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**“TRADITIONAL GAP”
IN THE ICJ’S ADVISORY OPINION ON KOSOVO
MUSHFIG MAMMADOV**

**PEACE-BUILDING FROM THE BOTTOM:
A CASE STUDY OF THE NORTH CAUCASUS
HUSEYN ALIYEV**

**EU AND TURKISH NEIGHBORHOOD POLICIES:
COMMON GOALS
ÇİĞDEM ÜSTÜN**

**NOW WHO ANSWERS THE PHONE IN EUROPE?
COOPERATION WITHIN THE CFSP
AFTER THE ENLARGEMENTS AND THE LISBON TREATY
NELLI BABAYAN**

**SOCIAL CAPITAL DEVELOPMENT IN MULTIETHNIC CRIMEA:
GLOBAL, REGIONAL AND LOCAL CONSTRAINTS
AND OPPORTUNITIES
MILANA V. NIKOLKO AND DAVID B. CARMENT**

**“MAJOR FOREIGN INTERVENTION IN KYRGYZSTAN WOULD
PROMPT A RUSH TO NATIONALISM BY EVEN THE MOST
MODERATE FIGURES”
INTERVIEW WITH DR. JOHN HEATHERSHAW,
UNIVERSITY OF EXETER, UK**

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VOL. 4 (4) – AUTUMN 2010

TABLE OF CONTENTS

RESEARCH PAPERS

“Traditional Gap” in the ICJ’s Advisory Opinion on Kosovo (pp. 313-324)
Mushfig Mammadov

**Peace-Building from the Bottom:
A Case Study of the North Caucasus** (pp 325-341)
Huseyn Aliyev

EU and Turkish Neighborhood Policies: Common Goals (pp. 342-353)
Çiğdem Üstün

**Now Who Answers the Phone in Europe?
Cooperation within the CFSP
after the Enlargements and the Lisbon Treaty** (pp. 354-367)
Nelli Babayan

**Social Capital Development in Multiethnic Crimea:
Global, Regional and Local Constraints and Opportunities** (pp. 368-385)
Milana V. Nikolko and David B. Carment

INTERVIEW

**“Major Foreign Intervention in Kyrgyzstan would Prompt a Rush to Nationalism
by Even the Most Moderate Figures”**, Interview with Dr. John Heathershaw,
University of Exeter, UK (pp. 386-388)

“TRADITIONAL GAP” IN THE ICJ’S ADVISORY OPINION ON KOSOVO

Mushfig Mammadov*

Abstract

On February 17, 2008 Kosovo, hitherto the internationally recognized territory of Serbia, unilaterally declared its independence. Three of the five permanent members of the UN Security Council (the USA, UK and France) immediately recognized the independence of Kosovo, while the other two, Russia and China, sharply criticized Kosovo’s step and have thus far refused to recognize Kosovo as an independent state. In October 2008 the UN General Assembly requested the International Court of Justice (ICJ), upon the initiative of Serbia, to render an advisory opinion with regard to whether the unilateral declaration of independence adopted by the provisional institutions of Kosovo was in accordance with international law. In its non-binding advisory opinion, delivered on July 22, 2010 the Court stated that the unilateral declaration of independence of Kosovo did not violate international law. Nonetheless, this conclusion is not so clear and simple as it at first might seem, nor so “dangerous”, as it was described in the media and in some reactions, especially upon a closer reading of the entire text of the advisory opinion.

Keywords: *Kosovo, Serbia, ICJ advisory opinion, UN General Assembly, self-determination, secession, frozen conflicts, South Caucasus*

Introduction

On July 22, 2010 the ICJ rendered an advisory opinion (hereinafter referred to interchangeably as the Opinion) which stated that the declaration of the independence of Kosovo adopted on February 17, 2008 did not violate international law.¹ Although the Opinion does not have any binding force, i.e. it is only a recommendation, several reactions and comments published in the media about it were nonetheless accompanied by alarmist slogans such as “giving a green light to separatist movements” or “an erosion of European order”.² Such reactions to the Opinion were based on concerns with regard to its possible

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¹ The ICJ, *Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo*, Advisory Opinion (hereinafter referred to as the Opinion), July 22, 2010, p. 44, para. 123, <http://www.icj-cij.org/docket/files/141/15987.pdf> (accessed July 29, 2010). It was actually the second declaration of independence by Kosovo's ethnic-Albanian political institutions, the first having been proclaimed on 7 September 1990.

² See, for instance, Fyodor Lukyanov, “Kosovo Ruling Accelerates Erosion Of European Order”, *Radio Free Europe*, July 29, 2010, http://www.rferl.org/content/Kosovo_Ruling_Accelerates_Erosion_Of_European_Order/2112355.html (accessed July 31, 2010).

impact as a precedent to latent or ongoing secession conflicts in other countries.³ The Opinion was immediately followed by differing comments in the South Caucasus which is also affected by three “frozen” secession conflicts (in Abkhazia, South Ossetia (both in Georgia) and Nagorno-Karabakh (Azerbaijan)). Official statements issued by the governments in Azerbaijan and Georgia, as well as commentaries given by some experts in these countries, have noted generally that the ICJ’s Opinion would not have any impact on the perspectives for the resolution of the conflicts in Nagorno-Karabakh, Abkhazia or South Ossetia. By contrast, the representatives of the de facto regimes in Nagorno-Karabakh (as well as some officials and representatives of civil society in the Republic of Armenia), Abkhazia and South Ossetia, drew attention to the precedent-setting effect of the Opinion and thus portrayed themselves as indirect winners.⁴ But the latter based their statements only upon the operative clause of the Opinion⁵ (i.e. that declaration of independence of Kosovo did not violate international law) and, consequently, to a great extent contributed to the misunderstanding of this legal document in its entirety. This misunderstanding concerns, first, the question as to whether the Court, through its opinion, arguably gave a “green light” to secession movements all over the world and whether it was correct or adequate to speak about any consequences or a precedent-setting effect of the Opinion, as many secession movements, including the three in the South Caucasus, have claimed.

Due to the importance of these questions, it has become necessary to explain the precise meaning of the Opinion of the ICJ on Kosovo in a systematic way in order to highlight how and why the Court arrived at such conclusion, and that the declaration of independence of Kosovo was in accordance with international law. The purpose of this clarification, in particular, is to find out whether the Court actually acknowledged the existence of a right to secession from an existing state, which is considered a highly problematic issue in contemporary international law.⁶ After a detailed account of these issues, an inquiry will be made into the question of whether the secession conflicts in the South Caucasus can also be brought before the ICJ, and if so, what would be the benefits of such a proceeding.

³ Similarly, Dissenting Opinion of Judge Koroma to the Opinion (hereinafter as Judge Koroma), <http://www.icj-cij.org/docket/index.php?p1=3&p2=4&k=21&case=141&code=kos&p3=4> (accessed July 29, 2010), p. 2, para.

4: “The Court’s Opinion will serve as a guide and instruction manual for secessionist groups the world over and the stability of international law will be severely undermined.”

⁴ For more details about the comments of the parties of the conflicts in the South Caucasus, see Rauf Mirkadirov, “Азербайджан, скорее всего, “заполучит” Брайза. А вот решение Международного суда создает определенные проблемы“ [Azerbaijan most likely will “get hold” of Bryza. And here a decision of the ICJ creates some problems], *Zerkalo*, July 24, 2010, Political section; Nüşabə Fətullayeva, “Haaqa Məhkəməsinin qərarı Dağlıq Qarabağ münaqişəsinə nə vəd edir?” [What does the Opinion of ICJ promise to the Nagorno-Karabakh Conflict?], *Azadlıq Radiosu*, July 25, 2010, <http://www.azadliq.org/content/article/2108108.html> (accessed July 27, 2010); Nino Xaradze, “Gürcülər Kosovo ilə Qafqaz regionunun fərqi haqqında” [The Georgians on the Difference between Kosovo and the Caucasus], *Azadlıq Radiosu*, August 1, 2010, <http://www.azadliq.org/content/article/2115526.html> (accessed August 2, 2010); and Lilit Harutyunyan, “Erməni ekspertlər Qarabağ ilə Kosovonu müqayisə edirlər” [The Armenian experts compare Karabakh and Kosovo], *Azadlıq Radiosu*, July 31, 2010, <http://www.azadliq.org/content/article/2114702.html> (accessed August 1, 2010).

⁵ Its whole text actually consists of 44 pages, plus separate and dissenting opinions as well as the declarations of some members of the Court (totaling more than 100 pages).

⁶ For more on secession see Lee C. Buchheit, *Secession – The Legitimacy of Self-Determination* (New Haven: 1978); Allen Buchanan, *Secession: The Morality of Political Divorce from Fort Sumter to Lithuania and Quebec* (Boulder: 1991); James Crawford, “State Practice and International Law in Relation to Secession”, *British Yearbook of International Law*, vol. 69 (1998): 85; Christine Haverland, “Secession”, in *Encyclopedia of Public International Law* vol. IV, ed. Rudolf Bernhardt, (Amsterdam, 2000) 354; and Marcelo G. Kohen, *Secession. International Law Perspectives* (Cambridge: 2006).

Why Did the ICJ Actually Render an Opinion on Kosovo?

Pursuant to Article 96 of the UN Charter, the General Assembly, the Security Council as well as other organs of the United Nations and specialized agencies may request the International Court of Justice to give an advisory opinion on any legal question.⁷ Based upon this provision, the UN General Assembly requested through its Resolution 63/3 (initiated by Serbia and adopted on 8 October 2008) that the ICJ render an advisory opinion on the following question: “Is the unilateral declaration of independence by the Provisional Institutions of Self-Government of Kosovo in accordance with international law?”⁸ And the advisory opinion from 22 July 2010 was an answer to this question.

The ICJ’S “Narrow Approach” in Answering the General Assembly’s Request

A declaration of independence of an entity, i.e. the expression of the will of a part of the population to create its own state, is one of the implementation modes of the right to self-determination.⁹ That is why the ICJ, within the Kosovo advisory proceeding, could have in fact clarified the issues concerning the contradiction between the right of peoples to self-determination and the principle of sovereignty and territorial integrity of existing states. In particular, it could have answered the question as to whether international law contains a right to unilateral secession, perhaps deriving from the right of peoples to self-determination, and if so, which preconditions should be met in order to have recourse to such a right. However, the Court did not express its standpoint on these matters and thus continued to retain the “traditional gap” in its advisory jurisprudential practice concerning the clarification of the precise content of the right to external self-determination, i.e. the right to secession in the post-colonial context.

Ten members of the Court were of the view that Kosovo’s declaration of independence, adopted on 17 February 2008, did not violate international law; while four were of the opinion that it violated international law.¹⁰ Three members of the Court who voted against the operative clause of the Opinion (Judges Koroma, Bennouna and Skotnikov) appended their dissenting opinions and one (Vice-President Tomka) submitted a declaration to the advisory opinion. They criticized the mistakes that they perceived the Court made in the Opinion, as well as its conclusion regarding whether Kosovo’s declaration of independence was in accordance with international law. Even some judges who voted in favour expressed their

⁷ Other bodies of the UN and specialized agencies can do so if two conditions are met: 1) they are authorized by the General Assembly to do so and 2) a legal question arises within the scope of their activities.

⁸ United Nations General Assembly Resolution 63/3. Request for an advisory opinion of the International Court of Justice on whether the unilateral declaration of independence of Kosovo is in accordance with international law (A/RES/63/3).

⁹ See the *Declaration of Principles of International Law Concerning Friendly Relations and Co-operation Among States in Accordance with the Charter of the United Nations*, adopted by the UN General Assembly on 24 October 1970, which reads, “The establishment of a sovereign and independent State, the free association or integration with an independent State or the emergence into any other political status freely determined by a people constitute modes of implementing the right of self-determination by that people.”

¹⁰ One member of the Court, Judge Xue Hanqin, did not participate in the case.

dissatisfaction with the Court's approach to some of the questions in the Opinion.¹¹ All separate and dissenting opinions, as well as declarations attached to the Opinion thus show that there were serious differences amongst the judges of the Court (even between those judges who voted in favour of the operative clause of the Opinion) in its rendering, as will be explained below.

Before analysing the concrete answer of the Court to the General Assembly's request, however, it is necessary to draw attention to some paragraphs in the Opinion which predefine the Court's approach in responding to the question posed. They are of paramount importance to understand fully why the Court arrived at its conclusion (i.e. that the declaration of independence of Kosovo did not violate international law) and thus the meaning of the Opinion in its entirety. Within the Opinion, the Court repeatedly underlines the content of the question addressed to it by the UN General Assembly and indicates that the Court should not exceed its scope – i.e. it should only give a *narrow* answer to the *narrow* question, contrary to its previous practice with regard to advisory proceedings.¹² Consequently, this meant that many legal issues deriving from the General Assembly's question were intentionally disregarded and left unanswered by the Court:

*In the present case, the question posed by the General Assembly is clearly formulated. The question is narrow and specific; it asks for the Court's opinion on whether or not the declaration of independence is in accordance with international law. It does not ask about the legal consequences of that declaration. In particular, it does not ask whether or not Kosovo has achieved statehood. Nor does it ask about the validity or legal effects of the recognition of Kosovo by those States which have recognized it as an independent State [...]. Accordingly, the Court does not consider that it is necessary to address such issues as whether or not the declaration has led to the creation of a State or the status of the acts of recognition in order to answer the question put by the General Assembly.*¹³

Furthermore the ICJ declares that in order to respond to the request of the UN General Assembly it needs only to determine whether applicable international law contains *prohibitive* rules preventing declarations of independence.¹⁴ Besides it differentiates in its observations, between an *act* of declaration of independence, on the one hand, and the *right* to secede from a state, on the other, while failing to clarify on which legal basis a declaration of independence does occur.¹⁵ The unorthodox approach taken here by the ICJ more clearly continues in another part of the Opinion, in which it states in principle (although indirectly), that a declaration of independence does not yet express an exercise of a right to secede from a State, or, to assert it more precisely, that a declaration of independence shall not be tantamount to the secession from a state:

The General Assembly has requested the Court's opinion only on whether or not the declaration of independence is in accordance with international law. Debates regarding the extent of the

¹¹ See, for example, Declaration of Judge Simma to the Opinion (hereinafter as Judge Simma), <http://www.icj-cij.org/docket/index.php?p1=3&p2=4&k=21&case=141&code=kos&p3=4> (accessed August 15, 2010).

¹² The Court has in the past extended the question posed in order to reply to it as fully as possible. See, for example, *Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt*, Advisory Opinion, ICJ Reports 1980, pp. 88-89, para. 35; *Certain Expenses of the United Nations (Art. 17, para. 2, of the Charter)*, Advisory Opinion, ICJ Reports 1962, pp. 156-157.

¹³ See the Opinion, pp. 19-20, para. 51. Likewise p. 29, para. 78.

¹⁴ See the Opinion, p. 21, para. 56.

¹⁵ *Ibid.*

*right of self-determination and the existence of any right of “remedial secession”, however, concern the right to separate from a State [...].*¹⁶

Summarizing the aforementioned points of view of the ICJ, one can see that it has interpreted the question posed very narrowly and thus limited itself to determining the question of whether or not the applicable international law prohibited Kosovo’s declaration of independence. Consequently, in the Court’s view it was not necessary to deal, for example, with issues such as the legal results of such declarations, especially whether they can lead to the creation of a state in all cases per se, and whether statehood can be gained only on the basis of acts of recognition by existing states. This self-limitation of the Court also took place with regard to answering the question of whether a right to secede from a state does exist in modern international law, and if so, which preconditions should be met in order to find recourse to it. More specifically, the Court avoided answering the question of whether or not Kosovo Albanians do have such a right to break away from Serbia.

Unconvincing Reasoning of the ICJ

After limiting the scope of its answer to the request, the ICJ first determined whether the declaration of independence by Kosovo was in accordance with general international law. According to the ICJ’s view, international law does not contain any applicable rule prohibiting declarations of independence, which is why it concluded that Kosovo’s declaration of independence did not violate general international law.¹⁷ However, it must be noted that this conclusion of the Court is based upon a very cursory examination of general international law.¹⁸ In the the Court’s view, then, the declarations of independence according to general international law are legal because the respective practice of states prohibiting such declarations, which should have led to the creation of a respective prohibitive rule, does not exist.¹⁹ Some UN Security Council resolutions, adopted in the past and condemning the unilateral declarations of independence,²⁰ according to the Court could not change this conclusion either, as those resolutions concerned illegal declarations of independence, which were connected with the unlawful use of force or other violations of norms of general international law, in particular of *jus cogens* norms, and thus had an exceptional nature.²¹

Because of such a cursory analysis, Court member Judge Simma, who actually voted in favour of the operative clause, in his Declaration attached to the Opinion, criticized the Court’s modus operandi. In Simma’s view, “by unduly limiting the scope of its analysis, the

¹⁶ See the Opinion, p. 31, para. 83.

¹⁷ See the Opinion, pp. 29-32, paras. 79-84. For an interpretation critical of the definition of “general international law” by the Court, see the Dissenting Opinion of Judge Skotnikov to the Opinion (hereinafter as Judge Skotnikov), <http://www.icj-cij.org/docket/index.php?p1=3&p2=4&k=21&case=141&code=kos&p3=4>, pp. 5-6, para. 17. According to him, the Court’s view that “general international law contains no applicable prohibition of declarations of independence” is a misleading statement which, unfortunately, may have an inflammatory effect. General international law simply does not address the issuance of declarations of independence, because “declarations of independence do not ‘create’ or constitute States under international law.”

¹⁸ See Dissenting Opinion of Judge Bennouna to the Opinion (hereinafter as Judge Bennouna), <http://www.icj-cij.org/docket/index.php?p1=3&p2=4&k=21&case=141&code=kos&p3=4>, p. 8, para. 40.

¹⁹ See the Opinion, p. 30, para. 79.

²⁰ SC-Resolution 216 (November 12, 1965, para. 1) and 217 (November 20, 1965, para. 3) concerning Southern Rhodesia; SC-Resolution 541 (November 18, 1983, para. 2) concerning northern Cyprus; SC-Resolution 787 (November 16, 1992, para. 3) concerning the Republika Srpska. This argument was put forward by several participants of the proceedings; see the Opinion, p. 30, para. 81.

²¹ See the Opinion, p. 31, para. 81.

Court has not answered the question put before it in a satisfactory manner. To do so would require a fuller treatment of both *prohibitive* and *permissive* rules of international law as regards declarations of independence and attempted acts of secession than what were essayed in the Court's Opinion [my emphasis].²² Furthermore, he mentioned the reference by some participants in the proceedings to the Supreme Court of Canada and indicated that

*it is indeed true that the request is not phrased in the same way as the question posed. However, this difference does not justify the Court's determination that the term "in accordance with" is to be understood as asking exclusively whether there is a prohibitive rule; according to the Court, if there is none, the declaration of independence is ipso facto in accordance with international law.*²³

Finally Simma came to the conclusion that "the General Assembly's request deserv[ed] a more comprehensive answer, assessing both permissive and prohibitive rules of international law [which] would have included a deeper analysis of whether the principle of self-determination or any other rule (perhaps expressly mentioning remedial secession) permit or even warrant independence (via secession) of certain peoples/territories."²⁴ Similar to Judge Simma, another member of the Court, Judge Sepúlveda-Amor, who also voted in favour of the operative clause, pointed out in his Special Opinion that "the scope of the right to self-determination, the question of 'remedial secession' [...], the effect of the recognition or non-recognition of a State in the present case are all matters which should have been considered by the Court, providing an opinion in the exercise of its advisory functions."²⁵ In addition, Court member Judge Yusuf, who likewise voted in favour of the operative clause, in his Special Opinion emphasized that a broader approach of the Court was necessary in answering to the request of the General Assembly:

*The declaration of independence of Kosovo is the expression of a claim to separate statehood and part of a process to create a new State. The question put to the Court by the General Assembly concerns the accordance with international law of the action undertaken by the representatives of the people of Kosovo with the aim of establishing such a new State without the consent of the parent State. In other words, the Court was asked to assess whether or not the process by which the people of Kosovo were seeking to establish their own State involved a violation of international law, or whether that process could be considered consistent with international law in view of the possible existence of a positive right of the people of Kosovo in the specific circumstances which prevailed in that territory. Thus, the restriction of the scope of the question to whether international law prohibited the declaration of independence as such voids it of much of its substance.*²⁶

After the Court concluded that Kosovo's declaration of independence did not violate general international law, it examined whether this declaration of independence in any way violated the UN Security Council Resolution 1244 of 10 June 1999. Although it arrived at the conclusion that Kosovo's declaration of independence violated neither the UN Security Council Resolution 1244 nor the regulations adopted thereunder, the arguments it put forward for substantiating this conclusion do not seem convincing either. In particular, this concerns

²² See Judge Simma, p.1, para. 3.

²³ Ibid, p. 2, para. 5.

²⁴ Ibid, p. 2, para. 7.

²⁵ See Separate Opinion of Judge Sepúlveda-Amor to the Opinion (hereinafter as Judge Sepúlveda-Amor), <http://www.icj-cij.org/docket/index.php?p1=3&p2=4&k=21&case=141&code=kos&p3=4>, p. 7, para. 35.

²⁶ Separate Opinion of Judge Yusuf to the Opinion (hereinafter as Judge Yusuf), <http://www.icj-cij.org/docket/index.php?p1=3&p2=4&k=21&case=141&code=kos&p3=4>, p. 1, para. 2. See also p. 2, paras. 5-6..

the arguments according to which the authors of the declaration, i.e. the Assembly of Kosovo, did not act as a “provisional institution” in the sense of the question addressed by the UN General Assembly.²⁷ Based upon the above-mentioned allegation, the Court concluded that they did not violate the UN Security Council Resolution 1244 and Constitutional Framework adopted in 2001, because the authors of the declaration were not subject to them.²⁸ This approach was sharply criticized by Court members Tomka,²⁹ Skotnikov,³⁰ Koroma³¹ and Bennouna,³² who voted against the operative clause of the advisory opinion. In addition, those judges who voted in favour of the clause expressed their dissatisfaction concerning the interpretation of “provisional institutions” of Kosovo.³³

In summarizing the aforementioned issues one must bear once more in mind that the ICJ’s conclusion was based only upon a narrow approach of the Court in its answer to the General Assembly’s request. The Court stated that there is no prohibitive rule preventing declarations of independence, and that Kosovo’s declaration of independence adopted on 17 February 2008 was in accordance with international law. In other words, in the Court’s view Kosovo’s declaration of independence, taken as a particular act (and thus disregarding the results deriving from that act), is not prohibited by international law. The Court did not deal with the question as to whether and under which circumstances a right to secede from a state exists in international law. As such, the Court essentially failed (contrary to the wishes of some of its

²⁷ For a critical view of this point, see Declaration of Vice-President Tomka to the Opinion (hereinafter as Judge Tomka), <http://www.icj-cij.org/docket/index.php?p1=3&p2=4&k=21&case=141&code=kos&p3=4>, p. 10, para. 33. According to this Declaration, “[t]he above facts demonstrate that the Special Representative of the Secretary-General, entrusted by the United Nations with the interim administration of Kosovo, qualified a number of acts of the Assembly of Kosovo between 2002 and 2005 as being incompatible with the Constitutional Framework and, consequently, with Security Council resolution 1244. These acts, whether they sought directly to declare the independence of Kosovo or whether they fell short of it, were deemed to be “beyond the scope of its [i.e., the Assembly’s] competencies” (United Nations dossier No. 189, 7 February 2003), in other words *ultra vires*. See also, p. 10, para. 34 (*ibid*). Likewise Judge Koroma, p. 2, para. 6, as well as, Judge Bennouna, p. 10, para. 52.

²⁸ See the Opinion, p. 37, para. 102; p. 39, para. 109.

²⁹ See Judge Tomka, p. 5, para. 19: “The majority had, at the end of the day, to concede that the President of the Kosovo Assembly and the Prime Minister of Kosovo “made reference to the Assembly of Kosovo and the Constitutional Framework” (Advisory Opinion, paragraph 104), while maintaining its intellectual construct that the authors of the declaration “acted together in their capacity as representatives of the people of Kosovo outside the framework of the interim administration” (*ibid.*, paragraph 109). The Members of the Assembly, are they not “representatives of the people of Kosovo”? The President of Kosovo, is he not the representative of the people of Kosovo? [...]” See also paras. 1, 10-18, 20, 21, 32 (*ibid*).

³⁰ See Judge Skotnikov, p. 5, para. 15: “Finally, the authors of the UDI are being allowed by the majority to circumvent the Constitutional Framework created pursuant to resolution 1244, simply on the basis of a claim that they acted outside this Framework [...]. The majority, unfortunately, does not explain the difference between acting outside the legal order and violating it.”

³¹ See Judge Koroma, p. 2, para. 4: “Moreover, the Court’s conclusion that the declaration of independence of 17 February 2008 was made by a body other than the Provisional Institutions of Self-Government of Kosovo and thus did not violate international law is legally untenable, because it is based on the Court’s perceived intent of those authors [...]”. See also para. 5: “It is also question-begging to identify the authors of the unilateral declaration of independence on the basis of their perceived intent, for it predetermines the very answer the Court is trying to develop: there can be no question that the authors wish to be perceived as the legitimate, democratically elected leaders of the newly-independent Kosovo, but their subjective intent does not make it so [...]”. See also paras. 7-11, 15, 16, 18, 19 (*ibid*).

³² See Judge Bennouna, p. 12, para. 63: “Finally, even if it is assumed that the declaration of 17 February 2008 was issued by a hundred or so individuals having proclaimed themselves representatives of the people of Kosovo, how is it possible for them to have been able to violate the legal order established by UNMIK under the Constitutional Framework, which all inhabitants of Kosovo are supposed to respect?” See also paras. 31, 32, 34, 44, 46-50, 64, 65.

³³ See Judge Sepúlveda-Amor, pp. 5-6, paras. 23-32; see Judge Yusuf, p. 6, para. 20

members described above) to respond to the question as to whether or not the Kosovo Albanians on the basis of such a right could secede from Serbia.³⁴ In doing so, the Court followed the approach put forward in its previous advisory opinions, when it considered the question of the right to self-determination. In those opinions the Court has already left the issue on the application and precise content of the right to so-called external self-determination in the postcolonial context open and never spoke of or pointed to the existence of any possible right to secession perhaps stemming from the right to self-determination.³⁵ Consequently, this traditional gap in the Court's advisory practice, when dealing with the question of the right to self-determination, was not filled after the Opinion on Kosovo either. For these reasons it is not correct or adequate for the secession movements all over the world, including those in the South Caucasus (Georgia and Azerbaijan), to allege the so-called green light effect or the precedent-setting effect of the Opinion. Apart from its non-binding character, the Court did not acknowledge at all the existence of an eventual right to secede from a state to which secessionist movements could refer.

Kosovo's Status after its Declaration of Independence

Apart from the aforementioned points, the ICJ also left open the question on the present status of Kosovo. In particular, the Court did not say that Kosovo, through its declaration of independence, effectively seceded from Serbia and thus that the new state of "Kosovo" emerged. That is why after reading the Opinion an important question arises about Kosovo's status, i.e. whether it can be assumed that Kosovo gained independent statehood after its declaration of independence and after its recognition as an independent state by 71 states to date, or whether it remains legally a part of Serbia.³⁶

In this regard it is first useful to understand what the ICJ says in the Opinion about the validity of UN Security Council Resolution 1244 (10 June 1999), which legitimizes the presence of international territorial administration in Kosovo, i.e. where Kosovo's present status derives from. Nowhere in this Opinion does the Court call into question the continuation of the validity of this resolution. Judge Skotnikov concluded from this "silence" in the Opinion that "a political process designed to determine Kosovo's future status envisaged in this resolution [...] has not run its course and that a final status settlement is yet

³⁴ See in this regard Judge Koroma, p. 8, para. 23: "[...] The question now before the Court, on the other hand, asks not about the existence of a "right" to declare independence but about the "accordance" of a declaration of independence with international law. This provides an opportunity to complete the picture partially drawn by the Supreme Court of Canada. That court, in response to the specific question asked, made clear that international law does not grant a right to secede. This Court, in response to the specific question asked by the General Assembly, should have made clear that the applicable international law in the case before the Court contains rules and principles explicitly preventing the declaration of independence and secession. The unilateral declaration of independence of 17 February 2008 was tantamount to an attempt to secede from Serbia and proclaim Kosovo a sovereign independent State created out of the latter's territory".

