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THE ROLE OF THE EU IN CONFLICT RESOLUTION: THE CASE STUDY OF NAGORNO-KARABAKH CONFLICT

YÜKSEK LİSANS TEZİ

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ONAY SAYFASI

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ABSTRACT

This thesis aims at discovering the EU's conflict resolution role in Nagorno-Karabakh conflict, which has remained unresolved for over two decades. The first goal of the thesis is to analyse the significance of the conflict resolution field and its effectiveness in ending conflicts like that of Nagorno-Karabakh and maintaining "positive peace." The second goal is to demonstrate whether the EU has adopted, throughout its history, the policy of conflict resolution, peace building and mediation roles and to what extent it has been successful. The concepts of 'conflict' and 'conflict resolution' are explained starting from more general theoretical framework towards the role of the EU's effectiveness in conflict resolution in international conflicts. The third goal is to evaluate the capacity of the EU to resolve Nagorno-Karabakh conflict, the reasons why it has been unsuccessful so far in resolving the conflict and why it is of great importance for the EU to mediate the conflicting sides in the future. I argue that although unsystematically, the EU –as a peace project –has developed long term conflict resolution tools in its foreign policy. The EU's prospects of resolving the Nagorno-Karabakh Conflict, however, are impeded by several dynamics, such as its internal incoherence in foreign policy; geopolitical interests of other powers like Russia and the USA, the Union's dependence on Minsk Process, financial restrictions due to the Union's internal economic hardship, and lacking systematic and independent conflict resolution policies and instruments.

Key Words: Ethnic Conflicts, Intractable Conflicts, Conflict Resolution, Mediation, European Neighbourhood Policy, Action Plans, Nagorno-Karabakh conflict, Peacebuilding

ÖZET

Bu tez AB'nin, yirmi yılı aşkın süredir çözümsüz olarak kalan Dağlık Karabağ sorunundaki çatışma çözümü rolünü anlamayı amaçlamaktadır. Tezin ilk hedefi çatışma çözümü alanının önemini ve Dağlık Karabağ gibi çatışmaların sonlandırılmasında ve "pozitif barış" süreci sağlamasındaki etkisini incelemektir. İkinci hedef AB'nin kendi tarihi boyunca çatışma çözümü, barış inşası ve arabuluculuk politikalarını benimseyip benimsemediğini ve bu konuda ne ölçüde başarılı olduğunu tespit etmektir. 'Çatışma' ve 'çatışma çözümü' kavramları, genel çerçeveden başlanarak AB'nin uluslararası çatışmalardaki çatışma çözümündeki etkisine uzanarak anlatılmaktadır. Üçüncü hedef, AB'nin Dağlık Karabağ sorununu çözmesindeki kapasitesini, çatışmanın çözümünde şu tarihe kadar neden başarısız olduğunu ve AB'nin gelecekte çatışan taraflara arabuluculuk etmesinin önemini değerlendirmektir. Bir barış projesi olan AB'nin, sistematik olmamasına rağmen, dış politikasında uzun dönem çatışma çözümü araçları geliştirdiğini ileri sürüyorum. Bununla birlikte, Dağlık Karabağ sorununun AB tarafından çözüm olasılıkları; birliğin dış politikadaki dahili tutarsızlığı, Rusya ve ABD gibi diğer güçlerin jeopolitik çıkarları, birliğin Minsk Sürecine bağımlı olması, dahili olarak ekonomik güçlük çekmesi nedeniyle finansal kısıtlamaları ve bağımsız ve sistematik çatışma çözümü politikalarının ve araçlarının eksikliği gibi devingenler tarafından engellenmektedir.

Anahtar Kelimeler: Etnik Çatışmalar, Bölgesel Çatışmalar, Çatışma Çözümü, Zorlu Çatışmalar, Arabuluculuk, Avrupa Komşuluk Politikası, Eylem Planları, Dağlık Karabağ sorunu, Barış inşası

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LIST OF ABBREVIATIONS

AA   : Association Agreement

AO   : Autonomous Oblast

AP   : Action Plan

CSDP   : Common Security and Defence Policy

CSO   : Civil Society Organization

CSP   : Country Strategy Paper

DCFTA   : Deep and Comprehensive Free Trade Area

EaP   : Eastern Partnership

ENI   : European Neighbourhood Instrument

ENP   : European Neighbourhood Policy

EPNK   : European Partnership for the Peaceful Settlement of the Conflict over Nagorno-Karabakh

ESDP   : European Security and Defence Policy

EU   : European Union

EUSR   : European Union Special Representative

GDP   : Gross Domestic Product

IDPs   : Internally Displaced Persons

NGO   : Non-governmental Organization

NK   : Nagorno-Karabakh

OSCE   : Organization for Security and Co-operation in Europe

PCA   : Partnership and Cooperation Agreement

PEACE   : Peace Building Through Capacity Enlargement and Civic Engagement

PSC   : Protracted Social Conflict

SMEs   : Small and Medium Sized Enterprises

SSR   : Soviet Socialist Republic

TRNC : Turkish Republic of Northern Cyprus

UN   : United Nations

USSR   : Union of Soviet Socialist Republic

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1. INTRODUCTION

Nagorno-Karabakh conflict was the first conflict on the territory of the former USSR between Armenia and Azerbaijan, which lasted between 1988-1994 resulting in thousands of casualties and around half a million refugees from both countries. The conflict started over secessionist demands of Nagorno-Karabakh Armenians, who initially supported unification of Nagorno-Karabakh with Armenia. The demands, in fact, had already started during Soviet era when Nagorno-Karabakh was an autonomous region within the state territories of Azerbaijan. Yet in 1988, protests and small scaled conflicts later escalated to a full-fledged war in 1990s after the dissolution of the Soviets. Nagorno-Karabakh was militarily supported by Armenia in ethnic cleansing of the region which was followed by the occupation of seven 'rayon' of Azerbaijan. However, Nagorno-Karabakh has remained *de facto* independent since then, not recognized by a single country including Armenia. The UN resolutions in 1993 and 1994 condemned the occupation and demanded demilitarization and returning of the occupied territories to Azerbaijan.

The conflict, remaining unresolved over the status of Nagorno-Karabakh and lands occupied, has brought about mutual distrust, lack of dialogue and ethnic antagonism between Azerbaijani and Armenian societies. The failure of international organizations like the UN and OSCE and countries involved such as Russia, Turkey, and Iran in peace building has created a deadlock for the resolution of the conflict. This thesis asks the question of whether the EU can resolve this conflict.

The EU can be considered one of the biggest if not the biggest peace project of the world history with the unification of 28 European states in as short time as 66 years after the devastating effects of World War I and World War II. Neither a war nor a conflict has been witnessed among the EU states ever since, which indicates the extent of the Union's success in resolving prolonged conflicts and wars in European history. During the years of cold war, there was less need for the EU to be an international actor

especially in conflict resolution since the number of conflicts were smaller and did not threat its security.

However, as from 1990s many conflicts have erupted in the vicinity of the EU, which were mostly ethnic conflicts resulting from the dissolution of the Soviet Union and rise of nationalism. Bloody wars in former Yugoslavia, inter-state conflicts in South Caucasus and intra-state conflicts in North African and Middle East countries are only several of them requiring the EU to prepare proper and efficient conflict resolution tools. With the formation of ESDP and CSDP the Union resolved to have a say in conflicts. Each major treaty such as Maastricht Treaty, the Treaty of Amsterdam, and the Treaty of Lisbon supplemented new tools to the Union's foreign policy including short term goals such as peace keeping and long-term peace building tools such as promoting democracy, human rights and financial assistance. Some of these tools were also incorporated in European Neighbourhood Policy.

Although Nagorno-Karabakh conflict is known as a frozen conflict, skirmishes on the contact line between Armenia and Azerbaijan indicates the possible recurrence of the armed conflict. In fact, the world witnessed ferocious clashes between these states in 2014[1] and 2016[2]. Knowing that peace in south Caucasus is important for the EU security because of its vicinity to the region, the EU is surely aware of its responsibilities. Thus, I will dwell on the EU's capacity as well its willingness and activities in the region assessing its conflict resolution and mediation tools and practices.

Understanding the core of the problem is the first step to solving it. Similarly, the resolution of a conflict requires understanding of the conflict. To evaluate whether the EU has adequate tools for conflict resolution including mediation and peace building in conflicts, specifically in Nagorno-Karabakh conflict, it is vital to familiarize ourselves with these tools. What is conflict? What types of conflicts are there? How do

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[1] David M. Herszenhorn, "Clashes Intensify Between Armenia and Azerbaijanover Disputed Land" , *New York Times*,2015 available at: https://www.nytimes.com/2015/02/01/world/asia/clashes-intensify-between-armenia-and-azerbaijan-over-disputed-land.html?_r=0, accessed on 01.05.2017

[2] Andrew E. Kramer, "Fihting Between Azerbaijan and Armenia Flares Up in Nagorno-Karabagh", *New York Times*, 2016, available at: https://www.nytimes.com/2016/04/03/world/europe/nagorno-karabakh-fighting-azerbaijan-armenia.html?_r=0, accessed on 01.05.2017

they arise? How do they differ? Why do some conflicts remain unresolved? What are the (best) ways to contain them and stop them from repeating? These are some of the questions I have aimed to elaborate the answers of in the second chapter of the thesis.

Conflict and peace studies are new inter-related disciplines within the Political Science formerly studied within other fields like philosophy, psychology and sociology. In this chapter, in which we review the literature, we encounter a generic definition of conflict – though more specific definition is disputable – acknowledged by the fathers of the discipline such as Galtung, Bouilding, Burton John and Edward Azar to contemporary scholars like Jeong, Ramsbotham and Morton Deutch as *incompatibility of goals*. Conflicts arise when the sides have goals not incompatible with each other. This can be observed in Nagorno-Karabagh conflict, where Armenians demand self-determination, which disrupts the territorial integrity of Azerbaijan, who finds it incompatible to deal with.

The NK conflict is what Wallensteen defines geopolitik and realpolitik conflict[3]. By geopolitik he meant conflict over territory and by realpolitik military competition which can be observed in both countries since the ceasefire in 1994. Russia is directly involved in this realpolitik selling arms and military equipment. The conflict is defined as ethnic conflict by Wolf showing the existence of ethnic superiority resulting in IDPs and ethnic cleansing.[4] Thus the solution of the conflict lies not in a peace agreement or compromising of parties' interests, but the needs and grievances of the societies.

Yet sporadic escalation of the conflict and rhetoric of both governments makes the polarization as well as mutual hatred increase which in turn renders the conflict difficult to resolve. This is because of the worsening behaviours of the belligerents, possible eradication of which would lead to true peace. Galtung argues that incompatibilities can be eradicated by creative and one of a kind solutions either by the parties or mediators.[5] Some scholars question the effectiveness of mediation arguing that the conflict can only be resolved by the parties themselves as they are the ones most

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[3] Peter Wallensteen, *Understanding Conflict Resolution: War, Peace and Global Sytem*, London, California, New Delhi: SAGE Publications, 2002, pp.95-96

[4] Stefan Wolff, *Ethnic Conflict: A Global Perspective*, New York: Oxford University Press, 2006, pp.1-3

[5] Johan Galtung, *Peace by Peaceful Means: Peace and Conflict, Development and Civilization,* International Peace Research Institute, Oslo (PRIO), 1996, p.95

informed about it. Others, however, contend that if skilled and experience mediators may have a big role.

Nagorno-Karabakh conflict can be described as protracted conflict defined by Edward Azar. For him, one of the most effective solutions to such conflicts is to establish workshops to facilitate communication, enhance dialogue and public opinion. The aim is to restore societal needs and establish the grounds of reconciliation between the societies. The chapter further elaborates the distinction between and methods of conflict resolution tools including conflict management, peace-keeping, peace-making and peace-building.

The third chapter examines the EU's conflict resolution tools and its policies vis-à-vis the conflicts inside and outside the Union. I examine the extent of conflict resolution policies incorporated in its documents and treaties. I then brief the development of CSDP. I draw attention to the fact that the EU proves to be superior in long terms conflict resolution tools which are promoting its liberal values, judicial reform and economic development. This can be justified with Wallenstein's argument which states that democratization curbs occurrence or reoccurrence of conflicts, though this argument remains within a theoretical framework.

Other tools such as conditionality, capacity building, good governance will be explained. The chapter also contains the context of the EU's mediation and its types like 'facilitation', 'formulation' and 'manipulation'. Discussion over the role and efficiency of the ENP will be one of the important aspects of this chapter. ENP is particularly significant in that it is the only policy including conflict resolution measures the EU applies for the Nagorno-Karabakh conflict via its Action Plans both with Armenia and Azerbaijan. Finally, the EU's achievements and failures in conflicts of Cyprus, N. Ireland, Georgia, Balkans, Israeli-Palestine and Ukraine will be evaluated to better comprehend the EU strengths and weaknesses whereby we can determine what the EU lacks or should do to be successful in the resolution of Nagorno-Karabakh conflict.

The fourth chapter focuses on the Nagorno-Karabakh conflict as a case study. I start the section by introducing the OSCE Minsk group involved in the peaceful mediation of the conflict for 25 years without success. I argue that the organization's

failure has both intrinsic and extrinsic reasons. The intrinsic reasons are that decision-making structure is secretive that excludes any representatives of CSOs from the parties and lack of objectivity in members (France, Russia, the USA) who are highly influenced by the Armenian community and Diaspora living in these countries. Extrinsic reasons are inability of the adversaries compromising over the resolutions proposed by the group and each member's own interests in the region be it related to energy or other economic and geopolitical gains.

Should the EU replace France in the OSCE Minsk Group or take part in the OSCE Minsk Group? I seek the answer to this question in the following pages of this chapter, followed by the assessment of the instruments such as ENP, The European Union Special Representative (EUSR), the European Partnership for the Peaceful Settlement of the Conflict over Nagorno-Karabakh (EPNK), and Partnership and Cooperation Agreement (PCA) with the comparison of the instruments applied in Armenia and Azerbaijan. For example, that the resolution of Nagorno-Karabakh is the first priority in Action Plan-Azerbaijan, whereas the seventh in Action Plan-Azerbaijan is paradoxical to the EU's determination and objectivity.

The final part of the chapter deals with the Track II diplomacy of the EU vis-à-vis Azerbaijan and Armenia. These policies incorporate the involvement of the EU in improving grassroots of the societies including NGOs, CSOs, aiming at changing the behaviours and attitudes of the societies which could enable the resolution as a long-term goal. However, we concluded that more often than not the EU has partly been successful, which does not suffice for the resolution of the conflict. Some reasons behind this inefficiency are the authoritarian regimes of Azerbaijan and Armenia making pressure on CSOs, meagreness of EU's financial assistance, and Armenia's lack of aspirations for the cooperation with the EU, and its compliance to Russian influence.

The fifth chapter, which is the conclusion, summarizes the main arguments, classifies the dynamics impeding the EU's efficiency and gives recommendations for prospects of the EU's successful involvement in the conflict.

2. THE REVIEW OF CONFLICT AND CONFLICT RESOLUTION

2.1. UNDERSTANDING CONFLICT

Although conflict does not seem to be a difficult term requiring elaborate explanation, it has been studied broadly and gained diverse connotations in most of the social sciences such as psychology, sociology and economy over centuries. Yet it has been almost three quarters of a century that the term emerged in political terminology. Even in the discipline of political science, scholars studying and analysing conflict interpreted and theorized about the term diversely, which helped conflict studies evolve in a fast pace.

In the very first issue of Journal of Conflict Resolution, the editorial team stated the purpose of journal and creation of research in the field as not to harm previous studies carried out in the discipline but to add to them as well as resort to the knowledge of the other social sciences, avoiding competition. [6] Quincy Wright explained in the first article of the journal that conflict between social groups, especially interstate conflicts would prevail in the study of "Conflict Resolution", arguing that they were of importance because they were "the most dangerous to humankind; the most typical of social conflicts; the most comprehensive of all other forms; and the most thoroughly examined in the literature dealing with conflict."[7]

Many conflicts scholars and experts agree on this general description that conflict erupts when two parties dispute over incompatibility. Yet it still would be better to review the ideas of prominent conflict experts on conflict and conflict theory. A prominent pioneer of peace research Johan Galtung points out the importance of understanding conflict and "non-violent" and "creative" conflict transformation.[8] For

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[6] Journal of Conflict Resolution, "An Editorial", Vol.1, Issue 1, March 1957, p.1

[7] Quincy Wright, "The value for conflict resolution of a general discipline of international relations", *Journal of Conflict Resolution*, Vol.1, Issue 1, March 1957, p.3

[8] Johan Galtung, *Peace by Peaceful Means: Peace and Conflict, Development and Civilization,* International Peace Research Institute, Oslo (PRIO), 1996, p.17

Galtung, in the heart of every conflict there is a problem, a "contradiction", which should be solved by persons, groups or actors. Actors, including states experience contradiction when their goals are "incompatible", meaning the goals cannot co-exist as they are very different in nature. But for him, contradiction is only one of the three components of conflict. The others are what he calls "attitude", which is "latent aggression", and "behaviour", which is "manifest frustration" of actors, groups and states towards each other.[9] Traditionally, conflict has been associated with "competition for resources or other interests, value differences or dissatisfaction with basic needs."[10] Conflict makes the "attitudes and behaviours" of the parties become more polarized in their vision of the world.[11] Galtung's conflict triangle illustrates this point well.

Figure 1: Conflict Triangle
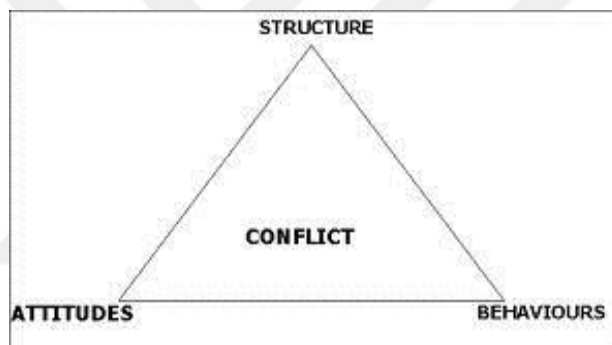
Peter Wallensteen also refers to the significance of incompatibility in a conflict, saying that absence of "action" by the sides does not show the absence of conflict, but the existence of "latent conflict". As he put it, "manifest conflict requires both action and incompatibility." Slightly different from Galtung's conflict model, he characterizes conflict in three elements: "action, incompatibility and actors." He defined conflict as "a social situation in which a minimum of two actors (parties) strive to acquire at the same moment in time an available set of scarce resources."[12]

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[9] Ibid., p.71-72

[10] Ho-Wong Jeong, *Conflict Management and Resolution: An Introduction,* Oxon: Routledge, 2010, p.5
[11] Ibid., p.8
[12] Peter Wallensteen, *Understanding Conflict Resolution: War, Peace and Global Sytem*, London, California, New Delhi: SAGE Publications, 2002, pp. 15-16

Kriesberg and Dayton similarly argue that social conflicts arise when there are incompatible "objectives" between two or more persons or groups.[13] Ho-Wong Jeong describes conflict as "the persistent and pervasive nature of inter-group and international competition among disparate interests and values that underlies power dynamics." Conflicts may arise if social relationships are damaged by contrasting interests, values or needs. If one side intimidates the other side's interests, conflicting goals and behaviours will appear. Sides may interrupt each other's attempts to attain their goals as their interests are contradictory. Parties can easily solve even eliminate a incompatible goal and understand each other well if they come up with a solution to a misapprehension (if there is any) that they do not in fact wish to achieve the same goal.[14] Conflicts are also formed due to the inequalities in societies. One of the reasons why grievances occur is the "changes in global economy" where "shifts in investments, trade patterns, and labour flows often exacerbate inequalities."[15]

Kenneth Boulding described conflict as "a universal phenomenon in social systems; it exists within the individual, within families, in all organizations, between individuals, between organizations, between states, and so on." Boulding argues that conflict is costly to the sides. In violent conflicts, cost is inflicted when the sides compete for resources damaging "the goods of the other." In nonviolent conflicts, one side could impose a cost not agreeing with the other that would normally benefit from this agreement.[16] In general, conflict is most popularly described as "a struggle over values and claims to scarce status, power and resources."[17]

Although conflict has been associated with various meanings, Thomas C. Shelling divides these interpretations into two categories: 1) search for causes and cures of the conflict that is seen as a disease 2) search for related behaviours of conflict

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[13] Louis Kriesberg and Bruce W. Dayton, *Constructive Conflicts from Escalation to Resolution*, Lanham, Boulder, New York, Toronto, Plymouth: Rowman & Littlefield Publishers, Inc. 2012, p.2

[14] Ho-Wong Jeong, Understanding Conflict and Conflict Analysis, London: SAGE Publications Ltd, 2008, pp. 5-11

[15] Louis Kriesberg and Bruce W. Dayton, *op.cit.,* p.71

[16] Kenneth Boulding, *Stable Peace*, University of Texas Press, 1978, pp. 132-134

[17] Kenneth Boulding, *Conflict and Defence: A General Theory*, New York: Harper&Brothers, 1962, p.5

accepting it as it is.[18] On the other hand, Kriesberg and Dayton point to the absence of a theory that can fully explain social conflicts because, as they put it:

> "They occur across different levels of society, across different issue domains, or across different stages of development. Social conflicts are so complex and dynamic that theorists cannot unequivocally explain why one fight erupts and another lies dormant, how one escalates and another subsides. We can never have enough detailed information about a specific conflict to predict precisely whether, when, or how it will become transformed. As a result, theoretical propositions relating to social conflicts are more often expressed in terms of tendencies and probabilities."[19]

