EU`s role in conflict resolution: the case of the Eastern enlargement and neighbourhood policy areas

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I

Introduction

In June 1991, the Luxembourg Foreign Minister and then President of the European Council Jacques Poos announced: "This is the hour of Europe"[1]. This phrase can be seen in almost any analysis dealing with the foreign and security policy of the European Union. The occasion was the beginning of the Yugoslav crises, which are widely regarded as the biggest failure of the Union as an international actor. They marked the beginning of a process, in which the EU slowly started to realize that providing peace outside its borders is as important as providing it inside them.

This study tries to explore the role of the European Union in conflict resolution, particularly in the case of the two main policies of the EU towards its Eastern neighbours: enlargement and neighbourhood policy. The first chapter looks at the membership/partnership approaches in the Union`s relations with its immediate neighbours and the influence of these approaches towards the existing conflicts. It is argued that through the process of Europeanization, the EU is able to participate in the resolution of a given conflict in two ways: as an actor and as a framework. Furthermore, the analysis examines the evolution of EU`s foreign and security policy, its structures and institutions, as well as its military and civilian capabilities. This lays down the basis for the next two chapters.

The second chapter deals with the EU`s conflict resolution role in the enlargement area. First of all, it contains a short overview of the enlargement process as a tool for conflict resolution. It is followed by an analysis of the three conflicts in the enlargement area – Kosovo, Cyprus and the Kurdish (PKK) conflict – and the EU`s role in their resolution. The final part of the chapter is a general assessment of the successes and the failures of the Union, while dealing with conflicts in countries with a membership perspective.

[1] Quoted in Zucconi, M. (1996) The European Union in the Former Yugoslavia in Chayes, A. (ed.) Preventing Conflict in the Post-Communist World: Mobilizing International and Regional Organizations, Washington D.C.: The Brookings Institution.

The third chapter has a structure, similar to the second: a first part, describing the role of the neighbourhood policy as means for resolving conflicts; second, the four existing conflicts in the Eastern neighbourhood policy area – Transnistria, Abkhazia, South Ossetia and Nagorno-Karabakh; and a third part, evaluating the role of the Union in the neighbourhood policy conflicts.

The analysis tries to show that, despite the success of the enlargement, the great expectations for the neighbourhood policy, and the development of military and civilian capabilities, the European Union is still not fully able to answer all the challenges, coming from its Eastern neighbours. This is especially true for the conflicts, ranging from the Western Balkans to the South Caucasus. The growing responsibilities of the Union for ensuring peace in its neighbours are evident; in the enlargement area, the Union needs to resolve the conflicts prior to the accession of the countries, if it does not want to become part of them. In the neighbourhood area, it engages in conflict resolution because the conflicts are getting closer with each new country joining the EU. Moreover, there is a group of countries willing to receive a membership perspective and demanding greater engagement from Brussels, especially in terms of its role in the conflicts. The experience so far shows that the Union needs to adopt a strategic approach to the conflicts, if it wants to be successful in their resolution.

Before starting, the difference between conflict prevention, conflict/crisis management and conflict resolution should be clarified[2]:

- *conflict prevention* looks to prevent violence from even breaking out, and is necessarily a long-term project, although it may require urgent interventions at the last minute;
- *conflict* (*crisis*) *management* is directed towards preventing escalation once conflict has begun, and is a short-term operation;
- *conflict resolution* is concerned with the re-establishment of peace, preferably on a permanent basis, after the failure of prevention and management strategies. It is largely a matter of the medium term.

In most of the cases of this study "*conflict resolution*" is used as a term, encompassing all three dimensions, described above, and meaning to address a given conflict in all its aspects in a coordinated way[3].

[2] Hill, C. (2001) The EU`s Capacity for Conflict Prevention. European Foreign Affairs Review 6: 315–333.

[3] "Conflict settlement" could as well be used as a synonym.

II

EU`s engagement with conflicts: the key is in the Eastern neighbours

The EU`s policies towards its Eastern neighbours and their influence on the conflicts

The foreign and security policy of the European Union takes several distinct forms[4]: integration in the core area of Europe; stabilization in the neighbourhood; bilateral relations with major powers (like the United States and Russia); and interregionalism with respect to other organized regions (like the ACP countries, which represent some sort of a "historical" EU neighbourhood as opposed to the "geographical" one[5]). Taking into account the scope and the importance of all these policies, it is evident that the Union has concentrated its attention primarily on the immediate neighbourhood, and particularly on the Eastern part of it. This is confirmed by the view that the EU`s "range of … interests and partnerships is still rather selective and corresponds to that of a regional power with some clearly identifiable overseas interests"[6].

The relations of the European Union with its neighbourhood could be explained with the "concentric circles" model. It is a hierarchical system, where the power of the centre diminishes the farther away the actor stands from it[7]. In the case of the EU, the distance of the different countries

[4] Hettne, B. and Soderbaum, F. (2005) Civilian Power or Soft Imperialism? The EU as a Global Actor and the Role of Interregionalism. European Foreign Affairs Review 10: 535-552.

[5] Missiroli, A. (2004) The EU and its changing neighbourhood: stabilization, integration and partnership. in Dannreuther, R. (ed.) (2004) European Union Foreign and Security Policy - Towards a Neighbourhood Strategy. New York: Routledge.

[6] Missiroli, A. (2003) The EU and its changing neighbourhoods: Stabilisation, integration and partnership. in J. Batt, D. Lynch. A. Missiroli, M. Ortega, and D. Triantaphyllou, Partners and Neighbours: A CFSP for a Wider Europe. Chaillot Paper 64 Paris: EU Institute for Security Studies.

[7] Tassinari, F. (2005) Security and Integration in the EU Neighbourhood: The Case for Regionalism. CEPS Working Document No. 226.

and regions is measured by the level of their integration with the Union. Although there are several different "circles" the main difference is in the countries who are inside and who are outside, e.g. the difference between "membership" and "partnership". Sometimes the difference is not so clear – a group of countries could be partially integrated in the Union without full membership, as in the case of the European Economic Area (EEA). Nevertheless, it could be argued that the two approaches have different aims – the first one envisages integrating a given group of countries with their membership as a final goal, and the second one – stabilising them without a membership prospect[8]. It is often mentioned that the two approaches have corresponded to policies that have been more reactive than proactive, and a certain ambiguity over the final outcome has always existed[9].

In the case of its Eastern neighbours, the Union often pursued a strategy which first employed **stabilisation** prior to integration. This approach was successfully used with the countries from Central Europe and the three Baltic states through the so-called Balladur Pact (1993-1995). It worked well mainly because from the beginning it overlapped with the perspective for membership in the Union. For the same reason, the approach did not work well with the countries from Southeastern Europe, until it was linked (although not explicitly) with the integration approach through the so-called Stability Pact. In other cases, the stabilization approach remained as such and did not envisage integration later on. There are two main examples for this. In the middle of the 90s the EU signed Partnership and Cooperation Agreements (PCAs) with Russia and the former Soviet Union republics, based on bilateral cooperation and dialogue. In 1995, the EU initiated the Euro-Mediterranean Partnership (EMP) or the so-called Barcelona process for the countries of North Africa and the Middle East, which previewed mainly economic, and to a lesser extent political cooperation, but again without a membership perspective.

In that respect, the **integration** approach is widely regarded as the most successful foreign policy mechanism of the EU. To some degree, this has been a joint project loosely coordinated with the Eastern expansion of the

[8] Missiroli, A. (2003) The EU and its changing neighbourhoods: Stabilisation, integration and partnership.
[9] Dannreuther, R. (ed.) (2004) European Union Foreign and Security Policy - Towards a Neighbourhood Strategy.

North Atlantic Treaty Organization (NATO) [10]. Historically, the Central European countries first signed Association (Europe) Agreements in 1992, followed by Romania and Bulgaria, the Baltic States and Slovenia (with Malta and Cyprus signing Association Agreements in the 70`s). At the Copenhagen European Council of June 1993 a direct link between association and (future) membership was established, together with the mechanism of conditionality. This mechanism forms the basis of the so-called "Copenhagen criteria", which set a series of benchmarks from the opening to the successful completion of entry negotiations[11]. Such benchmarks were later incorporated in Art.49 of the Treaty on European Union (TEU). The EU previewed a rather differentiated process of enlargement with so many candidates on the line; thus, the Luxembourg European Council in December 1997 marked only six applicants for the opening of accession negotiations: Poland, Hungary, the Czech Republic, Estonia, Slovenia, and Cyprus. Two years later, the Helsinki European Council extended the procedure to the five remaining applicants plus Malta. As already mentioned, it also awarded Turkey (the longest-waiting associate country) the status of candidate though without a plan for opening accession negotiations.

The "Copenhagen" circle was closed in 2002, when the EU decided to invite 10 new members. They officially joined the Union in 2004. The so-called "big-bang" enlargement was unprecedented by scope and character and it could easily have served to hinder any further expansion of the Union as existing members struggled to come to terms with the first wave of newcomers[12]. Phrases like "enlargement fatigue" and "la finalité géographique" of the Union became one of the most used terms related to the enlargement and thus raised serious concerns for the continuation of the process. Moreover, the negative referenda on the proposed Constitutional Treaty in France and the Netherlands were partly a result of fears of further enlargement and again raised the tension[13]. Faced with two major developments – the big enlargement and the deadlock of the Constitutional Treaty – the EU increasingly emphasizes on the importance

[10] Dannreuther, R. (ed.) (2004) European Union Foreign and Security Policy - Towards a Neighbourhood Strategy.
[11] Missiroli, A. (2003) The EU and its changing neighbourhoods: Stabilisation, integration and partnership.
[12] Smith, J. (2005) Enlarging the European Union. Journal of Common Market Studies, Annual Review, Volume 43, pp. 127–30.
[13] Moore. P. (2005) Worries Over EU Enlargement. Radio Free Europe / Radio Liberty, http://www.rferl.org.

of its "absorption capacity". This, in fact, is the so-called fourth Copenhagen criteria: "The Union's capacity to absorb new members, while maintaining the momentum of European integration, is also an important consideration in the general interest of both the Union and the candidate countries"[14].

There are two countries left out of the 2004 accession but still part of the fifth wave of enlargement - Bulgaria and Romania. The way in which they will enter the Union will probably shape the nature of the enlargement process for the prospective candidates – namely, the countries from the Western Balkans and Turkey. There are increasing worries in Brussels that Sofia and Bucharest are unprepared for accession, especially after the May report of the European Commission[15]. The next one is expected in late 2006, determining when and how the two countries will enter the EU. The new moments in this wave of accession are: (1) the possibility to postpone the entry with one year until 2008; and (2) the so-called "safeguard clauses", which are protective measures against Bulgaria and/or Romania in matters of the economy, the internal market and in the area of justice, security and liberty. They could be applied for three years after accession. In fact, the safeguard clauses are part of the Accession Treaties of the new member states from Central and Eastern Europe too, but it is argued that the possibility for invoking them in the context of the 'big bang' enlargement was never seriously discussed[16].

After the introduction of the Stability Pact mentioned above, the group of countries from the Western Balkans (an EU-given name to the part of Southeastern Europe encompassing Croatia, Albania, Bosnia & Herzegovina, Serbia, Montenegro and Macedonia) moved on the enlargement track. One main reason was the continuing instability in the region, provoked mainly by the war in Kosovo. Since 2000 the Union has set in motion a Stabilisation and Association Process (SAP). It sets out elements of a policy that – by resorting to a "contractual" relationship between the EU and the relevant states or entities (plus Kosovo) – tries to

[14] Europeal Council (1993). European Council in Copenhagen 21-22 June 1993, Conclusions of the Presidency.
http://ue.eu.int/ueDocs/cms_Data/docs/pressData/en/ec/72921.pdf
[15] EurActiv (24.05.2006) Commission keeps Bulgaria and Romania in limbo.
[16] Noutcheva, G. (2006) Bulgaria and Romania's Accession to the EU: Postponement, Safeguards and the Rule of Law. CEPS Policy Brief No. 102.

bridge the gap between "simple" stabilisation and "full" integration[17]. They are modelled after the Europe Agreements and their successful implementation is a prerequisite for a further integration. To date, two countries (Macedonia/FYROM and Croatia, both in 2001) have signed Stabilisation and Association Agreements (SAA) with the EU; Albania's SAA is to be signed this year, while Bosnia, Serbia and Montenegro are still negotiating their agreements. A major prerequisite for the signing of the agreements is the cooperation with the International Criminal Tribunal for Former Yugoslavia (ICTY). During the 2003 Thessaloniki summit, the EU decided to "enrich the SAP process with instruments from the enlargement process"[18]. As a result, the Western Balkan countries were offered European partnerships agreements that mirrored the Accession partnerships for CEE states. Subsequently, Croatia received candidate status in 2004 and opened up negotiations with EU in October 2005 after complying with the ICTY`s demand to bring Ante Gotovina to the Hague[19]. In December 2005, Macedonia as well was granted candidate status.

Turkey is the longest waiting country on the EU accession list. It signed an Association Agreement with the European Community as early as September 1963, which explicitly opened up the prospect of Turkish membership in the then EC. In April 1987, Turkey formally applied for membership, but after two years the European Commission rejected it. Ten years later, the Luxembourg European Council gave Turkey a status candidate in December 1997 (meanwhile the EU and Turkey established a customs union). The EU started negotiations with the country in October 2005, together with Croatia. The negotiating framework explicitly states that the "an open-ended process, the outcome of which cannot be guaranteed beforehand"[20]. This reflects, on one hand, the controversies over the Turkish membership in the EU which are quite serious and concern issues such as the impact of the country on the institutions of the Union, fears of immigration waves, the economic performance of the country, as well as its cultural profile. Many European leaders, such as the

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[17] Missiroli, A. (2002) The European Union and Its Changing Periphery: Stabilisation, Integration, Partnership. GCSP Occasional Paper Series, No. 32.

[18] Noutcheva, G. (2004) The EU and the Western Balkans: A Tale of Mutual Mistrust. European Policy Centre.

[19] EUbusiness (03.10.2005) Croatia starts EU talks after prosecutor's green light.

[20] European Union (2005) Negotiating framework for Turkey`s accession in the EU. Luxembourg, 3 October.
http://ec.europa.eu/comm/enlargement/turkey/pdf/st20002_en05_TR_framedoc.pdf

German chancellor Angela Merkel, favour a closer association arrangement ("privileged partnership") with Turkey, but not full membership. In France Nicholas Sarkozy, who is positioned as a leading presidential candidate for the 2007 elections, is on the same opinion[21]. On the other hand, Turkey needs to undertake major internal reforms in many areas, as well as to deal with security issues such as Cyprus and the Kurdish (PKK) conflict. The talks with the country are expected to last no less than a decade.

The budgetary constraints of the Union for the 2007-2013 financial period will inevitably influence the enlargement process. Yet, the EU tries to streamline the pre-accession funds and to put them in a single framework under the new Instrument of Pre-Accession (IPA)[22]. It will combine and replace a set of programmes, including PHARE, ISPA, SAPARD, CARDS and pre-accession instruments for Turkey.

However, the impact of EU enlargement is not only limited to the accession of new members but involves the definition of new borders and the creation of new neighbours with their particular demands and interests[23]. In the case of the Eastern enlargement, this includes Belarus, Ukraine and (after the accession of Romania) Moldova, the countries in the South Caucasus and last but not least, Russia. These countries represent a significant challenge to the enlarged Union. First of all, there are some "wishful" candidates for membership amongst them – Ukraine, Moldova and Georgia. The Orange and Rose revolutions in Ukraine and Georgia have further strengthened their long-term membership aspirations, while the EU itself got involved in the events in Ukraine, supporting Victor Yushchenko. However, in the subsequent months the External Relations Commissioner Mrs. Ferrero-Waldner commented that for Ukraine "the door is neither open nor shut"[24]. The same applies to Moldova and Georgia. Meanwhile, Armenia and Azerbaijan have also expressed desire for closer relations with the EU.

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[21] BBC News (30.09.2005) EU views on Turkish bid.

[22] Southeast European Times (03.2006) EU to grant assistance to SEE Countries under new instrument.

[23] Dannreuther, R. (ed.) (2004) European Union Foreign and Security Policy - Towards a Neighbourhood Strategy.

[24] Emerson, M. (2005) The Black Sea as Epicentre of the After-Shocks of the EU's Earthquake. "The United States and the European Union: Shaping a Common Geo-Strategy", Symposium of The German Marshall Fund of the United States, Washington DC, 29–30 June.

For now, these countries form the Eastern dimension of the newest addition to the Union`s policies towards its neighbours – the European Neighbourhood Policy (ENP)[25]. The ENP originated to address the fact that upcoming enlargement would make Ukraine, Belarus and later on Moldova new land neighbours. This raised concerns about security, immigration and political and economic co-operation. The issue formally arose in late 2002 in the General Affairs and External Relations Council and at the Copenhagen European Council as a proposal for a new Wider Europe policy[26]. The EU wanted to use the new situation to promote reforms based the values of human rights, democracy and the rule of law. The ENP therefore was created because of the historical enlargement of the Union, but also in the light of the relative weakness of past policies towards these ENP countries in promoting these values[27]. The policy was aimed as well for the Southern Mediterranean countries, where it complements the Barcelona process. In June 2004, the Council extended the policy to the three Caucasian republics, Armenia, Azerbaijan and Georgia. Russia refused participation, preferring to develop cooperation with the EU on a more 'equal' basis. Subsequently, the EU-Russia relations evolved to a "strategic partnership" in the Four Common Spaces framework of relations.

Although it is a policy, which encompasses a wide array of countries in a single framework, it is aimed at differentiation. The ENP hopes to achieve this through bilaterally negotiated, country-specific Action Plans for 3 to 5 years. They are described as "political documents, building on existing agreements and setting out clearly the over-arching strategic policy targets, common objectives, political and economic benchmarks used to evaluate progress in key areas, and a timetable for their achievement which enable progress to be judged regularly"[28]. In 2007, the new European Neighbourhood and Partnership Instrument will replace the previous financing programmes (like TACIS for the Eastern neighbours) and will finance actions both inside and outside the Union.

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[25] The Southern dimension of the policy encompasses the countries from the Southern Mediterranean.

[26] Tassinari, F. (2005) Security and Integration in the EU Neighbourhood: The Case for Regionalism.

[27] Kelley, J. (2006) New Wine in Old Wineskins: Promoting Political Reforms through the New European Neighbourhood Policy. JCMS, Volume 44, Number 1, pp. 29–55.

[28] J. Batt, D. Lynch. A. Missiroli, M. Ortega, and D. Triantaphyllou (2003), Partners and Neighbours: A CFSP for a Wider Europe.

The neighbourhood policy combines elements of **stabilization and integration**. It aims at blurring the lines between partnership and membership, but at the same time is establishing itself as clear alternative to a full membership. It is described by the former Commission President Romano Prodi as granting the neighbours "everything but institutions"[29]. In sum, the ENP tries to blend elements from the enlargement strategy with those of previous partnership strategies such as the Barcelona process, without aiming at full membership. Thus, the Union applies some form of conditionality, while not offering its "golden carrot" - membership - in return. This is especially problematic in the Eastern dimension of the policy, because of the existence of states that see their accession in the Union as their final objective (the above-mentioned Ukraine, Moldova and Georgia). For them, the ENP is a temporary substitute for a future membership in the long-term. Furthermore, the policy instruments available to the EU may in fact be inadequate to convince the neighbours to carry out the reforms the EU wants; for example, the Commission did not offer a facilitation of the visa regimes[30]. In fact, for the EU the ENP is not an alternative to the enlargement, because of the unrealistic prospect of these countries joining the EU in a short or medium-term time frame, as put by a Commission official[31]. Thus, the Union emphasises on the "transition as a goal in its own right", aiming at increasing the "prosperity, stability and security" of its neighbours.

