnership FAQ,' Press release Memo 09/217, Brussels, 5 May 2009.

while providing concrete incentives for Transnistrian leaders, individuals and economic actors to reintegrate with Moldova. For example, the Union has already successfully pressured Ukraine to insist that all Transnistrian exports must bear Moldovan customs stamps, which has encouraged almost all of the region's exporters to register in Chişinău.[86]

Along similar lines, the EU should continue to move forward in the process of liberalising the visa regime for Moldovans seeking to travel to the EU, which would provide a strong incentive for reintegration.[87] In 2010, the EU agreed to establish a dialogue on visa-free travel, which led to the adoption of an EU-Moldova Action Plan on visa liberalisation in January 2011. This Action Plan laid out a series of benchmarks for Moldova to meet, including border management and the development of secure travel documents. Existing ENPI funds are already being used to help the Moldovan authorities reach these benchmarks as soon as possible, and EUBAM's experience and contacts should also be used to help improve Moldova's border and customs regimes.

A joint EU-Russia mission in Transnistria could thus achieve several beneficial outcomes even beyond settlement of the conflict itself: it could help cement the EU's legitimacy as a security actor in the Eastern neighbourhood, establish a basis for future EU-Russia CSDP cooperation both within the Eastern region and elsewhere, and provide a template for integrated conflict resolution strategies combining both military and civilian, CSDP and ENP elements. It would also establish CSDP's legitimacy as a conflict prevention and resolution instrument in the Eastern neighbourhood, beyond its current profile as a mechanism for only post-conflict stabilisation.

Abkhazia and South Ossetia: beyond EUMM

Inter-ethnic tensions between Georgians and both Abkhazians and South Ossetians escalated when the Soviet Union collapsed. Members of both the Abkhaz and Ossetian ethnic majorities in the respective provinces wanted to continue their association with Russia after enjoying relative autonomy during the Soviet period, fearing the resurgent Georgian na-

86. Popescu, op. cit. in note 73, p. 462.

87. Nicu Popescu, 'Re-setting the Eastern Partnership in Moldova,' CEPS Policy Brief no. 199, CEPS, Brussels, 6 November 2009, p. 5.

tionalism that developed during the late 1980s.[88] When Georgia declared its independence in 1991, both provinces declared themselves independent from Georgia. Intermittent violence followed in South Ossetia, culminating in a 1992 OSCE-brokered ceasefire that established an OSCE observer mission and installed a Russian-led 'peacekeeping' force in the region.[89] Meanwhile, Georgia occupied the Gali region of Abkhazia, and war in that province continued until a 1994 ceasefire. At the same time, the UN dispatched an observer mission to the region (UNOMIG), alongside another Russian peacekeeping operation.[90] Violence has since resurfaced at various points in both provinces, however, most critically in the August 2008 war between Georgia and Russia over South Ossetia.

Although the EU Monitoring Mission (EUMM) despatched to Georgia after the war has been credited with helping to prevent a resurgence of violence, the situation in both provinces remains tense and in some respects has deteriorated since 2008. Russia's decision to recognise both states' independence has actually enhanced Moscow's political, military and economic dominance over the two regions.[91] In this capacity, both regions, supported by Russia, continue to deny EUMM access. Furthermore, in 2009, Russia vetoed the renewal of the OSCE mission to Georgia, and the following month vetoed the continuation of UNOMIG in Abkhazia.[92] As a result, the international community has virtually no mechanism for monitoring Russian actions in the region. However, the broader improvement in EU-Russia relations during the past year has already been reflected in Russia's decision to withdraw from the village of Perevi in South Ossetia in October 2010, and helps to set the stage for further cooperation.[93]

Although two CSDP missions have been deployed to Georgia, the use of CSDP in the region remains deeply sensitive. Tbilisi has actively courted more robust EU involvement in solving its two secessionist conflicts. The EU-Georgia Action Plan of 2006, meanwhile, calls on the EU to 'contrib-

88. Akçokoca, Vanhauwert, Whitman and Wolff, op. cit. in note 68, p. 40.

89. Ibid., p. 41.

90. Ibid.

91. In March 2009, Abkhazia announced an agreement with Russia to station 3,800 Russian troops in the province for 49 years. See Popescu and Wilson, op. cit. in note 4, p. 40.