Conflict has also been associated with competition, bilateral games and cooperation. The contribution of social psychology to "viewing conflict from the perspective of "competitive struggle" is emphasized by Morton Deutsch. He refers to the significance of game theory to the conflict studies as well because it stresses that the interests of belligerents are mutually dependent, that "their facts are woven together." Besides the fact that game theory is successful in analysing "competitive conflict (zero-sum games"), cooperative interests are also considered likely to be part of the conflict. Thus, conflicts should be evaluated as a combination of "cooperative and competitive" processes. [20] Utilizing game theory, he classifies the conflict into three types: 1) "the zero-sum conflict (a pure win-lose conflict), the mixed motive (both can win, both can lose, one can win and the other can lose), and the pure cooperative (both can win or both can lose)."[21]

Ho-Wong Jeong also associates conflict with competition, stating that the latter is an indispensable element of natural life, with which the living things survive. It is necessary for species to find "food, shelter and limited resources." [22] However, Kriesberg and Dayton distinguish conflicts from competition, arguing that the former entails what they call "awareness", whereas the competing sides do not get what they

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[18] Thomas C. Schelling, The Strategy of Conflict, Cambridge, Massachusetts, London, England: Harvard University Press, 1980, p.3

[19] Louis Kriesberg and Bruce W. Dayton, *op.cit.,* p.11

[20] Morton Deutsch, "Sixty Years of Conflict", *International Journal of Conflict Management*, Vol. 1 No. 3, 1990, p. 242

[21] Ibid., p. 254

[22] Ho-Wong Jeong, *op.cit.,* 2008, p.9

want from each other but from "other parties in their environment." They called such situations as "objective, latent, underlying, or potential conflicts."[23]

There are myriad other factors triggering conflict or influencing conflict formation. For example, Coleman draws attention to the importance of power in conflicts because it is used as "leverage for achieving one's goals." Conflicts arise as to preserve or change the stability of power "in relationships." Because it is omnipresent and influential, we should take power into account when dealing with conflict.[24] Existence of incompatibilities does not lead to conflict. Conflict is present when one side tries to take control of the other to "deal with incompatibility" and communications end up with hostility. For Daniel Kutz incompatibilities result once there are "economic, value and power differences."[25] Yet, Galtung argues that majority of the states—geographical entity—in the world are inhabited by more than one nation—cultural entity, which brings about the question of which nation should govern. Conflict arises in such situations.[26] Humans cannot be thought to exist without contradictions. It is violence that must be prevented not conflicts. Violence can be averted by restoring and respecting basic needs, which are unlike "goals and values", non-negotiable.[27]

Chester A. Crocker underlined the changing reality of conflict in the 21st century. He argues it clearly:

> "The war on terrorism and the consequences of U.S.-led interventions in Iraq and Afghanistan have changed the global playing field in a serious way. The 1990s dilemmas of humanitarian intervention and peace-making are now joined by increasingly salient questions about how to effectively pursue nation building and democratization processes in states that are internally divided, capacity deficient, and conflict ridden. U.S.- led interventions to topple unfriendly regimes have also underscored the finite uses of military power and the importance of identifying other instruments to restore political order."[28]

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[23] Louis Kriesberg and Bruce W. Dayton, *op.cit.,* p.2

[24] Morton Deutsch, Peter T. Coleman, Eric C. Marcus, *The Handbook of Conflict Resolution Theory and Practice*, 2.nd Edition, San Francisco: Jossey-Bay A Wiley Imprint, 2006, pp. 120-121

[25] Ibid., p.178-179

[26] Johan Galtung: Transcend and Transform: An Introduction to Conflict Work, London: Pluto Press, 2004, p.73

[27] Ibid., pp. 2-3

[28] Chester A. Crocker, Fen Osler Hampson and Pamela Aall (ed.), Leashing the Dogs of War: Conflict Management In a Divided World, Washington, D.C.: United States Institute of Peace Press, 2007 p.4

In the modern age, military technology poses another riddle to conflict studies. Kemp argues that:

> "the relationship between military technology and conflict is definitely a chicken-and-egg affair. The existence of military technology in a conflict region reflects the need for countries to defend themselves against adversaries or to redress grievances, yet arms competition between adversaries can itself become a source of conflict or even a precursor for wars."[29]

Kriesberg and Dayton point to the benefits of conflict too. They argue that without conflicts organizations, companies, states would not develop and remain "stagnant", hierarchies would not change, status quo would be preserved, and relationships could not be fully developed.[30]

2. 2 CONFLICT TYPES

One can talk about numerous types of conflicts, by and large, interpersonal, intergroup or interstate conflicts. But I will not dwell on each of them. Instead, touching upon several intergroup and interstate conflicts, I will put more emphasis on intractable, ethnic and territorial conflicts as I believe understanding them will help us analyse Karabagh Conflict more efficiently.

One of the classification of types of interstate conflict has been made by Wallensteen. He classified interstate conflicts into four groups: "Geopolitik, Realpolitik, Idealpolitik and Kapitalpolitik. Geopolitik conflicts arise when parties dispute over a territory. Realpolitik thinking refers to the "power capabilities of the actors", meaning actors dispute over military competence or "the latest military technology." Conflicts in Idealpolitik refer to hostilities due to different ideologies. As described by Wallensteen, "it is often maintained that there is a built-in tension between democracies and non-democracies." Kapitalpolitik refers to conflicts over economic issues such as "oil prices, the drawing of pipelines, transportation routes, or relations between rich and poor,

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[29] Ibid., p.4
[30] Louis Kriesberg and Bruce W. Dayton, *op.cit.,* p.3

industrial and non-industrial processes." I will adopt Geopolitik and dwell on it more when explaining Nagorno-Karabagh conflict.[31]

Uppsala Conflict Data Program[32] suggests three types of armed conflict, which are "one-sided violence", "non-state conflict" and "state based conflict." One-sided violence refers to the use of militia by "state, government or a formally recognized group" against civilians causing several casualties a year. Non-state based conflict happens when two or more organized groups fight and government is not involved. State-based conflict has two distinctions: interstate conflict and intra-state conflict. Interstate conflicts involve two states or governments fighting each other and intra-state conflict refers to an armed conflict between a government and non-governmental groups.

[33] Figure 2: Battle-related Deaths by Type of Conflicts, 1989-2015
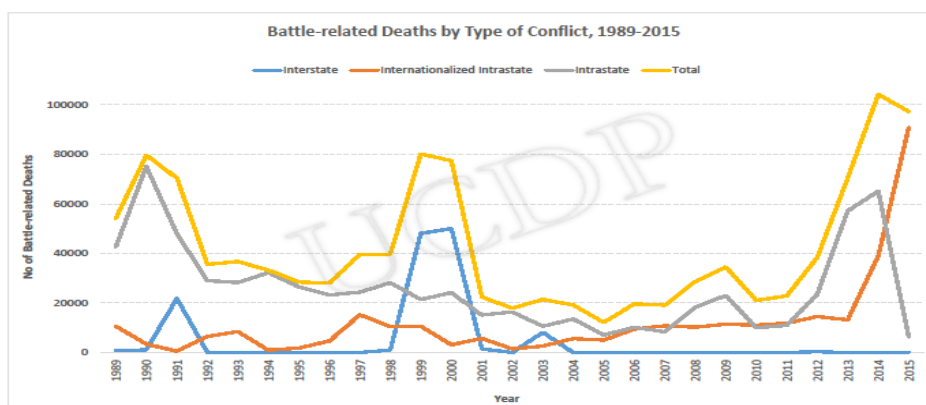
Source: http://ucdp.uu.se/

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[31] Peter Wallensteen, *op.cit.,* pp.95-96

[32] The program was established in mid-1980s at the Department of Peace and Conflict Research of Uppsala Universitat with the aim of collecting data on armed conflicts all over the world. It provides scientifically approved definitions, historical backround, graphs and charts as well as other important data on armed conflicts.

[33] The UCDP, *Definitions,* http://www.pcr.uu.se/research/ucdp/definitions/

This graph illustrates the changes in intensity of interstate, international intrastate and intrastate conflicts around the globe since the end of cold war. The intensity is measured by the number of casualties. What strikes one's attention is the absence of violence in interstate conflicts since 2004. It may also indicate the dearth of interstate conflicts. The reason for the dramatic rise in total number of casualties in all types of conflicts is the equal increase in intrastate conflicts causing over 6000 deaths in 2014 and international intrastate conflict peaking in its recent annals recording nearly 9000 casualties. International intrastate conflicts are the ones where superpowers intervene usually in weak states for myriad purposes. A drastic fall in the number of casualties in intrastate conflicts between 2014 and 2014 is also striking.

2.2.1 Intractable Conflicts

When resolution of conflict seems to have no solution, the conflict is intractable. Azar called such conflicts *protracted social conflict,* Burton, *deeply rooted conflict*, Peace and Littlejohn *moral conflict* and Goertz and Diehl *enduring rivalries*. Intractable conflicts frequently happen where the power relations among groups are not balanced. Power hegemony of one group over the other, thus exploitation, oppression and control of the underdog leads to destructive conflict.[34]

John Burton points to two distinctive conflicts; one can be negotiated between the parties by compromising each other's interests and the other is deep-rooted and contains human needs and can only be settled as long as the parties eradicate fundamental causes. These basic human needs are identity, security, belongingness, self-esteem, personal fulfilment, freedom, distributive justice and participation. For Burton, interests can be negotiated because they are material: yet human needs require both sides to understand one another to settle the conflict since they are not incompatible goals such as scant territory or resource but rather non-material values in

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[34] Morton Deutsch, Peter T. Coleman, Eric. C. Marcus, *op.cit.,* p. 534

abundant supply. He argues that parties may solve the disputes once either of them recognizes the other and esteems its security.[35]

Edward Azard was another influential political scientist who developed the theory of Protracted Social Conflict (PSC). He defines PSC as "the prolonged and often violent struggle by communal groups for such basic needs as security, recognition and acceptance, fair access to political institutions and economic participation." [36] It is the conventional relations of the states that hinders the capability of understanding these dynamics well. For him, deterrence or promotion of a conflict hinged on the state whose role was either to meet or thwart the basic needs of society.[37]

Azar maintained that until 1990s the theories and research about conflict was restricted to "internal and external dimensions" of states; in other words, conflict was seen either as civil wars, coups and revolutions or interstate wars, border conflicts and invasions. The second restriction in the field was that it had focused merely on overt conflict. Yet PSC contended that the features of active conflicts especially in underdeveloped countries could be both the "internal and external sources and actors" at the same time. These conflicts may also entail "multiple causal factors and dynamics" and it is uncertain when they exactly begin and end.[38]

The sources of protracted social conflict are found within the states. Intensification of these conflicts are triggered by four variables that are (1) identity groups (when one identity group disregards other identities within the state); (2) deficiency of human needs (when grievances rise as the needs of community are deprived and the state fails to restore them); (3) state's role (it can either hinder or promote the conflicts as I mentioned above); (4) 'international linkages' (economic and

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[35] Burton John, *Conflict: Resolution and Provention*, London: Macmillan, 1990, p.242

[36] Edward E. Azar, "Protracted international conflict:ten propositions", in J.Volkan et al., eds, The Pyschodynamics of International Relationships, vol.2, Lexington, MA:D. C. Heath, 1991 p.93

[37] Edward E. Azar*, The Management of Protracted Social Conflict: Theory and Cases*, Aldershot: Darthmouth, 1990, pp.10-12

[38] Ibid., p.16

political dependence of a state within the international system and its military linkages such as cross-border interests).[39]

Unlike conflicts arising from the discord over interest, the roots of PSC are "conflicting socio-cultural-ethnic relationships" which are accompanied by underdevelopment [40] "Thus, the structural roots of the hostile interactions which characterize PSCs can be understood only after looking carefully at the interlocking nexus of underdevelopment, structural deprivation, and communal or identity cleavages."[41]

2.2.2 Ethnic Conflicts

Ethnicity and ethnic identity, which is one of the basic needs, should be studied so as to comprehend the root of conflict. PSC emerges as a result of fighting against the "conditions of perceived victimization" that arise when different identities politically disclaimed, when "security of culture and value relationships" is not present and when there is no "effective political participation" that deals with oppression against an identity.[42]

Wolf has defined ethnic conflicts as conflicts arising from discontent of one ethnic group with others. In other words, one party will claim that its ethnic identity is superior, thus will ignore the other's interests, rights, and claims. For him, ethnic conflicts are easy to identify because "their manifestations are violent and their causes and consequences obviously ethnic. Although not all the conflicts end up violent, he suggests that "inter-ethnic violence is always a sign of underlying conflict." He argues that to better understand the "dynamics of different ethnic conflicts", one ought to consider all the "actors and factors" that are at play in a conflict and how they cause

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[39] Ibid., p.37

[40] Edward E. Azar, "Managing Protracted Social Conflict in the Third World: Faciliation and Development Diplomacy", Millennium: Journal of International Studies, Vol. 15, No. 3, p.394

[41] Ibid., p. 395

[42] Edward E. Azar, "Protracted international conflicts: Ten propositions", *International Interactions: Empirical and Theoretical Research in International Relations*, Vol. 12, Issue. 1, 1985, p. 61

conflict stages such as escalation, management and settlement.[43] He emphasizes the significance of human relations as one of the factors. As he put it:

> "To understand ethnic conflict as a phenomenon of relationships between human beings is essential in order to assess properly its causes and consequences, and the potential remedies on offer. Successful prevention of ethnic conflicts, conflict resolution, and the rebuilding of conflict-torn societies make it necessary to embark on a journey that is mostly filled with the horror of murder, torture, rape, arson, and looting."[44]

Ethnic conflicts surface when an ethnic group have fears and anxieties about their security in the future, which may lead to violence. Lack of information may further exacerbate the conditions. States that fail to mediate between the groups and cannot give any promises of defending their rights give reason to collective fear. Outburst of ethnic violence could be observed in the dissolution of Soviet Union, Eastern Europe, and several African states such as Liberia and Somalia, where the state were weak and unable to arbitrate.[45]

2.2.3. Territorial Conflicts

Yash Gashi argues that territorial issues have caused great many conflicts in the history of humanity. Autonomy over territory has been the cause of many of wars between states. Nowadays separation and administration of territories paves the way for majority of the intrastate conflicts. Many factors such as self-determination, safety and rights of people, adaptability and employment are dependent on territory and autonomy. He points that great powers or winners of the wars are those who play the most important role when it comes to determining the borders.[46]

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[43] Stefan Wolff, *Ethnic Conflict: A Global Perspective*, New York: Oxford University Press, 2006, p. 1-3
[44] Ibid., p. 18
[45] David A. Lake and Donal Rothchild, "Containing Fear The Origins and Management of Ethnic Conflict", *International Security*, Vol. 21, Issue 2, p. 42-43
[46] Yash Gashi, "Territorial Options", in John Darby and Roger Mac Ginty (ed.), *Contemporary Peacemaking: Conflict, Violence and Peace Processes*, New York: Palgrave Macmillan, 2003, p. 184

He points to the breakup of some countries as the cause of mismanagement of autonomy by states e.g. Pakistan lost Bangladesh and Indonesia lost East Timor. 186 [47]We can also argue Azerbaijan was ineffective in dealing with its sovereignty that led to the loss of Nagorno-Karabagh and surrounding regions. Giving the examples of Europe and Canada, Ghai notes that autonomy can be handled with success in countries that have solid democracy and pluralism.[48]

2.3. CONFLICT STAGES: ESCALATION AND DE-ESCALATION

Although it is important to know about the conflict stages, the changing nature of conflicts does not allow us to formulate a general theory explicating each stage of all conflicts precisely. Ramsbotham, Woodhouse and Miall contend that "the process of conflict is complex and unpredictable", in which conflicts are active changing at a fast pace and sometimes passive for a long time before erupting into a war all of a sudden.[49] The simple model of the conflict stages, however, categorizes the stages well.

Figure 3: Conflict Stages


Figure 4

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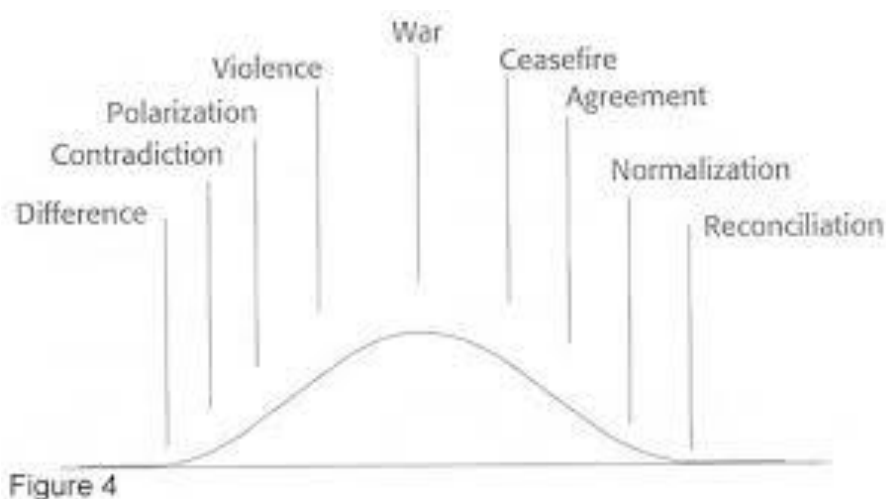
[47] Ibid ., p. 186

[48] Ibid., p.193

[49] Oliver Ramsbotham, Tom Woodhouse and Hugh Miall, *Contemporary Conflict Resolution*, 3.rd edition, Cambridge, Malden: Polity Press, 2011, p.13

Social life is teemed with differences. However, not all differences exist together for a long time. Some turn into contradictions, either latent or manifest, which in turn result in polarization of groups. Polarization makes the groups antagonistic toward each other enraging their attitude. As a result, violent behaviour erupts leading to a war. As well as escalation, de-escalation is also "dynamic", progressing in one-area yet stalemating in another, highly and unexpectedly influenced by the actions of third parties.[50]

In Galtung's view, conflicts can only be modified or become less destructive but not ended completely as the "aggressive behaviour" of the actors as result of an incompatible goal will lead to other forms of conflict. He resembles the conflict to a river, the end and beginning of which we are not certain of, "with a delta somewhere infinitely far out where the energies accumulated in that pour into the ocean and take on other forms."[51] Kriesberg and Dayton define conflicts as both "escalating" and "de-escalating" and add that the conflicts that have such cycles are protracted conflicts.[52]

Figure 4: Conflict Cycle
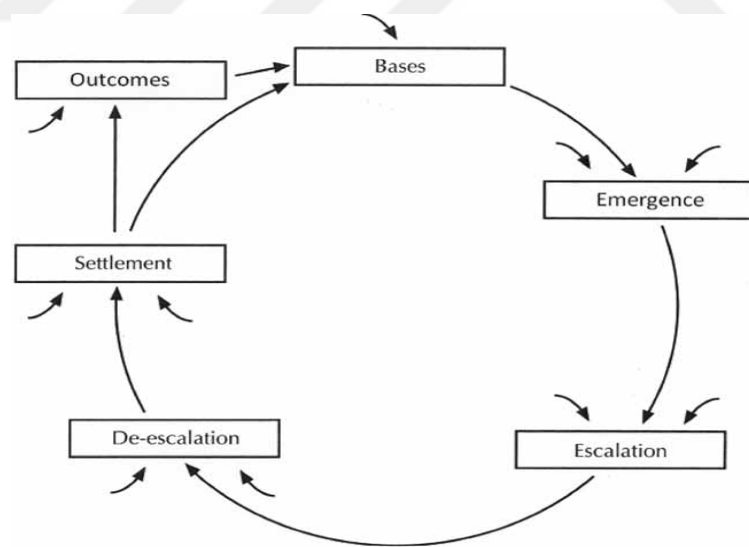
Source: Louis Kriesberg and Bruce W. Dayton, *Constructive Conflicts from Escalation to Resolution*

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[50] Ibid., p. 13

[51] Johan Galtung, *Peace by Peaceful Means*, p. 81

[52] Louis Kriesberg and Bruce W. Dayton, *op.cit.*, p. 8

Much like Galtung's river analogy, this cycle shows that one conflict can lead to another. As described by Kriesberg and Dayton, "the series of arrows forming the circle indicates that a conflict emerges, escalates, de-escalates, terminates, and results in an outcome that becomes the basis for another conflict."[53]

As Deutsch put it, "escalation involves the increasing use of heavier methods of influence, especially coercive or punishing tactics, by each group to reach its goals in opposition to those of the other group". [54] Escalation of conflicts also causes "polarization", further alienation of sides from one another leading to absence of contact, which "reinforces and may even institutionalize negative attitudes held by each group toward the other."[55] The nature of intractable conflicts is not open to win-win resolution because of their "negative energy" and "behavioural manifestations" in mutual communications. "Escalatory behaviour" goes parallel in both sides influencing conflict entirely. Unless one side can vanquish the other, conflict intensity fluctuates until reaching latent state when the belligerents get back to the state of war attempting to acquire complete military triumph.[56]

Zartman and Oliver argue that conflicts are like a roller coaster. However, though we know when a roller coaster ascends and descends, conflicts are unpredictable as to their escalation and de-escalation. Curve from stagnant incompatibility to active incompatibility causes conflict.[57] Wallensteen suggests that it may be difficult to find out which side in a conflict started the conflict because action of one actor agitates the other, who retaliates, as a result of which conflicts multiply and change form. Conflict theory is facing so many subtle questions that requires different approaches. Some of these questions are, as he put it:

> "Is it reasonable to assume that conflicts really begin with conflict attitudes, or are such attitudes a result of previous behavior and pre-existing incompatibilities? Can there be a more complex background that also has to be part

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[53] Ibid., p.8

[54] Morton Deutsch, Peter T. Coleman, *op.cit.,* p.184

[55] Louis Kriesberg, Bruce W. Dayton, *op.cit.,* p. 9

[56] Ho-Wong Jeong, *Conflict Management and Resolution*, p. 18

[57] I.William Zartman and Guy Oliver Faure, "The Dynamics of Escalation and Negotiation", in I.William Zartman and Guy Oliver Faure(ed.), *Escalation and Negotiation in International Conflict*, New York: Cambridge University Press, 2005, pp.3-4

of the analysis? What if the parties who often are modeled to be of equal strength in fact are highly unequal?"[58]

2.4. CONFLICT RESOLUTION

"Conflict studies enable us to meet or approach conflicts with empathy, non-violence and creativity."[59]

Conflict resolution refers to the ability to alter the dynamics of the conflict, to "change the direction of the flow of events, so that escalation is turned into de-escalation and polarization into positive interaction."[60] Constructive resolution of a conflict is possible as long as the parties come to cooperative terms with one another.[61]

Kriesber argues that belligerents are engaged in constructive conflict if they "maximize mutual benefits and minimize mutual harms." Though most conflicts escalate destructively, constructive escalation is probable "using non-violent as well as violent coercive inducements." Non-violent approach of Mohandas Gandhi for Indian sovereignty from the British Empire is a good example for least destructiveness in a conflict escalation[62] "Non-violent actions include protest demonstrations, strikes, refusal to comply with oppressive rules, and the formation of alternative or autonomous institutions, reducing dependence on the adversary."[63]

In ethnic conflicts, "ethnic separation" could open a way to peace in a sense that the cleansing of an ethnic group by another group or state will no longer be an issue. No necessity for war remains. Yet it may cause interstate violence in the future over territorial issues. Since the "defeated group" tends to fight back occasionally,

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[58] Peter Wallensteen, *op.cit.,* p.34

[59] Johan Galtung, Transcend and Transform, p.114

[60] Ibid., p. 41

[61] Morton Deutsch, "Sixty Years of Conflict", p. 244

[62] Louis Kriesberg, "Waging conflicts constructively" in Dennis. J. Sandole, Sean Byrne, Ingrid Sandole-Staroste and Jessica Senehi (ed.), *Handbook of Conflict Analysis and Resolution,* New York: Routledge, 2009, p. 157

[63] Ibid., p. 159

decrease in violence is usually momentary.[64] This is what exactly happened between Azerbaijan and Armenia. Though the big-scale war remained ceased, annual skirmishes are observed over territory.

