



## Journal Issue

### **The Role of the EU in the South Caucasus**

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## THE ROLE OF THE EU IN THE SOUTH CAUCASUS

*Special Editor: Lili Di Puccio*

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## Lessons Learned? The EU and the South Caucasus De Facto States

Franziska Smolnik, Berlin

### Abstract

The 2008 war and Russia's increased role in the de facto states<sup>1</sup> of Abkhazia and South Ossetia since then has been a wake-up call for the EU. As part of its efforts aimed at conflict resolution and in order to end the entities' isolation, the EU has presented a "Non-Recognition and Engagement" strategy that specifically targets Abkhazia and South Ossetia. The third South Caucasus de facto state, Nagorno-Karabakh, however, has been left unaddressed by the strategy. This article explores the EU's engagement and its challenges in the case of Abkhazia and takes a look at the possibility of extending the Non-Recognition and Engagement strategy to the de facto state of Nagorno-Karabakh.

### Introduction

The South Caucasus conflicts have long been on the EU radar. Despite a general awareness, however, concrete EU engagement as regards the Abkhazia, South Ossetia and Nagorno-Karabakh conflicts has been limited. It was only after the 2008 August war pitting Georgia against South Ossetia and Russia that the EU started to re-evaluate its approach to Georgia's conflicts. Not only did the EU in general step up its engagement but it also re-thought its policy on the so-called de facto states which have emerged as a result of the conflict. In September 2008 the position of EU Special Representative (EUSR) for the Crisis in Georgia was introduced, complementing the work of the EUSR for the South Caucasus that was created in 2003. Moreover, the EU formulated the Non-Recognition and Engagement policy to directly address Abkhazia and South Ossetia. However, Nagorno-Karabakh, the third South Caucasus de facto state, has been left unaddressed by the strategy—despite the EU's awareness of the Nagorno-Karabakh conflict's highly fragile status quo. While the Non-Recognition and Engagement policy arguably is not the most visible of the EU's policies in the region, it nonetheless constitutes a significant adjustment in the EU's approach towards Georgia's conflicts in general and the de facto states in particular. It is therefore worth taking a closer look at it: First, this article assesses the policy's implementation in the context of Georgia's break away regions. Then, with reference to the former, it examines the possibilities of extending the strategy to the de facto state of Nagorno-Karabakh.

Even though the Non-Recognition and Engagement strategy is directed at both South Ossetia and Abkhazia, the evaluation of its implementation focuses on the Abkhazian case. Since, as a consequence of the August war, entry to South Ossetia has been practically closed

for international assistance (Russia excluded), implementation of the Non-Recognition and Engagement strategy in South Ossetia has been postponed.

### New Realities—New Strategy: Engaging Abkhazia and South Ossetia

Similar to South Ossetia and Abkhazia which gained de facto independence from Georgia, the secessionist entity Nagorno-Karabakh has developed empirical statehood in the course of about 20 years of de facto independence from Azerbaijan. While all three conflicts as well as the respective de facto states have featured their own specific characteristics even before the events of summer 2008, the five-day war and its aftermath set conflicts and de facto states even further apart: whereas after the war Russia recognized South Ossetia and Abkhazia as independent states—and a couple of further countries have by now followed Russia's lead, Nagorno-Karabakh remains without partial recognition—with even its closest ally and kin state, Armenia, failing to recognize it. In the context of partial recognition, Abkhazia and South Ossetia have been furthermore re-positioned on the EU's agenda for the South Caucasus.

As concerns Nagorno-Karabakh, given the frequent criticism of the OSCE Minsk Group, the official conflict mediator, calls for enhanced EU engagement have likewise become more numerous. The EU itself is considering enhanced involvement. While, on the one hand, a possible role for the EU as one of the Minsk Group's co-chairs is discussed (currently the Minsk Group is co-chaired by representatives from Russia, the US and France), a second line of thinking focuses on extending the EU's Non-Recognition and Engagement strategy to the de facto state of Nagorno-Karabakh. Yet neither of these possibilities has been implemented.

1 The term de facto state is used to jointly address the three South Caucasus self-proclaimed statelets that feature empirical statehood but are not or only partially recognized internationally. Since in all three conflicts terminology is debated, where necessary I use both variants of spelling (e.g. Sukhum/i—for Georgian Sukhumi and Abkhaz Sukhum).

In the cases of Abkhazia and South Ossetia, the EU had channeled some of its assistance to these *de facto* states even before the events of 2008. EU donor assistance focused in particular on ameliorating the situation of internally displaced persons (IDPs) as well as on socio-economic reconstruction in the conflict-affected areas. While humanitarian in nature, the EU thought of this assistance as part of its efforts towards conflict resolution. Since 2003, the EU moreover has been present in the region in the form of its Special Representative for the South Caucasus, whose mandate explicitly included engagement with the South Caucasus conflicts. While the work of the EUSR has often been carried out without much public ado, the EUSR has been crucial in maintaining links with Abkhazia and South Ossetia, not least facilitated by his not being affiliated with a European embassy or the EU delegation based in Tbilisi. EU policies as regards conflict resolution in general, however, have been assessed in rather negative terms. It was the war of 2008 as well as the partial recognition of Abkhazia and South Ossetia that marked a turning point as concerns the realities on the ground—and thus the conditions for international engagement in the region. These new conditions include an almost complete foreclosure for EU (funded) projects to South Ossetia, an increased Russian presence in the *de facto* states—not least in the form of thousands of Russian troops stationed there to defend the new status quo—as well as boosted self-esteem especially on the part of Abkhazia and its bid for independent statehood. It seems as if Russia's even further increased role in the partially recognized statelets led to heightened sensitivity and necessitated a re-evaluation and re-orientation of the EU's engagement with the conflicts. While in discussion even before 2008 and in several regards only the formalization of assistance that the EU has already provided, the approval of what came to be known as the Non-Recognition and Engagement strategy in December 2009 nonetheless marks a certain change of approach in the EU's efforts towards conflict resolution. With this step EU policy directly addresses the *de facto* states of Abkhazia and South Ossetia, thus holding the potential for EU assistance that thoroughly takes into account local conditions in the *de facto* states and the (new) realities of the region.

The Non-Recognition and Engagement strategy was adopted by the Political and Security Committee of the Council of the European Union and has to be considered in light of the European Commission's proposal to provide for enhanced targeting of regional conflicts within the EU's Neighborhood Policy. The strategy's essence is already given by its name. Central are two, inseparable building blocks: engagement with the *de facto* states while at the same time clearly stating the

EU's adherence to Georgia's territorial integrity. The formula therefore reflects the difficult position the EU finds itself in where its adherence to Georgia's internationally recognized borders remains in tension with addressing the new realities. Despite the explicit bias towards an ultimate resolution of the conflicts which favors the Georgian (and Western) standpoint, the strategy seems however rather directed at countering Russia's growing influence rather than actively supporting Georgia's regaining of Abkhazia and South Ossetia. The strategy's central objective of de-isolation is thus to provide and foster, as former EU Special Representative Peter Semneby put it, "an alternative perspective to the predominant Russian one". Such de-isolation is thought possible via upholding or establishing contacts on different levels—contact with the *de facto* authorities not explicitly excluded but practically restricted by the statement on Georgia's territorial integrity. Centrally, the strategy aims at focusing on people-to-people contacts and the implementation of projects in different realms such as rehabilitation, education, information or training. Yet, the strategy still largely waits to be animated—thus far rather than being a generator of new initiatives it constitutes rather a new umbrella label for ongoing projects.

### Engagement with Obstacles

The events of 2008 constitute a further rupture as regards relations between Tbilisi and Sukhum/i and between Sukhum/i and the international community. While in the context of the cease-fire agreement brokered by French President Nicolas Sarkozy a new negotiation format, the Geneva talks, was established, both the UN mission that monitored the Georgian–Abkhaz cease-fire and the OSCE presence in South Ossetia were disbanded in mid-2009 after Russia vetoed their extensions. The Geneva talks regularly bring together representatives of Georgia, Russia, Abkhazia, South Ossetia as well as of the UN, OSCE and the EU with the objective of arriving at conflict resolution. The latter three organizations function as the Geneva process' co-chairs with the EU being represented by its Special Representative for the Crisis in Georgia. Even though such a steady communication platform has been welcomed, critics complain that a means to an end has become an end in itself: Given a lack of tangible progress as concerns relations between Tbilisi and Tskhinval/i and Sukhum/i, mediators are forced to settle for maintaining the status-quo.

Despite such a rather bleak picture, there is also experience of engagement and mutual contact beyond the track one-level to draw upon. International organizations and NGOs have, and continue, to implement projects in Abkhazia, while communication channels between Georgia and separatist Abkhazia were never

completely closed either. The administrative boundary line (ABL) between Georgia and Abkhazia has been permeable, not least due to several thousands of ethnic Georgian IDPs who returned to their homes in Abkhaz-controlled Gal/i region and have subsequently commuted across the ABL. However, for Abkhazia's non-Georgian population, too, crossing the ABL was possible, for example in the context of medical treatment. Moreover, until the events of 2008 there even was direct, that is non-mediated, contact between Abkhazian and Georgian top-level officials. It is such fragile forms of contact and pragmatic cooperation that the EU's policy may aim to revitalize or draw upon and possibly expand. On the other hand, obstacles which were already present before 2008 have become even more critical now. These can be located on different levels: On the one side project implementers are confronted with obstacles on an operational level such as which passports to accept, where to issue necessary visas, from where to import materials, etc. On the other side, a further difficulty presents itself on the more conceptual level: commonly, in Abkhazia the EU is regarded as pro-Georgian and its new policy therefore viewed with suspicion. This, however, influences the policy's possible impact. The strategy's perceived Georgia bias is not only linked to the EU's vocal commitment to Georgia's territorial integrity, but also to its prior record of assistance. People in Abkhazia criticize the EU as well as other international organizations for having channeled their help predominantly to Gal/i region, facilitating IDP return, therefore favoring ethnic Georgians. The internationals justify their engagement by pointing to stipulations of the 1994 framework agreement and by arguing that this area in particular has been most severely affected by the persistent conflict and that it is the ethnic Georgian IDPs who are most vulnerable. Ethnic Abkhaz interlocutors, however, stress that they have likewise experienced tremendous hardships due to the war and the economic blockade, having waited in vain for help.

