

**No settlement without a proactive policy:
The European Union and the secessionist conflicts
in the post-Soviet space**

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Twenty-one years after the collapse of the Soviet Union, the international community has not yet managed to solve the four separatist conflicts that broke out in the wake of the USSR's demise. With the help of their patron states (Russia and, in the case of Nagorno-Karabakh, Armenia), the self-proclaimed Republics of Transnistria, Abkhazia, South Ossetia and Nagorno-Karabakh have become *de facto* states with separate political institutions and economic structures.

The existence of these entities, which have obtained very limited or no international recognition, constitutes a security challenge for EU countries. Following the launch of the European Neighbourhood Policy (ENP) in 2006, the European Union has become more involved in the resolution of the four conflicts. The ENP Action Plans with Moldova, Georgia, Azerbaijan and Armenia set a list of priorities for the EU to contribute to conflict resolution. Brussels deployed border monitoring missions in Moldova and Georgia in 2005 and 2008 respectively. In addition, it attempted to increase its presence in the field by appointing Special Representatives for Moldova, the South Caucasus and the 2008 crisis in Georgia.

Nevertheless, the EU has been unable to break the stalemate in negotiations and make a significant contribution to conflict resolution. The 2008 war in Georgia showed that the conflicts can “unfreeze” and escalate in regional wars. Since Brussels has considerable interests in the regions where the secessionist republics are located, both in terms of energy security and stability in the neighbourhood, a more proactive EU role is necessary. Based on recent developments in the four separatist conflicts, we have developed five recommendations on how the EU could become more active.

Recent developments

Abkhazia

Since the 2008 Russo-Georgian conflict, both the European Union and Russia have maintained their respective positions vis-à-vis Abkhazia. Brussels has not recognized the authorities in Sukhumi, while Moscow has established diplomatic relations and provided military and economic support. The EU and NATO refused to recognise the elections in Abkhazia that were held in August 2011 and saw Alexander Ankvab earn a resounding victory, with 55 percent of the votes. The election results were rejected by Catherine Ashton, the High Representative of the European Union for Foreign Affairs and Security Policy. Ashton reiterated the EU's “support to the territorial integrity and sovereignty of Georgia, as recognised by international law”. On the other hand, Russian President Dmitry Medvedev congratulated Ankvab heartily. In March 2012, the 19th round of the Geneva International Discussions on the crisis in Georgia closed with a joint statement by the three co-chairs, EU Special Representative Philippe Lefort, OSCE Chairmanship's Special Representative for the South Caucasus Pádraig Murphy, and UN Special Representative Antti Turunen. They outlined a number of unsubstantial achievements of the working groups taking part in discussions, including a review of the security situation on the ground, which they assessed as relatively stable. Apparently, the participants also tabled a new contribution in the context of the discussion on non-use of force commitments. However, no details were disclosed. The deliberations on these topics are to be resumed at the next round of talks in June 2012.

South Ossetia

Similar to Abkhazia, there has been no change in the EU's and Russia's policies toward South Ossetia. In November 2011, the EU once again stressed that it recognizes neither South Ossetia

nor the presidential elections that were held in the separatist republic that month. In fact, the elections were invalidated by the Supreme Court of South Ossetia and rescheduled for March and April 2012. The winner of the November 2011 elections, Alla Dzhioyeva, refused to accept the Supreme Court's decision, but withdrew from the political struggle after her office was raided by the police in February 2012. The spring 2012 elections saw the victory of Leonid Tibilov, the former head of South Ossetia's security service. Both the EU and the US denied recognition to the choice. Tibilov is said to be loyal to Russia. He has already announced that he would like to unify South Ossetia with its sister republic North Ossetia, a federal subject of Russia. However, it is more likely that Russia will continue to exert indirect influence rather than annexing the separatist province. Its military presence in both South Ossetia and Abkhazia allows the Kremlin to keep US-backed Georgian aspirations of joining NATO in check.