The above picture clearly shows that EU`s "busiest agenda" concerned and still concerns its immediate neighbourhood, and in particular the Eastern part of it. This agenda is materialized by two main processes – enlargement and neighbourhood policy, while the relations with Russia are developed on a bilateral basis. The two processes have important internal nuances. In the case of the enlargement, Bulgaria and Romania are set to join in a year or two, but with several precaution mechanisms; Croatia and Macedonia obtained candidate status, with the former already starting negotiations and the other Western Balkan countries waiting on the line; Turkey began negotiations as well, but they are expected to last a decade, having in mind the controversies around the membership of the country. In the Eastern dimension of the neighbourhood policy the EU did

[29] Grabbe, H. (2004) How the EU should help its neighbours. Centre for European Reform.

[30] Smith, K. (2005) The EU and Central and Eastern Europe: The Absence of Interregionalism. European Integration, Vol. 27, No. 3, 347–364.

[31] Landaburu, E. (2006) From Neighbourhood to Integration Policy. Are there concrete alternatives to enlargement? CEPS Policy Brief No. 95.

not start negotiations with Belarus because of Lukashenko's regime; Ukraine, Moldova and Georgia see the policy as a step towards (or divergence from) their membership aspirations, while Armenia and Azerbaijan are currently negotiating Action Plans together with Georgia.

The policies of the EU towards its Eastern neighbours are only a partial dimension of the totality of the EU`s foreign and security policy. However, it is a critical one, since it is often argued that the ultimate purpose or vision of the European project is "to ensure the geopolitical stabilization of Europe and the spread of economic and political governance, based on democratic ideals"[32]. The extent to which this could be gradually spread from its historical base in Western Europe will be a clear indicator of the success or failure of the EU on the international scene as a whole.

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Looking from a security point of view, the EU and its neighbourhood can be considered a "security complex", which is defined by Buzan as "a group of States whose primary security concerns link together sufficiently closely that their national securities cannot realistically be considered apart from one another"[33]. This means that the EU`s role in promoting peace and security in its neighbourhood is crucial and is a necessity for Europe's own security[34]. On the other hand, this enables the Union to use the full range of its instruments (economic, political and more recently, military) in its immediate neighbourhood, rather than on the broader international stage[35]. An additional factor, increasing the responsibility of the EU for the security of its neighbouring regions, is the change in the US priorities after the end of the Cold war, moving beyond Europe's neighbourhood.

During the development of the membership/partnership policies to the East, the Union had to face several security challenges, which demanded an effective crisis management capability. The most serious of them so far

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[32] Dannreuther, R. (ed.) (2004) European Union Foreign and Security Policy - Towards a Neighbourhood Strategy.
[33] Buzan, B. (1991) People, States and Fear. An Agenda for International Security Studies in the Post-Cold War Era, 2nd Edition, Harvester Wheatsheaf, Hemel Hempstead.
[34] Biscop, S. (2005) The European Security Strategy and the Neighbourhood Policy: A New Starting Point for a Euro-Mediterranean Security Partnership? EUSA Ninth Biennial International Conference Austin, Texas, 31 March – 2 April 2005.
[35] Dannreuther, R. (ed.) (2004) European Union Foreign and Security Policy - Towards a Neighbourhood Strategy.

were the conflicts after the dissolution of former Yugoslavia, which first exposed this need for such a capacity and demonstrated the complete lack of preparedness of the EU. Moreover, the Eastern Mediterranean, the Middle East and the former USSR "are rife with old and new ethno-political conflicts"[36]. In the case of Bosnia and Kosovo, the conflicts have been managed through and external intervention and the establishment of international supervising institutions. The post-Soviet conflicts of Transnistria, Abkhazia, South Ossetia and Nagorno-Karabakh, together with the Cyprus conflict are usually described as "frozen" conflicts, with no clear movement towards final resolution in the last several years[37]. The only conflict with continuing violence on the Eastern EU borderlines is between Turkey and the Kurdish PKK/Kongra-Gel, which was "won" by the Turkish state but recently witnessed an upsurge of violence.

In addition, the EU`s neighbouring states and regions are viewed by EU member states as the primary source of many of the non-traditional security threats, such as terrorism, migration, trafficking and transnational organized crime[38]. Another reason for the active presence of the EU in the neighbourhood is energy; it is described as the "umbilical cord"[39], connecting the Union to its eastern and southern neighbours, most notably to Russia, Caucasus and Central Asia, the Middle East and North Africa. It is the key economic resource that the EU needs and for which it will become increasingly dependent on its immediate neighbourhood.

The above mentioned policies – membership and partnership – can influence in a different way the resolution of the conflicts in the countries, which are subject of these policies. This could be explained by the level of "Europeanization" they provide. The term Europeanization is often used in the internal EU context and signifies the process in which member states affected by the EU integration are at the same time the players who initiate and shape this process. However, in the case of EU`s immediate neighbourhood the states have different types of institutional integration or relations with the Union, in which the Union itself decides the degree of

[36] Tocci, N. (2004) Conflict Resolution in the European Neighbourhood: The Role of the EU as a Framework and as an Actor. Robert Schuman Centre for Advanced Studies, Mediterranean Programme Series, European University Institute, RSCAS No. 2004/29.
[37] It has to be noted, though, that the term "frozen conflict" is increasingly losing its correctness, given the developments around these conflicts in the last years.
[38] Bertelsmann Foundation and Center for Applied Policy Research (eds.) (2001) Thinking Enlarged. The Accession Countries and the Future of the European Union.
[39] Dannreuther, R. (ed.) (2004) European Union Foreign and Security Policy - Towards a Neighbourhood Strategy.

involvement with them[40]. Therefore, the Europeanization outside the Union is considered a foreign policy instrument.

The definition of the concept, given by a group of analysts from the Centre for European Policy Studies (CEPS) is as follows:

> *Europeanization in the field of secessionist conflict settlement and resolution should be understood as a process which is activated and encouraged by European institutions, primarily the European Union, by linking the final outcome of the conflict to a certain degree of integration of the parties involved in it into European structures* [41].

This definition encompasses two dimensions for the EU – as an actor and as a framework.

- The first dimension – the EU as an actor - looks at the ways in which the EU could influence the short-term strategies of the parties in a conflict and lead them to an agreement by providing the necessary stimulus for the settlement of the conflict. This could be reached with two mechanisms: conditionality and social learning.
  - = *Conditionality, or the "carrot and stick" approach*. Together with the direct involvement of the EU as a mediator in a given conflict, conditionality "constitute[s] the core of its potential for exerting influence"[42]. The strongest incentive the EU can provide for a conflict settlement is the prospect of EU membership. The neighbourhood policy tries to explore other forms of partnership with the EU, which could also be an option, like partial integration in some of the EU`s policies.
  - = *Social learning*. While conditionality operates mostly in the short run, socialization (i.e. affecting the underlying strategies of the players) has long-term effects.
- The second dimension – EU as a framework - offers alternative institutional solutions for the conflict, such as federal state arrangements, based on the EU`s own model of multi-level governance.

In most of the conflicts in EU`s neighbourhood, the role of the EU as an actor is essential. Yet a change in the structure, provided by the EU as a

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[40] Coppieters, B. et al. (2005) Europeanization and Conflict Resolution: Case Studies from the European Periphery. Journal on Ethnopolitics and Minority Issues in Europe (JEMIE).
[41] Ibid.
[42] Ibid.

framework, is also important because it transforms the underlying conditions that gave rise to the conflict[43].

EU`s conflict resolution mechanisms – evolution, structures, capabilities

The process of Europeanization, described above, sets the broad framework, in which the EU operates. But how did the role of the EU as a security actor evolve and what are the concrete capabilities and instruments, which the EU can use to influence the resolution of the conflicts in its Eastern neighbourhood?

In general, it could be argued that the security role of the European Union evolved at three levels: (1) a strong union with one centre (the CFSP) rather than a polycentric structure (within NATO, WEU or the OSCE); (2) an "external anchor" for the periphery; and (3) a direct military capacity[44]. The Treaty of Maastricht transformed the old European Political Cooperation (EPC) into a Common Foreign and Security Policy (CFSP). Moreover, though the Western European Union (WEU), for the first time it added a military capability to it[45]. But the actual development of the CFSP and later on of the European Security and Defence Policy (ESDP) can be seen in the light of its failure in the Balkans, most notably in Bosnia and Kosovo.

There, the EU fell into the so-called "capabilities-expectations" gap[46]. There were strong expectations on the EU to act, but it was able to match these expectations only through a response based on economic capabilities, because it did not possess political or military ones. The EU was forced to rely on a UN backed response and the political and military strength of the United States in bringing the conflicts to a close. Moreover, the negotiations were led by a self-appointed Contact Group of larger EU member states (Great Britain, France, Germany and Italy), the US and Russia. The EU was further hampered because of the intergovernmental

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[43] Ibid.

[44] Stefanova, B. (2002) The Emerging Eastern Borders of the European Union: Implications for the Definition of Europe. University of Delaware, USA.

[45] Biscop, S. (2005) The European Security Strategy and the Neighbourhood Policy: A New Starting Point for a Euro-Mediterranean Security Partnership?

[46] Hill, C. (1993) The Capability-Expectations Gap, or Conceptualizing Europe's International Role. Journal of Common Market Studies Volume 31, No. 3.

nature of the CFSP, which prevented the EU member states from formulating a common approach[47]. This made the question clear: should the EU build its own capabilities to respond to conflicts, or rely on the transatlantic relationship whenever a crisis in its immediate neighbours occurs, thus preserving its image as a "civilian power"?

Eventually, the EU member states did not decide to "stay civilian". Instead, they at Amsterdam European Council in 1997, they decided that first of all the Union should improve its foreign policy-making by the appointment of a High Representative for CFSP, occupied by Javier Solana (former NATO Secretary General) and the creation of a Policy Planning Unit[48]. In addition, they committed themselves to include WEU's Petersberg Tasks in the Union's acquis. The Union reacted to particular events (again on its Eastern borders), rather to some integration logic to develop a political Union.

After the Bosnian crisis, there was a great degree of rapprochement between the British and the French governments. In the midst of the Kosovo conflict, The St. Malo Franco-British summit in December 1998 stressed that the EU should have the capacity for independent action "in order that its voice be heard in the world"[49]. This notion was repeated during the Cologne European Council in June 1999, where then German Foreign Minister Joschka Fischer declared the need for "a rapid build-up of common EU forces to master crises and conflicts in Europe even without the participation of the United States"[50]. It was decided that without dismissing NATO operations, the EU should be able to take decisions and to act autonomously in the fields of conflict prevention and crisis management[51]. Thus the European Security and Defence Policy (ESDP) emerged as the military dimension of the Union's Common Foreign and Security Policy (CFSP).

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[47] Dover, R. (2005) The EU and the Bosnian Civil War 1992- 95: The Capabilities-Expectations Gap at the Heart of EU Foreign Policy. European Security, Vol. 14, No. 3, 297-318.

[48] Treacher, A. (2004) From Civilian Power to Military Actor: The EU's Resistable Transformation. European Foreign Affairs Review 9: 49–66.

[49] U.K.-France summit (1998) Joint Declaration on European Defence. St. Malo, December 4.

[50] Fischer, J. (1999) Press conference at the Bremen WEU summit, 10 May.

[51] Biscop, S. (2002) Enlargement as a Tool for Conflict Resolution? in Bigger and Better? The European Union, Enlargement and Reform, Fifth Biennial Conference of the European Community Studies Association, Toronto, 31 May – 1 June.

Later on, several notable events in the development of these policies should be mentioned. In 2003, the division between "old Europe" and "new Europe" over Iraq, as put by the US leadership, led some figures, such as Jacques Delors, to write off any prospect of a real European common and security policy for a long time ahead[52]. Iraq clearly was, and remains, a failure in the common foreign policy of the Union, but it is often pointed out that it is the wrong benchmark for judging the CFSP[53]. Iraq had never been on the EU`s foreign policy agenda, with the exception of UK and France as permanent members of the UN Security Council. It is hardly surprising therefore that the EU (again) was totally unprepared for the situation. Dannreuther argues that the "EU failed over Iraq not because it failed to implement a previously agreed policy but because it never succeeded in formulating such a policy"[54].

These events led to a rethinking of the EU`s role as an international player and played a major role in the formation of the European Security Strategy (ESS). Its origins have essentially three dimensions: (1) a result of the "self-reflection" process over the performance in Yugoslavia; (2) a response to the US National Security Strategy and the lack of consensus over Iraq; and (3) a view on the future approaches to regional and global security[55]. A fourth element, to a lesser extent, concerned the issues surrounding the future role of NATO. Thus, the ESS serves as the framework of the security interests of the Union and focuses on several strategic objectives:

- tackling the global challenges and key threats – terrorism, proliferation of WMD, regional conflicts, state failure and organized crime;
- extending the zone of security around Europe and stabilizing the neighbourhood;
- strengthening the international order through "effective multilateralism" [56].

One recent development, which concerns not only the foreign policy of the EU but the Union as a whole, is the formation of a Treaty Establishing a Constitution for Europe (in short, Constitutional Treaty). After the

[52] Crowe, B. (2006) Towards a European Foreign Policy. The Hague Journal of Diplomacy 1, 107-114.
[53] Ibid.
[54] Dannreuther, R. (ed.) (2004) European Union Foreign and Security Policy - Towards a Neighbourhood Strategy.
[55] Ellner, A. (2005) The European Security Strategy: Multilateral Security with Teeth? Defense & Security Analysis Vol. 21, No. 3, pp. 223–242.
[56] Quille, G. (2004) The European Security Strategy: A Framework for EU Security Interests? International Peacekeeping, Vol.11, No.3, pp.422–438.

negative referenda on the Treaty in France and the Netherlands, there are many doubts that it could be implemented in its current form. However, it includes several important institutional changes and innovations, which should be mentioned. The first one is the abolishment of the pillar structure and the creation of "catalogue of competences". This is quite important for the EU`s foreign actions, especially in the field of conflict resolution and prevention, because now the competences are divided between the Commission and the Council, i.e. between the supranational and the intergovernmental institution. This creates rivalry between the two institutions and lack of coordination[57]. The Treaty also proposes the creation of a European Foreign Minister, who will serve more as a "consensus-builder" rather as an independent actor because of the remaining intergovernmental character of the CFSP[58]. According to the Constitution, the EU`s Foreign Minister should be elected by a qualified majority in the European Council, while at the same time serving as a vice president of the Commission – a sort of a "double-hatted" figure. The Constitution envisages as well the creation of an External Action Service staffed by civil servants from both the national diplomatic services and the European Commission delegations in order to support the Foreign Minister.

The second major proposition was to give the EU a single legal personality. With it the EU will become a subject of international law and thus able to sign treaties or join international conventions binding on the Union as a whole. Moreover, the Commission delegations abroad would become representation offices of the Union as a whole, with power and resources to deal both with Community and CFSP/ESDP policies[59].

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The above mentioned evolution of the Union`s CFSP/ESDP policies has led to a comprehensive and rather complex structure of the crisis management and conflict prevention policies of the EU. The first thing that should be noted is that the EU`s foreign policy in general is broader than the CFSP itself, and emerges from three distinct but interdependent systems of decision making: first, the coordination of national foreign policies; second, the policies, principally focused on the economic and

[57] International Crisis Group (2005) EU Crisis Response Capability Revisited. Europe Report N°160.
[58] Ibid.
[59] Ibid.

trade sphere, promoted by the European Commission or from the first pillar; and third EU policies centred on the CFSP or second pillar[60]. Moreover, these three centres of foreign policy do not encompass all that can be considered foreign policy - large European business firms and corporations are also foreign policy actors.

Conflict prevention and resolution capacities can be categorized as (1) long-term (structural) policy aimed at addressing root causes of conflict, (2) medium-term early warning and planning/analysis competences, and (3) shorter-term civilian and/or military crisis management (operational)[61]. The EU has developed mechanisms in each of these areas. In the "EU Programme for the Prevention of Violent Conflicts", adopted at the Göteborg European Council in June 2001, the Union committed itself to "pursue conflict prevention as one of the main objectives of the EU`s external relations"[62].

The policy making in this domain is divided between the European Commission and the Council of the EU, while the role of the European Parliament and the member states should also be mentioned. In general, the European Commission is largely responsible for structural, or long-term conflict prevention, being in charge of managing the EU`s external aid and development programmes. While the Commission and the Council both have competences in medium-term crisis management, the Council has the decision-making power. Short-term capacities remain largely under the control of member states and the institutional primacy of the Council.

Two more elements in the conflict prevention/management system of the EU should be mentioned. The first is the European Parliament, which has a limited role of a consultative institution in the CFSP/ESDP. The other element consists of the foreign policies of the individual member states, which in principle should be coordinated with the common EU policy. However, it is clear that if a certain decision contradicts the interests of a given member state, it will prefer to decide on its own. Moreover, the countries have different strategic backgrounds and capabilities, which often creates difficulties in their cooperation. This explains the fact that

[60] Dannreuther, R. (ed.) (2004) European Union Foreign and Security Policy - Towards a Neighbourhood Strategy.
[61] Stewart, E. (2004) The EU's Conflict Prevention Policy: A Unique Contribution to a Global Problem? Loughborough University, UK.
[62] Ibid.

some members emphasize on the importance of a certain region or participate more actively in the resolution of a given conflict, while others have priorities and interests, pointing elsewhere[63].

The European Security Strategy document recognizes that the EU, which during the Cold War was primarily a security "consumer", has increasingly assumed the role of a security "provider". To fulfil this role, it needs to acquire not only greater but changing capabilities - from large armies and land forces to more rapidly deployable, technologically-equipped, and intelligence based forces that can perform a wide range of tasks[64]. The transatlantic relations have been another factor pushing forward the argument about European capabilities.

The "hard" security aspects, introduced in the Treaty of Amsterdam in 1997 are defined as "humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking"[65]. These are the so-called Petersberg tasks, whose implementation was taken by the Union from the Western European Union (WEU), which ceased to function as the EU`s military arm.

At the Helsinki European Council in December 1999 the EU Member States committed themselves to the Headline Goals of creating a functioning Rapid Reaction Force by 2003 as the instrument to act upon the Petersberg Tasks. This should have enabled the Union, by 2003, to deploy within 60 days a force of up to 60 000 troops that could be sustainable in the field for at least a year. However, this goal has not been reached and at the present time, the EU is able to intervene externally through units known as "battle groups" (1,500 troops deployable for a very short time and for short operations). Up to thirteen battlegroups are envisaged, while two or three are already available[66].