While in Abkhazia there have been, and still are, groups of people who adhere to a "multi-vector-foreign policy" and, in this context, welcome cooperation with the EU, the EU's offers are not able to seriously challenge Russian influence in Abkhazia. Not only is Russia militarily present in the region and seen as the protector of Abkhaz independence, it also possesses tremendous economic leverage—to name only the two most striking aspects of Abkhaz–Russian relations. Even though the Russian–Abkhaz honeymoon has likely ended, or at least has been beclouded by a couple of contested issues such

as the question of real estate purchases by non-Abkhaz, the territorial dispute as regards the village Aibga or the dispute concerning the Abkhaz church, Russia's influence and elevated position will remain for the foreseeable future. Therefore, the more the Non-Recognition and Engagement policy's central objective to promote an *alternative* perspective is interpreted by the Abkhaz side as aimed at substituting, rather than complementing, Russia's presence, the less likely are its chances for substantial realization.

### No Recognition, No Engagement: The EU and Nagorno-Karabakh

Turning to the Nagorno-Karabakh conflict, we face a different picture. Compared to the Georgian–Abkhaz conflict, the EU's efforts as regards conflict resolution in the case of the Nagorno-Karabakh conflict are even smaller and more inconsistent.<sup>2</sup> This is not least due to local circumstances and the configuration of forces, which are quite different from the Georgian–Abkhaz case. While it is the ABL that separates Abkhazia and Georgia proper, Nagorno-Karabakh and Azerbaijan are separated by the "line of contact". This is the official name for what actually are World War I-like fortified trenches, mine fields and thousands of soldiers from the Azerbaijani, Nagorno-Karabakh and Armenian armies standing guard against each other and exchanging sniper fire on an almost daily basis. In contrast with the Georgian–Abkhaz case, the "line of contact" is completely sealed and the implementation of cross-community projects is possible only indirectly, traffic to and from the de facto state of Nagorno-Karabakh occurs—much to Azerbaijan's resentment—via the Lachin corridor that connects Nagorno-Karabakh with the Republic of Armenia. At the conflict's current stage, therefore, struggling with practical questions, as in the case of Abkhazia, is wishful thinking.

Nonetheless, the question of how to approach Armenia as Nagorno-Karabakh's protector and kin state remains to be tackled. Even more than is the case with Russia and Georgia after the events of 2008, Armenia adds an international dimension to the secessionist conflict. While Nagorno-Karabakh features largely separate political and administrative structures, it is tightly connected to Armenia via, for example, a common financial, educational and defense space.

Despite Georgia's increased efforts at monitoring international assistance to Abkhazia, Tbilisi has started to question the fruitfulness of its isolation strategy. Parallel to the EU's introduction of the Non-Recognition and Engagement strategy, Georgia presented its own pol-

2 Only very sporadically has the EU become active as a donor to projects in Nagorno-Karabakh, such as in the framework of the EU financed *European Partnership for the Peaceful Settlement of the Conflict over Nagorno-Karabakh* (EPNK), which is an umbrella for five organizations that since 2010 has supported peace-building related activities—also in Nagorno-Karabakh itself.

icy towards Abkhazia and South Ossetia—the Law on Occupied Territories as well as the corresponding strategy, action plan and modalities, adopted between the fall of 2009 and fall of 2010. Despite its being largely dismissed by the Abkhaz side and despite its contested origin—it is debated whether it was a genuine Georgian initiative. Developed in close cooperation with Georgia's Western partners, this policy presents an attempt to open up communication and cooperation channels, something that is missing in the case of Azerbaijan and Nagorno-Karabakh. Even more than is the case with Georgia, Azerbaijan fears that any EU engagement with Nagorno-Karabakh potentially helps the de facto state's ability to build institutional capacity which then might be exploited to further back Nagorno-Karabakh's claim for independence. Azerbaijan therefore regards any international engagement with Nagorno-Karabakh as a further challenge to its territorial integrity. Such concern is moreover related to an Azerbaijani perception of the EU as less clearly supporting Azerbaijan's territorial integrity—contrary to the case with Georgia.

However, the EU's priorities, too, differ in the case of the Nagorno-Karabakh conflict. Azerbaijan—an EU target for closer economic ties in the context of energy diversification plans—will hardly face serious EU pressure to change its position as regards international engagement with Nagorno-Karabakh. Arguably, the 2008 events were not conducive to bestow more attention upon the Nagorno-Karabakh conflict: Not only is the Non-Recognition and Engagement strategy only oriented towards Abkhazia and (potentially) South Ossetia, what is more, the September 2011 merger of the two EUSR mandates related to the South Caucasus, the EUSR for the South Caucasus (until February 2011 held by Peter Semneby) and the EUSR for the Crisis in Georgia (until August 2011 held by Pierre Morel), into one—the EUSR for the South Caucasus and the Crisis in Georgia—equally favors engagement with Georgia's breakaway regions. The position is held by French diplomat Philippe Lefort. Commentators have focused on the new EUSR's French nationality: While some consider this a further upgrade of France's standing in the region and in particular concerning the Nagorno-Karabakh conflict (to recall: France holds one of the three Minsk Group co-chairs), others thought a transformation of the French co-chair into an EU-one more likely. While rumors concerning the latter have already been dismissed, it also remains to be seen whether the officeholder's personal qualities and traits or the position's mandate will have a greater influence upon the orientation of the EUSR's work.

Finally, enhanced EU engagement might be impaired by the EU's reputation in the de facto state of Nago-

rno-Karabakh itself—similar to the case of Abkhazia. The EU's standing among Nagorno-Karabakh's population is not very high. According to an opinion poll from 2010, the EU scores lowest—by far compared to Russia, but also compared to France and the OSCE—as regards people's trust towards it, its role in the settlement process as well as its perceived interest in peace. It is in fact the latter question where the EU scores worst. Such distrust is not least linked to the role of the EUSR: People in Karabakh blamed Peter Semneby for not having visited Nagorno-Karabakh once.

### **Any Good? Prospects for Extending the EU's Policy of Non-Recognition and Engagement**

Despite the many political challenges to engage directly with the de facto states which have impeded the implementation of the EU's policy in Abkhazia, it should nonetheless not be abandoned. Furthermore: While the political circumstances are equally complex and hostilities arguably even more protracted in the case of Nagorno-Karabakh, an extension of the EU's Non-Recognition and Engagement policy to Nagorno-Karabakh still has the potential to positively affect the present status quo, albeit indirectly. As regards the Nagorno-Karabakh conflict's mediation process, not only has the *top-level-top-secret* character of the Minsk Group-led negotiations been criticized, Nagorno-Karabakh is neither present in these negotiations, nor is first track mediation substantially undergirded by efforts aimed at conflict transformation. Given Nagorno-Karabakh's isolation, even more severe than in the case of Abkhazia, and the lack of a prior history of international peacekeeping or monitors on the ground, EU efforts that in analogy to the Abkhazian case are targeted at diversifying Nagorno-Karabakh's information field or establishing cooperation in the area of education might at the least be beneficial to laying the ground-work for future reconciliation.

The EU often stresses its potential as a neutral, though not indifferent, mediator and facilitator in the South Caucasus, including in the realm of conflict transformation. Even though perceptions of the EU differ across the region, local actors largely regard the EU as being less partisan than Russia or the US. Yet, the EU has not capitalized on its standing, or effectively tried to do so for that matter. Often, its policy in regard to the conflicts has been more declarative than substantial, more reactive than proactive. The EU's policy towards Abkhazia and South Ossetia with its Non-Recognition and Engagement strategy is a case in point. As concerns the Nagorno-Karabakh conflict, it might be good advice not to wait for an escalation to step up engagement.

*Please see overleaf for information about the author*

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Franziska Smolnik is working as a research assistant to the Russia/CIS division of the German Institute for International and Security Affairs in Berlin and pursuing a PhD on internal developments in the South Caucasus de facto states.

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## Alignment with the EU's Common Foreign and Security Policy in the Southern Caucasus

Sebastian Mayer, Bremen

### **Abstract**

This article deals with the EU's provision for Common Foreign and Security Policy (CFSP) alignment, a procedure by which a number of governments from the EU's European Neighborhood Policy program may support previously adopted CFSP documents. Although they lack the possibility to join the EU and are unable to shape the substance of the CFSP, Georgia, Armenia and Azerbaijan do make use of CFSP alignment, albeit with considerable variance. The article illustrates and attempts to explain the patterns of policy alignment by accounting for a number of key factors.

### **Introduction**

This article illustrates and attempts to explain the patterns of policy alignment to the EU's Common Foreign and Security Policy (CFSP) in the Southern Caucasus (SC). CFSP alignment is a political decision by which a European Neighbourhood Country (ENC) supports a statement or legal act within the CFSP framework that has previously been adopted by EU members. From the EU perspective, this serves to strengthen its voice in regional and global affairs. Alignment obliges an ENC to ensure that its policies are in line with the provisions of the respective document and hence might require policy change. CFSP alignment therefore tends to lead to a convergence with underlying EU norms and rules, and the post-hoc character of this procedure clearly indicates a unilateral adaptation to given EU standards.

