(NE)EFEKTÍVNOSŤ MANAŽMENTU KONFLIKTOV A MEDIÁCIE EÚ V GRUZÍNSKU A MOLDAVSKU – POHĽAD Z BERLÍNA

(IN)EFFECTIVENESS OF THE EU CONFLICT MANAGEMENT AND MEDIATION IN GEORGIA AND MOLDOVA – VIEW FROM BERLIN

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Nedávny vývoj v krajinách Východného partnerstva, vrátane rastúcich agresívnych vojenských akcií Ruska, stupňovanie násilia, vzplanutie nových konfliktov a obnova starých, podrobilo manažment konfliktov EÚ väznému testu. V dôsledku nových okolností sa stalo kriticky nutné zhodnotiť minulé záväzky EÚ v riešení konfliktov a preskúmať silné a slabé stránky v jej prístupe, ktorý môže byť použitý ako vodítko pre budúce aktivity riešenia konfliktov. Tento článok posudzuje názory a vnímanie politikov prostredníctvom dopytovania insiderov v Berlíne. Obzvlášť, výskumné otázky uvažujú o tom, akým spôsobom politici v Berlíne posudzujú účinnosť manažmentu konfliktov a mediácie EÚ v Gruzínsku a Moldavsku. Bola Európska únia úspešná pri riadení alebo sprostredkovaní konfliktov v týchto krajinách? Ako sa môžu aktivity EÚ zlepšiť?[2]
Kľúčové slová: Európska únia, manažment konfliktov, Gruzínsko, Moldavsko, vnímanie

Recent developments in the EU's Eastern Partnership countries, including Russia's increasingly aggressive actions and military adventurism, escalation of violence, inflammation of new conflicts and renewal of the old ones, have put the EU conflict management abilities to a serious test. As a result of these

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novel circumstances, it has become critically necessary to evaluate the EU's past engagements in conflict management and examine the strengths and weaknesses in its approach, which can be used as guidelines for the Union's future conflict management activities. This article will look to gauge the opinions and perceptions of policy and decision makers by interviewing the Berlin insiders. In particular, the research questions consider how policy shapers and decision makers in Berlin perceive the effectiveness of the EU conflict management and mediation in Georgia and Moldova. Was the EU successful in managing or mediating the conflicts in these countries? How can the EU activities be improved?

1 INTRODUCTION

Recent developments in the EU's Eastern Partnership countries, including Russia's increasingly aggressive actions and military adventurism, escalation of violence, materialization of new conflicts, renewal of the old ones, have put the EU conflict management abilities to a serious test. As a result of these novel circumstances it has become critically necessary to evaluate the EU's past engagements in conflict management and examine the strengths and weaknesses in its approach, which can be used as guidelines for the Union's future conflict management activities.

Georgia and Moldova have been selected for this purpose, as the EU has been the most active in managing conflicts in these countries. Considering that in last two decades Germany's leadership has become widely established (together with other leading EU member states) in the EU policy-making towards the Eastern neighbors, it is interesting to inquire how this process is viewed in Berlin. The research questions thus consider how do policy and decision makers in Berlin perceive the effectiveness of the EU conflict management and mediation in Georgia and Moldova? Was the EU successful in managing or mediating the conflicts in these countries? How can the EU activities be improved? This paper will look to gauge the opinions and perceptions of policy and decision makers in Berlin by interviewing the representatives of German Foreign Service (interviewee 1 - high-level official focusing on the South Caucasus, remained confidential), Bundestag (interviewee 2 - Mr. Johannes Schraps, Political Advisor to the MP Achim Barchmann [SPD - Deputy Chair of the Committee on the Affairs of the EU]), German Council on Foreign Relations (interviewee 3 - Dr. Stephen Meister, Head of Program on Eastern Europe, Russia, and Central Asia), German Institute for International and Security Affairs (interviewee 4 - Researcher in division of Eastern Europe and Eurasia, remained confidential) and Embassy of Georgia to the Federal Republic of Germany (interviewee 5 - high-level official, remained confidential).

This study will be beneficial for all stakeholders in understanding the German thinking on and assessment of the EU conflict management in Georgia and Moldova. It will also contribute to general academic and theoretical discussions on the EU conflict resolution instruments and their (in)effectiveness. The research will help all interested parties to better formulate their policies, and approach German policy-shapers and decision-makers in a more proper manner.

First part of the paper reviews academic scholarship on conflict management and mediation, notions and assessment criteria of success in conflict management. Second part explores the EU conflict management activities in Georgia and Moldova. And third part of this article is dedicated to the view from Berlin, i.e. perceptions of the German professional insiders, on the (in)effectiveness of the European Union conflict management and mediation in these countries.

2 CONFLICT MANAGEMENT AND MEDIATION

Conflict management is believed to be "an attempt by actors involved in conflict to reduce the level of hostility and generate some order in their relations" (Bercovitch & Regan, 1999, p. 3). Managing a conflict is no easy task, especially when political and ideological differences are entangled to its very roots. An effective manager needs a wide range of activities, creativity, proper instruments and some luck in order to push the counterparts, who are stuck in a deadlock, to a successful compromise (Crocker 2011; Crocker, Hampson & Aall 2007; Bercovitch, Kremenyuk & Zartman 2009).

For the purpose of this research, the EU conflict management typically is a "long-term engagement with a particular country or region, an engagement that, over time, will necessitate different conflict management policies, including military crisis management, development and humanitarian aid efforts, and mediation between conflict parties" (Wolff & Whitman 2012, p. 5). The EU documents barely use the term 'conflict resolution', preferring 'crisis management' or 'conflict prevention'. However, in accordance with a number of researchers (e.g. Oproiu 2015, pp. 25-26), this article considers that the EU conflict management "subsumes these two sets of policies, but also covers a third, commonly referred to as conflict settlement or resolution, that is, policies aimed at finding a compromise between parties that will allow them to address remaining and/or future disputes between them by political or judicial means, rather than by recourse to violence" (Wolff & Whitman 2012, p. 5).