Already in November 2003, the EU defence ministers agreed to revisit the Petersberg tasks in 2004 under a new Headline Goal, to be met by 2010. This involves the ability to respond across the entire spectrum of crisis response operations through concrete military objectives: an operational European Defence Agency, implementation by 2005 of an EU strategic lift

[63] Pace, M. (2005) EU Policy-Making Towards Border Conflicts. EUBORDERCONF.
[64] International Crisis Group (2005) EU Crisis Response Capability Revisited.
[65] Treaty of Amsterdam, Title V, Article J.7 (2).
[66] Andersson, J.J. (2006) Armed and Ready? The EU Battlegroup Concept and the Nordic Battlegroup. SIEPS

joint coordination, complete development of rapidly deployable battle groups by 2007, and availability of an aircraft carrier and associated air wing and escort by 2008[67]. The range of Petersberg tasks has been upgraded to include joint disarmament operations and support for third countries in combating terrorism and security sector reform.

Another development in the "hard" end of the EU`s capacities includes the so-called Berlin-Plus Agreements. After the WEU capacities in crisis management were transferred to the EU, a dialogue began between the EU and NATO for the utilization of Alliance's assets by the Union. The dialogue began in 1999 and led to an agreement with NATO in 2002, known as the Berlin-Plus arrangements. In March 2003, the first Berlin-Plus military operation, named "Concordia" was launched in Macedonia (FYROM).

At the Feira European Council in June 2000, member states pledged to provide "soft power" capabilities in four priority areas for civilian crisis management missions[68].

- Police operations - up to 5 000 police officers for international missions, with 1 000 to be deployable within a period of 30 days.
- Rule of law - a commitment was made to provide up to 200 officials in the field of law by 2003. The rule of law missions are generally envisaged as supporting police missions, but they could be carried out autonomously as well. Up to 60 officials are available within 30 days.
- Civil administration - as the rule of law missions, civilian administration missions carry out advisory, training, monitoring and executive services in various fields such as custom services, education, health and infrastructure functions, such as water and energy supply, telecommunications and transport. By the end of 2003, around 250 officials were available for such missions.
- Civil protection – these missions aim at the protection of people in the event of major emergencies. Such missions could also be deployed to armed conflict zones, for search and rescue tasks, construction of refugee camps, and to assist humanitarian actors. Commitment targets include small teams of up to 2000 personnel.

Since 2003, the ESDP has been in operation for both civilian and military crisis management. Thus the EU has been able to intervene in various

[67] International Crisis Group (2005) EU Crisis Response Capability Revisited.
[68] Stewart, E. (2004) The EU's Conflict Prevention Policy: A Unique Contribution to a Global Problem?

ways in Bosnia-Herzegovina, Macedonia, the Congo, Georgia, Sudan, Iraq, Indonesia, in Palestine and Gaza and on the border between Ukraine and Moldova. The operations relevant to this analysis will be discussed in brief in the subsequent chapters.

It should be mentioned that this is only a general overview of the capabilities and the structures of the Union dealing with conflicts, but it gives an idea on the level of development in this field and on the possible problems arising from such a system. It is evident that the EU needs to develop both military and civilian capabilities, in an integrated and coordinated way (without a Council-Commission competition), in order to consider itself able to undertake the full range of conflict prevention/ resolution tasks. This goes into the popular debate if the Union remains a "civilian power", while already possessing some form of military capabilities. In could be argued that the Union`s experience from the past, most notably in the Balkans, calls for certain military capacity. The more relevant question is whether this "hard power" capacity will seek to complement or replace the EU`s civilian and "soft power" mechanisms. So far the actions of the Union in its immediate neighbourhood and beyond suggest that the first option is more likely to be followed[69]. Moreover, it is argued that the main task for EU`s crisis management policies will be to "to handle the grey area which exists between the 'hard' security guarantees of NATO, the 'soft' security assured by EU membership or its prospect"[70].

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This chapter aimed at two things: looking at the partnership/membership approach that the EU pursued in the relations with its neighbours to the East and its influence on the conflicts in terms of Europeanization; and examining the structures and the capabilities of the Union in the field of conflict resolution. The next two chapters will focus on several issues: the enlargement and neighbourhood policies as tools for conflict resolution and the level of Europeanization they provide; the performance of the Union in concrete conflicts in the enlargement and Eastern neighbourhood policy areas; and the general prospects for resolution of the conflicts by the Union.

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[69] Stavridis, S. (2001) Why the 'Militarising' of the European Union is strengthening the concept of a 'Civilian power Europe'. Robert Schuman Centre for Advanced Studies, EUI, RSC No. 2001/17.

[70] Hill, C. (2001) The EU`s Capacity for Conflict Prevention.

III

EU and conflict resolution in the enlargement area

The enlargement process and conflict resolution

The process of Europeanization, determining the broad involvement of the Union in conflict resolution was laid down in the first chapter. Its two main features – the EU as an "actor" and as a "framework" could be observed in their full force in the enlargement area[71]. Here, the EU could employ both the instrument of conditionality and to participate directly in the conflict resolution process, as well as to execute missions of military or civil character. This is possible by the fact that in the enlargement area the EU can provide its strongest incentive for conflict resolution – the prospect of membership.

This is often referred to as the "the power of attraction" of the Union[72]: the prospect of membership in the Union creates a process, in which the countries willing to join the EU comply with certain political and economic criteria, based on democratic values. This reflects two broad types of liberalism, of which the most recent and relevant one is the idea of the democratic peace[73]. On EU level, the assumption that democratic states do not fight each other is reflected in the enlargement process, which (1) adds into the Union countries which have fulfilled its democratic criteria and (2) hopes that this will create a spillover effect to other non-member states[74].

This becomes evident throughout the history of the EC/EU. Considering the stimulus to create the European Communities and later on the

[71] Coppieters, B. et al. (2005) Europeanization and Conflict Resolution: Case Studies from the European Periphery.
[72] Cited in Hill, C. (2001) The EU`s Capacity for Conflict Prevention.
[73] Christou, G. (2002) The European Union and Cyprus: The Power of Attraction as a Solution to the Cyprus Issue. JEMIE.
[74] Ibid.

European Union, it could be argued that the Union itself is a quite successful form of long-term conflict prevention and conflict resolution system[75]. Before the start of the Eastern enlargement, EC/EU encountered few conflicts, the most notable exceptions being Northern Ireland and the Basque country. But the policies towards Central and Eastern Europe were explicitly linked with the crises in Yugoslavia. The argument to invite the countries had clear security logic and stated that this would "provide an element of stability against the background of continuing turbulence in the former Soviet Union and the tragedy unfolding in the former Yugoslavia"[76].

The Copenhagen Criteria, although not explicitly, demanded that accession countries should settle political conflicts with their neighbours. This was more clearly defined in 1995 at the Essen Council, which underlined that candidate countries wishing to join the EU should not only embrace democratic values and respect human rights but must not bring unresolved problems concerning the treatment of minorities or frontier disputes into the EU[77]. This can be regarded as the first direct encouragement by the Union to settle conflicts in the region as a precondition for membership.

Later on, after the Kosovo crisis, the Balkan countries were proposed the Stabilization and Association Agreements with the EU, which envisaged the prospect of membership, although in the long-term. This action taken by the EU was mainly driven by the growing sense within the EU that a preventive measure was needed if Europe wished to avoid ethnic conflicts like Kosovo to spread to the rest of the Balkan region. This changed the connection between security and enlargement. Before Kosovo, the most widespread idea was "security as a condition", i.e. that the candidates should achieve peace and security within and between themselves, and then the EU could enlarge. After Kosovo, it was turned around: the promises for future enlargement should be given in the first place, so that the EU could play a role in achieving peace and security[78]. Initiating accession negotiations with those candidate countries which were

[75] Cited in Hill, C. (2001) The EU`s Capacity for Conflict Prevention.
[76] Higashino, A. (2004) For the Sake of 'Peace and Security'? The Role of Security in the European Union Enlargement Eastwards. Cooperation and Conflict, Vol. 39(4): 347–368.
[77] Dannreuther, R. (ed.) (2004) European Union Foreign and Security Policy - Towards a Neighbourhood Strategy.
[78] Higashino, A. (2004) For the Sake of 'Peace and Security'? The Role of Security in the European Union Enlargement Eastwards.

seriously affected by the crisis came to be regarded as the most powerful tool to provide such perspectives, and thus to create security and stability in the region.

In general, the performance of the EU in conflict resolution in the enlargement area depends on several factors[79]:

- The coherence of the EU as an actor – the "division of labour" between Commission and Council often makes the external actions of the Union uncoordinated. Moreover, in the Council the member states control a substantial part of the conflict resolution policies of the EU; this is the second level which needs strong coordination.
- The perception of the EU by the different parties in a conflict – the EU`s strength depends on its "image" perceived by the parties in the conflict. Another important factor is the way the membership is seen by the actors as a means to achieve their own goals (such as to keep them in power).
- The viability of the membership perspective – if the prospect of accession is too far away, this brings uncertainty; if the possibility of accession is given too early, this could diminish the stimulus for the resolution of a given conflict.
- The range of instruments applied – the effectiveness of the EU depends on the combination of long-term and short-term instruments for conflict resolution.
- Cooperation with other actors and their role in the conflict - during the Cold war, NATO was the organization providing security on the Western part of the European continent. With the start of the Eastern enlargement, the EU membership of the countries was preceded by a membership in NATO (with the notable exception of Malta and Cyprus). Moreover, the UN is also involved as a peacekeeper in the Western Balkans and Cyprus. Russia and the USA also have strong interests, which should be taken into account.

The next sub-chapters will explore the development of these factors in the concrete conflicts, which the EU faces in the enlargement area: Kosovo, Cyprus and the Kurdish (PKK) conflict.

[79] The basis for the list of factors is taken from Coppieters, B. et al. (2005) Europeanization and Conflict Resolution: Case Studies from the European Periphery.

The Western Balkans / Kosovo

The EU`s role in the Western Balkans could be summarized in the two broad objectives, defined in the first chapter – stabilization (state-building, post-conflict management) and integration. While in Central and Eastern Europe (CEE) the phases of stabilization and integration followed one another, in the Western Balkans, as it was argued above, EU integration is a condition for stabilization rather that the other way round[80].

In terms of security, the Western Balkans serve as a "testing ground" for the ESDP operations of the EU[81]. A military operation named Concordia was active in Macedonia (FYROM) between 31 March and 15 December 2003 following NATO's operation "Allied Harmony". On December 2003, the EU launched the military mission Proxima in FYROM, in which some 1,000 troops were involved. Also, in December 2004, the EU Military Operation in Bosnia and Herzegovina (Althea / EUFOR) took over from NATO's Stabilization Force (SFOR). This operation involves some 7,000 troops, the overwhelming majority of which come from EU member states.

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Yet the most serious security challenge in the Western Balkans – Kosovo - still remains to be resolved. Despite the crucial importance of Kosovo for the development of the whole region, this is the issue in which the EU is least (directly) involved. NATO led the military campaign against Serbia and after the ceasefire played the main role in the KFOR mission. Since 1999, the province is governed by a United Nations mission (UNMIK), which established a "standards before status" policy. This meant that under the UN supervision, the authorities in Kosovo should cover numerous standards (from rule of law to minority rights) before engaging into final status talks. Later on, the Contact Group announced that if progress is achieved, in the middle of 2005 a review of the standards could be concluded and talks on the future status could start. In fact, the impetus for the talks was not the improvement, but the worsening of the situation. The events of 17-19 March 2004 and the violent clashes between ethnic Albanians and Serbs, as well as with the international peacekeeping forces

[80] Batt, J. (ed.) (2004) The Western Balkans: moving on. Chaillot Paper n°70, Institute for Security Studies.

[81] Tziampiris, A. (2005) Kosovo's Future Sovereignty: A Role for the European Union. Southeast European and Black Sea Studies, Vol. 5, No. 2, pp. 285–299.

in Kosovo, UN Police and KFOR, left 30 people dead[82]. The situation exposed the inadequate reactions of the international forces and showed that the current approach is not working and the status question should be moved forward. This happened in 2005, after the UN envoy Eide`s report recommended that Kosovo was ready for final status talks and the Security Council decided to open the process. It is argued that an important factor for starting the talks was the support of the United States for the main role of the talks of the largest party in Kosovo - the Democratic League of Kosovo (DLK). The strong positions of the LDK in the Albanian diaspora in the US are also mentioned[83].

The special UN envoy who leads the talks is Maarti Ahtisaari. There are two main issues on the table: to deal with the positions of Serbia and the Kosovo Albanians, which at the moment exclude each other; and to complete the transition of Kosovo to self-governance[84]. Some of the concrete problems to be resolved prior to the status include the decentralization of Kosovo, the return of the refugees, the status and protection of the Serbian population, securing the Serbian property and the protection of the Serbian cultural heritage in Kosovo.

The current situation could be described as a zero-sum game, having in mind the Kosovo Albanian demands for independence and Belgrade's categorical rejection of an independent Kosovo with the formula "more than autonomy, less than independence". Proposals that lean toward independence – even "conditional" independence involving the long-term presence of international security forces, judicial officials and monitors – have been rejected by the Serbs. Similarly, proposals that seek to keep Kosovo within the boundaries of the Serbian state are unacceptable for the Kosovo Albanians.

A situation where both sides agree on a negotiated settlement is highly desirable, but unrealistic. At the same time, the positions of all the countries in the Contact Group appear to lean towards some form of "conditional independence". A model for such kind of solution is proposed by the International Commission for the Balkans[85] and it

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[82] Schenker, H. (2004) Violence in Kosovo and the Way Ahead. ECMI Brief #10.

[83] Pettifer, J. (2006) Kosova Negotiations - Background and Perspectives. Conflict Studies Research Centre.

[84] International Crisis Group (2006) Kosovo: the Challenge of Transition. Europe Report N°170.

[85] International Commission on the Balkans (2005). The Balkans in Europe's Future.

includes four stages: (1) de facto separation of Kosovo from Serbia (more or less the current situation); (2) independence without full sovereignty and under international supervision; (3) guided sovereignty (Kosovo becomes an EU candidate); (4) full and final sovereignty (Kosovo in the EU).

Having in mind the refusal of the Serbian side for such an outcome, many analysts and diplomats propose an enforced settlement if Belgrade refuses to recognize Kosovo`s independence. It is argued that this is not entirely negative for Serbia, as it would allow Belgrade to "come out clean" of the situation and to claim that it did everything it could to prevent it[86]. Serbia is advised on many occasions to stop fighting for territory and to try to secure as much rights as it can for the Serbian population in Kosovo.

For now, despite the fact that the Kosovo conflict developed on its borderlines, the EU`s involvement is still quite limited and encompasses "soft" activities. The Union plays a role in the funding of Kosovo, particularly through the administration of UNMIK`s Pillar IV (Reconstruction, Recovery and Economic Development). The EU is still the largest international donor in the province, although the financial assistance it provides starts to decline, reflecting the tendency for the Western Balkans as a whole. Despite this, the EU`s political role so far is restricted to statements such as: "whatever Kosovo's final status, its place belongs to Europe"[87]. Even though the EU will observe the discussions on the final status, it can actually play a limited role in the outcome of the talks. This is because the status has to be decided by the UN Security Council and its permanent members with a new resolution, replacing the previous Resolution 1244. The EU has a special envoy for the talks – Stefan Lehne, but he plays a supporting role in the Contact Group. The Union has a clear interest of what Kosovo should look like after the conclusion of the talks in order to be able to work with it in an effective manner, but at the same time it has a limited capacity to influence the process[88].

However, the Union is regarded as the key player for the post-1244 situation in Kosovo. Its presence could take several forms. One possibility is to use the Bosnia model and to establish an EU Special Representative with broad powers, including the ability to dismiss local officials[89].

[86] International Crisis Group (2006) Kosovo: the Challenge of Transition.
[87] Patten: Kosovo's Future Lies In Europe. (30.03.2004) http://www.eurunion.org/.
[88] International Crisis Group (2006) Kosovo: the Challenge of Transition.
[89] Like the one in Bosnia and Herzegovina.

Another possible option for the EU is to play a role in strengthening Kosovo`s legal system and framework[90]. The Union already has experience in this field, after concluding a rule of law mission in Georgia. In addition to that, some EU judges could be given jurisdiction in Kosovo for sensitive cases. The EU could as well be engaged in the plans for putting the northern Kosovo municipalities, including Mitrovica, under international administration[91].

The only official engagement on EU`s side so far is the engagement to establish police mission in Kosovo after the status talks. In April 2006, the EU foreign ministers agreed to create an EU Planning Team to design the role of the mission, which apart from policing activities could include a rule of law element[92]. This mission is believed to be EU`s most extensive (and expensive) crisis management mission so far.

There are several differences between the Commission and the Council on the exact role that the EU should play once the status is resolved. The Council places the emphasis on granting broad powers for a future EU Special Representative for Kosovo (similar to the Bosnian case) and focusing on the above-mentioned police and rule of law missions. The Commission on its side prefers to restrain from the possibility of direct governing powers and favours a conditionality approach, combined with financial assistance[93]. This reflects a broader problem: if the EU holds key executive powers, it will practically have to negotiate with itself the integration of Kosovo and to determine by itself its preparedness for an eventual accession. Nevertheless, especially in the field of security, the EU needs to closely cooperate with NATO, which plans to maintain a contingent in Kosovo for several years.

One important question for the EU is how to "compensate" Serbia if it loses Kosovo or "punish" if it does not formally recognize such outcome of the status talks. 2006 is a tough year for Belgrade; first, in March the EU stopped negotiations on a SAA because Serbia could not deliver Ratko Mladic in Hague before the deadline given by the EU; second, in May Montenegro voted for independence from Serbia in a referendum, thus

[90] Tziampiris, A. (2005) Kosovo's Future Sovereignty: A Role for the European Union.
[91] Serwer, D. (2005), Kosovo: Current and Future Status, Congressional Testimony, United States Institute of Peace, May 18.
[92] EUobserver (04.2006) EU prepares its biggest ever security mission in Kosovo.
[93] International Crisis Group (2006) Kosovo: the Challenge of Transition.

putting an end to the EU-brokered state union[94]. On Kosovo, the Contact Group is determined to finish the talks until the end of the year. This should prompt the EU to adopt a clear strategy towards Serbia, because for now the prospect for its membership in the Union is a medium to long-term. This significantly decreases the possibility for Brussels to use the membership perspective for Serbia as an instrument during and after the status negotiations.

A serious test for the EU will be the relations with the Kosovo leaders and authorities. One issue is the serious degree of autonomy, given to the Kosovo Protection Corps (KPC). It is pointed out that their existence has been a "sign of weakness of the international community in dealing with the decommissioning of the Kosovo Liberation Army (KLA)"[95]. Although not publicly expressed, the EU did not react enthusiastically when Agim Ceku, the KPC commander and a former KLA Chief Commander became the new prime minister of Kosovo in March 2006[96]. One of Kosovo`s former prime ministers, Ramush Haradinaj, was indicted by the Hague tribunal, but now he is free to participate in Kosovo politics though he is still awaiting trial. Such actions could make the fate of the Serbian population in Kosovo problematic, given the fact that if the province receives independence, many Serbians will prefer to leave.