92. International Crisis Group, 'South Ossetia: the burden of recognition,' *Europe Report* no. 205, 7 June 2010, p. 19; 'Russia vetoes UN Mission in Abkhazia,' *Euractiv.com*, 16 June 2009; available at: http://www.euractiv.com/en/foreign-affairs/russia-vetoes-un-mission-abkhazia/article-183214.

93. Fischer, op. cit. in note 4, p. 3.

ute' to the resolution of the conflicts 'based on respect of the sovereignty and territorial integrity of Georgia within its internationally recognised borders.'[94] In that context, EUMM Georgia has been perceived both by Russia and by the Ossetians and Abhkazians as aligned with Georgian interests, rather than as a neutral broker.[95]

For the time being, however, as one EU official noted, EUMM remains 'the only game in town.'[96] The EU's next logical step is therefore to help ensure that EUMM can fulfil its mandate in the future, by working towards gaining access to Abkhazia and South Ossetia. This will require significant efforts in confidence-building with the leaderships of both secessionist provinces. The EUMM has already undertaken confidence-building measures through the IPRM. The Commission spends a budget of €2.44 million funding some confidence-building measures via its Instrument for Stability, most of which are implemented by other organisations including the UNDP and OSCE, as well as NGOs like International Alert.[97] The EU should deepen and expand its financial support for such activities.

In order to coordinate more effectively with the EUMM, however, the Commission should also expand its own direct and visible involvement in confidence-building initiatives. The EU could, for example, actively promote small-scale economic and business cooperation between communities. Along similar lines, the EaP's multilateral Civil Society Forum, which brings together organisations from all the EaP countries, could serve as a platform for promoting contacts between civil society actors across conflict lines. The EU endorsed a Non-Recognition and Engagement Policy towards Abkhazia and South Ossetia in December 2009 which opens a political and legal space in which the EU can interact with the separatist regions without compromising its adherence to Georgia's territorial integrity.[98] This policy should serve as a framework for all measures taken and all instruments used by the EU to keep channels with the two entities open and work towards the resolution of the conflicts.

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94. European Commission, *EU-Georgia Action Plan*, November 2006, p. 10. Available at: http://ec.europa.eu/world/enp/pdf/action_plans/georgia_enp_ap_final_en.pdf.

95. International Crisis Group, op. cit. in note 92, p. 22.

96. Author's interview with EU official, 9 February 2010.

97. European Union Delegation to Georgia, 'Overview of EC assistance to people affected by conflict in Georgia,' European Union, Tbilisi, May 2010, p. 7.

98. Sabine Fischer, 'The EU's non-recognition and engagement policy towards Abkhazia and South Ossetia', EUISS Seminar Report, December 2010. Available at: http://www.iss.europa.eu.

Nagorno-Karabakh

Armenia and Azerbaijan remain officially at war over Nagorno-Karabakh and its surrounding provinces, and, according to one EU official, the dispute is by far the most volatile in the region and the most likely to escalate quickly into a broader regional conflict, potentially drawing in both Russia and Turkey.[99] Although an autonomous province of the Azerbaijan Soviet Socialist Republic during the Cold War period, the majority of Nagorno-Karabakh's population in the early 1990s was ethnic Armenian. Triggered by the collapse of the Soviet Union, the province's Armenians voted to declare Nagorno-Karabakh an independent state, which prompted the outbreak of war between Armenia and Azerbaijan for control of the region. Over the course of the brutal and destructive war, which ended with a Russian-sponsored ceasefire in 1994, almost all ethnic Azerbaijanis were expelled from the region, and Armenia took over both Nagorno-Karabakh itself and seven surrounding provinces.[100] Nagorno-Karabakh operates as a semi-autonomous entity with its own state-like institutions and continues to insist on statehood, though its independence has never been recognised by any country – including Armenia, on which it remains heavily dependent. Azerbaijan argues that Nagorno-Karabakh is part of its rightful territory and its exiled Azeri population should be able to return; Yerevan, meanwhile, portrays itself simply as protecting the province's Armenian majority from Azerbaijan.[101] The two countries have virtually no relations with one another and both Baku and Yerevan have promoted virulent propaganda against the other side, effectively eliminating any domestic pressure to settle the conflict.[102]