³⁵ See *Legal Consequences for States of the Continued Presence of South Africa in Namibia notwithstanding Security Council Resolution 276* (1970), Advisory Opinion, June 21, 1971, ICJ Reports 1971, p. 31, para. 52; *Western Sahara*, Advisory Opinion, October 16, 1975, ICJ Reports 1975, pp. 32-33; and *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, July 9, 2004, ICJ Reports 2004, pp. 182-183, para. 118. For more detailed information about this standpoint of the Court, see James Crawford, "The General Assembly, the International Court and self-determination", in *Fifty years of the International Court of Justice – Essays in honour of Sir Robert Jennings*, eds. Vaughan Lowe and Malgosia Fitzmaurice (Cambridge, 1996), 603.

³⁶ See Kosovo's Ministry of Foreign Affairs site, <http://www.mfa-ks.net/?page=2,33> (accessed November 6, 2010)

to be endorsed by the Security Council”.³⁷ In addition, other members of the Court agreed with this view and stated that the final status of Kosovo shall be endorsed by the UN Security Council.³⁸ In summarizing these views one could conclude that UN Security Council Resolution 1244 on Kosovo is still in force until a new resolution is adopted by the Council.³⁹ As according to this resolution, Kosovo shall only be given the substantial autonomy within Federal Republic of Yugoslavia (Serbia).⁴⁰ It can thus be stated that, from a legal point of view, Kosovo still remains part of Serbia.⁴¹ Likewise, ICJ Vice-President Tomka rightly points out that “the *legal régime* governing the international territorial administration of Kosovo by the United Nations *remained*, on 17 February 2008, *unchanged*” [my emphasis].⁴² This conclusion was also confirmed by the fact that the Minister of Foreign Affairs of Kosovo, Skender Hyseni, on 4 August 2010, requested that the UN Security Council adopt a new resolution which would contain the fact of a declaration of independence and pointed out that the new resolution shall replace Resolution 1244. However, it is very difficult to imagine that two of five permanent members of UN Security Council, Russia and China, in view of their dismissive position to date, will agree with the adoption of a resolution, which would legalize Kosovo’s declaration of independence.⁴³

“Frozen” Secession Conflicts in the South Caucasus

Nevertheless it is still possible to give to the ICJ a chance to fill the traditional gap in its advisory jurisprudence. In such a case the Court would have to define the scope and normative content of the right to external self-determination in postcolonial situations. The need to clarify these issues derives also from the fact that if doors for secessionist groups are left too widely open, then a whole host of claims may severely upset the world order.⁴⁴ The potential “cases” in this context could be the three secession conflicts in the South Caucasus, namely, Abkhazia, South Ossetia (both in Georgia), as well as Nagorno-Karabakh (Azerbaijan). From a legal standpoint these secession conflicts have some similarities with the conflict between Serbia and Kosovo. In these conflicts the contradiction between the right to self-determination and the principle of territorial integrity is a key issue, i.e. to which of these two important principles of international law a priority should be given. Hence, in

³⁷ See Judge Skotnikov, p. 6, para. 18..

³⁸ See Judge Tomka, pp. 7-9, paras. 27, 28, 31; Judge Koroma, p. 6, para. 17; Judge Bennouna, p. 10, para. 53.

³⁹ Likewise, UN Secretary-General Ban Ki-moon reaffirmed on 9 September 2010 that the UN Mission will continue its work in Kosovo, as set out in UN Security Council Resolution 1244. So also in his view this resolution “remains valid and effective”; see N. Krastev, “UN General Assembly passes Kosovo Resolution Urging Parties to Negotiate”, August 10, 2010, http://www.rferl.org/content/UNGA_Passes_Kosovo_Resolution/2153707.html (accessed November 2, 2010).

⁴⁰ See UN SC-Resolution 1244 (1999) of 10 June 1999, para. 10, operative part. See also the Preamble, where “the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other States of the region, as set out in the Helsinki Final Act and annex 2” was explicitly reaffirmed. See, too, in this regard, Judge Tomka, p. 6, paras. 22-25; Judge Koroma, pp. 4-5, paras. 13-14; Judge Bennouna, p. 12, paras. 61, 62; and Separate Opinion of Judge Keith, available at: <http://www.icj-cij.org/docket/index.php?p1=3&p2=4&k=21&case=141&code=kos&p3=4> (hereinafter as Judge Keith), p. 5, para. 14.

⁴¹ See Judge Koroma, p. 8, para. 24.

⁴² See Judge Tomka, p. 10, para. 35.

⁴³ On 9 September 2010 the UN General Assembly passed a Serbian-backed compromise resolution that opens the way for dialogue between Belgrade and Kosovo. Nonetheless, Vuk Jeremić, Minister for Foreign Affairs of Serbia, stated once more that “the Republic of Serbia does not and shall not recognize the unilateral declaration of independence of Kosovo.” More information about this resolution and its background is available at <http://www.un.org/News/Press/docs/2010/ga10980.doc.htm> (accessed September 14, 2010).

⁴⁴ Similarly, Judge Yusuf, p. 2, para. 5.

connection with the conflicts in the South Caucasus the governments of Georgia and Azerbaijan could initiate, like Serbia, the adoption of a resolution in the UN General Assembly requesting the ICJ's advisory opinion on the legality of the secession claims of Abkhazia, South Ossetia and Nagorno-Karabakh. In order to "strengthen" this request Moldova could also join said initiative and question, together with the two South Caucasus states, the legality of secession claims of its own breakaway region, Transnistria (*R. pridnestrovskaia moldavskaia respublica*).⁴⁵ It is difficult to imagine that such a draft resolution would not be supported by the member-states of the UN General Assembly, so that there would be no problems with the necessary number of votes for adoption of such a Resolution, as many western states (especially because of Georgia) and Islamic countries (because of Azerbaijan) would presumably support such a draft in order to get enough votes for the adoption of the respective resolution. This is one of the key factors for why the four secessionist conflicts in post-soviet space should be brought in one package before the ICJ. In order to fill the aforementioned traditional gap, i.e. to leave no chance in advance for the Court to avoid answering questions concerning the right to secession, it would be advisable to formulate this question as following:

Do the Abkhazians, the South Ossetians, the Armenians of Nagorno-Karabakh and the Transnistrians have the right to break away or secede from Georgia, Azerbaijan and Moldova, respectively, and create their own independent states according to the norms and principles of international law concerning the right to self-determination of peoples?

Except for questions concerning an eventual right to secession, other questions with regard to said secessionist conflicts could be posed to the ICJ. For instance, it would perhaps be appropriate to put another question within the same request as to whether one can assume that the four breakaway regions could have already gained statehood only on the basis of the time lapse (since they seceded nearly 20 years ago), or on the basis of factual fulfillment of minimal preconditions to be met for statehood such as (1) a defined territory, (2) a permanent population and (3) an effective government.⁴⁶

Of course, one can argue that the territorial integrity of Georgia, Azerbaijan and Moldova has already been recognized by many international organizations and by the majority of states in the world. The UN Security Council, notably, adopted many resolutions affirming the territorial integrity and sovereignty of Georgia and Azerbaijan.⁴⁷ That is why one could

⁴⁵ Since 1997 Georgia, Azerbaijan and Moldova, as members of the regional international organization GUAM (Georgia, Ukraine, Azerbaijan and Moldova), have been trying to contribute jointly to the resolution of the secessionist conflicts in their territories. A typical example of these efforts was a preparation of the draft resolution of UN the General Assembly (UN General Assembly Draft Resolution A/62/L. 23) on 4 December 2007 entitled *Protracted conflicts in the GUAM area and their implications for international peace, security and development*. The Text of this draft resolution is available at:

<http://unbisnet.un.org:8080/ipac20/ipac.jsp?session=12R206772H45C.108259&profile=bibga&uri=full=3100001~!847587~!27&ri=1&aspect=subtab124&menu=search&source=~!horizon> (accessed October 26, 2010).

⁴⁶ More about these preconditions see Karl Doehring, "State" in *Encyclopedia of Public International Law*, vol. IV, ed. Rudolf Bernhardt (Amsterdam 2000), 600.

⁴⁷ For Georgia, see SC-Resolution 876 (1993) from 19 October 1993, para. 1; SC-Resolution 906 (1994) from 25 March 1994, para. 2; SC-Resolution 1096 (1997) from 30 January 1997, paras. 3, 4; SC-Resolution 1187 (1998) from 30 July 1998; SC-Resolution 1255 (1999) from 30 July 1999, para. 5; SC-Resolution 1364 (2001) from 31 July 2001, para. 3; SC-Resolution 1524 (2004) from 30 January 2004, paras. 2, 3, 6; SC-Resolution 1666 (2006) from 31 March 2006, para. 1; SC-Resolution 1752 (2007) from 13 April 2007, para.1; SC-Resolution 1781 (2007) from 15 October 2007, para. 1; and SC-Resolution 1808 (2008) from 15 April 2008, para. 1. For Azerbaijan, see SC-Resolution 822 (1993) from 30 April 1993, preamble und para. 1; SC-

conclude that this standpoint reflects already the position of the international community, according to which the secession of Abkhazia, South Ossetia and Nagorno-Karabakh has not been recognized (apart from Russia, Nicaragua, Venezuela and Nauru in Abkhazia's and S. Ossetia's case). However, it should be noted that despite those decisions the "legal battles" amongst the respective parties could not yet be stopped. That means that each party to the conflict continues, to date, to present its arguments for substantiating its position in attempting to convince the international community of its own version of the truth. Furthermore, Article 36(3) of the UN Charter states that in making recommendations for the peaceful settlement of disputes under Chapter VI, the Security Council "should also take into consideration that legal disputes should as a general rule be referred by the parties to the ICJ in accordance with the provisions of the Statute of the Court."⁴⁸ With this in mind, it would be advisable to bring the issue of the frozen conflicts in the former Soviet space before the ICJ according to the *advisory* proceedings rules, especially as it is not possible to present the issue as a legal dispute before the ICJ within a *contentious* proceeding.⁴⁹ An advisory opinion with regard to the secessionist conflicts in the South Caucasus, even without binding force, could at least help to bring to an end the "legal battle" amongst the parties to the conflicts, provided that the Court did not refrain from exercising its advisory jurisdiction.⁵⁰ At the same time the Court, as mentioned earlier, could be given a chance to express its views on the due content of the right to self-determination in the post-colonial context. Lastly, such an opinion could serve as a good basis in the peaceful and lasting resolution of the respective secession conflicts taking into account their legal aspects.⁵¹

Conclusion

The ICJ's Opinion on Kosovo stating that the declaration of independence did not violate international law was based only upon a narrow approach taken by the Court in answering the General Assembly's request. According to the Court's approach, whereby there is no *prohibitive* rule preventing declarations of independence, Kosovo's declaration of independence, adopted on 17 February 2008, was in accordance with international law. But,

Resolution 853 (1993) from 29 July 1993, para. 3; SC-Resolution 874 (1993) from 14 October 1993, preamble; and SC-Resolution 884 (1993) from 12 November 1993.

⁴⁸ Likewise, the aforementioned resolutions of the UN Security Council were adopted on the basis of Chapter VI of the UN Charter.

⁴⁹ Because within contentious proceedings both the claimant and defendant must be states. Moreover, some other procedural preconditions to be met for this type of the proceedings before the ICJ must be fulfilled, for the detailed explanation of those preconditions on the example of Nagorno-Karabakh conflict M. Mammadov, Все ли средства урегулирования Нагорно-Карабахского Конфликта исчерпала азербайджанская дипломатия? [Did Azerbaijani diplomacy exhaust all means to solve the Nagorno-Karabakh conflict?], in: *Zerkalo*, 8 November 2008, <http://old.zerkalo.az/rubric.php?id=37413&dd=8&mo=11&yr=2008> (accessed September 22, 2010).

⁵⁰ That the ICJ has jurisdiction in a given case does not yet mean that it is obliged to exercise it. See in this regard *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, July 9, 2004, ICJ Reports 2004 (I), p. 156, para. 44: "The Court has recalled many times in the past that Article 65, paragraph 1, of its Statute, which provides that 'The Court *may* give an advisory opinion [...]', should be interpreted to mean that the Court has a discretionary power to decline to give an advisory opinion even if the conditions of jurisdiction are met [my emphasis]."

⁵¹ Concerning the resolution of the Nagorno-Karabakh conflict, the Parliamentary Assembly of the Council of Europe expressly suggested to Armenia and Azerbaijan that they should consider using the ICJ if the negotiations fail. See Council of Europe, *Parliamentary Assembly Resolution 1416 from 25 of January 2005*, para. 7. But as Armenia does not consider itself as a party to the conflict in Nagorno-Karabakh and, in addition, because neither Armenia nor Azerbaijan recognize the compulsory jurisdiction of the ICJ, it seems unrealistic to frame the conflict on Nagorno-Karabakh as a legal dispute between Armenia and Azerbaijan before the ICJ within contentious proceedings. For more detailed, see Mammadov, "Did Azerbaijani diplomacy".

at the same time, the Court did not determine whether there are *permissive* rules in international law which allow for a secession of a part of territory of existing states. As such, the Court should have considered in particular the question as to whether and under which circumstances a right to secede from a State exists in international law, and if so, whether or not the Kosovo Albanians on the basis of such a right could secede from Serbia.⁵² In doing so, the Court followed its approach in its previous advisory opinions and, consequently, failed to close the traditional gap by saying, once again, nothing about the due content of the right to self-determination, especially in the postcolonial context, as well as about the eventual right to secede from a state and preconditions to be met in order to recourse to such a right. Secession movements all over the world, including the three in the South Caucasus, could not derive from the ICJ's Opinion on Kosovo the conclusion that it gave them a so-called green light or created the precedent-setting effect. Apart from its non-binding character, the Opinion does not touch upon the existence of an eventual right to secession, nor does it state that every secession movement has a right to secede from the respective state and can refer to this Opinion in order to substantiate its standpoint.

The Court did not state in the Opinion that Kosovo through its declaration of independence effectively seceded from Serbia and thus the new state of "Kosovo" emerged. As it did not call into question the validity of UN Security Council Resolution 1244 (1999), which legitimizes the presence of international territorial administration in Kosovo, one can conclude that this resolution is still in force until a new resolution is adopted by the Council. In fact, according to this resolution, Kosovo shall only be given substantial autonomy within the Federal Republic of Yugoslavia (Serbia). Hence it can be stated that, from a legal point of view, Kosovo still can be seen as part of Serbia.

In order to fill the traditional gap in the Court's advisory jurisprudence with regard to the explanation of the due content of the right to self-determination, the frozen conflicts in the post-soviet space could be brought before the ICJ. But in this case the question should be formulated differently, in order to leave no chance in advance for the Court to avoid an answer to questions concerning the right to external self-determination (secession) in the postcolonial context. Apart from filling the traditional gap in the ICJ's practice, such an advisory opinion could also bring an end to the "legal battles" amongst the conflict parties and serve as a good basis in the negotiations process for their resolution.

⁵² See in this regard Judge Koroma, p. 8, para. 23: "The question now before the Court, on the other hand, asks not about the existence of a 'right' to declare independence but about the 'accordance' of a declaration of independence with international law. This provides an opportunity to complete the picture partially drawn by the Supreme Court of Canada. That court, in response to the specific question asked, made clear that international law does not grant a right to secede. This Court, in response to the specific question asked by the General Assembly, should have made clear that the applicable international law in the case before the Court contains rules and principles explicitly preventing the declaration of independence and secession. The unilateral declaration of independence of 17 February 2008 was tantamount to an attempt to secede from Serbia and proclaim Kosovo a sovereign independent State created out of the latter's territory [...]".

PEACE-BUILDING FROM THE BOTTOM: A CASE STUDY OF THE NORTH CAUCASUS

Huseyn Aliyev*

Abstract

This article provides a brief overview of bottom-up peace-building and its practice in the North Caucasus. The hypothesis developed in this study is an assumption that the conflict in North Caucasus starts at the community, or grass-roots, level. Therefore, peaceful resolutions to conflict should be sought by implementing a local, bottom-up type of peace-building. Such peace-building measures, in turn, require the active participation of civil society and, in particular, independent and functional local and international NGOs.

Keywords: *Bottom-up peace-building, North Caucasus conflict, grass-roots, civil society, Chechnya, Dagestan, Kabardino-Balkaria.*

Introduction

The collapse of the USSR has left the North Caucasus, a region in the south of the Russian Federation, in a quagmire of disputes among its multiple freedom-aspiring ethnicities and the newly born Russian state. In spite of almost two decades of violence in the region, it continues to remain a “forgotten crisis”, even more so than it used to be in the 1990s, when the region arguably received more media attention. According to Human Rights Watch, in 2009¹ the separatist insurgency in the North Caucasus intensified, and a 2009 Crisis Watch report (ICG 2009)² identifies the region as an ongoing conflict area. With this in mind, this paper analyses the prospects for peace-building in the North Caucasus.

Increasing Violence: The 2000s

The end of large-scale fighting in Chechnya (in 2002–3) was in fact the beginning of the conflict’s spillover in the North Caucasus. The adoption of the Chechen constitution by the Russian-backed government of Ahmad Kadyrov in 2003 and Kadyrov’s being elected as president of the Chechen republic officially put an end to Chechnya’s independence and outlawed the separatist government of Aslan Maskhadov.

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¹ Human Rights Watch, “World Report 2010: Events of 2009,” 2010, www.hrw.org/sites/default/files/reports/wr2010.pdf (accessed October 12, 2010).

² International Crisis Group, *Crisis Watch*, April 1, 2010, No 80, <http://www.crisisgroup.org/en/publication-type/crisiswatch/2010/crisiswatch-80.aspx> (accessed October 12, 2010).

The outflow of fighters from Chechnya, from 2002–3, gave a powerful boost to the development of insurgent cells in different parts of the region. The first indicator of conflict spillover was a rapid increase of attacks on government officials, security forces and military installations throughout Dagestan, Ingushetia, North Ossetia, Kabardino-Balkaria and Karachay-Cherkessia. Although sporadic incidents of violence took place in different areas of the North Caucasus outside Chechnya prior to 2002–3, it has been in the majority of cases masterminded and conducted by Chechen militants rather than by home-grown insurgencies. For instance, Dagestan has long been a scene of the conflict due to frequent Chechen cross-border raids even though prior to the end of large-scale military operations in Chechnya it had no active insurgency of its own. A new type of conflict began to emerge in the North Caucasus between 2004 and 2006, in which most of the violence has been perpetrated by the so-called military jamaats:³ home-grown and mostly autonomous insurgent groups operating in the North Caucasian republics. The data compiled by the Center for Strategic and International Studies (CSIS) indicates that as early as January 2004, Chechnya ceased to be the only “hot spot” in the North Caucasus, and it was no longer the most violent place in the region.⁴

On October 2007 Doku Umarov announced the creation of a “Caucasus Emirate” (*Imarat Kavkaz*).⁵ The Caucasus Emirate has eliminated the concept of independent Chechnya, instead replacing it with that of a united pan-Caucasian state, including all of the Russian North Caucasus. Although opposed by some of Ichkeria’s leaders in exile,⁶ the Caucasus Emirate has opened a region-wide front of anti-Russian insurgency. As a result, the rates of violence almost doubled in 2008, and tripled in 2009. Indeed, a surge of violence in 2009 meant conflict had reached unprecedented levels, with 1,100 incidents that year in comparison with 795 in 2008. The number of people killed in conflicts almost doubled in 2009, with 900 fatalities compared with 586 deadly incidents in 2008.⁷

Paradoxically, in April 2009, Russian President Medvedev’s administration announced an end to “counter-terrorism” operations in Chechnya.⁸ The announcement was more symbolic than anything, essentially needed to provide a boost for Ramzan Kadyrov’s government. According to the latest data,⁹ the first four months of 2010 have already seen more than 200 conflict-related deaths, with the majority of violent incidents occurring in Ingushetia and Dagestan (109 in Ingushetia and over 90 in Dagestan). In spite of the increase in hostilities, there have been no attempts to initiate peace talks (as of fall 2010) between the state and the insurgents. Moreover, the federal government actively denies the very existence of an ongoing armed conflict in the North Caucasus and rejects any necessity for conflict resolution and peace-building. The situation in the North Caucasus is officially defined by the president of the Russian Federation, Dmitry Medvedev, as a “struggle against terrorism.”¹⁰ After the cancellation of “counter-terrorism” operation in Chechnya in April 2009 (started in August 1999), the president

³ Andrew McGregor, “Military Jama’ats in the North Caucasus: A Continuing Threat,” Jamestown Foundation, (2006), 2.

⁴ Center for Strategic & International Studies (CSIS), “Violence in the North Caucasus: Trends since 2004,” Human Rights and Security Initiative (2008).

⁵ Sergei Davydov, “The Caucasus Emirate on the road from Yemen to Algeria (Part 1),” *Prague Watchdog*, (June 6, 2009).

⁶ *Chechenpress*, “Statement by the Minister for Foreign Affairs of the Chechen Republic of Ichkeria,” (October 31, 2007).

⁷ Center for Strategic & International Studies (CSIS), “Violence in the North Caucasus, 2009: A Bloody Year,” Human Rights and Security Initiative, 2009.

⁸ BBC News, “Russia ends Chechnya operation,” April 16, 2009.

⁹ Center for Strategic & International Studies (CSIS), “Violence in the North Caucasus: Summer 2010: Not Just a Chechen Conflict,” Human Rights and Security Initiative (2010).

¹⁰ Medvedev speaking on a live broadcast on three Russian TV channels on December 24, 2009.

emphasized “the clear improvement of the situation in North Caucasus” republics’ and concluded that “Russia’s fight with terrorism has been successful.”¹¹

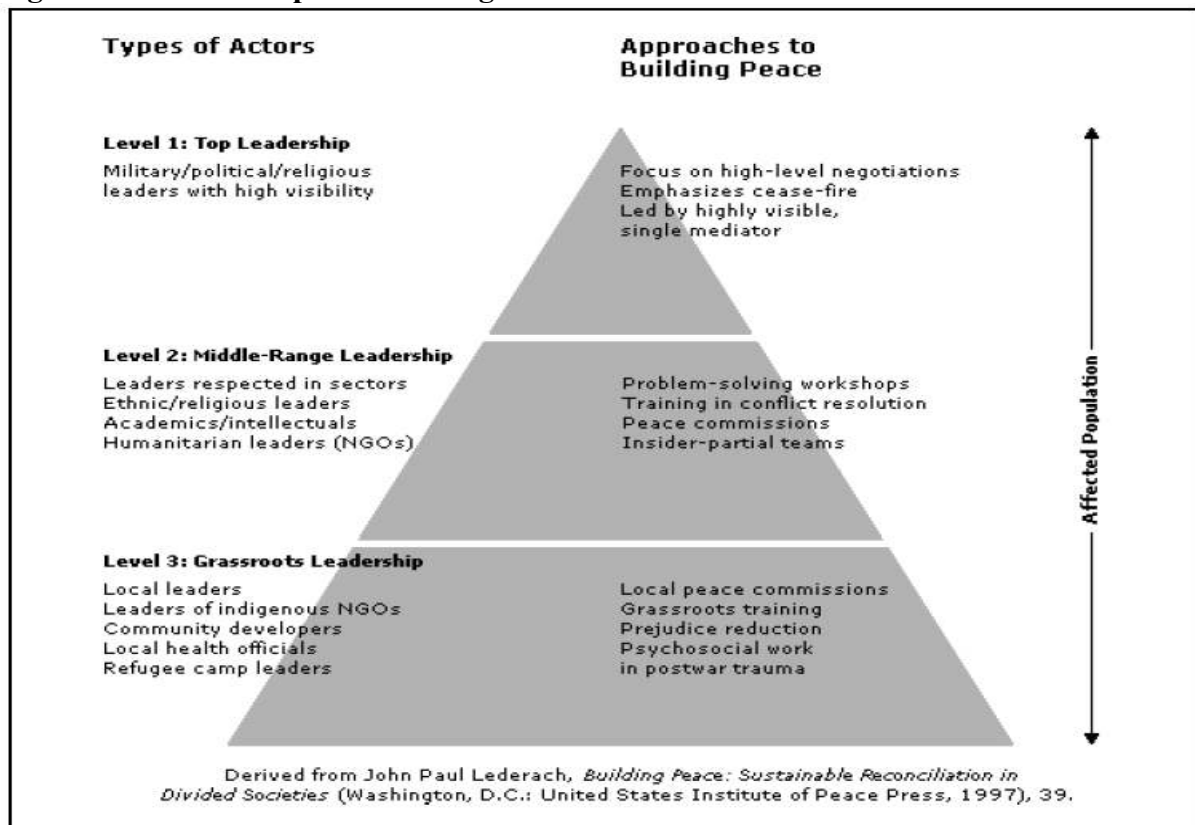
Theory of Bottom-Up Peace-Building Revisited

A bottom-up peace-building approach, also known as “indigenous empowerment”, is a comprehensive tool in the conflict resolution field. A core idea of bottom-up peace-building is to empower local populations at the bottom and mid-levels of society by allowing them to consolidate and develop necessary resources for the implementation of a peace process, which could be later advanced onto elite levels.

Lederach’s pyramid of peace-building (see Figure 1) reasonably places NGOs and other civil groups into the mid level so as to represent a link between elite/state and people/grass-roots. According to Lederach (1997), the reason why bottom-up peace-building efforts can be more efficient than those originating from the top is that

*by virtue of their high public profile [...] leaders are generally locked into positions taken with a regard to the perspectives and issues in conflict. They are under a tremendous pressure to maintain a position of strength vis-à-vis their adversaries and their own constituencies.*¹²

Figure 1: Lederach’s peace-building model



Source: John Paul Lederach (1997), *Building peace: Sustainable Reconciliation in Divided Societies*, p. 39.

¹¹ Ibid.

¹² John Paul Lederach, *Building peace: Sustainable Reconciliation in Divided Societies* (Washington D.C.: United States Institute of Peace, 1997), 40.

Middle-range actors are usually not involved in the governing process. In general, they are educators, intellectuals, businessmen and representatives of civil society. However, they can have a certain degree of influence on the elites while simultaneously serving as a link between the state and the population. Most importantly, middle-range actors should have no political or military affiliations. And although they do not necessarily have to be neutral, they, nevertheless, are not expected to support either side openly. Accordingly, middle-range leaders do not usually “depend on visibility and publicity”.¹³ In the case of the North Caucasus, middle-range actors can be representatives of local and international civil groups, community leaders, village elders, intellectuals, scholars and, in some cases, clan leaders. However, the exact definition of middle-range leaders needs to be more precise in each particular case. For instance, in Dagestan, where those of Avar ethnicity traditionally occupy governmental posts, many Avar clan leaders might be expected to have links with authorities or occupy certain positions in government. However, many of Dagestan’s insurgents are also of Avar ethnicity. In such cases, it might be reasonable to rely on middle-range leaders from civil society rather than on community or clan leaders. The same might be said of Kabardino-Balkaria, where those of Kabardin ethnicity form the ruling group, and Kabardins are also a major recruitment pool for rebels. In Ingushetia, clan leaders as a rule are in charge of municipal or district administrations and are less trusted than elders and grass-roots leaders without clan affiliation.

Lederach (1997) also places religious leaders into a middle-range category. That might have a dubious role in the case of North Caucasus. Most of the religious establishment in the region is closely associated with the government; it supports authorities and receives backing from elites, both local and federal. Sufi religious leaders are seen by the government as a bulwark of moderate Islam and a counter-balance to radical Salafi separatists. However, popularly Sufi clerics are often regarded as corrupt and as using religion to legitimize local authorities with no respect for traditional notions of Islam. Thus, by adhering to Salafi branch of Islam, rebels and critics of the state deny clerics’ power of religious authority. The so-called hunt for Wahhabis,¹⁴ unleashed by Putin’s administration in the North Caucasus, along with the start of the Second Chechen campaign (launched in 1999), in fact, allowed Sufi clerics to strengthen their position and eradicate their opponents from other branches of Islam.¹⁵ However, considering that many rank-and-file members of the insurgency as well as some of its commanders are still followers of the Sufi branch rather than radical Wahhabis, it might be expected that the emergence of neutral Sufi clerics could be favorable for any peace process.