Another issue is the influence of the final status of Kosovo to the stability of the whole region. Some analysts argue than an independent Kosovo could create instability in Macedonia or Bosnia and Herzegovina by provoking secessionist moods or reviving the idea of a "Greater Albania"[97]. The Contact Group has made it clear that Kosovo will not be partitioned with one part going to Serbia and the Albanian part becoming independent, in order not to threaten the territorial integrity of Macedonia and Bosnia. Another aspect of the influence of Kosovo in the region is Kosovo's economy, which is widely regarded as a "black hole" in the Balkans. Here the major security challenge is to tackle organized crime and trafficking in drugs and weapons. The region has also become a transit route for illegal migration into the EU and creates favourable conditions for the activities of terrorist groups. Here, the EU should enforce a strong regional approach and cooperation between the states and their police, border control and judicial authorities.

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[94] BBC (05. 2006) Montenegro vote result confirmed.

[95] Schenker, H. (2004) Violence in Kosovo and the Way Ahead.

[96] EUobserver (02.03.2006) EU wary as guerrilla general named to lead Kosovo.

[97] Batt, J. (ed.) (2004) The Western Balkans: moving on.

The final resolution of the status of Kosovo has repercussions not only in the Western Balkans, but in a broader scale as well. According to Russia`s position, which in the last months became official, the approach to Kosovo should reflect "universal" standards[98]. This in practice means using the Kosovo question as a precedent for entities such as Transnistria, Abkhazia, South Ossetia, Nagorno Karabakh and even Northern Cyprus. This position is shared by many of the de facto governments of these entities. However such a conditional independence may also stimulate separatist tendencies in the Northern Caucasus, particularly in Chechnya. Nevertheless, the EU should be ready to respond if after the final decision on Kosovo`s status such claims appear.

The EU`s credibility as an international actor thus depends to a large extent on its success in the Balkans. If it fails to ensure lasting stability in this region, already (after the accession of Bulgaria and Romania - completely) surrounded by member states, it could hardly succeed elsewhere. The most recent EU proposal is the creation of a free trade zone amongst the Western Balkan countries. However, it was criticized by Croatia with the claim that it represents "a new Yugoslavia"[99]. Obviously, for the countries in the region the EU is not aiming high enough, while at the same time demanding more than enough.

■ Turkey / Cyprus and the Kurdish (PKK) conflict

Turkey is a country which has the potential to change the EU in a significant manner both internally and externally. Its size, population and geographical location make it a challenging candidate for EU membership. The prospect of Turkish accession brings a number of questions, such as the borderlines of Europe and how should the European integration proceed from now on[100]. It is therefore not surprising that one of the reasons given by the citizens of France and the Netherlands when rejecting the Constitutional Treaty was fears of further enlargement (although it had almost nothing to do with the Treaty itself), especially of including Turkey as a candidate. For a long time, the EU postponed

[98] Smith, M. (2006) Kosovo's Status: Russian Policy on Unrecognised States. Conflict Studies Research Centre.
[99] ISN (04.2006) Western Balkans mulls free trade zone.
[100] Gates, A. (2005) Negotiating Turkey's Accession: The Limitations of the Current EU Strategy. European Foreign Affairs Review 10: 381-397.

Turkey's bid to join the Union for formal reasons, like the lack of fulfilment of the Copenhagen criteria and especially the fourth one – the absorption capacity of the Union. Respectively, the gradual progress towards meeting the criteria, albeit contested by some analysts[101], allowed the Union to open negotiations with Turkey in October 2005. There are several issues, on which the European Union is focusing during the negotiations with Turkey and which require the undertaking of far-reaching reforms. Many of them are directly or indirectly connected with two problems, having the potential to determine the final outcome of Turkey's aspirations for the EU: Cyprus and the Kurdish (PKK) conflict, with the latter being closely connected with the general issue of human rights in Turkey[102].

Before dealing with the two conflicts, one aspect concerning Turkey's stance towards the ESDP should be cleared out. In the negotiations for the EU usage of NATO assets through the WEU, Turkey managed to extract sufficient guarantees for itself. It was made clear that the collective defence guarantees in both the WEU and NATO Treaties are considered not to be applicable to the Greek-Turkish disputes and, by extension, the Cyprus issue, nor can they be invoked in the case of internal unrest, such as that caused by the Kurdish movement[103].

Cyprus

The European Union is a side in the Cyprus conflict after the Greek Cypriot's Republic of Cyprus became part of the Union with nine other countries in 2004. As noted before, the resolution of territorial disputes and minority issues is a necessary precondition for the EU membership of a given country. Cyprus, though, became an exception.

Cyprus's engagement with the EU started as early as 1962, when an independent Cyprus applied to join the EEC[104]. The violent clashes that broke out one year later between the Greek and the Turkish Cypriots made this impossible. In 1974, Turkey invaded the island on the basis of

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[101] Minchev, O. (2006) The Case of Turkey in the EU. Institute for Regional and International Studies, Sofia.

[102] By Kurdish conflict is meant the conflict between the Turkish state and PKK.

[103] Biscop, S. (2002) Enlargement as a Tool for Conflict Resolution?

[104] Yesilada, B. and Sozen, A. (2002) Negotiating a Resolution to the Cyprus Problem: Is Potential European Union Membership a Blessing or a Curse? International Negotiation 7: 261–285.

the Treaty of Guarantee[105] and by the end of 1975 the Turkish Cypriots held around 37 percent of the island (in the northern part), while backed by 30,000 Turkish troops and continuing settlement of this part of the island by Turkish population. The Republic of Cyprus, now led by the Greek Cypriots, continued to be recognized as the legitimate government of the island and not recognized by Turkey, while the Turkish Cypriots created the Turkish Republic of Northern Cyprus (TRNC), recognized only by Turkey[106]. Despite the division of the island the EC/EU continued its relations with the Greek Cypriots and in 1973 they evolved into an Association Agreement. In 1990 the Greek Cypriots applied for membership and in 1993 the EU recognized the Republic of Cyprus` application bid in the name of the whole island. The Turkish Cypriot leadership immediately claimed that the Greek Cypriots did not have the right to apply for membership without consulting it. The basis for this claim were the treaties of London and Zurich that founded the republic of Cyprus in 1960, which stipulated that Cyprus cannot enter an international organisation without the permission of Greece, Turkey and the UK[107]. The Turkish Cypriots thus supported EU membership only after Turkey's accession in the EU. Nevertheless, the EU continued to rely on the membership perspective to serve as an impetus for the resolution of the conflict and to make an eventual settlement more attractive for the Turkish Cypriots, who could benefit from their accession in the EU. In 1997, the Luxembourg European council confirmed the start of the negotiations for 1998 and the Turkish Cypriots were invited to participate in the talks. Despite their refusal, the negotiations started as planned.

The membership bid of Cyprus proved to be counterproductive. Instead of facilitating the resolution of the conflict, it led to further polarizing of the positions of the parties. Turkey explicitly stated that it would annex the northern part of the island if EU admits the Republic of Cyprus without a settlement of the conflict[108]. Greece, on its part, threatened to use its veto over the whole EU enlargement unless the RC is included in the

[105] The 1960 Treaty of Guarantee granted guarantor powers Greece, Turkey and the United Kingdom unilateral rights of intervention in Cyprus to restore the constitutional state of affairs on the island. In 1974 Turkey invaded the island appealing to its rights and obligations under the Treaty.

[106] Yiangou, G. (2002) The Accession of Cyprus to the EU: Challenges and Opportunities for the New European Regional Order. JEMIE

[107] LONDON-ZURICH TREATIES OF FEBRUARY 1959, accessed at http://web.deu.edu.tr/kibris/articles/app.html

[108] Kadritzke, N. (1998) Cyprus hostage to Athens-Ankara confrontation. Le Monde Diplomatique.

first wave of enlargement[109]. The EU adopted a new tactic at the 1999 Helsinki European Council; first, it confirmed that the resolution of the Cyprus conflict would not be a prerequisite for the accession of RC in the EU; this ensured Greece and placed Turkey in a situation, in which it could no longer block Cyprus` accession in the EU by refusing to negotiate a settlement of the conflict. Second, by giving Turkey a candidate status the EU recognized that Ankara's position on the conflict is crucial and aimed to provide it with a strong incentive. After all, Turkey had been waiting for recognition as a candidate since it first applied in 1963 and has been denied such status several times. Although Turkey has been reluctant to recognize an explicit link between its own accession and the resolution of the Cyprus conflict, it certainly existed in the eyes of the EU[110]. Thus the Union established the membership perspective and the instruments of conditionality as its primary strategy towards the Cyprus conflict.

After the Helsinki summit, the Greek and Turkish positions on the conflict became increasingly convergent. In 2002–2004 the UN led the negotiations on the conflict under the so-called "Annan Plan". The UN Secretary General Kofi Annan has presented five successive revisions of the Plan since November 2002, the last of which was submitted to separate referendums in April 2004. The Plan provided for the establishment of a single United Cyprus Republic (UCR), constituted by a federal level and two constituent states (a Greek Cypriot and a Turkish Cypriot state). Most competences would be attributed to the constituent states and the federal level would be responsible principally for foreign relations, monetary policy, federal finance, and UCR citizenship and immigration[111]. The plan was also coherent with the implementation of the EU *acquis communautaire*, meaning that the EU served as a framework in the drafting of the plan.

The parties entered the negotiations on the basis of the Annan Plan with totally different perceptions of what the outcome should be. For the Greek Cypriots, the desired solution was a single Cypriot State under a federative state structure. The Turkish Cypriot side, on the other hand,

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[109] Yiangou, G. (2002) The Accession of Cyprus to the EU: Challenges and Opportunities for the New European Regional Order.

[110] Ugur, M. (2000) Europeanization and Convergence via Incomplete Contracts? The Case of Turkey. Southern European Society and Politics. 5 (2): 217-43.

[111] Tocci, N. (2004) EU Intervention in Ethno-political Conflicts: The Cases of Cyprus and Serbia-Montenegro. European Foreign Affairs Review 9: 551–573.

proposed a confederative structure of Cyprus, meaning the creation of two separate sovereign and politically equal states[112]. Eventually, the Greek Cypriot side was satisfied with the fact that the "four freedoms" of the EU overlapped with their traditionally advocated "three freedoms" of movement, settlement and property; yet, the Plan specified several temporary exemptions in order to preserve the rights of the Turkish Cypriot side. The Annan Plan also tried to create balance between Greece and Turkey, stipulating equal numbers of Greek and Turkish troops, continuation of the Treaty of Guarantee and exclusion of Cyprus from eventual ESDP operations.

The positions of the different parties on the Plan saw significant developments. During the 2002-2003 negotiations the Greek Cypriots led by the former president Glafcos Clerides actively engaged in the process, but at the 2002 Copenhagen European Council the Turkish Cypriots` leader Rauf Denktaş rejected it. Eventually, Clerides lost the 2003 elections and was replaced by Tassos Papadopoulos. At The Hague negotiations in March 2003, a possibility to engage the Greek Cypriot side to sign the Plan emerged, because the EU accession treaty has not yet been signed by them. However, the Plan was again rejected by the Turkish Cypriots, who refused to put it on a referendum. When the peace process was resumed in the beginning of 2004, the RC had already signed the EU Treaty of Accession and waited to join the Union together with nine other candidates. Thus the stimulus of the Greek Cypriot side to engage actively in the negotiations was considerably lowered and the president Papadopoulos started openly to campaign against the Plan, supported by the largest Greek Cypriot party, AKEL. Thus the whole dynamic of the process was changed.

A reverse of positions occurred on the Turkish Cypriot side as well. The position of the leader Denktaş throughout the process was quite clear, given the fact that he rejected the plan twice. However, since 2002 the Denktaş became increasingly pressured by pro-Plan movements, which eventually led to the win in the December 2003 parliamentary elections of the Republican Turkish Party (CTP), led by Mehmet Ali Talat. This was made possible not only by the internal dynamics in northern Cyprus, but mainly because of the change of power in Turkey. The newly elected Justice and Development Party (AKP) agreed that the Annan Plan should serve as a basis in the conflict negotiations. Despite strong resistance

[112] Akgün, M. et al. (2005) Quo vadis Cyprus? Tesev Working Paper.

inside Turkey from the opposition party, the presidency and some part of the military, AKP and CTP initiated the resuming of the talks in 2004 and started a "yes" campaign in northern Cyprus. Eventually, Denktaş left the talks and it was up to Talat as a Prime minister to continue negotiating. After strong pressure from the international actors involved in the negotiations, it was decided that the 2004 negotiations would end with both sides putting the Plan to referendum.

On 24 April 2004, days before the planned accession of ten new member states in the EU (including Cyprus), the Greek and the Turkish Cypriots voted the Plan in separate referenda. The outcome was a reversal of the whole negotiating process – 65% of the Turkish Cypriots voted "yes", while 76% of the Greek Cypriots said "no". On the 1st of May Cyprus entered the EU divided, with the *acquis communautaire* applying only for its southern part. Thus the European Union became a party in the conflict and cannot serve as impartial mediator in the future.

The fact that the EU changed its position in 1999 and gave the Greek Cypriot side an unconditional possibility for full membership despite the lack of settlement of the conflict is regarded as a main reason for the failure of the Annan Plan. Moreover, the Turkish Cypriot side accepted the Plan, which left the EU in an awkward position. Nevertheless, several days after the referenda the EU declared its determination to put an end to the isolation of the Turkish Cypriot community and to facilitate the reunification of Cyprus by encouraging the economic development of the Turkish Cypriot community[113]. Another failure of the EU was the fact that only the Commission through the enlargement process dealt with Cyprus, while the Council and its sub-bodies, dealing with conflict resolution and prevention did not participate. Moreover, the position of Brussels was strongly influenced by Athens, which threatened to block the whole enlargement process and the accession of all ten applicants[114]. Even before the referenda on the Annan Plan many analysts warned that the EU`s policy overlooked the fact that security and sovereignty issues were of highest importance in the Cyprus conflict, which is why the economic benefits of membership did not serve as a major incentive for the Turkish Cypriots[115].

[113] Akgün, M. et al. (2005) Quo vadis Cyprus?
[114] Batt, J. (ed.) (2004) The Western Balkans: moving on.
[115] Biscop, S. (2002) Enlargement as a Tool for Conflict Resolution?

After the accession of Cyprus, the issue became part of the EU-Turkey negotiations. In mid-2005, Turkey signed the so-called Ankara protocol, extending the customs agreement with the EU to the new member states, including Cyprus. The Turkish government explicitly mentioned that this act does not lead to the recognition of the Republic of Cyprus. In fact, this was a precondition for the opening of membership talks with the EU in October and in practice means that Turkey should open its ports and airports to vessels from Cyprus[116]. Turkey respectively expects the EU to allow direct trade with northern Cyprus. More or less, the future role of the Union in the conflict is limited to fostering aid and trade with the Turkish Cypriots (which, after all, backed the Annan Plan), while at the same time pressing Turkey to recognize Cyprus during the membership talks. However, the Republic of Cyprus as a member state with veto power will play a key role in decisions related to the establishment of contacts between the EU and the Turkish Cypriots, as well as in the continuation of the EU-Turkey negotiations. The recent win of Papadopoulos` party in the parliamentary elections is regarded by many as a "referendum number two" and a clear sign for the continuation of his hard-line policy[117]. The EU needs to find a way to influence the stance of the Republic of Cyprus and that of Greece in search for a future resolution of the conflict, although after receiving EU membership, the Greek Cypriot side has practically no incentives to search for a solution. If the EU does not act, this will only lead to another change in the position of the Turkish Cypriots towards the conflict, this time resembling more that of the former president Denktaş.

Kurdish (PKK) conflict

The Kurds represent around 20% of the population in Turkey[118], while the other part of them inhabits the territories of Syria, Northern Iraq and Iran. After the First World War, the Ottoman Empire was defeated and divided into several pieces and the Treaty of Sevres from 1920 established an independent Kurdistan in what today are the territories of Southeastern Turkey and Northern Iraq. Although the treaty never went into force and Mustafa Kemal Atatürk did not accept its conditions, it played a key role in the so-called "Sevres syndrome" – the suspicion that the European states continue to undermine the territorial integrity of Turkey.

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[116] EUobserver (05.2006) EU and Turkey in limbo over Cyprus issue.
[117] Reuters (05.2006) Cyprus voters back hardline Papadopoulos.
[118] Data estimated by CIA world Factbook 2006. The numbers vary considerably according to the source. http://cia.gov/cia/publications/factbook/geos/tu.html

The subsequent treaty of Lausanne from 1924 recognized the Ottoman tradition for minority rights for non-Muslims – Greek Orthodox, Armenians and Jews – but did not extend it to the Muslim population, including the Kurds[119]. From the 1970s onwards, the fight for the recognition of a Kurdish identity acquired a military character. It was led by the Kurdistan Workers` Party and its leader Abdullah Öcalan and had two main goals: establishing an independent Kurdistan and forming a classless society, with the second goal showing the Marxist-Leninist roots of the movement. From 1984 onwards, PKK began a campaign against Turkey from bases in Iraq, attacking government property and officials, Turks living in the Kurdish regions, Kurds accused of collaborating with the government, foreigners and Turkish diplomatic missions abroad. The Turkish side responded with several major operations, the biggest one conducted in 1995 when 35,000 Turkish troops moved into northern Iraq to attack PKK rebels. By 1999 it is estimated that around 35,000 Kurdish rebels, Turkish troops, and civilians had been killed as a result of the fighting since 1984.

The capturing of Öcalan in 1999 marked a new stage in the conflict. The PKK leader urged for a ceasefire and a continuation of the struggle by non-violent means. This was respected by the movement; it withdrew from the conflict and started to disarm. This represented a shift in the Kurdish position which saw and opportunity to use the Copenhagen criteria of the EU as a way to advance more rights for the Kurds in Turkey. Öcalan received a death sentence, but it was not put into place and was changed to life imprisonment after the abolishment of the death penalty in Turkey in October 2002.

The year 1999 marked the recognition of Turkey as a candidate for EU membership. Prior to that, the EU condemned the PKK actions as "terrorist" ones, but at the same time expressed concerns for the actions of the Turkish military against PKK and recognized the legitimacy of a number of Kurdish demands[120]. This reflects the overall policy of the Union on the Kurdish conflict, which is still valid. The EU has never

[119] Tank, P. (2005) The effects of the Iraq War on the Kurdish issue in Turkey. Conflict, Security & Development 5:1.
[120] Biscop, S. (2002) Enlargement as a Tool for Conflict Resolution?

specified its preferred solution to the conflict, calling instead for a "political and non-military solution to the problem of the south-east"[121].

In general, the European Union`s stance towards many general issues, raised during its negotiations with Turkey, is highly relevant to the Kurdish question[122]. These include the need for Ankara to respect the individual human rights of all its citizens (including the Kurds); the abolition of the death penalty, the eradication of torture and the respect of rights in trial and detention periods. Beyond individual rights, the EU and more concretely the Commission has made demands concerning cultural rights, which in the Kurdish case means the right to use Kurdish names, the rights to broadcasting and receiving education in Kurdish. The EU has criticized the banning of pro-Kurdish parties and has supported further decentralization of the country.

Before giving Turkey a candidate status, the criticisms of Brussels (including on the Kurdish issue) did not attract much attention in Ankara. But especially since 2000, the new status of the country towards its relations with the Union served as a stimulus for the undertaking of a substantial domestic political reform[123]. The new government, led by the Justice and Development Party, undertook most of the steps towards reforms in these areas. In October 2001 and in May 2004, the Grand National Assembly approved numerous constitutional amendments, most of them in the area of human rights. Besides, the government approved a set of seven harmonization packages, which amended the laws in the Penal Code and the Anti-Terror law; an eighth one followed in 2004. Considerable steps were taken in the following directions:

- protecting the freedom of expression by abolishing restrictive legal provisions, such as the "language prohibited by law";
- strengthening the right to a fair trial by allowing retrials for cases found contrary to the European Convention for Human Rights;
- lifting limitations on the freedom of association by a new law;
- public administration reforms, with a view for decentralization[124].