Frazier & Dixon (2006) identify five core forms of conflict management efforts: verbal actions, diplomatic approaches, judicial processes, administrative assistance and militaristic responses. It goes without saying that these activities are not necessarily independent and isolated from each other. To the contrary, scholars demonstrate that in most cases, they are interrelated and complement each other (Greig

& Diehl 2012; Oswiak 2014; Ramsbotham et al. 2011; Bercovitch & Fretter 2004; Carneiro, Novais & Neves 2014, pp. 15-28).

The term "mediation" is defined in this research, originally developed by Bercovitch (2006, p. 290), "as a process of conflict management, related to, but distinct from the parties' own negotiations, where those in conflict seek the assistance of, or accept an offer of help from, an outsider (whether an individual, an organization, a group, or a state) to change their perceptions or behavior, and to do so without resorting to physical force or invoking the authority of law. Mediation is, in essence, a form of 'assisted negotiation'" (see also Ramsbotham et al. 2011). A related important term is the "mediator's mandate" as it indicates "the manner in which a third party enters the dispute" and can establish initial expectation of what the mediator's activities and successes are or should be (Vuković 2016, p. 13). It is usually expected that the mediation efforts will be reflected in a long-lasting solution. However, it can be the case that mediation does not directly seek a formal resolution but can rather aim to improve and maintain the "communication channels between conflicting parties, [alleviate]… humanitarian crises and [explore]… elements that could be used for a final agreement in possible future mediation activities" (Vuković 2016, p. 13; Svensson & Wallensteen, 2010).

The European Union can be engaged in conflict management processes in Georgia and Moldova in the form of any action aiming at ending hostilities and other violent behavior, or addressing the roots of conflict and this way resolving the problem. For the purpose of this research, the EU engagement encompasses all actions and decisions of the EU institutions, its bodies and representatives attempting to end the conflict in these countries.

2.1 MEDIATION SUCCESS

First thing, that catches the reader's attention while talking about mediation success is that it is an abstract concept. Although there is a considerable body of work on other characteristics of conflicts and mediation (Bercovitch 1991; Levy 1998; Frazier & Dixon 2009), there is still no clear and concrete definition of success in the field of conflict mediation. It is widely defined by using other equally elusive concepts such as fairness, justice, stability, efficiency, satisfaction, etc. However, what is fairness itself? What is justice, efficiency or satisfaction? Are there measurement criteria/indicators for these concepts? It is, however, important for the development of conflict management theory and practice to have an explicit definition and unambiguous understanding of success.

Blair Sheppard (1984) suggested the consideration of the process and the outcome as two key aspects of mediation events. As Bercovitch (2006, p. 292) further clarifies, "[the] process refers to what transpires at the mediation table, and the outcome refers to what has been achieved (or not achieved) as a result of mediation".

Such differentiation between a success in the process and a successful outcome can indeed assess of mediation more feasible.

Other scholars attempted to define success by reference to its four criteria: effectiveness, satisfaction, fairness and efficiency (Sheppard 1984; Jameson 1999; Bercovitch & Langley 1993). Susskind & Cruikshank (1987) had a different understanding of mediation, considering fairness, efficiency, wisdom and stability as its most important indices. These researchers made a valuable contribution to the academic scholarship in defining these vague notions and thus aiding the understanding of the concept of mediation success.

In an attempt to avoid ambiguity and provide a better understanding, Sheppard (1984, p. 144) breaks down the notion of fairness into several more observable indicators, including "levels of process neutrality, disputant control, equitability, consistency of results and consistency with accepted norms". Other scholars characterize fairness as "improvement of procedure and institution of precedent, access to information, opportunity for expression", etc. (Bercovitch 2006, p. 292; Jameson 1999; Susskind & Cruikshank 1987).

As for participant satisfaction, it is clear that if participants are satisfied with the mediation process/outcome, their positive perception of success and therefore their commitment increases. This is directly connected to another indicator of success – stability: greater the participant satisfaction in the process and/or outcome, greater the stability of the mediation process and more stable and longer-lasting the outcome. Nevertheless, as Bercovitch (2006, p. 293) neatly puts it: "party satisfaction is largely perpetual and has a very personal quality. Satisfaction is often deemed an almost emotional response to the achievement of a goal or attainment of some requirement. The sorts of goals taken into an event by those involved in conflict are personal in nature and formed by the specific configuration of their personality, environment, [values and expectations]".

Effectiveness is a more observable indicator of mediation, as it is "a measure of results achieved, change brought about, or behavioral transformation" (Bercovitch, 2006, p. 294; Frazier & Dixon 2009). All in all, Bercovitch (2006, p. 294) concludes that "for mediation to be deemed successful, it must have some (positive) impact, or effect, on the conflict... [such as] moving from violent to non-violent behavior, signing an agreement, accepting a ceasefire or settlement, or agreeing to a peacekeeping/monitoring force/mission, among others. If any of these has occurred as a result of mediation,... the mediation was effective, and thus successful. Effectiveness allows us to observe what has changed after a mediator has entered a conflict. It is to a large extent much less subject to perceptual disagreements and more easily observable and measurable".

For example, Achkar, Samy & Carment (2009, p. 216) believe that success in mediation is indeed not a „resolution of conflict per se, but... the cessation of violence

and the initiation of a very long process whereby adversaries can address mutual grievances and the underlying causes of hostility".

Efficiency is another criterion of successes that needs our particular attention. It aims at the procedural and temporal dimension of conflict management and "addresses such issues as the cost of conflict management, resources devoted to it, timeliness and disruptiveness of the undertaking" (Bercovitch 2006, p. 295). Talking about efficiency, Susskind and Cruikshank (1987, p. 22) imply that "[fairness] is not enough. A fair agreement is not acceptable if it takes an inordinately long time to achieve or if it costs several times what it should have". This is an apparent indication of high importance bestowed on the notion of efficiency.