Unlike accession countries, ENCs are less prepared to sacrifice their foreign policy autonomy. While the former have eventually been rewarded with the possibility to shape CFSP policy contents, aligned ENCs are neither involved in the drafting of CFSP texts, nor have they a right to veto the adoption of a document. They are simply entitled to align to a previously endorsed CFSP statement, or not align to it. It is no surprise, then, that they sometimes oppose policy change by refusing to align to certain acts.

Despite the lack of influence and the limited prospects for joining the EU, all three SC states do make use of CFSP alignment to gain access to the associated benefits offered by the EU. But alignment occurs with considerable variance. An examination of aggregated data from the EC's progress reports for (non-)alignment with CFSP documents from the whole spectrum of acts

(decisions, declarations etc.) shows that Georgia and Armenia exhibit an impressive CFSP alignment record, compared to which Azerbaijan scores significantly lower. Investigating more closely 33 CFSP declarations from the first months of 2011 illuminates alignment practices more thoroughly. The subsequent sections introduce the practice of CFSP alignment, depict more precisely the alignment record in Georgia, Armenia and Azerbaijan, and give explanations for the differences.

### The Procedure of CFSP Policy Alignment

In 2004, the EU included the SC countries into its European Neighbourhood Policy (ENP), and later they joined the tailor-made Eastern Partnership (EaP) initiative. One of the issue areas in which the European Union seeks to promote convergence with its norms and hence provoke policy change within these schemes is the CFSP. Since June 2007 the EU has formally invited all SC states to align to most of its statements, declarations, draft resolutions, Council decisions and (undisclosed) demarches, except for those of which the country itself is the subject. All ENC's entitled for CFSP alignment (some ENC's such as Belarus or Syria are not permitted to align) do make use of this procedure, but alignment is never complete.

It seems at first sight that due to their declaratory, apparently rhetorical and non-binding character, alignment with CFSP acts is just cheap talk and lacks substance. Yet, these acts are politically binding since EU members and aligned ENC governments affirm that their policies are consistent with their verbal commitments. Aligned countries appear by name in the respective documents. Standard formulas ending EU Declarations or Council decisions, for instance, are 'align themselves with this declaration' or 'ensure that their national policies conform to that decision'. The question of whether and to what extent an ENC indeed behaves in accordance with aligned CFSP acts is much more difficult to answer than the question of formal adoption, which is discussed here.

The functional as well as geographical scope of CFSP documents has ballooned since the early 1990s. Meanwhile the CFSP's output clearly reflects the EU's *acquis politique* with specific measures demanding behavioral compliance, including restrictions against human rights violators or concerning questions of conflict resolution at the EU's periphery, which often intrude far into third party's domestic political systems beyond the European Union and the European Neighbourhood. While the rather rhetorical declarations still represent a significant portion of CFSP policy output, there is a tendency towards increasing the adoption of common policies in the form of Council decisions (formerly 'common posi-

tions'), which usually require specific national action, mostly in the form of implementing restrictive measures against a third state. On behalf of the EU there are no immediate positive (or negative) consequences for an ENC if it aligns extensively (or refuses to do so), but ENP stipulations elucidate the general logic of positive conditionality—'more for more, and less for less.'

### CFSP Alignment in Georgia, Armenia and Azerbaijan

Based on data from the EC Progress and Country Reports between 2008 and 2011, the overall record of CFSP alignment in the SC shows that Georgia and Armenia score relatively high since the inception of the procedure in mid-2007, although there was a certain decline over the years. In 2008 Georgia still aligned with 76% of those CFSP declarations which it was invited to support. This figure dropped to 67% and 64% in the subsequent two years. Armenia aligned in 2009 still to 78% of invited CFSP declarations but this fell also to 64% in 2010. By comparison, Moldova as the best-in-class of all EaP states, aligned in 2010 with an impressive 86% of the CFSP statements it was invited to support. Despite their relative decline, figures for Georgia and Armenia still contrast sharply with those of Azerbaijan. Its CFSP alignment performance fell also, but from a much lower level: from still more than 50% in 2007 to roughly 40% in the following years. Out of the 33 CFSP declarations adopted by the EU between 27 January and 18 May 2011, Georgia aligned to 17, Armenia to 14, and Azerbaijan to just four of them.

A closer inspection of country-specific (non-)alignment behaviors suggests that close proximity of a state addressed in a declaration or its being part of the Former Soviet Union (FSU) is a major factor in an ENC decision to refrain from alignment. None of the SC ENC's has aligned with any of the three declarations (out of the total 33) on the deteriorating situation in Syria, nor with the two declarations on Iran's record of human rights violations and conflict resolution, nor with the three declarations on the human rights situation in Belarus. Only declarations on far-off countries have won some SC ENC support, such as on Libya (where only Georgia aligned to three out of four declarations), on Sri Lanka and Burma/Myanmar (Armenia only), or Côte d'Ivoire and Guinea (Georgia and Armenia). It is noteworthy that Azerbaijan has only aligned with two out of those 21 declarations addressing human rights (one on the occasion of the World Press Freedom Day and one against racial discrimination). The remaining SC ENC's have occasionally aligned with some, albeit by no means all, of these human rights declarations (Georgia ten and Armenia seven out of the 21).



It is also interesting to learn how SC ENCs behave towards each other—particularly given the volatile security situation in the SC. In the period between mid-2007 and the end of 2010, 15 CFSP declarations were adopted which concerned either Georgia, Armenia or Azerbaijan. These declarations dealt with delicate topics, such as elections, the political situation in the breakaway regions or the conviction of a journalist in Azerbaijan. From the 15 declarations a SC ENC had been invited to support, Georgia (out of the six offered it) and Armenia (out of the 11 offered it), each aligned to just one: Georgia to an unfavorable declaration on the ‘presidential elections’ in Nagorno-Karabakh in July 2007, and Armenia to a chiefly positive declaration on the presidential elections in Georgia in January 2008. In amazing contrast to its general reluctance, Azerbaijan aligned to six out of the 13 declarations it had been invited to support, among others on the escalation of tensions between Georgia and Russia in May 2008, on the ‘parliamentary elections’ in South Ossetia in June 2009, on the ‘presidential elections’ in Abkhazia in December 2009, or with the positive declaration on the Georgian strategy on Abkhazia and South Ossetia in March 2010. Although close geographic proximity does largely correlate with non-alignment, these latter observations demonstrate that SC ENCs do not principally refrain from aligning with declarations addressing their neighbors.

### Explanations for CFSP Alignment Patterns in the SC

The question of why Georgia, Armenia and Azerbaijan engage in CFSP alignment in the first place can be answered by looking at the connected benefits of the ENP. As has been said, alignment neither allows an ENC to shape related policies, nor does it provide a clear membership perspective. In fact, there are regular meetings for political dialogue between the EU and each ENC entitled to alignment through the Political and Security Committee, but their outcomes are non-binding. A strong motivation for ENCs to align anyway can be seen in the benefits of the EU’s ‘gift basket’, particularly the perspective of a Deep and Comprehensive Free Trade Area (DCFTA), which are offered by the EU so as to apply the logic of positive conditionality.

Yet, energy rich Azerbaijan is much less dependent on a DCFTA than are its Western neighbors, since there are generally no EU customs duties on imported hydrocarbons—Azerbaijan’s main export commodity. Given the resulting energy wealth, which qualifies it for membership within the club of rent-seeking economies, material gains offered by the EU’s EaP appear even less significant compared to both neighbors. Also, the Azeri

government pursues a multi-vector foreign and security policy that aims at practicing good relations with all neighbors. In this context, Baku recently also joined the Non-Aligned Movement to mark its distance from the ‘West’ as well as from Russia.

Georgia, on the other hand, is clearly oriented towards the ‘West’ and attempts to join both the EU and NATO. Its impressive CFSP alignment performance strongly correlates with its utterly negative perception of Russia. CFSP alignment does not imply any direct security gains since the EU falls short of offering ENCs, as an incentive, the mutual defense clause recently introduced by the Lisbon Treaty. It can be argued, however, that strong adherence to foreign- and security-related EU objectives will overall increase the likelihood for solidarity and support. In October 2008, an EU Monitoring Mission was dispatched to Georgia following its war with Russia. Tbilisi benefits greatly from this assistance since it has internationalized the conflicts and somewhat contains Russia—particularly after the US became more cautious in the region. The EU has appointed a Special Representative for the crisis over Georgia’s breakaway region of South Ossetia (Pierre Morel) and supports ongoing mediation talks in Geneva. Given its implications for new market opportunities for national businesses and industry, Georgia should also be more interested than Baku in the conclusion of a DCFTA. In mid-2010 the EU started negotiations on Association Agreements with the SC ENCs which would replace the current agreements on partnership and cooperation and foresees the possibility for a DCFTA.

The conclusion of a DCFTA should also be important for Armenia which, like Georgia, has no significant raw materials available. But Armenia’s high CFSP alignment record is still puzzling. After all, it also pursues a multi-vector foreign policy (like Baku), implying that good relations are to be maintained with competing great powers to balance external and internal threats. Like Baku, Yerevan is much less dependent on the EU as a security actor, if at all. Moscow largely supports Armenia militarily in the region and maintains large military bases in Armenia proper. In the case of Armenia, therefore, the existence of two influential external actors does not necessarily impose a structural zero-sum logic, which is a significant finding.

### Conclusion

These are first-cut observations only which have to be supplemented by a more detailed analysis. Generally, this contribution demonstrates that policy change and hence convergence is even possible in less institutionalized, high politics fields. Georgia, Armenia and Azerbaijan do make use of CFSP alignment, despite the lack of

influence on the substance of the documents and even though there is no ultimate membership perspective.

This study identified a number of factors to explain variation in the alignment practices of the three countries. Interest-based logic seems to play a crucial role as

alignment turns out to be high where direct or indirect material benefits can be recognized. This suggests, conversely and in a less optimistic perspective, that the EU's transformative power in its neighbourhood is seriously hampered where related benefits carry only little weight.

