Crisis Management and Conflict Prevention in Eastern Europe and the Balkans: Lessons for Ukraine-EU Cooperation

Edited by Tetyana Malyarenko
and Stefan Wolff

International Association for Institutional Studies
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Jean Monnet Spring Seminar on European Security

A series of Jean Monnet Spring Seminar on European Security offers an interdisciplinary program featuring a variety of lectures, seminars, panel discussions, briefings and simulation games in the field of European Security.

This annual meeting concentrates on Europe’s political and social challenges, the EU’s global role and its neighbourhoods. The concept of ‘deep’ learning and research-led teaching are methodologically are at the heart of the Spring Seminar. Jean Monnet Spring Seminar is intended to be a series of intellectual and personal development meetings designed to hone and develop new generation of leaders in Ukraine committed to such basic, yet important values as freedom, rule of law, human rights and integrity.

A new series of Jean Monnet Seminar in Ukraine is concerned with new approaches and new challenges to security. The first group of them is being issues related to instability and insecurity in the EU’s Southern and Eastern Neighbourhoods that constitute a security challenges to the EU. The second category of security challenges to be discussed, are issues of more immediate and direct impact on the EU, such as: illegal migration, state failure, transnational organized crime, international terrorism, environment, supply and transit dimensions of European Security Strategy.
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The volume primarily addresses fellow academics and graduate students, but also interested policymakers.
Introduction

Tetyana Malyarenko
Stefan Wolff

Since the drafting of the European Security Strategy in 2003, the European Union has been devoting even more attention to the various crises and emergencies that affect the safety of its citizens and the security of its member states. Today, natural and man-made disasters, terrorism and disruption of civilian lives require policy response at all levels of government. They often call into question traditional barriers between policy arenas at national and EU levels and require cooperation between the EU and the states in its neighbourhood. Regional and international cooperation in the area of crisis management is gaining more and more importance. In view of the new risks, the separation between means and instruments for mastering international and national crises is no longer tenable. Rather, a holistic approach is necessary in order to be able to manage the new risks effectively.

“Crisis Management and Conflict Prevention in Eastern Europe and the Balkans: Lessons for Ukraine-EU Cooperation” contributes to the debate on reinforcing the European Union’s crisis management and emergency response capabilities, offering a genuinely comparative approach and focusing on the evolving ability of the Union to respond to emergencies and disasters through more effective institutional and cross border cooperation.

Drawing on a series of case studies conducted by the participants of the 2012 Jean Monnet Seminar “Ukraine-EU Cooperation in Crisis Management and Disaster Risk Reduction: Sharing Best Practices, Building Effective Capabilities”, this book aims at reinforcing the conflict prevention and disaster risk reduc-
tion agenda as an important subfield of EU security studies and integrate it with the study of other security challenges.

The European Union’s latest declaration of its intent to play a greater role as an international security actor and bring to bear the whole range of its capabilities for crisis management states that “The aim of preserving peace, preventing conflicts from erupting into violence and strengthening international security is an important element of the external action of the European Union as laid down in the Lisbon Treaty” (Union, 2011).

For more than a decade, the European Union’s sole experience of managing disaster, crisis and conflict was in the EU and in the Western Balkans. While the road to stability and security was clearly not without obstacles in the road, the EU, for the most part, seemed to have gained sufficient control and self-confidence in managing crises and conflicts in its immediate neighbourhood to give rise to a modicum of success.

The development of the EU’s activities as a crisis manager has taken place against the background of the development and elaboration of the notion of the comprehensive approach to security. The development of the comprehensive approach has been a guiding idea central to international organizations and individual states in refining conceptions of security and how to manage their security needs. As we indicate in this volume, providing security across all dimensions is a fundamental ambition of the EU, yet at the same time essential to its success as a global security actor, not least in its role as a conflict manager.

The Eastern Partnership is a relatively new project of the European Union. The four platforms of the Eastern Partnership—democracy, good governance and stability; economic integration and convergence with EU policies; energy security; and contact between people have are based on a new understanding of the challenges for European security. The concrete programs that have been implemented under the Eastern Partnership platforms are logically linked both with the European Security Strategy (2003) and the Human Security Doctrine for Europe (2004).
In the framework of the Eastern Partnership the political dialogue between the EU and Ukraine covers four main groups of topics: democracy and human rights, including media and press freedom; regional and international issues; horizontal security threats such as terrorism; and disarmament and non-proliferation.

The EU and Ukraine have been intensifying their dialogue and cooperation on foreign and security policy issues, including on crisis management. Ukraine has been participating in the EU’s police mission (EUPM) in Bosnia and Herzegovina and participated in the EUPM in Macedonia. The EU and Ukraine have intensified their dialogue on issues related to the fight against terrorism, the non-proliferation of weapons of mass destruction and arms export control (the EU-Ukraine Action Plan).

‘The Agreement between the European Union and Ukraine’ establishing a framework for the participation of Ukraine in the European Union crisis management operations’ was signed on July 13, 2005. The Agreement established legal regulations and conditions for participation of Ukraine in CIVILIAN CRISIS MANAGEMENT and MILITARY CRISIS MANAGEMENT OPERATIONS. The European Council at Seville on June 21 and 22, 2002 further agreed arrangements for consultation and cooperation between the European Union and Ukraine on crisis management. In accordance with ‘The Agreement’, ‘Ukraine shall associate itself with the Joint Action by which the Council of the European Union decides that the EU will conduct the crisis management operation, and with any Joint Action or Decision by which the Council of the European Union decides to extend the EU crisis management operations. Ukraine shall have the same rights and obligations in terms of day-to-day management of the operation as European Union Member State taking part in the operation’ (Agreement, 2005).

Since the Orange revolution, Ukraine has become an increasingly active player in the region. One of the main international questions where the position of Ukraine is important is how to support the settlement of the ‘frozen’ conflict in the Transnistria region of Moldova. A Memorandum of Understanding on
launching a border assistance mission on the border between Ukraine and Moldova, including the Transnistrian segment, was signed between the European Commission and the governments of Ukraine and Moldova in October 2005. The mission was launched on December 1, 2005 and has been assisting the two countries in establishing a transparent and efficient border management system, and in boosting the capacity of the border and customs services along the border between Ukraine and Moldova including on the Transnistrian segment. This mission involves over 140 seconded staff from EU Member States (European Commission, 2005).

Yet, while the Eastern Partnership and ‘The Agreement between the European Union and Ukraine on crisis management operations’ have given an institutional expression to cooperative efforts in achieving peace and stability in the region, Ukraine itself is rather a threat for European security than a fully fledged partner due to the weakness of its state institutions and the consequences of this, such as the criminalization of the state, widespread violation of human rights and corruption. Ukraine failed to establish itself fully as a functioning state and remains weakened by low state capacity, and constant political infighting; core institutions of the state mutually paralyze each other – all in the context of serious domestic and external challenges and threats. Ukraine has not been able to establish a clear vision of its foreign and security policy. Implementation of relatively uncontroversial foreign policy objectives (EU relations) is impaired while any step to make progress on the really controversial ones (NATO or the Eurasian Union) further contributes to problems for domestic security and stability. As a result, Ukraine today is likely to be one of the major liabilities in the new European security architecture.

Reviewing recent developments, the EU appreciated Ukraine’s commitment to a foreign policy based upon European integration, and progress in the implementation of the Association agenda, but at the same time, the EU expressed its strong concern over the state of the rule of law in Ukraine. The EU stressed that any progress toward political association and economic integra-
tion will depend on Ukraine’s performance, notably in relation to respect for common values and the rule of law.

This book intends to be a timely contribution to the body of scholarship concerning the European Security Strategy and EU External Relations. It synthesizes the state of the art of current research in the field of European Security, focusing on the new security environment. It consists of a number of both theoretically - and empirically-focused chapters and case-studies, providing an examination of crisis management in the context of EU-Ukraine relations.

The first chapter “Managing a Local Conflict in a Complex Regional Environment” by Stefan Wolff analyses a range of existing proposals that reflect the Moldovan, Russian/Transnistrian, and Mediators’ positions to date and proposes a framework in which consensus they exhibit, can be accommodated. The conflict over the Transnistrian in Moldova has made little progress towards a settlement since the original ceasefire agreement of 1992 despite a number of proposals from most of the relevant conflict and third parties. Rather than assessing why negotiations have frequently stalled, this chapter examines the content of existing proposals against the background of existing theories of territorial conflict management and proposes a framework for a durable settlement of the Transnistrian conflict within in the current 5+2 negotiation format: a multiple asymmetric federacy arrangement supplemented by central-level power sharing and entrenched in domestic and international law.

The second chapter “Crimean Separatism in Contemporary Ukraine: on the Right of Return and Unresolved Land Disputes” by Tetyana Malyarenko and David Galbreath establishes a comprehensive framework for analysis of the possible scenarios for conflict escalation in the Autonomous Republic of Crimea, Ukraine. During the late Stalinist era, Crimean Tatars as a group were internally deported to the Central Asia. Upon Ukraine’s independence, many Crimean Tatars have sought to return. The problem lies in the demographic changes that have occurred in Crimea since the mass deportation with an overwhelming number
of ethnic Russians now located in the former Crimean Tatar communities. These demographic changes and the right of return for Crimean Tatars have led to a complex situation that lied between communities and between national governments.

As Ukraine gained independence, the predominance of ethnic Russians in Crimea led to an early push for independence from Ukraine and possible entry into the Russian Federation. At the same time, the reintroduction of Crimean Tatars raised the prospect for increased societal insecurity between ethnic Russians, Tatars and Ukrainians. The result was a concerted effort by national and international actors to maintain the territorial integrity of Ukraine while protecting the rights of ethnic Russians and Crimean Tatars. Managing ethnic relations in a democratic state is difficult enough, but when a state is stalling in its transition from authoritarianism to democracy, the situation is much more precarious. Ukrainian politics has been dominated by nomenklatura in strong positions. While the executive has remained particularly strong, the judicial branch has remained weak and party politics has been fractious and often unrepresentative.

The result of the international and national response is one often left unsung by those who study conflict prevention. The OSCE High Commissioner on National Minorities (HCNM) became a prime actor in the Crimean case. Max van der Stoel (HCNM 1992-2001) made his first visit to Ukraine in 1994. The approach of the HCNM was to bring in the contending parties and their international supporters. This included the Ukrainian government, Crimean Russians, Crimean Tatars and the Russian Federation. The High Commissioner then sought to internationalize the predicament, with a round table of interested parties in Locarno, Switzerland in 1995. The goal was to bring the national government in Kiev and the regional government in Simferopol closer together. The Locarno negotiations produced a roadmap for conflict prevention and sustainable peace, as set out below.

This case study is designed to raise the awareness of students to how good governance and well-institutionalised legal principles can reduce the risk of violent ethnic conflict. The pur-
pose of this case-study is to provide a platform for discussion about the relationship of two sets of factors in a potential conflict situation: contested property rights under conditions of legal uncertainty, caused by weak and criminalized state institutions, and the ensuing radicalization of ethnic groups on the basis of unresolved land ownership issues. The case study will also identify structural mechanisms for conflict prevention as well as encourage the students to use monitoring and early warning tools. Furthermore, we argue in this proposed case study of the importance of leadership and necessity to implement a ‘levels-of-analysis’ approach to conflict management to avoid a biased focus, e.g. on the international dimension of the Crimean question and relations between Kiev and Moscow while neglecting important local dimensions of the conflict. In summary, lessons learned will be: (1) the importance of adopting a comprehensive perspective on the conflict and focus on the various levels of analysis; (2) to foster good governance and structural prevention mechanisms aimed at strengthening dialogue and cooperation so as to contain and resolve conflict by peaceful means.

The third chapter “The Dog that Didn’t Bark: The Conditions for Conflict Prevention in the Baltic States” was written by David Galbreath. On secession from the Soviet Union, the Baltic States of Estonia, Latvia and Lithuania were confronted with attempting to build new nation-states with the demographic changes of the previous fifty years. The Soviet period saw the large-scale migration of ethnic Slavs, predominantly Russian, Ukrainian and Belorussian, to the Baltic States. Each of the three states responded to these demographic changes differently, leading to uncertainty, distrust and resentment between ethnic majorities and ethnic minorities, the Baltic States and Russia, as well as East and West. This chapter looks at the possibilities for crisis in terms of ethnic conflict and regional instability in the Baltic Sea Region and discusses the conditions for local and European solutions to crisis management. The main argument is that the pattern of inter-ethnic relations was set by 1993 making for a overwhelmingly peaceful nation-building projects.
The fourth chapter “Mass Protests and Revolution in Weak and Failing States: A Case Study of the Orange Revolution in Ukraine” by Tetyana Malyarenko focuses on the analysis of the phenomenon of mass protests and revolutions in weak and failing states. State weakness has been analyzed as a precipitative factor for escalation of conflict that creates advantageous conditions for deepening already existing contradictions within Ukrainian society and provokes an escalation of violence. The link between state weakness and conflict manifests itself in two ways. First, state weakness creates a favorable environment for the transformation of ordinary peaceful competition for political power and resources between different elites into open violent conflict. For example, owing to the high stakes for all parties, every electoral campaign in Ukraine is accompanied by an escalation of violence and often unlawful political games. The second mechanism that links state weakness and conflict is institutional exclusion and the ‘hour glass’ structure of Ukrainian society. Institutional exclusion means critical division and even alienation between the elite and ordinary people. Consequences of institutional exclusion are the substitution of formal institutions and norms by informal ones, as is evident, for example, in relation to formal and informal (criminal) justice and the ‘survival’ culture. Against this background, the chapter explains the mass protests that took place in Kiev in 2004 as a result of complex interplay between conflicting interests of elite and ordinary people. It establishes why so little has changed in the political life of Ukraine since 2004 and what the lessons for civil society should be.

The fifth chapter “The Armed Conflict in the Republic of Macedonia in 2011: from the Escalation of Albanian-Macedonian Conflict to the Signing the Ohrid Framework Agreement” by Frosina Remenski analyses the nature, structure and purpose of the Ohrid Framework Agreement (OFA) and the process of negotiations that preceded its signing. Signed on August 13, 2001 by the major political parties in the country at that time as well as by the President of the Republic of Macedonia and the international mediators (Special Representative of European
Union in Macedonia and US Special Envoy), it put an end to the ethnic conflict in the Republic of Macedonia, preserved the sovereignty, the territorial integrity and unitary nature of the state, and established certain mechanisms of power-sharing and self-governance. However, the question remains whether the “Macedonian model” of conflict resolution is a success that could or should be applied in other ethnic conflicts.

The chapter examines the role of the international community (EU, USA, OSCE and NATO) during the negotiations and signing of the agreement and the institutional design established by the OFA within the existing theories of conflict resolution (integrative and consociational theory). To this end, the chapter analyses the official documents and reviews the existing literature. Based on the analysis, the chapter argues that the international community played a significant role in preventing an escalation of violence in Macedonia. The Macedonian case, thus, provides a solid base for discussion of the crisis management capabilities of regional organizations.

The sixth chapter “Like Oil and Water. European Disaster Response and Energy Security in the Arctic” by Miriam Matejova and Chad Briggs strives to answer a number of questions about potential implications of the impacts of climate change for the European Arctic and Europe’s oil and gas supplies. Energy supplies are undoubtedly a security concern for Europe; however, these security risks are too often narrowly conceived. Over the years, the terms ‘energy security’ and ‘environmental security’ have been reshaped and broadened to reflect the complex nature of the geopolitical landscape of the world today. The authors briefly describe the evolution of both concepts and discuss their significance, using a case study of expected climate change effects on the European Arctic and related implications for Europe’s oil and gas supplies. Drawing upon research from the U.S. Department of Energy and Department of Defense, they explain some new strategic planning tools that integrate concepts of human security, energy security, environmental science and regional geographies of Europe.
The seventh chapter on “Humanitarian NGOs on the Ground: Roles for Civil Society in Conflict Management” by Daniela Irrera, considers NGOs as having their own approach to reconstruction and service delivering to people hurt by natural disasters and human conflicts. Theoretically, this approach is complementary to states and IGOs approach. In practice, it is very different from it. Consequently, NGO actions often clash with the programmes states and IGOs develop in the sites of humanitarian intervention. This chapter analyzes the issue of the participation of humanitarian NGOs in, and along, the actions of IGOs and states to respond to composite humanitarian emergencies. The chapter is based on interviews conducted by the author with representatives of 28 humanitarian NGOs and networks of NGOs based in Geneva and Brussels that are active in the fields of humanitarian assistance, peace building, and conflict transformation and mediation. The survey confirms the importance of ‘good’ NGO-IGO relations to goal-achievement by humanitarian missions.

The eighth chapter on “The Limits of EU Conflict Management” by Stefan Wolff offers an analysis of the EU’s engagement in Georgia as an example on the basis of which it is possible to assess the EU’s broader role as a conflict manager. Following a brief narrative account of the development of EU-Georgia relations in the context of the country’s two unresolved conflicts over Abkhazia and South Ossetia, the chapter proceeds to the analysis of two sets of factors – those within, and those external to, the EU – that it is argued are crucial for understanding the nature and impact of EU efforts to manage the two Georgian conflicts.

This analysis provides the background against which the author offers a more general analysis of the EU’s potential for assuming a wider role as an international security actor.

Finally, the chapter asserts that the EU continues to suffer from a key weaknesses that have prevented it from living up to its aspirations of becoming a globally significant and impactful conflict manager – the lack of a coherent and comprehensive conflict
management strategy. The chapter concludes by outlining five substantive principles that should guide the EU’s approach to conflict management.

The last chapter ‘Green-belt Zones in Danger!’ by Nadiya Kostyuchenko and Yuriy Petrushenko explores the risk of elimination of green-belt zones in cities and of the impact that this process has on the ecosystem. Green-belt zones in Ukrainian cities are rapidly built up with houses and supermarkets. Thus, the territory that was formerly a recreation place for residents has been eliminated. ‘Green areas’ disappear in many parts of Ukraine. Environmental degradation in cities also causes a decrease in social and economic indicators and makes cities uncomfortable places to live in. The problem of eliminating urban green-belt zones is especially urgent because of excessive air pollution in cities with high concentrations of chemical industry.

In this case study, the authors analysis the dynamic relationship between the main actors in conflicts over the use of green-belt land: residents living in various degrees of proximity to the green-belt zone local NGOs; press; radio; TV; deputies; local authority; national ecological organizations; and international ecological organizations.

The mix of case studies that the volume offers does not seek to provide a comprehensive analysis of the security issues that confront the EU and Ukraine today. Rather the point is to highlight the variety and complexity of the challenges that they have to deal with individually and increasingly in cooperation with one another.
Managing a Local Conflict in a Complex Regional Environment

Stefan Wolff

Introduction

In its current manifestation, the conflict over Transnistria dates back to the end of the Soviet Union and the establishment of an independent Moldovan state. Of all the post-Soviet conflicts, it is the one for which the label ‘frozen conflict’ is relatively fitting: in contrast to the conflicts over South Ossetia and Abkhazia in Georgia and the conflict between Armenia and Azerbaijan over the Nagorno-Karabakh territory, there has been no violence and no significant progress towards a settlement since the conclusion of a ceasefire in 1992. Since then, if anything, the status quo has been consolidated and this has created powerful interest groups seeking anything but a change to the current situation.

There is now an overwhelming consensus among academics and policy makers in national governments, in regional and international organisations, and in non-governmental organisations that disputed territories like Transnistria, Abkhazia, South Ossetia, and Nagorno-Karabakh do constitute a specific kind of entity in international relations best described as de facto, unrecognised or quasi states, similarly to Northern Cyprus, Somaliland, and, to a lesser extent, Kosovo and Taiwan.\(^1\) While Transnistria figures as one case among several in a number of comparative analyses, it has generated less scholarly and policy analysis as an individual object of study. This is particularly apparent when the

\(^1\) Cf., for example, Bahcheli et al. (2004), Caspersen and Stansfield (2010), Coppieters et al. (2004), King (2001), Kolsto and Blakkisrud(2008), Kolsto (2006), Lynch (2004), and Stansilawski (2008).
focus is shifted away from an analysis of the causes and development of the conflict and the reasons why it still eludes a settlement. Understanding these issues is, of course, important, but all too often loses sight of another, in my view equally important dimension of any viable conflict settlement for Transnistria—its actual content. This is the gap that I propose beginning to fill with this chapter.

Following a brief overview of the background to the conflict and a history and structure of its so far inconclusive settlement process, I outline the main issue areas on which the parties need to achieve agreement and offer some concrete suggestions on how to structure a possible settlement that takes account of the parties’ core concerns. While Transnistria is in many ways a special case among disputed territories in the former Soviet Union and beyond, it is not wholly unique in all of its dimensions. The Transnistrian conflict shares a range of issues with a number of other conflicts in terms of the internal and external challenges and obstacles that have so far prevented a sustainable settlement from emerging. Taking a broader comparative view on the domestic and international politics of self-determination and how they have been addressed elsewhere is thus a useful exercise to inform the current negotiation process and can subsequently offer important conclusions about how to bring similar conflicts to a sustainably peaceful and democratic settlement.