So far, we have discussed the situations when agreement has been achieved or changes have been witnessed in the conflict situation as a result of the mediation process. That is a relatively easier state of affairs, because there is something that conflict parties or impartial scholars can observe and measure. Indeed, in this case there can be either a signed agreement (success) or an absence of a signed agreement (failure). Other mid-processes, such as acceptance of mediation or implementation of the signed document, have no room in this strict success-failure dichotomy.

Nevertheless, there are often more options between these two extremes. Indeed, there are more complicated scenarios with no agreement and no change (Melin et al. 2013). In such cases, what mid-achievement can be labeled as success? For this reason, researchers (e.g. D'Estree et al. 2001) often consider several notions that are helpful in identifying a wider array of mediation success: settlement, management, resolution and transformation.

Although all are useful terms in general, two of them have particular importance for this research. In particular, as Bercovich (2006, pp. 295-296) clarifies, a "settlement takes place when conflict-generating behavior (most notably of the damaging or destructive kind) is neutralized, dampened, reduced, or eliminated", while "[resolution]… occurs when the root causes of a conflict are addressed, thus negating the threat of further conflict-generating behavior". Settlement may entail elements of enforcement, while resolution does not. Settlement outcome can be negotiated or imposed (Gochman & Maoz 1984; Ghosn & Bennett 2003; Ghosn, Palmer & Bremer 2004; Jones, Bremer & Singer 1996), while resolution can be negotiated and not imposed. Primarily, settlement addresses the conflict's symptoms, expressions, signs, while resolution targets its causes and roots. Settlement cannot and is not designed to eliminate the need of the parties to re-visit the conflict, while real successfulness of resolution can be assessed with this criterion. Most scholars acknowledge that settlement can be more effective in "value-added disputes, small-scale, interpersonal or group conflicts", while resolution can be well suited to "interest-based disputes, large-scale, complex, international conflicts" (Bercovitch 2006, pp. 295-296).

Referring to different theories of international relations, the above-mentioned characterization of settlement vs. resolution dichotomy evidently indicates the ground upon which to build a clear understanding of mediation success. On the one hand, if scholars belong to a neo-liberal school of thought, their assessment criteria would be focused primarily on the reduction or elimination of violence and conflict-generating behavior because a full-fledge conflict resolution is not feasible due to structural arrangements and prevailing rules of a 'system defined by power politic behavior' (Bercovitch & Houston 1996). On the other hand, as Bercovitch (2006, p. 296) precisely puts it: "conflict itself is natural, unavoidable, and unlikely to be resolved [in such kind of system] and, hence, success is best judged as the ability to avert, or end, the damaging aspects of conflict". In other words, if a mediator aims at conflict settlement, or if scholars study effectiveness of this process, settlement can be reckoned as a successful mediation outcome.

However, on the other hand, if scholars belong to a school of idealistic theories of international relations, they would argue that "the possibilities of transformation and the malleability of all social situations in international relations may have more exacting requirements. If conflict is perceived as an aberration of sorts, born out of structural discrepancies, rather than as part of the natural order of things, one is more likely to consider comprehensive resolution possible, and, hence, the prime indicator of mediation success" (Bercovitch 2006, p. 296).

Researchers investigating such cases would qualify the conflict settlement as a failure or rather an insufficient success of the mediator to manage the conflict, "leaving conflict to smolder beneath the surface before erupting again" (Burton 1987, p. 32; Bercovitch & Houston 1996).

Few would argue that resolution is not a better, superior option leaving less room for eruption of violent behavior. Nevertheless, in the real world, taking into consideration the protracted destruction and hostilities, vested interests and political short-termism of adversaries and strategic players, resources invested by these actors, and many other factors, successful resolution is a rare phenomenon. For this reason, in situations where resolution is not feasible or realistic, academic scholarship often deems settlement the only successful result for the purposes of the analysis.

Another interesting dimension in assessing the mediation success is offered by Kriesberg (1991, p. 20) in his seminal work. The author explains that "mediation success is best understood as a significant (or even essential) contribution to de-escalation of conflict, movement towards an acceptable agreement or reconciliation, under the prevailing conditions". This dynamic process entails several stages that can be analyzed in the case of the EU involvement in the conflicts in Moldova and Georgia. During the first stage, the mediator tries to bring the conflicting parties to the table (i.e. acceptance of mediation). Information about the conflict as well as the interests of the respective sides is critically important for a mediator who in turn can

use it to change the expectations and increase the attractiveness of the peaceful and negotiated alternatives (Rauchhaus 2006; Savun 2009). For this reason, "the first degree of success in international mediation is reflected in the mediator's ability to transform conflictual relations and de-escalate the conflict by getting the parties to the table" (Vuković 2016, p. 35).

In case of Georgia, the EU was successful in bringing the parties to the negotiating table in the Geneva International Discussions but experienced many shortcomings within the same format of discussions (see Makhashvili, 2013). The EU as well as other mediators was often mere observer of the process instead of being active mediator, using different strategies to "increase attractiveness of a negotiated solution and highlight the ineffectiveness of confrontational methods" (Vuković 2016, p. 35).

The second stage can be that of absence/presence of formal agreement, a dichotomy that goes through the pipeline of a mediation process. It can be presumed that the EU had success in achieving a cease-fire agreement between Russia and Georgia in 2008 and mini-successes in Geneva discussions, like the establishment of Incident Prevention and Reaction Mechanism, its reinvigoration in Gali in 2016, locking parties to the negotiation table despite many demonstrative leave-outs and tensions throughout the years, etc. Nevertheless, if we analyze it in terms of their implementation and everyday functioning, these accomplishments can be questioned. Furthermore, academically speaking, several researchers do not even label a cease-fire agreement as a success at all because it is the least comprehensive agreement and "while [it is] the simplest form of agreement to achieve, [it is] the easiest to break" (Greig & Diehl 2012, p. 105; Vuković 2016, p. 36).