#### *About the Author*

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## Eastern Partnership Civil Society Forum: The View of a Participant from Armenia

Gevorg Ter-Gabrielyan, Yerevan

### **Abstract**

Civil Society is considered a major component in the architecture of change and development in the European Neighborhood. The EU supports civil society in its Neighborhood in a variety of ways: funding; supporting the issues raised by NGOs and public advocates; and joining in the struggle for human rights, free and fair elections, and other causes. While building the strategy of the Eastern Partnership and assimilating the lessons learned from the Arab spring, the EU leadership, particularly the European Commission, included a very specific element in the architecture of relations with eastern neighbors: the Civil Society Forum (EaP CSF). This is an entity which, if it works, will achieve a change in the traditional conduct of relations between the EU and its Eastern neighbors: diplomacy between governmental and EU officials will be complemented with interactions involving a third actor, namely civil society. For the first time, civil society is being asked to join a process which has been traditionally confined to the domain of governments. This is a challenging idea, and its significance surpasses any particular project support that the EC has given to civil society so far or is planning to give in the future. This effort is about making civil society a participant in power sharing on reform and raising the country closer to EU standards.

This article describes the experience of a group of NGOs from Armenia in the Eastern Partnership Civil Society Forum. This narrative, based on elements of a participant observation, concludes that whatever support the EU and EC provide to civil society, if NGOs are incapable of ethical and professional self-determination, the reform and Civil Society Forum will not succeed. Thus, despite the fact that EU support is crucial, what is most important is the capacity of NGOs, the media, and other pillars of civil society to be able to unite for a good cause and to clean their ranks, getting rid of those who are working for the failure of reform, based on the post-Soviet traditions of imitating reform and building Potemkin Villages instead of promoting genuine change and progress.

### **First Steps**

The idea of a special role for civil society in the Eastern Partnership was included in its constitutional process

from the beginning: in May 2009, when the process started in Prague, there was a pre-forum civil society conference, which discussed many potential mecha-

nisms for civil society engagement. Afterwards, NGOs in Eastern Partnership countries received an invitation from the EC to apply to participate in the Forum. They were selected based on certain criteria and quotas. What seemed problematic then was that it wasn't clear who sat on the selection panel, in addition to the EC, and what the selection criteria were. Talking among themselves, some of the selected NGOs from Armenia learned from each other that they had been selected, came together and discussed the lack of information about what to expect.

The first Forum was an impressive large scale event, which brought together about 300 NGOs. In a very restricted time they had to come up with the major lines of strategy for the Forum. Most of the thinking had taken place beforehand, and there was already a draft paper available, partly based on the ideas of the first organizing committee, and partly on the rare submissions from those who replied to the Call for Submissions which was circulated beforehand. The draft was discussed and amended during a short plenary session, skillfully led by Eugeniusz Smolar. While many delegates were probably unhappy, because they felt that there was not enough time to discuss issues and digest the events, the overall shape of the strategy, or at least some elements of it, were constituted then.

Knowing how difficult it is to lead the ubiquitous group of people called civil society, one should not have had exaggerated expectations. The spirit of the event, the fact that civil society was asked, with all seriousness, to come and join in the process, had such an important and significant potential, that it did not really matter that the process of including them was essentially undemocratic. In order to create such a complex network, someone had to exercise some serious leadership. If NGOs are left to themselves to discuss things, coming to a joint position may take a very long time.

The most worrying thing at the first Forum was that too much time and attention was allocated to setting up the Forum structures, instead of focusing on the content of what had to be done and defining subsequent activities.

### Electing Leaders

At the same time, the process of electing national facilitators was a huge learning opportunity for everybody, since it immediately became clear that all those who are more interested in power games rather than in work, pay considerable attention to this process. During the elections, some would leave the room and consult, via mobile phones, with their superiors who apparently were government officials. Thus apparently those who were lobbying so actively and consulting governments were

GoNGOs, government-affiliated NGOs rather than authentic grassroots NGOs.

Since the elections were clearly important, the 'non-aligned' NGOs also became attentive to the process. Some already had experience and knew what to expect from the GoNGOs in such situations. Many NGOs had experience with international processes similar to this one, such as the UNHCR CIS Conference, where NGOs also played a huge role in 1999–2005; as well as national ones, such as the Millennium Challenge Corporation project in Armenia, which had an NGO monitoring group set up to accompany it. That group was 'hijacked' by GoNGOs and many genuine NGOs left it as a result.

The EaP CSF, though newborn, was going to focus on monitoring, and perhaps even facilitating, the EaP implementation process, thus there was going to be a very specific role for the NGOs. The fact that the GoNGOs became so agitated demonstrated what high significance the EaP governments had assigned to this process.

Eventually the Armenian delegation, via argument and conflict, agreed to have a secret ballot and fair elections. There were about seven candidates out of twenty something delegates. The competition was tough. Ultimately, the person who received the majority of votes won. The leaders of Armenian civil society demonstrated that they could uphold a democratic process, even though, as on Noah's Ark, they had a pair of every possible NGO in their delegation.

In hindsight it is clear that whoever selected the participants for the first Forum indeed did a fair job: it is difficult, from the outside, to discern a 'good' NGO from a 'bad' NGO, or a GoNGO from a non-GoNGO, if all of them are working actively and, it seems, promoting good causes. The task is made even more difficult because in a undemocratic society, non-GoNGOs often are the victim of negative publicity, whereas GoNGOs, to the contrary, frequently receive positive press.

### Building a National Platform

Since then, the Forum delegates from Armenia tried to build consensus and failed, until recently. Among all six EaP states, Armenia made the first serious attempt to build a National Platform (NP). The fact that NPs are the main structure via which the EC would like to build its relations with EaP civil societies became obvious much later on, in a year's time.

But this first attempt in Armenia didn't work, because the GoNGOs tried to take advantage of the more liberal non-GoNGOs, by bringing fake NGOs into the platform, thereby violating its regulations, the very same rules that they had adopted earlier on. For instance, more than 10 NGOs applied for membership

in the Platform from one and the same email address. One of the NGO leaders had several NGOs under his control, and he applied in the name of one, whereas other NGOs which he led applied with other names attached. But they were all governed by one and the same person.

The conflict around the NP continued in Armenia for two years: it went through the Second Forum and finally essentially resolved itself after the Third Forum in Poznan. The Second and the Third Forum were better organized than the First one. The CSF had already acquired some identity also thanks to the work conducted between the Forums. The Steering Committees, which were elected at every Forum, comprised six National Facilitators from the target countries, eight leaders of the Working Groups (one from East and one from the EU) and three representatives of EU civil society. These very diverse 17 people had to learn to work together, deliver a united message to the EU and EaP, and promote the work in their respective constituencies. Obviously this was not an easy task, particularly since everyone was working on a voluntary basis as these positions were not paid. The opportunity existed for better financed NGOs or international NGO networks with formally organized structures to be able to subsidize their leaders for engaging in this work. This situation was dangerous, since better financed NGOs are a rare occurrence in our world of high competition and difficult funding environments for civil society, and if some exist, this may be due to the fact that they are not a 'real' NGO, but, again, a GoNGO.

### Dealing with Fraud and Manipulation

In any case, the Forum gradually matures. Though, to be fair, one should also note that it has not achieved any visible breakthrough except for, perhaps, putting an end to the Armenian NP conflict. The Armenian delegates to the three consecutive Forums came together in Fall 2011 and declared that they constitute the decision making body of the National Platform, and that its work will be constructed so that it will give a chance to any NGO to engage, however, the responsibility for ensuring the platform's stability is in the hands of the delegates. This was done because the first version of the NP, which was declared void, did not contain mechanisms for protecting itself from fraud and manipulation.

Here again, skilled politicians from among the GoNGOs tried to use the tactic well known to anyone who has gone through the transition ups and downs since independence. If one wants to lower the significance of one organization, say, of a party, one creates a fake party with the same name. For instance, in Armenia in earlier years there existed two parties both called 'Dashnaktsutyun'. Today, in addition to the Open Soci-

ety Institute (the Soros Foundation), there is another NGO which calls itself the Free Society Institute, which creates certain confusion in the Armenian language. In fact this NGO follows principles very different from those of the well-known Foundation. Examples are numerous. This trick can be traced back to the tenet 'divide and rule', perhaps with an addition: 'divide, baffle the public, and rule'. The other trick is to use a positive and respectful combination of words which connote democratic values to create an entity committed to achieving the opposite. One of the famous examples is the Liberal Democratic Party of Russia, which is more commonly known as the party of Vladimir Zhirinovskiy.

The other trick is to hide the truth behind positions. A conflict is usually perceived from outside as a situation in which both sides are simultaneously correct in some things and wrong in other things. In the absence of higher arbitration, it is very difficult for an outside observer to distinguish who is right and who is wrong, and the usual approach is to try to make peace between both rather than to adjudicate and give the victory to one side. There is no arbitration system yet which can distinguish between the intrigues of GoNGOs and fake NGOs and the normal behavior of an NGO. This is possible to do, and for a long time some in the Civil Society Forum have advocated conducting an NGO audit. Probably it will become possible soon.

However, even in the absence of such a methodology and criteria, the majority of the Armenian delegates from the three Forums were still able to resolve the conflict. What did they do? First, they didn't let it go. They didn't allow the fake platform promoters to get what they wanted. This required courage and determination. Second, they asked for arbitration: they approached the Steering Committee with a request to arbitrate, albeit informally, in the form of sending an observer to their decision-making process. The Steering Committee recognized that their actions corresponded to the rules and supported them.

Now, finally, the conflict is resolved and there is only one National Platform in Armenia. It welcomes all those who want to join and work for advancing civil society and democracy and for pushing Armenia closer to European standards. This was a small victory for genuine civil society, which should be nurtured and built upon.