**Background: The Transnistrian Conflict and Its Settlement Process to Date**

As the Soviet Union dissolved and newly independent states emerged from its ruins from late 1991 onwards, many of these successor states and their citizens looked to an uncertain future, in

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2 In this section I am drawing primarily on interviews and conversations over the past seven years with a variety of senior government officials and local experts in Moldova and Transnistria, officials from the British, German, Russian and Ukrainian embassies in Chisinau, the EU Special Representative to Moldova and his staff, and personnel from the OSCE Mission to Moldova. Recent scholarly overviews include Sanchez (2009), Sherr (2009), Quinlan (2008), Crowther (2007), and Protsyk (2006). For earlier background analyses, see (Kolsto and Malgin 1998), Neukirch (2001), Roper (2001), Vahl and Emerson (2004), and Popescu (2004; 2005).
several cases leading to protracted struggles for control of political, economic and military assets between old and emerging elites. Moldova was no different in this respect: disconnected from their former imperial ally in Moscow, facing the loss of political and economic power, and in their view threatened by an increasingly aggressive campaign of Romanization and possible unification with Romania promoted by the Popular Front of Moldova, elites in Tiraspol, the soon-to-be-capital of Transnistria, refused to recognise Moldova’s sovereignty and sought to assert first their continued union with Moscow, then their own independence. Further radicalisation on both sides eventually triggered a period of serious violence between the respective sides on the left and rights banks of the River Nistru. Initially aided by staff and equipment supplied by the Soviet/Russian 14th Army stationed on the left bank, Transnistrian forces managed to drive the Moldovan ones out, capture the city of Bender on the right bank, and establish effective control in these areas, prompting, at the same time, the exodus of up to one-hundred thousand ethnic Moldovans. Intense, though short-lived, the fighting ended soon after the arrival of Russian General Alexander Lebed, taking over as commander of the Russian forces stationed in Transnistria. Lebed asserted overall control over the Russian and Transnistrian forces. A ceasefire in July 1992 provided for the establishment of a Russian – Moldovan – Transnistrian peacekeeping force, stationed to this day in a buffer zone along the Nistru valley and overseen by the so-called Joint Control Commission.3

The conflict with Transnistria, thus, created three distinct, yet clearly inter-connected issues that need to be addressed as part of a lasting settlement: the status of Transnistria, the status of Bender, and the presence of Russian troops on the left bank of the Nistru. Bender, historically part of Bessarabia, located on the right bank of the Nistru, and scene of some of the heaviest fight-

3 This ceasefire agreement, officially entitled ‘Agreement on the Principles of a Peaceful Settlement of the Armed Conflict in the Transnistrian Region’, also establishes Russia as an official party to the settlement process. This agreement, as well as other official documents and proposals drawn on in this paper, are available online at: http://www.stefanwolff.com/projects/official-documents-and-proposals.
ing in 1992, is now located in the so-called buffer zone and under the authority of the Joint Control Commission, but effectively controlled by Transnistria. During the Soviet period, Bender was one of the four ‘republican cities’ in Moldova, i.e., a district of its own. In addition to these three issues, the broader context of the Transnistrian conflict and its settlement also includes Gagauzia, a small, non-contiguous autonomous area in southern Moldova. Here, similarly to Transnistria, significant opposition arose to Moldova’s Romanisation from the late 1980s onwards. In fact, Gagauzia’s (unrecognised) declaration of independence preceded that of Transnistria. Yet, in contrast to Transnistria, violence in Gagauzia was nothing more than sporadic. Moreover, less than two weeks after its own declaration of independence, six of the twelve Gagauz deputies in the Moldovan parliament voted in favour of Moldova’s declaration of independence, while the others abstained. This, together with OSCE mediation, paved the way to a settlement in 1994 (taking effect in 1995) according to which Gagauzia was granted constitutionally protected autonomous status within Moldova. While there have been significant problems with the implementation and operation of the autonomy statute, Gagauzia nonetheless serves as a reference point for the Transnistrian conflict. While Chisinau is keen to point out that Gagauzia demonstrates the feasibility and viability of a conflict settlement within Moldova, Tiraspol is weary of having a status that does not exceed that of Gagauzia. In turn, there are some, albeit a minority, in Gagauzia who would not accept a status for their autonomous area that is lower than that of Transnistria. Limited links between Komrat and Tiraspol exist, but they hardly amount to a strategic alliance.4

The events in the year following Moldovan independence, formally declared on 27 August 1991, thus in many ways shaped

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4 Observations in the foregoing paragraph are based on personal impressions and conversations with Gagauz, Moldovan, OSCE and EU officials over several years. Between 2004 and 2009 I regularly visited Komrat as part of a project run by the European Centre for Minority Issues on clarifying the competences accorded to Gagauzia in the 1994/5 settlement. In August 2008 I was part of a mission with the EU Special Representative to Komrat to help the local political parties overcome a deadlock after parliamentary elections in Gagauzia earlier in the year. See also Sato (2009), Roper (2001), Quinlan (2008), and Protsyk (2005).
the dynamics of the Transnistrian conflict for the next two decades. Locally, they established the self-proclaimed Transnistrian Moldovan Republic (Pridnestrovskaya Moldavskaya Respublika /Приднестровская Молдавская Республика) which quickly built up and consolidated its institutions and functions like a state in all but formal international recognition. Since 1992, the existence of Transnistria has given rise, on both sides of the Nistru and in neighbouring Ukraine, to powerful political and economic interest groups with an interest in the preservation of this status quo. Especially in Transnistria economic and political interests, and thus stakes, are highly personalised. Political power, and with it significant economic power (due to its control of the Ribnitsa steel plant which counts for over half of all legal exports and tax revenues), is almost completely monopolised in the hands of long-time Transnistrian president Igor Smirnov, with a single economic, and to some extent also increasingly political, counterpole existing in the form of the Sheriff corporation, formed in 1993 by two ex-members of Transnistria’s ‘special services’. While often associated with the Renewal (Obnovleniye) opposition movement, whose demands include more political openness and economic liberalisation in Transnistria, Sheriff and Smirnov appeared to have achieved a tacit agreement on ‘peaceful coexistence’ following a period of heightened tensions after Renewal won an absolute majority in the 2006 legislative elections in Transnistria.5 However, Sheriff’s economic interests have led it to pursue a policy of rapprochement with Chisinau, especially in the wake of the EU granting Moldova Autonomous Trade Preferences in January 2008.

Similarly to the original conflict, an identity dimension continues to exist, and arguably has hardened over the past two decades of separation and very little, if any, contact between ordinary people across the River Nistru. For some time now, there has been a growing sense of separate identities: a Transnistrian one

5 In the legislative elections in Transnistria on 12 December 2010, Renewal increased its majority by 2 to 25 out of 43 seats in the Transnistrian Supreme Soviet, compared to Smirnov’s Republik (Respublika) who won only 13 seats (no change).
oriented towards Russia and Russian culture, and a Moldovan identity in which Transnistria is less and less a significant element as orientation towards the EU becomes more important, not least since the inception of the Union’s European Neighbourhood Policy and its Eastern Partnership that delivers a number of tangible benefits to Moldova. This is heightened by the fact that Romanian and Russian, respectively, have become the dominant languages and that, as a consequence, bilingualism, or rather the ability of Russian to function as a lingua franca, is generationally limited. At the same time, and despite the fact that Transnistria is an ethnically plural society, with ethnic Moldovans, Russians and Ukrainians constituting each around 30% of the local population, there are no significant inter-ethnic tensions in Transnistria itself. In fact, as early as 1993, the CSCE Mission to Moldova’s Report No. 13 asserted a ‘distinct Transdniestrian feeling of identity’ anchored in language (Russian), geography (natural separation from the rest of Moldova by the River Nistru), history (Transnistria as part of the Russian empire, rather than historic Bessarabia), and a perception – rightly or wrongly – to have been at the receiving end of a Moldovan attempt to resolve the dispute by force in 1992. Further evidence for this shared sense of belonging is also the fact that those displaced during the brief spell of violence in 1992 have all been able to return to their homes, regardless of their ethnic identity. This common identity has meant that President Smirnov, and the political and economic system of Transnistria more broadly, have acquired a degree of legitimacy. This is grounded in part in the fact that the overall situation in Moldova is popularly perceived to be as bad, if not worse, than in Transnistria. Smirnov and the opposition alike remain strong advocates of Transnistrian independence, an objective widely shared among the Transnistrian population.7

6 On the role of the EU, the ENP, and the Eastern Partnership in Moldova and in relation to the conflict in Transnistria, see, for example, Gheorghiu, Nantoi, and Popescu(2004), Popescu(2004; 2005), and Sasse (2008, 2009).

7 In the September 2006 referendum on independence, 97% of those voting declared themselves in favor. While there is likely to have been a degree of falsification of these results, there is nonetheless significant support of the Transnistrian leadership’s independence agenda and a credible alternative in terms of a different vision and political movement or party to represent it has yet to emerge.
On the right bank, a pro-Romanian section of the political spectrum, especially on the centre-right, drives, and thrives on, an anti-Russian platform, partly laying all blame on Russia for the conflict and its persistence, partly indicating a willingness to accept Transnistria’s secession and thereby gaining full integration into Euro-Atlantic structures, possibly through unification with Romania. In the same way in which centre-right parties reject the legitimacy of any Transnistrian claims, the centre-left, dominated by the communist party of Moldova, is more open to the idea of concessions to Transnistria as part of a settlement, including some form of federalisation and power sharing, without, however, a clear, consistent, and coherent vision of a future common state or strategy how to achieve it. This division within the Moldovan political spectrum and the serious alienation between two blocs following the contested 2009 parliamentary elections, preclude, for the time being, essential bi-partisanship in Chisinau’s approach.

Beyond Moldova, the Transnistrian conflict in its early stage also firmly and formally established the role of Russia as one of the key power brokers in the conflict, and arguably the one who holds the key to its eventual settlement. Russia’s centrality in the settlement process derives from the terms of the 1992 ceasefire agreement (see above), its close links with the Transnistrian side and the latter’s especially economic dependence on Russia. At the same time, Russia still maintains approximately 1,200 troops in Transnistria, officially as guards of Soviet-era military installations and equipment. Russia is also fundamentally opposed to Moldova joining NATO, and, arguably, without reassurances in a settlement against Moldovan membership in the transatlantic alliance it is highly unlikely that Russia will support a settlement. On the other side, Romania, too, remains a significant player, but in a different way. Links between sections of the Moldovan political class and Romania serve as ‘confirmation’ to Transnistria that there is no real protection against Romanisation, while the

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8 Two excellent earlier studies on Russian policy vis-à-vis Moldova are Litvak(1996) and Neukirch (2001). On Russia’s ‘neighbourhood policy’ more generally, see Averre (2009) and Galbreath (2008).
nature of links with Romania equally divides right-bank political parties and has so far prevented a joint approach towards Transnistria. ⁹

These factors, in turn, have seriously impeded the effectiveness of the negotiation process. The OSCE, as the leading international organisation involved, has been engaged since almost immediately after a cease-fire was achieved in 1992, with the current mission established in February 1993 and opening offices in Chisinau in April the same year and in Transnistria two years later. The negotiation format is such that the OSCE, Ukraine and Russia act as co-mediators for the (on and off) negotiations between Transnistria and Moldova, while the US and the EU joined this process in 2005 as observers. Multiple proposals for a settlement of the conflict have yet to lead to tangible progress towards a settlement. However, as of late, there are some concrete signs that negotiations may resume in earnest and a settlement might be achieved. Thus, by mid-November 2010, five meetings between the parties in the 5+2 format had taken place since the beginning of the year, and consensus had been achieved to take stock of previously signed agreements and begin work on elaborating a system of guarantees for a future settlement. Also during 2010, tangible progress to improve relations between the parties has been made, including in the areas of railway transportation (re-opening of the Chisinau-Tiraspol-Odessa line), export procedures (especially for products of Transnistria-based companies via Moldova), movement of goods (across the Nistru and in both directions), and restoration of landline telephone communication between Moldova and Transnistria. At the same time, a French-German-Russian initiative to reinvigorate actual negotiations remains current, even though a formal re-launch before the formation of a new government in Chisinau is unlikely. A two-day ‘Review Conference on Confidence-building Measures in the Transdniestria Settlement Process’ took place at the George C.

⁹ There is relatively little coverage of the Romanian dimension of the Transnistrian conflict in the English-language academic literature, but see Csergo and Goldgeier (2004), Heintz (2005), Kaufman and Bowers (1998), and Pop et al. (2005).
Marshall European Center for Security Studies in Garmisch-Partenkirchen, Germany, on 9 and 10 November 2010, to assess progress in relation to confidence building and discuss ways to intensify the engagement between the parties in existing working groups.\textsuperscript{10}

**Conceptual Framework: Stakes and Remedies in Territorial Disputes**

This section provides the conceptual context in which a more informed discussion of a settlement for Transnistria can be grounded. It begins with an overview of different kinds of territorial disputes, the way in which they were (or were not) resolved, and where Transnistria ‘fits’ within this spectrum of stakes and remedies. This will provide the foundation for the following two sections in which I first examine past settlement proposals and then sketch out a possible settlement for Transnistria taking account of the competing claims and preferences of the different parties involved.

*Conceptualising the Stakes in Territorial Disputes*

Territorial disputes occur in principally three different forms: between sovereign states, between the government of a sovereign state and a domestic challenger, and between established entities within a sovereign state.

Territorial disputes between sovereign states normally involve a threat to the territorial integrity of one of the disputants, such as Nazi German claims to the *Sudetenland* in inter-war Czechoslovakia, Argentinean claims to the Falkland Islands, or Spanish claims to Gibraltar. In the latter two cases, the state with

\textsuperscript{10} At present, there are eight working groups: Economy and Trade; Health; Agriculture and Environment; Railroads; Infrastructure (roads) Development; Demilitarisation and Security (including law enforcement cooperation); Humanitarian Aid; Education and Science. These are expert working groups dealing with specific confidence-building measures, co-chaired by a Moldovan and Transnistrian representative.
sovereign title to the disputed territory has staunchly, and so far successfully, defended the status quo, including by military means, whereas in the former case an international arrangement — the so-called Munich Agreement — between the Great Powers of the day (Germany, Italy, France and the United Kingdom) annexed the disputed territory to the challenger state.\textsuperscript{11}

The territorial integrity of a state may also be endangered by a domestic challenger as is evident from cases in which territorially based self-determination movements demand independence, such as in past and present conflicts in Sri Lanka, Sudan, Quebec, Kosovo, and Abkhazia and South Ossetia. Here, too, outcomes differ. Sri Lanka eventually defeated the Tamil Tigers militarily; in Sudan, North and South agreed on an interim solution providing autonomy to the south for a period of time after which a referendum on its future status would be conducted which both parties vowed to accept. In Quebec, a referendum on independence was narrowly defeated and the province continues to exist as a federal entity within Canada. Kosovo, after a period of almost ten years of international administration by the UN, gained especially Western recognition of its unilateral declaration of independence in February 2008,\textsuperscript{12} while in Abkhazia and South Ossetia, military confrontation between Georgia and Russia created the conditions in which the two separatist entities were able to further consolidate their separate status and achieve a modicum of international recognition of their sovereignty.\textsuperscript{13}

\textsuperscript{11} Subsequent to the Munich Agreement, the two Vienna Arbitration Awards of 1938 and 1940, respectively, compelled Slovakia and Romania to cede territories to Hungary which the latter had lost under the provisions of the Treaty of Trianon in 1920 and had sought to regain ever since. The Awards were part of joint German and Italian strategy to consolidate their alliance with Hungary. In the course of the territorial settlement after the Second World War, the map of central and east-central Europe changed yet again, undoing, among others, the territorial changes mandated by the Munich Agreement and the Vienna Arbitration Awards.

\textsuperscript{12} The Advisory Opinion of the International Court of Justice of July 2010 was widely hailed in Kosovo and Western capitals as legitimising Kosovo’s statehood. Even if one were to accept this viewpoint (which I do not), the ICJ opinion has not translated into a wave of further recognitions: between July and November 2010, only three further countries (Honduras, Kiribati, and Tuvalu) have recognised Kosovo, and the UN at its General Assembly meeting in September 2010 urged the parties to engage in further direct negotiations to resolve outstanding issues between them.

\textsuperscript{13} South Ossetia and Abkhazia are recognised by Russia, Nicaragua, Venezuela and Nauru. The two entities recognise each other, and there is reciprocal recognition with Transnistria as well.
However, often enough what is at stake is not outright independence, but rather an enhanced degree of self-governance that the self-determination movement seeks to exercise in the territory it considers its homeland. In such cases, territorial self-governance arrangements within the boundaries of an existing sovereign state are accepted as a compromise by the disputants, such as in Crimea, Gagauzia, or Aceh. Disputes between states and between states and domestic challengers can also overlap when territorially based self-determination movements do not seek independent statehood but unification with what they consider their ancestral homeland or kin-state. In some cases, such as in the Åland Islands, South Tyrol, Northern Ireland, and Republika Srpska, compromise solutions were found, occasionally with heavy-handed international mediation, that maintain the territorial integrity of the challenged state while providing for a high degree of territorial self-governance and privileged cross-border relations with the kin-state for the self-determination movement. In others, notably the Saarland in 1935 and 1956, the disputed territory was allowed to reunite with its kin-state (Wolff 2003).

Territorial disputes between entities within a sovereign state are relatively rare, but nonetheless of significant import. For illustrative purposes, consider the cases of Brčko in Bosnia and Herzegovina, Abyei in Sudan, and Kirkuk in Iraq.

The District of Brčko was disputed between the Federation of Bosnia and Herzegovina (the Bosniak-Croat entity of the Bosnian state) and Republika Srpska, both of whom claimed the district as part of their territory. Eventually, and international arbitration ruled that Brčkobe held in condominium, thus ‘belonging’ simultaneously to the two Entities (Republika Srpska and Federation of Bosnia and Herzegovina) but be self-governing as a unitary territory in which neither Entity exercises any authority.

In the case of Abyei, North and South Sudan struggled for years to find a compromise over the boundaries of an area that holds some of Sudan’s most significant oil reserves. Eventually, both sides submitted their dispute to the Permanent Court of Arbitration in The Hague which defined the area geographically in a
ruling of July 2009. The thus demarcated territory of Abyei was subsequently given the right to hold a referendum in 2011 (alongside the referendum in the South) on whether it wishes to remain with the North or join the South, and thus a potentially independent state. Until then, the territory is governed jointly by North and South, with a Southerner appointed as head of the interim administration in August 2008 and a Northerner as his deputy.

Kirkuk is an internal territorial dispute that with local, national, and regional implications (Wolff 2010). Locally, it is a dispute among Kirkuk’s communities (principally Arabs, Kurds and Turkomen) grounded in their different preferences for Kirkuk’s status and local governance arrangements. Nationally, while clearly not secessionist in nature and therefore not threatening the territorial integrity of Iraq as such, it is a dispute between Baghdad and Erbil over control of a resource-rich and symbolically important area of Iraq. Regional implications derive from the fact that the settlement of Kirkuk’s future status will affect the broader Kurdish question in the Middle East: empowering of the Kurdistan Region in Iraq by ‘winning’ the territorial dispute over Kirkuk and the political and economic prize that this would entail is considered a significant threat by Iraq’s neighbours - Iran, Syria, and Turkey who all have their own relatively large Kurdish communities.

Seen against the background of the foregoing conceptualisation of the stakes in territorial disputes, the conflict involving Transnistria is clearly a multi-dimensional one. At its core, it revolves around the relationship between Tiraspol and Chisinau (the status and powers of Transnistria), but also concerns the very boundaries of the Transnistrian entity (does it include the city of Bender or not?) and the wider question of the territorial construction of the Moldovan state (what is the relationship between Komrat and Chisinau in a future Moldova, and between Komrat and Tiraspol?). The future territorial construction of the Moldovan state will also require considering the representation of territorial entities within the state at the centre.
Conceptualising the Remedies for Territorial Disputes

In light of a widespread reluctance in the international system to countenance either contested secessions or sustained violations of human and minority rights, the most prominent way in which the existing literature on conflict resolution engages with territorial disputes is through the framework of territorial self-governance (TSG) which can be defined as the legally entrenched power of territorially delimited entities within the internationally recognized boundaries of existing states to exercise public policy functions independently of other sources of authority in this state, but subject to its overall legal order. Conceptually, this definition of TSG applies its meaning as a tool of state construction to the specific context of conflict resolution in divided societies and encompasses five distinct governance arrangements confederation, federation, federacy, devolution, and decentralisation.

One of the shortcomings of current theoretical engagements with TSG as a mechanism for conflict resolution in divided societies is a focus on just the territorial dimension of conflict settlement. Only rarely do scholars look beyond the territorial dimension and towards a more complete package of institutions within which TSG is but one, albeit central element. Caroline Hartzell and Matthew Hoddie, for example argue, that conflict settlements (after civil war) are the more stable the more they institutionalize power sharing across four dimensions—political, economic, military, and territorial (Hartzell and Hoddie 2003, 2007). Ulrich Schneckener reaches similar conclusions in a study that is focused on European consociational democracies (Schneckener 2002). Such specific conceptual and empirical links between consociation and federation had already been established by Arend Lijphart three decades ago, noting two crucial principles, namely

14 The definition of self-governance has been adapted from Wolff and Weller (2005). The same definition is used in Csergo and Wolff (2009).
15 This is also apparent in the standard critiques of TSG as a conflict management strategy. Cf., among others, Bunce (1999); Bunce and Watts (2005); Cornell (2002); Hale (2000; 2004); Nordlinger (1972); Roeder (1991, 2007); Snyder (2000); Suberu (1993); Treisman (1997, 2007).
that “the component units [must] enjoy a secure autonomy in organizing their internal affairs... [and] that they all participate in decision-making at the central level of government” (Lijphart 1979, 506). John McGarry and Brendan O’Leary also note that “some successful cases of territorial pluralism suggest that, at least with sizable nationalities, autonomy should be accompanied by consociational power sharing within central or federal institutions. Such arrangements prevent majoritarianism by the dominant nationality, and make it more likely that minorities have a stake in the state” (McGarry and O'Leary 2010, 260). This is in line with conclusions reached by Marc Weller and Stefan Wolff who argue that “autonomy can only serve in the stabilization of states facing self-determination conflicts if it is part of a well-balanced approach that draws on elements of consociational techniques, moderated by integrative policies, and tempered by a wider regional outlook” (Weller and Wolff 2005, 269).

This phenomenon of TSG arrangements occurring in combination with other conflict resolution mechanisms has been identified by several authors over the past few years. Analytically, it is possible to explain both why such multi-dimensional institutional arrangements emerge and why they might have a greater chance of success. Empirically, there is some evidence of their sustainability, as well as a relatively large number of more recent cases in which such arrangements have been the outcome of negotiated settlements, even though they are too recent to assess their longer-term success.

Leaving aside the rather more trivial condition that TSG is only of real benefit to minorities that live territorially concentrated, two characteristics are particularly important in determining the likelihood of a combination of TSG arrangements with power-sharing institutions at the local and/or central levels of

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17 See, for example, Brancati (2009), McGarry, O’Leary and Simeon (2008), Treisman (Treisman 2007), and Wolff (2009b).
government: the degree of ethnic heterogeneity in the territorial entities to which powers and competences of self-governance are to be assigned; and their significance relative to the rest of the state. Thus, it can be expected that the settlement for a territorial entity characterized by politically salient ethnic (or another identity-based form of) heterogeneity would exhibit local power-sharing institutions, whereas a more homogeneous one might not – compare Brussels to the Flemish region, the Federation of Bosnia and Herzegovina to Republika Srpska, or Northern Ireland to the Åland Islands. The institution of local power-sharing mechanisms, i.e., within the self-governing entity, also addresses one frequent criticism and potential flaw of TSG arrangements – that they empower a local majority to the disadvantage of one or more local minorities either creating new conflict within the entity or, if the local minority is a state-wide dominant group, destabilizes the TSG arrangement as the central government (out of concern for its ethnic or religious kin) might want to abrogate or delimit the powers of the TSG, seeing them as being abused to discriminate against other population groups.18

As far as power sharing at the level of the central government is concerned, the most likely structural predictor here is the significance of the self-governing territory (or territories) relative to the rest of the state. Such significance can arise from geographic and population size, natural resource availability, strategic location, and cultural importance. Power-sharing institutions at the centre then are a reflection of the bargaining position that a given self-determination movement has - the greater that is, the more it can assert its position at the centre. Yet, elements of a carefully designed set of power-sharing institutions at the centre can also address a frequently-mentioned reservation about TSG arrangements, namely that they empower self-determination movements while weakening the central government; in other

18 This point is strongly argued by Brancati (2009). The problem can be, and frequently is, addressed qua strong state-wide human and minority rights legislation and institutions empowered to enforce it.
words that they create an asymmetric power relationship that privileges separatists.\textsuperscript{19}

Power-sharing institutions, however, for their own success, also need to involve agreed dispute resolution mechanisms, which in turn can contribute to regulating ongoing bargaining processes between the central government and the self-governing entity in ways that maintain a political process of dispute management (rather than resurgence of violence) and enable state- and TSG-preserving outcomes (rather than state break-ups or abrogation of TSG arrangements).\textsuperscript{20} Consociational power sharing in the Belgian federation, combined with the so-called alarm-bell mechanism, is one example of this. Belgium is also an instructive illustration of the notion of ‘significance’. The country has three linguistic groups – French-speakers, Dutch-speakers, and German-speakers – but only the former two are large enough to warrant inclusion in central power-sharing arrangements. In the UK, none of the four devolution settlements (London, Northern Ireland, Scotland, and Wales) provide for central-level power sharing, given the predominance of England within the UK. On the other hand, the Comprehensive Peace Agreement for Sudan and the constitution of Iraq of 2005 both provide consociational institutions to include, respectively, the SPLA/M and the Kurds into decision-making at the centre, and both offer dispute resolution mechanisms, including judicial arbitration and joint committees and implementation bodies (\textit{cf.} McGarry and O’Leary 2008; Ottmann and Wolff 2009; Weller 2005).\textsuperscript{21}

\textsuperscript{19} This critique is often associated with the aftermath of break-up of the Soviet Union (and the disintegration of Yugoslavia). For example, Cornell (2002, 252) in his analysis of ethnic conflicts in the Caucasus argues that the “institution of autonomous regions is conducive to secessionism”, a point that Roeder (1991) made more than a decade earlier in relation to Soviet ethnofederalism and later reiterated in a broader empirical study (Roeder 2007), in line with similar findings by Hale (2000; 2004) and Treisman (1997).