Indeed, the middle-range actor category also includes the leadership of the insurgents. In comparison with such rebel movements as the Tamil Tigers and Angola’s UNITA, which have the whole decision-making and leadership process concentrated in the hands of a “supreme leader” whose death would cripple the struggle, the insurgency in the North Caucasus has a rather dispersed power-center. The rebel movement’s leadership is constantly undergoing staff turn-over, with newly emerged leaders replacing deceased ones. Also, in contrast to former and current Chechen warlords, insurgency leaders in other parts of the North Caucasus prefer to stay in the shadows and rarely appear in the headlines. It has been speculated, for instance, that as head of the Caucasus Emirate, Doku Umarov has only a nominal power over insurgent jamaats (organizations) outside of Chechnya.¹⁶ In general, most of the insurgent leaders in Ingushetia,

¹³ Ibid., 42.

¹⁴ International Crisis Group, “Russia’s Dagestan: Conflict Causes,” Europe Report No 192 (June 3, 2008), 8.

¹⁵ Roland Dannreuther, “Islamic radicalization in Russia: an assessment,” *International Affairs*, vol. 86:1 (2010): 109-126.

¹⁶ Maciej Falkowski and Mariusz Marszewski, “The “Tribal Areas” of the Caucasus: The North Caucasus – an enclave of “alien civilization” within the Russian Federation,” *OSW Studies*, Warsaw, April 2010, 63.

Dagestan and Kabardino-Balkaria are from the middle class rather than from the republics' elites.

However, in spite of middle-range level's importance, Lederach (1997) allocates a leading role in peace-building to grass-roots leadership, i.e. members of NGOs working with local communities, health care personnel and grass-roots volunteers at the community level. As Lederach observes:

[...] the local level is a microcosm of the bigger picture. The lines of identity often are drawn right through local communities, splitting them into hostile groups. Unlike many actors at the higher level of the pyramid, however, grassroot leaders witness first hand the deep-rooted hatred and animosity on a daily basis.¹⁷

Lederach also implies that most of the social issues, such as human-rights abuses and inter-ethnic divisions, often start at the grass-roots level. Accordingly, the actions taken by leaders of the state are slow to reach their actual beneficiaries at the bottom of pyramid, i.e. grass-roots community levels. By contrast, activities conducted from the bottom-up are more likely to be aimed at the actual needs and grievances of the affected population. Regarding the ongoing conflict in the North Caucasus, it is obviously the level of social insecurity and the inability of civil society to fulfill its role that affects the issue. The conflict's distinctive feature is that it has clan members and representatives of multiple ethnicities rebelling against their leaders and the establishment that they support rather than rallying along ethnic and national divisions, similar to past conflicts in the Caucasus. The incompatibility begins at a grass-roots level sometimes overtaking middle levels of society but never the upper ones. Thus, the classical models of peace-building¹⁸ which aim to identify the top leaders and bring them to a negotiating table for peace talks is less plausible in the North Caucasus. As mentioned earlier, insurgency in the region does not have a clearly defined leadership capable of ordering all the groups to cease fighting; the leadership is dispersed, symbolic in nature and constantly changing. Moreover, in contrast to societies in "old wars", where rebel leaders often attempted to represent the whole population and pursued higher goals, such as independence from colonialism, or the struggle against capitalism, dictatorship or ethnic liberation, insurgent leaders in the North Caucasus hardly even have clear and feasible objectives for the struggle. Apart from that, top-level peace-making has previously failed in earlier conflicts in the North Caucasus, in the first Chechen war in particular. It must also be noted that in comparison with the "old wars", where the top-level peace-building has mostly been used before, both of the conflicting sides in the North Caucasus have reached the stage when mutual vilification makes it extremely difficult even to start peace talks.

Middle-range peace-building has a better potential for success in the North Caucasus. Lederach (1997) identifies a number of major activities as a part of middle-range conflict resolution, e.g. problem-solving workshops, conflict-resolution training and peace commissions. The main goal of these activities is to initiate contact and dialogue between middle-range leaders representing civil society and the conflicting sides. Such workshops or meetings are normally conducted off the record and are designed to lead to further dialogue at higher levels. The 1993 PLO–Israeli accords and the 1996 Guatemala accords are usually cited as outcomes of such informal

¹⁷ John Paul Lederach, *Building peace: Sustainable Reconciliation in Divided Societies* (Washington D.C.: United States Institute of Peace, 1997), 43.

¹⁸ Johan Galtung, *Peace and Peaceful Means: Peace and Conflict, Development and Civilization* (London: Sage, 1996).

problem-solving meetings. Conflict-resolution training can be understood as an element of a middle-range peace-building. The training is expected to be conducted by leaders of civil society and community representatives in order to raise awareness of peace and reconciliation. In general, middle-range peace-building activities may take many different forms directed at changing perceptions, stereotypes and incompatibilities of the warring sides.

In spite of the importance of middle-range peace-building, it is bottom-up, grass-roots action that is expected to serve as a decisive force in enforcing a peace process. In fact, grass-roots actors are most of all in need of peace because it is they who have to cope with ongoing violence in their daily lives.¹⁹ Lederach (1997 & 2001) concludes that it is desperation and frustration with the conflict that usually force grass-roots actors onto the path of promoting peace. However, in order for bottom-up peace-building process to start, it is necessary to “empower” local actors by ensuring them of the feasibility of peace efforts and of the plausibility of conflict resolution. Such an empowerment is generally considered to be the job of NGOs and civil society. It is non-governmental actors, from both middle-range and grass-roots, who can arguably be responsible for initiating dialogue, “empowering” themselves and local communities at the same time. Active and vocal civil society is a necessary prerequisite for the implementation of bottom-up peace-building. Advocates²⁰ of the bottom-up approach claim that most modern civil wars of the “new type”, i.e. conflicts between state and non-state actors or civil wars between two or more non-state actors, have ended as a result of bottom-up peace-building.

Peace-building is also often associated with society-building, which is usually the case in post-colonial societies and societies in transition. Society-building has become a necessity in many post-Soviet states in the early 1990s in the aftermath of the collapse of USSR. That process has also engulfed the North Caucasus. However, society-building in Dagestan, Ingushetia and Kabardino-Balkaria was not as clearly shaped as in the independent states of the Caucasus. In comparison with Georgia, Armenia and Azerbaijan, where society-building evolved around rising nationalism and ethnic identity, a similar process in the Russian North Caucasus (with the exception of Chechnya) has been largely focused on economic transition from industrial and agricultural industries to service-oriented industry and tourism.

Civil Society in Bottom-Up Peace-Building

At first sight it might be rather difficult to assess the effectiveness of NGOs’ role in peace-building. Whereas the proponents of peace-building from the bottom strongly advocate the idea of empowering local groups and communities, others are either wary about the role of NGOs in an armed conflict²¹ or cautious about the level of NGOs’ engagement.²²

Yet another debate focuses on whether *global* civil society is more efficient in peace-building than *local*. The proponents of the global approach claim that, on average, national NGOs tend to

¹⁹ John Paul Lederach, *Building peace: Sustainable Reconciliation in Divided Societies* (Washington D.C.: United States Institute of Peace, 1997), 52.

²⁰ John Paul Lederach in *Building peace: Sustainable Reconciliation in Divided Societies* (Washington D.C.: United States Institute of Peace, 1997) and Adam Curle in *New Challenges for Citizen Peacemaking*, “Medicine and War,” vol. 10:2 (1994): 96-105.

²¹ Mary B. Anderson & Lara Olson, “Confronting War: Critical Lessons for Peace Practitioners,” *The Collaborative for Development Action*, Inc. (2003), 25.

²² Thania Paffenholz & Christoph Spurk, “Civil Society, Civic Engagement and Peace Building,” Social Development Papers, Paper No. 26, Social Development Department, The World Bank (2006).

work on peace-building at macro levels, targeting elites and the state,²³ whereas supporters of the local peace-building²⁴ state that international NGOs often attempt to bring Western ideas of peace-building and disregard local needs and traditions. Anderson and Olson (2003) also add that:

*Agencies with experience in many conflicts can create the impression that they are the experts in peace. This can disempower people who have experience in only their own conflict. It can undermine local people's energy and initiative to act. In some cases, peace agencies inadvertently communicate the implicit message that local people cannot make peace without their outside help.*²⁵

Generally speaking, it is very difficult to present NGOs as either a positive or a negative actor in bottom-up peace-building. Examples from different parts of the world offer diverse techniques used by civil actors in implementing. Varshney (2001) in his study on civil networking at grass-roots level and their influence on inter-ethnic conflicts in India concludes that civil society does matter in reducing inter-ethnic tensions via grass-roots networks incorporating members of different ethnic groups.²⁶ He argues that associational and everyday forms of civic engagement have served as a balance in inter-ethnic and inter-confessional conflicts in different parts of India. Civil society's involvement in peace processes in the Philippines has been considered a success,²⁷ leading to peace agreements between the government and the Moro Islamic Liberation Front (MILF). Due to the active participation of grass-roots groups, religious leaders, local and international NGOs, it has become possible for civil society to influence conflict participants by elevating the root causes of conflict from grass-roots to elites. However, Toohey (2005) emphasizes that if NGO interventions "are not accompanied by meaningful government redistributive policies and political reform, then it is likely that their constituencies will become increasingly disillusioned with the promises inherent in the struggle for peace."²⁸

Successful examples of bottom-up peace-building can be found in the 1998 Angola peace process and the 1994 Guatemala peace talks. Palestinian civil society also has a long history of involvement in peace-building and is known to have won a number of achievements in peace talks with Israel. The above-mentioned 1998 Angola peace agreements as well as the Nuba Mountains Ceasefire in Sudan are examples of a successful third-party-initiated, bottom-up peace-building. In both cases peace processes have been monitored by the international community with a strong focus on local participation.

On the other hand, Ramirez (2008) suggests that civil society's involvement in the Colombian civil war so far has had limited success. She argues that even in times of active NGO participation in peace processes between leftist guerillas and the government, levels of violence have had little correlation with levels of civil engagement.²⁹

²³ Camilla Orjuela, "Civil Society in Civil War, Peace Work and Identity Politics in Sri Lanka," PhD Dissertation, Department of Peace and Development Research, University of Göteborg, 2004.

²⁴ Thania Paffenholz & Christoph Spurk, "Civil Society, Civic Engagement and Peace Building," Social Development Papers, Paper No. 26, Social Development Department, The World Bank, 2006.

²⁵ Mary B. Anderson & Lara Olson, "Confronting War: Critical Lessons for Peace Practitioners," *The Collaborative for Development Action, Inc.* (2003), 25.

²⁶ Ashutosh Varshney, "Ethnic Conflict and Civil Society: India and Beyond," *World Politics* 53 (April 2001), 362–98.

²⁷ Aileen Toohey, "Social Capital, Civil Society and Peace: Reflections on Conflict Transformation in the Philippines," *Australian Centre for Peace and Conflict Studies*, University of Queensland, Australia (2005), 17.

²⁸ *Ibid.*

²⁹ Juliana Ramirez, "Rethinking the Link between Civil Society and Civil War: the Case of Colombia" (*Armed Groups Project*, Working Paper, 2008).

Such claims support Kalyvas' (2006) theory which states that levels of violence "persisting across time and space" are mere reflections of armed groups' struggle over territorial control.³⁰ Accordingly, in areas where such control is contested, levels of violence are high. By contrast, areas where an armed group (or the government) has established firm control over a given territory, levels of violence are the lowest. However, this theory can hardly serve as an explanation for the escalation of violence in the North Caucasus. Being a territory controlled by the federal government in Moscow, the North Caucasus keeps plunging deeper into violence. Contrary to Kalyvas' hypothesis, the Russian government is in physical control of the territory in North Caucasus, with no areas under the control of the separatists, a fact which to some degree can be a cause for the conflict.

Bottom-up peace-building has been widely used in Somalia, although with different outcomes. Active grass-roots involvement in the 1991 peace agreements in Somalia, described by Lederach (1997) as a successful case of the bottom-up approach, included the participation of clan leaders and elders and contributions from many communities and ethnic groups. Another successful application of bottom-up peace-building in Somalia is a peace-process and governance building in Puntland from 1991 to 2007,³¹ which lead to the creation of the Puntland administration supported by clan leaders and local communities. However, the bottom-up peace attempts have been of little success in Mogadishu area, as well as in other parts of the country after the end of UN intervention in 1992.

Apart from Colombia and Somalia, Sri Lanka can be cited as one of the failed examples of bottom-up peace-building. Harpviken and Kjellman (2004) mention Sri Lankan civil society's lack of impartiality as one of the main reasons for its failure to serve as a bridge between the government and the Tamil Tigers.³² International organizations likewise failed to achieve considerable results in the Sri Lankan peace-building process, mostly due to the distrust of the Tamils and the unwillingness of the government to cooperate. Afghanistan is often mentioned as an example of a successful empowerment of local civil society in the early stages of post-9/11 reconstruction.³³ Bottom-up peace-building exercised in a form of empowering tribal *shuras*, or village councils, is presented as a success which resulted in driving the Taliban out of many tribal areas in the north of the country. However, recent developments in Afghanistan seem to prove that bottom-up empowerment can be a short-lived success in an absence of human security in the long term.

Retrospectively, it is difficult to single out bottom-up peace-building as the most successful type of implementing peace, or to brand it as a failure. It has seen both successes and failures in a variety of conflicts around the world. However, in a modern political arena dominated by conflicts of the "new type", i.e. intrastate civil wars, the bottom-up approach reaches to the very core of a conflict – the population, or the grass-roots. Some of the above-mentioned cases of the bottom-up theory application in practice are similar to the North Caucasus, whereas others are too different. For instance, similar to Sri Lanka, civil society in the North Caucasus lacks

³⁰ Stanislav Kalyvas, *The Logic of Violence in Civil War* (Cambridge: Cambridge University Press, 2006).

³¹ Pat Johnson, "The Puntland Experience: A Bottom-up Approach to Peace and State Building," Interpeace, PDRC (2008).

³² Kristian Harpviken and Kjell Kjellman, "Beyond Blueprints: Civil Society and Peacebuilding" (Concept Paper, International Peace Research Institute: Oslo, August 9, 2004).

³³ Béatrice Pouligny, "Civil Society and Post-Conflict Peace Building: Ambiguities of International Programs Aimed at Building 'New Societies'," paper presented to the Conference *Post-conflict peace building: How to gain sustainable peace? Lessons learnt and future challenges*, held at the Graduate Institute of International Studies, Geneva, October 11–14, 2004.

impartiality and keeps at a distance from insurgents, who often portray it as state-controlled, in particular such elements of civil society as the religious establishments and charity groups. The North Caucasus conflict also resembles the conflict in Mindanao, Philippines, where peace-building efforts required not only inter-ethnic but also inter-confessional dedication. And similar to Afghan civil society, civil grass-roots in the North Caucasus are weak and in need assistance. In spite of the existing proximities and discrepancies of peace-building approaches around the world, it is necessary to consider the uniqueness of each case study and the difficulty present in attempting to replicate successes and avoid failures. The most significant lesson to be drawn at this point is that bottom-up peace-building can solve conflicts: it deals with local communities, mobilizes local peace-building potentials, requires the participation of civil society and welcomes the collaboration of national and international civil groups. A set of examples presented in this section also aims to illustrate that the bottom-up approach does not require NGOs, grass-roots movements and other elements of civil society to be highly developed and sophisticated. However, it does require civil society to be independent from the state and capable of acting as a “third” sector, balancing between the state and people or, in other words, capable of fulfilling its function as a civil society. Therefore, it might be useful to examine how successful the practice of empowering local actors has been in the North Caucasus thus far.

Bottom-Up Peace-Building Practice in the North Caucasus

After a brief overview of bottom-up peace-building practice around the world it might be necessary to scrutinize the history of peace-building efforts in the North Caucasus. Peace-building as such is not new to the region, and the bottom-up approach has been used previously in the North Caucasus. In spite of being applied in different contexts and settings, previously used approaches can nevertheless be of some help to future peace-builders.

Bottom-up peace-building began with the start of the first Chechen war as early as in 1995. Grass-roots peace efforts were mostly focused on ceasefire negotiations and prisoner exchanges, and were implemented mainly by national NGOs. The most prominent group initiating informal talks with Chechen field commanders and working on community-level peace-building was the Committee of Soldiers’ Mothers of Russia (CSMR).

Figure 2: Committee of Soldiers’ Mothers of Russia (CSMR)

Organization’s Profile:

“Committee of Soldiers’ Mothers of Russia (CSMR) founded in 1989, as a grass-roots movement, works on peace and non-violence, implementation of civil accountability and transparency of federal and municipal administrations and the development of civil society and civil consciousness in Russian Federation. With the start of war in Chechnya in 1994, CSMR actively worked on the protection of conscript’s rights, exchange and release of prisoners of war and hostages. In 1996, CSMR received “Right Livelihood Award” for its contribution to peace and civil development.

Source: CSMR official website, <http://www.ucsmr.ru/english/>.

CSMR volunteers managed to organize massive prisoner exchanges and secure releases of captured Federal soldiers and officers.³⁴ The successes of CSMR can be attributed to their

³⁴ *Soldiers’ Mothers* NGO Website, <http://www.soldiers-mothers-rus.ru/history.html> (accessed July 15, 2010).

“straightforward” approach of directly contacting Chechen warlords and village elders rather than negotiating prisoner exchanges via the top command of both the federal and Chechen sides, which could be less successful and could take more time. Mostly elderly female CSMR volunteers managed to vouchsafe free entry into rebel-controlled areas and establish trust-based contacts with rebel commanders on the ground. After the end of hostilities in 1996, CSMR’s work has been continued by another Russian grass-roots group, the “Peacemaking Mission of General Lebed” (PMGL).

Organization’s Profile:

The Peacemaking Mission of General Lebed (PMGL), founded in 1998 by Gen. Alexander Lebed as “Peace Mission in the North Caucasus”. The group works on prisoner release and exchange as well as the release of hostages and illegally detained persons.³⁵ It claims to have released over 200 prisoners and hostages in Chechnya since the start of its work in 1998.³⁶ According to the group’s mission statement,³⁷ one of its main priorities is conflict prevention and the de-escalation of violence in the North Caucasus.

Figure 3: The Peacemaking Mission of General Lebed (PMGL)

Source: PMGL and FEWER.

Although both CSMR and PMGL are still active in the region, it is obvious that their previous peace-building successes have been achieved in an environment different from the current one. Precisely speaking, both of these grass-roots groups have worked in an environment of large-scale military activities, almost unobstructed by the state, capable and willing to engage the rebel side in Chechnya, which remained their main partner. Both groups have also deployed typical bottom-up approaches of reaching out to minor Chechen warlords or clan and village elders in an informal way. Generally, throughout the whole Chechen conflict, Chechen warlords operated in a locality of their origin, i.e. village, town, settlement. Accordingly, they drew their recruits, food and supplies from such a locality and closely depended on it. Therefore, community peace-building could potentially succeed in such an environment.

The current conflict, on the other hand, is more of a type of guerilla warfare without clear-cut frontlines, where insurgents do not control any areas and only have basic contacts with the local population in rural and urban areas. The composition of insurgent groups has itself changed significantly from locally recruited Chechen warlords’ bands. Now a typical profile of an insurgent recruit can be presented as follows:

He or she is young—in the 18-20 age range—and almost always a college student, often away from home. They might be a student in Moscow or in one of the Western countries or, on rare occasions, a student at an Islamic institute in the Middle East. Whatever the case, he or she is a young person who is only about to begin an independent life; a person who is easily attracted to the idea of comprehending the truth and distinguishing it from untruth.³⁸

³⁵ FEWER International, Partners in Eurasia, http://www.fewer-international.org/pages/eurasia/partners_in_eurasia_33.html (accessed July 15, 2010).

³⁶ Peacemaking Mission of General Lebed, http://www.rozysk.org/i/about_pmgl (accessed July 15, 2010).

³⁷ Ibid.

³⁸ Mairbek Vatchagayev, “North Caucasus Insurgency Attracting Mainly Young and Committed Members,” *North Caucasus Analysis*, vol. 10:2 (January 15, 2009).

It is known that insurgents are receiving continuing support from the local population.³⁹ However, most of the insurgent jamaats are fairly autonomous from the local population; they receive recruits (predominantly from urban populations) handpicked by the jamaats' operatives, who are normally not connected to local communities and are not subjects to elders or community leaders. In terms of their supply links, insurgents seem to be more prone to rely on "institutionalized" methods of food and supplies collection rather than on donations from communities in their localities.⁴⁰ Another source of insurgent logistics is mentioned by Vatchagaev (2009):

*Whether or not there are shared ideological views, any interaction with relatives who happen to be militants is governed by the mechanism of highland ethics that is inherent in all Caucasian peoples. It implies that if a person invokes a name of a relative, then to assist him or her is not simply an obligation but also a matter of personal honor.*⁴¹

In addition, on a number of occasions the local population involved in the rebel "food supply chain" has been either financially or forcibly convinced by federal forces to poison rebels.⁴² Thus, trust between the local population in rural areas and the insurgent groups operating there is not of the same level as in previous Chechen conflicts. Therefore, groups such as PMGL, who based their work on first establishing links with local communities and through them extending their reach to rebel commanders, might experience difficulties in achieving their goals.

Furthermore, in comparison with the Chechen wars of the 1990s, the current conflict requires slightly different peace-building priorities and goals. There is no longer a need for prisoner and hostage release from the rebel side; most of the missing persons are now allegedly held by security forces.⁴³ In comparison with the aftermath of the first Chechen war, i.e. the period from 1996 to 1999 when hundreds of civilians were kidnapped in Chechnya and outside it by armed Chechen gangs, mostly made up of former rebels, most of the kidnappings are now conducted by police, the Special Forces and other law enforcement agencies. Moreover, grass-roots peace-builders of the 1990s seem to have prioritized short-term activities, e.g. prisoner release and exchange, over long-term goals, such as community peace-building, conflict cessation and the eradication of war culture. The dynamics of the current hostilities, however, dictate prioritizing long-term goals in the first place. Cessation of hostilities seems to depend now on the government's policies and the shift in both republican and federal policy-making rather than on

³⁹ According to the Chief Commander of North Caucasus Military District, Gen. Nikolai Sivak: "local population either supports armed groups or treats them neutrally, does not resist them and does not report them to federal authorities. If not for the support of locals, armed groups would have long been eliminated." (In an interview to НЕЗАВИСИМАЯ [*Independent*] newspaper on April 27, 2009.)

⁴⁰ "We created and systematized internal support techniques, and *Sharia* gives us clear rules for collecting military *zakat* (taxes). We prepared regulations and orders, which were distributed on our territories by our *naibs* (deputy commanders). In today's situation, financial or any other types of support are no longer voluntary actions but *fard 'ain* (compulsory) for every true Muslim because we are in war. We do not take anything that is above a fixed percentage rate, we do not rob poor families or those who suffered from the regime; instead, we support them as much as we can afford." Leader of Yarmuk jamaat, operating in Kabardino-Balkaria, in an exclusive interview to *North Caucasus Analysis*, vol. 10:11 (March 20, 2009).

⁴¹ Mairbek Vatchagayev, "North Caucasus Insurgency Attracting Mainly Young and Committed Members," *North Caucasus Analysis*, vol. 10:2 (January 15, 2009).

⁴² Jamestown Foundation, "Russia Adds Poison to its Counter-Insurgency Arsenal in the North Caucasus," *North Caucasus Weekly*, vol. 11:3 (2010).

⁴³ Amnesty International, "Russian Federation: Rule without Law: Human Rights violations in the North Caucasus," London (July 2009).

the dissolution of rebel forces. In terms of community peace-building, there is a lot more to do now than in 1990s Chechnya; it is necessary for peace-builders to establish contacts with rebel commanders. And that might be as important as peace-oriented community work in areas of rebel activity. However, a personal approach, actively used in 1990, is also a must. Similar to the conflicts of the 1990s, insurgent forces do not have a “supreme” leader with whom to negotiate, and, therefore, approaching individual field commanders remains necessary to achieve peace. Evidently, a new peace-building approach needs to incorporate some activities of earlier peace-building efforts in cohesion with new strategies.

In general, with the regard to previous grass-roots peace-building experience it is possible to identify a number of priority areas for peace-builders. First, peace-building has to target wide circles of the population, starting with the grass-roots, i.e. the current and potential rebel recruits, supporters, sympathizers as well as the local population in areas of insurgent activity. It is necessary to ensure that peace-building efforts are directed at those most affected by the conflict, i.e. the civilian population. Second, peace-building has to include not only the rebel forces but, most importantly, the security and military of the North Caucasus republics, as well as similar structures at the federal level. As mentioned earlier, the growth of authoritarianism and its onslaught against civil society, accompanied by centralization and militarism, are presented here as some of the main reasons for the current escalation of violence. Decentralization and demilitarization of local and federal governments might be considered as long-term objectives to de-escalate the conflict. Working with the police and law enforcement agencies is necessary to prevent human-rights violations, which are known to fuel conflict and increase the distrust of the population toward the government. The improvement of the human-rights situation should be given priority in eradicating the root causes of conflict, the insecurity of the population and the heavy-handed treatment by police and law enforcement. However, although current peace-building efforts in the region are limited in their scope and nature, some bottom-up activities are still taking place.

Current Efforts of Bottom-Up Peace-Building in the North Caucasus

There are a handful of peace-building programmes operating in the North Caucasus. A brief analysis of their activities presented below may help to understand the pitfalls of the current peace efforts.

Nonviolence International (NI) peace-building

Organization’s Profile:

“Nonviolence International promotes nonviolent action and seeks to reduce the use of violence worldwide. Nonviolence International is a decentralized network of resource centers that promote the use of nonviolent action. NI is also a non-governmental organization in Special Consultative Status with the Economic and Social Council of the United Nations.”⁴⁴ It was founded in 1989 by a Palestinian activist and is registered in Washington D.C., USA. It runs projects in Indonesia, Palestine, South America, the former Soviet Union and Southeast Asia.

Figure 4: Non-violence International

Source: Nonviolence International, <http://nonviolenceinternational.net>.

⁴⁴ Nonviolence International, “About Us,” http://nonviolenceinternational.net/?page_id=2 (accessed July 27, 2010).

A multi-sector peace-building programme launched by an international NGO Nonviolence International (NI) on the territory of the Commonwealth of Independent States (CIS) in 1993 was expanded to the North Caucasus in 2001.⁴⁵ Nonviolence International in the CIS (NIS) began its peace-building efforts in the republic of Karachay-Cherkessia and the border regions between Chechnya and Dagestan. Its main goal is conflict prevention and de-escalation as well as reconciliation and rehabilitation in conflict-affected societies. The NIS peace-building programme focused on conducting peace trainings to youth in remote regions of Dagestan and Ingushetia. In 2001–2, NIS launched a number of programmes designed to increase inter-ethnic reconciliation and peace-building in the border regions of Chechnya and Dagestan. These programmes aimed to reduce tensions between Dagestani and Chechen villagers in the border regions after the invasion of some border districts of Dagestan by Chechen-led Islamist Brigade in 1999 (which served as the start of the Second Chechen campaign). Two separate programmes have been also implemented in Karachay-Cherkessia and Kabardino-Balkaria. Both had as their goals to increase inter-ethnic tolerance and conflict prevention in the multi-ethnic settings.⁴⁶ NIS defines its peace-building priorities as:

*Any humanitarian, human rights, cultural, sports, analytical, educational and/or other activity implemented then and there, when and where it can practically influence a situation in the direction of preventing violence, mitigating tensions and managing conflicts between self-identified groups of population.*⁴⁷

According to the data provided by the Nonviolence International group, most of its funding, used to implement peace-building programmes in the North Caucasus, is from private sources.⁴⁸

In 2005 NIS launched the North Caucasus Regional Peace-building programme.⁴⁹ The programme was intended to cover almost all of the Russian North Caucasus and its primary goals are peace-building, regional development, inter-ethnic and inter-confessional tolerance. It also defines republic-specific goals. For instance, in Kabardino-Balkaria it identifies as a priority the participation of young people in social and political life of the republic. It also includes training courses and seminars on non-violence and tolerance as well as the promotion of education and employment. In Dagestan it prioritizes inter-ethnic cooperation and tolerance to Chechen IDPs, as well as inter-confessional reconciliation between the Sufi and Salafi adherents of Islam. The programme pursues similar goals in Ingushetia.

