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The Reluctant Conflict Mediator: EU-Georgia Relations under the Neighborhood Policy

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Relations between the European Union (EU) and Georgia have evolved significantly since the establishment of the European Neighborhood Policy (ENP) in 2004. Considering the limited scope of political, economic and security relations during the 1990s, the ENP represented an important framework for the development of a new partnership between the two actors. The EU's increased engagement in the South Caucasus region focused largely on Georgia especially by supporting the transition process of the country after the Rose Revolution in 2003, which brought to power new pro-western elites. In this context, institutional and legal reforms were perceived by the EU and its member states as a fundamental step for Georgia's democratic consolidation, its transformation as a stable partner, as well as an important contribution of the EU to regional peace in the Caucasus.

Besides democratization, one of the priorities of the new Georgian administration, led by President Mikheil Saakashvili, was the resolution of the protracted conflicts in Abkhazia and South Ossetia. Georgian authorities argued that without meaningful changes in conflict mediation and peacekeeping, which were dominated by the Russian Federation, there could be neither sustainable efforts towards peace, nor towards democracy and integration into the Euro-Atlantic institutions. Although the EU agreed that conflict resolution was a fundamental aspect of regional stability, it was reluctant to question Russia's leading role. In several resolutions, the European Parliament underlined the need to address the protracted conflicts in the South Caucasus, whereas the ENP bilateral Action Plan with Georgia reinforced a "shared responsibility in conflict prevention and conflict resolution". Yet, EU actors responsible for the Common Foreign and Security Policy (CFSP) could not agree on how this should be enacted.

A greater EU role in the regional conflicts of the South Caucasus implies significant challenges for the EU's emerging CFSP, as well as for its Common Security and Defense Policy (CSDP). The intergovernmental nature of the two EU policies dictates that the interests and foreign policy prerogatives of member states had to be conciliated in order to have a common position on Georgia, on regional conflicts, and on Russia's role in the process. There were clear divisions among member states, regarding the depth of EU engagement in conflict resolution and on how to deal with Russia's escalating rhetoric and ongoing interference in Georgian internal affairs. Considering these problems of collective action under CFSP and CSDP, the European Commission took the lead in gradually contributing to conflict transformation in Georgia. A central concern of the EU was to not antagonize Moscow by supporting a radical change in the *status*

quo, but rather to provide support for the existing conflict resolution mechanisms, such as the Joint Control Commission (JCC) on South Ossetia and to the establishment of a policy of limited engagement with Abkhazia. The EU also reinforced its presence in the region through the 2003 appointment of a EU Special Representative for the South Caucasus, with a mandate to assist Armenia, Azerbaijan and Georgia in the transition to democracy and conflict resolution.

Until the 2008 war between Georgia and Russia, the EU's engagement in Georgia's conflicts remained limited at the political and military level, but grew considerably at the structural level. The EU sought to reduce the incentives for conflict, assisting the Georgian government in reforming institutions by making them more accountable and attractive to the separatist regions. The EU also financially supported the Georgian authorities and facilitated external investment, which could further reinforce the attractiveness of Georgia. The European Commission supported civil-society projects, which aimed at changing mutual perceptions and facilitate daily exchanges across the *de facto* borders between Georgia and the separatist regions of Abkhazia and South Ossetia. This approach rested on a long-term view of the peace process that was in fundamental disagreement with the views of Georgian authorities. It also rested on the flawed notion that structural measures can provide meaningful results in the absence of progress in the official mediation process. Naturally, this was a major source of friction between Georgia and the EU, and fed into the 2008 war.

War Returns to the Caucasus: What Changed in the EU's Approach?

The August 2008 war between Georgia and Russia can be seen as a major setback for the ENP's goal of providing stability in the neighboring regions of the EU. Indeed, it represented a failure because the EU's structural approach was unable to balance the long- and short-term pressures on peace. The EU focused on political and economic reforms scripted from the enlargement model, but failed to translate that into political influence among Georgian elites and society. It also failed to use its global partnerships with the United States, Russia and other relevant regional players and organizations, to give substance to the idea of indivisible and cooperative security in Europe. However, it is striking that the war happened against the backdrop of increased EU engagement in peacebuilding efforts in Georgia, which included a more open policy of limited engagement with the secessionist authorities (a policy of 'engagement without recognition'), reconstruction of transport and communication infrastructures between Georgia and the breakaway regions, and opening of EU information centers in these regions.[1]