\textsuperscript{20} YashGhai (2003, 187-88) observes correctly that “[a]utonomy arrangements ... also contribute to constitutionalism. The guarantees for autonomy and the modalities for their enforcement emphasize the rule of law and the role of independent institutions. The operation of the arrangements, particularly those governing the relationship between the centre and the region, being dependent on discussions, mutual respect and compromise, frequently serve to strengthen these qualities.”

\textsuperscript{21} The (sad) caveat here is, of course, that the formal existence of institutions does not automatically translate into their proper functioning.
Towards a Settlement for Transnistria

Having outlined both the particular context of the conflict over Transnistria and having specified a framework, grounded in contemporary conflict settlement literature, these two so far separate strands of my argument can now be brought together and synthesised into a more concrete set of recommendations of how to achieve a sustainable settlement for the Transnistrian conflict. In so doing, I will focus on the kind of political-institutional relationship between Transnistria and the rest of Moldova, a relationship determined by governance arrangements and secured in domestic and international law. Based on the discussion in the preceding section, I conceive of governance arrangements as having two dimensions: where which powers are exercised (i.e., determining the levels of governance and the relationship and distribution of powers between them) and who makes what decisions and how (the institutions and mechanisms of governance). Framed in the kind of conflict settlement perspective elaborated above, resolving the territorial dispute/s that confronts the parties in the Transnistrian conflict is about determining the form of territorial construction of the overall state with options for self-governance ranging from confederation to federation, federacy, devolution, and decentralisation. It is further about deciding the distribution of powers between the centre and the disputed territory as a self-governing entity, within the framework defined by the way in which the overall state is territorially constructed, according to principles of subsidiarity, proportionality, economic efficiency, and administrative capacity. Resolving such territorial disputes also concerns the establishment of power-sharing arrangements at the centre.\(^{22}\) Finally, to achieve effective and efficient govern-

\(^{22}\) In general, power-sharing arrangements can be applied both at the centre and in the self-governing territory. Their likelihood at the centre is primarily determined by the interest structure and bargaining power of the self-governing territory, the latter is dependent on the degree of politically salient heterogeneity in the self-governing territory, i.e., the degree to which a potential conflict there can be mitigated through institutionalising power sharing. To date, there has been no demand for power sharing in Transnistria. In Gagauzia, informal arrangements are in place between communists and non-communists. A future settlement for Bender might require some power-sharing arrangements within the city administration.
ment and a functioning, predictable, and stable political process it is essential that the overall set of institutional arrangements agreed by the immediate disputants also incorporates a range of mechanisms for policy coordination and future dispute resolution. These four dimensions of such territorial dispute settlements need to be properly entrenched in domestic and in international law.

In addition, there is a broader domestic and international context to the Transnistrian conflict and its settlement. Domestically, this includes the status of Bender and Gagauzia within Moldova; while the two key issues internationally revolve around the presence of foreign troops and Moldovan demilitarization and neutrality (the Russian dimension), as well as the possibility of Moldovan unification with Romania (the Romanian dimension).

These aspects need to be factored into any calculations of designing a settlement for the conflict between Moldova and Transnistria. With these considerations in mind, the remainder of this section has two parts. First I compare a number of influential earlier settlement proposals. Second, I outline the main elements of a possible settlement for Transnistria that takes account of both the current situation and past experiences.

A Comparative Analysis of Past Settlement Proposals

Past settlement proposals for Transnistria broadly fall into two broad categories: those that are concerned with how to get to a settlement23 and those that are aimed at the what of the actual

23 These include in chronological order the January 1996 ‘Joint declaration of the presidents of Moldova, the Russian Federation and Ukraine’, the June 1996 ‘Memorandum on the bases for normalisation of relations between the Republic of Moldova and Transdniestria’ (also known as the Snegur-Smirnov Agreement), the identically titled 1997 Moscow Memorandum (also known as the Primakov Memorandum) and the accompanying ‘Joint statement of the Presidents of the Russian Federation and Ukraine’ (1997) in this context, the ‘Agreement on confidence-building measures and development of contacts between the Republic of Moldova and Transdniestria’ (1998, also known as the Odessa Agreement) and the accompanying ‘Joint Statement of the mediators: Russia, Ukraine and the OSCE’ (1998), the ‘Joint Statement of Participants in the Kiev meeting on issues of normalisation of relations between the Republic of Moldova and Transdniestria’ (1999) the ‘3D strategy & action plan for the settlement of the Transnistrian conflict’ (2004), and the ‘Odessa Citizens’ Initiative’ (2005). In varying detail, these lay out short-, mid-, and long-term steps towards a settlement and at times its broader framework, highlighting a general commitment to respecting, in a settlement, Moldova’s territorial integrity in the borders of 1992 and a commitment to exclusively peaceful means to achieve a settlement.
settlement provisions. It is the latter set of proposals that I shall focus on, including ‘Report No. 13 of the CSCE Mission to Moldova’ (1993, hereinafter 1993 CSCE Report), the ‘Russian Draft Memorandum on the Basic Principles of the State Structure of a United State in Moldova’ (2003, hereinafter the Kozak Memorandum), the ‘Proposals and Recommendations of the Mediators from the OSCE, the Russian Federation, and Ukraine with regard to the Transdniestrian Settlement’ (2004, hereinafter mediator Proposals), and the ‘Plan for the Settlement of the Transdniestrian Problem’ (2005, hereinafter the Ukrainian Plan, also known, respectively, as Yushchenko or Poroshenko Plan).  

As required by the 2005 Ukrainian Plan, the Parliament of Moldova passed a law ‘On Fundamental Regulations of the Special Legal Status of Settlements on the Left Bank of the River Nistru (Transnistria)’ on 22 July 2005 (hereinafter the Moldovan Framework Law). This law reflects the current legal framework in Moldova; subsequent attempts by the then communist-led government in Moldova to revise this law in response of the Transnistrian rejection of ‘the infamous 2005 law’ have not yet resulted in a new law. However, current Moldovan thinking has moved on somewhat from the 2005 Moldovan Framework Law and is captured in a 2007 package proposal for a ‘Declaration concerning principles and guarantees of the Transnistrian settlement’ and, appended to it, a ‘Draft Law on the Special Legal Status of Transnistria’ (hereinafter the Moldovan Package proposal). These six documents, then, reflect the breadth of current

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24 These labels in reality denote somewhat different documents. The original Yushchenko Plan ‘Towards a settlement through democracy’ was a broad statement of seven key principles, reflecting similar ideas in the Kozak Memorandum from two years earlier. These were presented at a GUUAM meeting in Chisinau in April 2005. What then became the Ukrainian Plan examined here in greater detail is in fact a roadmap or implementation strategy for Yushchenko’s seven principles drafted by the Secretary of the Ukrainian National Security and Defence Council, Petro Poroshenko, and approved by the Council, at a session chaired by Yushchenko, in May 2005.

25 The relevant provisions in the plan are as follows: ‘In order to establish the preconditions for restoring Moldova’s territorial integrity, the Parliament of Moldova, in conformity with the provisions of the Moldovan Constitution, and acting no later than July of 2005 - shall enact the “Law on the Basic Provisions of the Status of the Transdniestrian region of the Republic of Moldova (Transdniestria)”, which shall legally fix the provisions of Transdniestria’s special status agreed upon earlier.’

26 This 2007 Draft Law reflects the outcome of discussions with experts of the Council of Europe’s Venice Commission at a workshop hosted by EU Special Representative Kalman Mizsei on 19
official proposals for a settlement of the conflict over Transnistria. Comparing them in detail in the following section serves two purposes: to offer an overview of existing, albeit at times contrasting, views on how best to settle the conflict, and to establish where a minimum consensus exists among these proposals. This, in turn, will form the basis of the subsequent section in which I outline a possible framework for a sustainable settlement.

**Territorial State Construction**

All six of the proposals compared here envisage a territorial approach as part of an overall settlement. The 1993 CSCE Report and the 2005 Ukrainian Plan take the route of ‘special status’, the 2003 Kozak memorandum and the 2004 Mediator Proposals take that of reconstituting Moldova as a federal state with Transnistria as a federal subject. While the 1993 CSCE Report notes the need to address the status of Bender and Gagauzia, it sees these two issues outside its mandate at the time, but nonetheless thereby implicitly acknowledges the need for some form of territorial pluralism in Moldova. Without going into great detail, the Report makes a rather interesting proposal: dismissing the idea of a three-unit federation (Transnistria, Gagauzia, and the rest of Moldova), it suggests ‘to subdivide the country into eight to ten regions (one or two of them being Transdnies tria, one the area around Bendery, another one the preponderantly Gagauz-inhabited area around Comrat’.

The 2004 Mediator Proposals and the 2005 Ukrainian Plan make no mention of either Gagauzia or Bender but are designed in such a way that the kind of territorial pluralism hinted at in the

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27 The CSCE Report was published in 1993, two years before the settlement of the Gagauz conflict. In contrast to later proposals, it did therefore not have the benefit of being able to refer the Gagauzia’s special status.

28 I borrow the term ‘territorial pluralism’ from John McGarry and Brendan O’Leary (McGarry and O’Leary 2010; O’Leary and McGarry 2010); see also McGarry, O’Leary and Simeon (2008).
1993 CSCE Report is not ruled out per se.\textsuperscript{29} In other words, granting Transnistria ‘special legal status’ as in the Ukrainian Plan or designating it a ‘subject of the Federal State’ as in the Mediator Proposals does not mean that there could not be other territorial entities within Transnistria with similar status.

Only the Kozak Memorandum specifically mentions Gagauzia (but notably not Bender) as a ‘subject of the federation’, but makes a crucial distinction by designating Transnistria not merely a subject of the federation but also ‘a state entity within the federation’.\textsuperscript{30} While formally designating Moldova a ‘federal republic’, the Kozak Memorandum envisages only two subjects of the federation – Gagauzia and Transnistria – and ‘federal territory’, defined as ‘territory of the Federation outside the territory of the Subjects of the Federation.’\textsuperscript{31}

The 2005 Moldovan Framework Law in relation to Transnistria, as its title suggests, refers only to Transnistria, but with two important qualifications absent in this explicit form from all other provisions. First, it defines Transnistria specifically as ‘settlements on the left bank of the River Nistru’. Second, it includes a provision to the effect that the ‘settlements on the left bank of the Nistru river can join or leave Transnistria on the basis of local referenda, carried out in accordance with the legislation of the Republic of Moldova.’ The first of these provisions excludes Bender from Transnistria, the second requires local referenda before Transnistria is properly constituted as a special-status terri-

\textsuperscript{29} The Mediator Proposals, for example, note that the ‘status of each of the federal subjects is determined by the Constitution and laws of the Federal State.’

\textsuperscript{30} The Ukrainian Plan refers to Transnistria as ‘a special administrative-territorial unit in the form of a republic within the Republic of Moldova’, similar to the designation of Gagauzia in the 1995 settlement. The use of the term ‘state entity’ (государственноеобразование) in the Kozak Memorandum is more ambiguous and if read in connection with the vast competences and potential veto powers gained by Transnistria under the proposals implies more of a confederal than a federal relationship.

\textsuperscript{31} McGarry and O’Leary (2010, 254) use the term ‘federacy’ for such arrangements, noting that ‘the grant of self-government is constitutionally guaranteed and cannot be revoked by the centre unilaterally’ and that it ‘normally applies to a part of the state’s territory, and normally a small part (in population), thus setting it apart from both devolution (lack of constitutional guarantee) and federation (application to the entire territory). Elazar (1991) defines federacy in similar terms as a relationship ‘[w]hereby a larger power and a smaller polity are linked asymmetrically in a federal relationship in which the latter has substantial autonomy and in return has a minimal role in the governance of the larger power. Resembling a federation, the relationship between them can be dissolved only by mutual agreement.’
tory. Nothing in the 2005 Moldovan Framework Law affects the existing status of Gagauzia. In terms of territorial state construction, the Moldovan proposal thus foresees a ‘double federacy’ arrangement with two self-governing territories (Transnistria and Gagauzia) within an otherwise unitary state.

This latter point is also clearly reflected in the 2007 Moldovan Package Proposal. This also defines Transnistria as ‘an administrative-territorial unit [with special legal status] in form of a republic within the Republic of Moldova’. In contrast to the 2005 Framework Law, Transnistria’s territorial extent is not explicitly confined to settlements on the left bank of the Nistru, nor is there a requirement for local referenda to constitute Transnistria. However, the Moldovan Package Proposal requires the ‘elimination … of the special arrangements for the functioning of the security zone … and transfer of monitoring functions in the area to the civilian authorities of the Republic of Moldova and Transnistria’, which, at least, raises the question of the status of Bender, and quite possibly implies a Moldovan claim to restore the city to its control.

The Distribution of Powers

This issue is dealt with in relative extensive detail in three of the six past proposals. The 2005 Ukrainian Plan, and the 2005 Moldovan Framework Law which emerged from it, are rather brief. Among the seven provisions that the Ukrainian Plan lists for inclusion in the Framework Law subsequently passed by the Moldovan parliament, only four assign specific competences to Transnistria: to pass and apply its own constitution, have and use, alongside those of Moldova, its own insignia, participate in Moldovan foreign policy-making, and establish and maintain foreign relations in the economic, scientific, technical, and humani-

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32 This bracketed phrase is only present in the Draft Law.
itarian spheres. The 2005 Moldovan Framework Law also almost verbatim adopts another proposal in the Ukrainian Plan that a law, jointly drafted by a special committee of the Moldovan parliament and deputies from the Transnistrian legislature, on the Special Legal Status of the Transdniestrian Region of Moldova (Transdnestria) ‘shall include clauses that would divide powers and competences between the central authorities of the Republic of Moldova and the authorities of Transnistria’. Thus, the only pre-determined competences to be enjoyed by Transnistria according to the Moldovan Framework Law are the region’s participation ‘in the conduct of Moldova’s foreign policy on issues affecting its interests’ and its ‘right to establish and maintain foreign relations in the economic, scientific, technical, and humanitarian spheres’. While absent from the CSCE Report, similar provisions were included in the Kozak Memorandum and the Mediator Proposals.

The CSCE Report, the Kozak Memorandum, and the Mediator Proposals all offer detailed lists of competences assigned to Chisinau and Tiraspol (as well as Komrat in the Kozak Memorandum), respectively. The CSCE Report and the Kozak Memorandum additionally include a list of areas of mixed jurisdiction or joint competences.

The Kozak Memorandum goes farthest in terms of empowering the federal subjects, especially if one considers that it assigns residual authority to the subjects of the federation (i.e., all competences not designated as federal or joint are automatically assigned to the subjects of the federation). A similar tendency of privileging Tiraspol vis-à-vis Chisinau, including by giving it residual authority, is apparent in the Mediator Proposals, while the CSCE Report is more cautious in this respect. The Mediator Proposals also include a specific reference to the fact that ‘laws and other normative legal acts of Transdnestria must not contradict

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33 The other three provisions relate to the fact that under the terms of the settlement the ‘Republic of Moldova is the sole subject of international law’, that Transnistria’s special status will take ‘the form of a republic within the Republic of Moldova’, and that ‘Transdniestria’s official languages will be Moldovan, Russian, and Ukrainian.’
the laws of the federal state’ and that ‘in case of such contradic-
tions the law of the federal state applies.’

The 2007 Moldovan Package Proposal establishes two very
specific lists of powers to be enjoyed by Chisinau and Tiraspol,
respectively, without, however, clearly resolving the issue of re-
sidual authority. The Moldovan Package Proposal does not fore-
see any joint competences. Similar to the Mediator Proposals,
there is also a provision establishing the supremacy of the Moldo-
van constitution and legislation in cases where Transnistrian laws,
including its constitution, contradict respective Moldovan law.

**Power-sharing Arrangements**

None of the proposals examines options for local power
sharing in Transnistria, but they all make a few suggestions con-
sidering power sharing at the centre.

The CSCE Report of 1993 was unequivocal in its assess-
ment that ‘a special status for Transnistria will not resolve every
problem. In addition to it, a proportional representation of
Transdnistria in the Moldovan parliament and some central key
bodies (such as the top courts and some central ministries) must
be assured’, specifying the latter as Foreign Affairs, Defence, and
Security. On the one hand, this is quite an insightful observation
and proposal, reflecting a careful approach to the question of self-
rule vs. shared rule in order to give Transnistria a stake in
Moldova as a whole and thus balancing the potentially centrifugal
dynamics of territorial self-governance alone. On the other
hand, however, doing so by merely relying on rules of representa-
tion (who makes decisions) rather than also on those of participa-
tion (how are decisions made) over-estimates the degree to which
representation in central government structures and courts alone
can deliver meaningful power sharing at the centre.

34 The dynamic of self-rule vs. shared rule is explored in greater detail in O’Leary (2005b). On
incentivising elites from federated entities to participate in the political process at the centre, see Weller
(2008a) and Weller and Wolff (2005).
Additionally, what is required and explicitly included in the Kozak Memorandum and the Mediator Proposals, are specific rules for participation in central decision-making.\(^{35}\) The Kozak Memorandum details both representation and participation rules: in the Senate (the upper house of the federal parliament), the distribution of seats is to be 4-9-13 for Senators elected, respectively, by the legislatures of Gagauzia and Transnistria, and by the lower house of the federal parliament, itself consisting of 71 deputies elected by a single-district PR-List system. A similar system is to be put in place for the appointment of judges to the Federal Constitutional Court – one, four and six, respectively, nominated by the three legislatures, and requiring subsequent Senate confirmation. Other representational power-sharing arrangements proposed pertain to the appointment of one deputy prime minister each from Gagauzia and Transnistria, and their proportional representation among senior ministerial officials at the federal level.

As far as the participatory dimension of power sharing in the Kozak Memorandum is concerned, significant veto powers are proposed for the subjects of the federation in two areas. Changes to the constitution require federal constitutional laws to be adopted by a two-thirds majority in the lower house and a four-fifths majority in the upper house. The appointment of officials of federal executive organs in Gagauzia and Transnistria requires the latters’ consent. Otherwise, for all federal ordinary and organic laws an absolute majority of votes is required in both houses. A veto by either the Senate or the President can be overcome by a two-thirds majority in the House of Representatives. In addition, for a transitional period until 2015 the Kozak Memorandum requires decisions of the constitutional court to be carried by a majority of nine (out of eleven) judges, while the threshold for Senate approval of federal organic laws is set at three-quarters.\(^{36}\)

\(^{35}\) McGarry and O’Leary refer to this as ‘joint consent across the significant communities, with the emphasis on jointness’ (McGarry and O’Leary 2004, 15) ‘meaningful and cross-community executive power sharing in which each significant segment is represented in the government with at least plurality levels of support within its segment’ (O’Leary 2005a, 13).

\(^{36}\) The Russian original states: “федеральные органические законы утверждаются Сенатом большинством в 3/4 голосов от установленной численности Сената”.

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The Mediator Proposals are far less detailed in its power-sharing provisions than the Kozak Memorandum and leave many regulations for further specification by federal laws, thus keeping open the possibility of both representational and participatory power sharing without specifically requiring them. Its only explicit proposals relate to the two-thirds majority necessary in both chambers of the federal parliament for the passage of constitutional laws and the three-fifths majority necessary in both chambers of the federal parliament to overcome a presidential veto, as well as a consent requirement on the part of the federal subject concerned for any change to its exclusive competences.

The Ukrainian Plan mentions something akin to power sharing only in passing in its requirement for the joint drafting of the ‘Law on the Special Status of the Transdniestrian region of the Republic of Moldova’ by Moldovan and Transnistrian parliamentarians. This, of course, leaves open the possibility of including relevant provisions for power sharing (in terms of representation and/or participation) into such a law.

The 2005 Moldovan Framework Law, similar to the Ukrainian Plan, mentions no other power-sharing arrangements, but does, as the Moldovan Package Proposal of 2007, include a provision according to which the final Law on the Special Legal Status of Transnistria is to be negotiated between delegations from Chisinau and Tiraspol. Both Moldovan documents link this to a requirement of prior democratisation in Transnistria (‘alignment of the democratic standards of Transnistria to the nationwide standards of the Republic of Moldova’, according to the Moldovan Package Proposal). Otherwise, the 2007 Moldovan Package Proposal goes significantly further when it comes to power-sharing arrangements. It proposes to ‘set a quota for representation of Transnistria in the nationwide Parliament of the Republic of Moldova’ and to have separate electoral rolls for the first two legislative terms following a settlement of the conflict. In addition, any changes to the powers assigned to Transnistria in the 2007 Moldovan Package Proposal can only take effect with the consent of the public authorities in both Transnistria and the Republic of
Moldova. Finally, the Moldovan Package Proposal also mandates Transnistrian representation in the Moldovan government (the Transnistrian head of government to be *ex officio* one of the Moldovan deputy prime ministers), in the Supreme National Security Council (*ex officio* membership for the Head of Transnistria and the Chairman of the Transnistrian parliament), in the Constitutional Court, in the Supreme Court of Justice, and in the Ministry of the Interior and Prosecutor-general’s office.

**Mechanisms for Policy Coordination and Dispute Resolution**

All six proposals examined here are relatively brief in this respect. The 1993 CSCE Report and the 2005 Moldovan Framework Law are completely silent on this matter. The Kozak Memorandum, while in most other aspects clearly the most detailed of the proposals, adds little on policy coordination and dispute resolution. It calls for consultation between the federal government and the governments of federal subjects in relation to international treaties potentially affecting joint competences.

The Mediator Proposals suggest the creation of federal state institutions ‘for effecting coordinating procedures between the bodies of the Federal State and Transdniestria’ and that disagreements between the federal state and one of its subjects over the exercise of powers should be arbitrated by the constitutional court if no other solution can be found. This role for the constitutional court is reconfirmed in the 2007 Moldovan Package Proposal.

For the implementation period of the settlement, the Mediator Proposals suggest that ‘contested questions that arise shall be resolved with the assistance of the existing negotiating mechanisms and newly created conciliation mechanisms.’ This latter idea of a separate conciliation mechanism recurs in the Ukrainian Plan, proposing that ‘In order to facilitate the overcoming of possible disagreements over the Parties adherence to or interpretation of the Law on the Special Status of the Transdniestrian region of the Republic of Moldova (Transdniestria), a Conciliation Com-
mittee shall be set up’ with the participation of two representatives each from Chisinau and Tiraspol, one from each of the mediators (Russia, Ukraine, and OSCE) and one from each of the observers (US and EU).