Peace talks between the two sides have thus far been managed by the OSCE Minsk Group, co-chaired by Russia, the US and France. Negotiations have been intermittent, however, and the OSCE can only deploy six observers to the region who must inform both Yerevan and Baku before they visit Nagorno-Karabakh.[103] The EU, meanwhile, has been more or less excluded from the Minsk Group's highly secretive processes, relying on the French co-chair to relay information regarding the state of nego-

99. Author's interview with EU official, 8 February 2011.
100. Akçokoca, Vanhauwert, Whitman and Wolff, op. cit. in note 68, p. 43.
101. Ibid, p. 15.
102. Ibid.
103. Ibid.

tiations. France's role in the Minsk Group, however, actually reduces the EU's position in the region rather than enhancing it. The French have been very protective of their role in the Minsk Group – in part due to the political power of France's large Armenian community – and have refused to cede their position to the EU as a whole.[104] Nor are the French seen as good information-sharers; one EU official stated, 'we get more information about the Minsk Group from Russia and the United States than we do from France,' adding that France's protection of its role in the Minsk Group reflects 'turf wars' between Member States and institutions.[105]

The prospects for significant, high-level EU involvement in the Nagorno-Karabakh conflict therefore remain quite low for the foreseeable future. Neither Yerevan nor Baku has requested any help with conflict resolution through the CSDP (as both Georgia and Moldova have done), or indeed through other measures. Officials in Brussels also suggest that cash-strapped Member States lack the political will to engage seriously in Nagorno-Karabakh for the time being.[106]

The ENP and EaP, however, can play major roles in the region in the short- and medium-term, if the Commission prioritises measures aimed specifically at conflict resolution, alongside broader projects promoting economic and political reforms in Armenia and Azerbaijan. The Commission has been relatively unwilling to expend major financial resources in the region to date; the combined budget for Armenia and Azerbaijan under the European Neighbourhood and Partnership Instrument was €190.4 million for the years 2007-2010, almost €10 million less than the budget for Moldova alone during the same period.[107] The 2011-2013 ENPI budget for Armenia, meanwhile, sets aside no money at all specifically for conflict resolution; instead, it merely notes that the Commission 'will be ready to provide' assistance for that purpose 'depending on developments.'[108]

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104. Damien Helly, 'The EU's Influence in its Eastern Neighbourhood: the case of crisis management in the Southern Caucasus,' *European Political Economy Review*, no. 7, summer 2007, p. 113.

105. Author's interview with EU official, 8 February 2011.

106. Author's interviews with EU officials, 7, 8 and 9 February 2011.

107. European Commission, 'European Neighbourhood and Partnership Instrument (ENPI): Funding 2007-2013', August 2007. Available at: http://ec.europa.eu/world/enp/pdf/country/0703_enpi_figures_en.pdf.

108. European Commission, 'European Neighbourhood and Partnership Instrument: Armenia, National Indicative Programme 2011-2013,' Brussels, 2010, p. 11. Available at: http://ec.europa.eu/world/enp/pdf/country/2011_enpi_nip_armenia_en.pdf.

As in South Ossetia and Abkhazia, the EU should commit substantial funding to supporting NGO-led confidence-building activities. Furthermore, the ideas which underpin the Non-Recognition and Engagement Policy in Georgia could be explored for the Nagorno-Karabakh conflict as well. More directly (and more visibly), the ENP should create financial incentives to support the development of transport and commercial links between people in both countries and Nagorno-Karabakh. Furthermore, given the rancour on both sides and the relative lack of contact between the conflict parties, the EaP's multilateral dimension might prove particularly useful in encouraging cooperation between the two countries. As it could in Georgia, the Civil Society Forum could provide an especially important function here by fostering institutionalised dialogue and peacebuilding initiatives between Armenian and Azerbaijani civil society organisations, bringing in representatives from Nagorno-Karabah itself as well as Azerbaijani Internally Displaced Persons (IDPs). Such measures could pave the way for the EU to become involved in the Minsk Group. Ideally France would consider ceding its co-chair of the Minsk Group to the EU, but this seems unlikely at the moment. But Paris could at least coordinate its activities with other EU Member States and the EU institutions in Brussels.