### Conclusion

Looking back, one can note that the conflict, though tough, was worthwhile: it gave a chance to genuine NGOs to unite and to all those who were observing the situation to differentiate genuine NGOs from GoNGOs. If at the beginning of the process no outsider and not many insiders could distinguish clearly GoNGOs from

authentic organizations, now it is easier to do. It is easier now to work out the criteria for an NGO audit. It is easier to gather lessons learned from the process in order not to repeat the same mistakes in the future. It is easier also to find a niche, a proper role for GoNGOs, if they, of course, abandon their habits of manipulation and engage in serious work, which is unlikely.

Since this is unlikely, the conflict is not over yet: there should be constant preparedness to react properly to the attempts of GoNGOs to ‘hijack’ genuine civil society processes. Here the role of international organizations and particularly of EU Delegations is crucial. Newcomers can easily be attracted to GoNGOs. GoNGOs may be camouflaged behind highly educated, bright and well dressed prosperous individuals with excellent English skills who use exactly the right buzzwords. Or, to the contrary, they may use the image of a genuine grassroots person, with imperfect language skills, who overtly express his or her healthy skepticism about the West–East relationship. It is, in a way, a dream of those internationals who help these countries to become more democratic and prosperous to see strong NGOs which cooperate with governments; isn’t this an indication that change is taking place? It is so comfortable to ask an NGO for help dealing with a difficult government official and get what one needs. Isn’t this an indication of the high influence and standing that NGOs enjoy in the given society?

The leaders of these NGOs can smartly explain why it is that their government is still less democratic than it promises, dwell on how difficult it is to overcome

the post-soviet condition at length, and emphasize that change does not happen overnight. They have sung this song now for 20 years since independence.

But it’s not that difficult to distinguish the truth from falsehood: we know that the governments are not democratic; we know that elections are not being conducted in a free and fair manner; we know that corruption is rampant; more in one country than in another, but still, there is a long way to go. Governments should prove their democratic inclinations via easily discernible commonsensical actions, so that the ordinary citizen notices the change. Elements of this have taken place in some or all EaP countries, but in some cases change is slow or non-existent; and even successful change raises the issue whether it is sustainable or not. NGOs, particularly those working on democracy and human rights issues, should be skeptical about the governments, and governments should be ready for non-stop healthy criticism. Those governments who shy away from that healthy criticism utilize the mechanism of GoNGOs to divert attention from their shortcomings. GoNGOs will continue to function as a mechanism to divert the attention of the international community, and sometimes of the domestic one, from real challenges and problems and to present ‘Potemkin villages’ in the place of the real situation, as long as governments are not sufficiently reformist or there is no political will for serious reform. GoNGOs will present their position as principles, beliefs or values, but in fact they are serving the purpose of those who have accumulated wealth and power via unfair and/or illegal means. Let us be aware of this.

#### *About the Author*

Gevorg Ter-Gabrielyan is the country director for the Eurasia Partnership Foundation in Armenia. The views presented in this article may not coincide with the views of Eurasia Partnership Foundation.

## DCFTA and Georgia: Means or End?

Badri Kochoradze, Tbilisi

### Abstract

Georgia's historical aspirations for an European affiliation could be largely met through further political association and economic integration with the EU. Both of these tracks could proceed simultaneously with an emphasis on either track depending on the particular circumstances of Georgia's ongoing internal and external developments. With the Partnership and Cooperation Agreement (PCA; concluded in 1996 and enacted in 1999) and the European Neighborhood Policy (ENP, launched in 2004) with its respective Action Plan (adopted in 2006) and Eastern Partnership (EaP, inaugurated in 2009) serving as appropriate platforms for Georgia's Europeanization for years, the dramatic changes on the ground both in the EU and Georgia prompted adjustments that resulted in an extensive review of ENP policies (especially, with the Danish EU presidency starting on January 1, 2012). Among the most important principles underpinning those policy tools are conditionality and a country-tailored approach, providing Georgia with the foundation for choosing the pace and determining the ambition with which to engage in integration processes with the EU.

### Value System

While in the long-run economic integration would most likely yield positive outcomes for Georgia—particularly through establishing the Deep and Comprehensive Free Trade Area (DCFTA)—Georgia's European aspirations are more driven by political (and/or security) considerations since Georgia's leaders perceive ties to Europe as a way to preserve a self-identity that they associate with European values. Indeed, it could be argued that the root causes behind the disagreements dividing Georgia and Russia, which in August 2008 escalated into all-out war, did not pertain to economic, trade or even geo-strategic interests, but rather in widening differences in the values to which each government aligned itself. More specifically, had Russia adhered to a Western system of liberal values since the collapse of the Soviet Union, it is highly likely that Georgia would never have found itself at loggerheads with her.

### Security Considerations

Therefore, the Common Foreign and Security Policy (CFSP) and European Security and Defense Policy (ESDP) components of the would-be Association Agreement (AA; launched in mid-July 2010) envisaged by EaP as a successor to the PCA tend to occupy larger sections of Georgia's political discourse than do Comprehensive Institution Building (CIB) and DCFTA. Indeed, both the National Indicative Program (NIP; 2007–2010) that included peaceful settlement of Georgia's internal conflicts, and especially the Country Strategy Paper (CSP; 2007–2013), which stressed priority areas like the resolution of internal conflicts and cooperation on foreign and security policy, clearly identify the focus of Georgia's Europeanization drive. In addition, such considerations as the historical and legal precedent of a split country joining the EU (Cyprus); the pacifist nature of

the EU as a recipient system advocating so-called soft (and increasingly smart) power that does not pose a military or geostrategic threat to geopolitically anxious third countries like Russia; the manageable territory and population of Georgia and its cultural proximity to the EU; the accelerated pace of systemic reforms in Georgia; the clearly western orientation of its value-system and lifestyle, and the EU's strategic interest in the Caucasus, of which Georgia is a gatekeeper, make Georgia's accession to EU membership time and energy consuming, but a realistic possibility in the eyes of the Georgian polity.

At the same time, the Russo–Georgian August 2008 war, although relatively small-scale and short, exposed serious security breaches that call into question the whole post-Cold War security architecture in Europe and broader Trans-Atlantic community. While prioritizing the security component in its relations with the EU, Georgia faced a variety of challenges during the last couple of years. These included the EU's inability and/or unwillingness to counter the obstruction of the Paris Charter, which prevents changing internationally-recognized borders in Europe by force; the EU's inability and/or unwillingness to interfere when the existing agreements and pacts pertaining to international laws which were violated (by intermittent Russian air raids in the run-up to the August war, the unilateral withdrawal of Russia from the Conventional Forces in Europe treaty, etc.); the EU's inability and/or unwillingness to consolidate the post-Cold War gains (Bucharest Summit: Ukraine and Georgia); the EU's inability and/or unwillingness to broker a just peace and to enforce it (the Sarkozy–Medvedev Agreement); a split between Old Europe (France, Germany) and New Europe (Poland, Baltic countries) in terms of the extent of the measures that they can and are willing to take; and the lack of clarity in relations between the EU defense and secu-

rity policies and NATO policies. On the other hand, in facing those challenges, the EU demonstrated its willingness to act in spite of internal strife. Indeed, the EU pledged 500 million euro for post-war rehabilitation in war-torn Georgia (October 22, 2008, Brussels donor's conference); the EU presidency ably interfered and brokered the cease-fire in the August 2008 Russo–Georgian war; the EU Monitoring Mission was deployed and staffed with unprecedented speed; the monitoring tools like the Incident Prevention and Response Mechanisms (IPRM) were introduced and used with ingenuity, the EUMM service term was extended for the next several years—all these steps proved the EU's readiness and determination to become an international player upon which others could depend. One of the biggest challenges however, that Georgia has to be aware of vis-à-vis its EU-sponsored security expectations is the vagueness of relations between the emerging EU defense mechanisms and NATO, with the imperative for the EU measures not to develop at the expense of the NATO relationship.

### Free Trade

It is worth noting that the PCA has largely prepared the ground for the launch of the DCFTA. Indeed, through the PCA, which also eliminated trade quotas and provided protection for intellectual, industrial and commercial property rights, the parties—Georgia and the EU—have accorded each other the Most Favored Nation (MFN) treatment and Georgia has already (since 1999) benefitted from the EU's General System of Preferences.

The EU companies which invested in Georgia were supposed to receive treatment at least as good as any Georgian or any third nation company (whichever is better); likewise, any Georgian company which invested in the EU should be treated as well as European companies. The treaties included provisions, like the PCA, such that: legally-employed workers from the EU and/or Georgia should benefit from non-discriminatory working conditions; neither EU governments nor the government of Georgia can stop current payments for goods and services nor block direct capital movements from the EU to Georgia and vice versa; and the owners of intellectual property can expect to have the equivalent legal protection of their rights in the European Union and Georgia within five years.

However, even if Georgia reaped some fruits from the CIB (e.g. civil service, police, and army reforms), the challenges posed by DCFTA look more formidable, though some progress has been made in this regard as well (for instance, agreements on Geographical Indications and Intellectual Property). Most importantly, Georgia is likely to face systemic difficulties in

implementing and sustaining the commitments that the DCFTA would require. Indeed, although Georgia's World Trade Organization (WTO) membership since 2000 and the bilateral AA may serve as facilitating factors for successfully kick-starting the DCFTA, overcoming the technical obstacles, like compliance with the Agreements on Conformity Assessment and Acceptance of Industrial Products and the recognition of equivalence achieved by partners related to sanitary and phyto-sanitary standards for agricultural and food products and the standards for capital and the supply of services (especially in banking), will take considerable time. In addition, while striving for EU integration, the Georgian government ought to make a strategic policy choice between libertarian and more regulations-based economic models: policy swings between the US-style free market and the more socially-responsible market advocated by the EU are not helpful. Indeed, as in the case of the criminal justice system, the Georgian authorities need to finally make up their minds as to which economic model to adhere to—an European one that is based on the EU founding Treaties or the Anglo-American one with its belief in purely free market principles. Interestingly enough, depending on the extent to which at particular stages of international development Georgia finds itself predominantly affected by either EU or US legal and economic models, switching between one or the other causes, if not the loss of institutional memory, then at least conceptual, practical and institutional confusion. Since after the August 2008 war, EU influence in Georgia has steadily grown to a certain extent at the expense of the US, currently the Georgian polity looks more inclined to embrace European rather than Anglo-American legal and economic paradigms with the political system still largely residing in the US-dominated framework. Making declarations of not seeing principled contradictions between the two does not go beyond mere exercises in political correctness.