Despite these failures, the war had the unexpected effect of increasing the EU's profile in conflict resolution. French President Nicolas Sarkozy, who held the EU rotating presidency at the time, orchestrated mediation and a cease-fire agreement to the conflict. The deployment of the EU Monitoring Mission to Georgia (EUMM) in October 2008 illustrated that not only could EU member states agree on how to manage the conflicts in Georgia, but also demonstrated that the CSDP was alive and well. Naturally, the fact that the mission is of a civilian nature, with a very restricted mandate, is illustrative of the problems member states had to address. Furthermore, despite the cease-fire agreement signed between Georgia and Russia, this did not prevent Russia from reinforcing its military presence in Abkhazia and South Ossetia, nor did it prevent Moscow's recognition of the independence of these two regions. As for the EUMM, it has mainly focused on the maintenance of a negative peace, stabilizing the situation along the administrative boundary lines,[2] monitoring developments, establishing communication channels between local actors, and reporting back to Brussels with important information to guide the EU's political strategy. Another important issue the EUMM has contributed to is the reinforcement of the EU's oversight of Georgia's military activities in the vicinity of the breakaway regions, especially after a Memorandum of Understanding between the Georgian Ministry of Defense and the EUMM was signed in 2009. However, the EUMM has been unable to contribute significantly to the normalization of the situation on the ground and to the overall peace process, especially since it has not been provided with access to Abkhazia and South Ossetia and thus cannot fulfill its mandate. As the political situation remains in limbo, there is also the real danger that the EUMM has inadvertently contributed to the crystallization of the current political and military *status quo*.

Shortly after the war, due to the closure of the UN and OSCE missions in Georgia, the EU became the only international actor in Georgia with a mandate to manage the conflicts.[3] Russia agreed to have the EU act as a mediator in the Geneva International Discussions on Georgia, as well as to the deployment of the EUMM. In order to respond to these new demands, in September 2008 the EU appointed Pierre Morel as the European Union Special Representative (EUSR) for the crisis in Georgia. His immediate task was to manage the volatile situation in Georgia, avoid further deterioration, including in relations between Georgia and Russia, and provide leadership for the peace negotiations. Pierre Morel further had to balance a delicate position in which he was, simultaneously,

1 See more detailed information in Michael Merlingen and Rasa Ostrauskait (2009) "EU Peacebuilding in Georgia: Limits and Achievements" (*Leuven Centre for Global Governance Studies,* Working Paper, No. 35, December 2009).

2 This is the name given to the de facto borders between Georgia and the breakaway regions.

3 The UNAMIG mission in Abkhazia ceased its operations in mid-June 2009, after Russia vetoed its continuation in the UN Security Council. The OSCE monitors and mission to Georgia also terminated its mission one month later due to Russian veto.

a neutral mediator, but a representative of the EU's interests and views, namely its commitment to Georgia's territorial integrity. Another aspect adding complexity to this task was the myriad of EU actors active in Georgia, including the Delegation of the European Commission, responsible for managing the implementation of the ENP Action Plan, the EUSR for the South Caucasus, Peter Semneby, the EU Border Support Team, in charge of assisting Georgia in reforming its border guards, and the EUMM, in charge of monitoring and reporting on the cease-fire agreement between Georgia and Russia. Moreover, Pierre Morel was also accumulating the position of EUSR for Central Asia, clearly making his task complex and demanding.

Therefore, in September 2011 Philippe Lefort was appointed the EUSR for the South Caucasus and the crisis in Georgia, replacing both Pierre Morel and Peter Semneby. Although Georgian officials were not pleased with the fact that the new EUSR accumulated responsibilities in all three South Caucasus states, the choice revealed a new understanding among EU leaders, that the conflicts in the region were more dynamic and volatile than had been perceived in Brussels so far. The Nagorno-Karabakh conflict between Armenia and Azerbaijan gained more prominence in EU Foreign and Security Policy, something for which it had been impossible to gather member states' support until the war in 2008.

Finally, another significant development in the EU's approach to regional peace and stability in the South Caucasus was the inauguration of the Eastern Partnership (EaP) in 2009. This initiative aimed at deepening the EU's political relations with eastern neighbors, opening negotiations of new political agreements – Association Agreements – and signaling European aspirations for these countries. This revamping of the ENP also required deepening of democratic reforms, new possibilities of access to the European internal market, visa facilitation, new financial resources, and ultimately leverage of the EU on its eastern partners. The lessons learned from the war in Georgia and the new central position adopted by the EU raised expectations that the EU would become more active in conflict resolution issues.