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[121] Commission of the EC (European Communities) (1998) Regular Report on Turkey's Progress towards Accession.

[122] Tocci, N. (2005) Conflict Resolution in the Neighbourhood: Comparing EU Involvement in Turkey's Kurdish Question and in the Israeli–Palestinian Conflict. Mediterranean Politics, Vol. 10, No. 2, 125–146.

[123] Ibid.

[124] Commission of the European Communities (2004) Regular Report on Turkey's progress towards accession. {COM(2004) 656 final}.

Despite the scope of the reforms, there are several important issues concerning their implementation. Some of the provisions contain restrictions, specifically enforced against Kurds or pro-Kurdish groups. One example is the possibility to ban a party, which is viewed as threatening the territorial integrity of the state. This was the case with the dissolution of the People's Democratic Party (HADEP), while a similar process for its successor, the Democratic People's Party (DEHAP) is ongoing. Moreover, the 10 percent threshold for the elections is unchanged. Another issue concerns the restrictions on the implementation of some policies; for example, broadcasting in Kurdish is allowed, but it requires state authorization, direct control over the content and restriction of the timing of the broadcasts.

As mentioned before, these reforms were made possible largely by the fact that the relations between Turkey and the EU passed on a completely different level. Before 1999, the "Sevres syndrome" was still dominating; the EU`s calls for reforms were denied, because they were perceived as undermining the security of the country and because they were demanded by Europe. Giving Turkey a candidate status made these calls for reforms credible and showed that the EU is willing to engage in a serious way. The Kurdish political actors and the Kurdish population in general as well perceived positively the possibility of membership, which initiated the reforms.

The positive momentum of the EU-Turkey relations, expressed by the start of the accession talks in October 2005, the adopted changes in the legislation and the relative calmness on the Kurdish issue were challenged in June 2004, when PKK called off the ceasefire, claiming that the state has not done enough to find a political solution to the conflict. The clashes between PKK fighters and the military intensified, and in March 2006 led to the most violent clashes in the Kurdish region in more than a decade. This showed that the normalization of the Kurdish conflict is still a distant prospect[125]. The rioting in Diyarbakir was triggered after the funeral of four PKK fighters, and in a few days spread all over the region. The government responded with heavy measures, but the unrest even reached Istanbul, where three women, uninvolved in the disturbances, were killed. Members of the Kurdistan Freedom Falcons, an organization believed to be controlled by the PKK, also carried out several bomb attacks. In total,

[125] Kramer, H. (2006) Unrest in Turkey's Kurdish Region. Challenges for Turkey and the EU. SWP Comments 12, Stiftung Wissenschaft und Politik.

16 people lost their lives during the clashes. The scale of violence that broke out was not anticipated by anybody and clearly demonstrated several key problems for the future development of the Kurdish conflict – the response of the government and the role of the military, the issues amongst the Kurds themselves, the situation in northern Iraq and the challenges for the EU.

The response to the last wave of violence from the state institutions was mixed, varying from the lack of immediate statements from the government to the uncompromising reaction of the security forces on the ground. This reflects a general disagreement in the state authorities about the essence of the Kurdish issue, and the way to deal with it. Despite the changes in the legislation, it is pointed out that the JDP has so far not been able to draw a comprehensive plan for dealing, with the conflict, as well as with the general situation in the Kurdish populated areas[126]. The military are pressing for the adoption of a Counterterrorism law in order to lay down the legal provisions for fighting with PKK, while at the same time piling heavy artillery in cities like Diyarbakir. However, many emphasize on the fact that there are worrying signs that the problem is connected with rogue military officers and bureaucrats, known as the "deep state"[127]. During the peak yeas of the conflict in the 1990`s, such elements were accused of executions, extortion and kidnappings. It is argued that in the recent years their actions are provoked by the fear that the reforms demanded by the EU will undermine their influence. As an answer, they could be provoking the Kurds into an open conflict with the army, thus creating instability and forcing the government to concentrate on anti-terror laws, instead of pushing forward reforms, urged by the EU. Several examples point to this direction. At the end of 2005, in the town of Semdinli on the Iraqi border, three Turkish intelligence officers were caught while trying to blow up a bookshop owned by a PKK sympathizer[128]. Moreover, a prosecutor in the city of Van recently accused the head of Turkey's land forces and future Chief of Staff, General Yasar Buyukanit, of setting up rogue units to provoke clashes between Kurdish separatists and security forces and to undermine Turkey's path towards the EU[129]. With the recent EU reforms and the shifting of the balance of power in the National Security Council (NSC) in favour of the civilian

[126] Yavuz, H. and Özcan, N.A. (2006) The Kurdish Question and Turkey's Justice and Development Party. Middle East Policy, Vol. XIII, No. 1.
[127] The Economist (2006) Fighting on – Turkey and its Kurds.
[128] Ibid.
[129] EUobserver (09.03.2006) Turkish row over general's plot to frustrate EU accession.

members, their powers have been reduced, and some military fear that this would encourage Kurdish separatism and strengthen the Islamist movement in the country.

Amongst the Kurds, there are uncertainties as well. The Kurdish Democratic People's Party (DEHAP), which in 2005 merged with the Democratic Society Party (DTP), claims to represent the Kurds in the civil society. It is the most serious challenger to the attempts of the ruling Justice and Development Party (AKP) to establish itself as a political actor in the Kurdish populated area in the general and local elections. However, with the renewing of the violence, DTP is faced with the dilemma of either supporting the actions of the PKK, or trying to preserve its image as the civilian representatives of the Kurds[130].

For the Turkish policy elite, another consideration with internal security implications was (and still is) the threat of an autonomous state in Northern Iraq. Turkey has repeatedly declared that the fragmentation of Iraq and ensuing territorial autonomy for Iraqi Kurds would be regarded as a serious challenge and it clearly indicated its preference for a strongly centralized government in Iraq[131]. The ongoing war in Iraq and the construction of a new state system in the country create concerns in Ankara that an "Iraqi Kurdish model" of autonomy can serve as an example for Turkey's Kurds. Another question related to this is the remains of PKK, who sought refuge in northern Iraq following the capture of Öcalan in 1999. There are estimated 3,000-4,500 PKK fighters in northern Iraq, some right across the Turkish border and others on the Iranian side[132]. Turkey still maintains a contingent of 1,200-1,500 soldiers on the border, placed as well to provide support for the Turkomen. America's strong partnership with the Kurds in Iraq, the new Iraqi constitution's loose federalism, the status of the oil-rich city of Kirkuk and the Pentagon's reluctance to take action against PKK terrorists in northern Iraq are worrying many in the Turkish military[133].

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[130] Kramer, H. (2006) Unrest in Turkey's Kurdish Region.
[131] Barkey, H.J. (ed.) (1996) Reluctant Neighbor: Turkey's Role in the Middle East. United States Institute of Peace, Washington.
[132] Barkey, H.J. and Laipson, E. (2005) Iraqi Kurds and Iraq's Future. Middle East Policy, Vol. XII, No. 4.
[133] International Crisis Group (2005) Iraq: Allaying Turkey's Fears over Kurdish Ambitions. Middle East Report N°35.

The position of the European Union on the issues outlined above is far from clear. Concerning the recent unrest, some in the Union blame the government for its actions against the PKK and the Kurds in general, and others tend to see the problem in PKK itself. As mentioned above and argued by Tocci, so far the EU has only appealed for a political solution of the problem, without specifying what exactly this solution might look like[134]. PKK is in the European Union`s list of terrorist organizations, which in practice excludes the possibility that the Union could communicate somehow with PKK or even with DTP, which is not clearly distancing itself from the PKK actions[135]. Finally, the EU at some point will have to decide on the problem of guaranteeing the political identity of the Kurds[136]. This could take various forms, including granting a minority status, representations of the Kurds at national level, deciding who in fact will represent the Kurds (PKK itself, Kurdish parties with unclear links with PKK, Kurdish parties distancing from PKK, Kurdish MPs from JDP and so on). This requires concerted action from the EU institutions, going beyond the technical conditionality of the pre-accession process. Having in mind that the Kurdish issue goes beyond Turkey's borders, the stance of the Union on Iraq and the American presence there has serious consequences.

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Turkey is not only confronted with the adoption of serious and far-reaching reforms on its way to the European Union. The two conflicts – Cyprus and the Kurdish (PKK) conflict, have the potential to derail the whole accession process. The prospect of membership played a strong role from 1999 onwards, but in the last years it seems to be losing its appeal. One of the reasons is the opposition of the EU membership in some circles of the Turkish government and military structures. Moreover, opposition for the Turkish membership in the EU exists if not in the whole Union itself, than at least in part of the political circles in Europe (Mr. Sarkozy and Ms. Merkel). There are some factors in the enlargement process itself. Turkey is expected to join the EU at least after a decade, and it is clearly stipulated that the process is open-ended, i.e. without a guarantee that it will eventually join. With the exception of Norway, every country which has so far started accession negotiations has joined the Union in the end.

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[134] Tocci, N. (2005) Conflict Resolution in the Neighbourhood: Comparing EU Involvement in Turkey's Kurdish Question and in the Israeli–Palestinian Conflict.
[135] Kramer, H. (2006) Unrest in Turkey's Kurdish Region.
[136] Ibid.

However, exceptions in the enlargement process do exist, one of them being the accession of a divided Cyprus.

Evaluation of EU`s role in conflict resolution in the area

The table below tries to summarize the overall performance of the EU in the three conflicts in the enlargement area – Kosovo, Cyprus and the Kurdish (PKK) conflict. It could be seen that the Union did not participate directly in the settlement of the three conflicts, but in the cases of Cyprus and the Kurdish conflict relied on the membership perspective and on conditionality. So far, the EU did not apply conditionality to Kosovo because of its unresolved status, but this could be expected after the region eventually gets independence. This is explained with the fact that in the enlargement area conflicts the Commission takes serious primacy over the Council in the formation of EU`s policies. It will probably continue to dominate the agenda in the Cyprus and Kurdish conflicts through the accession negotiations with Turkey. In the Kosovo case, the future is still unclear with the Council and the Commission arguing over the model, which should be pursued. In fact, Brussels was and still is a direct mediator in none of the three conflicts, which greatly reduces its leverage.

If we place the resolution of these conflicts in a broad perspective, much depends on the development of the enlargement process itself. Still, according to a recent Eurobarometer survey, 55% of the EU citizens associate the enlargement process with something positive, the majority of them being from the new members[137]. However, the state leaders in the European capitals and the EU ones in Brussels connect the prospect for further enlargements with the above mentioned "absorption capacity". Likewise, after the hurdles over the Constitution EU officials such as the Enlargement commissioner Olli Rehn have many times stated that without institutional changes the enlargement process cannot continue. Recently, the EU leaders placed 2009 as a deadline for an agreement on a new Treaty[138].

Thus, after the accession of Bulgaria and Romania, which could be accompanied with their exclusion from some of the Union`s policies, the future enlargements will depend on the ability of the EU leaders to reform

[137] European Commission (2006) Eurobarometer - The Future of Europe.
[138] EUobserver (28.05.2006) EU agrees 2009 treaty deadline but rifts remain.

the Union. This is an important lesson for the Union, meaning that "the more the enlargement process moved to the east and south, the more important it is for the EU to go deeper in the negotiation process from the normative-administrative surface into inspecting the substantial application of the adopted norms and procedures in the government of the candidate country[139]". Still, even this might not be enough for the resolution of a given conflict and the experience of the Union so far proves it clearly. The EU desperately needs more CFSP in the enlargement process when it comes to security issues such as the resolution of conflicts. In this case, conditionality alone cannot lead the parties to a compromise, if it is not backed at least by diplomatic efforts. Moreover, as in the Cyprus case it could make things worse, if the "carrot" of membership is given without any "stick" attached to it. The opposite situation could be observed in the case of Serbia, where the membership perspective is still unclear in time, but the prospects of independent Kosovo are quite feasible.

Still, it could be argued that membership remains the strongest tool that the Union possesses in dealing with conflicts. But if it is not backed by a credible common foreign policy, it could become a tool in the hands of some of the parties in the conflict. Moreover, the EU could use the full range of its instruments in the enlargement area, albeit again with certain limits. The Western Balkans will continue to be the main ground for conducting both military and civilian operations, but Turkey's stance towards the ESDP makes the chances of executing a mission in Cyprus or the Kurdish region practically next to nothing.

[139] Minchev, O. (2006) The Case of Turkey in the EU.

Evaluation of EU`s role in the conflicts in the enlargement area

	Kosovo	**Cyprus**	**Kurds (PKK)**
Coherence of EU approach	***Commission*** – currently providing aid, wants to stick to the conditionality approach in the future ***Council*** – emphasizing on a different approach for the future, aiming at direct governing powers over Kosovo ***MS*** – several large MS are in the Contact Group	***Commission*** – leading role through the whole accession process of the Republic of Cyprus ***Council*** – practically no role ***MS*** – Greece dominating EU`s position	***Commission*** – playing a major role through the enlargement process ***Council*** – practically no role, except condemning violence ***MS*** – N/A
Perception of the EU by the actors	***Serbia*** – realizes that the EU membership is the only real option, but a general suspicion and lack of trust for the EU exists ***Kosovo*** – relying on the EU for providing independence	***Republic of Cyprus*** – RC is already a member and as such has a veto power ***Turkish Cypriots*** – they voted for the Annan plan and now expect at least economic aid from the EU ***Turkey*** – Turkey has been a candidate for a long time and the Europeanization of the country is a main goal; however, the "Sevres syndrome" is still valid in some cases	***Turkey*** – Turkey has been a candidate for a long time and the Europeanization of the country is a main goal; however, the "Sevres syndrome" is still valid in some cases ***Kurds*** – rely on EU membership, which could give them more rights, as during the negotiation process
Viability of membership	***Serbia*** – negotiating SAA with the EU, but without a timetable for membership	***Republic of Cyprus*** – already a member; often argued that the early membership perspective discouraged	***Turkey*** – long-term and open-ended perspective, as well as negative signals from the EU itself,

	Kosovo – after status is decided and some form of independence is given, it could begin negotiating SAA	them to search for a resolution of the conflict ***Turkish Cypriots*** – the citizens are EU members, but the acquis are not valid on the territory of northern Cyprus; ***Turkey*** – long-term and open-ended perspective, as well as negative signals from the EU itself	
Range of instruments	***Diplomatic*** – representative in the Contact group, but does not participate as a full-fledged negotiator ***Military*** – none, but a police mission is planned to start after status decision ***Civilian*** – none, but rule of law mission planned to start after status decision	***Diplomatic*** – not enough pressure on the Greek Cypriots to negotiate and on Greece to influence them ***Military*** – no ESDP missions possible, because of guarantee negotiated with Turkey ***Civilian*** – N/A	***Diplomatic*** – through the negotiation process ***Military*** – no ESDP missions possible, because of guarantee negotiated with Turkey ***Civilian*** – N/A
Other actors	***UN*** – currently governing the region through UNMIK; could be replaced by an EUSR in the future ***NATO*** – KFOR planning to maintain troops in the next years ***Russia*** – appealing for "universal standards" and linking the future of Kosovo status with other unrecognized entities	***UN*** – the EU served partially as a framework during the drafting of the Annan plan; the UN will continue the mediation process since the EU is already a party in the conflict	***USA*** – the US has supported Turkish EU membership for a long time; now the relations are tense because of the Iraq war ***Iraq*** – Turkey pursues cooperation with the Kurds in Iraq in order to control PKK activity

IV

EU and conflict resolution in the Eastern neighbourhood policy area

The neighbourhood policy and conflict resolution

As argued in the first chapter of this study, Europeanization in the EU neighbourhood becomes a foreign policy instrument. The Union establishes relations with the countries on the basis of policies, reflecting the priorities of the Union itself. In other words, the EU uses the mechanism of conditionality to encourage domestic changes in the countries, but without offering its biggest "carrot"- membership. Instead, the Union offers incentives of a lesser scale, which considerably lowers its influence not only in the general relations with the countries, but in the possibility for conflict resolution.

Here, one of the main problems is the importance of the relations with the EU for the domestic actors[140]. In some cases, like Belarus, the conditionality mechanism can even have a negative impact and could be perceived as a direct interference in the internal affairs of the country. However, Belarus is not the most common case in the Eastern neighbourhood of the EU. Countries like Armenia or Azerbaijan, aim at closer cooperation with the EU, while Ukraine, Moldova and Georgia have clearly marked the full membership in the EU as their final goal. This means that the EU, at least in the last group of countries, has fallen into another "capabilities-expectations" gap, this time concerning the possible membership of these countries.

Some analyses point out that during the 1990s the policies of the Union to the East were based on the expectation that the countries will form a relatively coherent group in the framework of the Commonwealth of

[140] Coppieters, B. et al. (2005) Europeanization and Conflict Resolution: Case Studies from the European Periphery.

Independent States (CIS)[141]. That`s why the EU did not consider membership for these countries and instead supported their close economic links with Russia. However, the recent developments showed that this group of countries is far from coherent and the CIS failed to develop as a viable framework. The PCA framework, determining the relations of the EU with this group of countries during the 1990s, was concentrated in establishing a general linkage between democratization, cooperation and technical assistance, but the EU simply did not offer enough incentives for the countries to initiate reforms. Moreover, the countries had to deal with the complexity of the EU as an actor. Conflict resolution and security issues were, in general, not part of the PCAs. The security issues in the Balkans were a priority and the fact that Russia had (and still has) considerable influence served as an additional restrain for the EU. In general, the EU was too far away from these countries and the security problems were too complex for a credible action other than financial aid.

The situation changed with the development of the "big-bang" enlargement. The Union got closer to the countries in the region, especially to Belarus, Ukraine and Moldova, and the security issues of these countries got closer to the Union. Thus the European Security Strategy (ESS) explicitly mentioned that one of the main foreign policy goals of the Union is "securing the neighbourhood"[142]. As mentioned before in the analysis, the neighbourhood is the area in which the EU has the greatest responsibility and the leading role for ensuring peace and security. The ESS develops the principle of building "comprehensive and cooperative relations in political, economic, cultural and security fields with the States concerned … in order to increase security"[143].

The broad framework created for achieving this goal is the European Neighbourhood Policy (ENP). The EU does not emphasize on the policy as an alternative to the enlargement, although in practice it clearly acts as one. The ENP contains some foreign policy elements, but it could be described more precisely as a "mix of domestic policy instruments, foreign

[141] Dannreuther, R. (ed.) (2004) European Union Foreign and Security Policy - Towards a Neighbourhood Strategy.
[142] European Union (2003) A secure Europe in a better world. European Security Strategy.
[143] Ibid.

policy and enlargement *pratiques"*[144]. In security terms, the policy envisages the following:

> *ENP enables us to bring together various internal and external instruments more effectively, working with our neighbours to tackle new threats e.g. cooperation against terrorism, tackling the root causes of extremism, thwarting international organised crime, contributing to resolving conflicts*[145].