For Galtung, the puzzle of conflict studies is how to deal with a conflict. Should it be between conflicting parties or by mediators? One view is that a conflict can best be resolved mutually by the parties themselves since they understand its dynamics better. Efforts for managing the conflict from a third party means taking "the conflict away from its rightful owners." The other prevalent view is that conflicts need to be resolved by mediators because as well as the perception of the conflicting parties is restricted, their emotions and self-image hamper the resolution. Galtung states that both these arguments are somewhat convincing.

However, he emphasizes that resolution necessitates parties to go beyond normal, what he calls "transcendence" or "creativity within and among internal parties." Although third party negotiations may appear feasible sometimes, parties usually succumb to their emotions. They remember past events and become emotionally hindered to look for constructive ways for resolution. In such cases, mediator should be able to come up with a creative solution: "positive transcendence, which builds a bridge between the goals, or a negative transcendence, which rejects them both."[65]

For Galtung, three key elements are essential to transform a conflict. The first is "transcendence", which means creating "sui generis" solutions. The best example is two children in a conflict over one orange. What is the best solution? In terms of transcendence it is growing the seeds of the orange and turn the conflicting situation to the benefit of both sides. The second is compromise, meaning one side or both sides lower "ambitions" and "reduce the goal that it may be attained." The third element is "withdrawal", where "the goal is simply given up" or "eliminated."[66]

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[64] Chaim Kauffman, "Possible and Impossible Solutions to Ethnic Civil Wars", *International Security,* Vol. 20, No. 4, 1996, pp. 150-151

[65] Johan Galtung, *Transcend and Transform*, *op.cit*., pp.137-139

[66] Johan Galtung, *Peace by Peaceful Means*, op.cit., p. 95

Although there exist many detailed steps in conflict resolution literature, four essential steps will be briefly discussed in this section. These are conflict prevention, peacekeeping, peacemaking and peace building.

2.4.1. Conflict Prevention

UN Secretary-General Boutros-Ghalis identified conflict prevention as evading new armed conflicts, suppressing present conflicts and ensure that armed conflict will not recur.[67] This section, however, deals with the avoidance of armed conflicts. Avoidance of the conflicts are required before polarization turns into violence. If the violence has already occurred, prevention of the intensification and spread of violent conflict must be aimed.

Ramsbotham, Woodhouse and Hugh Miall classify the prevention as deep prevention and light prevention. "Deep prevention aims to address the root causes of conflicts, such as economic grievances, lack of political access or group discrimination", whereas "light prevention aims to prevent an existing conflict from becoming violent- for example, by mediation, confidence-building measures, and crisis management."[68]

Early warning of conflicts is an essential stage for preventing conflicts. Steiner argues that humanitarian NGOs have played a vital role for early warning of ethnic conflicts gathering information about ethnic violence in distant places.[69] Yet negotiation becomes more important when conflicts have escalated. Zartman identifies several variables to decrease or eradicate escalation that will enable negotiation:

- Parties either fear one another or are fatigues of conflict, which prevents escalation from moving to big scale wars making negotiation feasible.

[67] B. Boutros-Ghali, An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peacekeeping. Report of the UN secretay-general, A/47/277-S/24111, 1992, p. 22

[68] Ramsbotham, Woodhouse and Hugh Miall, *op.cit.,* p.123

[69] Barry H. Steiner:, *Collective Preventive Diplomacy: A Study in International Conflict Management*, Albany: State University of New York Press, 2004, p. 58

- Parties deem further escalation meaningless and that stalemate hurts both, which refers to ripe moment for negotiation.

- Parties reach an agreement formulating new conditions and rejuvenate their relationship.

- Inauguration of new political parties or elimination of old ones, changes in internal decision-making structures that alleviate escalation.

- One party is eager or open to negotiation and cooperation on conflicting goals.

- Periodic ceasefires enable parties to have opportunities to re-evaluate their situations and seek resolution strategies.

- Parties create joint "prospect of future gains" by alternative approach to persistence of escalation.[70]

For Fisher, conflict starts when people have differences in their "thinking." Understanding the thinking is not an answer. "Their thinking is the problem." The parties should deal with the differences in order to solve the problem.[71] Negotiation cannot be deemed possible without communication, the aim of which is to arrive at a mutual decision. Most of the time adversaries misunderstand each other because they focus on their positions rather than their interests. For example, the peace treaty between Egypt and Israel (Camp David) in 1978 is a good example for showing the importance of understanding joint interests. After Israel had occupied Egyptian territory of Sinai, incompatibility over positions arouse. Sticking to their positions—Israel wanting to keep the land, Egypt demanding it back—no solution was reached. It was not until they understood each other's' interests—it was security for Israel and sovereignty for Egypt—the sides came to an agreement. Thus, the land was returned to Egypt on the condition of removing Egyptian military existence in the area, which would mean no threat for Israel.[72]

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[70] I.William Zartman, Guy Oliver, op.cit., pp.11-12

[71] Roger Fisher, William Ury, Bruce M. Patton, Getting to Yes: Negotiation Agreement Without Giving in, 2.nd edition, Boston, New York: Houghton Mifflin Company, 1991, pp. 15-16

[72] Ibid., pp. 20-24

In Azar's view, protracted social conflicts "are not subject to negotiation" since "human needs and long-standing cultural values will not be traded, exchanged or bargained over."[73] Strongly "centralized political structures" lead to division and accounts for the source of conflict. Thus, effective resolution requires "decentralization" of the system in order to satisfy the basic needs of people.[74] Whereas intractable conflict may begin in much the same manner as mundane conflict, Coleman argues that "a distinct set of dynamics, circumstances, and issues" makes prolonged conflicts even more immune to resolution efforts.[75] Although solutions are hard to find to resolve intractable conflicts, they are distinguishable from others in that their escalation usually has a long history before calamities occur, enabling us to come up with means to contain them earlier.[76]

As for ethnic conflicts, it would be wrong for negotiators to associate the source of ethnic conflict only with "ethnic rivalries." Looking at Bosnian conflicts after cold war period, this factor is not enough to account for the roots of the conflict because little fight had been observed between the ethnic groups before the new millennium. Thus, further factors are required to rationalize the source of ethnic conflicts.[77]

"Negotiations are not likely to make progress as long as one side believes that the fulfilment of their basic human needs is being threatened by the other."[78] A negotiator must be skilled to come up with alternatives.[79] One of the alterations parties should make for an effective negotiation is to change their attitudes, which is possible via several instruments such as "consultative meetings, problem-solving workshops, training in conflict resolution at the communal level, and/or third party assistance."[80]

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[73] Edward Azar, Protracted international conflicts: Ten Propositions, p. 61

[74] Ibid., p. 65

[75] Peter T. Coleman, "Intractable conflict" in Morton Deutsch , Peter T. Coleman and Eric C. Marcus (ed.), *Handbook of Conflict Resolution*, San Francisco: Jossey-Bass, 2000, p. 534

[76] Ibid., p. 557

[77] Ibid., p. 558

[78] Roger Fisher and William Ury, *op.cit.,* p. 28

[79] Ibid., p. 31

[80] Fen Osler Hampson, Chester A. Crocker and Pamela R. Aall*, "*Negotiation and international conflict" in Charles Webel and Johan Galtung (ed.), *Handbook of Peace and Conflict Studies*, New York: Routledge, 2007, p. 41

For some scholars, democratization could be a mode of deep prevention of a conflict, as it eradicates deep rooted grievances. Following Immanuel Kant, they argue that democracy is correlated with peace. That is, democratic countries tend to settle conflict diplomatically and peacefully. However, this suggestion is not applicable for weak democracies, which have "illiberal and belligerent tendencies." Most conflicts today may not have happened in the cold war era simply because the "bipolar system" between Soviet Union and the USA did not allow many conflicts to ignite.[81]

Wallensteen believes in the power of democracy to prevent and resolve conflicts. As he put it:

> "Democratic states rarely fight wars with other democracies, democratic institutions have been used as ways of solving civil wars, and state formation conflicts often have had an origin in the lack of access to authority. Thus, a structural approach would include the support of emerging and fragile democratic institutions."[82]

However, democratization may pose problems as well. For example, it may give rise to latent conflicts. Because authoritarian regimes utilize their power to suppress most societal demands with fear, democracy will create freedom with which new types of conflict can easily emerge. Democratization of China, for example, may cause the country to be deplete with conflicts like in India. Another example is surfacing of unprecedented conflicts in Indonesia after the military regime collapsed.[83]

2.4.2. Peace-keeping

Successful settlement of a conflict becomes possible once engaging parties comprehend the reasons behind conflict. It also hinges on how well they understand the significance of the fact that parties approach the problem from different perspectives, which Crocker calls "framing."[84] The number of civil and internal wars have experience

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[81] Charles Webel and Johan Galtung, *op.cit.,* pp. 37-38

[82] Peter Wallensteen, *op.cit.*, p. 289

[83] Ibid., p. 292

[84] Chester A. Crocker et al, *op.cit.,* p.10

dramatic rise in recent years as well as massacre and ethnic cleansing. Strategies of wars and conflict have also altered from "symmetric" to "asymmetric."[85]

Peace-keeping is lowering the level of destructiveness, which refers to the change in the behaviour of the parties shown in the conflict triangle.[86] With the consent of the parties, international armed forces intervene to separate the armed conflict of the adversaries, connected with civil tasks such as "monitoring, policing and supporting humanitarian interposition."[87] "Peacekeeping by definition is an interpository role in which the peacekeeper assumes a third party position between the conflicting parties: the man in between, not the man on one side or the other."[88]

Holst enlists several missions to be undertaken by peace-keeping forces as follows:

"-*Observation* of relevant activity in operations;

- *Reporting* of events in operations;

- *Prevention* of incursion by people and equipment into the area of

operations;

- *Supervision* of implementation of agreements inside the area of operation;

- *Disarmament* of contestants in operations;

- *Decompression* of accumulated tensions in operations, principally through reassuring presence."[89]

Peace-keeping operations should not involve the use of force, should be represented by "mandating authority" in place of weaponry with the ultimate purpose of de-escalating the conflict "rather than retaliation." Each conflict has its own unique

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[85] Ibid., p.19

[86] Chaim Kaufmann, *op.cit.,* p. 112

[87] Ramsbotham, Woodhouse and Hugh Miall, *op.cit.*, p.32

[88] Michael Harbottle, "Peace-keeping, peace-making, peace-building: A multi-professional experience in non-violent action" , *Social Dynamics: A journal of African studies*, Vol. 4, No. 1, 1978, p. 41

[89] Johan Jorgen Holst, "Enhancing peace-keeping operations", *Survival*, vol. 31, no. 3, May/June 1990, p.266

characteristics and need separate and specific technique of peace-keeping operations. Instead of applying general theory, conditions and opportunities of each conflict should be considered individually to apply specific technique.[90]Peace-keeping forces should be armed to some extent because if they are powerful, they will create expectations as to coercive "external will".[91]

Mediation proves vital for non-coercive peacekeeping technique. Both governmental and non-governmental organizations (NGO) can play crucial roles involving in conflicts as external mediators, assisting conflicting parties in rendering conflicts constructive. They can facilitate communication and enable information exchange between parties thus help them to reach an agreement. Besides, they can help the parties acquire necessary "resources and services" so as to realize the "agreed-upon settlement."[92]

> "Some interventions can help prepare for relatively constructive escalations of conflicts. For example, NGOs may help provide training or resources that develop the capacity for challengers in countries dominated by repressive regimes to conduct well-considered nonviolent struggles. For example, for many years, the Fellowship of Reconciliation (FOR) and the Servicio Paz y Justicia en America Latina (SERPAJ-AL) have been conducting training in nonviolence in Latin America."[93]

The UN has accomplished great deal as a peace keeper in numerous conflicts. However, as Heng Chee mentioned it is dependent on the consent and motivation of its members. Without their acquiescence, the UN is unable to act fast and change fundamentally cannot be successful unless the members give political "will and support."[94] Wallensteen agrees that UN Security Council could not intervene where major powers were at play (regional interests) and when there was detente between powers. After cold war ended countries cooperated better thus helped to UN security Council to solve crisis.[95]

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[90] Ibid., p.266

[91] Ibid., p.272

[92] Louis Kriesberg, "Waging conflicts constructively", pp. 164-165

[93] Louis Kriesberg, Bruce W. Dayton, *op.cit.*, p.172

[94] Ambassador Chan Heng Chee, "The United Nations: From Peace-keeping to Peace-making?", The Adelphi Papers, Vol. 32, No. 265, p.40

[95] Peter Wallensteen, *op.cit.*, p.241

Another most important technique in conflict resolution is workshops, the purpose of which is to transcend the "stated positions" of the parties and focus on their needs, confronting them so that they can understand each other's needs better. It is advantageous to utilize various tools of conflict resolution instead of one. The aim of conflict management is to put an end to military fight between the parties, thwarting the conflict from broadening.[96]The aim of workshops is to acquire "respect and objectivity" to better communicate and enhance mutual relationship. "The approach seems to work best if individuals are middle-range elites such as academics, advisers, ex-officials or retired politicians who continue to have access to those in power." [97]

Though we can argue that mediation takes place when conflicting parties that search alternatives for negotiation or a way to get out of an impasse ask third parties for help, there is not an all-compassing negotiation and conflict management formula yet.[98]

2.4.3. Peace-Making

Violent conflict is terminated as a result of the fact that the adversaries voluntarily sit at the agreement table.[99] Peace-making alters the attitudes and assumption of the parties, which needs "highly concrete measures to make the new formation sustainable." [100] For effective resolution, Galtung argues that before the "classical approach" takes place, where conflicting parties gather together accompanied by a mediator, each party should be engaged in extensive dialogue and seek out mutual creativity "for a new reality."[101] Galtung defines mediation as follows:

> "Mediation has its own *goal*: a *new, acceptable and sustainable, reality* where the parties feel at home with each other because any contradiction is less sharp, blunted, and attitudes and behaviour have also been softened. We are not talking in absolutist terms about solution, resolution or dissolution. We talk about conflict transformation, meaning blunting and softening to a level the parties can live with

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[96] Ibid., pp. 42-53

[97] Fen Osler Hampson, Chester A. Crocker and Pamela R. Aall, *op.cit*., p.41

[98] Peter Wallensteen, *op.cit.*, p.47

[99] Ramsbotham, Woodhouse and Hugh Miall, *op.cit.*, p. 32

[100] Chaim Kaufman, *op.cit.*, 112

[101] Johan Galtung, "Introduction: peace by peaceful conflict transformation-the TRANSCEND approach" in Charles Webel , Johan Galtung, *op.cit.,* p. 14

and handle themselves, with empathy with each other, creativity in searching for something new, and by nonviolent behaviour, speech, and – if possible – even thoughts. 'Love thy enemy' may be demanding too much; but 'hate him less' may already help."[102]

Mediation is broadly considered the most common form of third-party intervention in international conflicts. It does not involve any coercive measures and is voluntary. Mediation does not prove successful in every conflict as not all conflicts are open to mediation. [103] Bercovit and Langley define mediation as

"a process of conflict management where disputants seek the assistance of, or accept and offer of help from, and individual, group, state or organization to settle their conflict or resolve their differences without resorting to physical force or invoking the authority of the law."[104]

Mediation differs from arbitration. While in arbitration parties are supposed to follow arbitrator's decision, mediator attempts to come up with a joint agreement acceptable for both parties.[105] Despite not being a cure-all for all conflicts, mediation still plays a huge role in preventing or containing the conflicts. "It can contribute to transition from escalation or stalemate to de-escalation, to constructing a mutually acceptable outcome, and to improving the equity and stability of the outcome."[106] The current role of mediation in conflicts worldwide have been assumed by individual and not very powerful countries, such as Norway, Switzerland, Australia, New Zealand; NGOs and largely UN.[107] Dialogue is a key factor in mediation and it should not only be in intergovernmental level but among all levels of society, "civil and opinion leaders whose support is essential for the long-term sustainability of the peace process."[108]

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[102] Ibid., p.28

[103] Jacob Bercovith and Jeffrey Langley , "The Nature of the Dispute and the Effectiveness of International Mediation", *Journal of Conflict Resolution*, Vol. 73, No. 4, December 1992, p. 670

[104] Ibid., p. 671

[105] Louis Kriesberg, Bruce. W. Daytan, *op.cit.*, p. 215

[106] Ibid., p. 243.