The Russian Dimension

Demilitarization, neutrality, and the presence of foreign troops on Moldovan soil are the key aspects of the Russian dimension – they concern both Russian demands for the future international status and military capabilities of Moldova, as well as a continuing, albeit small, Russian military presence in Moldova outside its peacekeeping responsibilities. Except for the 2005 Ukrainian plan, all past proposals address at least some of these issues; however, not in considerable detail.

The 1993 CSCE Report considers demilitarization from both a pragmatic and a confidence-building perspective, noting that ‘Moldova, unable to defend herself in any case against any of her neighbours in the purely theoretical possibility of an armed conflict, could very well live without any significant armed forces’ and emphasizing that the ‘absence of any army would foster confidence in the central Government’s willingness to respect the rights emanating from a special Transdniestrian status.’ It also ‘recommends that Russia speed up the withdrawal of her 14th Army from Moldova.’

The Kozak Memorandum, unsurprisingly, has nothing to say on the presence of Russian troops in Transnistria but defines the Federal Republic of Moldova that it proposes, amongst others, as ‘neutral, demilitarized state.’

The Mediator Proposals, too, are fairly limited in their level of detail, suggesting merely that ‘measures to enhance military transparency and trust are to be implemented, in particular, gradual reduction of military capacity, up to demilitarization.’

The 2005 Moldovan Framework Law says nothing about the country’s future neutrality (or not), but interprets demilitarization
exclusively to refer to Transnistria and the withdrawal of Russian troops from there, placing the latter in the context of Russian commitments at the 1999 OSCE Istanbul Summit. What is particularly important in this context, as it minimized from the outset any realistic chance of progress towards a settlement on the basis of this Law and went significantly beyond any stipulations in the Ukrainian Plan from which it partly draws its legitimacy, is that demilitarization and Russian withdrawal (together with fulsome democratization in Transnistria) are conditions to be met before ‘the process of negotiations will go in order to develop together and pass the organic Law of the Republic of Moldova “On Special Legal Status of Transnistria”.’

The Moldovan Package Proposal of 2007 explicitly refers to Moldova as a neutral and non-aligned state with no deployment of foreign military bases or facilities and specifically mentions a Russian commitment to withdrawal of troops and armaments. Additionally, there is a provision to establish ‘an international mission under OSCE mandate to monitor the Parties’ demilitarisation process and to assist in the creation of joint armed forces.’

The Romanian Dimension

Apart from the 2005 Moldovan Framework Law, all other proposals examined are unanimous in offering to Transnistria an option of secession from Moldova if the latter opts to unite with Romania. According to the Kozak Memorandum, the Mediator Proposals, the Ukrainian Plan, and the 2007 Moldovan Package Proposal, this option can only be exercised following a referendum in Transnistria.

Guarantee Mechanisms

As early as 1993, the CSCE Report acknowledged that ‘Some of the Mission’s interlocutors claim that “international guarantees” are needed to buttress any agreement on special status for Transdniestria’ and considers that ‘the conclusion of an
agreement under the auspices of the CSCE could enhance the trust of both sides in its duration and reliability.’ This general idea of an internationally mediated, and therefore presumably more resilient agreement later on translated into the 5+2 format in which Russia and Ukraine are not only mediators but also guarantor states. The issue of guarantees, however, is more widely reflected in subsequent proposals as well, with its notion broadened to include domestic guarantees as well.

The Kozak Memorandum foresees the status of Transnistria (and Gagauzia) as federal subjects anchored in the new constitution of Moldova. This constitutional guarantee of arrangements is further strengthened by the fact that changes to the constitution require a two-thirds majority in the lower house and a four-fifths majority in the upper house, while constitutional court decisions in the transitional period require a supporting vote from nine of the eleven judges.

The Mediator Proposals envisage ‘an integrated system of guarantees for complying with and enforcing agreements’ reached in the course of the settlement process. Registration of any agreements with the OSCE and depositing them with the guarantor states are seen as necessary international guarantees, while legal safeguards are envisaged (without specific detail to their nature or content) to ‘provide for legislative enactment of all agreements reached as a result of the Transdniestrian settlement negotiation process.’ Among the economic guarantees, the Mediator Proposals suggest ‘measures of economic support and coercive measures involving economic and financial leverage on that party which does not adhere to the agreements achieved.’ Military guarantees, to be implemented with the consent of the parties, are also considered necessary, especially in the form of ‘an appropriate multinational military contingent and multinational unarmed observers’, possibly involving the OSCE and the two guarantor states.

The Ukrainian Plan also proposes a specific system of guarantees, including the parallel legal entrenchment of Transnistria’s status in the legislative order of both Moldova and Transnistria
and an ‘Agreement between the Republic of Moldova, the Russian Federation, Ukraine and the OSCE, regarding the guarantees of Moldova’s adherence to the Law on the Special Legal Status of the Transdniestrian region of the Republic of Moldova’, i.e., an international, multilateral guarantee. Perhaps most remarkably, the Ukrainian Plan includes the following final provision:

*Should either of the Parties fail to adhere to the provisions of this Plan, the Russian Federation, Ukraine, and the OSCE reserve the right to take relevant international legal steps, based on commonly recognized norms and principles of international law.*

As part of the guarantee mechanisms, all of these proposals also include a right of Transnistria to secede in case of Moldovan unification with Romania (specifically referred to as a ‘political guarantee’ in the Mediator Proposals, and as part of a ‘system of guarantees’ in the Ukrainian Plan).

The 2005 Moldovan Framework Law notes that ‘the Law of the Republic of Moldova “On Special Legal Status of Transnistria” shall be accompanied by the adoption of a system of internal guarantees’. The 2005 Law itself requires a three-fifths majority in parliament for amendments, while the future special-status law for Transnistria will have the status of an organic law.37

The 2007 Moldovan Package Proposal, similarly, goes to some lengths to specify ‘legal, political, and economic guarantees for the population of Transnistria.’ Importantly, it includes a definition of guarantees as follows:

*By ‘mechanisms of guarantee’ the Parties, mediators and observers understand set of meas-

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37 In the 1994 constitution, special status on the basis of organic laws was foreseen for both Gagauzia and Transnistria, and the respective laws would have required a three-fifths parliamentary majority for amendment. In 2003, the relevant Article 111 of the constitution was amended and currently only refers to Gagauzia.
ures and documents aimed at achieving a political settlement having regard for interests of the parties to the conflict in unconditional observance of the norms and principles of international law, and respect for the sovereignty and territorial integrity of the Republic of Moldova.

According to the 2007 Package Proposal, Moldovan economic guarantees would extend to recognising and accepting Transnistrian ‘economic agents’ within the Moldovan legal and economic framework. Politically, Transnistria’s right to secession is again specifically guaranteed. Legal guarantees are established as the future ‘Law on the Special Legal Status of Transnistria’, its anchoring in the Moldovan constitution, the parallel consent requirement for any changes to Transnistria’s special status, and the constitutional, legislative and judicial protection for all forms of property. The Moldovan Package Proposal also offers additional guarantees for Transnistria concerning wages, pensions, and other social benefits, employment in law enforcement and judicial institutions, and reconfirms the inclusion of relevant provisions in the ‘Law on the Special Legal Status of Transnistria’ and the latter’s anchoring in the Moldovan constitution.

Elements of a Sustainable Settlement

The past proposals for the settlement of the Transnistrian conflict discussed in the previous section offer a wide range of different mechanisms to address the multiple and complex problems involved. The purpose of examining them in the previous section was not to point out their weaknesses or analyse why they have failed to gain significant traction, but rather to identify the areas in which principal consensus exists and build on this in developing elements of a sustainable settlement; that is, offer a set of options consistent with the existing consensus.
Territorial State Construction

There is considerable agreement across the existing proposals that the Transnistrian conflict requires some sort of territorial self-government as part of the political-institutional arrangements to be set up by a settlement. None of the proposals excludes such an option to be extended also to other areas in Moldova, notably Gagauzia (where it has existed since 1995) and Bender. Given the different local and local-centre dynamics in each of the three areas, in combination with the general reluctance on the part of Chisinau to federalise the country as a whole, a multiple asymmetric federacy arrangement would seem the most appropriate form of territorial state construction. This would have several advantages: first, the existing arrangement with Gagauzia could remain untouched; second, Chisinau and Tiraspol could directly negotiate the substance of Transnistria’s settlement (e.g., as foreseen in the various past proposals); and third, the remainder of the territory of Moldova would remain largely unaffected in terms of existing governance structures. Such arrangements are not uncommon: devolution in the United Kingdom (although not properly a federacy arrangement because of a lack of constitutional entrenchment), the arrangements for Greenland and the Faroer Isles in Denmark, the five regions with a special autonomy statutes in Italy, and the autonomous communities in Spain all serve as relatively successful examples.

As for the future status of Bender, several options could be considered. Bender could become another special-status region in Moldova, it could become formally part of Transnistria, or return to its Soviet status as a republican city. A fourth, but perhaps less likely option, would be for Bender to gain some kind of special status within Transnistria. Resolving Bender’s status along those lines could either be one aspect of the negotiation process between Chisinau and Tiraspol, or put to a local referendum, i.e., giving the population of Bender a voice and a choice in determining their city’s future. There is some recent experience with the referendum option that could be drawn upon: the disputed states
along the north-south dividing line in Sudan, and the disputed territories in Iraq, notably Kirkuk. In Moldova itself, the boundaries of the Gagauz autonomy were determined by local referenda in 1994, while a similar process led to the establishment (and subsequent enlargement) of the Autonomous Region of Muslim Mindanao in the Philippines.

A transitional period from the current status to that determined by a future settlement could be considered useful for Bender. In other words, if the parties decide to have the status of Bender determined by a referendum, or even if they reach agreement on it as part of their negotiations, for a transitional period the city could be administered either independently, for example by the OSCE and/or the guarantor states and/or observers, or by the Joint Control Commission. This could ensure the parties and the citizens of Bender and create conditions either for a referendum to take place and/or for a permanent arrangement to be established.

The Distribution of Powers

All the past proposals discussed earlier recognise the importance of distributing powers clearly between state and sub-state entities, but differ in the level of detail and nature of their approach. Especially in post-conflict settings, it is potentially problematic to operate with exclusive and joint competences in the way in which the CSCE Report, the Kozak Memorandum, and the Mediator Proposals do. Rather than having two lists of exclusive competences (one for Chisinau and one for Tiraspol/Komrat/Bender), a multiple asymmetric federacy arrangement as proposed above would lend itself more to clearly defining the competences of the federated entities (which would be different in each case) while leaving all others (i.e., anything not specifically assigned to an entity) to the centre. This would also address the problem of residual authority, leaving it at the centre. At the same time, it would not preclude mentioning a few specific competences for the centre (such as defence, fiscal and currency
policy, citizenship) as long as this is understood as an open-ended list including all but those powers specifically assigned to an entity. This is the pattern of distributing powers in a number of comparable cases, including Belgium (e.g., Brussels), Italy (e.g., South Tyrol) and Ukraine (Crimea). In Moldova itself, this model currently applies to Gagauzia.

It is also worthwhile considering the notions of primary and secondary legislative competences, implicitly reflected in the Mediator Proposals. This distinction has its source in the legal boundaries to which they are confined. Primary legislative competences (i.e., the areas in which Transnistria/Gagauzia/Bender enjoys exclusive powers) would then only have constraints in the Moldovan constitution and the country’s international obligations. Secondary legislation, that is legislation in areas of potentially concurrent/joint/shared competences, would be constrained by framework legislation in which Chisinau determines the basic principles of legislation while the federated entities make the detailed arrangements as they are to apply in their territories. As there are normally also provisions for additional delegated powers (i.e., areas in which the centre has exclusive legislative competence but delegates this to the entity), the notion of tertiary legislative competence might be useful constraining local legislation in two ways. First, it is only in specifically ‘delegated’ policy areas beyond the stipulations of a constitutional or other legal arrangement defining entity competences in which such competence could be exercised. Second, entity legislation would have to comply with a range of particular constraints specified in individual cases of delegated legislative competence, as well as with the more general constraints imposed on primary and secondary competences.

Especially if there was a transitional period from the current state of affairs to a permanent settlement, a distinction, as applied in UK devolution settlements, could also be made between devolved, reserved and excepted powers, signifying legislative competences that are enjoyed immediately by the sub-state entity (devolved), those that can be devolved at a future time (reserved),
and those that are exclusive to the centre (excepted). By immedi-
ately assigning core competences to Transnistria, this would sig-
nal a commitment by both sides to a federacy arrangement, while
at the same time allowing for a gradual devolution of further
powers, for example in relation to developing administrative
capacity.

Power-sharing Arrangements

At the centre, power-sharing arrangements can be estab-
lished qua representation and participation rules across the three
branches of government (executive, legislature, judiciary) and the
civil service.

Executive power sharing is often seen as central among
power-sharing arrangements and taken to include representation
in the executive, in this case of representatives of the territorial
entities concerned (i.e., Transnistria/Gagauzia/Bender). Represen-
tation of particular segments of society, including those defined
on the basis of territory, can be achieved in different ways. Most
relevant for the proposed multiple asymmetric federacy would be
through a formal arrangement that makes the heads of the feder-
ated executives members of the central cabinet (and has a similar
requirement for line ministries). Moldova already has experience
with this mechanism in relation to Gagauzia. It would guarantee a
minimum of representation without the need for unwieldy, over-
blown executives, and it would serve as one mechanism for pol-
cy coordination (see below). In line with the Kozak Memoran-
dum, heads of federated executives could be given deputy prime
ministerial positions, and meaningful representation of the feder-
ated entities at the centre could be further increased by creating a
special ministry (or ministries or ministerial offices) to deal with
affairs of the entities (similar to the UK Secretaries of State for
Scotland/Wales/Northern Ireland or the Minister for London be-
tween 1994 and 2010).

As far as legislative power sharing goes, a multiple asym-
metric federacy arrangement would not require a bicameral sys-
tem as foreseen in the Kozak Memorandum or the Mediator Proposals. Representation of the entities can be ensured through the choice of an electoral system that results in proportional outcomes. In the case of Moldova, because of the proposed territorial state construction, open or closed List-PR in a single state-wide constituency (possibly with threshold exemptions for regional parties), plurality single-member (e.g., ‘first-past-the-post’ or Alternative Vote) or preferential multi-member constituencies (e.g., Single Transferable Vote) would all result in reasonably proportional outcomes.

In terms of the effective participation dimension of power sharing, the parties could agree the use of qualified and/or concurrent majorities for parliamentary decisions in specific areas (either pre-determined or triggered according to a particular procedure), thus establishing a limited veto power for territorial entities even in the absence of an upper house. Such an arrangement, however, would also require that members of parliament ‘designate’ themselves as representing a particular territorial entity (i.e., Transnistria/Gagauzia/Bender). This could be done on a voluntary basis, but in order to contribute to a stable political process should only be done once at the beginning of a legislative term and be fixed for its duration. If necessary, specific arrangements could be crafted for a transitional period.

Judicial power sharing could be assured through mandatory representation of judges nominated by the legislative bodies of the federated entities in the highest courts, especially the constitutional court and/or the Supreme Court. In each of the entities, a regional branch of these courts could be established, serving as highest-instance court for matters pertaining to the legislative framework of the entity in question, while still being part of the unified judicial system of Moldova. Similar to the proposals in the Kozak Memorandum, a transitional period could require qualified majorities for decisions to be adopted in the Constitutional Court, even though the threshold of nine out of eleven judges proposed by Kozak seems excessively high.
In order to strengthen links between the centre and the federated entities, giving the latter a stake also in the political process of Moldova as a whole, proportional representation, including at senior levels, could be required for the civil service. For a transitional period, this could also include differential recruitment in order to overcome historically grown imbalances.

**Mechanisms for Policy Coordination and Dispute Resolution**

As noted above, existing proposals are relatively silent on this important dimension of sustainable conflict settlement, yet to the extent that there is consensus it extends to two particular areas. First, there is a recognised need for judicial review and arbitration, including considering the constitutionality of legislation for the implementation of existing agreements and potentially involving the Constitutional Court as ultimate arbiter. While it is clearly important to have procedures judicial review and arbitration in place, other mechanisms might be useful to prevent recourse to such ultimate mechanisms. This is another area where some, at least implicit, consensus exists in the form of establishing specific conciliation mechanisms to deal with the interpretation and implementation of a settlement agreement.

In addition to conciliation mechanisms, which are normally invoked after a difference cannot be resolved in another way (but before taking the matter to a court), joint committees and implementation bodies could be established to find common interpretations for specific aspects of agreements and regulations and to coordinate the implementation of specific policies at national and regional levels, including the joint drafting of implementation legislation. This is clearly foreseen in the Ukrainian Plan and the Moldovan Framework Law and should form part of an eventual settlement agreement.

Co-optation, already operated in the case of Gagauzia and included in the 2007 Moldovan Package Proposal, is a very useful mechanism for policy coordination, ensuring that the ‘special
circumstances’ of each of the federated entities would be borne in mind in the process of national law and policy-making. In addition, the Crimean example, with a Representative Office of the President of Ukraine which acts, in part, as a coordination mechanism with oversight, but no executive powers, is worthwhile considering. A further, or alternative, mechanism that might prove useful (also as a power-sharing mechanism) is the establishment of specific ministries or ministerial offices dealing with entity affairs at the centre, implicitly reflected in the Mediator Proposals.

These different mechanisms can be scaled up or down, including reflecting specific needs during a transitional period as deemed necessary. In particular, during these early stages of implementation of a settlement, international participation in some of these mechanisms (e.g., an international presence in the Constitutional Court) or particular bodies with international participations, such as the Conciliation Committee proposed in the Ukrainian Plan (and implicit in the Mediator Proposals).

**The Russian Dimension**

How to deal with the questions of demilitarization, neutrality and the presence of foreign troops could be the most decisive issue to determine whether a negotiated settlement for Transnistria will be possible. It will require an international agreement, rather than merely an arrangement between Chisinau and Tiraspol. At the same time, it could also be an area where a ‘grand bargain’ among all the parties involved can be achieved, linking these three issues to those of the territorial integrity and sovereignty of Moldova, thus including interlocking protections for all sides involved.

As a model for such an arrangement, the 1991 ‘Agreement Concerning the Sovereignty, Independence, Territorial Integrity and Inviolability, Neutrality and National Unity of Cambodia’ should be considered. Here, the nineteen states participating in the Paris Conference on Cambodia signed, among others, this agree-
ment in which Cambodia committed itself to a wide range of principles for its future domestic and international conduct, including to ‘maintain, preserve and defend its sovereignty, independence, territorial integrity and inviolability, neutrality, and national unity’, to entrench its ‘perpetual neutrality ... in the ... constitution’, ‘refrain from entering into any military alliances or other military agreements with other States that would be inconsistent with its neutrality’, and ‘refrain from permitting the introduction or stationing of foreign forces, including military personnel, in any form whatsoever, in Cambodia, and to prevent the establishment or maintenance of foreign military bases’. In return, the other signatory states undertook ‘to recognize and to respect in every way the sovereignty, independence, territorial integrity and inviolability, neutrality and national unity of Cambodia.’

While the situation in Cambodia in, and prior to, 1991 was clearly different from that in Moldova, this Agreement is highly relevant as it addresses the core issues of the Russian (and in a sense the Romanian) dimension of the conflict, could easily be modified to include demilitarization and exclude constraints on a future unification of Moldova and Romania, while at the same time providing an international anchor for Moldova’s sovereignty (thus emphasising that Moldova is the sole subject of international law) and territorial integrity. Under such an arrangement, to put it bluntly, Moldova would gain a Russian commitment to its sovereignty and territorial integrity in exchange for agreeing not to join NATO.

The Romanian Dimension

Similar to what already exists in the settlement for Gagauzia and has been widely accepted in relation to Transnistria, the latter should have an option of seceding from Moldova in case of unification with Romania. If Bender were to become another federated entity within Moldova, it too should have an option to decide in a referendum at that time—whether to join Moldova in uniting with Romania or, if Transnistria opts for secession, to join Transnistria.
The latter would potentially raise new questions for the status of Bender within an independent Transnistria that would be subject to negotiation between the sides (possibly determining options before a referendum in Bender itself). In either case, independent statehood for Bender should not be an option.38

**Guarantee Mechanisms**

The Transnistrian conflict has many different dimensions, all of which require specific mechanisms for their implementation and operation, some of which, in turn, will need guarantees (and guarantors) for the parties to commit to them. This need for multiple guarantees is recognised, albeit in different detail, across all proposals examined above.

From this perspective, one can think about three different types of guarantees. First, in/formal agreements, i.e., usually legally non-binding arrangements for a whole settlement or specific provisions that detail how parties envisage operation and implementation of settlement provisions. For example, the parties should agree a range of principles that determine their mutual conduct in terms of coordinating legislation and policy. This could include the creation of consultation bodies and a determination of their working procedures. Another option might be to make the currently existing Working Groups permanent or extend their existence into a transitional period, both with appropriately amended mandates and terms of reference.

Second, the different federated entities will all require their settlements to be entrenched in legislation and the constitution. This has already been accomplished for the status of Gagauzia: a constitutional anchoring of the status of Gagauzia as a special entity in Moldova (currently Article 111 of the constitution) and an organic law (dating back to 1995) that specifies, among other things, the competences of Gagauzia. This could be applied to set-

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38The way in which the Romanian dimension of the conflict is handled would have to be synchronised with the approach taken to the Russian dimension, as indicated in the previous section.
tlements for Transnistria and possibly Bender. At present, changes to his law require a three-fifths majority in parliament. This could be strengthened, in line with suggestions in the Kozak Memorandum and the Mediator Proposals, by requiring the consent of the parliament of the respective entity for any changes to its status or competences.

Third, ‘hard’ and ‘soft’ international guarantees will be useful not only to entrench any settlement internationally but also commit external parties to a settlement. This could take two forms in the case of the Transnistrian conflict. On the one hand, achieving a settlement in the current 5+2 format would involve Ukraine and Russia as guarantor states, with OSCE as the lead mediator and the US and EU as observers. This is clearly foreseen in a number of past proposals. In addition, a bilateral (Moldova-Russia) or multilateral treaty (involving all states parties involved in the 5+2 format), along the lines of the 1991 Cambodia Agreement referred to above could prove useful and effective in assuring the parties.