If a settlement can be reached, the EU should stand ready to send a CSDP mission to oversee its implementation. Such a possibility has been on the table since as early as 2006, when Azerbaijan and Armenia seemed close to reaching agreement over the province.[109] That year, the EUSR for the South Caucasus, Peter Semneby, told the Institute for War and Peace Reporting that the EU 'will be expected to make a major contribution when a solution is found, and we are looking into the possibilities we have, both in terms of post-conflict rehabilitation and also – if the parties should so desire – in terms of contributing peacekeepers. And possibly even leading a peacekeeping operation.'[110] The possibility of such a mission fell off the agenda when the potential deal collapsed. Yet, visiting Baku in January 2011, European Commission President José Manuel Barroso suggested that the EU would still consider an active role in a post-conflict situation – though he shied away from mentioning 'peacekeeping', stating instead

109. Nicu Popescu, 'Europe's Unrecognised Neighbours: The EU in Abkhazia and South Ossetia,' CEPS Working Document no. 260, CEPS, Brussels, March 2007, pp.7-8.

110. Peter Semneby to Thomas de Waal, 'EU Could Assume Peacekeeping Role,' Institute for War and Peace Reporting, 25 May 2006; see: http://iwpr.net/report-news/eu-could-assume-peacekeeping-role.

that the Union 'stands ready to provide further support if agreed by all parties: political support to the peace process and reconstruction assistance once a settlement has been agreed.'[111]

Such a peacekeeping operation – which could include contributions from Turkey and Russia – would probably involve monitoring the return of displaced ethnic Azerbaijanis to the region, along with the withdrawal of Armenian troops.[112] Using the UNIFIL mission along the Israeli-Lebanese border (to which European countries contribute the majority of troops) as a model, a predominantly EU-staffed Nagorno-Karabakh post-settlement operation would probably require around 10,000 peacekeepers, and cost somewhere between €500-€600 million per year.[113] Although this figure might seem rather alarming in the current economic climate, the prospect of a settlement in Nagorno-Karabakh remains distant at best, so the economic context might be very different by the time an operation becomes possible. Furthermore, by that time EU governments may have significantly reduced their involvement in conflicts elsewhere (for example, in Afghanistan), freeing up more resources for new CSDP missions. Indeed, even if the mission were UN- or OSCE-led, EU Member States would almost certainly provide the bulk of troops. The EU has a very strong interest in preventing the resurgence of conflict in an area so vital to its energy security and to the stability of the region as a whole; the cost of failing to act could conceivably far outweigh the cost of ensuring the sustainability of a potential peace settlement.

111. José Manuel Barroso, 'Statement by President Barroso following his meeting with Ilham Aliyev, President of Azerbaijan,' Press Release, Baku, 13 January 2011.

112. Author's interview with EU official, 8 February 2011.

113. Center on International Cooperation, *Annual Review of Global Peace Operations 2010* (London: Lynne Rienner Publishers, 2010), p. 292.

Conclusions and policy recommendations

The EU has a strong interest in building enduring partnerships with the countries to its East, and in resolving the conflicts that threaten the stability of the region. Yet its use of CSDP instruments in its Eastern neighbourhood so far has been sporadic and disjointed. To a large extent, this lowest-common-denominator approach has reflected the Member States' inability to agree a common position on Russia — a problem that may not be resolved in the near future, although the current climate is relatively conducive to enhancing EU-Russia engagement.