The EU, Georgia and European Security

The 2008 war had one clear effect on EU-Georgia relations. The level of political dialogue was enhanced on both sides – the EU proposed an upgrade in legal relations, through the celebration of new Association Agreements, whereas Georgia became aware of the importance of keeping the EU as a partner in the provision of regional security. Having the EU as the only international presence monitoring and mediating the conflicts with the separatist regions and with Russia, the Georgian government had to engage with CFSP and CSDP actors, which had changed considerably after the Lisbon Treaty. The EU actively monitored Georgia's policies towards the breakaway regions, and denounced the controversial Law on the Occupied Territories, which was passed by the Georgian Parliament in October 2008. Responding to the EU's concerns, in October of 2010 the Georgian government adopted the 'Modalities for Engagement of Organizations Conducting Activities in the Occupied Territories of Georgia' in order to allow for the engagement of international organizations and civil society actors with these regions. Tbilisi also approved an Action Plan to implement the 'Strategy on Occupied Territories: Engagement through Cooperation'. This strategy aims to 'reduce isolation and improve welfare' for people living in Abkhazia and the South Ossetia.[4]

For most of 2012, EU attention in Georgia focused on parliamentary elections in October. After the first peaceful and democratic transition of power in Georgia, the EU has sought reassurances that Georgian foreign policy priorities remain linked to European and Euro-Atlantic integration, and that a continuous dialogue will be maintained with the international community on conflict-related issues. President Herman Van Rompuy's remarks in November 2011, after the visits by the Georgian President and Prime Minister, underlined the expectations of the EU that both sides would find a peaceful and democratic way to manage the country and further develop relations with the EU. The fact that Prime Minister Bidzina Ivanishvili's first official visit abroad was to Brussels was not unnoticed. In her November 2012 visit to Georgia, the High Representative of the Union for Foreign Affairs and Security Policy had one central concern: to show EU support for Georgia's historical political turnover of power through elections. This political process is fundamental to Georgia's young democracy, but also for the EU's Eastern Partnership. After Ukraine, Georgia was the second country of the EaP to have a power transition through elections, and this was a significant achievement for the EU's active policies of democratization and regional stabilization.

Two fundamental issues remain regarding the EU. One the one hand, although the EUMM has fulfilled its mandate and has been an important human security provider in Georgia, the upgrading of the mission into a full CSDP peacekeeping operation,[5] capable of enforcing the mandate in Abkhazia and South Ossetia – which so far has been unable to do – remains difficult. Moreover, the mission has encountered problems in its relations with Abkhazia, with the new

4 "Joint Staff Working Document: Implementation of the European Neighbourhood Policy in Georgia – Progress in 2012 and recommendations for action" (European Commission and High Representative of the European Union for Foreign Affairs and Security Policy, SWD (2013) 90 final, Brussels, 20 March 2013).

5 Both the former and the current Georgian State Ministers for European and Euro-Atlantic Integration have underlined this desire. See for instances the statements by Giorgi Baramidze in 2011 when he stated that "We would like to see the European Union more engaged in this peaceful conflict resolution with Russia and be presented stronger in the future (...) We hope that EUMM can become a peacekeeping or a policing mission in the future". "Georgian Minister Eyes EU Membership in 15 Years" (*RFE/RL*, 18 April 2011).

Head of Mission being considered *persona non grata* by the Abkhaz authorities and, since 2012, the Incident Prevention and Response Mechanism (IPRM) on Abkhazia has been blocked. On the other hand, in the absence of a clear political vision as to what the shape of EU-Georgia relations should be in the future, namely in the framework of the ENP/EaP, how can the EU be perceived as a reliable partner and a fundamental stakeholder in regional peace? Acknowledging Georgia's European aspirations, and affirming that Georgia will become a NATO member without setting a timeframe, raises many issues about the long-term vision of the Euro-Atlantic partners for the region. What is the political meaning of the new Association Agreements being negotiated with the EU? What is the future of Georgia's relations with NATO? What role are western countries assigning to Russia in this process? Without clear answers to these questions, EU actions on conflict resolution will rather aim at keeping a stable *status quo*, even if it is one where no peace agreement can be reached.

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