[107] Johan Galtung , "Introduction: peace by peaceful conflict transformation-the TRANSCEND approach", *op.cit.*, pp. 39-40

[108] Ibid., 40

For theories of Zartman, Haas, and Stedman every conflict has its "ripe moment" and resolution of the conflict hinges on the ability of the parties or mediators to detect that time. For mediators, it is the only right time for the proper conditions so as to manage the conflict. Zartman states that ripe moment emerges when "mutually hurting stalemate" exist. Stalemate here refers to the situation when parties are stuck in a gridlock before an approaching calamity, when joint solution to the conflict is more feasible than frustrated one-sided solution, when the parties deem a need for more practical solutions and power balance in one party that determines the settlement fluctuates. Ripe moment is distinguishable when the belligerents realize that the situations will worsen in the future due to their disagreement and seek a "mutually acceptable policy track" to come to an agreement. While Zartman puts more emphasis on bilateral relations to resolve the conflict, for Haass the stance of the leaders of both sides, that is national politics, play a greater role.[109]

In reality, however, "ripe" moment is hard to identify unless it is well defined. In Zartman's view, it is concealed in the current of events and do not "just fall into one's hand." The parties or mediator should either take it or generate it skilfully. Parties tend to miss these moments as they appear for a short time and parties fail to recognize them before they disappear again.[110] It is the mediator's role to notice such moments when one-sided solution puts the sides in an impasse and propose a viable and favorable solution for both. Though Zartman believes that the mediator must be powerful enough to apply coercive measures, he thinks the best way is by persuasion and vigilance of the mediator to perceive the ripe moment.[111] Zartman defines mediation as follows:

> "Mediation requires an ability to create incentives for need-based situations to receive even-handed government attention, open opportunities for creed-based groups to overcome their fears, and close possibilities for greed-based leaders to achieve their goals by destroying other groups. Optimally, mediators need to have the power and authority to threaten the parties with endless conflict if their

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[109] Marieke Kleiboer, "Ripeness of Conflict: A Fruitful Notion?", *Journal of Peace Research*, Vol. 31, No. 1, 1994, pp. 109-110

[110] Ibid., p. 111

[111] Ibid., p. 111

solutions are not accepted, and to ensure implementation if their solutions are accepted"[112]

"Finding a ripe moment requires research and intelligence studies to identify the objective and subjective elements."[113] For Crocker, finding a ripe moment hinges on "correct timing" and "a matter of feel and instinct." Though Zartman underlines the significance of ripe moment, he argues that it does not always open the way to negotiation. Mutually hurting stalemate may be transitory and disappear unless the parties take control of it or it can last long enough for mediators to conceive and become active to resolve the conflict.[114]

Some conflicts are challenging for mediators to overcome, such as ethnic conflict. Zartman states that it can be controlled and mitigated, but complete resolution is unachievable. It is "an imperfect process that, no matter how well-conducted, leaves some potential for violence in nearly all multi-ethnic politics." Apart from "physical security", "cultural security" must be taken into account since the threats or disrespect to it may be the indication of future violence.[115]

The more casualties in conflicts, the less chance mediators have in order to be effective since casualties further enmity and hatred between the parties affecting their behaviour.[116] Mediation will be difficult in conflicts where the strength of the sides is not balanced, one side being considerably stronger than the other.[117]

Mediation of ethnic conflicts can be successful only when the causes of what blocks it are given thorough attention. First, finding middle ground is rare as what one ethnic group demands seems "repulsing" to the other side. "A formula for agreement based on a shared sense of justice is difficult to find when separate justice is

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[112] I.William Zartman, "Ethnics Conflict: Mediating Conflicts of Need, Greed, and Creed", Orbis, Vol. 44, Issue 2, Spring 2000, p. 264

[113] I. William Zartman, "The Timing of Peace Initiatives: Hurting Stalemates and Ripe Moments" in John Darby and Roger Mac Ginty (ed.), *Contemporary Peacemaking: Conflict, Violence and Peace Processes*, New York: Palgrave Macmillan, 2003, p.20

[114] Ibid., pp. 22-25

[115] David A. Lake and Donald Rothchild, "Containing Fear: The Origins and Management of Ethnic Conflict", *International Security*, Vol.21, No. 2, Autumn 1996, p. 42

[116] Jacob Bercovith and Jeffrey Langley, *op.cit.*, p. 688

[117] Louis Kriesberg and Bruce W. Dayton, *op.cit.*, p. 243

demanded." Second, negotiation cannot take place at any course of time. Instead, "context" such as hurting stalemate must be sought. Third, "valid spokesman" who seeks shared justice for parties is required for negotiation and mediation.[118] However hard it may seem, Boulding states that even a little positive transformation of a deep-rooted conflict by a third party is worthwhile.[119]

2.4.4. Peacebuilding

Boulding defines peace research as reducing the cost of conflict regardless of the winner.[120] Understanding the true meaning of peace is of paramount importance to understand the aim of peace building. As most peace scholars stated peace is not only the absence of war. It requires deep understanding. Despite its importance for conflict resolution, peace agreement— "even implemented"—between conflict parties is not necessarily enough to secure a stable peace. Conflict resolution is possible with ending incompatibilities along with establishing an enduring peace. Apart from this, both sides must agree to "respect each other and prepare for living together with one another."[121]

Galtung states that "peace is absence of violence" and it is vital to understand violence so as to define peace. Violence is not only a physical harm inflicted on people and peace is not only opposite this in meaning. Violence is much broader a term. He argues that violence occurs when catastrophic or harmful things that can be avoidable are not avoided. For example, if a person dies of a disease that can be prevented under the present medical circumstances, violence is present. He calls such violence indirect violence, while wars and other overt types of deeds are direct violence.[122] By his well-known aphorism "peace by peaceful means", he means "non-violent conflict

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[118] I.William Zartman, "Mediating Conflicts of Need, Greed, and Creed", *op.cit.*, pp. 258-259

[119] Louis Kriesberg and Bruce W. Dayton, *op.cit.*, p.6

[120] Kenneth Ewart Boulding,, *Stable Peace*, University of Texas Press, 1978, p. 135

[121] Peter Wallensteen, *op.cit.,* pp. 8-10

[122] Johan Galtung, "Violence, Peace, and Peace Research", *Journal of Peace Research,* Vol. 6, No. 3, 1969, pp.168-170

transformation."[123] In his typology, Galtung classifies violence in six groups, which can easily be understood from the figure.

Just like violence, "peace has two sides: absence of personal violence, and absence of structural violence." These sides are "negative peace" and "positive peace." Negative peace is the absence of direct violence and positive peace is the lack of indirect violence. He also calls positive peace the presence of "social justice".[124]

Table – 1 Peace: negative and positive, direct, structural, cultural

VIO-LENCE	DIRECT VIOLENCE intended harming, hurting	STRUCTURAL VIOLENCE unintended Exploiting	CULTURAL VIOLENCE intended to justify violence
NEGA-TIVE PEACE	absence of DV = ceasefire; decoupling	absence of SV = no exploitation; or no structure=*atomie*	absence of CV = no justification; no culture=*anomie*
POSI-TIVE PEACE	building DP = recoupling DIRECT PEACE	building SP = equity STRUCTURAL PEACE	building CP = harmony CULTURAL PEACE
PEACE	negative + positive	negative + positive	negative + positive

Source: Galtung and Webel, 2007

Peacebuilding, thus, is a process where neither direct nor indirect violence subsists leading to positive peace. Only then peace can be built between the adversaries. For Ho-Jong, the disputants are dedicated to resolve future conflict by means of politics, not arms. The process involves "demobilisation of paramilitary groups and other security arrangements to refugee resettlement, economic reconstruction and the advancement of human rights."[125]

Ho-Won Jong identifies three elements vital to the concept of peacebuilding:

"1) the rehabilitation, reconstruction and reconciliation of societies that have suffered the ravages of armed conflict;

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[123] Johan Galtung, Peace by Peaceful Means., *op.cit.*, p.70

[124] Johan Galtung. Violence, Peace, and Peace Research, *op.cit.*, p.71

[125] Ho-Won Jong, "Peacebuilding: Conceptual and Policy Issues" in Ho-Won Jong (ed.), *Approaches to Peacebuilding*, New York: Palgrave Macmillan, 2002, pp. 4-6

2) the creation of the security related, political and/or socio-economic mechanisms needed to build trust between the parties and prevent the resumption of violence;

3) an external (foreign) intervention (national, multilateral or UN) to help create conditions conducive to peace."[126]

Peace-building is to prevail over contradiction by means of defining "a new formation; new structures, new institutions."[127] For Azar, peacebuilding is practical when problem-solving workshops are established that facilitates novel solutions and when "basic needs of the victimized" are met as well as "regional, sectoral, and ultimately communal balance and harmony" is reinstalled.[128]

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[126] Ibid., p.7
[127] Chaim Kaufmann, *op.cit.*, p. 112
[128] Edward Azar, "Managing Protracted Social Conflict in the Third World: Facilitation and Development Diplomacy", p.401

3. THE EU'S ROLE IN CONFLICT RESOLUTION

3.1. ANALYTICAL FRAMEWORK

In this chapter, I will analyse the conceptual and theoretical framework of conflict resolution in the EU literature and practices. Adhering to the first chapter I will deal mainly with peace keeping, peace-making and peacebuilding practices of the EU including mediation and how the Union deals with the root causes of conflict. Historical analysis of the EU's military capacity and security development will be excluded so as to better focus on the EU's role in conflict resolution.

Although the Commission or the other EU organs do not have a clear-cut approach to conflict resolution, one can frequently encounter in official documents and speeches several conflict goals, such as good governance, human rights, rule of law, democracy, transparency etc. and policy tools including rule of law missions, security reform missions, trade, contractual arrangements and constructive engagement. [129] Besides, the EU actors are able to engage in conflict constructively employing "a rich variety of measures of cooperation" determined in "contractual agreements with third countries." The agreements take forms from membership agreements to "economic, political and social cooperation with EU structures."[130]

Destructive outcome of World War II that left the Europe shattered and devastated led the countries to unite in time. Beyond the contents of documents and treaties, this unification leading to stability and prosperity of the continent was an actual

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[129] Sandra Pogoddaa, Oliver Richmonda, Nathalie Toccib, Roger Mac Gintya and Birte Vogel, "Assessing the impact of EU governmentality in post-conflict countries: pacification or reconciliation?", *European Security*, Vol. 23, No. 3, 2014, p. 228

[130] Nathalie Tocci, "The European Union, Civil Society and Conflict Transformation: A Conceptual Framework", *MICROCON Policy Working Paper 1*, Brighton: MICROCON, 2008, p. 4

practice of peacebuilding. A perfect exemplar of this, the EU should be able to active in external peacebuilding efforts as well.[131]

As the term peacebuilding has been used elusively and associated with diverse meanings, one should not expect the EU to have an accurate definition of it.[132] Ample evidence supports the thesis that the EU's financial means and policies as well as practical application of these policies and financial investments clearly demonstrates the union's capability as a player in conflict resolution. [133]

> **"**Peacebuilding within the broader EU is made up of disparate activities by disparate bodies. For example, security, policing and the promotion of the rule of law are taken care of by ESDP missions: democratization, welfare and human rights promotion by the Commission; the diplomatic role of the high representative and various EU special representatives is framed in the context of the CFSP, apart from the broad role of EU institutions in creating transitional administrations, and the role played by the EU as a donor."[134]

The EU developed its foreign policy with the Maastricht Treaty. Since European Defence Community, Fouchet Plan and European Political Cooperation did not succeed in establishing the policy, the Union lacked a significant "intra-European security cooperation." [135] Maastricht treaty was "resolved to implement a common foreign and security policy including the eventual framing of a common defence policy, which might in time lead to a common defence, thereby reinforcing the European identity and its independence in order to promote peace, security and progress in Europe and in the world"[136] Although the treaty was rich with commitments as to security, few resources were elaborated to uphold these commitments.

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[131] Simon Duje, Aurelie Courtier, "EU Peacebuilding: Concepts, Players and Instruments", *Katholieke Universiteit Leuven*, Working Paper No. 33, December 2009, p. 13

[132] Ibid., p. 9

[133] Andrew Sheriff, "What have we learned from the past regarding EU conflict prevention and peacebuilding — and where could mediation and dialogue fit in?" in Tanja Tamminen (ed.), *Strengthening the EU's peace mediation capacities: Leveraging for peace through new ideas and thinking*, FIIA Report 34, The Finnish Institute of International Affairs, Tampere, 2012, p. 28

[134] Oliver Richmond, Annika Bjrkdahl & Stefanie Kappler, "The emerging EU peacebuilding framework: confirming or transcending liberal peacebuilding?", *Cambridge Review of International Affairs*, Vol. 24, No. 3, 2011, p.457

[135] Seth G. Jones, *The Rise of European Security Cooperation.* Cambridge University Press, 2007, p. 4

[136] Maastricht Treaty – Treaty on European Union, available at: https://europa.eu/european-union/sites/europaeu/files/docs/body/treaty_on_european_union_en.pdf

As put by Hayward and Murphy:

"For the first time, security was written into the remit of the EU; the treaty even envisaged that in time the EU might develop a common defence. A series of factors combined to create an opening for a stronger European profile in the foreign and security field"[137]

The common Security and Defence Policy (CSDP) makes the EU an international actor in peace-keeping operations, conflict prevention and reinforcement of security. Utilizing both civilian and military advantages the policy is an important part of the Union's approach towards crisis management.[138] However, CFSP practically developed with the EU's intervention in Crotia and Bosnia to assure security in the area.[139]

Lisbon Treaty strengthened the foreign and security policy of the EU. The treaty both created EU High Representative for Foreign Affairs&Securiy Policy and the European External Action Service (EEAS). [140] Kamov associates the evolution of the security role of the EU with three levels: "1) a strong union with one centre (the CFSP) 2) an 'external anchor' for the periphery; and 3) a direct military capacity."[141]

In the EU documents, the term 'security' is classified as 'hard' and 'soft' security, the former referring to military intervention to end violent conflict, the latter being protecting the union from "spillover effects" arising from "dysfunctional and failed states such as transnational organized crime and refugee flows."[142]

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[137] Ibid. p. 3

[138] Common Security and Defence Policy, available at: https://eeas.europa.eu/headquarters/headquarters-homepage/431/common-security-and-defence-policy-csdp_en, accessed on 12.01.2017

[139] Katy Hayward and Mary C. Murphy, "The (Soft) Power of Commitment: The EU and Conflict Resolution in Northern Ireland", *Ethnopolitics: Formerly Global Review of Ethnopolitics*, Vol. 11, No. 4, 2012, p. 35

[140] Treaty of Lisbon, 2007 – available at:
http://www.eudemocrats.org/eud/uploads/downloads/Consolidated_LISBON_TREATY_3.pdf, accessed on 04.03.2017

[141] Georgi Kamov, *EU's role in conflict resolution: the case of the Eastern enlargement and neighborhood policy*, Institut Europeen des Hautes Etudes Internationales, 2006, p. 16

[142] James Hughes, "Introduction: The Making of EU Conflict Management Strategy—Development through Security?", *Ethnopolitics*, 8:3-4, 2009, pp. 275-276

"Preventing threats from becoming sources of conflicts early on must be at the heart of our approach. Peace-building and long-term poverty reduction is essential to this. Each situation requires coherent use of our instruments, including political, diplomatic, development, humanitarian, crisis response, economic and trade co-operation, and civilian and military management. We should also expand our dialogue and mediation capacities. EU Special Representatives bring EU influence to bear in various conflict regions. Civil society and NGOs have a vital role to play as actors and partners (…)"[143]

The EU has utilized short term and long-term conflict tools vis-à-vis the conflicting parties, neighbours and partners. While short term tools included peacekeeping methods such as providing ceasefires, demobilization and disarmament, long term tools entailed liberal values as well as judicial reform and economic development.[144]

Conditionality is one of the EU policies whereby the conditions set by the union are expected to be satisfied by the third country. In return, the country may obtain benefits from the union. This policy is within a top-down approach. [145] Bottom-up approach of the EU to governance is by civil society engagement entailing dialogue, training and 'capacity building.' Capacity building refers the backing and boosting the capacity of non-state actors to have a say in and influence on the overarching development of the respective country.[146]

The EU is much stronger in conflict resolution in cases of full membership conditionality rather than merely "association, partnership or financial assistance" with the third parties.[147] Although the prospect of membership to the EU is argued to have

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[143] *Report on the Implementation of the European Security Strategy: Providing Security in a Changing World,* December 2008 cited in Simon Duje, Aurelie Courtier, "EU Peacebuilding: Concepts, Players and Instruments", *Katholieke Universiteit Leuven*, Working Paper No. 33, December 2009, p. 13

[144] *Commission of the EC, Communication from the commission on conflict prevention*, Brussels: COM., 2001

[145] Grabbe, H., 2001. How does Europeanization affect CEE governance? Conditionality, diffusion and diversity. Journal of European public policy,Vol. 8, No. 6, 1015

[146] Sandra Pogoddaa *et al, op.cit.*, p. 236

[147] Nathalie Tocci, *The EU and Conflict Resolution: Promoting peace in the back yard*, Routledge, New York, 2007, p. 19

enhanced "state cooperation", the Tannam is of the opinion that the Union's capability to influence the policies of member states has not been studied sufficiently.[148]

"The EU is not simply interested in pursuing the management of conflicts through negotiation and compromise, incentivized by external powers deploying conditional sticks and carrots." The union focuses on eliminating the violent conflict removing its root causes as Galtung specified as injustice, unequal development and discrimination.[149]

EU's participation in conflict areas is based on applying its liberal peace model, which means the union attempts to help reform the governance structures of the state rather than focusing on the root causes and dynamics of the conflict.[150] Putting a special emphasis on good governance system with strong non-state actors and state institutions that promote security, national harmony, and free market, the EU believes it can assuage the "grievances between ethnic and social groups." Such reforms on good governance such as election systems, independent judiciary, active civil society etc. requires democratization.[151]

Governance refers to interdependence of state and non-state actors and the fact that they "shape each other's governmental rationalities."[152] Thus, according to World Bank, non-state actors have more powerful making an impact on state behaviour and somewhat rectify the structure of conflict owing to globalization, intergovernmentalism and grassroots agency.[153] Several factors such as proximity to the third country, member states' interests, power relations between the third countries and external actors influence the success of the unions governance plan.[154]

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[148] Etain Tannam, "The European Union and Conflict Resolution: Northern Ireland, Cyprus and Bilateral Cooperation", *Government and Opposition*, Vol. 47, No. 1, 2012, p. 55

[149] Nathalie Tocci, "The European Union, Civil Society and Conflict Transformation: A Conceptual Framework",*op.cit.*, p. 3

[150] Oliver Richmond, *The transformation of peace,* London: Palgrave, 2005, p. 43

[151] Sandra Pogoddaa *et al, op.cit.*, p. 236

[152] Ibid, p. 229

[153] World Bank, *The state in a changing world*, Oxford: Oxford University Press, 1997 cited in Sandra Pogoddaa *et al, op.cit.*, p. 229

[154] Sandra Pogoddaa *et al, op.cit.*, p. 236

Though some conflict resolution approaches suggest that the EU has recently been engaged with "political reform issues" shifting from "neutral humanitarianism", the Union's humanitarian aid is still much larger that its institution-building efforts.[155]

Since Duchêne suggested in 1970s that the EU was a civilian power, many scholars have debated on this in the light of the EU's international role. While some scholars agreed on this role of the EU, especially after the military dimension of the EU developed under the auspices of the ESDP, considering that military development did not hinder the thesis of the EU as a civilian power yet enforced it in some situations, some authors deemed this development as an end to this role.[156]

The EU is engaged in international partnership on its peacebuilding efforts such as the UN and its agencies. According to the 2007 *Joint Statement on UN-EU Cooperation in Crisis Management*:

"The UN and the EU are united by the premise that the primary responsibility for the maintenance of international peace and security rests with the UN Security Council, in accordance with the UN Charter. In this context, the UN recognizes the considerable contribution (...) of the EU to crisis management."[157]

Richmond *et.al* suggest that the EU possesses more or less the same peacebuilding practices with the UN except for its "social democratic internal characteristics" and absence of full-fledged military strength.[158]

As explained in the first chapter of the thesis, detecting the root causes of the conflict and eliminating them are of vital importance for peace building. To achieve this the mediator should address both to state and non-state actors, from every part of society to non-governmental organizations along with former political figures. Tocci emphasizes the importance of civil society organization (CSOs) believing that they play

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[155] Richard Youngs, "Democratic institution-building and conflict resolution: emerging EU approaches", *International Peacekeeping*, Vol. 11, No. 3, 2004, p. 534

[156] Jean F. Crombois, "The ENP and Crisis Management: Assessing the Use 'Civilian Power'", *European Consortium for Political Research Standing Group on the European Fourth Pan-European Conference on EU Politics*, University of Latvia, Riga, 2008, p.2

[157] Council of the EU, *Joint Statement on UN-EU Cooperation in Crisis Management*, PRESS, 7 June 2007

[158] Oliver Richmond, Annika Bjrkdahl & Stefanie Kappler, *op.cit*., 463

a major role in supporting peace as they can monitor and ensure that the agreements are implemented by the state actors. She points out several organizations such as Human Rights Contact Group, the Civil Society Contact Group, the Common Foreign and Security Policy Contanct Group and the Arms Transfer Contact group through which Commission "established contact with society actors." "Furthermore, the European Peacebuilding Liason Office (EPLO), a sub-group of the European Platform of NGOs, established in 2002 an office in Brussels in order to improve civil society access to EU institutions and policy-making in the field of conflict resolution."[159]

As put by the former UN Secretary General (2004):

"If peacebuilding missions are to be effective, they should, as part of a clear political strategy, work with and strengthen those civil society forces that are helping ordinary people to voice their concerns, and to act on them in peaceful ways … Engagement with civil society is not an end in itself, nor is it a panacea. But it is vital to our efforts to turn the promise of peace agreements into the reality of peaceful societies and viable states"[160]

Table – 2 Categories of Civil Society Organizations[161]

	Nature of actor	Examples
	Professionals engaged in conflict/resolution	Technical experts and consultants; Research centres and think tanks
	Economic	Trade unions; Business associations; Professional associations; Cooperatives and self-

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[159] Nathalie Tocci, "The European Union, Civil Society and Conflict Transformation: A Conceptual Framework", *op.cit.*, p.5

[160] UN Secretary General, "Secretary-General's opening remarks at the Security Council debate on The role of civil society in post-conflict peacebuilding", New York, 2004

[161] Nathalie Tocci, "The European Union, Civil Society and Conflict Transformation: A Conceptual Framework", *op.cit.*, p.8

		help initiatives; Organized crime networks
	Private Citizens	Individual Citizens, Diaspora groups, Family and clan based associations
	Training and Education	Training NGOs Schools and universities
	Activism	Public policy advocacy groups; Social movements; Student groups; Women groups; Combatant groups
	Religion	Spiritual communities; Charities; Religious movements
	Funding	Foundations; Individual philanthropists
	Communication	Media operators; Art

Source: Nathalie Tocci, "The European Union, Civil Society and Conflict Transformation: A Conceptual Framework"

Since civil societies can also affect the roles of external players, good relations with international actors are vital. As Tocci put it, "especially in highly internationalized conflicts such as those in the Middle East or the Caucasus, influencing the roles of the United States or Russia is as important as affecting the roles of the conflict parties themselves."[162]

Tocci has established a framework for comparative analysis to conduct case studies in conflicting areas in order to understand the role and effect of the EU on conflict and conflict resolution "by interacting with local civil society in conflict contexts."[163]

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[162] Ibid., p. 32
[163] Ibid., p. 33

- The interaction of the EU with civil society should be investigated, looking into official documents and declarations. In the presence of interaction, purpose of the EU needs clarifying. "Is the EU simply attempting to win legitimacy for its foreign policies through the engagement/co-option of civil society? Does it prioritize conflict resolution by bringing opposing sides together in dialogue?"
- The involvement of CSO actors, especially in grassroots level should be determined.
- CSO activities are examined to see their attitude towards the conflict. Are they adversarial or non-adversarial? Do they work on the causes or symptoms of conflict?
- The influence of CSO activities on the conflict is scrutinized to see if they contribute to peace building, peacekeeping or exasperation of the conflict.
- Analyse the factors enabling the CSO to be effective whether they are "relation with the state; intra-civil society dynamics; the rootedness and efficiency of the CSO or time/context factors."
- Examine "the EU involvement in the conflict and its interaction with the selected CSOs particularly through the ENP, as well as other EU policy frameworks already in place."[164]

This framework will be utilized to evaluate the EU's relations with Azerbaijan and Armenia and conflict resolution role in Nagorno Karabagh conflict.