However, inter-institutional divisions have played a critical role in reducing the effectiveness of even these lowest-common-denominator policies. The Council and the Commission have each promoted their own, separate policies: the former supposedly 'political', the latter 'technocratic', with little or no overlap between the two. This artificial and counter-productive divide between political and non-political instruments has, in effect, ensured that the ENP's and EaP's political profiles have been kept too low for serious engagement in conflict resolution, while the highly politicised CSDP has been stigmatised and paralysed by its symbolic status.

These problems can be fixed. The Lisbon Treaty aimed explicitly to address this institutional incoherence by establishing the conditions for a stronger, more cohesive EU foreign and security policy. The creation of the External Action Service should, in theory, bring together the technocratic and political sides of EU policymaking under one roof. This presents a golden opportunity for the EU as a whole to apply its vast expertise in different fields to develop a set of coherent policy goals for its Eastern region, based on an in-depth assessment of the individual needs of each country and each conflict. The EEAS's crisis management team and MD Europe should conduct a joint in-depth assessment of the conflict regions in the Eastern neighbourhood, and, building from their conclusions, devise a set of concrete and realistic policy goals for the EU in each case and in the region as a whole. These policy goals should include guidance on sequencing of measures to implement strategy, according to the specific conditions of each conflict situation. This should be done in close consultation with EU delegations on the ground in each country, and with other international organisations and actors that have a significant presence in the region.

Defining these policy goals also requires the EEAS to critically evaluate the EU's foreign and security policy toolkit. All its instruments — political, security, economic and societal — should be deployed coherently in support of one another and of the Union's overall policy aims. The ongoing ENP review is a crucial first step in the process of evaluating the EU's toolkit, but the particular role of the CSDP must also be addressed. A realistic assessment of CSDP's limitations should not weaken the policy, but rather strengthen it by ensuring that future deployments are used appropriately. Unlike the ENP, the CSDP is not a long-term instrument; its missions must be short-term operations with clearly defined, achievable mandates. While CSDP missions alone cannot expect to resolve long-standing conflicts within the terms of their limited deployments, they can make key impacts in certain critical contexts if actively supported by longer-term mechanisms.

The EEAS's CSDP structures and MD Europe East (which includes the ENP coordination officers) should therefore establish an institutionalised coordination mechanism with the Commission's DG Enlargement and ENP, at the highest organisational level (including both the High Representative and the Commissioner for ENP). This mechanism should not serve as a mere forum for each institution to brief the other on separate or parallel activities, but should instead be tasked with joint strategic planning and should meet on a regular, not *ad hoc* basis.

Parts of the EU's Eastern region remain simmering cauldrons of potential violence. Yet there are concrete, cost-effective and politically realistic steps that the Union can take to contribute to the region's future stability: most of all in Transnistria, but also in Georgia's breakaway regions and even, albeit to a lesser extent, in Nagorno-Karabakh. By developing sustainable partnerships with Eastern neighbourhood countries and engaging seriously with the frozen disputes now, the EU may be able to avert the outbreak of destabilising conflicts on its Eastern borders in the future. This unique institutional and political moment should not be squandered.

Annex

Abbreviations

BST	Border Support Team
CFSP	Common Foreign and Security Policy
CMPD	Crisis Management Planning Department
CSDP	Common Security and Defence Policy
DCFTAs	Deep Comprehensive Free Trade Agreements
DG	Directorate General
EaP	Eastern Partnership
EEAS	European External Action Service
ENP	European Neighbourhood Policy
ENPI	European Neighbourhood Policy Instrument
EUMM	EU Monitoring Mission
EUSR	European Union Special Representative
GAERC	General Affairs and External Relations Council
IDP	Internally Displaced Person
IPRM	Incident Prevention and Response Mechanism
MD	Managing Director
NGO	Non-Governmental Organisation
OSCE	Organisation for Economic Cooperation and Development
PSC	Political and Security Committee
TACIS	Technical Aid to the Commonwealth of Independent States
UN	United Nations
UNDP	United Nations Development Programme
UNIFIL	United Nations Interim Force in Lebanon
UNOMIG	United Nations Observer Mission in Georgia
USSR	Union of Soviet Socialist Republics

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