### Finance

With the ongoing EU financial difficulties and the near-collapse of the Greek financial system severely threatening the integrity of the whole euro-zone and European Monetary Union (EMU), before proceeding further with the DCFTA, both the EU and Georgia have to rethink their respective strategies to accommodate drastically-changed realities on the ground. True, Georgia has been taking the right steps since September 2008 to keep its financial stability intact (and was greatly helped by massive financial injections intended for post-war rehabilitation). For instance, through a new bond issue (April 2011) the Georgian government redeemed USD 417 million from its USD 500 million five-year

Eurobond (issued in April 2008), which was due in 2013—a step approved by international financial institutions<sup>1</sup>. However, although Fitch has increased Georgia's sovereign-credit rating one notch up to BB-, its net external debt is still among the highest among BB-rated sovereigns at 47% of GDP and this credit rating is still three points short of the investment grade so vital for the struggling Georgian economy in times of global financial turmoil. Sound monetary policies, however, are not enough for Georgia to benefit from joining the DCFTA unless it successfully managed to stick to credible, healthy and sustainable macro- and micro-economic fundamentals. There is no alternative to revitalizing agriculture and internationally competitive industries in the sectors traditionally pursued in Georgia since these are capable of creating large-scale employment for the local labor force that generates value marketable internationally. Otherwise, an already massive gross external debt worth USD 10.8 billion, will by 2023 accumulate to reach figures technically impossible to cover through any monetary solutions and gov-

ernment default and bankruptcy would seem inevitable irrespective of previous deals made with the EU and/or other partners.

### Conclusion

The DCFTA is certainly an appropriate instrument for the EU to stimulate Europeanization in Georgia. Georgia has no viable alternative to Europeanization (or more generally, Westernization). The EU's approach to EaP countries generally, and Georgia particularly, is adequately ("country-tailored") conditioning their political association and economic integration on the pace of reforms and individual ambitions. Taking into account that Georgia is currently more interested in the security aspect of the EU's role in the post-war context than in the economic benefits of a DCFTA, it will take more time for Georgia to reap the fruits of those benefits. Due to the dramatically increased role of the EU in Georgia, the government tends to implement "Eurocentric" reforms even if they contradict its libertarian doctrine and practices.

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Badri Kochoradze is an independent expert specializing in international politics, social sciences and European studies. With a PhD in psychology and Master's degree in public administration, he accumulated extensive experience in academia as well as in the area of development assistance while working with different international organizations.

1 Prior to the buyback Georgia's sovereign external amortization was scheduled to increase from USD126m in 2011 and USD294m in 2012 to USD947m in 2013, before declining to USD320m in 2014.



## EU–Azerbaijan Relations: Enhancing Human Rights and Democracy within Eastern Partnership Initiatives

Anar Mammadli, Baku

### Abstract

The European Union's initiatives in the framework of the European Neighbourhood Policy and Eastern Partnership (EaP) program advance the EU–Azerbaijan relationship and cooperation to a new level. These initiatives create new perspectives for the European enlargement process as well as increasing trust in future cooperation on democratization and good governance between Azerbaijan and the EU. However, the European countries have significant economic, energy, and geopolitical interest in Azerbaijan, and these interests play a major role in shaping Azerbaijan's participation in the European integration process. Nevertheless, the future of these relations, including the preparation and signing of an Association Agreement within the EaP depends on the human rights and democracy situation. Therefore, the participation of Azerbaijan in the EaP provides a new opportunity for increasing international support for the development of democratic institutions in the country.

### Lack of Progress in the Protection of Human Rights and Democratization in Azerbaijan

Human rights and democracy were the main factors affecting the European integration process of Azerbaijan during the last decade. Particularly important was Azerbaijan's relationships with the OSCE and the Council of Europe in recent years. As a member of those institutions Azerbaijan has committed itself to several international human rights obligations. However, despite the fact that Azerbaijan's implementation of these obligations is deteriorating year by year, pressure from the international organizations, along with that applied by the Western countries, is quite weak. Meanwhile, the EU's announcement of its Eastern Partnership program brought new tension to the discussion of Azerbaijan's integration into Europe due to Azerbaijan's poor record on implementing its international human rights and democracy commitments. Therefore, many are suspicious that Azerbaijan will actively seek to develop democratic institutions even with EU assistance.

Since 2009, when the EU announced the EaP initiatives, Azerbaijan has not introduced any reforms to improve the situation regarding human rights and good governance. For example, now Azerbaijan is among the states with the highest rate of corruption; according to Transparency International's Corruption Perception Index, Azerbaijan ranks 134<sup>th</sup> among 178 states in the world and stands at 9<sup>th</sup> place among post-soviet countries. At the same time, Azerbaijan is one of only a few Council of Europe member that has taken no action to provide independent and impartial courts.

The media situation also remains problematic. Despite the efforts of local and international organizations, the parliament has yet to adopt a law that would decriminalize slander. Furthermore, the legislature amended the Law on Mass Media in ways that significantly restrict journalists' rights to gather information. The major con-

cern regarding the media is the persecution of independent and opposition journalists. Sometimes, journalists face violence, including kidnapping and beatings.

Recent elections held in Azerbaijan did not meet the OSCE and Council of Europe standards on free and fair elections, according to domestic and international observers. For example, a joint statement of the OSCE/ODIHR, OSCE PA, PACE and the European Parliament on the results of monitoring the 7 November 2010 parliamentary elections points out that the elections were marred by the political dominance of one party, intimidation and harassment against voters and candidates, the lack of alternative views in the broadcast media, a scarcity of critical print media, and a lack of impartial news.

Despite the efforts of domestic and international human rights organizations, as well as the Council of Europe, political prisoners have not been released and, on the contrary, their numbers have increased. For instance, together with the political activists detained in the first four months of 2011, more than 60 people remain imprisoned or on trial facing politically-motivated charges.

Also, after the 2005 parliamentary elections, freedom of assembly has faced serious restrictions. The government does not permit political parties to conduct rallies, and where rallies are held without permission, they are dispersed by police, while participants are detained.

In the current circumstances, Azerbaijani government initiatives for pursuing negotiations with the EU as part of EaP seem hopeless and inadequate to the EU's efforts aimed at promoting human rights and democracy. So far, there has been little more than dialogue about these issues. The Azerbaijani government established a State Commission on Integration to Europe with nine working groups attached to it in order to prepare an Action Plan on a number of documents in cooperation with the European Union, including the European Neighbourhood Policy and the Association Agreements

within the framework of the EaP. Unfortunately, discussions within the government and negotiations with the EU have not been open to the public and have been held in a non-transparent manner.

### **Prospects for the Inclusion of Civil Society and Political Parties in Azerbaijan in the Eastern Partnership Process**

Azerbaijan's two-year experience of participating in the EaP discussions shows that this process will face difficulties in the near future and only political will on both sides can ensure any kind of progress. However, thanks to Azerbaijan's presidential political system, in which the president has extensive executive authority at the national and local levels and effective political control over the legislative and judicial branch, the political will of the president is essential to the success of legal and political reforms on human rights, public administration, and good governance.

Beyond its work with the government, the EaP has created new possibilities for establishing EU relations and cooperation with political parties and civil society organisations. In this respect, the establishment of the Azerbaijan National Platform within the EaP Civil Society Forum may positively impact the participation of NGOs in the Azerbaijani political process. Hence, NGOs working in the sphere of human rights and democracy in Azerbaijan have gained an opportunity to exchange information and cooperate with their counterparts both in other EaP countries and EU member states. But, unfortunately, the relations and cooperation between political parties operating in Azerbaijan and political parties in the EaP and EU states are not well developed yet; ultimately these ties might help some political groups in Azerbaijan concentrate on European integration and collaboration in order to improve human rights and good governance. Presently, a number of NGOs are actively supporting Azerbaijan's participation in the EaP and striving for the successful implementation of this process.

The necessary reforms in the sphere of democracy and human rights that are considered as a primary prerequisite for integration into Europe are now key elements in most of the platforms adopted by Azerbaijan's political parties. At the same time, there is an interest in increasing the role of Azerbaijan in the EaP among the parties that currently have representation in the parliament and those that do not. However, many political parties, non-governmental organizations and a significant part of the population at large do not believe that the EU is sincere in its initiatives promoting human rights and democracy. Generally, the popular opinion

is that, the Azerbaijani authorities can ignore EU pressure on human rights and democracy by playing on the energy and geopolitical interests of the Western countries. Therefore, the interest of citizen groups in European integration will depend on the level of EU support for human rights and democracy.

The European Commission recently carried out discussions on the implementation of the National Indicative Plan and the European Neighbourhood Policy Action Plan in Azerbaijan for the purpose of evaluating reforms in the sphere of democratic governance and rule of law. This process involved officials, representatives of civil society groups and political parties. But such evaluations should be more active and consistent and should increase public accountability and responsibility in the process of preparing an Association Agreement.