Most of the peace-building activities implemented as a part of the programme are sport competitions, culture and socializing clubs, peace education programmes, training courses and discussion clubs. Notably, almost all of the NIS activities took place in rural areas. Generally, the NIS work can be described as local capacity-building. However, its scale and degree of penetration into the society are insufficient to bring long-term results in peace-building. First, the

⁴⁵ Nonviolence International, “Projects,” <http://www.policy.hu/kamenshikov/ninis/russian.html> (accessed July 20, 2010).

⁴⁶ Ibid.

⁴⁷ *North Caucasus regional Peacebuilding program of civil organizations based on Sub-regional Peacebuilding Action Agenda of North Caucasus NGO’s*, http://www.igpi.ru/monitoring/north_caucas/1126863891.html (accessed July 20, 2010).

⁴⁸ Non-Violence International, Report: Операционно-Методическое Сопровождение Реализации Комплексных Миротворческих Программ [Operational and Methodological Implementation of Multi-Sector Peace-building Programmes], <http://www.policy.hu/kamenshikov/ninis/russian.html> (accessed August 20, 2010).

⁴⁹ Institute for Humanities and Political Studies, <http://www.igpi.ru> (accessed July 20, 2010).

majority of NIS programmes are focused on inter-ethnic relations and tolerance, which are not the causes of the current conflict. Second, considering that a great degree of violence and human-rights violations are conducted by the law enforcement and state authorities, NI does not have programmes dealing with such issues as abductions, torture and extra-judicial executions often practiced by law enforcement as a part of “anti-terrorism” campaigns. Third, in comparison with PMGL and CSMR, the NI does not establish links with insurgents, which limits its opportunities at implementing a long terms peace.

Peacebuilding UK and the rest

Organization’s Profile:

“Peacebuilding UK’s mission is to support and build local capacities for peace in the Russian Federation, predominantly in the North Caucasus region. This involves supporting and jointly implementing projects with staff, local groups and individuals in the region to promote sustainable peace, well-being and the enjoyment of human rights, with a particular focus on children, youth and other vulnerable people.”⁵⁰

Figure 5: Peacebuilding UK

Source: Peacebuilding UK, <http://peacebuildinguk.org/home>.

Peacebuilding UK began operating in the North Caucasus in 2006. Currently it runs two programmes in six republics, including Dagestan, Ingushetia and Kabardino-Balkaria. Peacebuilding UK mostly focuses on cultural and social programmes, psychological rehabilitation and peace-building networking.⁵¹ Funded and supported by the Russian Charitable Fund, the group also conducts conflict resolution and conflict transformation trainings in the North Caucasus and Russia. It must be said that Peacebuilding UK also actively works at the grass-roots level by engaging in the daily lives of local communities and promoting their focus on culture and self-identity. Apart from peace activities, the group also works on the reconstruction of infrastructure, mainly of educational and cultural facilities, and particularly in Chechnya.⁵²

“Humanitarian Dialog for Human Security in Chechnya” is a peace-building project implemented in Chechnya in 2005 by FEWER International, in association with *swisspeace*. The project focused on bringing the conflicting sides together for negotiations on non-political subjects, e.g. issues of psychological rehabilitation, reconciliation, release of illegally detained persons and enhancement of human security aimed at increasing the effectiveness of humanitarian operations.⁵³ Unfortunately, the project was meant to bring together only local/federal officials and representatives of Chechen civil society without directly reaching out to the separatists. The project also promoted strengthening the rule of law and state institutions, which meant the delegation of more power to the Kadyrov’s clan. However, strengthening state institutions in the North Caucasus, and in particularly in Chechnya, often means the allocation of additional authority to corrupt state officials (as in the case of Ingushetia) or autocratic strongmen (as in Chechnya) rather than the promotion of democracy.

⁵⁰ Peacebuilding UK, “About,” <http://peacebuildinguk.org/home> (accessed August 20, 2010).

⁵¹ Peacebuilding UK, “Peacebuilding,” <http://peacebuildinguk.org/about/peacebuilding> (accessed August 20, 2010).

⁵² Peacebuilding UK, “Community Development,” at <http://peacebuildinguk.org/about/community-development> (accessed August 20, 2010).

⁵³ FEWER International, “Dialog,” http://www.fewer-international.org/pages/eurasia/dialogue_29.html, (accessed August 20, 2010).

Yet another peace-building programme worth mentioning is a UNICEF-run peace education programme. Focused on children and youth, the programme conducts regular summer camps for peace education, distributes materials and disseminates knowledge and conflict awareness.

A couple of other NGO initiatives have been implemented in the region with the goal to boost peace-building initiatives, namely by the NGO “Friendship–North Caucasus” and the Russian NGO *Intercentre*. The NGO “Friendship–North Caucasus”, created in 1997, works on multi-ethnic tolerance and reconciliation. It is also one of a few local civil groups engaged in peace activities. In 2007, the NGO started a programme called “Cooperation in ethnological monitoring implementation and early conflict prevention”. Based in Stavropol, it is mostly active in the North-West Caucasus. A two-year project entitled “Cross-Cultural Understanding and Peace in the North Caucasus”,⁵⁴ has been launched by the Russian NGO *Intercentre*, founded by the Open Society Institute (OSI) and aimed at promoting peace education and non-violence in elementary and high schools in all the republics of North Caucasus.

Top-Down Efforts

Amid the ongoing human insecurity crisis, the government of the Russian Federation also took note of the need for peace. In spite of stubbornly adhering to Putin’s ideology of “no talks” with the underground rebels, denying the very existence of conflict in the North Caucasus and branding all anti-Russian resistance as international terrorism, Medvedev’s administration has nevertheless made a few short-lived attempts at peace-building.

Worth mentioning is the “Peace to the Caucasus” project, which was brought to life by a pro-Kremlin journalist, Maxim Shevchenko, and has been described by state officials as “one of the last hopes for the North Caucasus for improvement.”⁵⁵ Launched in October 2009, the project attempts to initiate dialogue between state officials and representatives of civil society in the region. To distinguish it from a purely top-down initiative, the project also considers talks with community leaders and grass-roots organizers. Although it is difficult to brand the “Peace to the Caucasus” as a complete failure at the moment, it has already been pointed out that the project has not yet moved from the “talking” stage (as of spring 2010). According to a well-known Dagestani sociologist, Enver Kisriev, “There were hearings; no decisions were made, various suggestions were moved; and everybody was [invited] to take further part in drafting the report in the Northern Caucasus.”⁵⁶ Limited in its scope to a discussion project and with no attempts to communicate with the population or with militants, it seems obvious, that “Peace to the Caucasus” is not aimed at bringing any concrete results apart from emphasizing its own existence as a “peace effort” brought over by the state and civil society (represented by Maxim Shevchenko).

“Peace to the Caucasus” remains the first top-down peace effort which aimed to cover the whole Caucasus and not only Chechnya. It is important to mention that since the start of conflict

⁵⁴ Open Society Foundation, *OSI Grantee Intercentre Launches “Cross-Cultural Understanding and Peace in North Caucasus” Project*, http://www.soros.org/initiatives/esp/news/intercentre_20080903, (accessed 20.08.2010).

⁵⁵ Valery Dzutsev, “Russia’s Government-Sponsored Expert Community Reaches out to North Caucasus,” *Eurasia Daily Monitor*, vol. 7:75, September 10, 2010, [http://www.jamestown.org/programs/ncw/single/?tx_ttnews\[tt_news\]=36824&cHash=b3b684c475](http://www.jamestown.org/programs/ncw/single/?tx_ttnews[tt_news]=36824&cHash=b3b684c475) (accessed November 7, 2010).

⁵⁶ Dmitry Florin & Enver Kisriev, “Project ‘Peace to the Caucasus’ may draw officials’ attention to regional problems,” *Caucasian Knot*, April 2010.

spillover in the region both local and federal authorities have hardly ever tried to implement any peaceful conflict resolution measures at all.

Amnesty to rebel fighters in Dagestan announced in February 2010 by the newly appointed president of Dagestan, Magomedov, was one of a few attempts at reducing violence through non-violent means.⁵⁷ The outcome of that amnesty has never reached the press and its results remain unknown for the moment (as of August 2010). However, considering the Chechen experience of amnesties, during which many of the former insurgents who chose to hand over their weapons were later abducted or subjected to continuous harassment from law enforcement,⁵⁸ it is doubtful that amnesties can work in the absence of human security and law and order.

Conclusions

In retrospect, most of the current peace-building efforts in the region are failing to bring the conflict participants, i.e. the insurgents and the federal government, to the negotiating table. They also fail to address the root causes of violence, in particular the grave violations of human rights conducted by law enforcement forces against civilians, systemic corruption and a lack of transparency and accountability on the part of state officials and institutions. Moreover, the majority of these peace initiatives are failing to accept that the region remains a scene to an ongoing armed conflict. Instead, most of the projects are of a post-conflict nature, focusing on inter-ethnic communication and social and cultural activities.

The bottom-up peace-building has been used before in the Caucasus, has the potential to be used again and can be a solution to the ongoing conflict. However, a review of the current peace efforts in the region shows that both top-down and bottom-up peace activities are far from targeting their goals and equally far from reaching positive outcomes. In the meantime, both the international community and the local and federal authorities are realizing the gravity of situation in the region and slowly, and to some extent reluctantly, are starting to conceive of peace efforts. It is obvious that top-down peace-building can have little success in the current conflict: the Russian government simply would not find credible counterparts on the insurgent's side to start talks and guarantee the end of violence. Moreover, the state under the current government has no desire to acknowledge the very existence of an armed conflict in the North Caucasus, which makes any possibility for top-down peace-building impossible.

The bottom-up approach, by contrast, might have a brighter future. As we have seen from the past experience of NGO engagement in local empowerment and bottom-up peace activities in earlier conflicts in Chechnya, civil society can help to tackle the problem. However, the lack of such a civil society at the present moment poses a different problem. The current peace-builders in the North Caucasus, be it NIS or Peacebuilding UK, are obviously not entirely enough to change the situation on the ground. A brief analysis of the conflict shows that efforts of post-conflict transformation and reconciliation are too premature and inter-ethnic tolerance and empowerment of state institutions are not directed at the root causes of violence, e.g. the infringement of civil liberties and freedoms as well as ongoing abuses of human rights. The current peace activities undertaken by the above-mentioned NGOs, at first glance, resemble a humble effort in a chaos of an armed conflict. Although both the NIS's and Peacebuilding UK's programmes are aiming at grass-roots conflict resolution, they do not engage the actual

⁵⁷ Dmitry Solovyov, "Russia's Dagestan Head to Pardon Repentant Rebels," *Reuters*, February 20, 2010.

⁵⁸ The International Helsinki Federation for Human Rights (IHF), "Amnestied People as Targets for Persecution in Chechnya," Vienna, May 16, 2007.

participants of the conflict: insurgents and law enforcement and state officials. Considering the dynamics of ongoing conflict, particularly that it is neither a rural or urban conflict nor an ethnic or nationalist one, bottom-up peace-building has to be directed at wider masses of the population.

To sum up it is necessary to emphasize that bottom-up peace-building can bring positive changes to the region only if its proponents are willing to consider a number of essential criteria for the success of peace efforts in the North Caucasus.

First, activities aimed at rural and IDP communities alone are not sufficient to ensure that all potential conflict participants are included into a peace process. Considering the heterogeneity of the conflict, the diversity of its participants and its geographical scope, peace-building programmes may need to focus on those segments of the population which are most likely to be involved in conflict. Programmes working with young people need to ensure that their target groups are not only well aware of the importance of non-violence, which is mostly the type of work that the current peace-builders are engaged in, but, most importantly, that young people are free in expressing their beliefs, points of view and are safe from persecution. The number of young people joining the insurgents can be reduced by increasing the social and physical security of the new generation and ensuring the preservation of their identity as ethnic and religious minorities within the Russian Federation. This implies that community grass-roots level peace-building remains a priority, but its scope and target groups need to be expanded to include youth in urban and rural areas, working and middle classes alike.

Second, peace-building should be multilateral, i.e. peace-builders have to work with both local and federal authorities as well as with the insurgents. Obviously, it would be impossible to convince the insurgents to lay down their weapons as long as there are no guarantees for their security in the short term and no improvements in the areas of social and economic security in the long term. On the other hand, it is unlikely that law enforcement will change its strategies as long as the threat from insurgency persists. Therefore, the job of peace-builders in that area might be that of mediators having an ability to reach out to rebel field commanders and law enforcement officials at local and federal level and ensuring that both sides respect any terms of peace which are set. This task requires civic groups to be influential enough in order to decentralize state institutions and ensure the transparency of their service.

The peace process, necessary to ensure the efficacy of humanitarian and development efforts in the region, has to originate from below in order to succeed in the North Caucasus. However, the bottom-up peace-building approach suggested above is a means of conflict resolution which can only succeed if implemented by non-state actors, that is civic groups, represented by both local and international NGOs.

EU AND TURKISH NEIGHBORHOOD POLICIES: COMMON GOALS

Çiğdem Üstün*

Abstract

Turkey and the European Union (EU) share the same neighborhood in the Mediterranean, Middle East, the Black Sea, and the Caucasus regions, with the same objectives of creating a ring of friends, minimizing threats to their social, political, economic, and energy interests, and ensuring stability. This paper aims to explain the relations of Turkey and the EU with the shared neighborhood countries; to analyze the compatibility of Turkish and EU neighborhood policies; and to demonstrate the need for these two actors to work together in order to achieve credible results in their neighborhood policies. I argue that coordinated Turkish and EU neighborhood policies may bring better results than individualistic approaches, bringing the credibility that the EU needs the most in these regions as well as opening channels of communication in a constructive manner. This relationship is believed to be mutually beneficial as long as Turkey and the EU both maximize their capabilities in these regions.

Keywords: *European Neighborhood Policy, Turkey, shared neighborhood, the Mediterranean, Middle East, the Black Sea and the Caucasus regions, Russia.*

Introduction

The EU aims to encourage regional cooperation, promote human rights, democracy, and good governance, prevent conflicts, and fight against international crime in its neighborhood. With these objectives the EU has been formulating new policies since the mid-1990s dealing with its neighbors in the southern Mediterranean and northern borders. As enlargement continued, the number of these policies and the regions the EU concentrated on increased, i.e. the Black Sea. Especially with the 2004 enlargement, the EU was hard-pressed to formulate an overhauling policy on its neighborhood to deeper relations with all the neighbors and develop tailor-made relations with each country.¹

In 2003 the EU initiated the neighborhood policy (ENP) by publishing the Commission Communication Paper on Wider Europe and, in 2004, its first Strategy Paper on the European Neighborhood Policy. In the Communication Paper the objective of the EU has been framed as promoting “the regional and subregional cooperation and integration that are preconditions for

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¹ Štefan Füle, Commissioner for Enlargement and ENP. See the European Commission’s website on European Neighbourhood Policy at http://ec.europa.eu/world/enp/index_en.htm (accessed November 7, 2010).

political stability, economic development and the reduction of poverty and social divisions”.² In 2004, the Strategy Paper presented the vision of the ENP as involving “a ring of countries, sharing the EU's fundamental values and objectives, drawn into an increasingly close relationship, going beyond co-operation to involve a significant measure of economic and political integration.”³ The ENP covers all the non-EU participants in the Euro-Mediterranean Partnership (with the exception of Turkey), Armenia, Azerbaijan, Belarus, Moldova, Ukraine, and Georgia. Under the ENP, the European Commission (hereinafter referred to as “the Commission”) prepared country reports for all of the countries involved in the ENP, and then the ENP Action Plans were developed which define short- and medium-term (3–5 years) priorities. All the reforms that are advised by the Commission are supported through EC-funded financial and technical assistance.

In 2006, the Commission published a new paper focusing on the weaknesses of the policy, economic and trade relations, migration, people-to-people contacts, financial, political, and regional cooperation, while building a thematic dimension to the ENP.⁴ A year later, the Commission started to work on new strategies on the eastern neighbors and the Black Sea countries. Two main papers came out: the Black Sea Synergy Paper and the Eastern Partnership. The Black Sea Synergy expressed the need for regional cooperation in the Black Sea region, to achieve increased stability and prosperity. The EU's 2007 Black Sea Synergy was very broad, both in terms of the content and the geographical space it covers, which made it very difficult to implement. At this point, the EU started to search for new ways to work with the region, and thus the Eastern Partnership (EaP) was launched in 2008. Although the EaP is concerned with the same region as the Black Sea Synergy, the EaP is a more concentrated and compact initiative than the Black Sea Synergy, and is a more ambitious partnership which aims to emphasize the need for a differentiated approach.⁵ The EaP proposed new measures regarding integration into the EU economy, energy security, economic and social development, and mobility.⁶ Although the intentions of the proposed partnership were accepted by the EU, the regional countries⁷ which have been left out of the EaP, such as Russia and Turkey, expressed their objections. It has been the general belief that the policies which will be effective and successful should include

² Communication from the Commission to the Council and European Parliament, “Wider Europe – Neighbourhood: A new Framework for Relations with our Eastern and Southern Neighbours”, Brussels, March 11, 2003, p. 3, http://ec.europa.eu/world/enp/pdf/com03_104_en.pdf (accessed September 29, 2010).

³ Communication from the Commission, “European Neighbourhood Policy Strategy Paper”, Brussels, December 12, 2004, p. 5, http://ec.europa.eu/world/enp/pdf/strategy/strategy_paper_en.pdf (accessed September 29, 2010).

⁴ Themes that are included in the ENP are human rights issues; diversified transport thematic cooperation through international conventions, regional initiatives and policy dialogues as well as along major transnational axes; longstanding energy cooperation resulting in ongoing regional and bilateral energy initiatives; several environment cooperation processes and multilateral agreements; ongoing bilateral and regional trade negotiations; venues for cooperation in higher education and scientific research; and regular bilateral dialogues on social development priorities, as well as cooperation on employment and gender equality within the Euro-Mediterranean Partnership. For more information see *Non-Paper Expanding on the Proposals contained in the communication to the European Parliament and the Council on “Strengthening the ENP”* – COM 2006 726 Final of 4 December 2006, http://ec.europa.eu/world/enp/pdf/non-paper_thematic-dimension_en.pdf (September 29, 2010).

⁵ Communication from the Commission to the European Parliament and the Council, “Eastern Partnership”, Brussels, December 3, 2008, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0823:FIN:EN:PDF> (accessed September 29, 2010).

⁶ *Ibid.*

⁷ The countries included in this partnership are Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine.

Russia and Turkey in the region. The EaP, as part of the ENP, could not include Turkey structurally, since it is a candidate country; however, Turkey criticized the policy and asked the Union to include Turkey and Russia, not as neighbors but as partners.⁸

The ENP is designed to tie the neighboring countries to the EU without promising EU membership. Therefore Turkey, as a candidate country aiming to be a full member of the Union, is not eligible to take part in the ENP. However, Turkey and Russia have been the main littoral states which have shaped Black Sea politics historically. These two countries thus wish to continue with their strategic roles in the region, while Turkey also wants to be an EU member. But defining Turkey as a neighbor and including it in the ENP would jeopardize Turkey's candidacy. Within this framework, both Russia and Turkey requested to be included in the EaP as partners, to be able to influence EU policy towards the region while stressing their special positions in the region.

Turkey and the EU, since they share borders, find themselves in disagreement over their specific policies towards the countries in the Mediterranean, the Middle East, the Black Sea, and the Caucasus. This paper has three main objectives in this framework; to explain the relations of Turkey and the EU with the shared neighborhood countries in the regions mentioned above; to analyze the compatibility of Turkish and EU neighborhood policies; and demonstrate the need for these two actors to work together in order to achieve credible results in their neighborhood policies. It is argued that due to the candidacy status of Turkey the EU is a determining element in Turkish foreign policy-making, while Turkey itself is a crucial element in the EU's neighborhood due to the cultural, political, economic, and commercial ties of Turkey to the regional countries in the Mediterranean, the Middle East, the Black Sea, and the Caucasus.

The Mediterranean and the Middle East

Turkey has been prioritizing its relations with the Mediterranean and the Middle Eastern countries in the last decade while trying to solve its problems with its Middle Eastern neighbors and increase relations with southern Mediterranean countries such as Syria, Jordan, Lebanon, and Egypt. In particular, relations with Syria were developed in the 2000s. In the 1990s, water and the PKK (Kurdistan Workers' Party) were the main problems between the two countries. The cause of disagreement between Syria and Turkey was the Euphrates and Tigris rivers. Those two rivers originate within Turkish borders, but they flow down to Syria and Iraq. Thus, these two rivers are the most important water resources for all three countries. When Turkey wanted to build the Southeast Anatolian Project (SAP) on the Euphrates, it became a problem with Syria. The demands of Syria were that the Euphrates and Tigris rivers should be recognized as international waters and the level of water being given by Turkey to Syria should be increased. Thus, Syria sought to discuss this issue under the UN framework; however, due to Turkey's objections this issue was not debated under the UN umbrella.⁹

⁸ Çiğdem Üstün, "Turkey and the European Neighbourhood Policy: the Black Sea Region", in *Turkey and the EU: The Process of Change and Neighbourhood*, eds. Atilla Eralp and Çiğdem Üstün, (Ankara: Zepelin İletişim, 2009), 132.

⁹ Yavuz Gökalp Yıldız, *Oyun içinde Oyun Büyük Ortadoğu* [Game within a Game: Greater Middle East], (İstanbul: IQ Kültür Sanat Yayıncılık, 2004), 268.

However, as long as Abdullah Öcalan, leader of PKK, resided in Damascus,¹⁰ and the terrorist activities of the PKK continued to find support in Syria, the water problem was not solved between these two countries.¹¹ A new era in relations between Turkey and Syria was initiated and negotiations on water started only after Öcalan's expulsion from Damascus in 1999. In 2007 the two countries signed the *Memorandum of Understanding for Cooperation between Turkey and Syria* concerning politics and security, economy, and energy and water and deepening of the cooperation between the Turkish Petroleum Corporation (TPAO) and the Syrian Oil Company and progress in visits and opinion exchange in the field of water were agreed. In addition, Turkey designed a "Three-Staged Plan" based on the fact that the Euphrates and the Tigris make up a single transboundary river system. The Plan envisaged the preparation of common inventories of water and land resources for a final allocation of water between the riparian states. Finally, in 2009, Turkey and Syria signed an agreement on lifting the visa between the two countries and also signed a bilateral cooperation accord under which top ministers from the two countries would meet each year. Therefore, it can be argued that the end of the terrorist threat and the increase in economic and trade links at the border helped to create good-neighborly relations, which improved the prospects for cultural, social and political relations as well.

Over the last decade Turkey has been trying to improve its relations with its southern neighbors. In the 1980s and the 1990s the Middle Eastern neighbors were perceived as the troubled areas and Turkey tried to refrain itself from being engaged in the conflicts in the region. However in the 2000s through its cultural, economic and trade links Turkey has been working hard to create a friendly environment in the region. Within the same framework, Turkey increased its economic and cultural relations with the southern Mediterranean countries, which led to agreements on ending the visa requirements with Libya, Jordan, and Tunisia as well. Moreover, Turkey and Iran have a visa agreement which allows their citizens to travel freely between the two countries. Therefore, Turkey can be seen as a hub country in a region that the EU is also trying to promote regional cooperation and free trade area.

Since the mid-1990s the EU has been working to establish a credible policy towards the Mediterranean region and trying to play an active role in efforts to resolve the Israeli-Palestinian conflict and contributing to the Middle East Peace Process (MEPP) as a member of the so-called Middle East Quartet (the US, the EU, Russia and the UN). It is argued that it is in the EU's self-interest to invest in stability and cooperation around its neighborhood,¹² and especially in the Mediterranean region due to its strategically essential position. Within this framework, in 1995 the EU initiated the Euro-Mediterranean Partnership (EMP), better known as the Barcelona Process, with its Mediterranean neighbors. This new partnership's main aim was to create the means for dialogue, cooperation, peace, and stability between the EU and its southern Mediterranean countries while strengthening north-south relations and "south-south" interaction.¹³ However, after the Barcelona Process was initiated, the end of the 1990s saw an

¹⁰ "Syria's role in our fight is very powerful and permanent." Hasan Cemal, *Kürtler* [Kurds], (İstanbul: Doğan Kitap, 2004), 41.

¹¹ Hasan Cemal, *Kürtler* [Kurds], (İstanbul: Doğan Kitap, 2004), 107.

¹² William Wallace, "Looking After the Neighbourhood: Responsibilities for the EU-25", *Notre Europe Policy Paper*, No. 4, July 2003, 19.

¹³ Stephen C. Calleya, "Is the Barcelona Process Working? EU Policy in the Mediterranean", *ZEI Discussion Paper*, C 75, 2000, 8.

increase in conflicting relations throughout the Mediterranean region, while fault lines along a north-south and south-south axis have become more apparent,¹⁴ developments in North Africa and the Middle East to which the EU has failed to react. Since then the EU has been attempting to inject dynamism into the Barcelona Process. As the EU enlarged, though, it needed a new policy to export stability and welfare to neighboring countries. In 2004 the EU launched the ENP, which aimed and increase the possibilities of cooperation in political and economic spheres, taking on the model of the accession process in order to offer its neighbors a deeper involvement in EU policies.¹⁵ Even though the ENP does not promise EU membership to the partner countries, it offered “everything but the institutions”.¹⁶

However, it has been noted that the inadequacy in the financial disbursement,¹⁷ asymmetrical trade liberalization, collapse of the MEPP, inadequate encouragement for political reforms, ambiguity of the action plans, and limited funding allocated for promotion of human rights¹⁸ prevented the successful implementation of the policies towards the Mediterranean region. In 2007 a new policy under the name of the Mediterranean Union was introduced by French President Nicolas Sarkozy, which was criticized heavily by Turkey since it has been presented as an alternative to Turkey’s potential EU membership. The other member-states’ criticisms centered on the risk of reducing the effectiveness of the already established neighborhood policies in the Mediterranean region. Furthermore, the other actors such as the civil society organizations both in the EU member-states and southern Mediterranean countries which are involved in the Mediterranean policies of the EU for over a decade were drawing attention to the possibility of duplication of policies and initiatives¹⁹ while undermining the work of Barcelona Process.²⁰

As a result of the criticisms the Mediterranean Union has gone through modifications and launched under the Barcelona Process as Union for the Mediterranean. Turkey has participated in this process and emphasized its improved relations with the Mediterranean and the Middle Eastern countries and its importance as an asset in the development of the ENP and creation of ring of friends in the region.

Within this framework, Turkey also emphasized its role in the Middle East and the resolution of conflict between Israel and Palestine. In relations with Israel, Turkey’s main concern has been the Palestinian Authority (PA) and the peace process. In the 1980s and 1990s , Turkey tried to

¹⁴ Ibid., 5.

¹⁵ Richard Youngs, “Ten Years of the Barcelona Process: A Model for Supporting Arab Reform?”, *FRIDE Working Paper*, No. 2, January 2005, 10.

¹⁶ Romano Prodi, ‘A Wider Europe - A Proximity Policy as the Key to Stability’, Sixth ECSA-World Conference. Jean Monnet Project, Brussels, December 5/6, 2002, <http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/02/619&format=HTML&aged=0&language=EN&guiLanguage=en> (accessed September 29, 2010).

¹⁷ William Wallace, “Looking After the Neighbourhood: Responsibilities for the EU-25”, *Notre Europe Policy Paper*, No. 4, July 2003, 17.

¹⁸ Richard Youngs, “Ten Years of the Barcelona Process: A Model for Supporting Arab Reform?”, *FRIDE Working Paper*, No. 2, January 2005, 8.

¹⁹ Timo Behr and Ruth H. Santini, “Comment: Sarkazoy’s Mediterranean union plans should worry Brussels”, *EU Observer*, November 12, 2007.