Finally, with regard to the third stage, implementation of a signed agreement is arguably the most important in assessing an overall mediation success. Beardsley (2011, p. 151) demonstrates that "mediators who commit themselves to maintaining their presence in the implementation phase strongly contribute to an agreement's longevity". However, mediator's commitment, 'will, and skill' can be effective only in case of the parties' readiness and willingness to compromise. Otherwise, mediator's attempts to 'ripen the conflict' will not solve the problem. Thus, as Greig & Diehl (2012, p. 161) suggest, "[conflict] intensity and the nature of the issues at stake are often the primary reasons why some conflicts relapse into violence". The latter can be identified as one of the reasons for the EU's potential ineffectiveness in conflict resolution in Moldova and Georgia. Mediator's strong 'post-agreement commitment' is indeed absent in these countries.

These three stages/degrees of success certainly cannot encompass everything but will be used in this paper for the sake of simplicity and better illustration.

Overall, the argumentation allows for the conclusion that any assessment or definition of success gives way to multiple interpretations and leads to subjective

conclusions. This is a primary source of academic confusion, or as Bercovitch (2006, p. 293) clarifies, "the perceptual nature of any interpretation of such abstract concepts, incorporated with the very fluid nature of what they may entail in a given situation, means that interpretation begs as many questions as it provides answers". Nevertheless, while these concepts are rather elusive, we should not abandon the quest to provide a more concrete and observable description of success. In general, the following practical benchmarks, covering a wide range of potential "mini" successes during negotiations and on the ground, can be illustrative in assessing success: progress on ground; cessation of violence (e.g. ceasefire); acceptance of mediation; formal mid-agreements (e.g. IPRM); feelings of participants of the Geneva International Discussions, the European Union Monitoring Mission, the 5+2 process and the European Union Border Assistance Mission; level of hostility (hostility levels may change from the point of the mediator entering the mediation process to the point of its departure: hostility level may increase, decrease or remain same); any negotiated agreement.

Although these and the above-mentioned assessment criteria are not without merit, I have decided to let the decision-makers, policy-makers and other professionals working in the field determine whether the EU has been effective in the conflict resolution in Moldova and Georgia or not, and how so and why. In other words, the way of thinking of mediation success in this research is to relate outcomes to the perceptions of the relevant individuals. Overall, it is often not about determining success academically but rather what the participants feel and perceive in real world.

In particular, overall success in this study will be ultimately assessed according to the perceptions of the Berlin insiders who are in charge of, related to, or otherwise professionally interested in the conflict management process in the region.

Based on the Whitman and Wolff's (2012) analytical framework, the EU as a conflict manager must have (1) capabilities to act, (2) capabilities to fund and (3) capabilities to cooperate and coordinate. First set of capabilities means that the EU has "[appropriate] policy tools and ability to deploy them in the right time", arguably under the circumstances that there is a political will from the EU and its member states for doing so. There is indeed a wide range of EU instruments, bodies and efforts present in Georgia and Moldova demonstrated in the following chapter. The second set of capabilities includes the ability of the European Union to provide financial assistance for its own conflict management activities. This has been closely connected to the first capability and, although there have been necessary financial instruments, their usage (or rather absence of usage) has often been undermined due to the political will (Whitman & Wolff 2012, pp. 3-19). Moreover, the third set of capabilities encompasses cooperation and coordination of everything from horizontal to vertical dimensions of EU activities both externally and internally, on the ground in Georgia

and Moldova and among the Union's institutions and member states, with host countries and other stakeholders (Whitman & Wolff 2010).

3 EU CONFLICT MANAGEMENT AND MEDIAATION IN GEORGIA AND MOLDOVA

Since the establishment of relations with Georgia and Moldova, little was done in terms of conflict resolution up until the European Neighborhood Policy. Only several relatively important documents or events can be mentioned here that had potential impact on conflict management. This short list includes the Partnership and Cooperation Agreements with Georgia and Moldova that institutionalized political dialogue and formally established economic cooperation between the EU and the newly independent Eastern European countries.

Since this period, the EU has been increasingly involved in the conflict resolution processes in its Eastern neighborhood along the development of its Common Foreign and Security Policy. However, as some scholars argue, it was "more by necessity and less by choice" (Oproiu 2015, p. 24; Sasse 2009). The EU presence in its Eastern neighborhood in the most 'intensive' period of 2004-2016 can be generally characterized with the following assessment: "a reluctant EU getting more and more engaged through comprehensive policies, including in conflict management" (Oproiu 2015, p. 25; Wolff& Whitman 2012, pp. 6-7).

With the Eastern Partnership, a more targeted regional cooperation initiative launched in 2009, the EU put stronger emphasis on the conflict resolution as one of the ways to provide peace, prosperity and stable development in this strategic region. Much like the ENP, the EaP provided an asymmetric relations between the EU and EaP countries through which the Union could enforce rules via 'sticks and carrots' strategy (Oproiu 2015, p. 27). Indirectly, the EaP provided new opportunity for its members to become more attractive for the separatist regions. Indeed, on a bilateral level, Moldova and Georgia used this possibility to the maximum and formalized the Association Agreements (including Deep and Comprehensive Free Trade Areas) with the European Union. Moldova progressed further in obtaining access to the Schengen area while Georgia also got positive recognition from the European Commission but became an early victim of political and institutional struggle over the 'early suspension mechanism' in Brussels and other national capitals of the EU.

Nevertheless, both countries managed to achieve important success in the process of European integration when they signed Association Agreements with the Union, replacing the European Neighborhood Policy. The Association Agreements are often called as a "new generation" agreements because unlike previous documents, they contain a component of Deep and Comprehensive Free Trade Area (DCFTA) and envisage concrete and deeper mechanisms for Georgia's and Moldova's relationship with the European Union. On the one hand, the Association Agreements and visa-liberalization processes are the most recent and major developments in the period of

2004-2016 in Georgia and Moldova on their quest to improve their attractiveness and this way contribute to the conflict resolution. On the other hand, these are also the most recent and arguably the most influential incentives used by the EU during this period.