The European Commission's funding for both national and cross-border projects increased technical support for developing the judiciary and justice system, public administration, civil society and independent media for the purpose of establishing democratic institutions in Azerbaijan. However, consistent and sustainable support to specific areas of human rights and democracy, including institutional support for the development of independent media and the promotion of political rights is necessary. For example, there are only a small number of independent electronic media outlets in Azerbaijan, and essentially no independent television and radio broadcasters, as is true in several other EaP countries. This situation prevents the provision of strong guarantees for freedom of speech in these countries, which is one of the main requirements for democratisation. In order to change this situation TV and radio channels funded by the EU should broadcast programs to the EaP countries and create special news departments in those countries, including Azerbaijan, to provide alternative information. Strengthening technical assistance for human rights and democracy should be accompanied by political support within the EU. The previous experience of other international organizations shows that technical assistance is not enough to develop democracy in Azerbaijan and such technical aid should be accompanied by the political support of the Western countries.

Since the launch of the EaP, the main shortcoming of Azerbaijan's participation in this program was its delay in the signing of an Association Agreement with the EU. Unfortunately, the government is not interested in attracting civil society and political parties to this process. At the same time, the EU's cooperation mechanisms could be designed in a way that would ensure the involvement of civil society and political parties.

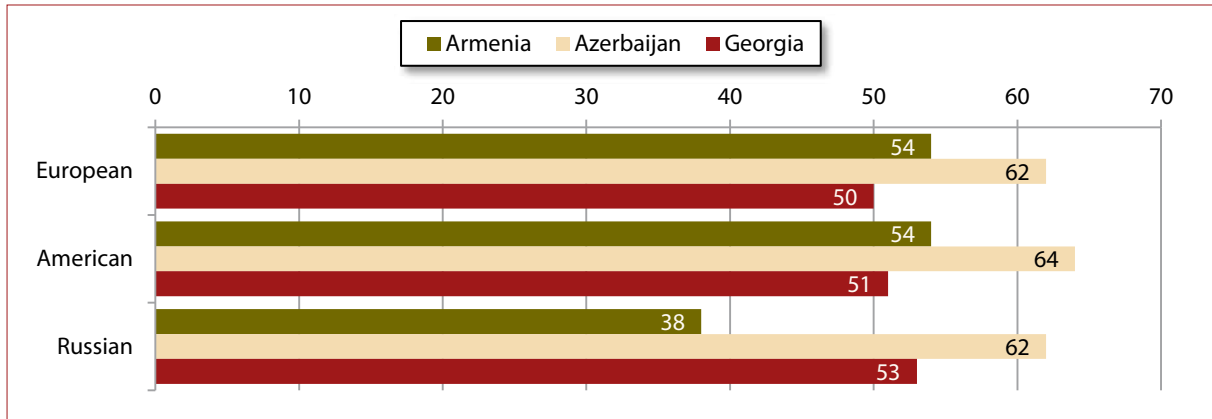
#### *About the Author*

Anar Mammadli is the chairman of the Election Monitoring and Democracy Studies Center and a political rights activist working in Baku.

## OPINION POLL

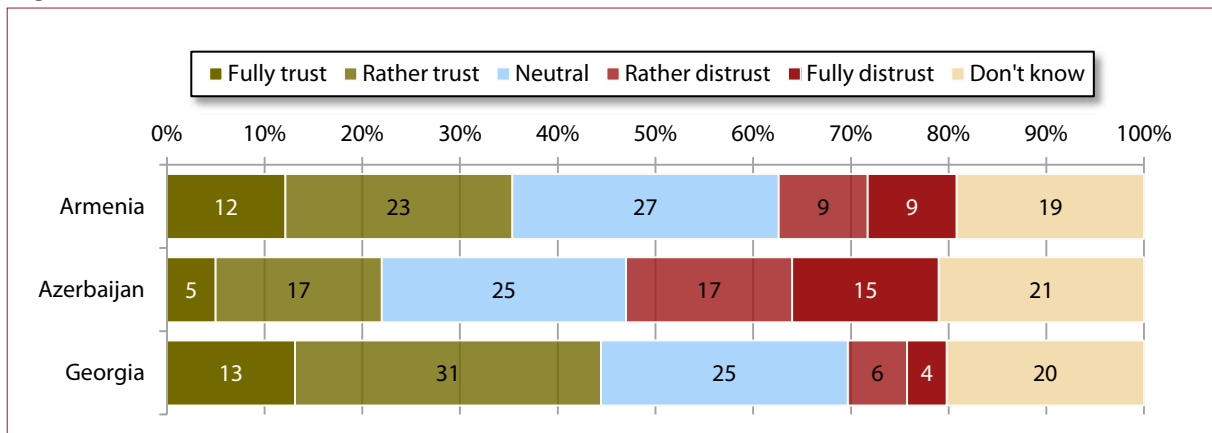
## Attitudes Towards the EU

Figure 1: Our way of life needs to be protected against ... influences. (%)



Source: representative opinion poll by Caucasus Research Resource Centers. "Caucasus Barometer 2009 and 2010", <http://www.crrccenters.org/caucasusbarometer>

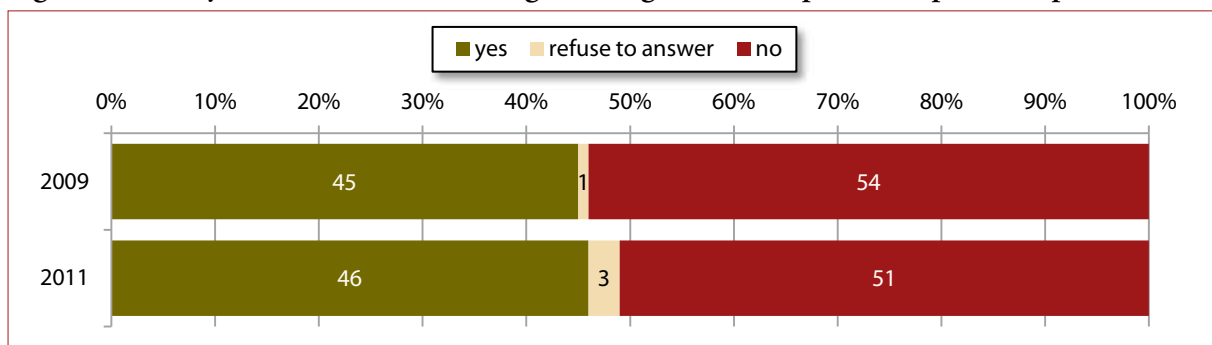
Figure 2: Trust in the EU in the three countries of the South Caucasus (%)



Source: representative opinion poll by Caucasus Research Resource Centers. "Caucasus Barometer 2010", <http://www.crrccenters.org/caucasusbarometer>

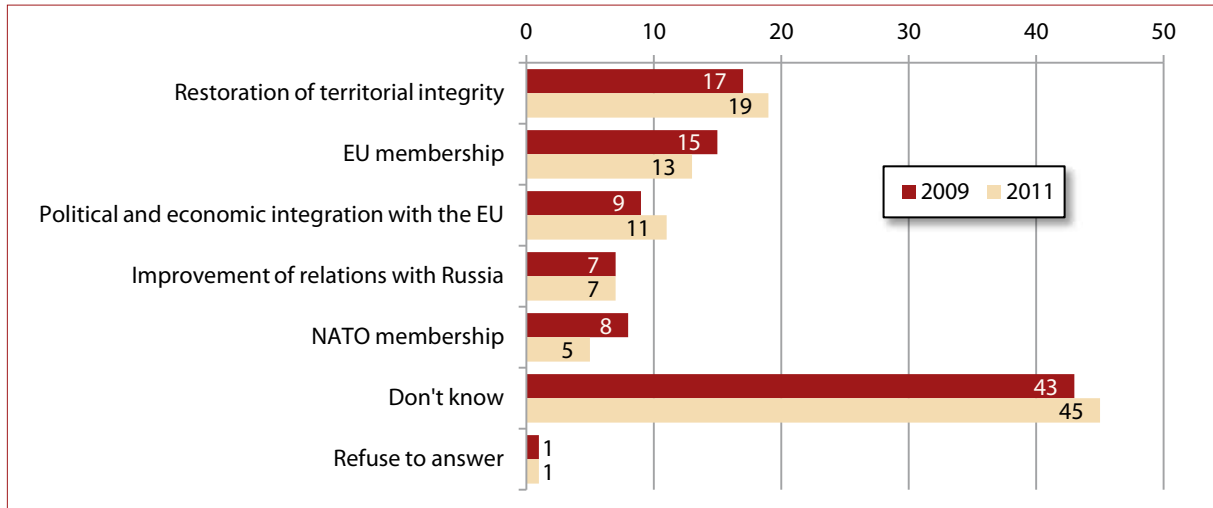
## Georgia's Population on Relations With the EU

Figure 3: Have you heard about the Georgia–EU agreement on partnership and cooperation? (%)



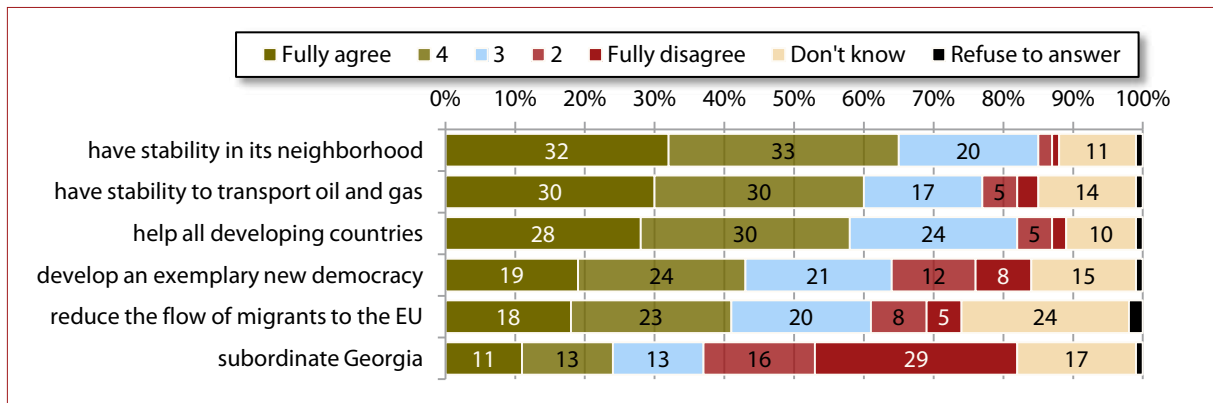
Source: representative opinion poll by Caucasus Research Resource Centers. "Knowledge and Attitudes toward the EU in Georgia", <http://www.crrccenters.org/caucasusbarometer>