3.2. EU MEDIATION

As of the turn of the twenty-first century the European Union has assumed the role of a third-party mediator being involved in peace negotiations. EU literature, in the face of ESDP/CSDP context, such as the EU military operations and civilian crisis management missions indicates the importance and role of the EU as a conflict manager. In order to understand its role, presence and effectiveness of the EU as a

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[164] Ibid. pp. 33-35

mediator thus the literature is a good source, which mainly deals with correlation between internal decision-making of the union and its attitude towards foreign policy.[165]

Julian Bergmann and Arne Niemann classify four conditions that they consider most pertinent to the context of EU mediation: (1) "mediator leverage" (2) "mediation strategy" (3) "coherence" and (4) "conflict context." They define "leverage" as possessing necessary "resources and instruments" for negotiation process to exert influence and to be able to establish an agreement between the conflicting parties.[166]

The authors have come across three main mediation strategies in their studies, which are "facilitation", "formulation" and "manipulation." Facilitation is "the least-interventionist strategy" where the mediator is visible providing information without getting involved in making proposals for a solution of the conflict. Formulation is described as "pro-active strategy" by which the mediator has more control on the mediation process, "formally structures the negotiation process, formulates alternatives to resolve the conflict, and makes substantial suggestions for comprise." In manipulation, the mediator intervenes the most mainly utilizing coercive and incentive strategies so as to influence the mediation process.[167]

The EU and the US cooperation on mediation of Macedonian government and Albanian minority in 2001 is one of the first examples. "Since 2008 the EU also acts as a mediator and co-chair of the Geneva International Discussion on Georgia's territorial conflict" and coordinated with UN Contact Groups and Groups of Friend in peace establishing mechanisms.[168]

Coherence refers to unity of member states in substantially agreeing to engage in a conflict as well as a coherence in the policies of EU institutions "such as the European Commission, the High Representative of the Union for Foreign Affairs and Security Policy (HR) or EU Special Representatives for a particular conflict region."[169]

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[165] Ibid., p. 6
[166] Ibid., p. 10
[167] Ibid, p. 11
[168] Julian Bergmann and Arne Niemann, "Mediating International Conflicts: the European Union as an Effective Mediator", *Journal of Common Market Studies*, Vol. 53, No 5, September 2015 , p. 3
[169] Ibid, p. 12

Julian Bergmann and Arne Niemann sees EU's successful mediation of several agreements between Kosovo and Serbia due to the union's great leverage as the conflicting parties aspire EU membership and "use of positive incentive."[170]

In other words, "the EU contractual relations are potentially more effective in inducing long-run conflict transformation and resolution over and above conflict management and settlement, which are instead typical of the activities of principal mediators."[171]

3.3. POLICIES AND INSTRUMENTS

3.3.1. European Neighbourhood Policy (ENP)

With the ENP the EU aims to engage in closer political association and economic integration with its southern and eastern neighbours. The countries include Armenia, Azerbaijan, Egypt, Georgia, Israel, Jordan, Lebanon, Moldova, Morocco, Palestine, Tunisia and Ukraine. While ENP aims bilateral relations with each country it also entails regional cooperation initiatives such as Eastern Partnership, the Union for the Mediterranean Partnership and Black Sea Synergy. [172]

The aim of the ENP was not the replacement of relations between the EU and its neighbours, but a continuum of the Partnership and Cooperation Agreements and Association Agreements to strengthen EU laws vis-à-vis the partner countries.[173] There are great many number of studies examining the EU contribution to conflict resolution "through the means of contractual relations with conflict parties, in particular in terms of EU enlargement and the European Neighbourhood Policy (ENP)."[174] Popescu states

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[170] Ibid, p. 19

[171] Nathalie Tocci, *The EU and Conflict Resolution: Promoting peace in the back yard*, *op.cit*., p. 177

[172] ENP, available at: https://eeas.europa.eu/headquarters/headquarters-homepage/330/european-neighbourhood-policy-enp_en, accessed on 28.02.2017

[173] Jean F. Crombois, *op.cit.*, p.4

[174] Julian Bergmann and Arne Niemann, *op.cit*., p. 6

that the ENP policies, primarily the work by the Commission, revolved around conflict prevention and post-conflict re-habilitation and circumvented direct involvement in conflict management.[175]

Map – 1 The map of ENP
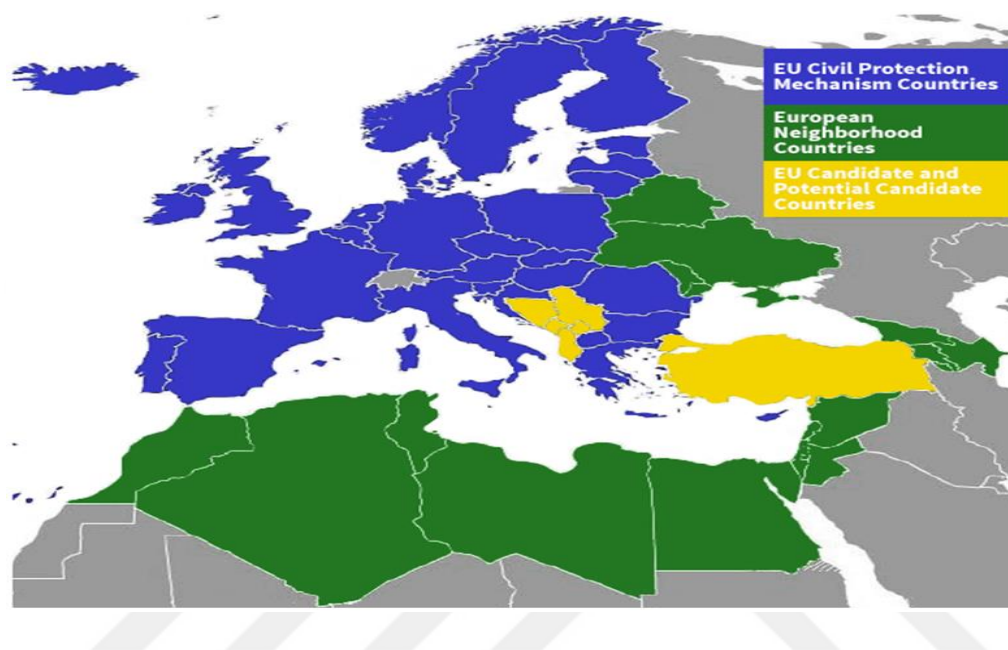
Source: https://eeas.europa.eu/headquarters/headquarters-homepage/330/european-neighbourhood-policy-enp_en

ENP is considered "less controversial" policy towards third countries than using coercive military tools such as CSDP and "less antagonistic towards Russia." Thus, as ENP is deemed to be a long-term process, the Commission has intentionally strived to "de-politicise" it throughout its history.[176] For Gwendoly Sasse, the ENP's presence in conflict transformation should be evaluated if the respective country seeks closer relations with the union even the membership is not the case and if Russia is challenged in geostrategic competition.[177]

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[175] Nicu Popescu, *The EU in Moldova-Settling Conflicts in the Neighbourhood* Chaillot Occasional Paper, 60, 2005

[176] Ariella Huff, "The Role of EU defence policy in the Eastern neighborhood", *European Union Institute for Security Studies*, OccasionalPaper 91, May 2011, p. 13

[177] James Hughes, "Introduction: The Making of EU Conflict Management Strategy—Development through Security?", *Ethnopolitics*, 8:3-4, 2009, p. 282

"The links between the ENP and EU actions in conflict management are not obvious. This is due mainly to three main reasons. First, if the ENP includes actions in conflict management, it was not originally conceived as a conflict management instrument. Second, as tailored mostly by the Commission, the ENP focuses essentially on instruments related to the Commission's competence and not to other ESDP instruments developed under the CSFSP/ESDP pillar. Thirdly, the concepts used both by the Commission and the Council of Ministers in regard to conflict management are not always clear. Finally, the literature on the ENP has only recently started to deal with its possible relations with EU actions in conflict management, let alone their implication on the EU international role."[178]

For the EU to resolve the conflicts in its Eastern neighbourhood alone is unlikely since peace building necessitates efforts of the countries as well as people in conflicting lands. However, "the EU has a huge range and variety of stabilisation and conflict resolution instruments at its disposal."[179]

ENP has been the EU's main policy toward the Eastern region since 2004 and the Eastern Partnership (EaP) has become so since 2009. They are not "umbrella frameworks" encompassing "all policy towards the region" but "rather long-term, technical processes promoting gradual reform."[180] Tocci poses the question of whether the Union could impact these parties that are not interested in integration with the EU norms. "Indeed, this is the core dilemma underlying the ENP." [181]

3.3.2. Eastern Partnership (EaP)

With the EaP the EU is involved with joint initiative with six eastern European partners: Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine. The Union aims at promoting international law and fundamental values and reinforces market economy, sustainable development and good governance.[182] The achievements of the Eap entails "the signing and provisional application of the Association Agreements

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[178] Jean F. Crombois, *op.cit.*, p.3

[179] Ariella Huff, "The Role of EU defense policy in the Eastern neighborhood", *op.cit.*, p.9

[180] Ibid., p. 11

[181] Nathalie Tocci, *The EU and Conflict Resolution: Promoting peace in the back yard, op.cit.*, p. 19

[182]Eastern Partneship, available at: https://eeas.europa.eu/headquarters/headquarters-homepage/419/eastern-partnership_en, accessed on 28.02.2017

(AA) with Georgia, the Republic of Moldova and Ukraine." These agreements will speed up the political association and economic integration of these countries with the EU.[183]

There are contextual differences between the ENP and EaP in that the latter has been supplemented with "four thematic platforms", i.e. democracy and good governance; economic integration; climate and energy security; and 'contacts between people'. Civil Society Forum including representatives from all participation countries and the EU reinforced the policy. In a radio interview in 2010 Andrew Wilson of the European Council on Foreign Relations expressed the financial weakening of the EaP due to the global economic recession thus the policy was not as influential as expected.[184]

Since Russia considers ENP and EaP as EU means to spread its political influence in the region, EU leaders, conscious of this, assure Moscow that Eap did not threat Russia's presence.[185]

3.3.3. ENP Action Plans

The action plans initiate an agenda of political and economic reform with partner countries from 3 to 5 years and aims to "reflect the country's need and capacities, as well as its and the EU's interests."[186] Action Plans have a big role in forming a suitable setting for CSOs to function in that they help the respective country create new sectors including "institutions, infrastructure, health, education" as well as "trade and investment."[187]

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[183] Joint Declaration of the Eastern Partnership Summit (Riga, 21-22 May 2015), available at: https://eeas.europa.eu/sites/eeas/files/riga-declaration-220515-final_en.pdf, accessed on 05.03.2017

[184] Ariella Huff, "The Role of EU defence policy in the Eastern neighbourhood", *op.cit*., p.13

[185] Ibid., p.14

[186] https://eeas.europa.eu/topics/european-neighbourhood-policy-enp/8398/-enp-action-plans_en, accessed on 01.03.2017

[187] Nathalie Tocci, "The European Union, Civil Society and Conflict Transformation: A Conceptual Framework", *op.cit*., p. 25

Action plans will be elaborated in the third chapter of the thesis dealing with the case of Nagorno-Karabakh conflict. The Action Plans for Armenia and Azerbaijan will be evaluated and comparison will be made.

3.4. THE EU'S PRESENCE IN CONFLICTS

The EU has somewhat participated in many conflicts worldwide. Yet only in few of these conflicts the EU had coercive presence. Here we will have a glimpse of several conflicts involving the EU as a conflict resolver. These conflicts will be Northern Ireland, Cyprus, Israel-Palestine, Balkans, Georgia and Ukraine. I will leave out historical evaluation concentrating on the Union's strengths and weaknesses as well as the strategies these conflicts. My aim is to see if the EU possesses a unified, concrete and stable policies in conflict resolution and mediation.

Intervention of the EU in Northern Ireland was a crucial opportunity to learn and enhance its peacebuilding capacity. The presence of the EU in the region evolved its role in peacebuilding during the peace process. The most important aspect of this intervention was its being "a long-term project" like the peace process and continual engagement in the process is an essential feature.[188] Northern Ireland conflict was the EU's one of the first accomplishments in conflict resolution. The Union's success lay in the fact that it facilitated the mutual relations between Britain and Ireland, which was considered as the key to the resolution of the conflict.[189]

EU regional aid funded by Commission was hoped to contribute to "cross-border cooperation" between Ireland and Northern Ireland. The importance of economic

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[188] Katy Hayward and Mary C. Murphy, "The (Soft) Power of Commitment: The EU and Conflict Resolution in Northern Ireland", *Ethnopolitics: Formerly Global Review of Ethnopolitics*, Vol. 11, No. 4, 2012, pp. 439-440

[189] Etain Tannam, "The European Union and Conflict Resolution: Northern Ireland, Cyprus and Bilateral Cooperation", *op.cit.,* p. 55

aid packages in achieving peace was that they were granted on condition of joint cooperation, which can be called a carrot and stick approach to the resolution.[190]

Just like Galtung argued, the former president of the European Commision Barroso referred to the fact that securing peace is difficult in that it is 'a marathon, not a sprint.' This suits the nature of the EU as it "seeks to enable, fund, empower and reform." Once the EU manages to maintain these tendencies, commitment will do the rest.[191]

Eralp and Beriker contend that enlargement process has been a "structural prevention mechanism" for the EU whereby it has tried to influence the belligerents using "threats and rewards" and has proved to be of minor impact with regards to the conflict of Cyprus. [192] "The punitive measures took the form of issuing threats, withdrawing rewards or membership prospects, or imposing embargoes. Rewards, on the other hand, were in the form of financial assistance. Overall, the impact of these interventions has not been constructive vis-à-vis UN sponsored settlement efforts. In retrospect, their use contributed to the hardening of the negotiating positions of the TRNC and Turkey, and resulted in deadlocks in the UN-led settlement efforts."[193]

Fisher points out that the USA and the UN have been more active than the EU in applying conflict resolution tools in Cyprus such as workshops, mediation, facilitation and dialogue groups. Although the EU have recently started using some of these tools, their organization and harmonization with the official strategies seem to be inadequate.[194]

Economic development and interdependence of the conflicting sides is also of great importance in terms of conflict resolution, which have been promoted as a policy by the EU in conflicts as in the case of Cyprus and Georgia. Interdependence can be created by establishing mutual infrastructural projects. For instance, the EU has been

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[190] Ibid., p. 56

[191] Katy Hayward and Mary C. Murphy, *op.cit.*, p. 450

[192] Doga Ulas Eralp and Nimet Beriker, "Assessing the Conflict Resolution Potential of the EU: The Cyprus Conflict and Accession Negotiations", Security Dialogue, Vol. 36, No. 2, 2005, p. 177

[193] Ibid., p. 188

[194] Ibid., p. 189

striving to encourage bilateral trade and economic development of North and South Cyprus. Yet these efforts were hampered when the government of Cyprus stopped the progress of free movement of persons, goods and services. Moreover, the people boycotted the goods imported from TRNC. Subsidizing TRNC farmers on the condition that they will not export their products to the South, Turkey also impeded the process of mutual economic development. However, such development could "blur the interethnic boundaries in the long run and thereby promote reconciliation."[195]

"Turkish Cypriots see the border as a protection of identity, but for Greek Cypriots it is a means of Turkish oppression and curtailment of Greek identity."[196]

The EU changed its carrot-and-stick approach in 1999, separating the Cyprus conflict from Cypriot and Turkish negotiations. Cooperation between Turkey and Greece was vital so as to resolve the Cyprus issue. "In line with conditionality principles, the Commission pledged €259 million to Northern Cyprus if a solution was reached. For the period 2007–13, €492 million in Structural Funds were granted to Cyprus."[197]

Tannam contended that unlike British-Irish cooperation, the Greek-Turkish cooperation was weak. The government officials of both sides met only few times to negotiate the conflicts whereas British-Irish officials had up to fifteen formal meetings a year along with informal gatherings. The first official visit of Greek Prime minister to Turkey in 2008 was after nearly half a century.[198]

While supporting Cyprus' EU accession, the UK has adamantly resisted an EU involvement in the conflict. While some member states supported the idea of Greece's and Britain's involvement in the conflict of Cyprus, others considered it as threatening the relation with Turkey to intervene its internal issue.[199]

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[195] Sandra Pogoddaa et al., *op.cit.*, pp. 239-240

[196] Etain Tannam, *op.cit.*, p. 52

[197] Ibid., p. 64

[198] Ibid., p. 66

[199] Nathalie Tocci, *The EU and Conflict Resolution: Promoting peace in the back yard, op.cit.,* p. 30

Peace and stability in Balkans has been of paramount importance in that possibility of conflict for the EU could easily create a "spill over effects" in Europe. The Union is thus determined to assist in the stabilization of the region striving to avoid the repetition of its failure to tackle the dissolution of Yugoslavia in 1990s. "Were the Union to fail again, the credibility of its foreign policy ambitions could be irredeemably shattered."[200]

Kosova's international status after declaring independence from Serbia is unresolved. Yet the sides reached an agreement in April 2014 owing to the EU's negotiations. The role of the former High Representative, Catherine Ashton is considered to have been undeniable.[201] For Bergmann and Arne Nieman, however, the EU's mediation process was somewhat hampered due to two factors: "limited EU coherence" and "lack of internal cohesiveness in Kosovo and Serbia and spoiler problems in North Kosovo."[202]

> "First, in terms of *coherence*, EU member states are highly divided over the question of Kosovo's statehood since its unilateral declaration of independence in 2008. While 23 member states have recognised Kosovo, five of them have not. Consequently, the EU's position on the most important issue of conflict, the status question, is highly incoherent as there is no common EU stance until today…Second, our findings suggest that the *internal cohesiveness* of both conflict parties has been under considerable strain due to domestic opposition towards the dialogue process and *spoiler problems* related to Northern Kosovo. Nationalist parties in both countries disapprove of the dialogue process and argue that participation in the negotiations does not serve the national interest."[203]

Yet, according to Duje and Courtier, it was not until the outbreak of the Balkan crisis of 1990s that the EU developed its peacebuilding strategies. "Aside from any institutional disconnects within the EU, peacebuilding remains a relatively new departure for the Union and it is still feeling its way."[204] For Kamov, the CFSP and the

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[200] Ibid., p. 78

[201] EU Foreign Security Policy, available at: http://europa.eu/european-union/topics/foreign-security-policy_en, accessed on 01.03.2017

[202] Julian Bergmann and Arne Niemann, "Mediating International Conflicts: the European Union as an Effective Mediator", *Journal of Common Market* Studies, Vol. 53, No 5, September 2015, p. 21

[203] Ibid., pp. 21-22

[204] Simon Duje, Aurelie Courtier, *op.cit.*, p.18

European Security and Defence Policy (ESDP) matured following its failure in Balkans.[205]

Georgia's closeness to the EU as well as the geostrategic position of the South Caucasus has been appealing to the Union. Besides, the Union see the Caspian energy, carried from Azerbaijan through Georgia, as a way out of the dependence on Russian and Middle Eastern supplies.[206] However, Tocci considers the lack of strong democracy and welfare in the Caucasian states as a hold back to conflict resolution. This absence in the secessionist entities of these states has also impeded "pluralism", which is "necessary to foster inter and intra-communal dialogue and reconciliation."[207] Whitman and Wolff argue that the lack of an overarching common conflict resolution strategy of the EU hindered its capacity to play an active role in Georgia in 2008.[208]

The EU attempted to fund the region for infrastructural projects though they have often been restricted by the anxieties of the conflicting sides. Mikhelidze argues that the EU's attempts to restore a railway connection between Georgia and Abkhazia failed. This was because Georgia had worries that it would legitimize and enhance Abkhazia's de facto political status whereas Abkhazian side feared being manipulated by covert conditions in the negotiations. He argues the EU initiative such as Confidence Building Early Response Mechanism "tackle such situations of interethnic distrust, raise mutual cultural awareness and try to fight negative stereotypes at the grass-roots level". However, due to their scantiness these projects do not prove to be effective whatsoever. [209]

Yet the EU managed to be active in helping Georgia reform and integrate to the Union. In 2014, they signed an Association Agreement (AA), which became valid in 2016 as well as the Deep and Comprehensive Free Trade Area (DCFTA). The official

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[205] Georgi Kamov, *EU's role in conflict resolution: the case of the Eastern enlargement and neighborhood policy*, Institut Europeen des Hautes Etudes Internationales, 2006, p. 16