While the conflict parties clearly are eager to achieve built-in or additional guarantees for any settlement and while the mediators and observers in the 5+2 process have acknowledged and accepted this, all actors also need to be realistic about what guarantees can deliver. They can promote compliance and/or deter from non-compliance with the provisions of a settlement by a variety of political means (dispute avoidance and non-judicial dispute resolution, positive and negative ‘conditionality’, peacekeeping) and judicial means (through constitutional and lower-order courts, as well as international courts such as the International Court of Justice, the Permanent Court of Arbitration, or the European Court of Human Rights). However, guarantees are not an end in itself, but are there for a purpose: to make things work, to help bridge a gap in trust, to create a safe environment in which institutions can prove their worth, to offer opportunities to revisit and revise earlier agreements. In other words, guarantees can help implement and operate an agreement, they cannot replace an agreement.
Conclusion

This chapter has focused on the content of a sustainable settlement for the Transnistrian conflict in Moldova. Comparing six existing proposals that reflect the breadth of current thinking among all relevant parties to the conflict, it identified areas of consensus and difference about three aspects of a future settlement (territorial state construction, power sharing, policy coordination and dispute resolution), the conflict’s two external dimensions (Russian and Romanian), and the domestic and international legal entrenchment of settlement provisions (guarantee mechanisms). On this basis a proposal for a multiple asymmetric federal arrangement was developed that would be negotiated within the current 5+2 format of talks and entrenched in domestic legislation and the constitution and in a multilateral international treaty.

While the case of the Transnistrian conflict in Moldova has many distinct features, it is not wholly unique among contemporary self-determination conflicts. Many of these involve similar territorial disputes and have implications beyond the immediate locality of the conflict, including external powers with significant stakes in the outcome. Elaborating elements of a settlement for the Transnistrian conflict in Moldova does not create a blueprint for similar conflicts elsewhere, but it can assist in conceptualising settlement frameworks and how specific issues can be addressed within them. Beyond positive local and regional implications, this is where an important part of the significance of a settlement for Transnistria lies as it helps to understand better, and deal more effectively, with the domestic and international politics of self-determination.

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Crimean Separatism in Contemporary Ukraine: 
On the Right of Return and Unresolved Land Disputes

Tetyana Malyarenko
David Galbreath

Introduction

This case study is designed to raise the awareness of students as to how good governance and well-institutionalized legal principles can reduce the risk of violent ethnic conflict. The purpose of this case study is to provide a platform for discussion about the relationship of two sets of factors in a potential conflict situation: contested property rights under conditions of legal uncertainty, caused by weak and criminalized state institutions, and the ensuring radicalization of ethnic groups on the basis of unresolved land ownership issues.

The case study will also identify structural mechanisms for conflict prevention as well as encourage students to use monitoring and early warning tools. Furthermore, we argue in this proposed case study of the importance of leadership and necessity to implement a “levels-of-analysis” approach to conflict management to avoid a biased focus, such as that of the international dimension of the Crimean question or relations between Kiev and Moscow while neglecting important local dimensions of the conflict.

The contemporary conflict situation in the Autonomy Republic of Crimea is conditioned by a synergy of the conflict fac-
tors. First, the conflict between strategic goals of the Crimean Tatars, represented by the Mejlis of the Crimean Tatar People (the Mejlis), and political elite in Kiev is an important element that contextualizes the political space for competing nationalisms. Since the Mejlis claims for recognition of the Crimean Tatars as an indigenous people of the Crimea and confirmation of the right for self-determination on the Crimea’s territory by the law of Ukraine, the political elite in Kiev have considered the Crimean autonomy as a stimulus and precondition for separatist movements on the peninsula.

Second, the socio-economic inequality is structured vertically with inequality between the Crimean Tatars and Slavic population, with the former overwhelmed by the latter. In 1944 the Crimean Tatars were deprived of their property and land in the Crimea. However, since 1991 the Ukrainian State and international organizations have spent approximately $300 million and $10 million accordingly for the socio-economic rehabilitation and settlement of the Tatars on the Crimean peninsula. Nevertheless, this investment has not been enough. Since the independence of Ukraine, the Crimean Tatars have been in destitution and have suffered from economic crisis far greater than the Russian and Ukrainian populations of the Crimea (according to the indexes of unemployment, personal incomes, housing, and social security). For example, as a minority, the Crimean Tatars do not have guaranteed quotas for representation in the local councils and administration.

Third, the return and rehabilitation of the Crimean Tatars have taken place under conditions of economic crisis and the structural shifts in the economy of Crimea. Deindustrialization and termination of military enterprises, which supplied the military-industrial sector of the Soviet Union, brought further unemployment and thus deepening the poverty and social tension between ethnic groups. Fourth, chronic state weakness and the criminalization of the Ukrainian State, through the connections between representatives of the state and organized crime have further delegitimized the state and authorities. More specifically,
in the Crimea, the state weakness manifests itself in the development of shadow/illegal property markets on which the regional economy is based. The redistribution of land is accompanied by the use of threat of violence that is often channeled into local clashes between ethnic groups.

Finally, there has been considerable external influence on the political status of the Crimean peninsula, with the Russian Federation seeking to intensify its influence on the political processes in the region. Russia is interested in retaining influence on the Russian-speaking population of Crimea, to maintain the Russian Black Sea Fleet in Sevastopol, as well as further its own broad geopolitical goals in Ukraine and the former Soviet space.

The propensity for conflict has increased with the start of land privatization that is planned for 2012-2013. Under the conditions of uncertain property rights and a shadow, corrupted property market, the privatization (or rather, the redistribution of property rights) could be accompanied by increasing politicization of the ethnic relations in Crimea, with the further possibility of mass mobilization and violent conflict. We argue here that the Crimean experience in conflict prevention in the 1990s and the dynamics of escalation in the 2000s supports the idea that institutions and the political willingness of elites play decisive roles in conflict prevention. Furthermore, we argue that the Crimean experience emphasizes the importance of institutional compromises as the key determinants of conflict-prevention.

**Background of Conflict**

At the beginning of the Soviet period, the Crimean Peninsula was considered part of Russia proper. However, in 1944 the Crimean Tatars were deported from the Soviet Russian Federative Republic (SRFR) and subsequently in 1954 the Supreme Soviet decreed that Crimea be transferred from the SRFR to the Ukrainian Soviet Socialist Republic. While the Crimean Tatars
were politically rehabilitated within the Soviet Union in 1954, their return to Crimea was forbidden and their property was confiscated (Cemiloglu Mustafa, 1995).

Formally, the right to return and settle in Crimea was given to the Crimean Tatars in 1956. However, internal migration in the Soviet Union was complicated, with local councils and enterprises having informal quotas for employment and settlement/registration of official ‘national minorities’. The “Concept of the State Program on Return of the Crimean Tatars”, adopted in May 1990, confirmed the Crimean Tatar right to return. As it was planned, the end of the organized return would cease in 1998.

As the weakness of the Soviet Union became more evident and collapse becoming ever more likely, the local elite in Crimea initiated a referendum on the subject of its autonomy status. In accordance with referendum’s main question, the autonomous republic of the Crimea would be a part of and subordinated to the Soviet Union as before 1945. In fact, this was the first Russian attempt to annex Crimea. On September 4, 1994, the Parliament of the Crimean Republic adopted a Declaration of Crimean Independence and State Sovereignty, following the election of the nationalist politician Yuri Meshkov. However, a decision on the autonomous status of Crimea as a part of a united Ukraine was adopted as a result of the negotiation between region and the center in Kiev. Formally, this newly established autonomy was not linked to a specific ethnic group, although there was increasing polarization at the regional level. Consequently, the Constitution of Ukraine (1996) and the Constitutions of Crimea (1994, 1998) consolidated the suzerainty of the Crimea within Ukraine. Furthermore, the General Agreement between Russia and Ukraine (1994) secured the external recognition of Crimea within Ukraine.

While the political status of Crimea was settled, the status of the Crimean Tatars was not. The Crimean Tatars have sought a number of claims within this arrangement between Kiev and
largely Russian Crimea. Apart from socio-economic claims, there are a number of political demands of the Crimean Tatars:

- the official recognition of Crimean Tatars as an indigenous people of Crimea;
- the change in the status of the Crimean Autonomy from the current territorial autonomy to a national-territorial autonomy for the Crimean Tatars;
- the Crimean Tatar representation in the local authorities and councils of the autonomous republic and at the central level;
- official recognition of the Mejlis (executive self government) as the representative body of the Crimean Tatar people.

On the last point, the legal status of the Mejlis has been debated since Ukrainian independence. The Crimean Tatars have sought official recognition of the Mejlis as the only body to represent the interests of Crimean Tatars, whereas the Ukrainian authorities have demanded that the Mejlis be registered as an NGO (note: there are about 50 non-governmental organizations that represent the interests of the Crimean Tatars) or political party. Formally however, the Special Council of the Representatives of the Crimean Tatar people under the President of Ukraine was established in 1999, although there are doubts as to what degree this body represents the interests of Crimean Tatars (Ukaz Prezydenta Ukrainy ‘Pro Padu predstavnykiv krymskotatarskogo narodu’, 1999).

Since 1991, Crimean Tatars have not held adequate representation in the local councils and administrations as per their proportion of Crimea’s population. Overall, the formal mechanisms with which the Crimean Tatars might seek to participate in policy-making at the local and central levels are limited. As a result, the Crimean Tatars have sought for other more effective mechanisms to influence public policy, such as in the form of mass protests. While the protests vocalize the claims of the marginalized group, they also further perpetuate the polarization between groups, increasing tensions between Crimean Tatars and
the Slavic populations on the peninsula. Within this context of high volatility, it is no surprise that the international community would seek to intervene to promote conflict prevention.

The Organization for Security and Cooperation in Europe (OSCE) established its mission in Ukraine in 1994 with the specific task to prevent political radicalization in Crimea and bring the opposing parties together to agree a common path to peace. The OSCE served as a mediator and facilitator between the local Crimean authorities and Russian-speaking population, as well as the representatives of the Crimean Tatars and Ukraine’s government.

The OSCE organized a series of roundtables in Locarno, Switzerland and Nordvik, Netherlands with considerable successful results. The activities of the OSCE mission in the Crimea focused on the reconciliation and harmonization of the Constitution of Ukraine and the Constitution of Crimea, assistance to the return of Crimean Tatars, support for the settlement programs of the Crimean Tatars and the protection of their political, economic, social and cultural rights. As a result, the effective mediation and facilitation in adverting conflict, tensions gradually declined and the possible secession of the Crimea from Ukraine was averted.

The key factors in the success of the OSCE mission in Ukraine were the political will of all conflict parties to resolve the conflict through peaceful means as well as the sincere intention to prevent further radicalization towards violence. Furthermore, the OSCE led the Russian government to reject any claim to Crimea once the rights of Russian-speaking Slavs were ensured. In summary, the role of the OSCE in adverting conflict was important, but they relied on the domestic political opportunities and consensual appreciation that conflict was not in the interest of either side. Nevertheless, as we suggest in the introduction, the underlying ethnic tensions have far from disappeared entirely.

The question whether the threat of separatism is still serious for the Crimea, is widely discussed, and in the end is open. While
the open secessionist tensions between political elites in Kiev and Simferopol died out in the 1990s, the part of Crimea’s population that supports annexation of the Crimea to Russia sits over 50% (Opinion Polls: Crimea, 2006-2011). Thus, the social base for a separatist movement in the Crimea still exists. For instance, the Ukrainian government has moved towards a “Ukrainization” policy of the Ukrainian State through the legislation “On the State Language”, which obliges all public bodies to use Ukrainian language in all official communications. The Law also established limitations for the usage of Russian language in the mass-media. Furthermore, the legal tensions over property rights for lucrative Crimean land are accompanied by ethnically politicized rhetoric. Regardless of the reasons behind the current ethnic clashes in Crimea, the social mobilization of both sides tends to be ethnopolitical rivalry. Overall, any potential conflict over Crimea will be less about geo-politics or Ukrainians versus Russians but instead everything to do with the local political situation in Crimea itself.

There are two further factors worth mentioning that play a part in the escalation of ethnic tensions. The first is the economic decline and accompanied by poverty and unemployment resulting in falling public trust both in the central and local authorities. Against this background of wide-spread pessimism, a “Russian project” (secession to Russia) appears attractive for the Russian speaking community. Russian investments in Ukraine focus on the creation of new enterprises, new jobs, and the support of the social sector. The branch of the Moscow State University and in particular, the base of the Russian Black Sea Fleet in Sevastopol has essentially created an impression of the presence of Russia and Russians in the Crimea.

Secondly, according to the Ukrainian Land Code 2001, it was not possible to transfer the effective ownership of agricultural land due to a moratorium on the selling and buying of land through civil law contracts. This means that the agricultural land has not had an established market price. Yet, due to the move towards the privatization of formerly nationalized land, the allot-
ment of agricultural land has been allotted to only former members of the “collective agricultural enterprises” (kolkhoz), which comprise 52% of the population of Crimea. The remainder of the population, including formerly deported Crimean Tatars, has not been entitled to agricultural land distribution (Mikelic, V., 2007). However, the state provide for land distribution with the State Reserve Fund which allots land parcels especially to Crimean Tatars and other socially vulnerable groups. Nevertheless, the main complaint of Crimean Tatars to the local authorities is that they have received poor quality land distributed to them from the Reserve Fund, while other ethnic groups receive property on the Black Sea Coast.

In Crimea, the land is the primary investment as it is seen as both a source and result of power. This role of property is perpetuated by the perpetual criminalization of the Ukrainian state and the wide-spread for fusion between local authorities and organized crime. Crimea is no different with a shadowy unregulated redistribution of the expensive land on the Black Sea Coast. Regardless their ideology and belonging to the political parties, the deputies of local councils in Crimea create temporary alliances in order to benefit from this unregulated distribution of the land. Because the formalization of property rights in Ukraine is generally low (only 15% of Ukrainian land resources have legally institutionalized owners while in comparison two other post-soviet states, Estonia and Georgia, have formalized the property rights on about 90% of their land resources, Tsushko, 2010). In Ukraine, political office is often tied to land and property. Once an individual loses political power, they will more than likely also lose their land and property. This characteristic is systematic of the lack of good governance and the rule of law.

In this context, a new phenomenon has developed in Crimea, the so-called “self-capture” of land, where organized groups search for pieces of land that have questionable property rights. The groups “capture” the land, build houses and legally claim their property rights for the land. In many cases, “self-capture” is a business project – the invaders sell the land as soon as the prop-
erty right is confirmed. However, there is also an ethnic dimension to the system. Where just 17% of all “self-capture” cases come from the Tatar community and all derive from the Russian or ethnically mixed groups, “self-capture” is solely seen as a Crimean Tatar delinquency within public opinion (Mikelic, V., 2007). This delusion is spreading through the Russian mass-media under the slogan: “The Tatars are capturing the Crimean land”. Naturally, this rhetoric has a role in escalating tensions between ethnic groups.

Altogether, this leaves us with three contemporary conflict triggers: 1) The change of the status of the Russian Black Sea Fleet in Sevastopol; 2) The termination of the autonomy status of the Crimea; and 3) The Land reform and start of the privatization of the agricultural land, officially announced for 2012-2013.

Since 1991, both the central government of Ukraine in Kiev and the government of the Crimea have failed to create a comprehensive strategy for socio-economic development in the region. Moreover, the weakness of the Ukrainian State, the global economic crisis (the World Bank ranked the Ukrainian economy as the worst during the global economic crisis in 2008-2009), the permanent political instability and the fight among the political elite and its frequent connection to organized crime, impede the central government of Ukraine to govern this peripheral territory efficiently. Due to the status of the region and its location, Crimea has always been a second-range subject for Ukraine’s domestic politics.

Descriptive Analysis

Local Slavic (non-Tatar) elite

The first Russian settlement appeared in Crimea in the middle ages. The mass emigration of peasants from the Central Russia started in 1783 after the annexation of Crimea to the Russian Empire. According to the census of 1939, Crimea constituted Russians 49.6%, Ukrainians 13.7%, Crimean Tatars 19.4% and
Jews 5.8%. After the deportation of the Crimean Tatars following the Second World War to the Central Asia the territory of Crimea was populated by expatriates from Russia and Ukraine. To illustrate the change, in the 1959 Soviet census (first census after WWII) the population of Crimea consisted of Russians 71.4%, Ukrainians 22.3% and Jews 2.2% (Polyan P, 2001). In accordance with last census in 2001, the Slavic (Russian and Ukrainian) population of Crimea are approximately 58.5% and 24.4% respectively (National Population Census in Ukraine, 2001). Ethnic Russians and Ukrainians living in Crimea are overwhelmingly Russian-speaking and are affiliated with the Ukrainian Orthodox Church under the Moscow Patriarchy. Crimean Russians and Crimean Ukrainians consistently behave as one actor.

In surveys, the Russian and Ukrainian communities of Crimea have identified themselves as a Slavic community. However, a regional (Crimean) identity has also developed, with 34.8% of those surveyed that claimed to be Slavic stating “Crimea is both Russian and Ukrainian” with 40.2% choosing “Crimea is Russia” and 5.1% choosing “Crimea is Ukraine” (Crimean Society: Main Cleavages, Factors of Conflict, 2001). The survey also showed that the main factors which unite all the Crimean ethnic groups are the Russian language and a positive attitude to Russia. The positive lines of Russians and Ukrainians are “openness” and “fairness”. The most distinctive lines of Crimean Tatars are the ability “to defend the interests of group”, “religiousness” and “national dignity”. The general attitude of Slavic respondents to the Crimean Tatars is rather negative (“Opinion Polls: Crimea”, focus groups, the Razumkov Centre, 2006-2011).

During the past twenty years, the Slavic or non-Tatar elite of the Crimea have been formed by expatriates from other Ukrainian regions. The Crimean political elite of independent Ukraine have ordinarily been a subordinated leg of the powerful economic clans, originating in other Ukrainian regions. Step by step, and in particular after the events of “orange revolution” followed after the presidential elections in Kiev, that divided political community of Ukraine into two competing “pro-Ukrainian”
and “pro-Russian” groups, the local Crimean pro-Russian political parties were marginalized or absorbed by the Party of the Regions, the powerful “white-blue” party of Viktor Yanukovich, that capitalized the very popular support among the Slavic population of Crimea with slogans of reunification with Russia (Guchakova T., 2011).

Since the Party of the Regions mainly represents the interests of large business groups in Ukraine, its main goal concerns the securing access to the expensive land of Crimea for these groups. The preconditions for this are political and socio-economic stability on the peninsula. Despite the “pro-Russian” slogans they use, the Slavic elite (represented by the Party of the Regions) is not interested in reunification of the Crimea with Russia, chiefly because of their inability to compete economically with Russian big business with the support of the Russian government behind them. Finally, the Slavic elite have also quickly smothered most radical political movements in the Crimea, initiated by both pro-Russian and ethnic Tatar organizations. However, during the period of pre-elections the Party of the Regions has intentionally escalated already existent tensions between Russian and Tatar communities in order to enhance the mobilization of Russian and Ukrainian communities as an electorate the Party is struggling to maintain.

Local Crimean Tatar Elite

According to the recent census in 2001, the Crimean Tatars are 12.1% of population of Crimea (National Population Census in Ukraine, 2001). The Crimean Tatars are predominantly Russian-speakers, although the usage of their native (Crimean-Tatar) language is becoming more widespread. Islam is the predominate religion of the Crimean Tatars. Crimean Tatars identify themselves as primarily as Muslims as the primary uniting feature and after that as they are representatives of one nationality. Regional (Crimean) identity is very developed as well, although the Cri-
mean identity and the movement for self-determination are mutually re-enforcing for the Crimean Tatars. Of the Crimean Tatar respondents 35.3% consider that “Crimea is neither Russia nor Ukraine”; 29.9% “Crimea is both Russian and Ukrainian”; and 14.7% “Crimea is Ukraine” (Crimean Society: Main Cleavages, Factors of Conflict, 2011).

The Crimean Tatars responded that the main factors which unite all ethnic groups of the Crimea are: a common motherland (Crimea), common territory and the tolerance to all ethnic groups and religions. The Crimean Tatars also responded that the common positive lines for representatives of this ethnic group are: goodwill, religiousness, the ability to defend their common interests. The most distinctive lines of the Russians of Crimea are goodwill and fairness and of Ukrainians are: diligence, openness, religiousness. The general attitude of the Crimean Tatars to the Russian majority and the Ukrainians in Crimea is generally positive (“Opinion Polls: Crimea”; focus groups, the Razumkov Centre, 2009, 2011).

According to the monitoring of political alienation applied to Ukraine’s population (Bogardus scale), the index of national isolation as it is related to the Crimean Tatars is 5.3 (isolated ethnic group; for comparison: the other members of “isolated” group in Ukraine are Americans and Chinese). The highest level of tolerance that population of Ukraine manifests is to Ukrainian-speaking Ukrainians, Russian-speaking Ukrainians and Russians (Crimean Society: Main Cleavages, Factors of Conflict, 2011).

The strategic interest of Mejlis is the recognition of Crimean Tatars as the indigenous people by the Ukrainian State, which they seek the right of self-determination on the territory of Crimea. The tactical interest of Mejlis is the change in the status of Crimea from the Crimean Autonomous Republic (as it is provided by the law today) to the Crimean Tatar Autonomous Republic. In the current period, Mejlis makes claims for the positive discrimination on behalf of Crimean Tatars as both a deported and returned population. More specifically, they seek state benefits and guarantees such as free housing, land, and social security.
The Mejlis considers the Ukrainian government and to some degree the Russian State, as the successor of the Soviet Union, as the main actors in any negotiation over these strategic and tactical interests. The conceptualization of Russia as the successor and thus responsible actor of the Soviet atrocities against the Crimean Tatars encourages a personification of Russia as an enemy and serves in favour of the further ethno-political mobilization of the Crimean Tatars during the elections.

Since their return to the Crimea in 1989 group specific unemployment remains high. The radicalization of ethnic politics between the Crimean Tatars and local authorities and between Tatars and other ethnic groups are periodically visible. Being a minority, the Crimean Tatars are not interested in the conflict escalation. Any radicalization will certainly lead to Russia’s intervention and probable annexation of the Crimea to Russia. As Russian President Dmitry Medvedev stated, “the protection of Russians everywhere and with all possible means.” The confused history of Crimea’s territorial belonging thousands of the Crimean residents who hold Russia’s citizenship would serve in justification of its annexation. Nevertheless, subject to demographic changes and the growing number of the Crimean Tatars on the peninsula, any attempt of achieving the strategic interests of the Crimean Tatars together with other conflict factors, such as the litigation over land, will likely lead to the radicalization of ethnic politics leading towards violence.

*The Ukrainian political elite in Kiev*

All politicians and parties in Ukrainian national politics in Kiev are interested in preventing of the separation of Crimea and annexation to Russia. Yet it is the political dynamics in Kiev and the manipulative operations of the political parties that increase the possibility of conflict in Crimea. First, since 1991 all governments of Ukraine have failed in reforming Crimea’s economy. Second, the policy of “Ukrainisation” of the Russian-speaking
population of Crimea, accompanied by the rhetoric of “The Fifth Column of Russia in Ukraine” increases public distrust and dissatisfaction in Ukraine’s domestic policy. Finally, the geopolitical flirting of Ukraine both with Russia and the EU and NATO (the so-called “multivectoral” foreign policy) places an additional irritant and furthers the polarization between two major ethnic groups of the Crimea.