²⁰ Roberto Aliboni et al., “Putting the Mediterranean Union in Perspective”, *EuroMesco Paper* No. 68, June 2008.

stay out of the conflict between Israel and PA as much as possible. However, after Turkey's candidacy to the EU was announced, and after the accession negotiations started, Turkey started to perceive the Palestine question as an area of responsibility and opportunity to play a constructive role in the region.²¹ However, in the last decade it is clear that Turkey's foreign policy has moved more towards Palestine and some disputes with Israel have been observed in the political arena. But one should observe that although the political and diplomatic problems occupied the agenda the economic and trade relations as well as the military and security relations continued during the Turkey-Israel diplomatic struggles. In 2009 the extent of bilateral trade between Israel and Turkey was \$2.5 billion²² and Turkey is listed as one of the main trading partners of Israel both in imports and exports.²³

Certainly, problems with some of the neighbors continue in the region, i.e. Iraq. Both in the Gulf and the Iraq Wars, Turkey has been determined that the military intervention in the region would disturb the balance of power in Iraq, and ethnic conflicts would increase the instability in the whole Middle East. Especially the Kurdish separatist groups in Northern Iraq worried Turkey, and territorial integrity has been the main priority of the Turkish government during and after the Iraq War. The possibility of the disintegration of Iraq and the formation of an independent Kurdish state is perceived as one of the biggest security threats by the Ministry of Foreign Affairs and the Turkish Armed Forces in the region towards Turkey.²⁴ Still, this possibility shapes the relations between Iraq and Turkey as well as the USA. Turkey as a neighboring and a regional country, opposes to the idea of a federal system in Iraq, which may encourage the other Kurdish groups in the region for more autonomy. Within this framework, Turkey emphasizes the importance of territorial and political integrity of Iraq in negotiations with Iraq and the USA.

During the 2000s Turkey has shown an increasing ability to use its soft power while emphasizing the necessity of political and economic reform in the Islamic world, and the promotion of harmony between different cultures and civilizations. Turkey's approach to the Mediterranean and the Middle East demonstrated some resemblance to EU's policies in pursuing a resolution of the Israeli-Palestinian conflict; promoting political and economic reform in the region; working toward peaceful stabilization and reconstruction in Iraq; and finding a diplomatic solution to the Iranian nuclear crisis.²⁵ In this context, Turkey as a regional country which has close cultural ties with the societies in the Mediterranean and the Middle East is eager to work towards the main goals of the ENP, such as decreasing socio-economic problems, increasing regional cooperation in economic, social, and political spheres, and bringing stability to the region.

²¹ Bülent Aras and Rabia K. Polat, 'Turkey and the Middle East: frontiers of the new geographic imagination', *Australian Journal of International Affairs*, vol. 61:4 (2007):478.

²² Ora Coren, *Turkey hints at review of Israel trade, but no sign yet of boycott*, <http://www.haaretz.com/print-edition/business/turkey-hints-at-review-of-israel-trade-but-no-sign-yet-of-boycott-1.293659> (accessed September 29, 2010).

²³ DG Trade, *Israel – EU Bilateral Trade and Trade with the World*, http://trade.ec.europa.eu/doclib/docs/2006/september/tradoc_113402.pdf (accessed September 29, 2010).

²⁴ Çiğdem Üstün, *Turkey and European Security Defence Policy: Compatibility and Security Cultures in a Globalised World* (London: I.B. Tauris, 2010), 107.

²⁵ Meliha Benli Altunışık, "Turkey-EU Relations: Creating New Synergies in the Middle East", in Atilla Eralp, Michele Comelli, and Çiğdem Üstün (eds.), *The European Neighbourhood Policy and the Southern Mediterranean: Drawing from the Lessons of Enlargement* (Ankara: METU Press, 2009), 151-52.

The Black Sea and the Caucasus

The Black Sea and the Caucasus were inaccessible to Turkey during the Cold War era. It was only possible for Turkey to establish relations with the countries in the region after the end of the Cold War. After the end of the Cold War, Turkey felt confused in its foreign affairs and initially, she tried to take the opportunity to establish relations with the Turkic-speaking nations in the region, in the Caucasus and the Central Asia such as Azerbaijan, Kyrgyzstan, Uzbekistan, Kazakhstan, and Turkmenistan, with which Turkey also has cultural, religious, and ethnic ties.²⁶ Turkey's main aim has been positioning itself in the centre of regional cooperation in the Black Sea region connecting the Middle East, Caucasus, the Balkans and Europe.²⁷ In the 1990s Turkey's main aim was to create a zone of influence to lead the regional countries while increasing the EU's relations with those countries and increase her influence in the region and beyond.²⁸

Nevertheless, the international situation in the 1990s was not suitable for Turkey's aims in the region, which are characterized by a) the ethnic separatist movements by Chechens and Kurds, b) possible NATO bases in Georgia and Azerbaijan, c) change in the naval balance in the Black Sea, d) Russia's peacekeeper role in the CIS, e) natural gas and oil pipelines, and f) regime regarding the Straits created a mutual mistrust towards each other.

In the 2000s the relations in the region, especially with Russia, were improved, and the EU's increased attention to the region created better opportunities for cooperation for Turkey in the Black Sea and the Caucasus. In the Black Sea region the EU emphasizes gas and oil projects, electricity network interconnections, the Black Sea Ring Corridor, the Black Sea Pan European Transport Area,²⁹ TRACECA³⁰, linking Central Asia and the Caucasus, and projects on environmental protection. The Bucharest Convention and Black Sea Environmental Program attracted attention, leading to a Communication published by the Commission on the environment in the Danube and Black Sea Region.³¹ In addition to energy, environment, and transport, the region is crucial to the EU's efforts in combating organized crime, illegal trafficking in drugs, people, and arms, corruption, and money laundering. Therefore, the EU's main interests in the region can be categorized as energy security, environmental issues, frozen conflicts, and cooperative measures in combating new security threats, including human security.

²⁶ Necdet Pamir, "Energy and Pipeline Security in The Black Sea and Caspian Sea Regions: Challenges and Solutions", in *The Black Sea Region Cooperation and Security Building*, ed. Oleksandr Pavliuk and Ivanna Klympush-Tsintsadze, East West Institute (NY: M.E. Sharpe, Inc., 2004), 142.

²⁷ Çiğdem Üstün, "Turkish Perception on the Black Sea Region: A Historical Analysis" *Valahian Journal of Historical Studies*, vol. 9 (2008): 67-83.

²⁸ Bülent Gokay, "The Politics of Oil in the Black Sea Area: Turkey and Regional power Rivalries", in *Politics of the Black Sea Dynamics of Cooperation and Conflict*, ed. Tunç Aybak (London: I.B. Tauris, 2001), 18.

²⁹ It promotes a new link between East and West by facilitating the overland transport of goods from Europe to Asia and vice versa. Please see <http://www.mt.gov.tr/eubak/projects/international> for more information on transport projects in the Black Sea region.

³⁰ TRACECA program is an EU funded (partly) project on construction of a transport corridor between Europe, Caucasus and Asia.

³¹ Communication from the Commission, *Environmental cooperation in the Danube – Black Sea region*. Brussels, 2001 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2001:0615:FIN:EN:PDF> (accessed September 29, 2010).

Among all the EU-initiated projects, Turkey has been primarily interested in TRACECA and became a part of the program in 2002. Turkey places special emphasis on this program with a view to increasing its share and role in regional transport while decreasing the traffic at the Bosphorus and Dardanelles.³² Turkey believes that among all the projects and programs, the TRACECA is the most effectual one for Turkey to increase foreign direct investment, tourism, regional development, hard-currency income, and employment.³³ In addition, Turkey is a part of the Black Sea Cross Border initiative and some cities at the Black Sea coast, i.e. Istanbul, Tekirdağ, Kocaeli, Zonguldak, Kastamonu, Samsun and Trabzon, are covered by the Black Sea Basin Program.³⁴

Within this framework, Turkey placed special importance on furthering cooperation in the Black Sea region while emphasizing the value of rule of law, democratic transition, and respect for human rights, and establishing closer relations with the West, especially the EU.³⁵ Turkey focused on energy agreements with the regional countries one of which has been the construction of Baku-Tbilisi-Ceyhan (BTC) pipeline. Although Russia has objected to this pipeline due to the fact that it helps the regional countries to bypass Russia in their energy policies, Turkey insisted on this pipeline, believing that it would push Georgia, Azerbaijan, and Turkey towards stabler relations in the long run.

Turkey's position on the Armenian-Azerbaijani conflict has been rather different than its balanced position towards Georgia. Although Turkey supports the importance of an international response to the conflicts in Nagorno-Karabakh, it has been in close relations with Azerbaijan, which prevented its ability to act as a mediator in the OSCE Minsk Group, even though it wanted to in the early 1990s. Especially after the embargo on Armenia and the suspension of diplomatic relations with Armenia, Turkey became an actor rather than a mediator in this conflict.³⁶ In the 1990s Turkey perceived Armenian-Greek rapprochement as a threat to its security concerns.³⁷ However, in 2000 Turkey and Armenia took some steps towards normalizing relations, such as the establishment of the Turkish-Armenian Peace Commission. After the 2008 August war in Georgia, Turkey took further steps towards establishing a platform for the regional countries under the auspices of the Caucasus Stability and Cooperation Platform to create positive relations between Armenia, Turkey, Georgia, Azerbaijan, and Russia. It is argued that the normalization of relations between Turkey, Armenia, and Azerbaijan and the resolution of the existing conflicts will bring economic prosperity to the region and increase the export-import

³² Mustafa Kaya, "TRACECA Dışında Kalamayız" [We cannot stay out of TRACECA], *UND'nin Sesi Dergisi* [Voice of UND], 2003, <http://www.traceca.org.tr/und1.htm> (accessed September 29, 2010).

³³ Bengi Pınar Aytaç, Fazıl Çelik, and Funda Türe, *Ülkemiz Ulaştırma Politikalarının Doğu Karadeniz Bölgesi'nin Kalkınması üzerindeki Etkileri* [The effect of our country's transport policies on the eastern Black Sea region's development], Paper presented at the 7th Transportation Conference by Civil Engineers, September 19, 2007, Istanbul, <http://www.e-kutuphane.imo.org.tr/pdf/3097.pdf> (accessed September 29, 2010).

³⁴ European Commission, *Cross-border cooperation programmes 2007–2013*, Brussels, 2007 http://eeas.europa.eu/russia/docs/cbc_russia_2007_en.pdf (accessed September 29, 2010).

³⁵ Çiğdem Üstün, "Europeanisation of foreign policy: The Case of Turkish Foreign Policy towards the Black Sea Region", *Journal of Southeast Europe and Black Sea Studies*, 10:2 (2010): 232.

³⁶ Ibid.

³⁷ S. Laçiner, *Türkler ve Ermeniler Bir Uluslararası İlişkiler Çalışması* [Turks and Armenians: An international relations reader], (Ankara: USAK Yayınları, 2005).

capabilities of these three countries, fostering trade in some important commodities, such as the export of gas from Azerbaijan to Armenia and of electricity from Armenia to Turkey.³⁸

In the south Caucasus, Turkey aims to increase its economic and trade links, become a leading regional actor, and make itself invaluable to the EU in its relations with the Black Sea regional states. However, although the end of the Cold War brought new opportunities, opened new markets and created new allies, the region also means new risks, new conflict areas and new problems. Therefore, Turkey is making an effort to act together with the EU and spread the EU's policies and models of cooperation regarding economic, cultural, and social policies.

Russia

Russia is an important neighbor for Turkey and the EU, although it is not included in the ENP. Turkey's relations with Russia have increased, especially during the 1980s due to the Turkish enterprises' efforts to find an alternative to the western markets. In the 1990s, political relations with Russia have suffered due to Turkey's efforts to reconnect with the other Black Sea and the Caucasus countries. Russia perceived this as a threat to its own sphere of influence. The agreement on the BTC pipeline also had some negative effects on the relations such as political tension between Turkey and Russia. However, trade and economic links between Russia and Turkey continued to increase during the 1990s and continued into the 2000s. In 1997, exports to Russia totaled nearly 2.1 billion USD, and in 2009 this value increased to 3.2 billion. This growing trend is evident in imports as well: in 1997 imports were almost 2.2 billion USD and increased to 19.4 billion in 2009.³⁹

In the 1990s Russia stated that it is one of the biggest powers in the world and needs to protect its interests in its neighborhood while at the same time strengthening its ties to the East and the West.⁴⁰ In this context, energy relations between Russia and the neighboring regions stood out. The energy trade between Russia and Turkey started in the 1980s and, in line with the EU's policies on securing energy flow from energy producing countries to energy consuming countries, continued to grow, including natural gas, LNG (liquefied natural gas), and petrol. The economic reconciliation and the increase in energy relations between Turkey and Russia helped these two countries to overcome the disagreements on Armenia, Kurdish and Chechen separatist groups, disputes over Turkish Straits. In 2010 the relations were furthered and in order to facilitate trade the visas have been lifted between Russian Federation and Turkish Republic.

The EU places special importance on its relations with Russia, since it is the EU's third biggest trading partner, with Russian supplies of oil and gas making up a large percentage of Russia's exports to Europe. EU bases its cooperation with Russia on four main areas economic issues and the environment; Freedom, Security and Justice; External Security; and Research and Education

³⁸ Evgeny Palyakov, "Changing Trade Patterns after Conflict Resolution in South Caucasus", *World Bank Policy Research Working Paper*, No 2593, April 2001: 36.

³⁹ Turkish Institute of Statistics, http://www.tuik.gov.tr/VeriBilgi.do?tb_id=12&ust_id=4 (accessed September 29, 2010)

⁴⁰ Erhan Büyükkakıncı, "Soğuk Savaştan Günümüze Türkiye-Rusya İlişkileri [Turkey – Russia Relations from Cold War till today], in *Türk Dış Politikasının Analizi [Analysis of Turkish Foreign Policy]*, ed. Faruk Sönmezoglu (Istanbul: Der Yayınları), 2004: 695.

under the “Common Spaces” title⁴¹. Relations between the EU and Russia affect the whole of Eastern Europe and the Black Sea regions, as well as the Caucasus. The EU and Russia established institutional joint structures, bilateral agreements, strategies, and policies. However EU could not still create a common policy towards Russia which allows the individual member-states to pursue their own independent policies towards Russia. Therefore, reconciliation between the EU and Russia could not be achieved yet which prevents free trade area to be established. Moreover, energy issues are still debated and EU could not agree on the reciprocity clause regarding the energy charter.⁴² Energy is the main issue between the EU and Russia, since 50 per cent of the EU’s energy is imported from Russia and 75 per cent of Russia’s export revenue depends directly on the single European energy market. This interdependence assumed to create a partnership however, the mistrust towards Russia especially among the eastern bloc in the EU, issues rising due to the problems in implementation of human rights, democratic governance and rule of law in Russia prevents the EU to identify Russia as a partner and sign credible bilateral agreements.

Regarding its role in EU-Russia relations, Turkey puts its efforts to be the regional mediator power similar to the other regions, the Mediterranean, the Middle East, the Black Sea, and the Caucasus. In particular, Turkey is trying to take part in the energy relations between Europe and Russia, emphasizing its stable economic, commercial, political, and energy relations with Russia, and suggests that it would serve as a perfect hub by bypassing the eastern bloc countries which have difficult relations with Russia.

Conclusion

Both Turkey and the EU are aiming to have a “ring of friends” in their shared neighborhood so as to minimize the threats to social, political, economic, and energy interests, while ensuring stability factors in the Mediterranean, Middle East, Black Sea, and the Caucasus regions. It is argued here that in order to achieve their mutual objectives in the neighboring regions, there is a need for coordination between Turkey and the EU.

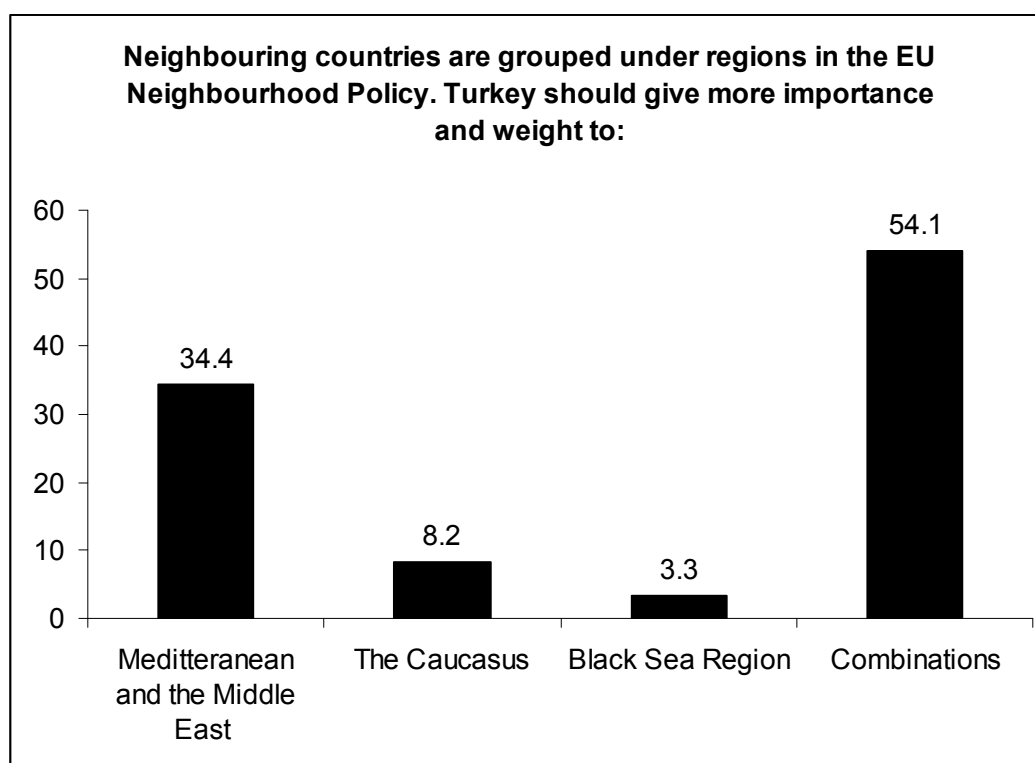
Turkey has been trying to encourage regional cooperation in its region since the end of the Cold War. However, due to the international and domestic adversities it had been difficult for Turkey to be engaged in intense relations with its neighbors. In the 2000s it has been more feasible for Turkey to increase political and economic relations with regional countries such as Syria, Egypt,

⁴¹ 15th EU-Russia Summit, Moscow, *Road Map on the Common Economic Space 2005*, http://www.russianmission.eu/userfiles/file/road_map_on_the_common_economic_space_2005_english.pdf, (accessed September 29, 2010); *Road Map on the Common Space of Freedom, Security and Justice 2005*, http://www.russianmission.eu/userfiles/file/road_map_on_the_common_space_of_freedom_security_and_justice_2005_english.pdf, (accessed September 29, 2010); *Road Map on the Common Space of External Security 2005*, http://www.russianmission.eu/userfiles/file/road_map_on_the_common_space_of_external_security_2005_english.pdf, (accessed September 29, 2010); and *Road Map on the Common Space of Research and Education, Including Cultural Aspects 2005*, http://www.russianmission.eu/userfiles/file/road_map_on_the_common_space_of_research_and_education_2005_english.pdf (accessed September 29, 2010).

⁴² Thomas Gomart, ‘EU-Russia Relations toward a Way out of Depression’, July 2008, http://www.ifri.org/files/Russie/Gomart_EU_Russia.pdf (accessed September 29, 2010).

Lebanon, Georgia, and Russia. This has been possible, first, due to the changes in the international agenda; second, due to the involvement of the EU in these regions through the ENP; and, third, due to Turkey's EU candidacy, which created opportunities for Turkey in the regions where the ENP has been initiated.

Within this framework, Turkey as an EU candidate wants to use its geostrategic location. Turkey presents its cultural ties, economic and trade relations, and the potential to be the EU's energy hub as important assets to the ENP. In parallel, Turkish Elite Survey conducted in 2009 under the Strengthening and Integrating Academic Networks (SInAN) project, demonstrated that Turkish MPs⁴³ emphasize the importance of Turkey and believe that Turkey should intensify relations with the Mediterranean, Middle East, the Black Sea, and the Caucasus without any differentiation in order to increase its role as economic, energy and trade hub in the region.



Source: Sait Aksit, Özgehan Şenyuva, and Çiğdem Üstün, MYTHS AND ELITES, Turkish Elite Survey 2009: Initial Findings, Centre for European Studies-Middle East Technical University: Ankara, 2009

⁴³ The Turkish Elite Survey was conducted by the Center for European Studies in 2009 under the *SInAN - Strengthening and Integrating Academic Networks* project funded by the European Union under the "Promotion of Civil Society Dialogue between the EU and Turkey: Universities Grant Scheme." As part of the Turkish Elite Survey, a total of 62 Members of Parliament (MPs) – out of a total of 550 MPs in the TGNA – were interviewed in the period between June and December 2009. The interviews were done face-to-face, with a close-ended questionnaire. Each interview took, on average, 40 minutes. As for the 62 interviewed Turkish MPs, the sample was selected proportionate to the number of party seats. In other words, the number of MPs from different parties reflects the distribution of seats in the assembly among the parties.

The research showed that the policy makers in the TGNA believe in the necessity of multi-regional approach in conducting Turkish foreign policy. The general understanding is that Turkey should continue furthering its relations with the neighboring countries that Turkey as a strong regional mediating power would be an important asset for the Union to achieve its aim of creating a ‘ring of friends’ in its neighborhood. In this perspective I argue that Turkish and EU’s shared neighborhood policies may bring better results than the individualistic approaches in these regions. However, this can be achieved only if Turkey sees a credible potential for itself to be a full member of the Union. The prolongation of Turkey’s accession to the EU would decrease the enthusiasm of Turkey to align with the EU and its neighborhood policies, which may jeopardize the benefits that EU can get in its neighborhood through Turkey’s cultural, political, social, economic and trade links with Turkey’s neighbors. Turkish and EU close relationship in the neighborhood policies would bring the credibility that the EU needs the most in these regions, while opening the communication channels in a constructive manner. This relationship is believed to be mutually beneficial as long as both Turkey and the EU make the maximum of their potentials in these regions.

NOW WHO ANSWERS THE PHONE IN EUROPE? COOPERATION WITHIN THE CFSP AFTER THE ENLARGEMENTS AND THE LISBON TREATY

Nelli Babayan*

Abstract

Despite its alleged inconsistency, the foreign policy of the European Union was successful with the enlargements of 2004 and 2007. The enlargements resulted in an increased number of EU members with important votes in qualified majority voting (QMV) and crucial influence over the unanimous decision-making. Meanwhile, the Lisbon Treaty is meant to foster greater cooperation among the member-states and make the EU speak with one voice in terms of foreign policy. This article analyses the political and institutional dynamics in the EU foreign policy decision-making process after the enlargements and in the wake of the Lisbon Treaty. Focusing on the Common Foreign and Security Policy (CFSP), the article tracks the dynamics in the CFSP evolution and identifies the potential impact the Lisbon Treaty may have on the consistency and coherence of EU foreign policy. The findings show that contrary to predictions the enlargements did not have negative effects on the institutional or political dynamics of the CFSP. However, the Lisbon Treaty, by introducing new institutions and responsibilities as part of creating more efficient institutional framework, has instead created confusion and institutional competition.

Keywords: cooperation; EU foreign policy; decision-making; representation; Lisbon Treaty; enlargement

Introduction

The abundance of the terms describing the European Union (EU) and trying to capture its nature points to the disagreement not only in the academic circles but also to current inability of the EU to “speak with one voice”. Despite the adoption of a common foreign policy, individual member-states do not yet act unanimously on foreign policy issues, the Iraq war being a prime example.

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The descriptions of the EU range from the sympathetic “normative power”,¹ “quiet superpower”,² to the fashionable “metrosexual power”³ and the rather negative “irrelevant” and “neo-colonialist” entity.⁴ The negative descriptions reach their peak usually when dealing with EU foreign policy because European governments seem to be “entirely preoccupied with their internal, intra-European machinations”⁵ and are reluctant to cooperate, leaving the EU’s foreign policy inconsistent even in times of important international developments like the Georgia-Russia crisis of 2008 and earlier crises in Albania, Kosovo, and Rwanda. Thus, scholars mention the non-cooperation of member-states as the biggest obstacle towards the effective and coherent EU foreign policy.⁶ The EU’s foreign policy consists of the least arguable options for actions, ones to which even the most reluctant member-state could, theoretically, agree.⁷ This disagreement over interests and preferences and the constant search for consensus blocks the creation of a supranational mechanism of foreign policy-making, as does the member-states’ unwillingness to pool their sovereignty or alter their preferences so they can stay in full control of their foreign policies.⁸

It might have seemed that Kissinger’s complaint of having no phone number for Europe would have been even more relevant after the enlargements of 2004 and 2007 as those gave 12 more internally preoccupied governments access to the EU foreign policy process. However, the Lisbon Treaty, initially also referred to as the Reform Treaty, which finally entered into force on 1 December 2009, is designed to give the EU a single voice, increase the effectiveness of its institutions and improve the “coherence of its action”.⁹ Thus, while the enlargement from 15 to 27 member-states has raised doubts about increasing the capacity of the EU to act as a unified actor,¹⁰ the Lisbon Treaty, according to the two largest members of the EU, Germany and France, would make EU foreign policy more coherent and compatible with contemporary challenges.¹¹

¹ Ian Manners, “Normative Power Europe: A Contradiction in Terms?”, *Journal of Common Market Studies*, vol. 40:2 (2002): 235-58.

² Andrew Moravcsik, “The World’s Quiet Superpower”, *European Voice* (2007).

³ Parag Khanna, “The Metrosexual Superpower”, *Foreign Policy* (2004). By comparing the EU to a metrosexual man based on the example of football player David Beckham, the author argues that the EU has become more effective in spreading its message than the US because, unlike the latter, it uses both its “hard power and its sensitive side” (p. 66) of a norm generator and promoter.

⁴ Clive Crook, “Think Again: Europe”, *Foreign Policy* (2007); Robert Kagan, *Of Paradise and Power: America and Europe in the New World Order* (New York: Knopf, 2003).

⁵ Crook, *Think Again Europe*, 22.

⁶ Stanley Hoffmann, “Towards a Common European Foreign and Security Policy?”, *Journal of Common Market Studies*, vol. 38:2 (2000): 189-198; and Karen Smith, *European Union Foreign Policy in a Changing World* (Oxford: Polity Press, 2008).

⁷ Smith, *European Union Foreign Policy in a Changing World*, 10.

⁸ Philip H. Gordon, “Europe’s Uncommon Foreign Policy”, *International Security*, vol. 22:3 (1997): 81.

⁹ Preamble to the Lisbon Treaty, p.3. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2007:306:0001:0010:EN:PDF>.

¹⁰ Antonio Missiroli, “EU Enlargement and CFSP/ESDP”, *Journal of European Integration*, vol. 25:1 (2003): 1-4.

¹¹ *The New York Times*, “European Leaders Vow to Fight Financial Crisis”, October 4, 2008, <http://www.nytimes.com/2008/10/05/business/worldbusiness/05euro.html>; The European Parliament, “Thursday plenary: Sarkozy sets out priorities for French EU presidency”, July 11, 2008, <http://www.europarl.europa.eu/sides/getDoc.do?language=EN&type=IM-PRESS&reference=20080627STO32900>; Gesa Stefanie Brincker and Jochen Eisenburger, “Implementation of the Lisbon Treaty: a question of leadership?” EU-27 Watch, <http://www.eu-27watch.org/?q=node/711>; and Bruno Waterfield, “David Cameron warned by Angela

Though it has been just few months since the enforcement of the Lisbon Treaty, doubts have already been voiced as to its ability to unify the foreign policy actions of EU member-states and institutions even by its most prominent supporters.¹² Consequently, the purpose of this article is to understand the political and institutional dynamics within the EU foreign policy-making and to analyse the implications of the enlargements and the potential implications of the Lisbon Treaty on the possibilities of cooperation within the framework of the EU foreign policy. Cooperation between the member-states and between the institutions on foreign policy is analysed in the light of the enlargements and the enforcement of the Lisbon Treaty, as the absence of cooperation is often quoted as the main obstacle to a coherent EU foreign policy.