The ENP is similar to the enlargement in its role as a framework, contributing indirectly to conflict prevention and stabilisation by promoting standards and values such as the rule of law, prosperity, democracy and respect of human rights. It is a Commission-driven policy, and crisis management is the prerogative of the Council, which is the main EU institutional actor in foreign and security policy issues. Through the Commission, so far the security dimension of ENP has been mainly focused on conflict prevention and post-conflict rehabilitation rather than on direct EU participation in the settlement of conflicts[146].

At first, the Eastern dimension of the ENP covered only Belarus, Ukraine and Moldova. Later on, the South Caucasus (Georgia, Armenia and Azerbaijan) which was mentioned in the ESS as a region in which the EU "should now take a stronger and more active interest", was included as well[147]. Thus the ENP may give the EU more leverage in this broad region of the European CIS countries, but its capacity to make a significant impact on such countries and conflicts depends not only on the EU itself, but on the interests of other actor - notably Russia[148]. As part of their "strategic partnership" in the realm of the Four Common Spaces framework, the EU and Russia have a common space for external security. It includes "cross-border crime, terrorism, weapons of mass destruction,

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[144] Popescu, N. (2006) The EU and South Caucasus: learning lessons from Moldova and Ukraine. Eurojournal.org.
[145] Landaburu, E. (2006) From Neighbourhood to Integration Policy. Are there concrete alternatives to enlargement?
[146] Popescu, N. (2005) EU in Moldova - setting conflicts in the neighbourhood. Occasional Paper N60, Institute for Security Studies.
[147] Biscop, S. (2005) The EU, the OSCE and the European Security Architecture: Network or Labyrinth? Paper for Presentation at the Helsinki Monitor Conference, OSCE's Future after 30 Years, Vienna, 9 September.
[148] Smith, K. (2005) The outsiders: the European neighbourhood policy. International Affairs 81, Vol.4, 757-773.

crisis management and conflict prevention/resolution"[149]. However, it is clear that more often than not, the interests of the two actors in the region are quite different. This is one of the explanations for the predominant focus in the ENP on prevention and post-conflict rehabilitation, than on direct conflict resolution. Moreover, the United States regard the South Caucasus as a strategic region, especially when it comes to energy issues. Their interests often coincide with EU`s, but sometimes different priorities overseas might lead to emphasis on different problems, such as the fight with terrorism.

The EU`s role in the Eastern ENP conflicts could be measured by the same factors as the ones in the enlargement area, with only a slight change in one of the points:

- the coherence of the EU as an actor;
- the perception of the EU by the different parties;
- the viability of the membership perspective and the "added value" of the ENP[150];
- the range of instruments applied;
- cooperation with other actors and their role in the conflict.

Moldova – Transnistria

The Transnistrian conflict is the first in this paper from the so-called "frozen conflicts" in the post-Soviet space. Although the tensions between Moldova and its eastern region Transnistria have some historical roots, the conflict itself broke out after the fall of the USSR. The conflicts cannot be described as an ethnic one, given the fact that even prior 1989 the biggest ethnic group in Transnistria were the Moldavians. However, it has to be noted that Transnistria is inhabited as well by Russians and Ukrainians.

In 1991 Moldova declared independence and for some time thought on the possibility of unifying with Romania – a country with deep historical ties with Moldova. Respectively, Transnistria sought to remain close with the Soviet Union and after its dissolution with Russia, but eventually declared independence under the name of Pridnestrovskaya Moldavskaya

[149] Emerson, M. (2004) European Neighbourhood Policy: Strategy or Placebo? CEPS Working Document No. 215.

[150] A membership perspective is not envisaged in the ENP, but (1) there are some countries perceiving it as their final aim and (2) the ENP has some "added value" in its efforts to provide closer integration with the EU.

Respublika (PMR). The Moldovan authorities started a short war in 1992, and around 1500 people were killed as a result. The decisive moment for the end of the armed conflict was the intervention of the 14th Russian Army, stationed in Transnistria. Since then, the Russian troops remained on Transnistrian territory as peacekeeping forces. In 1994 Moldova signed an agreement with Russia for the gradual removal of the Russian troops in three years, which became one of the key problematic points in the conflict. Another concern for Moldova is more than 40,000 tonnes of Russian military equipment and ammunitions, stockpiled in Transnistria. During the OSCE`s Istanbul summit in 1999, Russia again committed itself for the withdrawal of its troops and equipment from Transnistria.

There were several attempts to resolve the conflict through so-called "five-sided" format, chaired by OSCE and including Russia and Ukraine as mediators and Moldova and Transnistria as parties. The peacekeeping operation is jointly led by Russian, Moldovan and Transnistrian forces and is supervised by a Joint Control Commission (JCC) with the same members as the five-sided format. It should be noted that Transnistria has a veto right in the decisions of the JCC. So far, this mechanism has not been able to resolve the conflict and it has lead to the consolidation of the regime in Tiraspol (the proclaimed capital of Transnistria), led by Igor Smirnov.

A turning point in the conflict were the 2001 elections in Moldova, won by the Communist party. The new President, Vladimir Voronin, was elected on a pro-Russian platform, but subsequently reoriented the foreign policy of the country. He decided to pursue closer relations with the EU, repeatedly expressing willingness to conclude an Association Agreement[151]. After his coming to power, Moldova became a member of the World Trade Organization and the Stability Pact for Southeastern Europe, but since it was not included in the SAA process it benefited only from the "stabilization" side of the Pact.

The changed foreign policy orientation of Moldova permitted the EU to play a greater role in the conflict. In the beginning of 2003, President Voronin established a Joint Constitutional Commission (JCC) to draft a new constitution. He invited Transnistria as a co-author and the EU as an observer, providing expert advice. This was the first official participation of the Union in the conflict resolution process. Eventually, the work of the

[151] http://www.moldova.pl/european_integration.html

JCC stalled and in November 2003 Russia unilaterally proposed a plan for the federalization of Moldova – the so-called "Kozak memorandum". It envisaged two sub-entities – Gagauzia and Transnistria – and gave Transnistria a potential blocking power on legislation changes. This meant that if Moldova moves to a closer integration with the EU, Transnistria could easily block it. On its part, the Transnistrian de facto President Igor Smirnov wanted additional military guarantees, providing deployment of Russian troops for 30 years. The EU and the US put pressure on Voronin not to accept the proposal, and he eventually refused it.

During 2003 and 2004, the EU several times issued a visa ban for Transnistrian officials, while at the same time negotiating Moldova's Action Plan under the ENP. The agreed Plan contains a part for EU-Moldova cooperation for the resolution of the conflict in seven concrete points[152]. Moreover, after the crisis over the forceful closure of Romanian language schools in the summer of 2004, Voronin invited the EU to join the "five-sided format" of negotiations. Eventually, in October 2005 the Union together with the US joined the talks as observers in the new 5+2 format. Meanwhile, the President Voronin was re-elected in April 2005, this time with a pro-European platform.

In March 2005, the EU made another step towards an increased involvement in the conflict by appointing an EU Special Representative for Moldova – the Dutch diplomat Adrian Jacobovits de Szeged. He has a mandate closely connected with the Transnistrian conflict: he should work for the EU`s contribution to an eventual settlement and for "strengthen[ing] the EU`s contribution to the resolution of the Transnistrian conflict"[153].

The most recent initiative of the EU – the border assistance mission – is closely connected with one of the main factors, enabling the Transnistrian regime to survive – the economy. The PMR relies heavily on trade and exports, as well as on illegal trafficking and arms sales. Since PMR is not recognized internationally, it relies on Moldovan customs stamps to export its products. They were granted to Tiraspol as a part of a package deal in one of the attempts for conflict resolution. The "customs stamps" issue was always present when efforts aimed at the change of the status quo in the conflict were initiated. In 2003, Moldova and Ukraine (which

[152] EU/Moldova action plan, http://www.mfa.md/En/Action_Plan_EU-Moldova.pdf
[153] Popescu, N. (2005) The EU Special Representative for Moldova. Eurojournal.org.

has a 400 km border with Transnistria) reached an agreement on customs and border controls through the mediation of the EU. However the Ukrainian side did not cooperate actively and did not support the subsequent blockade of Transnistria by Moldova in the aftermath of the schools` crisis.

In October 2005, the EU launched a Commission-led two-year border assistance mission (EUBAM), sending around 50 experts to monitor the Moldovan-Ukrainian border[154]. After some hesitation from Ukraine due to Russian pressure, the country introduced new customs rules making illegal any shipment from Transnistria without a Moldovan clearance. This sparked harsh reactions from the de facto Transnistrian authorities, calling the new rules an "economic blockade" of Transnistria. Moscow as well reacted negatively and responded to the call for "humanitarian assistance" from Tiraspol, increasing its import of goods to Transnistria. Smirnov quit the negotiation process, asked for additional peacekeeping forces from Russia and moved to concrete actions by taking over the Moldovan river port Varnitsa with PMR police forces[155]. This shows that the EU border mission and the increased involvement of the EU in the conflict by engaging Ukraine produces visible results.

Although Moldova's foreign stance is increasingly oriented towards the EU, its domestic policies raise concerns. The EU has to make sure that the President Voronin is truly committed to pursue closer relations with the EU not only because it keeps him in power and strengthens its anti-Russian stance. Moreover, Moldova is currently the poorest country in Europe and its development is crucial if the country wants to become attractive to the citizens of Transnistria. The regime in Tiraspol often criticizes the political and economic developments in Moldova for justifying its existence. On the other hand, the corruption in Moldova allows Transnistria to strengthen its economic positions and undermines the efforts for the resolution of the conflict. Furthermore, it is often argued that Transnistria`s economy is largely supported by business interests in Ukraine and Russia.

The European Union has the potential to change the dynamics of the conflict. Some proposals for EU involvement include a change from a Russian peacekeeping force to a multinational team, and the possible

[154] http://www.consilium.europa.eu/cms3_fo/showPage.asp?id=986&lang=en&mode=g
[155] ITAR-TASS (04.2006) Dniester JCC seeks to settle conflict over Varnitsa wharf.

launch of an EU civil police mission in Moldova. However, these options are only conceivable in a post-conflict scenario in Moldova, which means an increased EU role in the negotiation process. The fact that for Tiraspol the EU is probably an "enemy number one" after the establishment of the border assistance mission will create difficulties to engage Transnistria back in the negotiation process. A possible peacekeeping mission with EU participation is also regarded as somehow problematic, because it "would ignore Moldova's opposition to any foreign military presence on its territory; would unjustifiably privilege Russia over the West, on the West's doorstep; and would provide an excuse for ratification of the Treaty on Conventional Forces in Europe without Russian implementation of the Istanbul Commitments on troop withdrawal"[156].

Ukraine's current internal difficulties in forming a new cabinet might obstruct its role in the resolution for the conflict, although the President Yushchenko appears to be committed to cooperation. In May 2005 he proposed a plan on Transnistria, which serves as a basis for the current negotiations. However, some of its provisions are contestable even for the Moldovan side[157] and it is not clear if it will manage to serve as a solid basis in the future. Romania as a future EU member and a country closely connected with Moldova could engage more actively as well. The Romanian president Basescu has expressed his willingness to participate in the efforts for resolution of the conflict, unveiling the possibility of a new peace plan[158]. Last, but not least, the EU should discuss the conflict in the realm of its dialogue with Russia. This could be problematic having in mind the increasingly tense EU-Russia relations and Moscow's interests in preserving the *status quo* in the conflict.

South Caucasus / Abkhazia, South Ossetia, Nagorno Karabakh

The South Caucasus is a complicated region for the European Union. The fact that it lies between Russia`s North Caucasus region, the Caspian Sea ad Central Asia, Turkey and the Middle East; its strategic importance as an energy producing and transit region; its position as a main path of

[156] Socor, V. (2006) Moscow, Kyiv Disrupting Negotiations on Transnistria. Eurasia Daily Monitor.
[157] Nantoi, O. (2005) The Ukrainian Plan on Transnistria: Pros and Cons. Institute for Public Policy.
[158] Regnum (29.05.2006) Румыния начнет диалог напрямую с Тирасполем.

international crime and trafficking activities; and its multitude of ethnic groups makes an increased EU involvement in the region a challenging task. In fact, there is a significant international presence in the region, ranging from UN and OSCE`s peacekeeping activities, the United States, the private business activities of a number of energy companies, and last but not least, the regional players – Russia, Turkey and Iran.

One of the most serious security challenges in the region is the existence of a number of "frozen" conflicts. Two of them – Abkhazia and South Ossetia – concern Georgia, while the third one – Nagorno Karabakh – is a dispute between Armenia and Azerbaijan. This means that each of the tree countries in the region is engaged in a conflict. Adding the ongoing armed conflict in Chechnya and the broad North Caucasus, the region's further development is intrinsically connected with the resolution of these conflicts.

By 2001, the European Union decided to address some of the conflicts in the PCA process. During this period, one idea for an increased involvement for the EU as a framework and the US was the so-called Stability Pact for the Caucasus, taking the shape of a multi-layer federal agreement. It was first raised at the 1999 OSCE summit in Istanbul, and its possible arrangement was developed by think-tanks such as the Centre for European Policy Studies[159]. The major hurdle in front of this initiative was the Russian-Armenian stance that the Russian military presence in the South Caucasus should be a major component of a new system of regional security[160]. This was not shared by many of the other participants in the discussions.

It appears that the EU`s future involvement will be exclusively determined by the European Neighbourhood Policy (ENP)[161]. At the end of 2005, the EU started negotiations with the three countries on their Action Plans, due to end in mid-2006. Moreover, in 2003 the EU appointed a Special Representative for the South Caucasus - Heikki Talvitie. He was replaced by Peter Semneby in March 2006, with the new EUSR receiving a broader mandate. Originally, his task was to "assist in conflict resolution",

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[159] Celac, S. et al. (2003) A Stability Pact for the Caucasus. Centre for European Policy Studies.

[160] Mehtiyev, E. (2004) Perspectives of Security Development in the South Caucasus. Peace and Conflict Resolution Center, Baku.

[161] RFE/RL (19.05.2006) Prospects for a South Caucasus Stability Pact Recede. Volume 9, Number 17.

but later it was changed to "contribute to the settlement of conflicts and … facilitate the implementation of such settlement in close coordination with the United Nations [and] … the [OSCE]"[162]. The Union is definitely getting more interested in what is happening in South Caucasus, especially when it comes to democratization, conflict resolution and last but not least, energy security. South Caucasus is a transit and producing region with a key importance for EU`s plans to balance its energy dependency on Russia.

Georgia / Abkhazia and South Ossetia

Georgia is starting to matter for the EU[163]. After the Rose Revolution in 2003 and the election of the new president Mikhail Saakashvili, the relations of the country with Western actors acquired new dynamics, especially considering the solid US support before and during the events. Saakashvili openly stated that membership in the EU and NATO is his main priority[164]. Moreover, the Georgian leader wants to begin Association Agreement (AA) negotiations after a three-year (not five-year, as proposed by the EU) Action Plan under the ENP[165]. One of the first commitments of the EU to the new leadership was the first ESDP mission in the region. The Rule of Law mission EUJUST Themis was launched in 2004 and lasted 12 months[166], working in areas such as organisational reform of public institutions, parliamentary and electoral reform and confidence building among population groups affected by conflict.

One of the first tasks of the new president was to consolidate its power and to deal with the situation in Georgia's three autonomous regions – Ajaria, Abkhazia and South Ossetia. The first on the line was Ajaria, where Saakashvili managed to peacefully end the regime of the long-standing president Aslan Abashidze, although at some points the situation was on the brink of a civil war. Mass protests by opposition movements created

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[162] International Crisis Group (2006) Conflict Resolution in the South Caucasus: the EU`s Role. Europe Report N°173.
[163] Lynch, D. (2006) Why Georgia Matters. Challiot Paper No.86, Institute for Security Studies.
[164] European Policy Centre (2005) Georgia - Priorities and Challenges in 2005 and beyond.
[165] International Crisis Group (2006) Conflict Resolution in the South Caucasus: the EU`s Role.
[166] EU Rule of Law Mission to Georgia (EUJUST THEMIS), http://www.consilium.europa.eu/cms3_fo/showPage.asp?id=701&lang=en&mode=g

after the Rose Revolution in Batumi also influenced the outcome[167]. After the events, a new constitutional law was adopted, in which Ajaria retained its autonomous status, but the central government received extensive powers and oversight over its state structures. This leads to the question how Saakashvili will deal with the other conflicts on Georgia's territory – Abkhazia and South Ossetia. Certainly there are differences between Ajaria and the other two autonomous republics, for example the ethnic composition, the involvement of Russia and the fact that Ajaria never sought independence on the basis of national self-determination. Both the Abkhazian and the South Ossetian conflicts have ethnic roots, going back to the 17-18 century and later on to the Soviet period, when the placement of the borders of the autonomous Soviet republics set most of the preconditions for the current conflicts.

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After Georgia became the first independent state of the former Soviet Union in 1991, the region of Abkhazia made an attempt to secede. Georgia responded by deploying 3,000 Georgian troops, occupying a large part of Abkhazia together with the capital Sukhumi. In 1992 a war broke out, in which the Abkhaz received military assistance from the North Caucasian republics and from Russia. The Moscow-brokered ceasefire was violated and after the fighting resumed a new agreement was concluded, under which the Georgian forces had to withdraw from Abkhazia. In August 1993, the UN Security Council issued Resolution 858, which aimed at ensuring compliance with the ceasefire and reaffirmed the territorial integrity of Georgia. The UN also established a monitoring mission (UNOMIG). Until the end of the 1993, the Abkhaz forces drove the Georgian army out of the region, and as a result more than 250,000 people fled Abkhazia and became IDPs in Georgia. In May 1994 Abkhazia, Georgia Russia and the UN signed the Moscow agreement and in addition to UNOMIG, a separate force from CIS was assigned as a peacekeeping mission. Throughout the 1990s, the agreement was violated several times by Abkhaz military operations in the Gali region and clashes in the Kodori gorge.

In 1999 a referendum was held in Abkhazia and most of the citizens voted for independence[168]. However, the referendum was not recognized by

[167] International Crisis Group (2004) Saakashvili's Ajara Success: Repeatable Elsewhere in Georgia? EUROPE Briefing Tbilisi/Brussels, 18 August.
[168] Lenta.ru (07.05.2006) Багапш пообещал НАТО независимую Абхазию.

Georgia. Another important event in the development of the conflict was the change of power in Abkhazia during the presidential elections in October 2004. After numerous legal hurdles and clashes between the camps of the two candidates, Sergey Bagapsh and the Russia-supported Rauk Khadjimba, they decided to go as a tandem and won the newly called elections in 2005 as a President and Vice-President.

The negotiations on the resolution of the conflict are led in two sets of talks: the UN-sponsored Geneva process and the so-called Sochi process under Russia`s auspices. Generally, they are regarded as unsuccessful in the resolution of the conflict. In 2001, the then UN Special Representative in Georgia Dieter Boden presented a document, entitled "Basic Principles on the Distribution of Competencies between Tbilisi and Sukhumi". It served as a basis for the negotiations, until Russia officially rejected it in the beginning of this year[169]. Moreover, in October 2005 the Georgian parliament voted a July 2006 deadline for the withdrawal of the CIS peacekeeping operation led by Russia. The mission could be replaced by an international contingent. On its part, Moscow stated that it could vote for the termination of UNOMIG, if Georgia applies its decision. Several weeks ago, the de facto government of Abkhazia proposed a peace plan, which basically calls for recognition of Abkhazia`s separation from Georgia[170].