**Russian Federation**

The government of Russia has never camouflaged its geopolitical goal to return Ukraine into Russia’s orbit or at least, to prevent Ukraine in approaching the EU and NATO. However, the methods of influence have changed since Viktor Yanukovich has held the post of the President of Ukraine. Supported by oligarchs, gaining the main profits from the steel industry (the price for steel is critically dependent on costs of the Russian natural gas), the government of Mikola Azarov (the Prime Minister of Ukraine) is hooked by the Russian monopoly “Gazprom”. Therefore, the role of Crimea as a point of tenderness in relations between Ukraine and Russia has led to its deprioritization. The local protests and actions of pro-Russian radicals open the way to negotiations of “weightlifters”, e.g. the Presidents of Russia and Ukraine around the price for the Russian natural gas. The main geopolitical agreement in Ukrainian-Russian relations since 1994, the Kharkov Agreement (*Ugoda mizh Ukrainoyu ta Risiiskoyu Federaciyu z pitan perebuvannya Chornomorskogo Flotu Rosiisskoi Federacii na territorii Ukraini, 2010*), settles the prolongation of the Russian Black Sea Fleet base in Sevastopol till 2042 and was signed for the discounted price for gas. The Russian and Ukrainian governments share a strategic interest in maintaining the status quo, which may suit the Slavic communities in Crimea but not the Crimean Tatars.
**International Community**

Conflict prevention in Europe and the post-Soviet space has changed over the last 20 years. Since the OSCE’s role in Crimea in the 1990s, the organization has become increasingly challenged by the geopolitical wrangling within the organization, between the reformers (e.g. Russia, Kazakhstan) and democracy promoters (e.g. US, EU member-states). The effect that this has had on the OSCE’s actions following the ‘coloured revolutions’ is that it has become increasingly difficult to play a constructive role in conflict prevention in the post-Soviet space.

At the same time, the EU has become increasingly active in the region, through various neighbourhood and partnership programs, but also through a geo-political presence in Ukraine, Moldova, and Georgia. The question still left to be unanswered is to what degree the EU or any other international organization can deal with the local land issues that fire the tension between Slavs and the Crimean Tatars on the peninsula. As stated, as the relationship between Kiev and Moscow becomes ever more distant from the ethnic politics on the ground in Crimea, the role of geopolitics becomes less important as a factor for conflict prevention.

**Achievements and Lessons Learned**

In summary, we can see several achievements and lessons learned in the first round of conflict prevention that may help in aiding in relieving the contemporary tensions between ethnic groups.

The first round of tensions over the threat of Crimea secession was treated through a geo-political approach. Political elites in Kiev and Moscow were brought together with the local elites to reach a consensus. This consensus was a degree of political autonomy for the region, stability in the property status of Russians and Ukrainians living in Crimea and the right of return for
Crimean Tatars. In hindsight, we can see that this was not a sustainable peace.

The control of land and property is the primary factor in ensuring peace. The end of the moratorium on selling and buying land will bring a further escalation of the conflict on the Crimean peninsula. This effect is further illustrated by the Ukrainian government’s continuous postponement of the lifting of the moratorium. As condition stand now, the deals around the expensive Crimean land under uncertainty of the property rights and corruption in the justice will be developed into a sort of “strongman” or “warlord” competition, supplemented with ethnic rhetoric.

Any solution to the Crimean problem must address good governance and rule of law.

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The Dog that Didn’t Bark:  
the Conditions for Conflict Prevention  
in the Baltic States

David J. Galbreath

Introduction

When Estonia, Latvia and Lithuania came out of the Soviet Union in August 1991, they were in the position of having a sizable ‘post-imperial’ minority, much like the former French, British, and Portuguese colonies before. The Baltic States were not alone in this predicament, with Kazakhstan, Ukraine, Moldova, Kyrgyzstan, and arguably Georgia in similar positions. Following the collapse of the Soviet Union, ethnic conflict appeared to spread across the space with conflicts first in Azerbaijan, Moldova, and Georgia, then Russia, Uzbekistan, Tajikistan and Kyrgyzstan, although not necessarily involving ethnic Russian minority communities. However, despite approximately 33%, 48% and 12% minorities in Estonia, Latvia and Lithuania respectively, the Baltic States were devoid of ethnic conflict.

This paper argues that the conditions for conflict prevention in the Baltic States can be generalizable to other cases. For the past ten years, work on the Baltic States and the minority issues therein have focused on the role of domestic institutions and actors, European organizations like the EU, OSCE and Council of Europe and the kin-state: the Russian Federation. This case study will build on what has been called the ‘quadratic nexus’ that looks at the role of the minority community, the host-state, the kin-state, and international, third party actors (see Smith 2002; Galbreath 2005).
In the Baltic States, domestic political actors in the majority and minority communities sought moderation over radical reform that allowed citizenship, language and education laws to change over time without posing a threat to either community. This was particular important in Estonia’s Virumaa region or Latvia’s major cities, Riga and Daugavpils. Lithuania sought an even more moderate approach with an inclusive citizen policy that allowed all residents that had resided in Lithuania for ten years prior to independence to gain automatic citizenship. Role of the Russian Federation is also vitally important as the kin-state. Unlike Moldova, Georgia and Azerbaijan, the lack of conflict meant that Soviet-cum-Russian troops would be able to leave by August 1994. Despite considerable vocal public renunciations in the early 1990s, the Russian-Baltic relationship is better characterized by economics than minorities. Finally, the prospect of European Union (EU) and North Atlantic Treaty Organization (NATO) membership, the role of the Organization for Security and Cooperation in Europe (OSCE) High Commissioner on National Minorities (HCNM) and the institutions of the Council of Europe encouraged moderation at the public policy level.

Overall, the Baltic experience in conflict prevention is important because, we can see how conflict was avoided at several key stages in the three countries’ restoration of independence. Firstly, the paper will look at the background of the conflict in greater depth. Secondly, the discussion identifies the main parties in the conflict potential context. Here, we pay special attention to local actors, the kin-state and international organizations. Thirdly, we critically examine the route taken by the different parties and the impact these had on preventing conflict. Fourthly, the conclusion draws lessons from the Baltic case studies in terms of how they might be shed light on other case studies. Three issues rise to the fore: democracy, social integration, and ‘naming and sham- ing’. Finally, the paper finishes with a series of critical questions on conflict prevention that can be used to in a comparative analysis.
Background of the Conflict

The contemporary ethnic dimension of the Baltic States was created with the Soviet invasion and subsequent occupation of the three countries in 1941. Following the Second World War, the Soviet Union used demographic shifts for political ends such as Germans to the Far East, Chechens to the Urals, and Tatars to Siberia. While the Soviet authorities drained the Baltic states of hundreds of thousands of ethnically Estonian, Latvian, and Lithuanian ‘class enemies’, ethnic Slavs such as Russians, Ukrainians and Byelorussians were brought in to stabilize wayward provinces and work military and all-Union industries (see Shtromas 1996). The result of this migration, out and in, caused a huge shift in the ethnic context. And already the ethnic context mattered since the Baltic republics had sought independence on the basis of ethnically based nationalism some twenty years prior to the Soviet invasion. Nevertheless, the Soviet Union as a police state had extraordinary social control over Estonia, Latvia and Lithuania once the political and demographic changes had taken place.

However, as the Soviet Union began to change in the early 1980s, ethnic nationalism again became a force for change. In the late years of Leonid Brezhnev, ethnic Estonians, Latvians, and Lithuanians began to enhance their ethnic identity by focusing on non-political issues such as churches, old buildings, forests, rivers, etc. (Dreifelds 1989; M. Taagepera 2008). Yet, with changes of the Mikhail Gorbachev era, these ethnically defined movements became increasingly political, eventually even calling for independence (R. Taagepera 1986). For instance, in 1986, national independence movements were established in Estonia and Latvia. These organizations, which are incidentally still represented in contemporary national politics, called for independence nations but also began to determine who would and would not be citizens of the independent states. So-called citizens’ committees were established to begin registering names. And herein lies the crux of the predicament: How do you determine loyalty and right...
under the conditions of occupation? The various answers to this question is fraught with the propensity for conflict.

To their credit, the citizens’ committees did register ethnic Russians as potential citizens of the new republics. As Rein Taagepera (1993, 140–42) states, nearly a third of ethnic Russians supported the independence of Estonia, with a third ambivalent and a third firmly against. This level of support does not necessarily bring considerable confidence. At the same time, it is in comparison extraordinary. In no other area of the Soviet Union did nationalist movements experience so much support from ethnic Russians. This leads us to two possible reasons. The first is that just like the “West”, Russians had a general understanding that the Baltic States were not a political part of the Soviet Union and thus would naturally be independent again. The second and perhaps more likely is that they saw their futures better off in an independent Baltic state than a lackluster Soviet Union. Either way, this level of support for the nationalist movements by ethnic Slavs is important.

When the Baltic States were recognized as independent in August 1991, the three countries had come out of the Soviet Union largely intact, although Estonia and Latvia would be slightly smaller and Lithuania would larger, geographically. Up until this point, the three nationalist movements had largely mirrored one another, with moderate Popular (or People’s) Fronts leading the way. However, once independence was recognized, Lithuania took a different path to Estonia and Latvia. Lithuanian nationalists, with only roughly around 10% ethnic Russians, established a policy that resembled a new republic. The Lithuanian movement, having experienced little in terms of historical democratic practice in the inter-war period, sought a new basis for a democratic state. This new basis practically took the form of a new constitution and new borders. Crucially, it also allowed for a political settlement of the ‘Russian question’. In particular, the new Lithuanian government allowed Soviet citizens who had resided in Soviet Lithuania for 10 years or longer to be granted citizenship. In so doing, the Lithuanian authorities eliminated the questions over
citizenship or stateless ethnic groups. This is not to say that there were not anxieties over ethno-nationalism in Lithuania. In fact, the role of ethnic Poles in Lithuania became increasingly political until Lithuania and Poland established a mutual agreement regarding each others minorities communities (see Budryte 2005, 158–63).

Estonia and Latvia chose to restore their pre-Soviet republics: constitutions, citizenries, and borders (Galbreath 2005, 159). This restoration logic essentially eliminated anyone who could not claim to have derived from pre-Soviet national lineage. In other words, either one had to have been an Estonian or Latvian citizen in the inter-war period or one had to be descended from one. This decision would leave both states with large relatively ethnically homogenous, stateless communities. This is not to say that the 1992 and 1994 Citizenship Laws in Estonia and Latvia, respectfully, only allowed ethnic ‘titulars’ to become citizens. Rather, structurally it simply applied to very few ethnic Russians, Ukrainians and Byelorussians. In other words, the citizenship laws were not ethnically discriminatory by design but were by effect. The result led to some claiming that Estonia and Latvia had become Herrenvolk or ethnic democracies (see Pettai 2000; and also Smooha 1990; Steen 2000).

The conditions under which these new states were operating were trying. The practical effect of these changes was the complete titularization of state society. Estonian, Latvian and Lithuanians became state languages above all others. Estonian and Latvian would become the language of state at the national and local levels (even in areas predominantly inhabited by non-titulars). Dual language street signs would be replaced or simply have the Russian spray-painted out. Citizenship and language became major determinants of social, economic and political status for many. At the same time, the Russian Federation became increasingly belligerent over the status of co-ethnics in the Baltic States, using the remaining troops and border agreements as a way to pressure the new states into change (Galbreath and McEvoy 2010, 368–70).
So, it is with little wonder that the Baltic States, and Estonia and Latvia, in particular were seen has being potential flash points in what appeared to be a rise in ethnic conflict in the former Yugoslavia and Soviet Union. After all, there had already been conflicts over such issues in Azerbaijan, Georgia, and Moldova with Ukraine and Kazakhstan appearing as if they too could join the list of conflicts. Needless to say, we did not see conflict in the Baltic States. Large scale ethnically motivated violence has been remarkably absent. The more recent ‘Bronze Soldier Crisis’ in 2008 was in fact a testament to the stability of ethnic relations in Estonia. Indeed, largely ethnic Russians did riot in Tallinn’s Old Town after the removal of a statue and graves dedicated to unknown Soviet soldiers of the Second World War, but it was localized, did not spread to the ethnically Russian northeast nor was it repeated in Latvia when a similar statue was moved in Bauska that same summer. In fact, it is easy to dismiss the Baltic States away as naturally less conflict prone than other parts of the former Soviet Union, but peace in the Baltic region was much more crafted than it would appear in hindsight.

Key Parties

Descriptive analysis of the key parties and their motivations and objectives

In Rogers Brubacker’s book, Nationalism Reframed (1996), he argues that ethno-nationalism in the inter-war period was enhanced by its geopolitical connection. Namely, that as a state-nationalized, its minority would respond. If that minority had a kin-state, such as Germany or Hungary, it too would nationalize, which would then threaten the other state (host-state) and so on. Brubacker refers to this as the ‘triadic nexus’ and the assumption is that it works as an accelerator of ethno-nationalism. In the post-Cold War system, we have experienced the increased international cooperation in international organizations that have sought to maintain regional stability and promote democracy and human rights. These are the EU, NATO, OSCE and the Council of
Europe. They have played an important role in this ‘nexus’. Their inclusion into this analytical framework has led some others to talk of a ‘quadratic nexus’ (Smith 2002; Galbreath 2005; Butler 2007). Let us review the key parties through this explanatory lens. The discussion focuses specifically on Estonia and Latvia as sources of conflict potential for reasons already presented.

Host-state actors

As stated, the nationalist movements produced organizations with considerable legacies. In Estonia and Latvia, this meant a largely centre-right political landscape. With the citizenship laws restricting who could vote, centre-right parties were seen as being pro-nation, pro-market, and pro-democracy. The national independence movements, such as the Estonian National Independence Party (ENIP, Eesti Rahvusliku Sõlumatuuse Partei) and the Latvian National Independence Party (LNIP, Latvijas Nacionāli konservatīvajai partijai), became important political actors in the post-Soviet era. For instance, in Estonia ENIP has a long running electoral alliance with the Fatherland party (Isamaaliit) who has been part of government off and on since the first parliamentary elections in 1992. In Latvia, LNIP likewise allied with the For Fatherland and Freedom party (Tēvzemei un Brīvībai) and they have also been a prominent voice in government since the first parliamentary elections in 1993. These parties were offset by the centrist parties that sprung from the Popular Fronts.

In Estonia, the most notable were the Moderates (later to evolve into the Social Democrats) and the Liberal Democrats. Following the 1992 elections, the Estonian government consisted of ENIP, Fatherland party, and the Moderates. The aim of these parties was to maintain the ethnic dimension of the Estonian state as being for Estonians and of Estonians. For the most part, this did not mean an exclusion of Russians but rather a system of guarantee that the minority communities would not threaten the Estonian state. For instance, although this government enacted
the citizenship law that excluded many Russians, it is also the same government that allowed for stateless, permanent residents to vote in local elections.

For Latvia, the ashes of the Soviet era organizations produced several political parties representing the full spectrum of politics. In the center, ‘Latvia’s Way’ (Latvijas Cels, LW) was one party in particular that relied on the popularity of émigrés as well as combined much of the domestic political power. Born out of the elite political organization, Club 21, LW was able to organize popular politicians from the old Soviet and Latvian People’s Front (LPF) leadership. Primarily, LW relied on a centrist platform of reforms, privatization, and Western integration. On the right, as discussed the LNIP and For Fatherland and Freedom both came from late Soviet era independence organizations. The LNIP began several months before the LPF, while For Fatherland and Freedom organized around the Citizens’ Committees. Similar to Isamaalit and ENIP in Estonia, the two Latvian parties on the right contested the first elections separately but combined electoral forces thereafter. In the beginning, the LNIP looked much like LW although with more nationalist rhetoric and far less association with the former Soviet leadership. Further to the right still, For Fatherland and Freedom embodied the Latvian restorationist ideology.

Lithuania differed both in its approach to minorities but also in its political actors. The centre-left was not nearly as discredited in Lithuania, as it had been in Estonia and Latvia. The Lithuanian Democratic Labour Party was established in December 1990 by a pro-reform and pro-independence faction of the Lithuanian Communist Party (LCP) following a constitutional revision revoking its monopoly of power.

The party registered an unexpected victory in the 1992 parliamentary elections, winning an overall majority of seats with 42.6% of the vote on a platform of gradual transition to a market economy. Their leader, Algirdas Brazauskas, was accordingly elected chairman of the Seimas and thus head of state, in which capacity he received popular endorsement in presidential elec-
tions in February 1993. On the centre-right, the broadly-based *Sajudis* (popular front) had been the leading formation in the 1990 elections under the leadership of Vytautas Landsbergis, but in the face of economic adversity had suffered a heavy defeat in 1992, winning only 20% of the popular vote. Eventually, the center-right formed as the Homeland Union-Lithuanian Conservatives, launched in May 1993 as successor to the remnants of *Sajudis*, which had spearheaded Lithuania's independence campaign.

*Minority actors*

Estonia’s Russian-speaking population had rather weak political leadership. Estonian officials fostered a division within the minority community by granting nearly 80,000 minorities automatic citizenship as well as often co-opting many former opponents of independence such as the Narva and Sillamae City Council leaders. Automatic citizenship was given to those who could prove that they supported the Congress of Estonia from 1989-1991. For this reason, many non-Estonians were able to vote in national elections. Furthermore, following the 1993 Law on Local Elections, permanent residents were allowed to vote in local elections.

The first attempt to organize a political party around the issue of ethnicity was actually made by Centre Party leader Edgar Savisaar, who organized the Russian Democratic Movement (RDM) as a means of filling the political vacuum left by the disappearance of the communist party. For the most part, the RDM’s primary result was to bring together ‘new’ Russian moderate intellectuals. Rather than being altruistic, Savisaar was making an attempt to revive his political career after the dissolution of the popular front. The RDM subsequently fell apart due to infighting. This short history of minority political parties in Estonia gives some indication of the political nature of the minority community. The parties involved have worked with each other only grudgingly. Indeed, grievances over state-imposed disadvantages,
although often voiced, have not produced a single political party with a realistic chance of challenging public policy.

Unlike Estonia, Latvia has had long-term minority political parties although with near similar impact on policy as that in Estonia. The parties that would typically represent the minority community, the Equal Rights Movement, People’s Harmony Party and Socialist Party, had little effect on minority policy despite often winning seats in parliamentary elections. The lack of minority voters did not help these parties but more important was the centre-right parties refusal to form a government with an of the minority parties. Even as centre-left parties that typically represent a minority vote have done well, they are perpetually ostracized from government. This position of the largely Latvian centre-right towards the largely minority centre-left had little to do with perspectives on the economy and the welfare state as one might presume but instead reflected the centre-left’s position towards history and contemporary Russia. In terms of history, the Latvian parties have always sought a recognition of the illegal nature of the Soviet occupation. Until recently, this was not forthcoming. The second issue is that center-left parties have always campaigned for greater relations with Russia. Remarkably however, these minority parties always sought to participate in democratic politics even when perpetually left on the sidelines. This was participation without voice. Nevertheless, serious political agitation failed to appear.

*Kin-state actor*

At independence, the Baltic States were supported by Boris Yeltsin, President of the Russian SFSR largely because this was a way to maximize his own position. However, following the end of the Soviet Union and independence of Russia itself, Yeltsin and his government became increasingly agitated by the Estonian and Latvian policies on minorities. At the time, Russia still had considerable troops numbers in the Estonia and Latvia as they did in (East) Germany, Moldova, Azerbaijan, Georgia and elsewhere.
In fact, in the so-called frozen-conflicts in Moldova, Georgia and Azerbaijan, Russian troops have played a vital role in the occurrence and failure to conclude ethnic conflict. The Baltic States saw themselves in similar positions. Russia delayed withdrawing troops from Estonia and Latvia, having withdrawn troops from Lithuania in 1992 (Galbreath 2005, 195–202).

By the beginning of 1993, Yeltsin’s government, Russian parliamentarians and the Russian media had become increasingly anti-Baltic over the status of Russian speakers. For instance, as the Latvian parliament began to consider a new citizenship law in 1994, the Russian government became increasingly agitated over what it considered to be discriminatory laws against Russian speakers. The Russian government threatened the cancellation of bilateral trade agreements and discussions on future agreements. The Russian government stepped in to offer Russian citizenship not only to ethnic Russians but also to non-ethnic Russians such as Ukrainians and Belarusians living in the Baltic States. Eventually, the minority communities became divided in three: a small number who gained Baltic citizenship; a large number of stateless persons; and a substantial Russian citizenry. The overall result would leave the minority communities alienated from politics and generally distrusted by the Estonian and Latvian government and a large proportion of the majority community.

‘Fourth party’ actors

The European integration process had an important impact on the Baltic cases. Following the creation of the OSCE HCNM in 1992, the first High Commissioner Max van der Stoel wasted no time in investigating the possible conflict in the Baltic States. Working on the basis of ‘quiet diplomacy’, the point was to bring together the majority and minority communities to seek a local solution to the problem. In addition, as the Baltic States sought Council of Europe membership, it also began investigating possible discrimination through the Human Rights Commissioner and the Parliamentary Assembly of the Council of Europe (PACE).
Finally, the EU became increasingly interested following the 1997 *Agenda 2000* roadmap for enlargement. However, this paper argues that the Baltic States were past the most contentious stages by the time the EU became involved. Overall, while democracy and human rights were important, the European attention to the minority issue in the Baltic States was by and large aimed at resolving regional instability and therefore it focused on critical policy issues such as citizenship, language and education (*see* Galbreath 2006).

Other actors made a difference to the welfare of the Baltic States. Aid and investment from countries like Sweden, Germany, Denmark, the UK, the US and Norway were an importantly early economic salve for an otherwise very difficult economic time as the Baltic economies went through the shock of adjusting to a market economy. It also matters that the natural alternative, returning to Russia, appeared to unappealing to most. This economic factor is mentioned because we should expect that during times of increasing economic competition, ethnic conflict would be more likely (*see* Olzak 1992).

**Results**

In the end, the Baltic States failed to break down into ethnic conflict, despite the fact that it had many of the same factors that are used to explain conflict in Moldova (state nationalism, minority nationalism, and Russian troops). Based on Galbreath (2006), we can see three key factors for peace.

*Democracy:* The democratic credentials of the early Baltic politicians produced systems of government that were representative and responsive. On one hand, if the government decides to bar most minorities form citizenship and thus from voting, we should expect a problem. On the other hand, if the system is based on the rule of law and there is a general perception of fairness (*see* Galbreath and Rose 2008), we should expect grievances to be lower. Furthermore, while the Baltic governments did bar the Communist Party and anyone who had been a member of the
Communist Party of the Soviet Union (CPSU), they still allowed for the establishment and participation of minority parties in post-Soviet politics. This allowance is similar to what has been referred to as the ‘generosity moment’ and helps prevent or end ethnic conflict (see Hislope 1998).

Social integration: The restorationist logic of Estonia and Latvia was exclusionary. At the same time, the nationalist politicians did not close all pathways to the state. In fact, the logic of minority control was always based on a question of loyalty. If you can show yourself as loyal to the state, then we will grant you full access. And this show of loyalty was through language acquisition. The success of the nations was seen as heavily reliant on the success of the languages. If minorities could learn the majority language, then the state should be fine. Such language acquisition became vitally important because most majority children stopped learning Russian following independence. The process of social stability and integration was also a product of lowering threat levels. The further away from the moment of independence, the lower the level of distrust. In 1999, the Estonian and Latvian governments began full scale social integration programs although these were limited in success.