This article examines the following aspects of the EU foreign policy: what role the member-states and EU institutions have in EU foreign policy development; how important cooperation is for EU foreign policy development; and how cooperation after the enlargements and the Lisbon Treaty correlates with the chosen analytical framework. Particularly close attention is paid to the issues of representation and decision-making. The article first discusses the concept of cooperation in the light of international relations theories and explores the possibilities of cooperation under anarchy. The analytical framework of cooperation is then applied to cooperation within the EU. Before the Lisbon Treaty abolished the pillar system of the EU, foreign policy issues were handled not only under the auspices of the Common Foreign and Security Policy (CFSP) pillar but also within the Community and Justice and Home Affairs (JHA) pillars. Thus, the focus is narrowed to the CFSP development and implementation only because despite the institutional spread of foreign policy issues, they are mostly dealt with within the CFSP.

The main finding of this research shows that the recent enlargements had only marginally negative effects on cooperation within EU foreign policy and the usual habit of scholars or member-states of blaming other member-states for non-cooperation is not fully justified. Meanwhile, the Lisbon Treaty has little chances of solving the EU's problems of coherent foreign policy or of increasing the potential of speaking with one voice. Consequently, the incoherence of EU foreign policy is rather an aggregate result of the increased number of reluctant member-states working within an institutional framework which is not the most conducive to cooperation.

Framing and Achieving Cooperation

As the cornerstone of the debate between neorealists and neoliberalists, cooperation has been one of the most contested issues in international relations. The neorealists (defensive and offensive) have claimed that cooperation is basically impossible, and if possible, then only in the case of

Merkel over Lisbon Treaty”, *The Telegraph*, May 11, 2009, <http://www.telegraph.co.uk/news/newstoppers/politics/5308820/David-Cameron-warned-by-Angela-Merkel-over-Lisbon-Treaty.html>.

¹² Ian Traynor, “Gordon Brown rejects German call to make changes to Lisbon treaty”, *The Guardian*, March 26, 2010 <http://www.guardian.co.uk/world/2010/mar/26/brown-merkel-lisbon-treaty>.

economic issues but not the political ones.¹³ Contrary to the views of neorealists, neoliberalists have argued that possibilities of cooperation are not conditioned by the type of the issue – high (security, foreign policy) or low (economy) politics¹⁴ – and conflict is unnecessary and avoidable. In addition, neoliberalists hold to the conviction that institutions are the most effective tools for overcoming conflict on the way to cooperation. Alternatively, neorealists argue that the effectiveness of institutions depends on whether both parties believe that cooperation would result in common advantage. Intergovernmentalists agree that institutions can help to overcome the obstacles to cooperation, but at the same time, they argue that institutions are used by more powerful states as tools for pursuing their own interests. While these three camps of scholars would still agree to the functioning of EU foreign policy, though a weak one, a scholar stressing the importance of a defined identity would be more sceptical.¹⁵ Hill considers effective foreign policy to be dependent upon a “shared sense of national identity and shared history”, while the EU lacks those components.¹⁶

Though there is no clear consensus amongst scholars on the requisites of cooperation. Neorealists and neoliberalists alike, nevertheless, agree that there is a lack of authority genuinely able to impose binding agreements on states. This can be claimed to be true also in the case of EU foreign policy development, which is still largely an intergovernmental process; however, the EU creates a certain framework for cooperation and decision-making. For cooperation to take place, the involved actors must accommodate their preferences to the interests and behaviour of their counterparts.¹⁷ Cooperation also requires “the presence of common problems and tasks”, is derived from “concrete needs”¹⁸ and supposes “self-governing, self-provisioning communities interacting with each other through consensus”.¹⁹ Largely because of the economic interdependence of states,²⁰ liberalists have always been more sympathetic towards cooperation, believing that international institutions have the potential of assisting in prevailing over self-centred behaviour of states.²¹

¹³ Kenneth Waltz, *Theory of International Politics* (New York: McGraw-Hill, 1979); John Mearsheimer, *The Tragedy of Great Power Politics* (New York: W. W. Norton & Company, 2001). Though both defensive (Waltz) and offensive (Mearsheimer) realists believe that states are rational actors in an anarchical international system, they disagree on whether the states should always maximize their relative power. While defensive realism regards the ultimate goal of the state security and accepts the balance of power, offensive realism opts for survival as the ultimate goal and regards power maximization and, in the best-case scenario, hegemony as the best tool to achieve it.

¹⁴ Robert Keohane, *After Hegemony: Cooperation and Discord in the World Political Economy* (Princeton University Press, 1984); and Robert Keohane, *International Institutions And State Power: Essays In International Relations Theory* (Boulder: Westview Press, 1989).

¹⁵ Christopher Hill, *The Actors in Europe's Foreign Policy* (London: Routledge, 1996), 8.

¹⁶ *Ibid.*

¹⁷ Robert Axelrod and Robert Keohane, “Achieving Cooperation under Anarchy: Strategies and Institutions”, *World Politics*, 38:1 (1985): 226-254.

¹⁸ Helga Welsh and John Willerton, “Regional Cooperation and the CIS: West European Lessons and Post-Soviet Experience”, *International Politics*, 34 (1997): 37.

¹⁹ Michael Edwards, *Future Positive: International Co-operation in the 21st Century* (London: Earthscan Publications Ltd, 2004), 11.

²⁰ Robert Keohane and Joseph Nye, *Power and Interdependence: World Politics in Transition* (Little, Brown and Company, 1977); Keohane, *After Hegemony: Cooperation and Discord in the World Political Economy*.

²¹ Stephen Walt, “International Relations: One World, Many Theories”, *Foreign Policy*, 110 (1998): 29-46.

Cooperation problems within world politics are usually divided into more institutionalized political-economic and less institutionalized security-military issues.²² Three dimensions borrowed from a game-theoretical approach should be taken into consideration – (i) the mutuality of interest, (ii) the shadow of the future and (iii) the number of players²³ – in an analysis of the potential success of cooperation. The payoff structures possibly inducing the actors to cooperate or defect is referred to as the mutuality of interests and is based on the actors' perceptions of their own interests. As the empirical research shows, the degree of conflicts of interests in the payoff structure of economic issues is less than that of security issues;²⁴ however, there is no theoretical reason to assume that this is always the case.²⁵ The shadow of the future can be understood as the “long time horizons, regularity of stakes, reliability of information about others' actions [and] quick feedback about changes in the others' actions”,²⁶ and cooperation requires future payoffs to be valued over the current ones. Thus, in the course of interaction, the chances of cooperation increase if the actors have sufficient information about their counterparts and know that cooperation is likely to result in regular rewards (political or economic benefits). There is a guaranteed quick feedback both in the case of cooperation and in that of defection from the agreed course of action. Due to the higher chances of retaliation in the case of defection from the economic cooperation, there is a noticeable difference in the potential of cooperation in economic and in security/political issues.

The potential of cooperation also depends on the number of actors and the structure of the relations between the actors, yielding a key function to reciprocity.²⁷ This dimension includes the ability of actors to identify the defectors, the ability to focus retaliation on defectors and the presence of incentives to punish the defectors.²⁸ Converging interests of parties supported by regular rewards, information, feedback, identification and sanctioning of non-cooperation increases the likelihood of cooperation. The context of interaction understood as shared norms and values and the absence of competition between the actors is another important condition of cooperation. Although this framework was developed to analyse cooperation among independent states, it can also be applied to the case of the EU. As such, in EU foreign policy development, cooperation is necessary not only between member-states but also between the EU's institutions involved in the process. The above theoretical framework offers insight into the convergence of interests between the member-states and the EU institutions. Such a framework also helps to examine whether there is any kind of sanctioning or penalty in case of non-cooperation or defection, provided the member-states have previously agreed on common objectives of the foreign policy. Table 1 presents the considered conditions for cooperation with the ultimate objective of more coherent and consistent CFSP leading to the increased actorness of the EU. The conditions vary in their degree of conduciveness to cooperation, with “high” being the most likely to result in cooperation.

²² Charles Lipson, “International Cooperation in Economic and Security Affairs”, *World Politics*, 37:1 (1984): 1-23.

²³ Axelrod and Keohane, “Achieving Cooperation under Anarchy: Strategies and Institutions”.

²⁴ Lipson, “International Cooperation in Economic and Security Affairs”; Kenneth Oye, “Explaining Cooperation under Anarchy: Hypotheses and Strategies”, *World Politics*, vol. 38:1 (1985): 1-24.

²⁵ Axelrod and Keohane, “Achieving Cooperation under Anarchy: Strategies and Institutions”, 232.

²⁶ *Ibid.*, 232.

²⁷ Robert Axelrod, *The Evolution of Cooperation: Revised Edition* (Basic Books, 1984).

²⁸ Axelrod and Keohane, “Achieving Cooperation under Anarchy: Strategies and Institutions”, 234-238.

Table 1. Dimensions of cooperation within the EU CFSP

	High	Medium	Low
Mutuality of interest	rhetorical and behavioural commitment	only rhetorical commitment	no commitment
Long-term cooperation	fixed term policy with a specific outcome	fixed term policy without a specific outcome	no fixed-term policy
Regular rewards	regular material rewards	irregular material or social rewards	no rewards
Information	fast feedback on actions	late feedback on actions	no feedback on actions
Feedback	full information sharing	partial information sharing	no information sharing
Identification of non-cooperation	yes	sometimes	no
Sanctioning non-cooperation	withdrawal of a membership benefit	Social shaming	no sanctioning

Source: Author's compilation based on Axelrod and Keohane (1985) for the variables.

Exploring the EU Common Foreign and Security Policy

In the case of the EU, foreign policy usually entails “the capacity to make and implement policies abroad which promote the domestic values, interests and policies of the actor in question”,²⁹ and to manage relations with other international actors.³⁰ The creation of its own foreign and security policy was an answer to the regional conflicts in Europe and a means to combat terrorism, which convinced European leaders that the EU should have institutionalized diplomatic and intervention instruments. Globalization and the increasing interdependence of member-states have also motivated the EU to create a foreign policy enabling it to act as a unified actor. Understanding that in an interdependent world where there are more opportunities for the EU to act autonomously, multilateral action is more effective and sometimes even desirable.³¹ In addition, the economic success of the EU has pressed it to “externalize”³² its economic power and to exercise political influence beyond its borders, especially in countries which aim to have closer economic or political cooperation with the EU. From the perspective of the member-states’ internal affairs, a unified EU foreign policy can afford greater leverage to the national interests of a member-state if the same interest is also pursued by other member-states, or it can serve as a “shield”³³ when implementing domestically unpopular measures.

²⁹ Hazel Smith, *European Union Foreign Policy: What it is and What it Does* (London: Pluto Press, 2002), 7.

³⁰ Smith, *European Union Foreign Policy in a Changing World*, 2.

³¹ Smith, *European Union Foreign Policy in a Changing World*.

³² Roy Ginsberg, “Conceptualizing the European Union as an International Actor: Narrowing the Theoretical Capability-Expectations Gap”, *Journal of Common Market Studies*, vol. 37:3 (1999): 437.

³³ Joseph Weiler, “The Evolution of Mechanisms and Institutions for a European Foreign Policy: Reflections on the Interaction of Law and Politics” (*EUI Working paper 85/202* 1985), 21. Regarding the “shield” concept: this is the

Though the foundations of EU foreign policy were laid as early as March 1948 with the Brussels Treaty of collective defence,³⁴ the CFSP institutional structure was distinctively set up by the Maastricht Treaty of 1993, which also introduced the three-pillar system of the EU. The Maastricht Treaty allowed the European Council to set broad guidelines for the CFSP action for which qualified majority voting (QMV) could be used (though member-states have always insisted on consensus), while the Council of Foreign Ministers was to implement those. While the European Commission was at the same time fully involved with the possibility of initiating proposals, the European Parliament was mostly left out of the process as its decisions were communicated to the Council but were not required to be incorporated into the CFSP. The Amsterdam Treaty of 1999 allowed QMV and abstention for Council's common strategies.³⁵ However, QMV was possible only for the policy implementation but not decisions.

It also created the position of the High Representative for the CFSP who led the EU troika on external relations, which comprised himself, the foreign minister of the country holding the Presidency of the Council of the European Union and the Commissioner for External Relations and European Neighbourhood Policy. Due to the rotating presidency, the composition of the troika changed every six months, thus creating inconsistency in policy cooperation. Moreover, as in the case with QMV, the institutions were important in coordinating policy, while the intergovernmental decision still dominated the decision-making. The Treaty of Nice of 2001 introduced changes into the QMV voting weights making those more in line with the population size of each member and assigned voting weights to the then candidates.

These mechanisms of the CFSP decision-making process are supposed to promote specific foreign policy objectives outlined in the treaties. Because objectives operationalize interests,³⁶ the objectives of the CFSP show the EU's determination to increase its actorness. However, the accomplishment of these objectives requires sacrifices in time, finance etc³⁷. For the first time the EU's objectives within the CFSP were defined by the Maastricht Treaty and were supposed to be achieved "by establishing systematic co-operation between Member States in the conduct of policy"³⁸ The objectives themselves were somewhat vague and general reflecting the strong preference of the EU to act in consensus rather than a strong unified position on a foreign policy issue:

- to safeguard the common values, fundamental interests and independence of the Union;
- to strengthen the security of the Union and its Member States in all ways;

case when a member-state justifies adhering to an unpopular policy by its commitment to the EU's or other supranational entity's rules and principles.

³⁴ Treaty of Economic, Social and Cultural Collaboration and Collective Self-Defence.

³⁵ Common strategies cover areas of particular interests to the member-states and are implemented through common positions and joint actions.

³⁶ Gunnar Sjostedt, *External Role of the European Community* (Lanham: Lexington Books, 1977).

³⁷ Arnold Wolfers, *Discord and Collaboration: Essays on International Politics*, (Johns Hopkins University Press, 1965).

³⁸ The Treaty of Maastricht, Article J1.3. <http://eur-lex.europa.eu/en/treaties/dat/11992M/htm/11992M.html>

- to preserve peace and strengthen international security, in accordance with the principles of the United Nations Charter as well as the principles of the Helsinki Final Act and the objectives of the Paris Charter;
- to promote international co-operation; and
- to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms.³⁹

The EU initiated further attempts through the Amsterdam and Nice treaties at specifying its objectives; however, they were still rather general and not prioritized.⁴⁰ Although the promotion of democracy or international and regional cooperation may serve for the advancement of the EU's interests, the effects, if any, of these activities are likely to occur in only long run. This may be the case because the mutuality of interests of all EU members might not be high and instead of setting specific objectives that might create further discord; the EU opts for vagueness for the sake of cooperation.

The Lisbon Treaty established a longer list of more specified objectives. The dominance of economic issues over military and security ones is in line with the EU's positioning itself as a normative rather than military power⁴¹ but goes in contrast with the *raison d'être* of the CFSP of preventing regional conflicts. A list of some of the Treaty's objectives, follows, which in theory allow the EU to:

- safeguard its values, fundamental interests, security, independence and integrity;
- consolidate and support democracy, the rule of law, human rights and the principles of international law;
- preserve peace, prevent conflicts and strengthen international security, in accordance with the purposes and principles of the United Nations Charter, with the principles of the Helsinki Final Act and with the aims of the Charter of Paris, including those relating to external borders;
- foster the sustainable economic, social and environmental development of developing countries, with the primary aim of eradicating poverty;
- encourage the integration of all countries into the world economy, including through the progressive abolition of restrictions on international trade;
- help develop international measures to preserve and improve the quality of the environment and the sustainable management of global natural resources, in order to ensure sustainable development;
- assist populations, countries and regions confronting natural or man-made disasters; and

³⁹ Ibid.

⁴⁰ Smith, *European Union Foreign Policy in a Changing World*, 9.

⁴¹ The EU is often called a normative power as opposed to a military power, such as the United States. See Ian Manners ("Normative Power Europe: A Contradiction in Terms", *Journal of Common Market Studies*, vol. 40:2, 239) who defines "normative" as the ability to define and spread the conceptions of normal; in this case the EU bases its power on ideational matters, giving preference to its accepted norms rather than to economic or political power.

- promote an international system based on stronger multilateral cooperation and good global governance.⁴²

The development and implementation of these objectives are channelled through intergovernmental decision-making and thus are limited to those that do not offend member-states' sensitivities over certain foreign policy issues because a non-decision in case of a lack of consensus is always possible. The efforts to reach consensus are praiseworthy but can decrease the possibilities of cooperation because the member-states realize that no decision can be taken without their full endorsement. In addition, the focus on more economic and neutral issues is a move by the EU to guarantee agreement by member-states and avoid internal conflict. However, these "soft" objectives and this type of approach may influence the EU's international image negatively if they do not result in tangible outcomes e.g. the advancement of democracy promotion, the resolution of conflicts or a decrease in organized crime. This clearly shows that the mutuality of interests among the member-states is rather low in security issues but can be rather high in economic issues. Nevertheless, the EU needs to support its economic and political aspirations with a strong stance on security and military issues at the same time not aggravating its relations with NATO. With regard to security issues, the EU demonstrates divergence not only in the mutuality of interest dimension but also in the shadow of the future one (see the three game-theory dimensions, p. 4). One of the main involvements of the EU in security issues is its endeavour to facilitate conflict resolution in war-torn or conflict-ridden regions (e.g. the Balkans and the South Caucasus). However, the divergent geopolitical interests of the member-states do not always allow them to utilize EU resources to the fullest extent, with member-states unable to agree on a joint action, as in the case of the Georgia-Russia conflict.⁴³ The CFSP has always rested on reaction to emerging or frozen conflicts (like in the Balkans or the South Caucasus) rather than on proactive development of a coherent and generally applicable foreign and security policy. Without setting concrete goals, such as the resolution of a specific conflict through proactive and consistent engagement, that derive from concrete needs (e.g. the protection of EU borders while appealing to the members that do not share a border with non-members) and delivering concrete results (e.g. actual advancement in conflict resolution), the EU is unlikely to gain the status of a global power for which it strives, and is doomed to remain merely a financial donor attractive to less developed neighbours but not taken seriously by more powerful counterparts.

The EU's Common Foreign and Security Policy after the Enlargements and the Lisbon Treaty

During the EU enlargement of 2004, scepticism prevailed over the EU's ability to solve problems efficiently. Moreover, sceptics put forward a view that further enlargements would

⁴² The Lisbon Treaty, Article 21, p.3. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2007:306:0001:0010:EN:PDF>

⁴³ For examples of EU responses to the conflict see: BBC News, "UK urges tough response to Russia", <http://news.bbc.co.uk/2/hi/europe/7583486.stm> (accessed November 7, 2010); and *Spiegel Online*, "Blame Game? EU looks for common response on Russia", <http://www.spiegel.de/international/world/0,1518,571858,00.html> (accessed November 7, 2010).

decrease the efficiency hopes even more.⁴⁴ After 2004 the EU became larger and more politically, economically and culturally diverse. The foreign and security policies and preferences of the eight newly added Central and Eastern European countries were arguably tricky to integrate into the CFSP due to their Soviet-dominated past and different geostrategic preferences, especially as regards Russia. Furthermore, it seemed unlikely that some of these countries would readily relinquish their newly acquired sovereignty from the USSR once in the EU and without the accession conditionality looming over them. Complete integration into the CFSP and the unequivocal cooperation might have also increased the gap between the old and new members. The latter were largely viewed by scholars and politicians as unequal to the EU-15 in terms of their economic and political leverage and were sometimes reprimanded by politicians⁴⁵ on controversial issues like the Iraq war. Apart from the Iraq war, the dividing lines between the old and new member-states have emerged due to divergent positions on Russia, which France and Germany consider to be a vital member of a multi-polar world, and on the relationship with the European Neighbourhood Policy partner countries.

After the eastern enlargements, the possibilities of cooperation within the CFSP might have seem to decrease because the number of actors increased and the mutuality of interest decreased even more while the institutional framework remained the same. The enlargements of 2004 and 2007 did not improve the coherence of the EU’s CFSP. However, the inclusion of 12 new member-states after the enlargement of 2007 did not have negative effects on the CFSP either.⁴⁶ Thus, the Slovenian representative, speaking at the EU convention before the accession, seemed to be right when arguing that “the problem of the efficiency of the CFSP has nothing to do with the forthcoming enlargement of the EU”.⁴⁷ The analyses of post-enlargement CFSP activities⁴⁸ show that contrary to predictions, the number of joint actions and common positions increased instead of decreasing in all the issues and geographic areas of the EU foreign policy (see Table 2). Thus, the problem of incoherence in the CFSP lies instead with the institutional and decision-making design of EU foreign policy-making, which creates a framework that is not conducive to effective cooperation.

Table 2. CFSP Decisions 1993–2007

Subject	Maastricht Treaty 1993-1999			Amsterdam Treaty 1999-2003			Nice Treaty 2003- 2007			Total
	Joint Actions	Common Positions	Others	Joint Actions	Common Positions	Others	Joint Actions	Common Positions	Others	

⁴⁴ For more on euroscepticism see Helene Sjursen, *Questioning EU enlargement: Europe in search of identity* (London: Taylor & Francis, 2006).

⁴⁵ Jacques Chirac, “Chirac lashes out at ‘new Europe’”, *CNN*, February 18, 2003, <http://www.cnn.com/2003/WORLD/europe/02/18/sprj.irq.chirac/> (accessed March 28, 2010).

⁴⁶ Ana Juncos and Karolina Pomorska, “Does Size Matter? CFSP - Committees after Enlargement”, *Journal of European Integration*, 30:4 (2008): 493-509.

⁴⁷ M. Nahtigal, “Intervention by Dr. Nahtigal at the plenary session of the European Convention”, July 11, 2002, on external action of the EU, <http://european-convention.eu.int/docs/speeches/2231.pdf> (accessed November 7, 2010).

⁴⁸ Smith 2008: 241-3.

Europe	34	26	6	33	20	24	68	29	78	318
Mediterranean and Middle East	6	3	1	7	4	1	18	14	6	60
Africa	10	22	3	6	30	2	30	38	28	169
Asia	1	12	0	3	16	0	15	13	8	68
Latin America	0	3	0	0	0	0	0	0	0	3
Security	26	5	2	6	11	32	19	21	49	171
Misc	0	1	1	0	2	0	0	1	1	4
TOTALS	77	72	13	55	83	59	150	116	170	795

Source: Smith 2008: 241-3.

The Lisbon Treaty was supposed to overcome the institutional obstacles by eliminating the pillar system and urging the institutions to “practice mutual sincere cooperation”.⁴⁹ The Lisbon Treaty also stresses the importance of “strengthening systematic cooperation between Member States in the conduct of policy”⁵⁰ to “conduct, define and implement a common foreign and security policy, based on the development of mutual political solidarity among Member States, the identification of questions of general interest and the achievement of an ever-increasing degree of convergence of Member States' actions”.⁵¹ The role of the Commission in foreign policy-decision making remained practically unchanged, but its powers of representing the EU have been limited by the exclusion of CFSP matters. The status of the Parliament as a passive observer, which is supposed to be regularly consulted and informed, remains unchanged. The European Council and its president (now an official position as per the Lisbon Treaty) retain the most powerful position within the CFSP as it is to “identify the strategic interests and objectives” of the EU and adopt CFSP decisions mainly based on unanimity, and QMV is not applicable in matters of defence and security matters.

The major innovation of the Lisbon Treaty has been the introduction of a new position of the High Representative of the Union for Foreign Affairs and Security Policy (HR). For many academics and politicians the position of the HR has entailed the capacity “to unite EU’s diplomatic, economic and military capabilities”.⁵² This position combines the responsibilities of the former High Representative and the Commissioner in charge of External Relations. The creation of this position and the description of its responsibilities implied having more coherent EU foreign policy. Among the responsibilities of the HR, appointed by the European Council and subject to the vote of consent by the European Parliament, is to contribute to the development of the CFSP with proposals, represent the EU for matters related to the CFSP, and express the EU’s position in international organizations and in international conferences. Another major responsibility is to implement the CFSP based on the resources of the EU and the member-states. However, the most challenging responsibility of the HR may be chairing the Foreign Affairs Council, where the incumbent is supposed to reconcile the conflicting stances of

⁴⁹ The Lisbon Treaty, Article 9, p.3. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2007:306:0001:0010:EN:PDF>

⁵⁰ The Lisbon Treaty, Article 12(C).

⁵¹ The Lisbon Treaty, Article 10(C)(2).

⁵² Smith, *European Union Foreign Policy in a Changing World*, 43.

the member-states. Thus the Lisbon Treaty seems to introduce the missing link of cooperation within the CFSP with the HR that provides information and feedback to the member-states attempting to increase the mutuality of their interests.

However, the perspective of institutional cooperation in Europe with one voice becomes less promising when other institutions' capacities and responsibilities specified in the Lisbon Treaty are scrutinized. Thus, a closer reading of the Lisbon Treaty reduces the great expectations and induces consent with the European Council President van Rompuy who admitted "that it is a lot of heads for one body".⁵³ Though the HR has the key jurisdiction over the CFSP, the European Council President and the head of state or government of the country having a Presidency in the Council can also represent the EU. The Treaty clearly states that the European Council President shall represent the EU on the matters of external relations "without prejudice to the powers of the High Representative of the Union for Foreign and Security Affairs" (Art 9B). However, the limits of the prejudice to the HR are not clarified. At the same time the Commission can represent the EU in external matters apart from the CFSP, and again there is no clear dividing line between the two, and along with the HR make proposals on external action to the European Council.

The current situation within the CFSP shows that EU institutions would prefer the EU to have a coherent foreign policy but there is a lack of coordination between them and no clear division of labour. Though all the institutions apparently strive for effective and efficient EU policies, the lack of coordination between them and sharing the same responsibilities may result in competition for visibility resulting in ineffective policies. On the other hand, the member-states, which are supposed to act in the context of shared values and norms, rhetorically support one-voiced EU but in practice prefer total control over their foreign policies. Rhetorical commitment puts the EU halfway through, however the decades-long history of its foreign policy shows that only rhetorical commitment is not enough for an effective foreign policy. The vague objectives indicated in the treaties also fail to indicate what the incentives are for the member-states to cooperate over EU foreign policy at the expense of their own geopolitical interests besides spreading democracy and human rights (see Table 3).

With the enforcement of the Lisbon Treaty, the member-states are required to cooperate over the CFSP more than before. Each member-state has to consult with others before taking actions that might be contradictory to the EU's interests. Thus, though the perspectives of increasing the mutuality of interest due to the Lisbon Treaty are insignificant, the perspectives of preventing the member-states from defection based on information-sharing only are seemingly strong. The Lisbon Treaty aims to extensively reduce the sovereignty of member-states on foreign policy matters, constraining their foreign policy action and compelling them to consult with each other. However, it is still silent on what happens if a member-state rejects cooperation and acts solely based on its national interests. Nevertheless, while the member-states are encouraged to

⁵³ Herman Van Rompuy, Speech by the President of the European Council at the "Klausurtagung" of the CSU-Landesgruppe, Wildbad Kreuth, Germany, January 7, 2010, http://www.europa-eu-un.org/articles/en/article_9392_en.htm.

cooperate, the institutions come into tension over their competencies and responsibilities reducing the effectiveness of new “cooperative” clauses of the Lisbon Treaty.

Table 3. Framework of cooperation within the CFSP after the Lisbon Treaty

	EU Institutions	Member-states
Mutuality of interest	medium	medium
Long-term cooperation	medium	medium
Regular rewards	N/A	medium or low
Information	high	high
Feedback	low	low
Identification of non-cooperation	high	high
Sanctioning non-cooperation	low	low

Source: Author’s own compilation.

Conclusion: Call Someone Else?

The unwillingness of member-states to cooperate over issues sensitive to their own sovereignty, usually receives the biggest portion of blame when the inconsistency and incoherence of the EU foreign policy are criticized. Scholars have also voiced concerns that further enlargements would aggravate the situation and the EU would not be coherently represented in international politics. The Lisbon Treaty has been regarded as a panacea for EU’s maladies of reduced actorness and inefficiency and was designed to encourage cooperation and produce consistency. By analysing the framework of the EU foreign policy-making, its representation, and implementation, this paper argues that the overall EU mechanism of foreign policy development and implementation should equally share the incoherency and inefficiency burden with the member-states. In other words, not the enlargements and the increased number of member-states with sometimes diverging interests were so negative for the EU but rather the foreign policy-making and implementation mechanisms did not provide a clear division of labour between its own institutions.