The European Union has been utilizing its conflict management efforts in Georgia and Moldova on two levels. First, the higher-level process focuses on political leaders and behavioral aspects of conflict, i.e. directly or indirectly supporting and facilitating negotiations between political establishments of the adversaries, securing a ceasefire and preventing eruption of violence. Clear examples can be the visits of special representatives of the EU or the EU countries to Abkhazia before the 2008 August war, the Geneva International Discussions, the Incident Prevention and Response Mechanism (IPRM), and the EUMM in Georgia, as well as 5+2 negotiations format (to lesser extent) and the EUBAM in Moldova. Second, the lower level mediation process is primarily concerned with building confidence and understanding between the rivals, and devotes its activities to the causes and roots of the conflict rather than expressions of the problem. This is evidently demonstrated by a wide set of confidence building measures utilized by Georgia and Moldova with significant help and contribution from the European Union.

3.1 EU INVOLVEMENT IN GEORGIA

Prior to the 2008 Russia-Georgia war, the EU's experience in conflict management was limited to the Balkans, which was torn apart by the wars that erupted after the collapse of Yugoslavia. This experience was not impressive due to divergent foreign policy preferences of the Member States and the inadequacy of the then-newly established Common Foreign and Security Policy.

In 2003, at the time when this region was not yet part of the European Neighborhood Policy and did not speak to hearts and minds of most European bureaucrats, the European Security Strategy underlined that "[violent] or frozen conflicts, which also persist on our borders, threaten regional stability", and therefore, called on the EU to "take a stronger and more active interest in the problems of the Southern Caucasus" (Council of the European Union 2003, pp.4-8). Soon after the acknowledgment of importance of the South Caucasus region, the EU Special Representative for the South Caucasus started functioning. However, its mandate was limited to only supporting the UN and OSCE efforts, with no autonomous EU activities.

The European Neighborhood Policy, specially established for the Union's Eastern and Southern neighbors in 2004, further stressed the importance of resolving conflicts to avoid "negative effects of conflict on economic and political development" (European Commission 2003, p. 9), and acknowledged the necessity of "increased efforts to promote settlement of the conflicts in the region" (European Commission 2003, p. 11). The document also recognized the region's significance in increasing

EU's energy independence by producing and transiting much-needed energy commodities for and to the Union. It is important to underline that conflict resolution was not an explicit objective and part of this policy (as well as of the Association Agreements later with Georgia and Moldova). However, the scholars are confident in their connection with conflict resolution arguing that "by providing political association and deeper economic integration with the EU, together with increased mobility, the partner states are incentivized to contribute to ensuring stability, to commit to share EU values and to support regional cooperation. It is in this framework that conditionality and passive enforcement can be used by the EU in order to change beliefs, behaviors and strategies of the conflict parties, rendering them more willing to negotiate for conflict settlement" (Oproiu 2015, p. 27).

With the Rose Revolution in Georgia in November 2003 and the following radical waves of reforms taking place in the country, the EU established the EUJUST Themis, the (first of its kind) rule of law ESDP mission in the whole post-Soviet space.

The EU became more concentrated on conflict resolution when the latter became one of the priorities in the ENP Action Plan. The EU's contribution further increased with the amendment in the EU Special Representative's mandate. Indeed, the EU became the biggest international donor in Georgia's Abkhazia and South Ossetia/Tskhinvali Region, after their patron state, Russia (Popescu 2011, p. 176). The EU invested heavily especially in the parts of South Ossetia/Tskhinvali Region (namely, Akhalgori district and tens of villages throughout the region), controlled by central government of Georgia (later, after the 2008 war between Russia and Georgia, and with giving up the de-facto control of central government, all the EU rehabilitation programs appeared to be useless).

The Russian military intervention is acknowledged to have been stopped by the EU's French presidency that brokered a 6-point ceasefire agreement between Georgia and Russia. The French (intrinsically, the EU) brokered mediation was the first major development since the Kosovo War, and widely accepted as a success due to the cessation of fire and the perceived readiness of Russia to cooperate.

The European Union Monitoring Mission was soon deployed according the cease-fire agreement, starting actual functioning in less than 2 months after the war, on 1 October 2008. Its mandate includes the "stabilization, normalization and confidence-building, as well as reporting to the EU in order to inform European policymaking and thus contribute to EU engagement in the region"(EUMM 2015) . The EU's initial, relatively speedy maneuvering through decision-making, financing and deployment pipelines was promising.

The European Union Monitoring Mission was accompanied by the Union's delegation in Tbilisi, the EU Special Representative (EUSR) for the South Caucasus (since 2003) and the European Union Special Representative (EUSR) for the crisis in Georgia (since 2008). The latter represented Georgia at the Geneva Talks supervised

and facilitated the implementation of the 6-Point Agreement. However, arguably due to the problems deriving from overlapping of competencies and functions between EUSR and EUMM, positions of the two EUSRs were merged in September 2011. The newly created EU Special Representative for the South Caucasus and the crisis in Georgia had new occupant of the post Philippe Lefort but enjoyed only cosmetic changes in its functioning, instruments and influence, if any. After the closure of the United Nation Mission (UNOMIG) in Abkhazia and the OSCE Mission in South Ossetia/Tskhinvali Region, the EU became the only international actor on the ground. As a result, importance of the activities of the EUMM grew significantly.

Meanwhile, the EU started humanitarian assistance and continues to provide generous funding for confidence-building programs. Nevertheless, initial enthusiasm was soon lowered and politically stalled by the Russian obstructionism; its recognition of the secessionist regions as independent states; limiting direct people-to-people ties through the borderization process, banning of free movement of people; and hindering any political resolution.

Another institutionalized structure co-chaired by the EU but decoupled from the Union's system is the Geneva International Discussions (GIDs). An information note of the Ministry of Foreign Affairs of Georgia gives a comprehensive description of the format. In particular, the Geneva International Discussions on security and stability and the return of internally displaced persons and refugees have been conducted since October 2008, in line with the six-point ceasefire agreement of 12 August 2008 (Point 6) and its implementing measures of 8 September 2008. The format was launched on October 15, 2008 under the joint co-chairmanship of the European Union, OSCE and the United Nations. As of 15 December 2016, 38 rounds of the Geneva Discussions were held. Authorities from Georgia, the Russian Federation and the United States participate in the Geneva process. De-facto authorities of the Tskhinvali region/South Ossetia and Abkhazia also attend the meetings via Russian delegation. All participants take part in the format in an individual capacity, thus making it possible to avoid endless and futile discussions on the legality of participation of these representatives. The participants discuss issues related to the security situation in the Georgian occupied regions and along the occupation lines, while the second working group focuses on issues related to the safe and dignified return of internally displaced persons (IDPs) and refugees to places of their permanent residence.