[206] Commission of the EC, *Regional Cooperation in the Black Sea Area, 14 November*,14 November, 1997

[207] Nathalie Tocci, *The EU and Conflict Resolution: Promoting peace in the back yard*, *op.cit*., p. 128

[208] Etain Tannam, *op.cit*., p. 18

[209] Nona Mikhelidze, "Georgia and Abkhazia" in *Final Analysis Report*. Unpublished project report in FP7- project CORE cited in Nathalie Tocci, *The EU and Conflict Resolution: Promoting peace in the back yard*, *op.cit*., p. 140

website of the EU declares that "the EU remains firmly committed to its policy of supporting Georgia's territorial integrity within its internationally-recognised borders as well as engagement with the breakaway regions of Abkhazia and South Ossetia, in support of longer-term conflict resolution."[210]

As well as contractual ties, the EU has tightened the relations with Israel and Palestine through European Neighbourhood Policy (ENP) utilizing its 'soft power' instruments such as diplomacy, aid, trade and cooperation. The EU has both supported Israel's right to statehood and Palestinian right to self-determination on which it's diplomacy including conflict resolution has been based. On the other hand, the EU declared its goals in the region as respecting human rights, democracy and international humanitarian law. The EU has also condemned violence, terrorism and other types of violations of human rights via its declarations. Since 2001 the Union has taken an active role in the Middle East Quartet and other activities indicating its diplomatic role. Besides, bilateral contractual relations with Israel and Palestinian authorities was the second means of active participation.[211]

Since 2000, the EU's financial aid to Palestine have gradually increased and it has taken part in security reforms. ENP was launched in 2004 and both sides had relevant action plans. As the biggest benefactor, the EU is considered to have a larger leverage on Palestinians. Considering that Israel is backed by the USA and other Arabic countries do not seem to be powerful enough to coerce Israel, Palestinians are more willing to see the EU's political involvement in the conflict. Although the EU have had a mediating role in several skirmishes between the parties and border problems, those are meagre next to the expectations. Israel has also spoiled mediation and the EU's financial aids for Palestinians, destroying the projects by military force.[212]

However, the EU has been far less effective to inflict negative conditionality on Israel for its serious human rights violations and opted for 'constructive engagement'. This was mainly due to the lack of agreement between the member states

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[210] https://eeas.europa.eu/topics/european-neighbourhood-policy-enp/1237/georgia-and-eu_en

[211] Nathalie Tocci, "Firm in Rhetoric, Compromising in Reality: The EU in the Israeli–Palestinian Conflict", *Ethnopolitics: Formerly Global Review of Ethnopolitics*, Vol. 8, No. 3-4, 2009, p. 387-400

[212] Ibid., pp. 387-400

of the EU. The EU has given more attention and importance to enhance economic and political ties with Israel. Not wanting to damage the transatlantic relations, The Union took a backseat in the conflict behind the USA. As a result, its impact in the Middle East has been partial. Thus, The EU needs to concentrate more on consistency in its role especially in ensuring respect of rights and rule of law and narrow the gap between its rhetoric and practices.[213]

> "While envisaging an EU-Association Agreement with an undivided Georgia, the EU backs Tbilisi's claim on territorial integrity. In the Middle East, the EU supports a two-state solution by reinforcing emerging state structures within the institutional framework of the PA. In the case of Cyprus, the EU facilitates the modernization of the Turkish Republic of Northern Cyprus (TRNC) state institutions, aiming at North–South reunification."[214]

On 11 March 2014, the president of Russia Vladimir Putin endorsed laws to annex Republic of Crimea and the city of Sevastapol to the Russian Federation.[215]This act was condemned by international community. The EU's first reaction came on 13 March demanding Russia to retreat it military forces from Ukraine. The Union applied preventive measure against those who were threatening territorial integrity of Ukraine, putting travel ban on and freezing the assets of persons within the EU.[216] The EU applied further bans in the following days. As European Council President Herman Van Rompuy stated:

> "Sanctions are not a question of retaliation; they are a foreign policy tool. Not a goal in themselves, but a means to an end. Our goal is to stop Russian action against Ukraine, to restore Ukraine's sovereignty – and to achieve this we need a negotiated solution. Europe stands ready to facilitate and engage in a meaningful dialogue involving Ukraine and Russia and supports all multilateral initiatives towards that aim."[217]

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[213] Ibid., pp. 387-400

[214] Sandra Pogoddaa, *et.al, op.cit.*, p. 237

[215] Putin signs laws on reunification of Republic of Crimea and Sevastopol with Russia:
http://tass.com/russia/724785http://tass.com/russia/724785, accessed on 07.03.2017

[216] Council of the European Union, *EU Adopts Restrictive Measures against Actions Threatening Ukraine's*
Territorial Integrity, Brussels, 17 March 2014

[217] Council of the European Union, *EU Strengthens Sanctions against Actions Undermining Ukraine's*
Territorial Integrity, 21 March 2014

The Union further applied economic sanctions and diplomatic measures to Russia, restricting Russia's access to the capital markets in the EU and inflicting economic embargos.[218] Past three years, as part of the EU's non-recognition policy of illegal annexation of Crimea and Sevastopol, the EU has imposed substantive economic sanctions including, *inter alia*, ban on imports from Crimea, prohibition to invest in Crimea, ban on providing tourism services, technical assistance, and construction or engineering services etc.[219]

The signing of the Association Agreement between the EU and Ukraine in June 2014 was a great success in the process of supporting Ukraine.[220] Yet, in conflict resolution and mediation the EU had two priorities: respecting the ceasefire agreement and supporting OSCE mediation.[221] Thus we can conclude that the EU's presence in conflict resolution is limited to implementing non-recognition policy imposing economic sanctions in Crimea and Russia and condemning the violation of international law[222] and relying of OSCE mediation process.

3.5. CRITICAL REMARKS

Pagoda and et al conclude that "the EU governance programs, actors and processes do not always seem to work towards the same ends. Geopolitical differences across conflict countries also undermine any unified approach, often dependent on the

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[218] Council of the European Union, *EU Restrictive Measures in View of the Situation in Eastern Ukraine and the Illegal Annexation of Crimea*, Brussels, 29 July 2014

[219] The EU non-recognition policy for Crimea and Sevastopol: Fact Sheet available at: https://eeas.europa.eu/headquarters/headquarters-homepage/22959/eu-non-recognition-policy-crimea-and-sevastopol-fact-sheet_en , accessed on 09.05.2017

[220] Mihaiela Buşe, "The Role of the European Union in Conflict Resolution in Ukraine", available at: http://smg.mapn.ro/gmr/Engleza/Ultimul_nr/buse-p.40-51.pdf P8

[221] Ibid. P9

[222] Declaration by the High Representative Federica Mogherini on behalf of the EU on Crimea, http://www.consilium.europa.eu/en/press/press-releases/2017/03/17-hr-declaration-crimea/?utm_source=dsmsauto&utm_medium=email&utm_campaign=Declaration%20by%20the%20High%20Representative%20%20Federica%20Mogherini%20on%20behalf%20of%20the%20EU%20on%20Crimea

interests and role of another state e.g., Russia, the USA or Turkey."[223] The EU has particularly been inactive in "protracted conflicts where geopolitical alliances are at stake" like Cyprus or Israel-Palestine.[224] The EU's peacebuilding prospects are lower in the regions that are not appealed to EU integration. Thus, the EU's success hinges on "material factors" contrary to "putative normative power." [225] According to Tannam:

> "EU's efforts to resolve conflict in conflict zones will be greatly hindered by the varying levels of bureaucratic skills across different regions, particularly where mass migration or forced expulsion of specific ethnic communities has created a dearth of skilled experts in given fields, or where bureaucrats' ethnic identities in divided societies dominate their approach to policy."[226]

The EU has not been as effective practically promoting democratization in conflict countries as it is with it rhetorical position.[227] Despite its tools and strategies, the EU has basically refrained from engaging in diplomatic mediation involving political figures so as to settle conflicts and its military peacekeeping presence has been meagre.[228]

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[223] Ibid., p. 241

[224] Ibid., p. 243

[225] Oliver Richmond, Annika Bjrkdahl & Stefanie Kappler, "The emerging EU peacebuilding framework: confirming or transcending liberal peacebuilding?", *Cambridge Review of International Affairs*, Vol. 24, No.3, 2011, p. 461

[226] Etain Tannam, *op.cit.*, p. 73

[227] Ibid., p. 240

[228] Ibid. p. 228

4. THE CASE STUDY OF NAGORNO-KARABAKH

4.1. THE NAGORNO-KARABAKH CONFLICT

This chapter of the thesis deals with the EU's achievements and failures, capacity and incapability along with potential and prospects to contribute to the resolution of Nagorno-Karabakh (NK) Conflict. Throughout this section, I will focus both on Track I, its direct mediation and negotiation with regimes, and Track II diplomacy, cooperation with civil societies i.e. grassroots, NGOs etc. As it is beyond the scope of this thesis, the lengthy narration of historical events will give place to brief recount of important facts.

NK is an area in the South-West of Azerbaijan and South-East of Armenia lying on the Lesser Caucasus mountain range, which gives its name: "Nagorno", meaning mountainous in Russian. The area is internationally recognized as part of Azerbaijan, despite the Armenian occupation between 1988 and 1994 and declaration of independence, which has remained *de facto* ever since. Even Armenia, which has militarily and financially supported NK Armenian's independence, does not recognize its 'autonomy'.[229]

The conflict between Armenia and Azerbaijanis has a long history. Throughout the Soviet Union, NK was an Autonomous Oblast (AO) within the Azerbaijan Soviet Socialist Republic. However, it was the rise of nationalism through the end of Soviet era and after its breakup that led to the outburst of conflicts between the two states. Yet for Wolf, it has always been Armenia's 'nationalist project' to be united with NK Armenians, who comprised two third of NK's population of nearly 200.000 people[230].

Ethnic antagonism flared up after the NK Armenians declared independence and union with Armenia in 1988. Thousands of Azerbaijanis living in Armenia and

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[229] Swante E.Cornell, *Small Nations and Great Powers*, Curzon Press, UK, 2005
[230] Stefan Wolff, *Ethnic Conflict: A Global Perspective*, New York: Oxford University Press, 2006, p. 45

Armenians living in Azerbaijan became displaced. "Clearly, this war had strong ethnic overtones and could also be described as an ethnic conflict that spilled across borders and dragged another state into an initially internal conflict."[231] Between 1988 and 1994 ceasefire, the Armenian troops backed up by Russian military occupied 7 surrounding districts, also known as 'rayon', along with 5 districts in NK, which resulted in nearly one million internally displaced persons (IDPs).[232] As many other protracted conflicts, it has remained unresolved for 23 years. Armenia's strong insistence on obtaining *de jure* independence and Azerbaijan's sturdy defence of its integrity makes the conflict very difficult to resolve both by the belligerents and international mediators involved.

Map – 2 The map of Nagorno-Karabakh

Source: Swante E.Cornell, *Small Nations and Great Powers*

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[231] Ibid., p. 11

[232] Thomas de Waal, *Black Garden*: *Armenia and Azerbaijan through Peace and War*, New York University Press, New York and London, 2003

The conflict is often wrongly called "frozen". Yet, the conflict itself is alive, since people are still dying in skirmishes at the Contact Line. For Nuriyev, what is frozen is the peace process. Being the longest-running dispute in the CIS space, this 18-year-old Armenian–Azerbaijani conflict poses a big problem for the European security. Many in Baku and Yerevan hope for a breakthrough; however, one of the challenging issues concerning a quick resolution is how to prepare public opinion for compromise in both societies, given disagreement about what a just resolution entails.[233]

4.1.1. UN Security Council Resolutions

In 1993 and 1994, UN Security Council adopted resolutions expressing its serious concerns at the conflict, the displacement of a large number of civilians, reaffirmed the inviolability of international borders and the inadmissibility of the use of force for the acquisition of territory, condemned the seizure of areas of the Azerbaijani Republic and supported CSCE peace process. The resolutions include *inter alia*:

- Immediate end to the hostilities
- Start peace negotiations for the resolution of the conflict within the framework of Minsk Group
- Access to humanitarian aid and parties to comply with international humanitarian law
- Refraining from the supply of any weapons and munitions to halt the intensification of the conflict
- Withdrawal of all Armenian forces reaffirming territorial integrity of Azerbaijan[234]

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[233] Elkhan Nuriyev, "EU Policy in the South Caucasus: A view from Azerbaijan", *CEPS Working Document*, No. 272, 2007, p. 12

[234] *Resolutions adopted by the Security Council in 1993,* Resolution 822, 853, 874, 884, available at: http://www.un.org/en/sc/documents/resolutions/1993.shtml, accessed on 11.05.2017

However, these resolutions have not been applied internationally. The UN Security Council activities have been limited to supporting activities of OSCE Minsk Group, which will be explained and evaluated in the following section.

4.2. OSCE MINSK GROUP

In 1992, Azerbaijan and Armenia became part of the Conference for Security and Co-Operation in Europe (CSCE)[235]. At the same year, then-the CSCE Council called for a conference on the Nagorno-Karabakh conflict. The Minsk Group takes its name from the capital of Belarus, where the negotiations toward a peaceful resolution of the conflict were planned to take place. However, the conference has not been held to this date. In 1994, Minsk Group was launched by the OSCE Budapest Summit. The Group's works on establishing the conditions for the conference continues.[236]

The Co-Chairmen are appointed by the Chairman-in-Office and their activities are channelled by the principles and norms of the OSCE and objectives of the Minsk Conference. These objectives are "promoting a resolution of the conflict without the use of force and facilitating negotiations for a peaceful and comprehensive settlement."[237] The conference will not be convened until the parties come to an agreement to cease the armed conflict. Furthermore, endorse the peace process by deploying OSCE multinational peacekeeping forces. The success of the Minsk Process is deemed to depend on the satisfaction of these objectives. [238]

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[235] First established in 1972 in Helsinki to deal with global political and strategic military issues, OSCE (then CSCE) now has 57 participating states. The activities of the organization are security based and cover the areas of conflict prevention, counter-terrorism, arms control, economic development, environmental security, human rights and freedoms. The decisions are taken by consensus and only politically binding. See OSCE- Organization for Security and Co-operation in Europe: http://www.osce.org/whatistheosce , accessed on 06.04.2017

[236] OSCE- Organization for Security and Co-operation in Europe: available at: http://www.osce.org/mg/108306, accessed on 06.04.2017

[237] *Hungarian OSCE Chairmanship*, "the Mandate of the Co-Chairmen of the Conference of Nagorno Karabagh", Doc. 525/ 95, Vienna, March, 1995

[238] OSCE- Organization for Security and Co-operation in Europe: available at: http://www.osce.org/mg/108308, accessed on 06.04.2017

The Minsk group leads the OSCE's efforts to find a peaceful solution to NK conflict. It has been co-chaired by France, the Russian Federation, and the United States since 1997. Belarus, Germany, Italy, Sweden, Finland, Turkey, Armenia and Azerbaijan are the permanent members of the Minsk Group. [239] The activities of the Group are called Minsk Process. Klever classifies three main objectives of the Minsk Group. "First, they aim at providing an appropriate framework for conflict resolution; second, they aim at a ceasefire agreement and organizing the Minsk Conference; third, they aim at promoting the peace process by deploying peacekeeping forces."[240]

> "The Minsk Group's Co-Chairs visit the region regularly to conduct high-level talks with the parties to the conflict, and hold meetings with the OSCE Chairperson-in-Office and the Minsk Group members to brief them on the process. They are mandated to provide an appropriate framework for conflict resolution in the way of assuring the negotiation process; to obtain conclusion by the Parties of an agreement on the cessation of the armed conflict in order to permit the convening of the Minsk Conference; and to promote the peace process by deploying OSCE multinational peacekeeping forces."[241]

Cornell suggests that when CSCE became involved in as big a conflict as NK, it lacked institutional and practical experience of peace-making and only managed to establish the ceasefire. Yet, it has failed to mediate parties to come to terms with its resolutions.[242] Although, the Minsk Group has come up with peace alternatives since 1994, the sides including NK have not been able to compromise and 'no peace-no war' situation continues.

In 1994, for example, Armenia rejected the OSCE Lisbon Summit resolution favouring NK to be an autonomy in Azerbaijan with guaranteed security. In 1997, Minsk Group's 'package' proposal, which defended NK as a state-territorial entity within Azerbaijan with constitutional rights for NK Armenian, had no success either. The same year, NK rejected a proposal called step-by-step approach, according to

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[239] OSCE- Organization for Security and Co-operation in Europe: available at: http://www.osce.org/mg/108306, accessed on 06.04.2017

[240] Emma Klever, "The Nagorno-Karabagh conflict between Armenia and Azerbaijan: An overview of the current situation", *European Union International*, Brussels, 2013, p.5

[241] OSCE., op.cit., available at: http://www.osce.org/mg/108427, accessed on 06.04.2017

[242] Swante E.Cornell, "The Nagorno-Karabagh Conflict", *Report no. 46*, Department of East Europpean Studies, Uppsala University, 1999, p. 121

which NK's status will be determined only after the demilitarization of the region and Azerbaijan's regaining the occupied *rayons*.

Yet, another resolution in 1998 called common state deal, which favoured the creation of common state of NK within Azerbaijan, was rejected by Azerbaijan on the grounds that it violated its territorial integrity. The closest possible resolution that was initially accepted by all parties yet eventually turned down by Azerbaijan was Key West proposal in 2011. According to this proposal, NK would be an independent state within Azerbaijan and Lachin Corridor would be created to connect NK to Armenia. In return, Azerbaijan would get all the other occupied districts and a corridor land within Armenia that would connect Azerbaijan to Nakhichevan.[243]

For Pokalova, the failure of OSCE Minsk Group was not due to the lack of the peace proposals but NK's changing position over time. While it first demanded reunification with Armenia, its position shifted after 2000s towards independence.[244] One can also conclude that, Minsk Group has not been able come up with a common denominator for each side and mediate the process successfully. This was due to the difficulties posed by ethnic and territorial conflict as well as an utter contrast among each side's demands, barely open to mediation.

4.2.1. Lisbon Summit

In 1996, Heads of State in OSCE adopted the Lisbon Declaration on a Common and Comprehensive Security Model for Europe for the Twenty-First Century. The aim was to assess the OSCE region and create a base for common security and peaceful OSCE region. Improvement of conflict resolution tools such as conflict prevention, crisis management and post-conflict rehabilitation were reiterated in the declaration. Other subjects reaffirmed in the declaration were democratization, human rights, arms control, economic-social-environmental security and general principles of

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[243] Elena Pokalova, "Conflict Resolution in Frozen Conflicts: Timing in Nagorno-Karabagh", *Journal of Balkan and Near Eastern Studies*, Vol.17, No.1, pp. 74-76

[244] Ibid., p. 78

Helsinki Final Act.[245] Most important for our subject is the statement of the OSCE-Chairmen on NK conflict in Annex 1. The statements set three main principles for peaceful settlement of the conflict. These are as followed:

- "territorial integrity of the Republic of Armenia and the Azerbaijan Republic;

- legal status of Nagorno-Karabakh defined in an agreement based on self-determination which confers on Nagorno-Karabakh the highest degree of self-rule within Azerbaijan;

- guaranteed security for Nagorno-Karabakh and its whole population, including mutual obligations to ensure compliance by all the Parties with the provisions of the settlement"[246]

4.2.2. Madrid Principles

Madrid Principles are the principles aiming the peaceful resolution of NK Conflict, proposed by OSCE Minsk Group in Madrid, 2007. The principles were based on OSCE's Helsinki Final Act, specifically referring to their base on its Articles II, IV, and VIII. [247] Agreeing that peaceful resolution of NK conflict requires "stability, security, and prosperity of the region", the presidents of Armenia and Azerbaijan instructed their Foreign Ministers to develop these principles into a full-fledged peace agreement. Main principles, *inter alia,* are as follows[248]:

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[245] *OSCE* , "Lisbon Document 1996", Lisbon Summit, 1997

[246] Ibid.

[247] Helsinki Final Act was the final act of CSCE held in Finland, 1975. Since its not a treaty it is not binding for OSCE countries. Article II mentions "refraining from the threat or use of force", Article III refers to "Territorial Integrity of States" and Artlicle VIII is about "Equal Rights and self-determination of peoples", see *Helsinki*, "Conference on Security And Co-Operation in Europe Final Act", available at: http://www.osce.org/helsinki-final-act?download=true, accessed on 15.04.2017

[248] Madrid Document, available at: http://www.deutscharmenischegesellschaft.de/wp-content/uploads/2016/04/Madrid-Principles-%E2%80%93-Full-Text-20071129.pdf, accessed on 15.04.2017

- Azeri territories in Karabakh will be returned to Azerbaijan and Armenian settlers will leave these territories.
- Human rights and fundamental freedom of NK Armenians will be respected until the status of NK is concluded.
- Ethnic population of NK will be recovered back to 1988, after which a referendum will be held to decide the status of NK.
- A corridor linking NK to Armenia will be created.
- IDPs will return to their places of former residence and live having equal rights and without discrimination.