International community: Finally, the European organizations mattered. Most importantly, naming and shaming mattered. Baltic nationalist politicians saw little reason to be tolerant towards Soviet era migrants. At the same time, they were conscious of how the international community would see this. Each of the international organizations held them to a standard. The OSCE sought regional stability, the Council of Europe sought democracy and human rights, and the EU sought regional integration through economic, political and legal conditionality. Naming and shaming worked on the Baltic States for two reasons. The first is that their geopolitical aspirations were directed towards Western Europe. Already too many confused ‘Balkan’ and ‘Baltic’. The second is that having been victims for so long, Baltic politicians were reluctant to be seen as aggressors and violators. For these
reasons, international organizations were able to have a substantive impact on state-minority relations.

**Conclusion: Lessons Learned**

The Baltic States of Estonia, Latvia and Lithuania sought hard to leave their Soviet past and start on a European future. We can see from the analysis that the transition to democracy was fundamental in providing tolerance despite the nationalist nature of the transition. In this way, the host-states and the national minorities were able to come to an arrangement that neither thought ideal, but were willing to tolerate with the prospects that the political and social situation would get better. In other words, political moderation begets ethnic bargaining. The role of the kin-state was also significantly reduced in the Baltic cases. There is little doubt that Russia saw the Baltic States has been less important than other parts of the former Soviet Union. The result was an often-varied foreign policy that spewed hot and cold but effected little the status on the ground. The final part of the ‘quadratic nexus’ was important because international organizations were able to verify and monitor the process of ethnic bargaining. Organizations like the OSCE, Council of Europe and latter the EU stepped in to stop the more severe aspects of the restorationist policies, such as the citizenship of children. More or less, there was an assumption by all in this ‘quadratic nexus’ that the status of minorities would not get worse. And this mutual reinforcement makes for a stable environment of inter-ethnic relations.

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mass protests and revolutions in weak and failing states: the case study of the orange revolution in ukraine

Tetyana Malyarenko

Introduction

In 2010, five years after the Orange revolution, one of the most impressive and inspiring events in the contemporary history of Ukraine, majority of the Ukrainians voted for Viktor Yanukovich, a leader of the opposite ‘white-blue’ camp, although public opinion in Ukraine and abroad commonly associate his political and personal images with backwardness, authoritarianism, corruption and violence. Against the background of political instability, disorder and permanent conflict and fragmentation within the ‘orange team’, Ukraine’s citizens feel deeply disappointed with progressing human insecurities resulted from the crisis in the economy and lack of real changes to democracy in all public institutions. The only significant achievement of the Orange revolution was freedom of speech and mass-media independence. Nevertheless, this achievement was rather an issue of the weakness of the presidential power and willingness of all camps of elite to keep access to the media as a tool of electoral/political manipulation. As a result of the above developments, in 2010 the electoral support for Viktor Yuschenko, a charismatic leader of the Orange revolution decreased dramatically. On the presidential elections 2010 he received about 6% of votes in support of his presidential aspirations. Now, ‘Our Ukraine’ (political party, led by Viktor Yuschenko) would not pass through the electoral threshold of 5% either (Razumkov Centre, 2012).
A comparative warming of the ‘orange period’ (2005-2010) came to its end unexpectedly quickly. Having returned to political power, the Party of the Regions and Viktor Yanukovich clean the field of politics from all real and potential rivals. Yulia Timoshenko, Yuriy Lutsenko and some other ex-ministers of the ‘orange government’ were committed to the prison that precluded the key leaders of opposition from participation in the upcoming parliamentary elections. The court trials show the best examples of unfair and selective justice, have been proceeding in accordance with obsolete and confusing the Criminal Code adopted in the 1960s.

A profound crisis in the economy is another important factor that undermines the political stability in Ukraine. Since 2008 the Ukrainian economy has not been able to recover from a series of financial crises: the gross foreign debt increases dramatically (in 2012 the debt is about 36% of GDP; GDP decline was 15% in 2009, GDP growth was 4.2% and 5.2% in 2010 and 2011 accordingly, but the economic growth in 2010-2011 failed to compensate the decline during the previous periods). International agencies predict an inevitable default. In apprehension of the default, the central government adopted a number of unpopular measures: it increased tax pressure on small business, cut public expenditures and abolished privileges for socially-vulnerable groups (the privileges and monetary payments for public servants increased, indeed). At the same time, all oligarchs affiliated with the ruling elite and ‘family’, have increased their own capitals (Forbes-Ukraine, 2012).

The main geopolitical agreement in Ukraine-Russia relations since 1994, the Kharkov Agreement (Ugoda mizh Ukrainoyu ta Rosiskoyu Feder aceyuy z pitan perebuvannya Chornomorskogo Flotu Rosiyskoi Federacii na territorii Ukraini, 2010) settled the prolongation of the Russian Black Sea Fleet base in Sevastopol till 2042 and was signed for the discounted price for the Russian natural gas.

In order to reanimate the public support in the basic for the ruling party territories of the Russian-speaking South-Eastern
Ukraine, the parliamentary majority adopted the Law of Ukraine ‘On the base for state language policy’ (2012) directed to equalize the statuses of the Russian and Ukrainian languages in Ukraine. This controversial law, adopted during the electoral campaign to the parliament satisfies the interests of the Russian-speaking electorate of the ruling party based in the Eastern Ukraine and the Crimea, thus, it serves for further polarization between the Ukrainian-speaking and the Russian-speaking groups of population.

One can see the analogy of the political situations in 2004 and 2012. All factors that led to the Orange revolution in 2004 are on the table now. Can we however say that mass protests and revolts ad modum the Orange revolution are likely to return in 2012? Did the Orange revolution result in any changes in the model of power in Ukraine? Why have not achievements of the Orange revolution rooted in the Ukrainian society? Why is the civil society conciliated with the end of the Orange revolution and the return to the old authoritarian rule? And finally, what forms of mass protests are more likely in the weak and failing post-soviet states, including Ukraine in the future?

The theoretical explanation for the genesis of the Orange revolution (similarly to other so-called ‘colour revolutions’ and mass protests on the post-soviet space) is most commonly drawn from either geopolitics, theory of balance of power or conflict between civilizations (for example, Taras Kuzio), or from external influence and promotion of democracy (Michale McFaul, Steven Pifer) or civil society activism (David Lane). The research puzzle is what are the main actors and driving forces for ‘colour revolutions’ and mass protests. Should the Orange revolution be considered as a mass-driven or an elite-driven conflict? Is it destitute groups or predatory elites to be the driving force for the change of a political regime? Against the background of the above developments I have analyzed the Orange revolution as the case of the social conflict which is common for the post-Soviet weak and failing states.
Two Decades Lost: Ukraine as a Weak State in 2012

Ukraine, Belarus and Moldova (sometimes defined as the Eastern European Borderland) make up a region of weak states, each of them unhappy in its own way: Ukraine is an endemically weak state where the state weakness is pre-conditioned by geographical, physical and structural economic constraints; Moldova is a fragmented state; Belarus is a seemingly strong, but repressive state (Rotberg, 1989). The Failed State Index demonstrates a similarity between the state weakness features in Ukraine, Belarus and Moldova. The similarity is manifested in the rise of factionalized elites, widespread corruption and low legitimacy of the state institutions. At the same time, poverty and economic decline are particular features of the weak state capacity in Moldova, whereas suspension of the rule of law and frequent and massive violation of human rights are consequences of the state weakness in Ukraine and Belarus.

Since unwillingness of the Ukrainian elite to lead the progressive reforms is combined with political apathy of the Ukrainian civil society, to overcome the state weakness in Ukraine appears as an unattainable goal. In addition and even more dangerously, the state weakness plays as a precipitative factor for the different kinds of social conflict. The link between the state weakness and conflict is manifested in two conflict escalation mechanisms. The first mechanism is institutional exclusion and ‘hour glass’ structure of the Ukrainian society that means critical division and alienation between the elite and the ordinary people (Oleinik, 2011). Consequences of the institutional exclusion in Ukraine are: (a) the substitution of the formal institutions and norms by informal ones, as it is evident, for example, for formal and informal (criminal) justice and (b) a ‘survival’ social culture, which is typical for primitive and criminal societies. On the one hand, chronically marginalized groups subsist as best as they can on the edge of all commonly accepted systems and norms. At the other end of the income spectrum – among the rich – the cultural orientation often includes a generalized indifference to the pov-
erty of others. The second mechanism is a competition between predatory elites (‘warlords’), for whom the state weakness creates a favourable environment to start fighting for access to political power and natural resources.

The irony is that the Ukrainian state appears to be weak from both the Eurasian (Russian) and the European understanding of the strong state. From the point of view of the Russian model of ‘managed democracy and traditional values’, political power in Ukraine is not centralized to a sufficient extent. The mass media and the civil society are not fully controlled by the central government. From the European understanding of a democratic strong state, lack of respect to human rights, criminalized bureaucracy, selective justice, politically inspired violence against opposition and civil society put the Ukrainian state at risk.

**Latent Conflict**

The state weakness in Ukraine provokes the escalation of social conflicts of a few types. In the meantime, all conflicts have been found in their latent phases. However, a number of indicators that are specific for each type of the conflict demonstrate a radicalization of violence, thus, the movement towards the escalation of conflict. The first type of conflict that can potentially threaten the territorial integrity of the Ukrainian state has its roots in competing nationalisms. The separatist attitudes are strong in the Eastern provinces of Ukraine, in particular, in the Donbass and the Autonomy Republic of Crimea. These territories refer to the zone of a geopolitical risk. However, the pro-Russian separatist movements in the Donbass (*Donetsk and Lugansk administrative sub-regions where ethnic Russians are significant and influential minorities – 38.2% and 39% accordingly*) have been frozen, while in the Crimea two ethnic elites (the Russians and the Crimean Tatars) express their strategic intentions for self-determination. The strategic goal of the Russians is separation with further annexation to Russia. The strategic goal of the Mejlis is self-determination of the Crimean Tatars – ‘indigenous people
of the Crimea on its native land’ and independence of the Crimea. According to the annual survey of intolerance and alienation between the main ethnic groups of the Ukrainian society (index of xenophobia, calculated on the methodology of the Bogardus scale), the Crimean Tatars is an isolated group. The three main groups of Ukraine’s population (the Ukrainian-speaking Ukrainians, the Russian-speaking Ukrainians and the Russians) would allow the Crimean Tatars to be short-term visitors, but not permanent residents of Ukraine. Since the declaration of independence of Ukraine in 1991, the Crimean Tatars have been in destitution and have suffered from the economic crisis far greater than the Russian and Ukrainian population of the Crimea, which creates conditions for collective grievance.

During the recent few years, xenophobia has been raising in Ukraine that is manifested in the growth of a number of hate crimes and public support for radical nationalist political parties and movements. For example, all-Ukrainian Union ‘Svoboda’ (‘Freedom’) enjoys stable electoral support in the Western Ukraine while radical pro-Russian political movements periodically appear in the Eastern Ukraine. Compared to the previous periods, when radical opinions expressed themselves mainly in the verbal form, in 2011-2012 Ukraine’s population was threatened with a number of terrorist attacks in Donetsk, Dnepropetrovsk, Kharkov, Zaporozhye and other sub-regional capitals in the Eastern Ukraine. All terrorist attacks were supplemented with political claims and incriminations for corruption and state capture in the address of the ruling elite.

Criminalisation of the state as a form of cooperation between the government and the criminal groups deeply impacts the economy of Ukraine as well as an individual security. The state capture is particularly demonstrable at the periphery territories of Ukraine where human security is affected by illegal extraction of resources, ecological crimes and related risks – for example, human trafficking, slavery and health risks.
The Orange Revolution: Mass Protests as ‘Cover’ for Negotiation between the Ruling Elite and the Opposition?

Officially, the presidential electoral campaign started on July 3, 2004, although the electoral headquarters had deployed their activities one year before the formal start. Since that moment the then president of Ukraine Leonid Kuchma could not run for his third term and both main candidates – Viktor Yanukovich and Viktor Yuschenko – enjoyed almost equal support of ordinary people and influential economic elite, everyone expected sharp competition for the post of the president of Ukraine. Candidate Viktor Yanukovich was formally acknowledged by Leonid Kuchma as his successor (between 2002 and 2004 V. Yanukovich occupied the post of the prime-minister, since 2003 he has also been the formal leader of the Party of the Regions).

The first round of the presidential elections (voting) took place on October 31, 2004. Viktor Yuschenko won the first round with 39.87% whereas Viktor Yanukovich gained 39.32%. National exit-polls proved Viktor Yuschenko’s victory (according to the exit-polls, he received 45.23% against Viktor Yanukovich’s 36.76%). Within the period between the first and the second rounds, there were a number of open declarations that both sides made. ‘If the victory is not awarded to Viktor Yuschenko’, – “orange opposition” declared, ‘we reserve a right to lead the mass protests”. Examples of Serbian “Otpor” and Georgian ‘Kmara” (NGOs that initiated ‘colour’ revolutions in Serbia and Georgia) were seriously taken in Ukraine. On the other hand, in his address to the Ukrainian people, the president Leonid Kuchma declared his intolerance to a possible rebel. Leonid Kuchma threatened the opposition, the military forces could be attracted to prevent the ‘colour’ revolution and violent change of the political regime in Ukraine.

The second round of the presidential elections took place on November 21, 2004. A number of international observes noted
great falsifications: the rights of the mass media and observers to take part in voting and monitor the electoral process were violated; local authorities falsified the Register of voters; the mass-media controlled by the government disseminated a provocative and misleading information about the leaders of opposition and the voting process itself. Finally, having compared the results of the national exit-polls and the voting, all observers noted a mismatch (according to the officially announced results, Viktor Yanukovich had won, according to the exit-polls, Viktor Yuschenko had). Next day, the Supreme Electoral Commission announced that Viktor Yanukovich won the presidential campaign. At the same day, on November 22 thousands of Viktor Yuschenko’s supporters, representatives of NGOs and ordinary people came to the main square in Kiev (Maidan) and encamped there. The protesters demanded for re-calculation of voters under the international arbitrage. The winner side refused to come into negotiations on this subject.

On November 23, 24, 25 and 26 the president of Ukraine Leonid Kuchma called for negotiations, threatening both sides and international community with possible civil war. The leaders of the USA, Canada and the European Union expressed their concern with the situation. There were also threats from another side – for example, the Congress of deputies representing the Party of the Regions in parliament of Ukraine and local councils proclaimed the independence of the South-Eastern Ukrainian Republic. The declaration was followed by overall panic, which resulted in the Eastern Ukraine residents’ withdrawing their money from the banks. As a result, the financial system of Ukraine collapsed.

On November 26, the OSCE organized a round-table with participation of both candidates, and the president of Ukraine Leonid Kuchma. The presidents of Poland and Lithuania, the speaker of Russian parliament (Duma) Boris Grizlov also took part in the negotiations. The subject of this round-table was a peaceful solution for the conflict between the “orange” and the “white-blue” camps. Being a shadow issue of these negotiations,
on December 3, the decision of the Supreme Court of Ukraine disaffirmed the results of the elections and recommended re-voting the second round. Leonid Kuchma disagreed with the Court’s decision. He would obviously benefit from the current status quo: according to the law of Ukraine ‘On elections’ in the case of cancelled elections, both candidates lose their right to take part in the next round. The term of Leonid Kuchma would be prolonged for one year at least.

Both the ‘white-blue’ and the ‘orange’ camps felt betrayed and deceived by Leonid Kuchma’s position. As a result, they decided to remove an unnecessary chain and make an agreement beyond Leonid Kuchma’s interests. As a part of this agreement, the parliament fractions, controlled by the Party of the Regions and the ‘orange’ team in the Verkhovna Rada changed the law ‘On elections’. The changes legitimized re-voting the second round. Meanwhile, the parliament voted for the changes in the Constitution of Ukraine that transformed the Ukrainian State from a presidential-parliamentary to a parliamentary-presidential republic (so-called the constitutional reform-2004). This compromise between the ‘orange’ and the ‘white-blue’ camps secured a balance of power that was undermined in 2010 when Viktor Yanukovich came to force. (In 2011, the decision of the Constitutional Court cancelled the regulations of the constitutional reform, thus, it returned the status of the presidential-parliamentary republic to Ukraine).

Actually, in 2012 the state of affairs in the Ukrainian politics is very similar to the beginning of the 2000s with two significant exceptions. Firstly, the economic crisis undermines the potential of the Ukrainian economy to grow and provide social security for the socially vulnerable groups. Secondly, the current opposition (followers of the Orange revolution) appears to be fragmented and uncoordinated. In comparison with the ‘orange team’ in 2004, the current opposition does not enjoy public support. Lack of charisma does not make it possible for the opposition to be a decent competitor for the Party of the Regions in the upcoming elections.
A Mass-Driven or an Elite-Driven Conflict?

Predatory elites

In their strategic interactions, all groups of the Ukrainian elite pursue their own egoistic individual and sub-elite group interests in order to maximize the personal profit. Rent-seeking activity is one of the ways to do it. Rent-seeking means limitation of other’s access to the resources and relations. In the case of resources, it is ‘resource rent’. In the case of relations, it is so-called ‘administrative rent’. In Ukraine natural gas, coal, timber and land are the sources for resource rent. The main source for getting the administrative rent is the creation of the artificial obstacles (for example, administrative or/and territorial ones) and limitations of access to contacts for actors (for example, sub-elite groups or ordinary people) who are potentially interested in them (Oleinik, 2011). In the logic of rent-seeking behaviour, territorial separatism in Ukraine (for example, in the Donbass, Crimea or Galichina) can be considered an aspiration of sub-regional elite to create the territorial and/or administrative borders for the exclusion of other groups of elite from access to the resources, located on the territory of their ‘home’ regions. The processes of institutional exclusion lead to fragmentation within the field of social interactions, thus, it undermines the principle of integrity of economic, social and political areas of country. Finally, competition between the elite groups for resources and power in a weak state is important argument to start an open conflict.

Elite and society

Institutional exclusion also refers to the limited access of ordinary people to the political and legal system and other public institutions and/or their unwillingness to rely on them when solving everyday problems. As a result, public and private spheres
become increasingly disconnected. In Ukraine ordinary people consciously minimize their contacts with the state and its representatives, which inspires us to compare the institutional structure in the post-Soviet states with a ‘hour-glass’ composed of two spheres – on the one hand, the state and its activities and, on the other hand, everyday life of ordinary people – connected by a very narrow mid-point (Oleinik, Malyarenko 2011).

In Ukraine institutional exclusion brings to the formation of an ‘hour-glass’ society, characterized by sharp division of all spheres of social, economic and political life on formal and informal ones, thus, making the life of ordinary citizens unofficial and disconnected with the formal rules and the functioning of state organizations. *The Orange revolution* can be interpreted as an attempt to change the state of affairs: diverse social groups that normally have conflicting interests – students, pensioners and business people – all participated in mass protests. However, eight years on, little has changed in this regard, and institutional exclusion is continuously reproducing itself in Ukraine.

**The Link between Elections and Revolution**

High level of alienation between elite and ordinary people in Ukraine minimizes their willingness to interact. As an institute of the formal democracy, the elections give a chance to inhabitants of both hemi-spheres to meet each other. That is why almost all mass protests and revolutions on the post-Soviet space are linked with elections: people and elites cannot avoid this meeting, but at the same time they cannot “fall in love” with each other (Oleinik, Malyarenko 2011).

For the study of social conflict and mass protests in the weak and failing states *the Orange revolution* gives us rich empirical material. Below I analyze the key and most discussed issues that are commonly and controversially explained in the academic publications.
Falsification of the elections

The most popular explanation for the causes of the Orange revolution links the indignation of the voters with the massive and obvious falsification, taking place during the voting process, with the mass protests. Many thousands of citizens openly demonstrated disagreement with the falsification in front of the Supreme Electoral Committee building and on the main square – the Square of Independence in Kiev.

However, the falsification itself (initiators, procedure, motivation, result) was not studied at all, whereas it is the key issue for understanding the Orange revolution. The following explanation of the falsification of the elections in 2004 has solid empiric grounding: in fact, neither the ‘white-blue’ camp, nor their ‘orange’ counterparts were interested in the falsification. Both camps enjoyed significant electoral support and hoped to win. The only group of elite that would have won as a result of evidently massive and visually melodramatic and obviously exaggerated falsification was a group formed by personal subordinates of Leonid Kuchma, the President of Ukraine. The falsification finalized Leonid Kuchma’s strategic game with the regional elites. First, he created the regional elites in the mid-1990s. Having kept elites conflicting against each other, he intended to maintain his power and position of a mediator. In 2004 the army of hireling consultants designed and implemented a strategy of alienation between the Western and Eastern Ukraine through the controlled mass-media. The massive and obvious falsification of the voting process was dedicated to be the last drop. Cancellation of the falsified elections would have allowed the prolongation of Leonid Kuchma’s term and brought to power manageable successor as it is commonly found on the post-Soviet space. During the Orange revolution each group of elite (e.g. Donetsk regional elite, led by Viktor Yanukovich, Dnepropetrovsk regional elite, part of which supported Viktor Yuschenko and Yulia Ti-
moshenko, and the other part supported Leonid Kuchma) followed its own strategy to obtain political and economic power and get access to the resources of the country. Donetsk regional elite were defeated in 2004 not just because of the voters’ choice, but also due to the absence of a strategic vision and Leonid Kuchma’s dishonest game.

Violent change and redistribution of the property rights between elite groups after the elections (‘the winner receives everything)

The least expected result of the Orange revolution was the violent change in the property rights in favour of the winning party. The similar processes take place after every election in Ukraine. Economic elite who funded the electoral campaign of Viktor Yuschenko claimed for an access to the state’s resources and property of the losing party. The nationalization and reprivatization of the ‘Krivorozhstal’ steel plant was a rare if not a single example of the transparent privatization. All other deals around the changes in the property rights occurred in the shadow. The same processes occurred at the local level everywhere. Redistribution of the property rights between elite groups without changes in the model of power and any economic reforms was important in shaping the understanding that the Orange revolution resulted in change of personality of the ‘sovereign’, while the mode of relations between the ‘sovereign’ and the ‘vassals’ remain the same.

Gains for Civil Society?

Nevertheless, although the mass protests during the Orange revolution were inspired and managed by the elite, the role of inhabitants of the ‘lower hemi-sphere’ (civil society and ordinary people) in the Orange revolution was huge, if not decisive. At
some moment, the Ukrainian civil society decided to take the role of \textit{prima} player in the theatre of the \textit{Orange revolution}. This change of disposition and dissatisfaction with traditional ‘top-down’ approach was an unpleasant discovery for the elite. The wish and ability of civil society to impact the policy-making obviously prevents the elite’s aspiration to keep the administrative barriers and get benefits from rent-seeking behaviour.

For the Ukrainian civil society, the significant gain is feeling of freedom and strength in relations with the elite. But the Orange revolution could not change the system of values of the Ukrainian society – such fundamental values as democracy, justice, rule of law and human rights are not embedded yet. On the one hand, the Ukrainian people is deeply disappointed with the failure of the Orange revolution, but at the same time, it is not ready to claim for the right to participate in political life of the country. The disappointment brought to disillusion and usual passivity.