Though the Lisbon Treaty has managed to pull a portion of sovereignty from the member-states in foreign policy matters, instead of creating a cooperative environment for its institutions conducive to establishment of a one-voiced body, it has rather created a competitive environment. Confusion of responsibilities among the EU heads is apparent: when the EU’s top diplomat is late with response to Haiti earthquake because she is, as she put it, “neither a doctor, nor a fire-fighter”,⁵⁴ the development commissioner rushes to the scene. Thus, there is not only a lack of cooperation but even a lack of coordination. Without a doubt the personalities of the

⁵⁴ High Representative for Foreign Affairs and Security Policy of the EU, Baroness Catherine Ashton, speaking to the European Parliament on January 19, 2010, <http://www.europarl.europa.eu/sides/getDoc.do?language=EN&type=IM-PRESS&reference=20100119IPR67605> (accessed 19 October 2010).

incumbents also play an important role; however, the confusion over who “answers the phone” for Europe is visible from the very text of the Lisbon Treaty. Such inefficiency on the part of an entity that claims to be a global actor has the dangerous potential to affect its relations with other international actors negatively and to damage its image and credibility with countries in which the EU promotes its norms and values. The EU pursues a benign idea that collectively its members will be stronger than separately, though there is still little evidence that member-states are indeed ready to give up their sovereignty, especially after the enforcement of the Lisbon Treaty drafted by the same member-states. However, developing feasible policies for the sake of results rather than for the sake of ticking the boxes would help the EU to come closer to the global power status it is longing for.

SOCIAL CAPITAL DEVELOPMENT IN MULTIETHNIC CRIMEA: GLOBAL, REGIONAL AND LOCAL CONSTRAINTS AND OPPORTUNITIES

Milana V. Nikolko and David B. Carment*

Abstract

This article analyses social capital in Ukraine, using the Autonomous Republic of Crimea (ARC) as a case study. To understand how a multiethnic society like Crimea can build and strengthen social capital in the face of economic and political challenges, we focus on the relationship between global, regional and local politics; the subsequent impact on people's work and private lives; and the actions which can be undertaken by nongovernmental organizations (NGOs), international organizations and the state in order to avoid the detrimental trends the region is currently experiencing. Regarding social capital, Ukraine provides an enigmatic example as the country has myriad civil society actors who should, theoretically, constitute the cornerstone of social capital formation and interethnic cooperation. Our findings suggest, however, that there is still a long way to go before trust and shared values become a basis for political and economic growth in Ukraine. An integral element for improving public trust in Ukraine, specifically in Crimea, can be found by examining the impact of global and regional processes on interethnic cooperation within local groups, their specific initiatives and the ways in which they have developed mechanisms for avoiding unresolved conflict.

Keywords: *Ukraine, social capital, civil society, Crimea, multiethnic societies*

Introduction

This article focuses on social capital formation in Ukraine with special attention given to the Autonomous Republic of Crimea (ARC). We seek to understand how a multiethnic society like Crimea can build and strengthen social capital in the face of extraordinary economic and political challenges. We focus on the relationship between global, regional and local level politics, its impact on people's work and private lives, and actions which can be undertaken by nongovernmental organizations (NGOs), international organizations and the state in order to avoid the detrimental trends the region is now experiencing.

In examining social capital in Ukraine we are confronted by a puzzle. Despite a plethora of diverse civil society actors, which usually forms the cornerstone of social capital formation and interethnic cooperation, our research results suggest that there is still a long way to go before

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trust and shared values become a foundation for political and economic growth in Ukraine. An integral element in improving public trust in Ukraine, and specifically in Crimea, can be found by closely examining the impact of global processes on interethnic cooperation within local groups, their specific initiatives and the ways in which they have developed mechanisms for avoiding unresolved conflict.

Globalization is a double-edged sword. It has, on the one hand, created opportunities for transnational and local civil society networks to begin to lay the foundation for interethnic cooperation throughout the country. On the other hand, it has strengthened the position of specific minority groups who see the erosion of the state's political and economic influence, and independence, as an opportunity for consolidating their own claims to autonomy and power. Thus, there are concomitant and equally powerful tendencies towards regionalism and localism. If globalization can be considered a process of economic, political and technical integration, then regionalism and localism play on specific spiritual, cultural and nation-building strategies that can strengthen ethnic group identities.¹

To be sure, there need not be a clash between the two, as they work at different levels and indeed they can be reinforcing.² When they conflict it is because under globalization there is an erosion of the state as the primary and sole agent involved in managing the economy, and a commensurate increase in the liberal ideas of human rights and human security. Like neo-liberal international economic influences, international legal norms also contribute to the erosion of the state.³ For example, human rights and minority rights groups recognize that the internationalization of their demands can both simultaneously encourage internal mobilization and weaken the saliency and effectiveness of the state by creating international forums for sub-state grievances. This legitimization process is supported by the existence of supranational organizations and international institutions which provide a forum and focal point for sub-national claims through normative, legal and political processes. Specifically, international organizations indirectly promote sub-state mobilization by providing human rights recognition and support which can in turn help to legitimize self-determination claims of minority ethnic groups.

For our purposes, an overarching and key aspect of this process is the rapid expanse of non-governmental civil society activities – political and economic – in the traditional affairs of the Ukrainian state. Through the rise in interest in the discourse of human rights and human security, civil society has taken root within Ukrainian politics and is coordinated by the emergence of transnational linkages among various groups including trade unions, human rights advocates, environmentalists, women's groups and religious organizations, many of whom mobilize around the deleterious effects associated with rapid market-oriented reforms.

¹ Marina Ricciardelli, Sabine Urban and Kostas Nanopoulos, eds., *Globalization and Multicultural Societies: Some Views from Europe* (Notre Dame: University of Notre Dame Press, 2003); and G.W. Kolodko, ed. *Globalization and Social Stress* (New York: Nova Science Publishers, 2005).

² Vladimir Korobov, "Models of Global Culture," in *Globalization and Identity: Cultural Diversity, Religion, and Citizenship*, ed. Majid Tehranian and B. Jeannie Lum (New Brunswick, N.J.: Transaction Publishers, 2006), 45-54.

³ Lasha Tchantouridze, ed. *Globalism and Regionalism: the Evolving International System* (Winnipeg: Centre for Defence and Security Studies, University of Manitoba, 2002).

In the first part of the article we briefly examine theories of social capital formation. In the second part of the article we identify impediments to social capital formation in the context of Crimea's unique and contentious historical development. In the third part of the article we assess the relationship between local and regional political and economic dynamics in Crimea in an effort to understand how regional forces have and can contribute to social capital formation through legal instruments. This section also examines how international actors have worked to assist multiethnic Crimea to generate effective governance through projects based on interethnic dialog. In the fourth section we assess current efforts to decentralize political structures through financial reform and local level economic development. The fifth and final section concludes with some observations about the future social capital in Crimea.

Social Capital Formation: Theoretical Foundations

The rationale for a de-centered approach focusing on non-state, community level actors arises from the possibility that political problems may be more easily addressed outside the state-level government sector when trust in state institutions is weak or in decline.⁴ Investments in improving the capabilities of local-level actors in this regard have the potential to accrue benefits not only to the group in question but to society at large. Theories of social capital argue that such investments have the potential to generate positive norms of political and economic change when a government is incapable of or unwilling to transform the political and economic landscape.

Positive transformations can occur through the development of norms of reciprocity such as bargaining and compromise as well as tolerance for pluralism that occur at the local level and spillover to political interactions at the national and sub-national level. There is, in short, a possibility that civil society can mobilize crucial support for problem solving and trust and thereby become entrenched in more formal political institutions and mechanisms.

The theoretical basis underpinning these assumptions is varied and large, but a number of key contributions can be highlighted. Robert Putnam writing at the end of the 20th century, assessed solidarity and trust problems in terms of social capital development.⁵ He argued that the decline of group solidarity could be strengthened through communication and enhanced information technologies. Related to this point, Coleman argued that it is vital to treat local level actors as discrete and independent decision makers guided by their own interests.⁶ These local actors can be treated as both individuals and collectivities. Communication among collectivities helps create social capital and by virtue of this they are likely to benefit to a greater degree, in social capital investment than are individual actors. Putnam's concept of social capital has three components: moral obligations and norms, social values (especially trust) and social networks

⁴ By "de-centered" we mean non-state centric, with a focus on the individual and sub-state groups such as NGOs.

⁵ Robert D. Putnam, *Bowling Alone: The Collapse and Revival of American Community* (New York: Simon and Schuster, 2000); and Robert D. Putnam, *Making Democracy Work. Civic Tradition in Modern Italy* (Princeton, NJ: Princeton University Press, 1993).

⁶ James S. Coleman, "Social Capital in the Creation of Human Capital," *American Journal of Sociology Supplement* 94, (1988): 95-120; and James S. Coleman, "Social Capital in the Creation of Human Capital," in *Social Capital: A Multifaceted Perspective*, eds. Partha Dasgupta and Ismael Serageldin (Washington, D.C.: World Bank, 2000), 12-39.

(especially voluntary associations). Putnam's central thesis is that if a region has a well-functioning economic system and a high level of political integration, these are the result of its successful accumulation of social capital.

Accordingly, the overall objective consists in the maximization of benefits for groups and the formation of sequenced strategies to achieve specific goals. Since actors directly engage in decision-making regarding the allocation of their resources they have an interest in increasing their share of control of how these resources are distributed across a broader audience. In essence, social capital is the volume of resources accessible to specific actors, their social communication and the trust that arises from these interactions. More formally, social capital is defined by specific functions in which basic principles of economy and resource allocation are imbedded within overlapping but distinct social structures.⁷

Under the right conditions and like other types of capital, social capital can be very productive. The important conditions for positive collective action arise from acts of mutual aid and mutual benefit. When a group looks to other institutions or actors, that group, in return, accepts some obligations, favorable to the other participating party. This form of “social contract” creates a kind of “fund of obligations” to which “actor-creditors” can seek assistance in times of need. The actor-creditor relationship works to build trust and proceeds from the expenses and benefits which both sides accrue over the long run. Social capital is defined here as a “social network”. This network is the basis for several processes, including the development of trust among peoples from different communities, lasting functional relationships and the potential for mutual economic and political development.

More detailed perspectives on social capital in emerging democracies have picked up on the themes of employment opportunities, education and communications respectively. For example, Badescu and Uslaner argue that social capital generation is a process by which “surplus value” is generated through investment in social relations.⁸ Lin reviews numerous studies showing that network diversity leads to a more prestigious job, partly because those with diverse networks get job-search help from contacts with higher prestige.⁹

Similarly, education is a series of social settings in which people meet and impart a valued social status and provide access to other forms of high status, like better jobs. As such, Bekkers, Volker, van der Gaag and Flap find that those with higher incomes have higher social capital.¹⁰ Furthermore, the rise of modern communication systems has provided another form of inequality

⁷ Francis Fukuyama, “Social Capital and Civil Society” (paper prepared for the *IMF Conference on Second Generation Reforms* Washington, D.C., November 8/9, 1999),

<http://www.imf.org/external/pubs/ft/seminar/1999/reforms/fukuyama.htm#III> (accessed November 11, 2009).

⁸ Gabriel Badescu and Eric M. Uslaner, *Social Capital and the Transition to Democracy* (New York: Routledge, 2003).

⁹ Unequal access to social capital begins at birth with important ascribed statuses. One of the most important is family background. Social capital is greater for those with parents in higher stratification positions, such as fathers with higher socioeconomic status and fathers with higher education or income (see details in Badescu & Uslaner 2003). Social capital gains are also shaped by other ascribed social locations, notably gender and race or ethnicity. Women often have less social capital than men, especially in contexts with stronger gender-stratification systems.

¹⁰ R. Bekkers et al., “Social networks of participants in voluntary associations,” in *Social Capital: an International Research Program*, eds. Nan Lin and Bonnie Erickson (New York: Oxford University Press, 2008).

that shapes social capital. For example, social capital is greater for those more active in internet communities in Japan, and for more active users of news articles, telephones and the internet.¹¹ Cote and Erickson find that the best predictor for the development of social capital is the size of the social networks rather than the diversity of the networks.¹² In essence, social capital is not a network concept per se but is related to civil engagement, social participation, trust and communication.

In brief, the overall objective of building social capital consists in the maximization of benefits for groups and the formation of sequenced strategies by these groups to achieve specific collective goals. Since individual actors directly engage in decision-making regarding the allocation of resources they have an interest in increasing their share of control of how these resources are distributed across a broader audience. Education, communication and capabilities all influence the growth and success of social capital networks. Specificity and reciprocity are also heavily influenced by the scope and breadth of relations between actors.

Trust, Social Capital and the Ethnic Dimension

In a multiethnic society with access to modern communication systems, education and a varied media such as Ukraine, civil society networks could be, in theory, the basis for several functional processes including the development of trust among different ethnic groups, forging economic relations between peoples from different communities, and in the long run sustained functional relationships with the potential for mutual economic and political development.

Indeed, measured in terms of raw numbers one might be led to believe that social capital is in abundance in Crimea. After all, NGOs and political parties are believed to be highly active in all aspects of civic engagement in Ukraine. For example, there are over three thousand active NGOs in Crimea alone and over eleven thousand party offices located there. In Ukraine overall, since 2001, political parties increased their number by one thousand per cent and civic organizations by one hundred and sixty per cent.¹³ The biggest change has come through political party growth which relates to the fact that political parties must, by law, now have representation in all regions of Ukraine. A second factor is that political issues are arguably now more important in the eyes of most Ukrainians in comparison to social or economic issues.

However, as Putnam and others note, quality and not quantity is a good indicator of effectiveness and in this regard the evidence is less positive. In reality, despite increasing recognition from the international community, and despite the huge growth in NGOs and political party representation

¹¹ Kakuko Miyata, Ikeda Ken and Tetsuro Kobayashi, "The Internet, Social Capital, Civic Engagement, and Gender in Japan," in *Social Capital: An International Research Program*, eds. Nan Lin and Bonnie Erickson (New York: Oxford University Press, 2008).

¹² Rochelle Côté and Bonnie Erickson, "Untangling the Roots of Tolerance: How Forms of Social Capital Shape Attitudes Toward Ethnic Minorities and Immigrants," *American Behavioral Scientist*, 52 (August 2009): 1664-1689.

¹³ In 2001 83 per cent of the total of NGOs and parties in Ukraine consisted of public organizations. Political parties comprised 17 per cent. In 2008, however, public organizations comprised 30 per cent of the total and political parties 70 per cent. See Statistical Committee of Ukraine, <http://www.ukrstat.gov.ua/> (accessed November 11, 2009).

across the country, the perceived legitimacy of formal Ukrainian political institutions is extremely low and is declining. For example, a recent Pew Center poll showed that most people believed they were better off under communist rule than they are now. And to reinforce the point, a 2008 survey asked “Can we trust people in general?” According to that survey, 67 per cent of Ukrainians believe that trust is “not necessary” for Ukrainian politics.¹⁴ As another indicator of social cohesion, the survey results showed that most citizens do not even consider themselves close to their neighbors within their own country but they do feel closeness to people in neighboring states. In Western Ukraine, people feel closer to Hungary and Poland, but not neighboring regions within Ukraine. The same tendency exists in the East, where people feel closer to Russia and Belarus. In short, despite the presumed linkages between an active civil society and social capital development it would appear that Ukrainians do not trust each other all that much and have little faith in the current political system.¹⁵

The absence of high quality civic engagement can be partially traced to historical factors in Ukraine and Crimea specifically. Crimea in particular is host to a number of distinct groups including Crimean Tatars, ethnic Russians, Ukrainian as well as a number of smaller groups who are not particularly well integrated even at the local level.¹⁶ Crimean peninsula with a territory of 26,100 km² is home to 1.9 million Ukrainian citizens, of which 63 per cent are ethnic Russians, 25 per cent Ukrainians and 12 per cent Crimean Tatars, with the rest being Armenians, Bulgarians, Germans, Greeks, Karaites, Krymchaks and other ethnic minorities.¹⁷

The ARC (hereinafter used interchangeably with “Autonomous Republic of Crimea”) also has a Constitution recognizing three official languages. The primary language is Russian, but Ukrainian and Tatar languages are also heard among the people.¹⁸ For the purposes of this study, Crimean Tatar experience is particularly significant. In 1944, hundreds of thousands of Crimean people were deported following a decision by Stalin, based on their assumed collaboration with the German Wehrmacht. In fact, the deported population from Crimea totalled 225,009 peoples, of which 183,155 were Crimean Tatars, 12,422 Bulgarians, 15,040 Greeks, 9,621 Armenians, 1,119 Germans and 3,652 foreigners (Otto Pohl). This total was later revised upward to 228,392, with the addition of several thousand additional non-Tatar exiles. The Soviet Union’s People’s Commissariat for Internal Affairs (NKVD) exiled 151,604 of the Tatars to Uzbekistan and 31,551 to areas within Russia. The Soviet authorities dispersed the Bulgarians, Greeks, Armenians and Germans across Russia and to Kazakhstan. In essence, the NKVD completely cleansed Crimean peninsula of its non-Slavic population.¹⁹

¹⁴ Pew Research Center, “End of Communism Cheered but Now with More Reservations,” *Pew Global Attitudes Project*, <http://pewglobal.org/2009/11/02/end-of-communism-cheered-but-now-with-more-reservations/> (accessed December 12, 2009).

¹⁵ P. Shangina, Социальный капитал: нет доверия между людьми, нет социального капитала [Social capital: if there is no trust between people, there is no social capital], http://www.razumkov.org.ua/ukr/article.php?news_id=594 (accessed December 12, 2009).

¹⁶ Соціологічне опитування по Криму, Центр Разумкова [Social Survey in Crimea, *Razumkova Centre*], <http://www.uceps.org/ukr/socpolls.php> (accessed on November 11, 2009).

¹⁷ Statistical Committee of Ukraine, <http://www.ukrstat.gov.ua/> (accessed November 11, 2009).

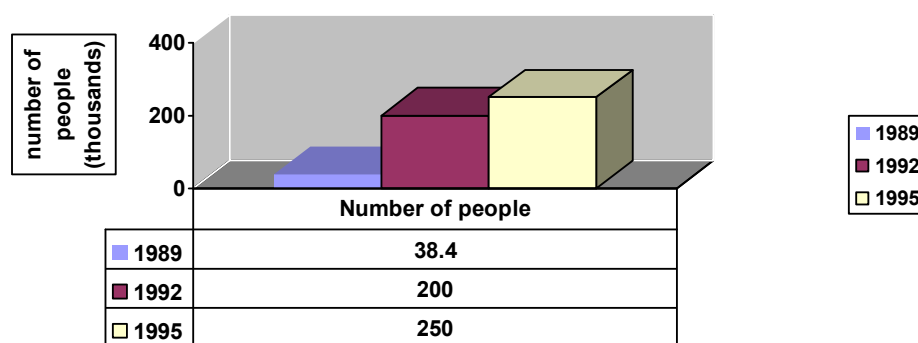
¹⁸ Unrepresented Nations and Peoples Organization, <http://www.unpo.org/> (accessed on November 11, 2009).

¹⁹ Otto Pohl, “The Stalinist Penal System: A Statistical History of Soviet Repression and Terror, 1930-1953,” <http://www.euronet.nl/users/sota/krimtatar.html> (accessed November 11, 2009).

Those non-Tatars who survived the cleansing lived in exile until 1956, when they were allowed to leave their place of deportation. However, Crimean Tatars as a people were not allowed to return to their homeland and were forced to live and settle anywhere but Crimea. In 1967, the Parliament of the Soviet Union officially recognized the injustice of the deportation of Crimean Tatars ordered by Stalin, but still prevented Crimean Tatars from returning to their homeland.

Thirty-three years passed until the declaration of the Supreme Soviet of November 14, 1989 (*Recognition as Illegal and Criminal, the Forced Deportation and Repressive Measures Against Displaced Peoples and Provisions for Their Rights*), restored the rights of all deported peoples. This declaration initiated the return of Crimean Tatars to their homeland. Since then, there has been an influx of more than 260,000 deportees, among whom about 250,000 are Crimean Tatars.²⁰ In addition, 12,000 representatives of other nationalities²¹ have also arrived and settled in Crimea. The number of returnees among Crimean Tatar population in Crimea by years is shown in Figure 1 below.²²

Figure 1: Returnees among Crimean Tatar population in Crimea



To a large extent, the return of the Tatars was swift, substantial and spontaneous. In 1991 an unprepared government of the newly independent Ukraine lacked the capacity to deal with the issue. Deportees who were to be given reparations and reimbursement of damages, due to economic privation had difficulties obtaining both housing and jobs. High inflation reduced their savings and the income which families received on the sale of their previous residences. To complicate the matter, Crimea's production decreased rapidly, and the tourism industry, which underpinned Crimean economy, declined when the borders between the former republics of the Soviet Union were established and ethnic conflicts transformed into open warfare in the

²⁰ *Recommendations of Participants of the Parliamentary Hearings on the Legislative Regulation and Implementation of State Policy for the Provision of Rights of the Formerly Deported Crimean Tatar People and National Minorities Who Voluntarily Return to Ukraine*, Crimean Tatar Information and Documentation Center Bulletin, No. 3, 2000, p. 28.

²¹ "Crimean Studies," Crimean Tatar Information and Documentation Center Bulletin, No. 3, 2000, p. 3.

²² Centre for East European Foreign Policy Studies, *The Humanitarian Dimension of Russian Foreign policy Toward, Georgia, Moldova, Ukraine and The Baltic States*, http://www.spa.ukma.kiev.ua/pdfs/Research_2009_new.pdf (accessed April 1, 2010).

Caucasus. Difficulties in obtaining Ukrainian citizenship²³ endangered the political and economic rights of the Tatars in particular (e.g. the right to land, to vote and to participate in privatization). While other diasporas in Crimea (e.g. Armenian, Bulgarian, Greeks and Germans) relied heavily on the support and assistance from their homelands, Crimean Tatars as the indigenous peoples of Crimea, could only expect support from each other or seek assistance from the international community. As a result, the massive return of the deported people weighed heavily on an economically weak Crimea which was unprepared to handle such a substantial and hurried migratory incursion.²⁴ Moreover, negative stereotypes and prejudices concerning Crimean Tatars, artificially nurtured during Soviet times over several generations, returned with a vengeance.

Crimea's future looked bleak. On the one hand, Khrushchev's decision in 1954 to transfer Crimea from the Russian Federation to Ukraine showed serious effects only after the break up of the Soviet Union, when Crimea with its Russian-dominated population found itself in the newly independent Ukraine. Many Crimeans considered themselves ethnic Russians not Ukrainian and still do to this day. As a result, Crimea tried to preserve as much autonomy as possible from Ukraine. By the same token, Crimea's ethnic Russian majority was growing increasingly apprehensive about the erosion of their own status as result of not only their inclusion in Ukraine but because of the influx of Tatars.

For its part, the Ukrainian government was also burdened. The central government in Kiev had entered into negotiations with Uzbekistan (where the majority of the deported Tatars came from) to develop a simplified procedure for the denunciation of Uzbek citizenship and to reduce the burden of fees and custom taxes at the border. They received little financial support from Russia for doing so. Throughout the 1990s, the Ukrainian government appealed to other CIS states who were supposed to share the burden of repatriation and the settlement of returnees but chose not to.

The most problematic issue remained the unemployment rate among Crimean Tatars. In 2001 it was 49.6 per cent which was three times higher than the average for all of the Autonomous Republic of Crimea.²⁵ While the management of ethnic and other tensions in Crimea has, on the whole, been without major violence recent incidences and trends give cause for concern. These include violent clashes between 1,000 persons near a local market in Bakhchisaray in August 2006; a tripling in land-squatting incidents over the last several years (from 19 to 53 sites); confrontations with religious overtones in Feodosia and Alushta; and increasing numbers of people who, according to public opinion polls, feel that interethnic relations are worsening (64

²³ The issue of obtaining citizenship has largely been resolved due to the efforts of Ukrainian government, international organizations like the IOM and UNHCR, and the agreements signed with the Uzbek government, in the country whence most Crimean Tatar migrants returned.

²⁴ Crimea is one of the regions in Ukraine with the highest levels of poverty. See "Ukraine Poverty Assessment," World Bank, December 2005: 10. According to national and World Bank statistics, some 22 per cent of the population of the Black Sea region (which includes Crimea) in 2003 was living below the poverty line, compared with 19 per cent for Ukraine as a whole.

²⁵ "Ukraine Poverty Assessment," World Bank, December 2005: 10.

per cent today compared with 21 per cent in 2002). These changes underscore the depth of social cleavages and perceived unresolved injustices in Crimea.²⁶

The disillusionment among Crimean Tatars in a process of reconciliation and political growth began with Yushchenko's ill-fated Orange revolution and increased under the subsequent governments of Tymoshenko and Yanukovich. Despite the existence of nominal power-sharing arrangements in the ARC, there is now among moderate Crimean Tatars an uneasiness with the escalating influence of more radical groups of different backgrounds²⁷ who proclaim that political dialogue has failed and alternative strategies including threats to use force are needed. Currently the most significant threats to stability in Crimea are continued, non-transparent land allocation practices, restrictions on minority language rights, and unequal socio-economic development including health and environmental issues. Many of these problems are linked to perceptions of ethnic identities, perceived inequality among groups and a lack of progress on issues of historical injustices. In sum, there is little reason to believe social capital formation, trust and consolidation have taken root in Crimea. We have shown why this might be the case and have provided empirical evidence in support of it. Let us now turn to the question of how regional and global forces might contribute to an increase in social capital and cohesion in Crimea.

Regional Forces and International Dynamics

How might regional forces contribute to social capital formation in Crimea? To answer this question, we specifically draw on key structural features including the European legal system and its impact on Ukrainian notions of self-government, international actors' support for social capital formation in Crimea and financial reforms to decentralize the political structure; Each is considered in turn.

In May, 1997, the Ukrainian Parliament voted in a series of laws on local self-government including its own interpretation of local self-government and that of the European Charter. These laws have their support in Article 7 of the Constitution of Ukraine, which legalizes local self-government, by suggesting that this is the natural law for local communities seeking self-government. Nevertheless, there is still a problem with making self-government at the local level work specifically in a multiethnic environment like Crimea. As Ukrainian social scientist Anna Shvachka has argued there is a discrepancy between Ukraine's interpretation of local self-government and that of the European Charter with the first having a strong Soviet influence, such as guaranteed support from the state and the European charter stressing far more support for disadvantaged groups.²⁸ The preamble of the European Charter of Local Self-Government, Strasbourg (European Charter of Local Self-Government) states, *inter alia*:

²⁶ Authors' notes taken from interviews with Tatar and UNDP representatives (October & December 2007).

²⁷ These include pro-Russian paramilitary Cossack and fundamentalist Islamic organizations such as Hizbu Tahir and Wahhabis.

²⁸ A. Shvachka, "Европейские стандарты правового регулирования института местного самоуправления в Украине" // Сельские метаморфозы: Сб. статей / [European standards for the legal regulation of the Ukrainian Institute for Local Self-government in *Rural Metamorphosis*], ed. A. Kasyanov (Krasnodar: Dedkov, 2008): 172-77.

[T]he local authorities are one of the main foundations of any democratic regime [...] the right of citizens to participate in the conduct of public affairs is one of the democratic principles that are shared by all member States of the Council of Europe (Preamble).

Without prejudice to more general statutory provisions, local authorities shall be able to determine their own internal administrative structures in order to adapt them to local needs and ensure effective management. The conditions of service of local government employees shall be such as to permit the recruitment of high-quality staff on the basis of merit and competence; to this end adequate training opportunities, remuneration and career prospects shall be provided (Art. 6).

The protection of financially weaker local authorities calls for the institution of financial equalization procedures or equivalent measures which are designed to correct the effects of the unequal distribution of potential sources of finance and of the financial burden they must support. Such procedures or measures shall not diminish the discretion local authorities may exercise within their own sphere of responsibility (Art. 9).²⁹

In essence, then, there is a fundamental difference between how the Ukrainian government perceives local self-government and how it is understood from outside the country. This becomes clearer in the light of unresolved tensions over land allocation.³⁰ For example, on December 13, 2006, the Ukrainian Parliament amended the criminal code to prohibit the unauthorized occupation of land, making land-squatting punishable by up to six years imprisonment. As noted, land-squatting had become been a key tool used by Crimean Tatars to draw attention to their situation. In anticipation of this criminalization, Crimean Tatars intensified their land seizures, which now involve over 15,000 persons (up from 8,000 in April 2006).