**Figure 4: What will be the result of the Eastern Partnership for Georgia? (%)**



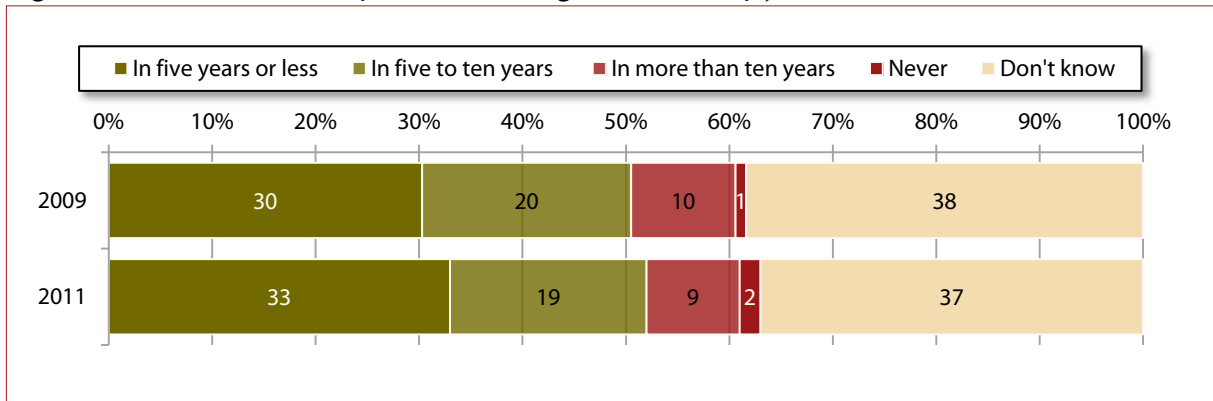
Source: representative opinion poll by Caucasus Research Resource Centers. "Knowledge and Attitudes toward the EU in Georgia", <http://www.crrccenters.org/caucasusbarometer>

**Figure 5: The EU supports Georgia because it wants to ... (2011, %)**



Source: representative opinion poll by Caucasus Research Resource Centers. "Knowledge and Attitudes toward the EU in Georgia", <http://www.crrccenters.org/caucasusbarometer>

**Figure 6: When, if ever, do you think Georgia will actually join the EU? (%)**



Source: representative opinion poll by Caucasus Research Resource Centers. "Knowledge and Attitudes toward the EU in Georgia", <http://www.crrccenters.org/caucasusbarometer>

## CHRONICLE

## From 19 December 2011 to 14 February 2012

19 December 2011	Russian Deputy Foreign Minister Sergey Karasin visits Abkhazia and meets with Abkhaz leader Alexander Ankvab
19 December 2011	Chairman of the Union of Industrialists and Entrepreneurs Arsen Ghazarian says that unfair economic competition remains a problem in Armenia despite new anti-trust measures
20 December 2011	The Georgian Parliament approves the Georgian President's request to send one additional infantry battalion to Afghanistan to serve as part of the NATO-led International Security Assistance Force (ISAF)
22 December 2011	The French lower house passes a bill that makes it a crime to deny cases of genocide as defined by the French state including the Armenian mass killings during World War I which France recognizes as a genocide
23 December 2011	The Georgian Parliament approves Georgia's new national security concept replacing the one adopted in July 2005
23 December 2011	Georgian President Mikheil Saakashvili attends the state funeral of former Czech President Vaclav Havel in Prague
24 December 2011	Head of the Georgian Orthodox Church Ilia II meets with billionaire opposition politician Bidzina Ivanishvili
28 December 2011	The breakaway region of Abkhazia's statistics office releases the final figure of the population census results with the population of the breakaway region standing at 240,705
28 December 2011	The opposition parties Armenian Revolutionary Federation (Dashnaktsutun) and the Heritage party urge the Armenian government to hold upcoming parliamentary elections solely on a party-list basis to avoid elections fraud
31 December 2011	The Georgian defense ministry says that a Georgian soldier was killed in Afghanistan, bringing to 11 the number of Georgian servicemen killed while serving with NATO-led forces
3 January 2012	Armenian President Serzh Sarkisian inspects military facilities in the disputed region of Nagorno Karabakh and meets with Karabakh Armenian military commanders
12 January 2012	Representatives of five extra-parliamentary opposition parties in Azerbaijan meet to create a new opposition alliance, Resistance Movement for a Democratic Society
16 January 2012	The websites of Azerbaijani official bodies are hacked and become inaccessible for several hours
16 January 2012	Leaders of two opposition parties in Armenia's Parliament accuse John Prescott, a top official of the Council of Europe's Parliamentary Assembly (PACE), of pro-government bias after a meeting in Yerevan
16 January 2012	Police officers attack hundreds of Azeri taxi drivers demonstrating in front of the Transport Ministry in Baku against new restrictions on the use of privately owned cars as taxi vehicles
19 January 2012	Georgian Foreign Minister Grigol Vashadze meets with Turkmen President Gurbanguly Berdimuhamedov in Ashgabat
19 January 2012	Azerbaijan's National Security Ministry (MNS) says it has uncovered a terror group in Baku that was plotting terrorist acts against public figures
19 January 2012	A new civic union of "Abkhaz patriotic forces" is established in Abkhazia
23 January 2012	Armenian President Serzh Sarkisian and Azeri President Ilham Aliyev meet in Sochi for talks mediated by Russian President Dmitry Medvedev and agree to accelerate negotiations aimed at settling the Nagorno Karabakh dispute

23 January 2012	Russian state-controlled gas company Gazprom signs a deal with Azerbaijan's state-owned energy company SOCAR to double its gas imports from Azerbaijan
24 January 2012	Russian President Dmitry Medvedev and Abkhaz leader Alexander Ankvab tour a newly reconstructed border crossing point between Russia and Abkhazia on the Psou river
24 January 2012	Turkish Prime Minister Recep Tayyip Erdogan denounces the French genocide bill as "racist" and "discriminatory"
27 January 2012	The Georgian state statistics agency says that the country's wine exports have jumped nearly 40 percent in value last year to more than 54 million US dollars despite the Russian embargo on Georgian wine exports
30 January 2012	Billionaire opposition politician Bidzina Ivanishvili calls on Washington to help secure free and fair parliamentary elections in Georgia this year in an ad in the newspaper Washington Post ahead of the Obama–Saakashvili meeting at the White House
30 January 2012	Commander of the International Security Assistance Force (ISAF) and of the U.S. forces in Afghanistan General John R. Allen visits Tbilisi to discuss Georgia's contribution to "peace and stability in Afghanistan"
30 January 2012	Georgian Deputy Foreign Minister Davit Jalagania says that Tbilisi hopes that the Pacific island of Fiji will not recognize Abkhazia and South Ossetia
31 January 2012	Georgian President Mikheil Saakashvili meets with US President Barack Obama at the White House in Washington and discusses security cooperation and a possible free trade agreement (FTA) between the two countries
31 January 2012	The foreign ministry of the breakaway region of Abkhazia declares that the neutral travel documents designed by Tbilisi for residents of breakaway regions in Georgia cause the "isolation of Abkhazia" instead of promoting engagement
2 February 2012	Russian Deputy Defense Minister Anatoly Antonov says that Russia is strongly against US arms supply to Georgia as this would destabilize the situation in the Caucasus
5 February 2012	Georgian Interior Minister Vano Merabishvili visits Minsk and signs a cooperation agreement with the chief of the newly established Investigative Committee of Belarus Valeri Vakulchik
10 February 2012	South Ossetian opposition leader Alla Jioyeva, who was planning to inaugurate herself as the breakaway region's leader, is hospitalized after law enforcement agencies raid her office in Tskhinvali
11 February 2012	NATO special representative for the South Caucasus and Central Asia James Appathurai visits Azerbaijan and meets with Azeri President Ilham Aliyev to discuss cargo routes to and from Afghanistan
11 February 2012	Georgian Foreign Minister Grigol Vashadze visits Afghanistan and holds talks with Afghan Foreign Minister Zalmi Rasool and the International Security Assistance Force (ISAF)
13 February 2012	The Georgian police defuses an explosive device attached to the car of a staff member of the Israeli embassy in Tbilisi
13 February 2012	Azerbaijan denies Iran's claims of its alleged collaboration with Israel's spy services to help the assassins who killed Iranian nuclear scientists
14 February 2012	The Georgian law enforcement agencies detain a man suspected of plotting terrorist acts in Zugdidi unrelated to the attempted car bomb involving an employee from the Israeli embassy in Tbilisi

Compiled by Lili Di Puppò

For the full chronicle since 2009 see [www.laender-analysen.de/cad](http://www.laender-analysen.de/cad)

## ABOUT THE CAUCASUS ANALYTICAL DIGEST

Editors: Lili Di Puppo, Hans Gutbrod, Iris Kempe, Matthias Neumann, Robert Orttung, Jeronim Perović, Heiko Pleines

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