Though officials in both countries agreed on some of the principles over the following years, they made no palpable progress on either demilitarization of Armenia from Azeri territories or on the procedures deciding the status of NK. Azerbaijan insists that the final status should be congruent with its territorial integrity.[249]

Garibov suggests some reasons why Minsk Group hasn't been successful so far. First, he argues, is that the Group is good at conflict management but has not developed conflict resolution tools to solve the conflict. The Group members only make occasional visits to the region to ease tensions when skirmishes arise. Second, the Group is not committed enough. He calls the Minsk Process "low-profile shuttle diplomacy." They need high-profile diplomatic involvement like in Key West resolution, where The US president George Bush was involved. Third, OSCE has little control over Minsk Group actions. Three states, France, Russia and the USA have their own different interests in the region, which hinders the resolution process. Furthermore, these countries have the most influential Armenian Diasporas.[250]

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[249] *Radio Free Europe Radio Liberty,* "Armenian, Azerbaijani, Presidents Agree On Preamble to 'Madrid Principles'", available at:
http://www.rferl.org/a/Armenian_Azerbaijani_Presidents_Agree_On_Preamble_To_Madrid_Principles/1940349.html, accessed on 13.04.2017
[250] Azad Garibov, "Why the OSCE Keeps Failing to Make Peace in Nagorno-Karabagh?", *the National Interest*, available at: http://nationalinterest.org/blog/the-buzz/why-the-osce-keeps-failing-make-peace-nagorno-karabakh-16161?page=2, accessed on 17. 04.2017

4.3. THE EU IN MINSK PROCESS?

While Azerbaijan opposed the EU's projects in NK, it wished for greater EU involvement in the mediation process. Unlike Armenia, Azerbaijan was dissatisfied with the Group's work considering it to be monopolizing the process.[251]The Azerbaijani side would prefer the EU's mediation because they do not have much confidence in the Minsk Group, all three members of which are supporters of Armenia.[252]

In this circumstance, Azerbaijan saw the EU as an essential player with the potential to restore the inefficient Minsk Group format. Privately, Azerbaijani diplomats have generally spoken positively of the idea of giving the EU observer status in the Minsk Group, or even of supplanting France with the EU as one of the Group's chairs. This idea has been upheld by several influential Western organizations and individual scholars.[253]

The EU has been almost kept out of Minsk Group's processes, which depends on the French co-chair to transfer information with respect to the state of negotiations. The failure of the EU in the NK conflict is summarized by Popescu as 'lack of demand from either Armenia or Azerbaijan' and strong opposition by France to the idea of being replaced by the EU in the negotiation process.[254] The French have been very defensive of their part in the Minsk Group – to a limited extent because of the political power of Armenian community in France – and have refused to give their position to the EU. Nor are the French seen as good information-sharers; as one EU official stated, "we get more information about the Minsk Group from Russia and the United States than we do from France," adding that France's protection of its role in the Minsk Group reflects

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[251] *Azer-Press,* "Deputy FM of Azerbaijan:the format of MG mediation must be expanded", 2008

[252] Emma J Stewart, "The EU as an Actor in Conflict Resolution: Out of its Depth?", University of Bath, UK, p. 9

[253] Svante E. Cornell and Frederick S. Starr, *The Caucasus: A Challenge for Europe*, Central Asia-Caucasus Institute*,* Washington DC and Uppsala, 2006

[254] Andrew Wilson and Nicu Popescu, *Turning Presence into Power: the EU in its eastern neighbourhood*, European Council on Foreign Relations, 2011, p. 95

"turf wars" between Member States and institutions.[255] Furthermore, the Minsk process is confidential, only on official level and does not include representation of inhabitants of and displaced persons from NK or CSOs.[256]

Wolf argues that the EU should either try to replace France in Mink-group chairmen or France should regard the EU's a partner in Minsk processes.[257]Although the EU should take an active part in OSCE Minsk group, which is a long-established yet, as we have seen, not very efficient, the group's role and duty ought not to be ignored or underestimated. As Akcakoca and Sammut suggested, "if the present negotiating process within the framework of the OSCE Minsk process collapses it will take years for an alternative to emerge and to reach the point where we are today. This scenario must be avoided at all costs. The alternative however is not stalemate but progress."[258] This would be possible if the EU took over France's role in the Minsk group and involve her as its mandate.

Shiriyev argues that while Azerbaijan prefers EU presence in Minsk group instead of France, several senior EU officials object to this stating that France reports well to the EU, thus it is not necessary. As he stated:

> "However, Azerbaijan is not the only proponent of this idea. In March 2012, the European Parliament's Committee on Foreign Affairs proposed replacing the mandate of France with an EU mandate. Azerbaijan obviously wants to see more EU involvement, but the concern is that if Baku continues to make this demand and is successful in generating change, France may bear resentment toward Azerbaijan, which in turn could destabilise the European approach to Nagorno-Karabakh."[259]

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[255] Arielle Huff, "The role of the EU defence policy in the Eastern neighbourhood", European Union Institute for Security Studies, Occasional Paper, No. 91, May 2001, P. 35
[256] Emma Klever, "The Nagorno-Karabagh conflict between Armenia and Azerbaijan: An overview of the current situation", *European Union International*, Brussels, 2013, p.2

[257] Stefan Wolff, "The European Union and the Conflict over the Nagorno-Karabagh Territory", *Report prepared for the Committee on Member States' Obligations Parlimentary Assembly of the Council of Europe*, University of Nottingham
[258] Amanda Akcakoca and Dennis Sammut, "Karabagh: the quest for peace", *LINKS*, London, 2009, p. 17
[259] Zaur Shiriyev, "Challenges for the EU in the resolution of the Nagorno-Karabakh conflict: Az Azerbaijani perspective*", European Policy Center*, June, 2013

Thus, he argues, although logical, such a change seems improbable because of active Armenian Diaspora in France. A sensible alternative would be not to make "any radical changes to the format but increase EU involvement within the current framework."[260]

4.4. THE EU'S CAPACITY AND INSTRUMENTS

The Action Plan deserves special attention because it differs from previous agreements that did not contain the Nagorno-Karabakh conflict. The AP is a detailed document between the EU and a partner country on the implementation of the Partnership and Cooperation Agreement (PCA) and allows assisting the partner country at either the EU or the Member State level. All three countries had a 5-year unique Action Plan corresponding to the bilateral relations and priority areas. The general idea is to cooperate in economic and political fields with a special option regarding dialogue for the conflict resolution.[261]

The EU defined the peaceful resolution of the conflict as the highest priority in the ENP of Azerbaijan. However, this is mentioned in the seventh article in ENP of Armenia.[262] The contribution of the EU to the peaceful resolution entails the following specific actions:

"• Increase diplomatic efforts, including through the EUSR, and continue to support a peaceful solution of the Nagorno-Karabakh conflict;

• Increase political support to OSCE Minsk Group conflict settlement efforts on the basis of the relevant UN Security Council resolutions and OSCE documents and decisions;

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[260] Ibid.

[261] ENP-Action Plans, https://eeas.europa.eu/topics/european-neighbourhood-policy-enp/8398/-enp-action-plans_en, accessed on 12.05.2017

[262] EU/Armenian Action Plan, 2004, Available at:
https://eeas.europa.eu/sites/eeas/files/armenia_enp_ap_final_en.pdf, accessed on 12.05.2017

• Encourage people-to-people contacts;

• Intensify the EU dialogue with the states concerned with a view to acceleration of the negotiations toward*s* a political settlement."[263]

Apart from these actions, the EU also aimed at increasing help for IDPs and refugees and encouraging the participation of civil society.[264] As the biggest state of the region with its natural resources, Azerbaijan is certainly the driving force in the region and it is understandably why the EU wishes to prevent Azerbaijan from an open military campaign. It should also be noted that Azerbaijan is not in a military campaign against the Republic of Armenia but the separatist group claiming Azerbaijan's internationally acknowledged territory.

4.4.1. ENP's Contribution

Although ENP deals with the matters of security and stability, conflict prevention has not been incorporated in its policies. Because membership of the Caucasus republics in the EU is not on the agenda at least in near future, the effect of the ENP instruments was expectedly low.

Lacking a strong policy for involvement, the EU has in fact adopted a "wait-and-see" strategy to the Karabakh conflict. As the EU's Country Strategy Paper (CSP) for Azerbaijan emphasized:

"The EU/EC … aims at stabilising the whole Southern Caucasus region by supporting the peaceful settlement of the Nagorno-Karabakh conflict between Armenia and Azerbaijan … If the Nagorno-Karabakh conflict is settled within the timeframe of the present CSP, the EC will provide further specific assistance to help consolidate the settlement, including the reconstruction and rehabilitation of

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[263] EU/Azerbaijan Action Plan, 2004, available at:
https://eeas.europa.eu/sites/eeas/files/azerbaijan_enp_ap_final_en.pdf, accessed in 10.04.2017
[264] Ibid.

conflict areas, the return to conflict areas of Azerbaijani IDPs and refugees and the elimination of the excessive accumulation of conventional weapons."[265]

This is a futile strategy: While the EU recognizes that a solution to the Karabakh conflict is the key to the stabilization of the whole South Caucasus region, it implicitly admits that it is not prepared to assume a more active role in Karabakh peace process unless a political agreement is reached. This contradictory and even confusing statement characterizes the stance of the EU towards the conflict. The EU's irresolution when handling the conflict also determines its efforts to enhance mutual interests especially at promoting democracy and regional cooperation.

The EU can still contribute to the conflict resolution process by bearing the possible financial and political costs, defining the limits of its 'neighbourhood', working out a clearer political stance, sounding the EU voice in the OSCE Minsk group, increasing the confidence and cross border cooperation between the parties and promoting a greater involvement of the civil society into the negotiation process.[266]

Yet it is stated in the 2013 ENP progress report that the OSCE office in Baku "was downgraded to the status of project coordinator, the negotiations of its mandate and budget are still ongoing." The search for solution has been hindered by the proliferation of arms race and "confrontational rhetoric" between the two sides. The EU only continued to give its full support for the OSCE Minsk Group and financially supported peace-building activities such as European Partnership for the Peaceful Settlement of the Conflict in Nagorno-Karabakh through ENPI. Furthermore, The EU calls for Azerbaijan and Armenia to come to terms with the Madrid Principles and abstain from actions and rhetoric that could increase the tension and harm the peace process.[267] However, the situation has become much worse since 2013. The 2014 ENP

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[265] *European Union*, "Country Strategy Paper-Azerbaijan", 2005, p. 5

[266] Stewan Wolff., and Richard Whitman, "Conflict Resolution as a Policy Goal under ENP in the Southern Neighbourhood", *Report Prepared for the Committee on Foreign Affairs of the European Parliament, Centre for International Crisis Management and Conflict Resolution*, 2008, p.12

[267] *European Commission*, "Implementation of the European Neighbourhood Policy in Azerbaijan Progress in 2013 and recommendations for action", Joint Staff Working Document, 2013

progress report complained about the lack of progress and even increase in the tensions and restated the same calls as it did in 2013.[268]

4.4.2. The European Union Special Representative (EUSR)

Upon recommendation of the EU High Representative for Foreign Affairs and Security Policy, it is the Council of the EU that appoints the EUSRs. The EU's current Special Representative for the South Caucasus and the crisis in Georgia is Herbert Salber, who was the former German diplomat. "He co-chairs the Geneva International Discussions on behalf of the EU and holds regular consultations with the Armenian and Azerbaijani leaderships in full support of the work carried out by the OSCE Minsk Group." There are *internal* and *external* duties of the EUSR.[269]

The internal duties are to cooperate closely with the Commission on "the development, implementation and monitoring of the political aspects of the relevant ENP Action Plans".[270] Due to this, the EUSR may be attached to the EU delegation and have an office within its premises. The EUSR external duties are to be "on the one hand, one of facilitator and consensus builder and, on the other hand, of a focal point and the EU's interface with the parties in conflict through almost permanent presence on the ground"[271]

EUSR mandate includes "assisting the EU in developing a comprehensive policy towards the region, and to support the conflict prevention and peace-settlement mechanisms in operation."[272] Unfortunately, the misuses by the EU of its advantageous treatment by the conflict parties and of notable growth of cooperation in many fields

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[268] *European Commission*, "Implementation of the European Neighbourhood Policy in Azerbaijan Progress in 2014 and recommendations for action", Joint Staff Working Document, 2014

[269] *European Union External* Action, "European Union Special Representative for the South Caucasus and the crisis in Georgia", Brussels, February 02, 201

[270]*European Commission*, "Country Progress Report – Azerbaijan", ENP Package 2012

[271] Diez. T., Albert. M, and Stetter.S. (2009) The European Union and Border Conflicts. The Power of Integration and Association., Cambridge University Press, pp. 207

[272] External Action, 2011

may hamper the ENP achievements. Steward claims that "the EUSR practices soft diplomacy, but is not trained as a mediator."[273]

4.4.3. The European Partnership for the Peaceful Settlement of the Conflict over Nagorno-Karabakh (EPNK)

EPNK is a civil society initiative funded by the EU to cooperate with partners working on peace projects in the South Caucasus. Five member organizations of EPNK are Conciliation Resources, Crisis Management Initiative, International Alert, Kvinna till Kvinna and the London Information Network on Conflicts and State Building (LiNKS). The three themes of EPNK are dialogue, research & analysis, film & media, inclusivity & participation and training & capacity building.[274]

The content of projects includes:

- "Public policy debates and moderated discussions;
- Peacebuilding courses and workshops;
- Documentary films and public film screenings;
- News journals, reports, policy papers and studies on conflict-related issues;
- A news website focusing on the Nagorno-Karabakh conflict and settlement process;
- Comparative conflict studies and visits;
- Cross-conflict training courses and networking for journalists;
- Photography/arts exhibitions and events."[275]

Yet these projects have not progressed smoothly. As stated by the EPNK Progress and Prospect Brochure, since 2010 when EPNK started

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[273] Emma J Stewart, "The EU as an Actor in Conflict Resolution: Out of its Depth?", University of Bath, UK, p. 11

[274] The European Partnership for the Peaceful Settlement of the Conflict over Nagorno-Karabagh (EPNK), available at: http://www.epnk.org/about-us, accessed on 19.04.2017

[275] EPNK, available at: http://www.epnk.org/node/18 , accessed on19.04.2017

"The period has been one of the most challenging in the context of the Nagorno-Karabakh conflict settlement process. The peace process itself, under the auspices of the OSCE Minsk Group, has so far been unable to achieve a long-expected and much hoped-for breakthrough. The rhetoric coming from both government and societies across the conflict divide has been increasingly polarised and highly charged, making the work of EPNK more and more difficult."[276]

4.5. PEACE-BUILDING EFFORTS IN THE REGION

4.5.1. Partnership and Cooperation Agreement (PCA)

In 1996 and 1999, Azerbaijan and Armenia signed Partnership and Cooperation Agreement with the EU respectively - then the European Community (EC). The idea behind this partnership was; 1) to establish political dialogue whereby the parties could improve their political relations; 2) help Azerbaijan and Armenia – a newly independent state – strengthen its democracy and develop its economy; 3) improve economic relations by enhancing trade links and investment; 4) make available the cooperation in other areas such as legislation, science, technology and culture. The cooperation among parties were to be in agreement with Helsinki Final Act and international law taking also into account of good neighbourly relations. [277] [278] The realization of good cooperation was on the condition that Azerbaijan integrated its legislation with that of the EU. As stated in the Article 43 of the Agreement:

"The Parties recognize that an important condition for strengthening the economic links between the Republic of Azerbaijan/Armenia and the Community is the approximation of the Republic of Azerbaijan's/Armenia's existing and future legislation to that of the Community. The Republic of Azerbaijan/Armenia shall

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[276] *EPNK Progress and Prospects Brochure,* "The European Partnership for the Peaceful Settlement of the Conflict over Nagorno-Karabagh", ENPK, 2011, p. 3

[277] Partnership and Cooperation Agreement Between the European Communities and Their Member States, Of the One Part, and the Republic of Azerbaijan, of the Other Part, 1994, available at: https://eeas.europa.eu/sites/eeas/files/eu-az_pca_full_text.pdf, accessed on 10.04.2017

[278] Partnership and Cooperation Agreement Between the European Communities and Their Member States, Of the One Part, and the Republic of Armenia, of the Other Part, 1994, available at: https://eeas.europa.eu/sites/eeas/files/eu-armenia_partnership_and_cooperation_agreement_en.pdf, accessed on 12.05.2017

endeavour to ensure that its legislation will be gradually made compatible with that of the Community."[279]

Action Plan (2004) was the continuum of the Partnership and Cooperation Agreement in that it entailed similar objectives with the emphasis on integration rather that cooperation, deepening economic relations, increasing financial assistance through new European Neighbourhood and Partnership Instrument (ENPI). Main priority areas include strengthening democracy, human rights, business environments with the emphasis on eliminating corruption, operation of customs, energy cooperation, and regional cooperation.[280][281] For example, in 2014 the EU signed the Strategic Energy Partnership with Azerbaijan on the gas project called Shah Deniz II whereby the Southern Gas Corridor, to be built, would carry Azeri gas to Europe.[282]

4.5.2. Economic Relations & Assistance

Being its biggest export and import market, the EU is responsible for half of Azerbaijan's total trade. The EU's exports mainly include machinery and transport equipment while importing mainly oil and gas from Azerbaijan. These economic relations are regulated by PCA.[283] Azerbaijan supplies 5% of the EU's oil requirement. The partners signed a 'Joint Declaration on the Southern Gas Corridor" in 2011. In 2006, they had signed 'Memorandum of Understanding on a Strategic Partnership', which specified 4 priority areas of cooperation: "harmonisation of legislation, enhancing security of supply and transit systems, development of RES and increased EE and technical cooperation."[284]

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[279] Ibid. p. 49

[280] EU/Azerbaijan Action Plan, 2004, available at:
https://eeas.europa.eu/sites/eeas/files/azerbaijan_enp_ap_final_en.pdf, accessed on 10.04.2017

[281] EU/Armenian Action Plan, 2004, Available at:
https://eeas.europa.eu/sites/eeas/files/armenia_enp_ap_final_en.pdf, accessed on 12.05.2017

[282] ENP Progress Report 2013

[283] European Union External Action, "EU-Azerbaijan relations", available at:
https://eeas.europa.eu/headquarters/headquarters-homepage_en/4013/EU-Azerbaijan%20relations, accessed on 10.04.2017

[284] Ibid.

Figure 5: Trade and Investment between the EU and Azerbaijan

Source: eeas.europa.eu/delegations/azerbaijan

The EU is also Armenian's biggest export market, with 25% export and 30 % import rate. The EU's exports mainly include machinery and transport equipment, manufactured goods, chemicals while importing manufacturing goods, crude materials, beverages and tobacco. Armenia has been benefiting from the EU's Generalised Scheme of Preferences scheme (GSP+), which provides additional tariff preferences to developing countries.[285]

The European Neighbourhood Instrument (ENI) is the means of the EU's financial assistance in South Caucasus. The assistance is made up of Action Programs for Azerbaijan, concentrating on regional and rural development, justice sector reform and education and skills development.[286] The EU also engages in civil society in Azerbaijan and Armenia. With the project called Peacebuilding Through Capacity Enhancement and Civic Engagement (Peace), The EU will allocate 1,127,754.00 Euros for Azerbaijan[287] and 1,860,000 Euros for Armenia[288] to engage civil society actors and

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[285] European Union External Action, "EU-Azerbaijan relations", available at:
https://eeas.europa.eu/headquarters/headquarters-homepage_en/4080/EU-Armenia%20relations, accessed on 12.05.2017
[286] Ibid.
[287] *European Commission*, IcSP-funded Projects, Peacebuilding through Capacity Enhancement and Civic Engagement (PeaCE) – Azerbaijan

grassroots in peace building, mediation and dialogue. The projects will last three years between 2016 and 2019.