Nagorno-Karabakh

The Nagorno-Karabakh conflict has not witnessed any significant developments, except for the persistent armed skirmishes along the ceasefire line. Nagorno-Karabakh remains one of the most tense and volatile regions in the post-Soviet space and is strongly influenced by changes in the "balance of power" between Armenia and Azerbaijan on the international scene. March 2012 saw a series of meetings and visits to Yerevan, Baku and Nagorno-Karabakh by the OSCE Minsk Group, which is headed by a co-chairmanship consisting of France, Russia and the United States and has been set up to encourage a peaceful, negotiated resolution to the conflict. The joint statements of Presidents Medvedev, Obama and Sarkozy at L'Aquila in 2009, Muskoka in 2010, and Deauville in 2011 outlined elements of a framework for a comprehensive peace settlement. However, the mediation attempts of Russia (Kazan, June 2011) and the OSCE Minsk Group (Vilnius, December 2011) have not produced any significant results. The January 2012 joint statement by Presidents Aliyev, Sargsyan and Medvedev in Sochi expressed a seeming commitment of the two belligerent sides to accelerate efforts to reach agreement

on the Basic Principles¹. The Minsk Group has been trying to urge the leaders of the sides to complete work on the framework agreement and the subsequent final settlement as soon as possible. Despite these high-level meetings, the ceasefire agreement is being breached on a regular basis by both sides. Major incidents involving fatalities occurred numerous times throughout 2010 and 2011. In a sign of what can be seen as growing tensions, Armenia announced it would pull out of the 2012 Eurovision song contest in Azerbaijan.

Transnistria

The turn of 2011 and 2012 seemed a moment when conflict resolution in Transnistria would finally gain some traction, but is increasingly proving to be another missed opportunity. The negotiations on the Transnistrian conflict, which happen in a "5+2" format (and include Moldova, Transnistria, Russia, Ukraine, and the OSCE, plus the European Union and the United States as observers), have been stalled from 2006 to late 2011. In December 2011, the first formal talks since 2006 took place in Vilnius under the auspices of the Lithuanian OSCE chairmanship. However, the meetings saw low expectations from the outset and yielded no clear result. Later that month, Yevgeniy Shevchuk, a relatively new face in Transnistrian politics, won the elections in the separatist republic and replaced the long-standing president Igor Smirnov (who ruled for 21 years). A change of leadership also happened in Moldova. In March 2012, after 3 years of deadlock, the Moldovan parliament elected Nicolae Timofti as president, a relatively neutral political figure. Timofti defeated the veteran Communist leader Vladimir Voronin. In a joint statement with Štefan Füle, the

1 The Basic Principles were put forward by the OSCE mediators in 2007 and include: the return of the territories surrounding Nagorno-Karabakh to Azerbaijani control (entailing the complete withdrawal of Armenian forces from five out of the seven occupied districts and a progressive withdrawal from a sixth one); a corridor linking Armenia to Nagorno-Karabakh; an interim status for Nagorno-Karabakh for 10-15 years, providing guarantees for security and self-governance; future determination of the final legal status of Nagorno-Karabakh through a legally-binding referendum; the right of all IDPs and refugees to return to their former places of residence; international security guarantees that would include a peacekeeping operation (numbering around 10,000). See the Statement by the OSCE Minsk Group Co-Chair countries, press release 10 July 2009, available at: <http://www.osce.org/item/51152> (accessed on 12 August 2011).

EU enlargement commissioner, the EU's High Representative Catherine Ashton said that the vote would open up dialogue in the country. Also the Romanian President, Traian Băsescu, said he had assured Timofti of Romania's support for reform in Moldova and for moving closer to the EU. In view of this, it was hoped that the new leadership in both Chisinau and Tiraspol would help resolve the issue of Transnistria's status. Until now, none of the sides and of the mediators has taken the initiative. In any case, it is unlikely that the conflicting parties will reach an easy compromise on the status issue. Meanwhile, Russia confirmed that it attaches utmost importance to its relationship with Transnistria by appointing Dmitry Rogozin to the post of Special Envoy of the Russian President for Transnistria. Rogozin was a tough negotiating partner in his previous job at the NATO-Russia Council and is unlikely to make concessions on Russia's interests in the area.