Importantly enough, MFA information note clarifies that the Geneva Discussions is the only format of negotiations, which provides for international mediation and discussion of outstanding political and humanitarian issues between Georgia and Russia.

The GIDs-related Incidents Prevention and Response Mechanisms (IPRMs) with regard to Abkhazia and Tskhinvali regions, agreed among the participants during

the fourth round of the Geneva discussions on 17-18 February 2009, are important tools in addressing the security situation on the ground. Indeed, the IPRMs in Gali and Ergneti, co-chaired and co-facilitated by the EU and the OSCE, are aimed at addressing the practical issues and preventing incidents on the ground and therefore constitute an important instrument for stability and confidence-building. As OSCE clarifies: the "meetings are an opportunity to discuss, among other issues: the identification of potential risks, the follow-up of incidents and the exchange of information, as well as problems affecting the communities on a daily basis".

However, similar to the GIDs, the IPRM meetings have been no easy or smooth gatherings. Indeed, as a result of Russia's inexorable position, the Tskhinvali-related IPRM was deadlocked for one year and resumed only after the solidified international pressure on Russia in October 2010. On 24 April 2012, the Head of the European Union Monitoring Mission in Georgia, General Tyskiewicz was not allowed to enter the occupied Abkhazia region of Georgia to participate in the 36th meeting of IPRM in Gali. The event was followed by uneasy developments and a subsequent suspension of the IPRM in Gali due to the harsh Russian position, up until 2016 when accumulated international pressure and political bargaining succeeded.

4 VIEW FROM BERLIN

Previous chapters reviewed the EU involvement in the conflict management activities in Moldova and Georgia. Based on the academic scholarship on conflict management and mediation demonstrated above, there can be various interpretations and opinions on whether the EU was effective and thus successful in Georgia and Moldova or not. Georgian and Moldovan views can be different compared to that of the EU or Russian. That is because all stakeholders have different expectations from the EU and thus different understanding of its success/effectiveness. For instance, in the case of Georgia, for Russians, the EU played a successful role in brokering a ceasefire. But there is nothing else to assess because the Union's mandate is no more valid since the Russia's recognition of independence of Abkhazia and South Ossetia/Tskhinvali Region. For the U.S., the EU was successful to broker the 6-point ceasefire agreement and bring the parties to the table, and it contributes to the de-escalation of the situation on ground. However, the U.S. believes that Russia is continuing to disrespect its obligations set out by the 6-point ceasefire agreement and the co-chairs of the GIDs (EU, OSCE, UN) fail to ultimately push the sides to a negotiation agreement. For the EU, it played a divisive role in avoiding further hostilities and continues to play an important role on the ground. For Georgians, the EU is an important element for general international pressure but fails to push Russia to an ultimate conflict resolution.

Depending on which of these perceptive sides and which of the theoretical schools one belong to, he/she may have a different understanding of the EU's effectiveness and success.

This chapter will demonstrate how the Berlin insiders perceive the (in) effectiveness of the European Union in this process. In particular, this article will exhibit the opinions of the representatives of German Foreign Service, Bundestag, German Council on Foreign Relations, German Institute for International and Security Affairs and Embassy of Georgia to the Federal Republic of Germany.

4.1 HOW BERLIN VIEWS GEORGIA AND MOLDOVA

German policy-shapers and decision-makers nowadays see Moldova and Georgia (much like Ukraine) as targets and victims of aggressive Russian intentions. They believe that Moscow is determined to prevent Moldova's and Georgia's successful drive towards European integration by all means possible and at any price. The crisis in the neighboring Ukraine and domestic challenges, clearly demonstrating existent fault lines, raise the stakes of success for these countries, where situation seems fragile. Moreover, as the interviewees argue, Russia uses the Transdniester, Abkhazian and South Ossetian/Tskhinvali Region as a trump card to try to "tame" Chisinau and Tbilisi at times when they are closest to hitting any of their European objectives. Russia immediately responds with asserting the self-professed right to act in protection of Russian speakers, Russian citizens, Russian passport holders, and other compatriots in the region, or simply retorts to the strategy of embargo and other muscle-flexing tactics.

So far, Russia seems to skillfully play its hand of brinkmanship to its advantage and capitalize on the tactics of seeming willingness to risk confrontation with the West over its so-called "existential interests", otherwise known as "spheres of influence." That is especially evident in Ukraine's case but true for Georgia and Moldova as well.

4.2 WHY ARE THE EU INSTRUMENTS ULTIMATELY INEFFECTIVE?

The Berlin insiders consider that the EU achieved several successful outcomes, including a 2008 ceasefire agreement, de-escalation of hostilities, the establishment of the GIDs, IPRMs, EUMM and various confidence-building measures in Georgia, and the establishment of the EUBAM and a number of confidence-building programs in Moldova. However, all interviewees are confident that the EU conflict management in Georgia and Moldova ultimately failed in 2004-2016 (i.e. approximately since the introduction of the European Neighborhood Policy until the entering into force of the Association Agreements). Interestingly, they claim that the following circumstances determined the ineffectiveness of the EU conflict management activities in these countries:

First, on a country level, the interviewee 1 claims that several EU member states internally struggle to formulate a single country position. The interviewee states that even Germany, the most influential member state, is often split between enthusiastic and supportive Foreign Service and skeptical Ministry of the Interior, for instance, when it comes to visa-liberalization or other mobility initiatives for the EaP countries. On an EU level, differences in the positions of the EU member states, reflected in the lack of EU's political will, significantly limits the EU's potential for conflict resolution in the region. Interviewees from the German research centers point at frequently cautious positions of France, Germany and like-minded EU member states vis-à-vis Poland and the Baltic countries (especially, with regard to the initiatives with potentially negative Russian reaction). Moreover, on an international level, EU and Russian positions and interests diverge on the conflicts in Moldova and Georgia that complicate the conflict management activities. Unlike the EU, Russia is not only a "mediator", as it is always trying to present itself, but a directly involved and interested actor. More importantly, Russia's interests and subsequent actions in the region differ significantly enough to make the EU's conflict resolution efforts ineffective.