4.5.3. Democracy & Human Rights

The European Union has been partly successful and entirely incoherent as to promoting democracy in its neighbourhood. Popescu and Wilson suggest that Europeans supported democracy in North Africa and the Middle East, but for years they understated values as they were tackling the region's autocratic regimes. Democratic insurrections in North Africa and the Middle East – which were of little relation to the EU's democracy support – toppled some of the region's authoritarian leaders. But in the EU's eastern neighbourhood none of the six Eastern Partnership countries is quite democratic and, except for Moldova, democracy ratings of these countries have been exacerbating.[289]

What is the degree of the EU's success with the countries such as Azerbaijan, which has made meagre democratic progress? The challenge is much more apparent in Azerbaijan. One of the reasons may be the present regime unwillingness to join the EU in a foreseeable future; thus, they act self-assuredly disregarding most of the EU's demands to repair the country's democratic deficit. For instance, just before the start of the 2012 Eurovision Song Contest, hundreds of Baku residents were forced out of their homes, which had been planned to be replaced by the Crystal Hall where the competition was held.[290]

Country's democratic improvements have been lagging far behind its economic boom. In the early years after its independence in 1991, Azerbaijan was as poor as its Caucasus neighbours Armenia and Georgia. But since the mid-1990s, the government

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[288] *European Commission*, IcSP-funded Projects, Peacebuilding through Capacity Enhancement and Civic Engagement (PeaCE) – Armenia

[289] Andrew Wilson and Nicu Popescu, *Turning Presence into Power: the EU in its eastern neighbourhood*, European Council on Foreign Relations, 2011, p. 47

[290] *Human Rights Watch*, "They Took Everything From Me", 2012, pp. 34-60

has succeeded in adapting to the transition and absorbing the shock of the armed conflict with Armenia, resumed economic growth and increased the public welfare. This was mainly as a result of rich oil and natural gas reserves, new connections with Western energy companies and globally high oil prices. Ibadoglu (2012) states that Azerbaijan's economic situation transformed impressively: the country's poverty rate plunged from 45 percent in 2003 to 10 percent in 2010, and its real GDP increased three times between 2003 and 2008, exceptional growth of 34 percent in 2006."[291]

However, this growth was not an everlasting success and these years seem to have ended up with no investments in democracy, equality and social welfare of the people. The volume of oil extracted in Azerbaijan reached a climax in 2010 and is set to decline. In the reports of Transparency International[292], the country had the lowest economic growth among all the other Soviet republics in 2011. Although it lived through 10 boom years, the government has failed to translate the growth figures into corresponding social indicators; for example, in 2008, when GDP grew at a rate of 10 percent, inflation reached 21 percent. The analysis of the report further asserts that the government has paid little attention to rising social injustice. Since Azerbaijan's political and monetary system depends on prizes for reliability instead of free political and market consummation, administering elites, officials and their partners have turned out to be practically select recipients of the nation's oil incomes. Azerbaijan stays as corrupt as Russia or Uganda and worse off than neighbouring Georgia or Armenia. [293]

The EU needs, as Kobzova and Aliyeva put it, to "revise its current free approach that holds no conditions towards Baku" and follow a rather different strategy depicting more interest in domestic political life of Azerbaijan and should hold it to its commitments to reform. The EU should underpin transfer of know-how, exchange programs and capacity building in the public sector as well as direct political and financial support to SMEs, NGOs and independent media. Unless the EU adopts this

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[291] Ibadoglu, G., "Azerbaijan's Economic Model and Its Development Since Independence", *Azeri Report,* 2012

[292] Transparency International is an international non-governmental organization based in Germany, which fights against corruption throughout the world. Available at: https://www.transparency.org, and https://www.transparency.org/country/AZE, accessed on 08.04.2017

[293] *Transparency International*, "Corruption Perceptions Index 2011", 2011 available at: https://www.transparency.org/cpi2011, accessed on 08.04.2017

role towards Azerbaijan, it may risk being in a similar situation in which it backed autocrats in the southern neighbourhood before the Arab awakening.[294]

The administration's undeniably tyrant tendencies have had little impact on the EU's approach. Socor argues that Europe's principle enthusiasm for the region is dependability of energy supplies and security. The administration has permitted Western energy companies to investigate "its hydrocarbon wealth and upheld energy transit projects", for example, the Baku–Tbilisi–Ceyhan pipeline that carry oil toward the West in Russia's stead. Along these lines, seen as a crucial and for the most part collaborative partner in the EU's energy security plans, Baku has figured out how to temper those voices in the EU that were more disparaging of the administration and rather guided co-operation towards the divisions that are most gainful for the present world elite.[295]

Some member states such as France, Italy, Germany and the UK have huge monetary interests in Azerbaijan, yet the clear majority of them – incorporating those with business ties – have a tendency to maintain a strategic distance from openly censuring Azerbaijan.

Yet from 2006 to 2015, development on democratic governance and human rights reform had remained meagre.[296] No matter how big it was, the EU's efforts on human rights have been impeded by the Azerbaijani government, who put restrictions and pressure on political opponents, civil society and human rights activists and manipulated media and public rhetoric. "Political parties, civil society activists and human rights defenders faced serious obstacles in organizing events, including EU-funded ones." Although Azerbaijan adopted national human rights action plan in 2011, many of its provisions remained on paper only.[297] Human rights dialogue between the

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[294] Jana Kobzova and Leila Alieva, "The EU and Azerbaijan: Beyond Oil", *European Council on Foreign Relations*, May 2012, p.1

[295] Vladimir Socor, "Trans-Anatolia Gas Pipeline: Wider Implications of Azerbaijan's Project (Part One)", *Eurasia Daily Monitor*, Vol. 9, No. 3, 2012, p. 48

[296] *European* Commission, "Implementation of the European Neighbourhood Policy in Azerbaijan Progress in 2013 and recommendations for action", Joint Staff Working Document, 2014, p.2

[297] Ibid., pp.2-5

EU and Azerbaijan diminished due to the inadequacy of political dialogue between them.[298]

Enacting a new law on NGOs in 2014, Azerbaijani regime put further restrictions on NGOs working in Azerbaijan, which includes from administrative fines, unclear tax claims and problems with the use of bank accounts to criminal investigation and arrest of NGO leaders. EU's financial assistance was also interrupted by these impediments.[299]

In 2014, Armenia made limited progress on deep and sustainable democracy, human rights and fundamental rights as well as the independence of judiciary was limited. Overall, Armenia's improvement in implementing the ENP Action Plan was limited, too.[300]

There are two main reasons why the work of CSOs and NGOs between Azerbaijan and Armenia is hindered: 1) mutual distrust and 2) governments' misgivings about dialogue.[301] "In both Azerbaijan and Armenia, there is not much room for CSOs organizing dialogue or trying to counter or just nuance the state position and accompanying propaganda, though the situation does differ per country."[302]

Giragosian blames "the lack of political will in either Armenia or Azerbaijan, as the two sides have remained simply too far apart diplomatically to offer any real chance of resolving the conflict."[303] Status quo serves the purpose of both Azerbaijani and Armenian governments, which is to increase authoritarian power and weaken civil liberties.[304] Both governments use occasional skirmishes and the lack of peace to their advantage. They firm up their authoritarian power, "using the conflict to justify

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[298] *European* Commission, "Implementation of the European Neighbourhood Policy in Azerbaijan Progress in 2014 and recommendations for action", Joint Staff Working Document, 2015, p.3
[299] Ibid., p.4
[300] Commission, "Implementation of the European Neighbourhood Policy in Armenia Progress in 2014 and recommendations for action", Joint Staff Working Document, 2015, p.2
[301] Emma Klever, op.cit., p.5

[302] Ibid., p. 19
[303] Richard Giragosian, "Challenges for the EU in the resolution of the Nagorno-Karabakh conflict: An Armenian Perspective", *European Policy Centre*, Policy Brief, June, 2013
[304] Emma Klever, Ibid., p.2

democratic shortcomings" and putting restrictions on civil freedoms. [305] Lack of compromise between the belligerents is a common obstacle to the resolution of deep-rooted conflicts such as Palestine, Bosnia and NK. They have developed rhetoric whereby they consider one another a threat to their identity.[306] As Ozkan summarized it:

> "The "Karabakh syndrome" mainly determines political discourse in Armenia and Azerbaijan…Ruling elites use this syndrome as a tool to restrict the democratic rights and to justify their authoritarian rules. The concentration of power exclusively in the presidents and the lack of civil institutions have destructive effects on the future of the societies." [307]

He considers it unlikely for the incumbent political leaders of Azerbaijan and Armenia to create a democratic milieu and improve civil society because they would rather maintain their rule and not "risk their status for a solution that requires compromise".[308]

The EU's plan to make Association Agreement (AA) with Azerbaijan seems to hinge on the determination of NK's status. Azerbaijan is hanging back from negotiations on the readmission agreement. Even if it is concluded, the AA will be signed without a free trade agreement because Azerbaijan is not a WTO member. [309] The president Aliyev stipulated the reasons behind Azerbaijan's unwillingness to sign the Agreement during a panel discussion at Munich Security Conference in February 2017 as:

> "One of the reasons why Azerbaijan didn't sign Association Agreement with the European Union, apart from that according to our impression it was not an agreement it was a unilateral instruction list to us, but the main reason was not that. The main reason was that they did not want to have a very precise wording about resolution of the conflict between Armenia and Azerbaijan based on territorial integrity of Azerbaijan. They have these provisions in the agreement with Georgia, with Moldova, at that time Ukraine didn't have this problem. But when it comes to Azerbaijan it is a double standard. Russia was sanctioned for what happened in

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[305] Ibid., p. 15

[306] Behlül Özkan, "Who Gains from the "No War No Peace" Situation? A Critical Analysis of the Nagorno-Karabagh Conflict", Geopolitics, Vol.13, p. 584

[307] Ibid., pp. 586- 592

[308] Ibid., p. 593

[309] Jana Kobzova and Leila Alieva, "The EU and Azerbaijan: Beyond Oil", *European Council on Foreign Relations*, May 2012

Ukraine. Armenia was not sanctioned for what happened in Nagorno-Karabakh. This double standard approach must be eliminated."[310]

However, the EU has and will continue to have influence on Azerbaijan, who will need the EU assistance for infrastructure to shift its oil-based economy to market economy.[311] The authors' clairvoyance has come true; in last decade, especially after the fall in oil prices, Azerbaijan has started to make investments in non-oil sectors.[312]

Armenia had refused to sign the AA with the EU, including a Deep and Comprehensive Free Trade Area (DCFTA) in September 2013.[313] Today, the likelihood of the Armenia's signing AA with the EU seems to have vanished completely since Armenia joined Eurasian Economic Union on 2 January 2015 (with Russia, Belarus, Kazakhstan and Kyrgyzstan).[314] Although the EU claims that "Armenia and the EU continue their political and trade dialogue in areas where this is compatible with Armenia's participation to the EEU"[315], the EU leverage in Armenia is diminishing owing to its economic and political alliance with Russia.

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[310] "Ilham Aliyev attended panel discussion at Munich Security Conference", available at: http://en.president.az/articles/22827, accessed on 28.04.2017

[311] Jana Kobzova and Leila Alieva, op.cit.

[312] "Eurasian Business Dispatch": Azərbaycan iqtisadiyyatı qeyri-neft sektoru sayəsində xeyli inkişaf edib", available at: http://www.azerbaijan-news.az/index.php?mod=3&id=113474 accessed on 29.04.2017

[313] EU External Relations, "EU-Armenia Relations", op.cit.

[314] Agreement on Accession of the Republic of Armenia to the Treaty on the Eurasian Economic Union, dated May 29, 2014 available at: https://docs.eaeunion.org/en-us/Pages/DisplayDocument.aspx?s=bef9c798-3978-42f3-9ef2-d0fb3d53b75f&w=632c7868-4ee2-4b21-bc64-1995328e6ef3&l=540294ae-c3c9-4511-9bf8-aaf5d6e0d169&EntityID=7297, accessed on 01.05.2017

[315] EU External Relations, "EU-Armenia Relations", op.cit.

4.6. SEARCHING FOR SOLUTIONS

The biggest challenge for the EU to contribute effectively to the Karabakh conflict resolution stems from the nature of the conflict. As stated by Nicu Popescu:

"Unlike the intra-state conflicts in Moldova and Georgia, the conflict over Nagorno-Karabakh has in many ways been an inter-state conflict between two recognized states – Armenia and Azerbaijan– each having its own partnerships with the EU. This has created even greater pressure for neutrality on the EU, limiting its range of manoeuvre. Thus, any understanding of EU policy on Nagorno-Karabakh cannot be taken out of the context of EU relations not only with Azerbaijan, but also with Armenia."[316]

For Wolf, the resolution of the conflict depends only on a bilateral solution by the two states.[317]

Though Nagorno-Karabakh is *de facto* independent, it has been striving to increase its political recognition having established its own foreign policy. They have permanent representations in France, Russia, the USA, Armenia, Germany, Australia and Lebanon.[318] "In 1998, the US Congress allocated assistance funds to Nagorno-Karabakh. In 2000, the NKR engaged in tax reform in order to increase the amount of foreign investments. Since then companies from the USA, Canada, Russia, France and Italy have started operating in the NKR"[319] Pokalova suggests that since this de facto state strengthened its existence, the only way to the solution seems to be the recognition of Nagorno-Karabakh's independence.[320]

However, having apprehensions about secessionism, international actors seem to favour neither the recognition Nagorno-Karabakh's independence nor its annexation to

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[316] Nicu Popescu, *EU Foreign Policy and Post-Soviet Conflicts, Stealth Interventiont*, Routledge, New York, 2011, p. 99

[317] Stewan Wolf, p.13

[318] Elena Pokalova, "Conflict Resolution in Frozen Conflicts: Timing in Nagorno-Karabagh", Journal of Balkan and Near Eastern Studies, Vol.17, No.1 p. 80

[319] Ibid., p. 79

[320] Ibid., p. 81

Armenia. Recognition of such secessionist demands could easily trigger such movements in any country with minorities demanding a land.[321]

> "As we see, there is a deadlock. For both sides, crucial interests are at stake, and there seems to be little room for a compromise. This fact is also related to the contentious issue being the very question of Karabakh's territorial affiliation. Hence there is no applicable precedent or resolution mechanism in the history of international politics that can easily be adopted to the Nagorno Karabakh conflict. Clearly, any solution that is acceptable to both parties must be plowing new ground in the field of conflict resolution."[322]

Ozkan argues that Azerbaijani government might turn to military coercion to solve the conflict as they have "nationalistic pledges". By this, he means the feeling of revenge among internally displaced persons. Thus, Baku is currently following "wait and strengthen" strategy, investing in its military with the profits gained from oil.[323] Russia has economic interest in both Azerbaijan and Armenia. Azerbaijan buys most of its arms from Russia and Armenia shares its key economic sectors with Russia. Thus, the state of 'no war no peace' renders Russia stronger in the region.[324]

While Armenia is not experiencing a hurting stalemate, it would surely be much better off were the conflict be resolved. According to the World Bank, Armenia's economy, including its exports and GDP, would show a one third increase provided that the borders are opened.[325]

Outside the framework of enlargement, the EU fails to have an impact on its neighbors. In other words, the Union needs to develop concrete inducements in relation to South Caucasus in order to help resolve the conflicts.[326] Wolff also disapproves the EU's reliance on "existing multilateral frameworks", unless they prove to be fruitful in resolving the conflicts in the South Caucasus. He argues that being "the world's most successful project of regional integration" the EU is strong enough to engage in more

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[321] Swante E.Cornell, "The Nagorno-Karabagh Conflict", *Report no. 46*, Department of East Europpean Studies, Uppsala University, 1999, p.134

[322] Ibid., pp.135-136

[323] Behlül Özkan, op cit., p.584

[324] Emma Klever, op.cit., p.2

[325] Behlük Özkan, op.cit., p. 586

[326] Emma J Stewart, "The EU as an Actor in Conflict Resolution: Out of its Depth?", University of Bath, UK

practical role in "approaching conflict prevention and resolution in its neighbourhood, including Nagorno-Karabakh."[327]

The EU's international actorness is deemed one of a kind with its preference of using normative and civilian power to coercive alternatives. The Union is certainly capable of changing its role in the face of interactions among the member states and third parties.[328] For Popescu, the EU has not seriously thought about the possibility of forcing visa bans or focused on economic sanctions on those authorities required in human rights abuses, for the most part because of fears this would risk co-operation with Baku on different issues including energy and security.[329] Meanwhile, the EU spends "peanuts", as one EU official puts it, on other areas such as supporting independent media or local civil society. Indeed, even this cash is utilized mostly on issues that have little to do with advancing political pluralism or reinforcing common society such as enhancements in the penitentiary system, ecological projects or help to displaced people of Karabagh war. For example, in 2002, the EU's offered €31 million in exchange for social and economic reforms. This "was dwarfed by the almost €43 million that Azerbaijan earns every day from oil."[330]

The strict enforcement of the conditions with Azerbaijan may be more harmful to civil society, according to officials in Baku, who do not need EU's financial assistance in any case because of their energy incomes. Yet, the EU has less leverage in Azerbaijan than Armenia or Georgia. Unlike Tbilisi, which targets EU membership, Baku officials see relations with the EU as part of possible economic gains and a multifaceted foreign policy, rather than as a means of democratization and further integration with the EU. Europe should use more the leverage created by these factors forcefully to make Baku delimit its autocratic tendencies. This is feasible, as Kobzova

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[327] Stefan Wolff, "The European Union and the Conflict over the Nagorno-Karabagh Territory", Report prepared for the Committee on Member States' Obligations Parlimentary Assembly of the Council of Europe, *University of Nottingham*

[328] James Hughes, "Introduction: The Making of EU Conflict Management Strategy—Development through Security?", *Ethnopolitics*, Vol. 8, No. 3-4, 2009, p. 279

[329] Nicu Popescu, "EU and the Eastern Neighbourhood: reluctant involvement in conflict resolution," *European Foreign Affairs Review*, Vol. 14, No. 4, 2009, p. 468

[330] Jana Kobzova and Leila Alieva, "The EU and Azerbaijan: Beyond Oil", *European Council on Foreign Relations*, May 2012

and Aliyeva defined, by means of following a 'hug and hold' strategy – that is, hugging Azerbaijan but also holding it to its commitments to reform. The EU ought to look beyond the government and acquire more contacts with the individuals who are its natural friends in Azerbaijan, who will profit the most from the reforms and who are well on the way to coerce their administration to receive them: civil society, entrepreneurs and society in general. [331]

4.7. CONCLUDING REMARKS

The EU's prospects of success in the resolution of NK conflict seem to depend on divergent variables. First variable is intrinsic to the triangle of Azerbaijan, Armenia and NK. The parties are becoming more and more obstinate when it comes to compromise. Thus, the EU has to engage in high diplomatic endeavours replacing or partnering France in OSCE Minsk Group. Activities of the EUSR mandate, for example, should be proliferated. Another variable is difficulty of mediation in such a geopolitically volatile region, with Armenia's economic and political commitment to and dependence on Russia (e.g. Eurasian Economic Union), thus moving away from the EU leverage, and Azerbaijan's economic and political indifference to the EU's efforts. Authoritarian pressures are another variable hindering peace-building efforts of the EU in the region. These pressures, as we have seen, interrupts the EU's financial assistance to grassroots, NGOs, activists etc. Societal relations with the EU could be strengthened, with the EU's additional investments in peace initiatives, human rights, and civil society other than merely financing EPNK activities.

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[331] Ibid.

5. CONCLUSION

Along with the pioneers of the conflict and peace studies, the contemporary writers have helped us acquire basic insight about conflicts, conflict nature, conflict types and conflict resolution tools in general. We saw distinctions between inter-state and intra-state conflict, ethnic and protracted conflict, escalation and de-escalation of conflicts, mediation and negotiation, peace-making and peace-building. This enabled us to evaluate the EU's role in conflict resolution especially in the case of Nagorno-Karabakh more efficiently.

As a massive project of integration, the EU has had commitments to promote its liberal values and security in and out of its borders. With the ESFP and CSFP, the Union introduced its positive stance in the resolution of conflicts worldwide, especially within its proximity. Although it did not meet the expectations, the EU gained experience in peace-keeping and conflict settlement practices during the Balkan conflicts. With the Northern Ireland conflict, it had already succeeded in building peace as a long-term goal.

However, the EU's biggest challenge has been internal incoherence when it comes to creating policies for conflicts like Israeli-Palestine and Cyprus conflicts. We also saw that the EU lacked leverage and incentives in these conflicts. Not possessing a full-fledged military power, the EU has utilized the policy of conditionality in conflicts as an only tool for leverage. Thus, many consider European Neighbourhood Policy as the EU's leverage policy for the countries in its vicinity. Another challenge is that the EU has refrained from intimidating powers like Russia, Turkey, Israel and intervening their regional interests, which hinder its role in conflict resolution.

Being both an ethnic and territorial conflict Nagorno-Karabakh is also a protracted conflict, which makes it extremely challenging to resolve. The solutions of the conflict appear to be a grid-lock over years and not a single solution has been adopted. Some of the proposed solutions include the EU's replacement of France in OSCE Minsk Group and reformulation of OSCE's mandate. Some scholars like Wolf argue that the solution only depends on bilateral compromise of the two countries.

Others argue that Russia holds the solution but is using the conflict for its own interests and influence over the region.

Though some or one of these solutions could disentangle the conflict, lasting solutions, in fact, seem to lie unearthed. These solutions have been proposed in the literature of conflict studies, which we became familiarized with in the first section. Some of them are, as we have seen, objective and skilled mediators who can observe and discover the ripe moments and place 'sui generis' solutions on the negotiation table; having concrete conflict resolution policies; effective administration of workshops; commitment to the engagement in society and handling the root causes of conflict, by eliminating the grievances of the victims and restoring their needs.

However, the EU's instruments have hardly matched the above-mentioned solutions. Its mediation efforts were restricted to the EUSR, whose main task is to support OSCE Minsk Group. Though EU documents include policies for conflict resolutions, the Union lacks tangible policies and their implementation. The Action Plans are limited to small sections of objectives for the conflict resolution and full support for OSCE Minsk Process. The Unions financial assistance with ENI program is meagre to transform considerable changes in the societies, and peacebuilding missions like involving in CSOs in grassroots level, training and financing NGOs, establishing dialogue between the societies are restricted with funding EPNK, successful yet small-scaled initiative for a protracted conflict.

I conclude by arguing that EU's prospects of resolving the Nagorno-Karabakh Conflict are impeded by numerous dynamics, such as its internal incoherence, geopolitical interests of other powers like Russia and the USA, the Union's dependence on Minsk Process, financial restrictions due to the Union's internal crisis, lacking peacebuilding instruments etc. In conflict resolution terms, however, the EU is still more experienced than the OSCE Minsk Group, who have failed in brokering peace with conflicting Azerbaijan and Armenia.

First, the EU should either take part in or establish its own mandate for conflict resolution independent from Minsk Group. Second, the EU should intensify its economic relationship with Armenia and Azerbaijan especially in conducive times like

now when Azerbaijan is investing in non-oil sector, and use its economic power as a leverage to impose reforms and sanctions. The EU should replace the EUSR with skilled mediators whose tasks will be to observe and produce creative packages and induce parties to compromise. In case of military escalations, the EU should be able to deploy its peace-keeping forces in the region. Last but not least, the Union has to engage in comprehensive peacebuilding initiatives, enhancing CSOs and aiming at eliminating the root causes of the conflict in a long term.

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