What has the EU been doing so far?

The EU is keeping a close eye on the developments in the South Caucasus, in particular after the conflict in 2008. On 26 August 2011, the EU Council appointed Philippe Lefort Special Representative for the South Caucasus and the crisis in Georgia. Lefort replaced both Peter Semneby, former Special Representative for the South Caucasus, and Pierre Morel, previously Special Representative for the Crisis in Georgia. The European Union Monitoring Mission (EUMM) in Georgia has continued to operate at the demarcation line between Tbilisi's separatist provinces, Abkhazia and South Ossetia, and rump Georgia. As a response to the EU's refusal to recognize them, the two secessionist republics have not allowed EUMM to access to their territory. However, no major clashes have occurred on the demarcation line and EUMM has contributed to stabilize the ceasefire.

In May 2010, the European Parliament adopted a report by a Bulgarian Socialist MEP urging the EU to craft a strategy for the South Caucasus region. The report "The Need for a Strategy in the South Caucasus" stressed the EU's obligation to be proactive with respect to stabilizing and encouraging the development of Armenia, Azerbaijan and Georgia. Since then, the European Parliament held debates on the situation

in the regions in February and March 2012, but no concrete action followed as a result. Furthermore, the EU still plays no role in the negotiations of the OSCE Minsk Group for the resolution of the Nagorno-Karabakh conflict.

With regard to the Transnistrian conflict, the EU's border monitoring mission (EUBAM) has continued to operate along the Moldovan-Ukrainian border, of which more than a third (454 kilometres) coincides with the Transnistrian-Ukrainian border. EUBAM has proved successful at limiting human trafficking, smuggling and other illicit activities, which allegedly provided a considerable part of Transnistria's revenues. However, the mission's success is offset by the EU's failure to build up a solid and continuous diplomatic representation in the region. In February 2011, Brussels abolished the post of Special Representative for Moldova. In addition, the former EU representative to the 5+2 talks on Transnistria, Miroslav Lajcak, is moving from the External Action Service to the post of Foreign Minister of Slovakia. This inevitably affects EU policy in the short run, at a time when the reactivation of the 5+2 talks and political changes in both Transnistria and Moldova may have opened a window of opportunity for progress in negotiations.

Recommendations

1. In order to play a more active role in these conflicts, the EU needs a **coherent "Eastern Neighbourhood Conflict Prevention and Resolution Strategy"**, clearly defining its interests, a common strategy and concrete road maps for implementation. The strategy should reiterate the EU's commitment to territorial integrity under international law, but simultaneously offer guidelines for an increased dialogue and cooperation with the separatist entities.
2. The EU should accept that the independence of Abkhazia and South Ossetia is irreversible and **start economic and political dialogues with the authorities of the *de facto* states** in order to gain access to and leverage on the breakaway entities.

3. With regard to the Transnistrian conflict, the EU should **match its economic leverage with bold diplomatic initiatives**, which should result in a new and comprehensive peace plan that also takes into account Russian interests. Shevchuk's recent election in Transnistria and the reactivation of the 5+2 negotiations have opened a window of opportunity that Brussels should exploit.
4. The EU should **include the Transnistrian conflict in the agenda of the biannual EU-Russia summits**, where Brussels could make concessions in areas of high priority for Russia, such as visa liberalization, so as to obtain more cooperation from Moscow in negotiations concerning Transnistria.
5. With regard to the Nagorno-Karabakh conflict, the EU needs to **define a consistent and coherent policy that applies to both Armenia and Azerbaijan**, particularly on the issue of reconciling the principles of self-determination of peoples and states' territorial integrity. The current ENP Action Plans with Armenia and Azerbaijan are contradictory in this respect. The EU should also make sure that it gains **direct access to the negotiations of the OSCE Minsk Group**, either by taking over France's seat or at least by acquiring observer status.