During the 1990s, the EU restricted its actions to condemning the violence and calling for a peaceful resolution of the conflict. Eventually, the EU began to assist the UN in providing humanitarian and rehabilitation aid, but due to the worsened situation in the Gali region, from 1998 to 2004 the Union scaled down its activities in Abkhazia. In 2003 and 2004, the situation improved, which allowed the EU and the UN to resume work. By mid-2006, the EU has claimed to be the largest donor in Abkhazia, implementing projects worth around €25 million. The newest one is a three-year program to support rehabilitation and reconstruction in the Georgian-Abkhaz conflict zone and adjoining areas, thus creating conditions for the reintegration of IDPs and refugees[171]. It serves as a

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[169] Eurasia Daily Monitor (07.02.2006) Moscow Kills Boden Paper, Threatens to Terminate UNOMIG in Georgia.

[170] Eurasia Daily Monitor (18.05.2006) Abkhaz leaders present "peace plan" to international negotiators.

[171] Commission Delegation to Georgia, "Abkhazia: Planned Projects", http://www.delgeo.cec.eu.int/en/programmes/Abkhazia.htm#

connection between humanitarian aid and development policies and will be implemented by UNDP and UNOMIG.

In general, the EU`s presence in Abkhazia has been restrained largely to providing aid. The EUSR is not part of the Geneva process, which means that his leverage in providing a negotiation settlement is low. Speaking in the wake of presidential elections in Georgia in January 2004, the EU High Representative Javier Solana suggested that the EU might provide peacekeepers if that state's dispute with the breakaway region of Abkhazia were resolved[172]. Yet, even if the EU decides to increase its political role in the conflict, Moscow would most probably object such participation from Brussels.

In 1990, the South Ossetian Autonomous Oblast declared sovereignty and, as mentioned before, Georgia abolished its autonomous status by denouncing all internal borders in the state. Fighting broke out in 1991, followed by mass movements of Georgians to the territory of Georgia and Ossetians to North Ossetia, an autonomous republic of Russia. A ceasefire was reached in 1992, under which a peacekeeping force from Georgia, South Ossetia and Russia was set up. It is supervised by a Joint Control Commission with similar powers as the one in Transnistria. The members of the JCC are Georgia, South Ossetia, North Ossetia and Russia. In the following years, there were numerous claims from South Ossetia for a reunification with North Ossetia.

The ceasefire broke down temporarily when Tbilisi sent armed police into South Ossetia in the summer of 2004[173]. This was an attempt by the President Saakashvili to cut the funding base of the regime in South Ossetia by establishing an economic blockade, backed up by military operations. This only consolidated the regime and provoked response from Russia; military forces and equipment crossed into South Ossetia and after series of clashes, dozens of casualties and strong pressure from the US, Saakashvili withdrew his troops[174]. Thus, he could not repeat his successful Ajarian operation in South Ossetia. In the beginning of 2005, the

[172] Lynch, D. (ed.) (2003) The South Caucasus: a challenge for the EU. Chaillot Paper n°65, Institute for Security Studies.
[173] International Crisis Group (2004) Georgia: Avoiding War in South Ossetia.
[174] Leonard, M. and Grant, Ch. (2005) Georgia and the EU: Can Europe's neighbourhood policy deliver? Centre for European Reform.

Georgian President changed the tactic and unveiled a peace plan[175]. It provided for an autonomous government for the province, funds and financial aid, and joint police forces. The plan asked the EU to become a guarantor of the peace, supported by the US and Russia. Eventually, the plan was rejected by the Ossetians, with the EU and the US only supporting it in principle. Meanwhile, the peacekeeping mission, as the one in Abkhazia, also faces a Georgian assessment deadline this year.

The EU has been more directly involved in conflict resolution in South Ossetia than in Abkhazia, both politically and economically. From 1998 onwards, the Commission has established an Economic Rehabilitation Program in the conflict zone, using funding from the TACIS program. Under the CFSP, the Council has allocated grants to the OSCE mission in Georgia for the financing of the JCC activities. The difference from the EU projects in Abkhazia is that in South Ossetia they are tied to the political dialogue within the JCC. The projects are implemented if the four JCC parties agree on them. Moreover, since 2001 the EU is participating in the JCC, but at the same time the sides could negotiate with the Union how the money from the projects will be spent[176]. Georgia urges the EU to become a full participant in JCC and to become a full-fledged part in the negotiation framework. Analysts point out that the EUSR and the Commission have closely cooperated in this conflict[177]. On the other hand, it is noted that the EU is still seen as a complementary actor to the activities of the OSCE.

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A further step towards an EU involvement in the two Georgian conflicts – Abkhazia and South Ossetia – is the Action Plan under the neighbourhood policy, which is still in negotiation. Tbilisi's agenda for the Action Plan is extremely ambitious, concerning the resolution of the conflicts, as Georgia has set this issue as a priority. The country considers its integration in Europe as a key factor for resolving the conflicts, which is reflected in its desire to sign an Association Agreement (AA) with the EU after the implementation of the Action Plan. Tbilisi seeks EU support for the implementation of its peace plan for South Ossetia, and states that there is a need not only for economic assistance, but for a greater use of ESDP

[175] RFE/RL (26.01.2005) President Unveils South Ossetian Peace Plan In Strasbourg.
[176] International Crisis Group (2006) Conflict Resolution in the South Caucasus: the EU`s Role.
[177] Ibid.

instruments in the Union`s conflict resolution activities. Moreover, through the Action Plan the Georgian government seeks to stimulate a greater involvement of the EU as a counterweight vis-à-vis Russia.

For now, the EU does not seem prepared to engage in such an active scale, preferring to use a softer approach to conflict resolution, to provide economic assistance and to support the existing negotiation formats of the UN and OSCE. This somehow reflects the overall EU approach to conflict resolution in the ENP, as pointed out in a paper from the International Crisis Group:

> *"[EU`s] main contribution to conflict resolution should be assisting Georgia create a state based on European values and standards, which ultimately could be more attractive to South Ossetia and Abkhazia than independence or closer integration with Russia"*[178].

Another priority in all three Action Plans for the South Caucasus` countries is enhanced cooperation "in the field of Justice, Freedom and Security". Georgia highlights the border management element in this field. The reason is the termination of the OSCE border monitoring mission, which observed the movement on the Georgia-Russia border in order to prevent a spillover of the Chechen conflict. Its mandate expired in the end of 2004, with Russia vetoing its extension[179]. Afterwards, there were calls from the Georgian authorities for a similar EU mission. After several months of negotiations, the Union could not agree on the question due to concerns from several member states that such mission will influence negatively the relations with Russia. Eventually, the EU took some steps and enlarged the mandate of the EUSR to report on the border situation, while establishing a support team to work with Georgia's border guards in non-conflict areas.

The political and economic isolation of the two conflict regions from Georgia leads to some proposals, emphasizing on the "opening of the conflicts"[180], ending their isolation and strengthening their economic ties with Georgia as a crucial part of EU`s involvement. For now, this is a realistic vision of the role that the Union could play, given the fact that a possible participation in an international peacekeeping force in South Ossetia will be difficult, due to the possibility of Russian opposition or

[178] Ibid.
[179] RFE/RL (30.12.2004) Moscow Vetoes OSCE's Border-Monitoring Mission.
[180] Lynch, D, (2006) Sharpening EU Policy Towards Georgia. Institute for Security Studies

diverging member states` interests. Moreover, Georgia has to watch out for developments in the Pankisi Gorge, claimed to be a zone of activity of Chechen fighters, and the Javakheti region, with predominantly Armenian population seeking more recognition.

Armenia and Azerbaijan / Nagorno Karabakh

Nagorno-Karabakh (NK) is an enclave within the territory of Azerbaijan, mainly populated by ethnic Armenians and with very close ties with the Armenian state. One example for these relations is the fact that the current Armenian President and former Prime Minister Robert Kocharian served as a de facto president of Nagorno-Karabakh until 1997. Nevertheless, the sovereign status of the Nagorno Karabakh Republic (NKR) is not recognized internationally, including from Armenia.

The NK demands for autonomy after the collapse of the USSR evolved into a violent conflict and a full-scale war from 1988 onwards between Azerbaijan and NK, which was supported by Armenia. Russia sent troops in support of Azerbaijan, but withdrew them by the end of 1991. Consequently, heavy fighting broke out and between 1992 and 1994 the conflict resulted in a defeat for the Azeri and claimed 20,000 lives. As a consequence, Azerbaijan lost more than 14 % of its territory (20% according to Azerbaijan), including not only NK but the region of Lachin and the total or partial territory of eight districts of Azerbaijan, occupied by Armenian forces. Moreover, the renewed fighting created massive refugee flows into other regions of Azerbaijan.

In 1994, the OSCE (then CSCE) together with Russia managed to broker a ceasefire. Since then, the mediation process is held under the auspices of the so-called Minsk Group of the OSCE, chaired by representatives from Russia, the United States and France. The NK does not maintain relations with Azerbaijan and participates in the process through Armenia. In 1997 the situation deteriorated after mutual accusations of weapon stockpiling and preparation for military actions. Armenia withdrew temporarily from the negotiations, which was followed by military clashes along the border. In 1998, the Minsk Group drafted a proposal for a loose federation between Azerbaijan and NK, but it did not produce results. Since the ceasefire, regular talks were held under the Minsk Group, but without any visible results. Baku generally supports a "staged plan" – first, the liberation of the territories occupied by Armenia and the return of refugees; and second, deciding the status of NK. Armenia insists on a

"package plan" and a complex resolution of the problem[181]. The so-called "Prague process", started in 2004, is a new phase in the negotiations envisaging stage by stage approach and giving the possibility to each side of initiating a dialogue. So far, the results under this process are negligible. The newest round of talks took place in Paris in February 2006, but again with no results. Before the talks it appeared that an agreed solution has been found, stipulating a phased conflict resolution with two main features: a referendum in NK for the status of the region and liberation of all Armenian-occupied districts in Azerbaijan[182]. This, however, was not agreed on.

The French co-chairman of the Minsk group himself has recognized the weakness of the process, viewing it as a political forum without a real power to resolve the conflict[183]. In addition, several attempts were made by OSCE to address the issue in the UN Security Council, but they were tuned down by Russia (due to its close ties with Armenia), by the United States (with large Armenian diaspora and energy interests in Azerbaijan), or by France (with strong Armenian diaspora as well).

Moreover, the US policy to Armenia and Azerbaijan is heavily influenced by the priorities, determined by the "war on terrorism"[184]. In 2002, the US President George Bush waived Section 907 of the Freedom Support Act that prohibited technical aid to Azerbaijan and military assistance to Armenia. In practice, this means that the US is able to help Azerbaijan's border security to prevent terrorist infiltration and enhance intelligence and law enforcement cooperation. In July 2004 the US Congress approved a parity policy that allocated US$5m of military aid each year for both countries[185].

The conflict attracts significant attention from regional actors, including Russia, Iran and Turkey. The latter is aligned with Azerbaijan and has contributed to the joint economic blockade of Armenia; both Turkey and Azerbaijan have closed their borders with the country. In response, Armenia has sought the support of Russia in the conflict. In the last years the Azerbaijan President Aliev made several attempts to "internationalise"

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[181] IPVA (01.2006) Баку и Ереван выберут миротворцев.
[182] Socor, V. (02.2006) Yerevan Insists Karabakh Peace Process Alive Despite Paris Fiasco. Eurasia Daily Monitor.
[183] German, T. (2005) Untangling the Karabakh Knot. Conflict Studies Research Centre.
[184] Ibid.
[185] Ibid.

the conflict. He called several times on the international community, including the UN, the Council of Europe and the European Union, to step up their involvement in the peace process[186]. In addition, Baku has been continually accusing the Republic of Nagorno Karabakh of allowing transit of drugs and training international terrorist militant groups[187].

The European Union`s involvement in the Nagorno-Karabakh conflict cannot be compared to the one in Abkhazia or South Ossetia. It has not funded economic assistance projects and its activities were largely connected with the actions of the EUSR and support of the Minsk Group negotiation process. It has to be noted, though, that the perceptions of Armenia and Azerbaijan concerning the European Union differ from those of Georgia. For Armenia, the EU is an increasingly important, but complementary partner; the country has an interest in preserving and developing its relations with Russia, the US and Iran. The situation in Azerbaijan is similar, with Moscow and Washington both playing a key role.

Nevertheless, the Nagorno-Karabakh conflict has its place in the Action Plans for the two countries under the ENP. Initially, Armenia's stance was similar to the one of Georgia; the country asked the EU to help address some of the consequences of the conflict[188]. However, during the negotiations on the Action Plan the EU showed a lack of willingness to include such proposals, and Yerevan eventually abandoned them. Armenia has also appealed for an increased EU role in fostering regional cooperation and encouraging Turkey to open its border with Armenia. Azerbaijan, on the other hand, did not insist that the NK conflict is a priority for the Action Plan. A factor in this position is the unwillingness of the EU to clearly declare that Armenia occupies Azerbaijan territory.

For now, a further involvement of the EU in the NK conflict depends largely on the negotiations for the settlement of the conflict. Although the members of the Minsk Group seem to be satisfied with the format, the EU could try and get an observer status. If in the future a peace agreement is agreed on, the EU could participate in an international peacekeeping force.

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[186] Beatty, A. (2004) EU Asked to Intervene in Crisis in Caucasus, Forum Europe – News Detail, 18 May.

[187] Center for Eastern Studies (2006) Baku's diplomatic offensive.

[188] International Crisis Group (2006) Conflict Resolution in the South Caucasus: the EU`s Role.

However, the EU will be seriously challenged to deploy an ESDP mission due to financial or political concerns.

❖

The EU`s future involvement in the South Caucasus will be largely shaped by several internal and external factors. First of all, the EU now has the possibility to play an active role through the EUSR, on one hand, and through the ENP Action Plans, on the other. Several problems mentioned above include disagreements between member states and possible political or financial restraints. Moreover, the Action Plans should be tailored to the different and specific needs of each state but in practice this conflicts at times with the EU`s aim to promote enhanced regional cooperation. This became evident in late 2005 when disagreements between Azerbaijan and Cyprus resulted in the suspension of Action Plan talks for all three South Caucasus states. The position of Azerbaijan and developments in the region will also be substantially influenced by the growing crisis around Iran, and in the longer term, also Turkey's efforts towards accession to the European Union.

■ Evaluation of EU`s role in conflict resolution in the area

The summary of EU`s participation in the neighbourhood policy conflicts reflects a main difficulty in front of the policy itself: how to increase the leverage of the Union without using the main tool for it, namely the membership perspective. Of course, the power of this perspective depends on its attractiveness for the countries. In two concrete cases – Moldova and Georgia – the Union is expected to provide much more than it is prepared to offer. Nevertheless, the willingness of these countries to pursue closer relations with the Union so far enables it to play an increasing role in the resolution of the conflicts, especially in the case of Transnistria. The proximity of the conflict to the EU`s borderlines, especially after the accession of Romania, certainly plays a role. Moreover, countries with a key importance in the conflict such as Ukraine are willing to cooperate.

This is not exactly the case with the South Caucasus. There, Georgia's commitment to European and Transatlantic integration certainly serves as an impetus to demand a bigger role for the EU in the Abkhazian and South Ossetian conflicts. Here, the Union is clearly hesitating to act until a final status in the conflicts takes place. The same could be observed in the

Nagorno-Karabakh conflict, where the EU is yet again not amongst the mediators. Brussels is much more comfortable in providing aid and supporting the work of the other international organizations than engaging by itself directly in a settlement. In fact, the EU has an instrument to do it – the Special Representative – who creates a balance between Community and CFSP policies in the region.

The lack of willingness of the EU to engage even more actively in the neighbourhood policy conflicts has an important rationale behind it. First of all, the enlargement area is still a priority; there, the EU could use the full spectrum of instruments in order to secure a smooth accession of all the candidates. Through the neighbourhood policy, the Union is prepared to deliver, but with certain (important) limits. A second factor, explaining partially the first one, is Russia. It should not be forgotten that the current Eastern dimension of the neighbourhood policy overlaps with the Western dimension of the Commonwealth of Independent States (CIS). This might not be the best example, as right now both Georgia and Ukraine have expressed their willingness to leave the CIS, but it serves as an indicator that Russia still has vital interests in this region. If the EU is serious about resolving the conflicts, it should raise the question in the so-called Common Space for External Security, which is part of its framework of relations with Russia. Moreover, Russia tends to perceive the ENP as a foreign policy doctrine of the EU, rather than a cooperation program with equal partners[189].

Obviously, the European Union is not prepared to assume a full-fledged role in the resolution of these conflicts for the time being. A positive sign though is the willingness of the Union to employ its ESDP capabilities; the Rule of Law mission in Georgia is an example, which could be followed by other similar missions. Nevertheless, in the case of the countries willing to become members, Brussels has to keep with rising expectations and so far limited capabilities to answer them.

[189] Karabeshkin, L. (2004) New Neighbours – Common Neighbours. Conference "Poland, Germany and its Eastern neighbors in the context of EU' New Neighborhood policy", 3 December.