All interviewees argue that an outcome of the diverging interests is a lack of political will, ultimately determining the EU's ineffectiveness. Furthermore, struggling to find a compromise, the EU could not even define its own interests in the region, formulate a strategic vision towards it and more importantly, it has not taken account of its previous failures. The interviewees believe that these shortcomings, all directly determined by the diverging interests/positions of the EU member states and a related lack of EU's political will, are important in explaining the EU's poor performance in conflict management in Georgia and Moldova.

Second, the EU used the instruments that were not created particularly for Georgian or Moldovan conflicts. Moreover, the EU did not use strong tools properly either, including the ones concerning visa liberalization, economic incentives, etc. The problem can be summarized by Sasse's (2009, p. 369) assessment of the ENP: the EU instruments were "politically, institutionally and financially under-equipped to do so, and it [faced] obvious external constraints, such as the role of Russia in the region". The interviewee 3 further explains this problem by arguing that this is because the EU "institutions [generally] don't think about security, it is not part of their mindset". However, the interviewee further adds that ultimately the "real problem is not that there are no instruments on ground. There are instruments there. But it is lack of political will that is not there".

Third, as interviewees emphasize, complexity of EU governance increases its slowness and further limits its effectiveness in conflict management. The complexity of the EU governance structure and working mechanisms and the amount of actors with their own divergent interests contribute to the 'lack of coherence' in the EU position, remarkably reducing EU's potential in conflict resolution in its Eastern neighborhood.

Indeed, the interviewee 3 believes that the "EU is a technical institution" and it is hard "to understand the logic of Brussels".

Fourth, the Berlin insiders also claim that vulnerability of the EU decision-making to the external influence often hampers the process of active and fast EU engagement in its Eastern neighborhood. "If [a third country] knows with whom to talk" and "[it] can deal with informal logic of EU and its decision-making", the EU can be influenced by the third country. In other words, the EU is a complex and slow machinery but can be influenced if approached properly, skillfully and knowledgeably. As a result, external actors can limit EU's effectiveness in the conflict resolution processes. The interviewees hint at the active Russian lobby in Brussels and in key national capitals as well as assertive anti-Western information war aimed at dividing societies and influencing governmental or EU calculations.

4.3 WHAT CAN THE EU DO MORE?

Externally, the interviewees are convinced that the proactive EU engagement, along with strong and concerted effort and implementation of practical mechanisms ensuring the security of EU's eastern flank, are needed now more than ever. The Western vigilance now is simply not enough. The interviewees believe that this is no time to be passive or pensive, rather the time has come for resolute steps as "only a firm stance and action will appease Moscow's growing appetite for being a bully on the block". Moreover, the EU, with other like-minded international actors, should do more to support these countries politically, including continuing to be both vocal with non-recognition of secessionist regions of Georgia and Moldova and actively engaged in their de-occupation efforts. Meanwhile, the EU has to support direct ties and negotiations between central governments and the breakaway regions of Moldova and Georgia. It must actively demand full implementation of the 6-point ceasefire agreement and full access for the EUMM in the Georgian regions. In addition, it must persuade Russia to withdraw its troops from Transnistria, pressurize all sides to be more compromising during the GIDs and the 5+2 negotiation formats, etc. Overall, the EU (and more broadly, the Western) response has to carry a clear message and seriousness of purpose, and be strategic, preemptive, creative, effective, consistent, and sustainable in nature.

Internally, the interviewees believe that the fact that there is an extensive system of instruments and bodies in place, does not mean that the EU should not do anything else. To the contrary, for example, some of the interviewees point at the report of the Council of the European Union and consider that there are indeed several aspects of mediation that need to be improved. In particular, they agree with the report recommendations that urge for more coherence and coordination among the EU conflict resolution-related instruments, bodies and efforts, more synergy between all levels of activities, more operational support to EU-related mediators, more developed

capacity-building skills of these mediators, and strengthened outreach and cooperation with other partners and like-minded actors, most notably, with the UN Mediation Support Unit and the OSCE . Several interviewees also suggest to include conflict resolution in the EaP priorities.

5 RESULTS AND DISCUSSION

Though this research can be a starting point for many of the arguments developed in the paper, several conclusions may still be drawn from the date obtained via interviewees in Berlin.

Speaking about the inability of the EU to manage the conflict in Georgia and Moldova, one should bear these UN-related words in mind: "the responsibility of tackling the most difficult issues is passed from one actor to another, often ending up in the hands of the institution of last resort – the United Nations – which frequently has neither the resources nor the support of member states to shoulder the burden" (Crocker et al. 2001, p. 59; Vuković 2016, p. 42). Based on the perceptions of the Berlin insiders, nothing can be characterized so well with these UN-related words than the European Union's involvement in the conflicts in its Eastern neighborhood. Indeed, the EU has been a late-comer, and was involved in the conflict management "more by necessity and less by choice", with already vested interests, protracted destruction and polarized positions on ground. Thus, by default, the EU was expected to have fewer chances for a successful conflict resolution.

The most important shortcoming is not simply the fact that the EU member states have different interests, opinions and strategies on various external relations issues. In fact, divergent opinions may contribute to the establishment of a comprehensive and 'all-inclusive' approach. However, the problem is that due to a lack of political will, such comprehensive approach does not develop into a comprehensive EU action, i.e. what the Union refers to it "the effective use and sequencing of the entire range of tools and instruments" (EEAS, 2016b). Diverging EU interests do not capitalize into an all-encompassing, well-scrutinized and well-planned action. On the contrary, they rather often undermine the very foundation of such action and result in a weak and non-result-oriented action reflecting the lowest-common denominator among the EU capitals. Such actions, often poorly coordinated, are usually far from being effective.