According to pronouncements by some Tatar groups, attempts to enforce the ban on land-squatting will be opposed by “any available means”, including active resistance, demonstrations and demands to legalize the ownership of houses that have already been constructed on these lands. Crimean Tatar leaders have also threatened to escalate their demands to cover the restitution of all property owned prior to their deportation, rather than simply the right to return to areas where they used to live.³¹ Their form of leadership is the Mejlis, an unofficial representative structure of Crimean Tatars elected by the Kurultay, the Assembly of Crimean Tatars. Thus far, the Mejlis has limited its demands to “social justice” – understood as equal opportunities for the deported people – rather than full property restitution as would be consistent with a European Charter interpretation. However, given the absence of a fully functioning land

²⁹ European Charter of Local Self-Government, Strasbourg, 1985,

<http://conventions.coe.int/Treaty/EN/Treaties/Html/122.htm> (accessed November 11, 2009).

³⁰ For a better understanding of the current land issues in Crimea, it must be pointed out that the Ukrainian Land Code (2001) recognizes the term “administrative land allocation” as a constitutional principle. According to this principle, all citizens of Ukraine are entitled to receive land plots from the state free of charge. The Land Code establishes the amount of land each citizen is entitled to receive from the state. The responsibility for issuing allocation decisions for these plots lies with the local self-governing bodies.

³¹ Report of Mustafa Dzemilev, Mejlis Chairman, at the 5th session of the IVth Kurultay, December 22, 2006.

registration system,³² it is difficult to ascertain the actual number of Crimean Tatars that do not have access to land.

The Tatars have seized upon the idea of self-government consistent with ideas embodied in the European Charter. In fact their notion of self-government has gone further. For centuries, Crimean Tatar maintained a traditional system of self-government called the Kurultay (the National Assembly of Crimean Tatar people) which since the repatriation started in the early 1990s, has convened three times. The Kurultay elects the Mejlis as the executive body of the Kurultay. Since 1991 when the Mejlis was founded and national sovereignty declared, its leader has been the well-known Soviet dissident Mustafa Djemilev. Under his guidance, Crimean Tatar population has been continually growing (3.7 children per family, compared with 1.9 in a Slavic family) and the economic and demographic situation in Crimea is unquestionably changing as a result.

Beyond specific legal measures recognizing self-government, it is important to consider other rights-based processes that one might consider to be significant. When the *Verkhovna Rada* (Ukrainian Parliament) amended the law on Ukrainian Citizenship to simplify the process of obtaining Ukrainian citizenship for formerly deported individuals, several draft laws were submitted for the consideration of parliament. Among them was *The Law on the Status of Crimean Tatar Peoples* and *The Law on Rehabilitation and Provision of Rights of National Minorities Who Were Discriminated Against and Deported from the Territory of Ukraine*. Several institutions with the mandate to assist integration and settlement were formed, including: the *Verkhovna Rada* Committee on Human Rights of Minorities and Interethnic Relation; the Council of Representatives of Crimean Tatar People with the President of Ukraine; the Commission on the Affairs of Individuals Deported on the Grounds of Their Nationality; the Cabinet of Ministers of Ukraine; the State Committee for Nationalities and Migration; the Division for the Issues of Citizenship and Minorities with the Office of the President of Ukraine; and the State Committee for Nationalities and Deported Peoples within the Autonomous Republic of Crimea.³³

To some degree each of these organizations or state bodies has a nominal role in advancing a legal structure for local self-government in Crimea. However, according to our analysis, there is limited room for consequential policy deliberations beyond the creation of legal frameworks. The absence of a coherent policy process can be attributed to several factors.

³² Only 260,000 of the estimated 800,000 land owners in Crimea have registered titles (Authors' notes, October & December 2007).

³³ This list of other institutions involved in addressing returnee integration is far from complete. Others include: the *Verkhovna Rada* (Ukrainian Parliament) and its Commissions and Committees; the Ministries of Justice, Education, Health, Foreign Affairs, Culture and of Labor and Social Policy; the Supreme Council of the Autonomous Republic of Crimea; and the Council of Ministers of the Autonomous Republic of Crimea Respective Ministries. Currently, local governments act under a significant legislative deficit, budgetary constraints and control of centrally appointed governors, with no clear-cut division of competencies between state administrations and elected municipal councils and mayors (Report of the Standing Committee of the Council of Europe's Congress of Local and Regional Authorities of March 8, 2001) and, therefore, are not capable of exercising any significant impact.

First, very few regular polls gauging public opinion are carried out systematically and comprehensively. The policy debate regarding local self-government therefore lacks a practical foundation and has little basis in facts, Indeed the process is extremely partisan. Various interest groups, such as the community of Crimean Tatars and Russians advance their own “facts”, but there is no systematic region wide data collection organized in a reliable archive that would allow the monitoring of any trends that might suggest increasing social cohesion across the various communities.. More worrisome is the behaviour of elected officials who appear to have no interest in policy analysis and process. Serving “the public good” by making choices that transcend parochial and ethnic self-interest is largely a foreign concept.

Second, there appears to be minimal room for meaningful policy dialog and for assisting the government in developing an adequate policy response based on an ongoing monitoring of social, political and economic conditions in Crimea. The absence of a common policy for addressing the complex situation in Crimea, is a good indication that these critical development challenges are not being effectively addressed by existing institutions.

Third, there is little capacity for cooperation on key issues between the ARC and the Mejlis. The Mejlis in particular has significant constituency issues. For example, while the Mejlis has thus far been able to accommodate both radical and moderate factions, recent developments point to growing popular support for more radical alternatives. For example, only about one third of Crimean Tatars followed the Mejlis’s voting recommendations during the recent elections in Ukraine.³⁴

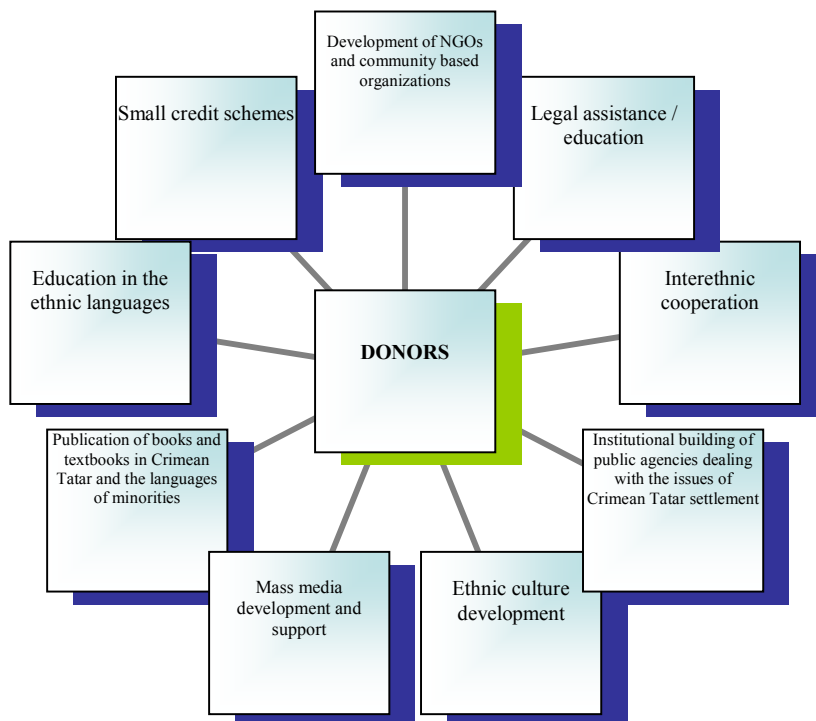
Turning now to our second element we note that the as a result of the intensifying interethnic situation, Crimea is of specific interest for several key organizations, including: Crimea Integration and Development Program of the UNDP; The High Commissioner on National Minorities of the OSCE, the Turkish International Cooperation Agency, the Eurasia Foundation (USAID), and the Open Society Institute (The Renaissance Foundation).³⁵ The relationship, roles and activities of these international donors in Crimea are portrayed in Figure 2 below.³⁶

³⁴ Since it is not a political party, the Mejlis usually aligns itself with one of the political parties during electoral campaigns and recommends that Crimean Tatars vote accordingly (Authors’ notes, October & December 2007).

³⁵ Other donors include the Dutch, Canadian and other embassies in Ukraine; IREX ProMedia; Counterpart; the Charles Mott Foundation; the Association of Universities and Colleges of Canada; the Institute for Democracy in Eastern Europe; the Foundation for Interethnic Relations; the King Baudouin Foundation; and the World Bank.

³⁶ See the UNDP’s site (<http://www.undp.org.ua/en/list-of-major-source-of-funding?window=1>) for a list of all sources of funding as of March 1, 2010.

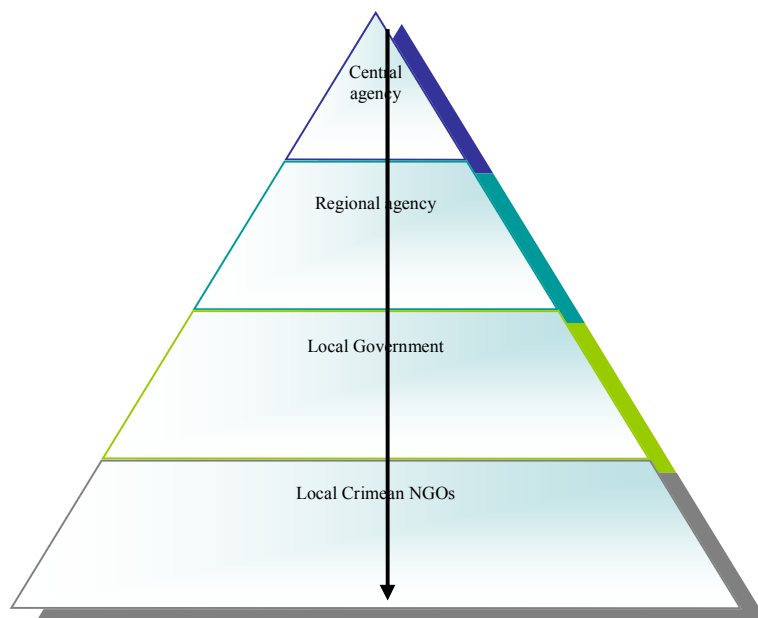
Figure 2: Project Funding from Donors in Crimea



Equally important players include Crimea’s smaller NGOs who are obligatory actors and parties to all activities funded by the donor community. As a result, multiple actors have the opportunity to interact both vertically and horizontally in the ARC. In the case of Crimea specifically, these interactions are mainly based on vertical linkages. The reasons for the lack of horizontal integration are self-evident and mostly related to the “pillarized” ethnically divided society that is Crimea (see Figure 3).³⁷

³⁷ Authors’ conceptualization of the pyramidal structure of NGO activity. By “pillarized” we mean informal, vertical and ethnic structures with partially but not fully integrated economies and political orders. See Donald Horowitz, *Ethnic Groups in Conflict* (Berkeley: University of California Press 1985), for details and examples.

Figure 3: The Pyramidal Structure of Civil Society Activity in Crimea



Though some international programmes such as the UNDP’s Program for the Integration of the Formerly Deported Crimean Tatar People and Armenians, Bulgarians, Greeks and Germans into Ukrainian Society have established direct links with local NGOs and promote horizontal cooperation, most donors do not encourage this kind of “cross-ethnic” dialog. The implication is that horizontal linkages need to be more firmly supported by the donor community. One major exception is the UNDP’s Human Security Council operating under the aforementioned CIDP. The Council was previously formalized as an Advisory Body under the First Deputy Prime Minister of the Autonomous Republic of Crimea. Recently, the Council was placed under the Speaker of the Parliament giving it greater influence. The CIDP’s closest partnerships have been with the Mejlis and NGO research communities raising questions about its impartiality but even these partnerships are wavering. Indeed the authors had first hand experience where dialog between Tatar and non- Tatar representatives on the Council could only be facilitated through a third party intermediary. This shift is reflective of the evolving power structures in the Republic but more importantly is a reflection of the hardening of the attitudes among ethnic community leaders. The CIDP’s Human Security Council has yet to find the right relationship for itself within Crimea’s institutions.

In sum, despite anticipation that Ukraine might move in the direction of a more “European” approach to local self-government judging from the legal structures that it has put in place since independence, there is little reason to believe these structures are having a direct influence on reducing tensions in Crimea or are generating social capital for that matter. Further what appears to be happening is in the absence of leadership from above, local actors and international organizations are taking a greater role in supporting dialog and development with a specific

focus on the Tatars. The experience of Crimean Tatars is highlighted as a case in which they have developed their own quasi independent political and economic machinery and have been encouraged to do so by international actors in the hope that it might lead to sustained interethnic dialogue.

Financial Reform and Decentralization

Turning now to our third and final element, we note that given Crimea's political inertia and the fact that international actors are for the most part secondary players in Ukraine, the core problem of developing effective local self-government may well be addressed through a systematic, goal oriented strategic plan for reforming financial governance. Indeed, the system of financing local governments in many unitary European countries is a crucial stabilizing factor that is vital in providing an efficient collaboration between the state and the private sector in relation to the provision of public services to citizens. To be sure, Ukraine's concomitant lack of transparency in the budget process and a low level of citizen participation in the electoral process are contributing factors that will need to be concomitantly addressed. Yet there are reasons to be optimistic. For example, increases in the volumes of financing for local budgets in 2004, compared to previous periods, were positive signs that the share of local budget revenues in the GDP were increasing. In 2004, positive changes in the structure of local budgets revenues occurred as a result of capital investment, a growth in the share of local taxes and fees, and growth in revenues from land use taxes.³⁸

Such diversification in Ukraine is different from that of Great Britain, Italy, Spain, Denmark, Portugal and France, all of which have levels of revenue above 40 per cent. In Finland and Sweden it amounts to about 20 per cent of the total volume of revenues. Thus, sub-regions in some EU countries such as Great Britain, Italy and Portugal have a high dependence on revenues from central government budgets and a high level of centralization in public finance. The systems of financing local self-government within these countries are centralized, while in Sweden, Finland, Denmark and France, where revenues to the budgets of local governments exceed 50 per cent, systems of financing local self-government can be regarded as decentralized. The highest level of financial dependency in transfers from the budgets of the central government is in Albania (96 per cent of the total volume of revenues in the budgets of local governments). By contrast, Lithuania, Romania, Slovakia and Slovenia can be classified as more financially autonomous countries (where the figure is about 20 per cent).

For comparison it is useful to consider the dynamics of transfer share to local government's budget revenues in unitary post-socialist European countries. From 1988 to 2001 there was a marked decrease in the dependence on transfers in Romania, Slovenia, Hungary, Bulgaria and an increase of transfer shares in Estonia, Czech Republic and Ukraine. Taking into account the European integration ambitions of Ukraine, a more thorough study of the positive experiences of European countries is needed, especially concerning the implementation of principles of the European Charter of Local Self-government. Until the recession in 2008–9 many east European

³⁸ Vitalina Zaychykova and Ivan Khomra, "Comparative Analysis of Local Self-Government Finance in Ukraine and European Countries," UN Report, <http://unpan1.un.org/intradoc/groups/public/documents/nispacee/unpan022185.pdf> (accessed November 11, 2009).

countries were showing success in addressing problems in raising the efficiency of local self-governments. Their strategy has been as follows. First, the basic sources of revenues in the budgets of different levels of local self-government are clearly defined.³⁹ Second, revenues from local self-government budgets are clearly dissociated from state budget revenues. Third, and related to the second point, there is the introduction of models of financial equalization and clear budgetary procedures and political mechanisms established by the state-center and strictly adhered to by municipalities and state governments. Fourth, after the introduction of national measures to strengthen the revenue base of local self-government budgets, autonomous mechanisms to mobilize additional sources of revenues in local budgets are widely deployed. Fifth, and finally, greater attention is given by finance officers to more effectively use internal reserves through rigorous and coherent policy planning procedures.

As a result, a system of financing local government has been implemented successfully by several former eastern bloc countries, with due credit being given to the social significance and the nature of public sector of local economies. The key feature of these systems is a decision-making process covering the key functions and authorities between central and local self-government, and these systems are built around a clearly defined system of public services.

Today, in a time of transformation and radical change, traditional governance often faces crises.⁴⁰ Community foundations to promote local development, credit unions to facilitate entrepreneurship and businesses are thought to be the answers to the insufficient funding of municipal programmes by a weak central government. In so doing, public works for community development will reduce unemployment and a mixed-property approach (with community members as shareholders) with local management of the sewage and water supply system could speed up an improvement in living standards.⁴¹

For a multiethnic Crimean, however, such lofty goals are difficult to achieve. Some solutions may come through community governance. Indeed the premise of this article is that as Putnam argues, “communities are part of good governance because they address certain problems that cannot be handled either by individuals acting alone or by markets and governments.”⁴² Thus the way forward, according to Putnam, is grounded in social capital (skills, aspirations, beliefs, ability to associate, network and interact for the benefit of the community), in which community governance can be understood as an accumulations of skills and collective action for problem solving. Community governance is ultimately based on sharing information, equipment and skills with the members of the community, as well as individual motivation and peer monitoring.

In theory, community governance based on regular and frequent interactions allows for adjustments and “soft” mechanisms of coordination pertaining to a “new paradigm” of regional

³⁹ Zaychykova & Khomra, “Comparative Analysis of Local Self-Government”.

⁴⁰ James N. Rosenau, *Along the Domestic-Foreign Frontier: Exploring Governance in a Turbulent World* (Cambridge: Cambridge University Press, 1997).

⁴¹ Olena Kulenkova, “Governance in the Multiethnic Community of the Autonomous Republic of Crimea,” www.nispa.sk/news/kulenkova.rtf (accessed November 11, 2009).

⁴² Putnam, *Bowling Alone*, quoted in S. Bowles and H. Gintis, “Social Capital and Community Governance,” *Economic Journal/Social Capital*, July 28, 2000, 4.

development programmes. The key instruments for community governance and new regional development paradigms include:

- decentralization and devolution;
- strong local governments;
- new patterns of management and organizational behaviour;
- empowered local NGOs and community base organizations;
- growth of interest and advocacy groups;
- co-operative financial services (e.g. community credit unions, community foundations);
- co-operative ventures and mixed property enterprises (community utility company); and
- programmes supporting entrepreneurship and small-business development.⁴³

Is there a potential for community governance in a multiethnic Crimean? The answer is mixed. Based on the statistics we have analysed, we can say for all populations of Crimea, the main problems are truly economic, including low salaries and pensions (66.8 per cent) combined with high prices for main products (65.4 per cent).⁴⁴ But it is not just economic problems that are shared across Crimean population; there is also evidence that trust and solidarity – key requirements for community governance – are in short supply in Crimea. To be sure, some of the Tatar returnees live in newly raised compact settlements (partly as a means to preserve, or restore, language, culture and traditional modes of living; partly because only the undeveloped land plots were available for settlement, partly due to land-squatting). But many others live in towns and cities side by side with a local and largely ethnically diverse population. A friendly environment in the latter communities could be favorable for the mobilization of mutually beneficial activities. Thus, there is an opportunity as well as the need to transfer community space from the rural to urban areas. Community level dialogue would have to aim at addressing complex problems that are not being adequately addressed by existing institutions and this is where the international community could come into play.

Conclusion

We began this article by arguing that an increase in social capital could arise from a de-centered approach focusing on non-state actors, specifically communities. Global and regional forces have served a mixed role both pulling the region (and country) apart but also attempting to keep it together. We surmised that political problems may be more easily addressed outside the government sector when trust in government institutions is in decline and that regional decentralization may help in this regard. We evaluated the efforts to decentralize government and create legal structures under the assumption that these efforts should lend themselves to

⁴³ Kulenkova, “Governance in the Multiethnic Community”.

⁴⁴ P. Shangina, Социальный капитал: нет доверия между людьми, нет социального капитала [Social capital: if there is no trust between people, there is no social capital], http://www.razumkov.org.ua/ukr/article.php?news_id=594 (accessed December 12, 2009).

increased social capital formation in Crimea. Our analysis does not support that claim however that trust building, an important prerequisite to social capital formation and local self-government in a multiethnic environment, has taken place in Crimea despite the efforts of international actors to help in this process. The theory that investment in improving the capabilities of local-level actors can accrue benefits not only to the group in question but to society at large is a sound one. In practice the situation in Crimea does not yet lend itself to such a conclusion. To some extent, international efforts such as the UNDP's CIDP initiative have helped generate positive norms of social change among the elites but these have not necessarily trickled down to the individual.

Positive social changes are likely to occur only after a long time, perhaps only after a generation of returnees is replaced by a younger generation born in Crimea. The government will need to show greater interest in serving the public good and will need to adopt sound public decentralized administration models based on core needs such as analysis and policy processes and funding mechanisms that engage civil society and the private sector. In the mean time, the government could do more to support a positive transformation by showing support for, and tolerance of, pluralism and by making meaningful local level investments that can mobilize crucial support for problem solving and trust among individuals and civil society. Perhaps over time that local level trust will be entrenched in more formal political institutions and mechanisms that will in turn strengthen Crimea's and Ukraine's overall political and economic development.

MAJOR FOREIGN INTERVENTION IN KYRGYZSTAN WOULD PROMPT A RUSH TO NATIONALISM BY EVEN THE MOST MODERATE FIGURES

Interview with Dr. John Heathershaw *

Conducted by Jesse Tatum, Associate Editor of CRIA

CRIA: Can you weigh in on the recent upheaval in Kyrgyzstan and summarize what type of international intervention may now be appropriate?



Clearly, the subsequent ethnic violence in Osh was sparked by the political crisis and dynamics of 2010. The political crisis was not essentially ethnic but had ethnic aspects and, more importantly, created the conditions of insecurity which enabled the violence in and around Osh. Those that attempt to read the ethnic violence back to the border delimitations of Stalin's era often miss out this crucial political aspect. Central Asia since 1991 has suffered far less armed conflict (and certainly ethnic conflict) than most security analysts

have predicted and this is testament to the need for exceptional explanations of exceptional violence. But the relative lack of conflict is of no consolation to those that still suffer from the awful ethnic violence in of June.

Regarding intervention, I must make the pedantic point of the scholar of International Relations that intervention is historically understood as deployment of foreign military and/or civilian forces without the expressed permission of the host state. No one is seriously arguing for that in Kyrgyzstan. However, we do use "intervention" more generally to denote consensual as well as non-consensual unilateral and multilateral deployments.

I have weighed in here arguing that most forms of international intervention would be counter-productive in Kyrgyzstan today. A more robust OSCE police mission, deployed very quickly after the Osh violence of June, would probably have been a good thing over the medium-term but it has now been both politicised and weakened in ways which severely limit its ability to do any good. This was almost inevitable given the structure of the OSCE as an extremely weak and divided regional formation. Rapid, effective, multilateral intervention is the pot of gold at the end of the

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rainbow for liberal internationalists. That said, even Russian intervention, which was requested by Otunbaeva, failed to materialise either unilaterally or through the CSTO.

My argument against intervention is twofold. Firstly, there is a domestic political process in Kyrgyzstan which, whilst not able to address all Uzbek political issues (such as language rights) which emerged before June, did lead to a greater than expected number of Uzbeks going to the polls and elected some Uzbek candidates in the October elections. This process is right now keeping conflict within non-violent politics but may be disrupted by a major foreign intervention which would prompt a rush to nationalism by even the most moderate figures. Secondly, the main role for international actors is not to bring peace or democracy to Kyrgyzstan but to avoid taking actions which make these things more elusive – for example, the fuel contracts for the Manas base struck with both Akaev and Bakiev regime figures by the US Department of Defence. Liberal interventions of the peacekeeping- and peacebuilding-type typically lack the modesty and circumspection that is required to ascertain their own impacts.

There have been some excellent short analyses of the Osh ethnic violence and the removal of the Bakiev government in April by my colleagues [Madeleine Reeves](#) and [Nick Megoran](#) as well as a doctoral student of mine, [Asel Doolotkeldieva](#).

CRIA: How do you see the post-election (Oct. 10) coalition talks playing out in Kyrgyzstan? Is a parliamentary system the ‘right’ way for the country at present?

The dominant interpretation in Russia and the region is that a parliamentary system does not provide for the concentration of power (‘power vertical’) which is required in the post-Soviet context. This is a culturally essentialist approach with which I disagree. The dominant perspective in the West is shorn of this essentialism but argues that weak security structures provide opportunities for conflict that endanger the system. This too is an inadequate explanation.

The popular coups (I prefer this term to the celebratory ‘revolution’) of 2005 and 2010 took place not because of the decentralisation of power but because of the centralisation of power to the hands of the Presidential Administration in a state in which the political-economic class had been used to a much freer political and economic environment. Thus, it is not just about opportunity but about the expectations that this greater freedom engendered in the 1990s. In other words it is about the discursive and institutional environment. The opportunity to rebel exists in Tajikistan (but despite recent events) is rarely, if ever, taken because of a discursive and institutional environment which generates low expectations and relatively stable compromises, however unjust.

So, in an environment such as contemporary Kyrgyzstan, greater power for a proportional parliament is the best way forward. Moves to this end in 2005–2006 were stillborn. There is greater hope under Otunbaeva, in my view. But there are considerable risks. A Kulov or Tashiev victory in Presidential elections could start the cycle of increased centralisation and conflict once again. As to the coalition-building, it is difficult to predict the exact composition or the identity of the PM but I think there’s a good chance that there will be a lot of chopping and changing which may precipitate new elections sooner rather than later.

CRIA: What do you make of the recent outbreaks of violence in Tajikistan? How will Islam and the state coexist in the coming months?

The outbreak of violence is only partially about Islam and the state. It is also about central control over regions which have never been fully under the control of Dushanbe. It is about the brutality of conscription as an institution, the hopelessness generated by the difficulties of migration and the

hidden resentment against the government in many peripheral regions. That said, Islamism does serve as a vehicle for opposition in Kamarob and pockets of Tajikistan.

That is what has happened with Ali Bedak's group and its armed conflict with government forces since mid-September. It was easy for this commander to recruit alienated youth and re-form a group which had been dormant as a military formation since the civil war. But let us not believe official pronouncements that this is chiefly a manifestation of regional or global Islamism. It is very much a conflict made in Tajikistan.

However, the question of the co-existence of Islam and the state raises issues that go far beyond this conflict. Clearly the Tajik government does not know how to handle religiosity in its various manifestations because it operates under a (post-)Soviet variant of the secular conceit that religion must be purely spiritual and customary in some banal or 'traditional' sense. Whilst most Hanafi variants of Islam in Central Asia are not properly politicised, they are nevertheless political in that they allow believers to see the injustices wrought by authoritarian governments and economic globalisation much more clearly than things might appear through worn-out ideas of liberal democracy, communism or even nationalism. Banning the veil or harassing the Islamic Renaissance Party won't deal with the increased appeal of Political Islam as political and social critique of arbitrary power and global inequities.

CRIA: Can you summarize the relationship between foreign intervention and authoritarianism in Central Asia?

I would repeat my point about intervention above. There has been only one clear case of foreign military intervention in post-Soviet Central Asia – that of Russian and Uzbek involvement in the Tajik civil war – and it was very much about reinstating 'stable' (read: authoritarian) government.

But international and global relations with Western states and multinational companies provide sustenance to authoritarian regimes as well. U.S. awards of fuel supply contractors, without proper transparency and accountability, increase the prize for those who control government in Kyrgyzstan. This further encourages 'businessmen' and organised criminals into politics.

In the global economy, the very relationships that facilitate foreign trade or investment themselves help sustain authoritarian regimes and rentier states. For example, the IMF and EBRD helped arranged the off-shore tax avoidance schemes which ended up defrauding the Tajik people of hundreds of millions of dollars of revenues from Talco (the state aluminium company) from 2005–2008, according to provisional judgments in the London high court. In this case, the IMF demanded audits of both Talco and the National Bank. Thus, there is a global dimension to both the source of the problem and the (limited) holding to account of oligarchic, authoritarian regimes in Central Asia.