Evaluation of EU`s role in the conflicts in the neighbourhood policy area

	Transnistria	**Abkhazia**	**South Ossetia**	**Nagorno-Karabakh**
Coherence of EU approach	***Commission*** – an ENP Action Plan is already in force ***Council*** – plays a role through the EUSR ***MS*** – Romania could play an important role after becoming a member	***Commission*** – provides a significant amount of aid and post-conflict reconstruction; current negotiation of an ENP Action Plan ***Council*** - plays a role through the EUSR ***MS*** – N/A	***Commission*** – provides a significant amount of aid and post-conflict reconstruction; current negotiation of an ENP Action Plan ***Council*** – plays a role through the EUSR ***MS*** – N/A	***Commission*** – current negotiation of an ENP Action Plan ***Council*** – plays a role through the EUSR ***MS*** – France has a strong Armenian diaspora
Perception of the EU by the actors	***Moldova*** – perceives EU as a key partner and aims at further integration ***Transnistria*** – negative perception for the EU, especially after the start of the border assistance mission	***Georgia*** – perceives EU as a key partner and aims at further integration ***Abkhazia*** – N/A	***Georgia*** – perceives EU as a key partner and aims at further integration ***South Ossetia*** – N/A	***Armenia*** – perceives EU as an important partner ***Azerbaijan*** – perceives EU as an important partner, especially in energy
Viability of membership and "added value" of the ENP	***Moldova*** – no membership perspective, but the country has it as a final aim; sees the ENP as a step towards membership	***Georgia*** – no membership perspective, but the country has it as a final aim; sees the ENP as a step towards membership	***Georgia*** – no membership perspective, but the country has it as a final aim; sees the ENP as a step towards membership	***Armenia*** – no membership perspective, but willingness for further cooperation ***Azerbaijan*** – no membership perspective, but willingness for further cooperation

Range of instruments	***Diplomatic*** – EUSR ***Military*** – small possibility for a future peacekeeping mission ***Civilian*** – Commission-led Border assistance mission; possibility for a future police or rule of law mission	***Diplomatic*** – EUSR ***Military*** – N/A ***Civilian*** – Rule of Law mission in Georgia	***Diplomatic*** – EUSR ***Military*** – small possibility for a future peacekeeping mission ***Civilian*** – Rule of Law mission in Georgia	***Diplomatic*** – EUSR ***Military*** – small possibility for a future peacekeeping mission ***Civilian*** – N/A
Other actors	***OSCE*** – EU has an observer status in the "5+2" negotiation format ***Russia*** – in practice, the EU and Russia often confront each other, but there is a need to address the conflicts in the bilateral dialogue ***Ukraine*** – since the Orange Revolution the country wants to pursue EU membership and is a partner of the Union with some exceptions	***UN*** – EU supports the activities of the organization and its observing mission UNOMIG, without participating in the mediation efforts ***Russia*** – in practice, the EU and Russia often confront each other, but there is a need to address the conflicts in the bilateral dialogue	***OSCE*** – the EU has an observer status in the JCC ***Russia*** – in practice, the EU and Russia often confront each other, but there is a need to address the conflicts in the bilateral dialogue	***OSCE*** – France participates in the Minsk Group, but without a clear coordination with the EU ***Russia*** – in practice, the EU and Russia often confront each other, but there is a need to address the conflicts in the bilateral dialogue

V

Conclusion

This paper aims at showing the role the European Union could play in resolving the conflicts on its Eastern borderlines. After examining all the conflicts and assessing the successes and failures of the Union to resolve them, the general conclusion that could be drawn is the need for a strategic approach in EU`s engagement with conflicts. The incapacity to stop the Kosovo war, the accession of a divided Cyprus, the continuing unrest in Turkey's Kurdish regions, the need to "unfreeze" the frozen conflicts – all these cases point to the fact, that the EU is not pursuing a clear strategy when dealing with a given conflict. In the enlargement area, the "carrot and stick" approach of conditionality is often not enough and depends on many factors – the coherence of the approach, the viability of the membership perspective, the parties` perceptions for the Union, the range of instruments applied and last but not least, the role of the other actors in the conflict and the possibility of cooperation with them. The same factors could be applied in the Eastern neighbourhood policy area, where the membership perspective is only wished for by some states and the presence of Russia again evokes the need to establish a meaningful dialogue between Brussels and Moscow.

The EU has to fully take into account that the conflicts are primary obstacles to the effectiveness of the enlargement and neighbourhood policy processes. This calls for several measures, which could be pursued by the Union in order to become more effective when dealing with conflicts.

- *More knowledge through presence on the ground*. In order to facilitate the resolution of a conflict, the EU needs to be aware of the positions of all actors. This means that it should consider the possibility of communicating with every actor, including the leaders of the unrecognized entities. Moreover, the Union should take into account the interests of the parties; the fact that a country wants to pursue a path for membership does not mean that its government will not use if for its own purposes.

- *Clarifying the objectives and the means to achieve them*. If the objective of the Union is to balance the current situation and eventually to change the underlying causes of the conflict, this should be accompanied by appropriate instruments. However, in most of the cases direct participation in the negotiation process is crucial, which in turn demands more efforts and coordination. It is very important for the Union to be seen as an actor, expressing a common position and speaking on behalf of all member states. This is a highly optimistic view, but in many cases such common position is achievable. Moreover, with the evolution of the CFSP/ESDP, the EU possesses a range of both military and civilian instruments, which could prove that the Union is serious about its intentions and has the capabilities to pursue its goals.
- *Serving as a framework*. So far, the experience of the Union as a framework has not been positive, with two examples being the former state union between Serbia and Montenegro and the Annan Plan. The EU has to be aware of the limits of this approach, if it is not combined with an active EU presence as an actor.
- *Regional cooperation*. So far, many attempts have been made to encourage the countries to cooperate between themselves. The success of the Stability Pact is often disputed, and organizations such as GUAM or BSEC so far do not meet their potential. Many analysts regard the accession of Bulgaria and Romania as a possibility for a new Black Sea initiative, which could include member states, candidates (Turkey) ENP countries and bilateral partners (Russia).
- *Strategic partnership with Russia.* So far, the EU-Russia relations have proved to be strategic almost only in terms of energy. The "common neighbours" and their conflicts might be one of the hardest topics to discuss, but the EU should search for a common ground with Russia, because an eventual settlement of a conflict without the participation of Moscow is highly unlikely.

Of course, such an approach could hardly be pursued by the European Union in its present situation. The internal problems of the EU are preventing it to act as a credible international actor; candidates and partners alike receive mixed and unclear signals on the intentions of the Union. However, if the EU after all decides to change the status quo in the conflicts on its Eastern borderlines, it should be well prepared to face the eventual consequences of such actions. If it is not, then it could face another "hour of Europe".

B

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Appendix 1

EU`s concentric circles

Circles	Countries in the Wider Europe
Circle 1 / EU core	Austria, Belgium, Finland, France, Germany, Greece, Italy, Luxembourg, Netherlands, Portugal, Spain
Circle 2 / "Opt-out" member states	Denmark, Sweden, United Kingdom
Circle 3 / New member states	Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, Slovenia
Circle 4 / EEA countries	Iceland, Norway, Switzerland
Circle 5 / Negotiating candidates Candidates Prospective candidates	Bulgaria, Romania Croatia, Macedonia (FYROM), Turkey Serbia-Montenegro, Bosnia-Herzegovina, Albania
Circle 6 / Potential members	Georgia, Moldova, Ukraine
Circle 7 / Eastern ENP countries	Armenia, Azerbaijan, Belarus, Georgia, Moldova, Ukraine
Circle 8 / Southern ENP countries	Algeria, Egypt, Israel, Jordan, Libya, Morocco, Palestinian Authority, Syria, Tunisia
Circle 9 / Bilateral partners	Russia

Source: based on Tassinari, F. (2005) Security and Integration in the EU Neighbourhood: The Case for Regionalism. CEPS Working Document No. 226.

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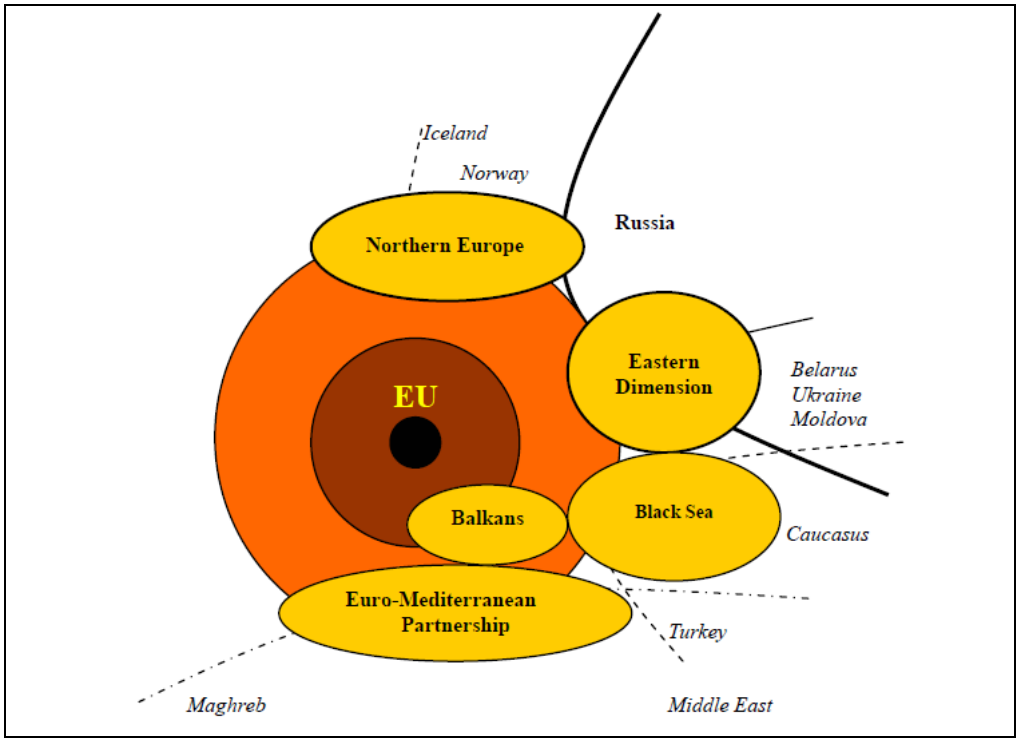
Appendix 2

- EU`s neighbouring regions



Source: Tassinari, F. (2005) Security and Integration in the EU Neighbourhood: The Case for Regionalism. CEPS Working Document No. 226.

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Appendix 3

- EU`s involvement to the East – membership and partnership

Dark orange / expected to join in 2007
Light orange / candidate countries
Yellow / countries with a membership perspective
Darker green / ENP countries, willing to join the EU
Lighter green / ENP countries

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Appendix 4

- Conflicts in the Eastern enlargement and neighbourhood policy areas

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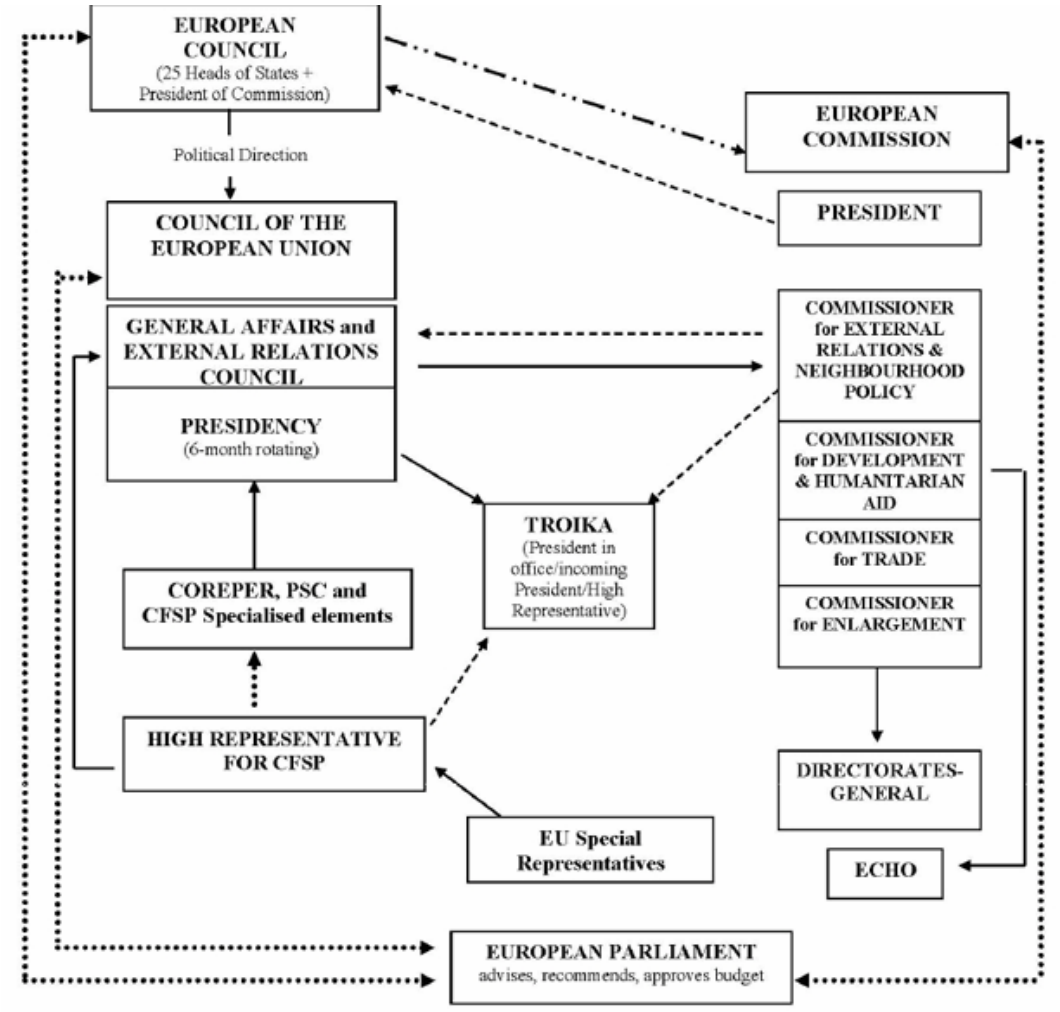
Appendix 5

- Current structures for EU external action



Source: International Crisis Group (2005) EU Crisis Response Capability Revisited. Europe Report N°160.

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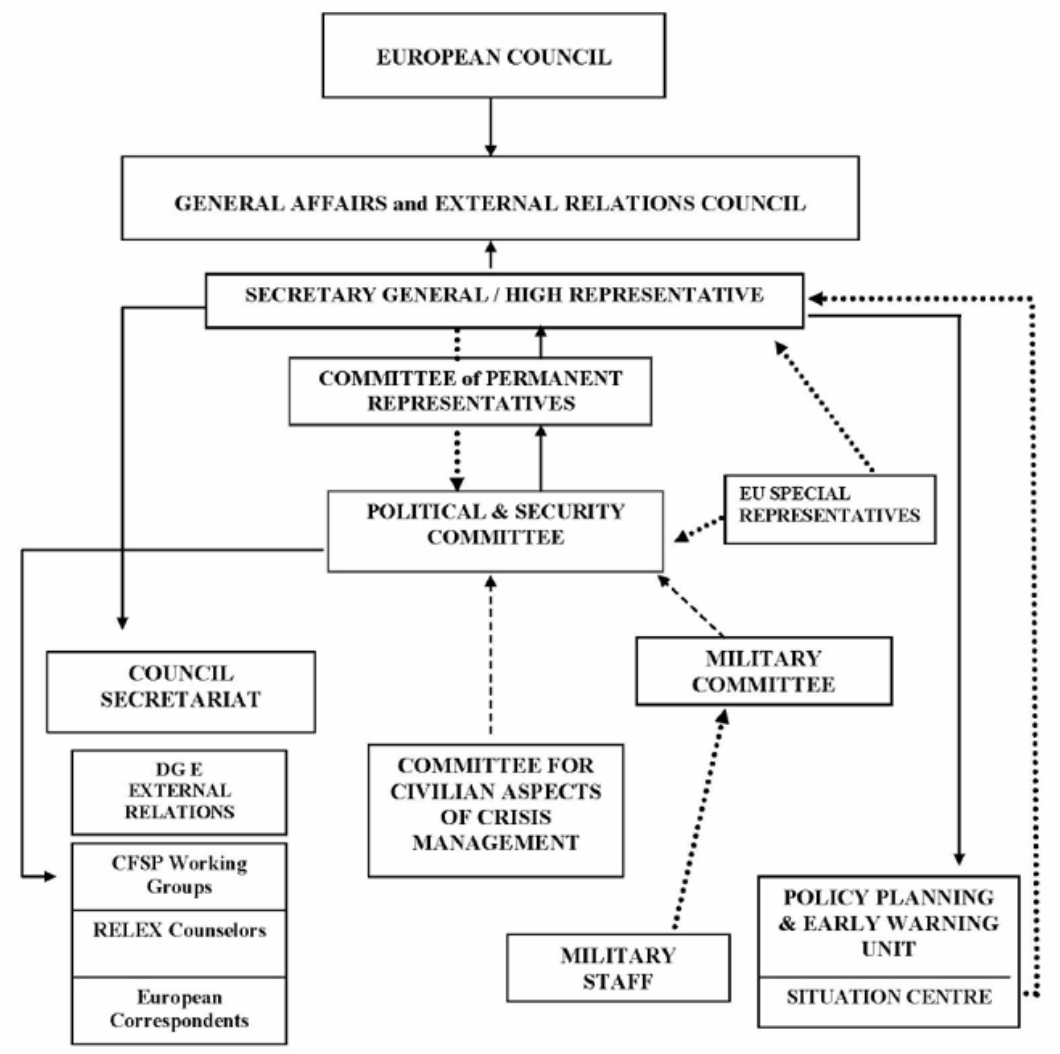
Appendix 6

- Current CFSP institutions and specialized elements



Source: International Crisis Group (2005) EU Crisis Response Capability Revisited. Europe Report N°160.

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Appendix 7

- The Western Balkans / Kosovo

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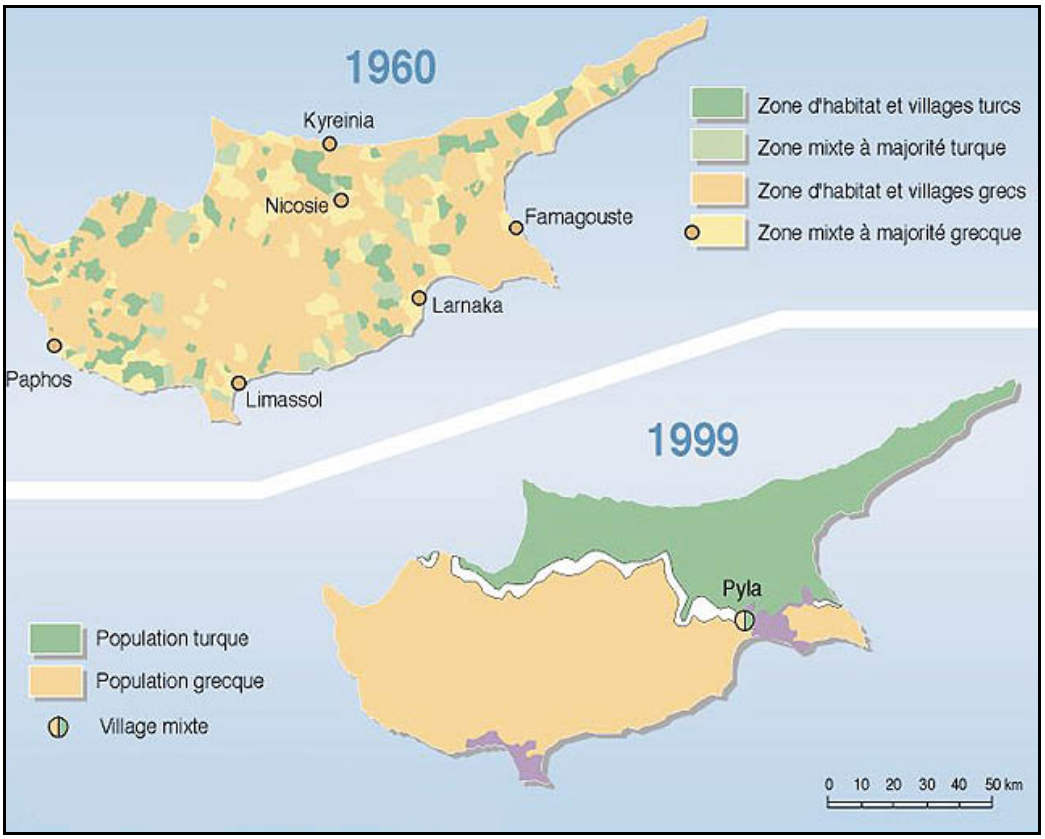
Appendix 8

Cyprus



Source : Le Monde Diplomatique

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Appendix 9

- Kurdish populated regions

Source: Encyclopaedia Britannica

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Appendix 10

- Conflicts in the Eastern neighbourhood area

EU`s role in conflict resolution: the case of the Eastern enlargement and neighbourhood policy areas

Georgi Kamov

Institut Européen des Hautes Etudes Internationales
Nice, 2006