As the interviewees claim, all the EU formats, instruments and efforts described in chapter 3 have a potential to ultimately achieve success. However, the absence of political will deriving from divergent interests between the EU member states, mismanagement of the EU instruments, complexity of EU governance and vulnerability of EU decision-making process to external interference, all contributed to the ultimate EU ineffectiveness to overcome the deadlock in the conflicts in Moldova and Georgia in 2004-2016.

The most striking and under-researched finding of the interviews in Berlin was a firm belief of the Berlin insiders that external actors can and do influence the EU decision-making both on the level of the EU and the member states. The researchers gradually begin to investigate this dimension academically. For example, in his research, Kmec (2015, p. 1) argues that "policymakers working in the CSDP structures influence the content of the CSDP while emphasizing soft- and diplomatic approaches to conflicts". This study can be critical in understanding the importance of vulnerability of the EU decision-making towards external influences. Indeed, by influencing the EEAS staff working in the CSDP structures, the impact-seekers can influence the content of CSDP, shift its whole focus from peace-enforcement, peacekeeping and humanitarian tasks towards peace-building, and through this decrease the EU effectiveness in conflict resolution. In addition, third party countries can indirectly influence country positions by targeted information campaign or direct lobbying. However, more research data is needed to validate or reject these arguments.

Another important finding is the interviewees' confidence that although the EU was not ultimately successful in 2004-2016, it has to continue its efforts. All interviewees recall the German modern history for their argument. For instance, in case of the GIDs, they believe that although it is not successful so far, it is the only forum where parties come face-to-face to express and discuss their divergent interests. In spite of the fact that the parties do not agree on anything substantial, existence of such format is still important for the attempts of cooperation and socialization.

The interviewees demonstrate that there is a significant difference between the EU and Russian interests and views in the EaP region. In the presence of conflict of interests between these two most important international actors involved to the greatest degree in the conflicts in Georgia and Moldova, what can be done for interest convergence? Academically/theoretically speaking, several developments may influence the process and facilitate a more cooperative spirit in the conflicting mediators. In turn, this may open up the deadlock between the conflicting parties and increase the chances for successful peaceful conflict resolution. Firstly, exogenous geo-political shifts or in other words "significant developments on a systemic level caused by pivotal political, social, economic and/or natural events [may] encourage a party to rethink its guiding principles" (Vuković 2016, p. 166). Secondly, changes in conflict dynamics "might [also] induce those outside actors that are directly involved in the conflict – [e.g.] by providing logistical and/or military support – to consider using mediation as a viable option for ending the conflict" (Vuković 2016, pp. 167-168). And thirdly, bargaining for cooperation or engagement of "a defecting party in a bargaining process, where an alternative to their current behavior can be found by offering them sufficient incentives to make participation an attractive option" can be used to facilitate a change (Vuković 2016, p. 168).

In addition, mediators' cooperative spirit, their common willingness to cooperate, their common understanding of the importance of their cooperation in the process of conflict resolution (i.e. convergence of interests) is the first and the most important step in a successful mediation process. This paves a way to the second stage of coordination when the mediators clearly define their roles, assign clear duties to them and try to influence the conflicting parties in a consistent and concerted manner. This is the only way that the international mediation has a feasible chance of succeeding. On the other hand, as Vuković (2016, p. 25) rightly summarizes it, "each peacemaking activity is largely conditioned by an adequate mix of well-coordinated activities conducted by international actors that share a common goal in managing a given conflict".

None of these developments and conditions is visible on the horizon in Moldova and Georgia nowadays, and therefore the Berlin insiders remain skeptical about the success of EU's future conflict management or mediation efforts.

The Berlin insiders also argue that it was with the Russian military adventurism in Ukraine since 2014, that the EU slowly but progressively started to reconsider its role in its Eastern neighborhood and to embark on developing a geostrategic approach towards this region, rather than totally giving way to the technocratic politics (see, for example, Nitoiu 2015). The EU of its interests in the region as well as a consideration of the regional geopolitics in the EU decision and policymaking can understand this strategic approach as a clearer understanding. How will this evolve in practice from technocratic politics to high politics? Will its normative power be supported by strategic actions? Will assertiveness and greater self-confidence of the EU only be demonstrated in its statements or will it be evident in relevant foreign policy instruments (other than sanctions) for strategic action? Will the strategic approach significantly improve the EU effectiveness in tackling the regional problems, including the conflicts? These are all topics for further research. For now, the data demonstrated in this research suggests that although the EU managed to achieve several mini-successes on the bumpy road of conflict resolution in the period of 2004-2016, the EU has ultimately been ineffective on the ground. In other words, as some of the Berlin insiders suggest, the "EU was not in a position to 'fix' the problems in Moldova and Georgia". With the ongoing developments in the EU and beyond (e.g. migration crisis, aftershocks of the financial crisis, BREXIT, increasingly aggressive Russia, 'in-door' terrorism, increase of nationalistic sentiments, etc.), it is less likely that the Union will or is capable of doing so any time soon. However, being an influential normative power as well as an inspiration and a role model for many neighboring countries, it can still play a positive role in regional development.

Russia's aggression in Ukraine and in its other neighbors left the idea of Europe whole, free and at peace only in the minds of extreme optimists. The EU's sustainable Eastern policy/strategy as well as its energetic implementation can be a

potential solution for the problems in Moldova, Georgia and elsewhere in the region. Georgia and Moldova, to name a few, expressed their solid commitment to European integration, and demonstrated their sacrifices for the cause. The EU should learn the lessons of its involvement in the region in 2004-2016, and further engage its Eastern neighbors with more responsible, more proactive, more unified, more powerful, more coordinated, more enthusiastic actions, strategies, and instruments.

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