\textbf{Mass Protests and Revolts in Upcoming Elections}

Although a pre-revolutionary situation has been observed in Ukraine again, the probability of the mass protests similar to the \textit{Orange revolution} should not be overestimated. Neither the ruling party nor the opposition is interested in engaging civil society in policy-making. A politically active individual is rather an enemy than a partner of the current elite (the ruling and the opposition alike). However, in the meantime, the Ukrainian civil society itself is weak and passive. More likely, both the Ukrainian elite and the ordinary people will avoid a possible meeting in the ‘cross-piece’– the majority of voters will ignore the upcoming elections, while the elite(s) will continue capturing the state.
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The Armed Conflict in the Republic of Macedonia in 2011
From the escalation of Albanian-Macedonian conflict process to signing the Ohrid Framework Agreement

Frosina T. Remenski

Introduction

This case study is designed so as to answer questions which are crucial to the understanding of the relationships between members of the Macedonian and ethnic Albanian community39 in the Republic of Macedonia, the reasons for the intra-state armed conflict in 2001, the dynamics of the conflict process and the model for resolving the ethnic conflict. Interethnic relations in the Republic of Macedonia and the conflict process which resulted in an armed clash between state security forces (the police and its reserve group) and members of paramilitary NLA are an important research problem both for the domestic and foreign professional public for several reasons, including: the lack of sufficient empirical database with reference to this issue in RM; the existence of different versions (truths) about the reasons and the goal of the armed conflict; the quality of interethnic relations in the post-conflict period, followed by the dynamics of Euro-Atlantic aspirations of the Republic of Macedonia and the international community's role in mediation and resolution of the conflict.

39 The ethnic Albanian community in Macedonia can be defined as: a community of people who are numerically smaller in terms of majority ethnic community who strive to preserve: territorially, ethnic, religious, linguistic traditions and characteristics as markedly different from those of other groups, and their concentration and value orientation in one part or in a few localities help their preservation. Macedonian ethnic community can be defined as: a community of people, who are numerically dominant in relation to others, possess and strive to preserve their linguistic, religious, traditional and historical distinctiveness, through their concentration, territorial identification and value orientation, which makes them different from others.
Although in the analysis of the issue of the armed conflict in Macedonia in this case study we will use past tenses, we should bear in mind the fact that the conflict and the related questions follow all current socio-political and security processes. Emphasis is placed on interaction between members of the ethnic Macedonian (majority) community and ethnic Albanian (minority) community because of the continuous ethnic distancing which is evident in the relations between them, the emphasized ethno-political mobilization in these two ethnic groups, and, because, during the armed conflict in 2001 they received the epithet – "conflicting parties".  

The sociological categorization of the conflict in Macedonia in 2001 should resolve the dilemma about the terminology as far as its character is concerned. According to many theories and classifications of conflicts, the armed conflict in the Republic of Macedonia has the characteristics of an "ethnic conflict", "internal conflict", "separatist-nationalist and irredentist," "conflict due to escalation" etc. This terminological mystification will further be completed with a component of the simplified typology of conflicts of James Anderson and Douglas Hamilton, according to which in the Republic of Macedonia there was a conflict between the ethnic Albanian minority and the state, i.e. a paramilitary structure composed of members of the Albanian national mi-

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44 "Knowing that fighting in the Presevo Valley was insufficient to create a second opening of the Kosovo and the Albanian issue, the radicals in January exported the war in Macedonia" in Freedom House Southeast Europe (2001), The Macedonian Record on Democracy: The KLA and NLA: How Close Are Their Organization; Duffy Monica, (2001), Indivisible Territory and Ethnic War", Paper No. 01-08, Weatherhead Center for International Affairs, Harvard University;
nority in Macedonia and Albanians from the then Protectorate of the UN - Kosovo and Metohia against the security forces of the Republic of Macedonia.\textsuperscript{45}

This case study aims to answer several questions related to the inter-ethnic conflict process in Macedonia:

a) To show the influence of the factors\textsuperscript{46} which influenced the conflict process in Macedonia, with emphasis on ethno-political mobilization (the theoretical model of ethno-political conflict of Ted Gurr)\textsuperscript{47};

b) To present the events that contributed to the escalation of the conflict process into an open armed conflict (stages of the conflict process according to Joseph Galtung – escalation and de-escalation)\textsuperscript{48}; and

c) To identify the parties which participated in the conflict and the actors and mechanisms that helped the process of de-escalation and resolution of the armed conflict.

\textsuperscript{45} Frchkovski D. Lj. (1998), \textit{Model of interethnic relations in the Republic of Macedonia}, Skopje: Europe 92;
\textsuperscript{46} For better understanding of the armed conflict in Macedonia in 2001 and the factors for the escalation of the conflict process for the purpose of this study we used the structural approach. It includes several groups of factors which influenced the conflict process:
  a) Structural factors (disintegration of the former Yugoslav federation, the change in the demographic structure, ethnic geography expressed through ethnic segregation and weak institutional capacity in crisis),
  b) Political factors (institutional discrimination, exclusive national ideology, inter-ethnic competition, ethno political mobilization)
  c) Economic / Social factors (the increase of economic problems due to the decline of the economic parameters of the state, social inequality and uneven regional development),
  d) Cultural / Perceptual factors (cultural discrimination, problematic group history, ethnic distance and propaganda).

Conflict process is in direct correlation with ethno-political mobilization. Gurr is interested, why ethnic groups are mobilized and enter the conflict, often violent and directed against their own governments. The research he conducted within the project, Minority at risk, confirms that ethno-political conflicts are internal conflicts that are caused by many factors. According to him, an ethno-political conflict is defined as “an internal conflict with emphasized and conflicting ethnic identity, emphasized group cohesion, with important role of the leader and aimed at achieving political, material and other social interests of the group”. Gurr, T. R., (1993): \textit{Minorities at Risk: A Global View of Ethno-political Conflicts}, USIP;
Background of the Situation

The Assembly of the Republic of Macedonia declared independence on 17 September 1991, after the Independence Referendum which was held on 8 September the same year. The independence was supported by 95.32% of the voters, but its legitimacy was undermined because the referendum was boycotted by the ethnic Albanian voters. The Constitution of the Republic of Macedonia was adopted on 17 November 1991.\(^{49}\) The MPs from the political party of the Albanians did not vote for the Constitution. These were the first signals of the emergence of *structural factors* in the conflict process after the independence. On 8 April, 1993 Macedonia was admitted to the United Nations under the temporary name Former Yugoslav Republic of Macedonia (FYROM), and shortly thereafter became a member of other international organizations.

The ethnic conflict in the state did not begin with its independence.\(^{50}\) Its roots are derived from deeper in history and it is in this light that the reasons for the conflict should be searched for.\(^{51}\) Albanians in the Balkans believe that they suffered a historic injustice, being separated between Serbia, Montenegro, Macedonia and Greece.\(^{52}\) With the dissolution of Yugoslavia Federa-

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\(^{49}\) Constitution of the Republic of Macedonia, Official Gazette, 1991;  
\(^{50}\) The conflict had existed before the breakup of Yugoslavia, but it was perceived as a struggle of the Albanians for their national rights in a broader sense, i.e., within Yugoslavia, not limited to the territory of Macedonia. The Albanians living in Yugoslavia were divided by internal boundaries - this did not impede their movement or political activity. An important reason why the conflict did not erupt earlier lies in the politics of Tito's Yugoslavia, which, as a rule, opposed nationalist tendencies through the use of force.  
\(^{51}\) The former UN Secretary General - Kofi Annan said that "ethnic conflicts always arise from the presence of some *deep rooted historical circumstances that are sources of instability*". Annan, Kofi A. (2000): Millennium Report of the UN Secretary General: We, the Peoples, Role of the UN in 21st Century. Available at http://www.unmillenniumproject.org/reports/fullreport.htm (5 may 2012);  
\(^{52}\) Historically, the beginning of the conflict process can be related to the formation of the First League of Prizren in 1878 and putting forward the intention to establish an ethnic Albanian state in the territories where Albanians live in the Balkans (Macedonia, Serbia, Montenegro and Greece), when, after the Berlin Peace Agreement, started the Albanian national awakening while the national consciousness among the Macedonians gained momentum. In this period the conflict based on the relation Orthodox - Muslims was transmitted on the basis of ethnic affiliation, and from religious character got the character of interethic conflict, within which religious affiliation does not lose its importance. Tasheva, M. (1997) *Ethnic groups in Macedonia (historical context)*, Skopje: Faculty of Philosophy; Malevski, M. (1997) *Ethnic conflict and adjustment*, Skopje: Culture,
tion, the ethnic Albanian population found itself in a new political reality. The new international borders meant that ethnic Albanians from the Socialist Federal Republic of Yugoslavia were now living in two separate states - within the Federal Republic of Yugoslavia (FRY) in the province of Kosovo, parts of Southern Serbia (Presevo, Bujanovac and Medvedja) and Eastern Montenegro as well as Western Macedonia.

Throughout history, Albanians have always been part of the population in Macedonia, which now has a total population of two million. According to the census in 1948 Macedonians were represented by 789,648 inhabitants, which was 68.49% of the total population, while in 1953 the percentage of the Macedonian population was 65.98%. In 1961 Macedonians accounted for 71.19% of the total population. Such increase was primarily due to the mass emigration of the Turks in the period between 1953 and 1961. According to census data in 1971 Macedonians accounted for 69.35%, in 1981 they made up 67.01%, in 1994 they accounted for 66.6% of the total population, while in 2002 they made up 64.17% of the total population. Since the Census in 1961 there has been a continuous decline in the percentage of the Macedonian population, and a continuous increase in the number of the Albanian population. According to data in 1948 the Albanian population participated with a total of 197,389 people or 17.12%. Namely, the census of 1953 revealed an obvious decrease in the percentage of the Albanian population. The reasons for this situation lie in the following: the Turks, the Macedonian Muslims and the Roma, who in 1948 declared themselves as Albanians now declared themselves as Turks because they were interested in emigrating to Turkey. From 1961 to 1981 the percentage share of Albanians in the population constantly increased. In 1994 the percentage reached 22.6%, while in 2002 it was 25.17%. One reason for the increase of the Albanian population in RM is the migration of Albanians from Kosovo. The reduction of the percentage of the Macedonian population in recent decades indicates a negative demographic trend of continuous reduction of the
Macedonian population. These demographic changes lead to changes in ethnic composition on the ethno-territorial map of Macedonia and the creation of ethnic enclaves.

The dynamic factors of the conflict process as a result of structural factors which characterized the internal conflict in the RM were followed by some external factors which had a further positive influence on its dynamics - looting of military warehouses and unrests in Albania which contributed to the increased smuggling of weapons in 1996/97 from Albania to Macedonia, and Kosovo refugee crisis after NATO military intervention in Federal Republic of Yugoslavia in 1999. The NATO intervention produced ethnic cleansing in Kosovo that resulted in "Kosovo refugee crisis" from which, exactly 379,523 refugees sought refuge in Macedonia. 287,423 of these refugees remained in Macedonia during the entire duration of the crisis. Thus, the population in Macedonia rose by 14.77%. The demographic structure in the physical sense of the term, was, at that moment, disrupted. After the end of the crisis in Kosovo, a great number of refugees were returned home by the international community, and part of them remained forever in the RM (through marriage, by various illegal means, etc.). These demographic changes in the Republic of Macedonia were in the function of: increasing the percentage of Albanian entity in the state, increasing the electorate in the electoral process and logistic support to armed actions. The ethnic Albanians accused the Macedonians of not sympathizing with their brothers in Kosovo, while Macedonian viewed the refugees as combatants of Kosovo Liberation Army (KLA).

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54 Macedonian police carried out several actions in villages in the northern parts of the state (populated by a majority of ethnic Albanians) and seized large quantities of weapons and ammunition. South East European Times (2006): Macedonian police finds illegal arms depot in Tetovo region. Available at http://www.setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/newsbriefs/2006/03/27/nb-06 (10 may 2008);
55 Albanians: 728.527 or 32.62%; Macedonians: 1,295.964 or 58.03% Turks: 78.019, respectively 3:49%; Roma: 43,707 or 1.96%, Serbs: 40,228 or 1.80%.
Macedonian "constitutional nationalism"\textsuperscript{57} was necessary in the first years of independence of the Republic of Macedonia. This "creative nationalism" was not typical for all citizens, because the Albanian nationalism was manifested almost simultaneously with the idea of declaring the autonomy of the western part of Macedonia. In 1992 the ethnic Albanians held a Referendum to proclaim "Illyrida" and federalization of the Republic of Macedonia. These events are identified as dynamic factors\textsuperscript{58} that characterized the conflict process.

In the years before the conflict the socio-economic parameters of the state were not in favor of stabilization and success of the country. In the period 1999-2000, the Republic of Macedonia saw steady growth rates of GDP per capita. In 2001, GDP per capita recorded negative growth. In the next period, the rate of GDP per capita grew by 1.6\% in 2002, up 5.8\% in 2007 unlike the situation in the EU where the largest increase in GDP per capita of 3.6\% was recorded in the 2000. The rate of growth of gross domestic product (GDP) is an important indicator for the development of the national economy. The high rate of growth provides opportunities to create new jobs and the creation of additional economic resources that will ensure meeting the growing needs of society. GDP per capita is an indicator which is used as an approximate measure of the wealth of citizens, but it does not measure their well-being for the reason that it does not include non-market services necessary for its measurement; Investments in research and development activities are essential to create an efficient economy, improving production technologies and promoting regional and national economic growth. In 2000 and in 2001 they amounted to 0.20\% of GDP, while from 2001 to 2007 they decreased steadily and in 2007 accounted for 0.16\% of total GDP.\textsuperscript{59} Regional GDP measures the level of economic development of regions. Reducing regional inequalities leads to a higher

\textsuperscript{58} Factors which encourage escalation and de-escalation
\textsuperscript{59} GDP, Statistical Yearbook of Macedonia 2010, State Statistical Office of Republic of Macedonia, Skopje, 2010;
level of social and territorial cohesion. Dispersion of regional gross domestic product (NUTS 3 level) per capita is defined as the sum of absolute differences between regional and national GDP per capita, weighted by the share of the total regional population, expressed as a percentage of national GDP per capita. In Macedonia in 2001 it was 36.8%. This means that, with percentual variations, there is a difference between regional and national GDP per capita in Macedonia. The percentage is higher, and so regional differences are larger.60

Privatization and economic restructuring adversely affected the economic strength of the state. This resulted in increased poverty, unemployment and lower living standard. These factors impeded the economic and social security of citizens. By comparing data on several important indicators of socio-economic development of Macedonia in the period 2001-2010, we see that: the socio-economic development and modernization process in 2001 and the years before that, compared with the level of development in 2010 is significantly lower. The statistical indicators confirm certain theses of the developmental theory61, but cannot be taken as the only argument, but only as factors along with other affected and still affect the increase in potential conflict with ethnic Albanian community as a majority in the municipalities of the four regions affected by armed conflict in 2001.62

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61 Developmental theory offers the following hypothesis: Because ethnic solidarity is possible only as a "residual phenomenon" ethnic conflicts occur only in poorly developed and insufficiently modernized countries and/or in those countries where modernization is not succeeded (failed modernization ); Ethnic conflicts are possible in societies with differential modernization or in societies where there is low level of modernity - ethnic distinct areas in the process of modernization are poorly or insufficiently covered; Ethnic conflicts constitute a traditional response to the attempts to modernize. It has long been believed that the frequency and severity of particular ethnic conflicts is inversely proportional to the degree of social development. Problems arose with the empirical evidence for persistence of ethnic conflict; postmodern rejection of ideas about teleological development which whit arguments that ethnic conflicts are commonplace in most developed countries in the world. The development model leads in two directions: one is radical and confirms the fact that conflicts (always) is insufficient evidence of social development, while other direction leads to the other two hypotheses. Only known theoretical model that fully develops this argument is sociological by Pierre van den Berg. Van Den Pierre L., The Ethnic Phenomenon, Elsevier, New York: 1981;

62 Tashevska-Remenski, F., (2011), op. cit., p 4-5;
The educational structure of the Albanians and Macedonians in Macedonia showed some differences in the period before the conflict in 2001 and the post-conflict period. Due to the percentage of the Albanians in the total population in the Republic of Macedonia, there were a smaller number of Albanian pupils enrolled in primary, secondary and higher education. In the period before the conflict, the Albanian community identified the non-native language instruction in higher education institutions as one of the reasons for the conflict, which had an influence on making Albanians uncompetitive on the labour market for jobs which required higher education qualifications. Therefore, as one of the mechanisms to overcome this situation, in 1995 the first Macedonian-Albanian ethnic tensions erupted related to the use of Albanian language as a language of instruction at the Pedagogical Faculty in Skopje and the opening of the then illegal, and now the Third State University in Tetovo, formerly known as University of Mala Recica.

Albanians in Macedonia as one of the essential problems and reasons for dissatisfaction underline the problem of discrimination in employment in state institutions and the number of unemployed Albanians. They demanded proportional representation of Albanians in state public administration and management bodies. This dissatisfaction was complemented by stimulation of all kinds of collective coherence and anxiety (especially utilitarian reading of cultural and historical past and highlighting of the differences with the "other" ethnic communities; strained projections of historical "friends" and "enemies"; overstating of the identity and uniqueness spiced with political rhetoric; non-criticism towards their mistakes, which in extreme variants ends up with inverted tendency of "celebrating their mistakes"; building a kind of an organic community and fundamentalism of political demands.\textsuperscript{63}

The failure of the Albanians political parties to introduce political, economic and cultural reforms resulted in increased re-

\textsuperscript{63} Tashevska-Remenski, F., (2007): \textit{Albanians and Macedonians...}, p. 134-138;
sentiment, inciting violence. Although the Macedonian government began to remove deficiencies and to introduce reforms – regarding the use of Albanian language in public institutions, the ethnic composition of the police, the establishment of the Albanian language in universities and administrative decentralization – the rebellion broke out before the implementation of the reforms.

The trigger in the Albanian-Macedonian conflict process was the emergence of the paramilitary "National Liberation Army" (KLA)\(^6\) by whose actions the conflict process entered the phase of escalation and direct armed violence. NLA in Macedonia began to act by setting off explosions and bombs, and taking responsibility for the murder of three policemen in Aracinovo terrorist attack on the police station "Oslomej" and the attack on a police vehicle in the village of Tanusevcí, near the border with Kosovo. Violence from Tanusevci spread in Tetovo, which is unofficially considered the political and cultural center of ethnic Albanians in Macedonia. The political parties of ethnic Albanians had no influence and control over the armed rebels.

On 19 March 2001, the political leader of the NLA Ali Ahmeti said that Albanians demanded enhancement of their rights in Macedonia. On the same day the foreign news agencies issued a list of political demands of the NLA, which included: international mediation to resolve differences with the Macedonian Slavs majority and determination of the existing number of Albanians in Macedonia, amendments to the Macedonian Constitution which would define Albanians as constitutive people, and release of all political prisoners. The rebels say they require federalization of Macedonia, not its fragmentation. They appealed to all ethnic Albanians in Macedonia and the diaspora to voluntarily

\(^6\) It was established on 20 January 2001 as a result of the transformation and objectives of the KLA. Its members are former KLA members who participated in the fights in Kosovo. With the disbandment of LAPMB (Liberation Army of Presevo, Bujanovac and Medvedja), most of them crossed the territory of the Republic of Macedonia in the ranks as members of paramilitary NLA.
join the movement for liberation from Macedonian Slavs repression.65

Once the rebels refused to surrender their weapons and leave the country, the Government of the Republic approved of carrying out military offensive which began on 25 March, 2001. On 29 March, the military command of the Macedonian armed forces announced that the action was successful and that all terrorists (as they called the rebels) fled across the border to Kosovo. Rebel commanders reported that they withdrew only to regroup.

In February 2001, NLA said that its primary aim was the establishment of an Albanian state in the Balkans, and only a few days later, announced that it requested enhancement of the rights of ethnic Albanians in Macedonia. Later NLA consistently denied the charges that its ultimate goal was federalization of Macedonia in order to divide Macedonia, and, eventually realization of the idea of Greater Kosovo (or Greater Albania).66 Although Albanian rebels claimed that their aim was to improve the status of Albanians in Macedonia, not federalization of the country, most of the ethnic Macedonians believed that their real goal was to divide the country and to create Greater Albania or Greater Kosovo.67

**Descriptive Analysis of the Key Parties and their Motivations and Objectives**

Under strong international pressure, the political parties in Macedonia on 11 May 2001, agreed to form a government of na-

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65 *Albanian War Cry Rises Half a World Away, in Staten Island,* "The New York Times, March 19, 2001; 66 The claim that NLA changed its declared objectives as a result of unambiguous and decisive steps of the international community is not unfounded. When the international community expressed its unconditional support for the territorial integrity of the Macedonian state and vigorously opposed federalization, the NLA, which lacked superiority, lowered its ambitions. 67 According to a study by the United Nations Development Programme (UNDP, 2006: 16), the concept of Greater Albania or Greater Kosovo was supported by only a small number of Albanians. UNDP (2006): Early Warning Report Kosovo, Report 15th Available at http://www.kosovo.undp.org/repository/docs/EWR15FinalENG.pdf (3 may 2012);
tional unity. On 13 May with 104 votes "in favour” the Assembly of the Republic of Macedonia voted for the grand coalition government. It was composed by VMRO-DPMNE, SDSM, LP, PDP and DPA. The external observers thought that the creation of a government of national unity would promote mutual cooperation and would reduce partisan and ethnic polarization. On 22 May ethnic Albanian parties in Macedonia under OSCE monitoring met with representatives of the NLA and agreed upon amnesty for the rebels and the fighters. During the political negotiations the Albanian political parties maintained close contacts with the representatives and "negotiators" of the NLA.

The armed conflict was temporarily stopped by a bilateral truce agreement between NLA and the Republic of Macedonia and NATO, signed on 5 July 2001. On behalf of NLA the agreement was signed by its political representative Ali Ahmeti, while for the Republic of Macedonia the truce was signed by two generals – the Army General Pande Petrovski and the Police General Risto Galevski. The signing of the truce by the Macedonian state leaders for most legal experts was a questionable act, because of the fact that, contrary to the Constitution of the Republic of Macedonia, it recognized the power of NLA in the occupied territory.

On 8 June 2001, the Macedonian President Boris Trajkovski, proposed the Security strategy in the Parliament, which in one part envisaged amnesty for ethnic Albanian rebels of the so called NLA. On 14 June, he filed an official request to NATO for assistance in carrying out the disarmament of the NLA and its disbandment. On 15 June 2001, marathon negotiations began between political parties on issues of amending the Constitution and enhancing the situation of the ethnic Albanian community.

After lengthy negotiations in Ohrid on 13 August 2001 the Framework Agreement was signed as the basis for the changes in
the Constitution of the Republic of Macedonia from 1991. It is a political peace agreement, signed by the leaders of four political parties that formed part of the government of national unity, namely the two Macedonian political parties (Ljupco Gjorgjievski for VMRO-DPMNE and Branko Crvenkovski for SDSM), and two Albanian political parties (Arben Xhaferi for DPA and Imer Imeri for PDP) and through the mediation of the EU envoy Francois Leotard and U.S. envoy James Perdue. The Framework document on constitutional reforms was prepared following the example of the French expert in constitutional law Robert Badenter.

Long time after the signing of Ohrid Framework Agreement, it was difficult to confirm the disbandment of NLA, because with continuing incidents part of this paramilitary organization despite the amnesty with the Amnesty Law in 2002, continued to operate under a new name - Albanian National Army (ANA). The formation of the NLA in Macedonia was supported by clear lines of division between Albanian and Macedonian ethnic community, and the porous borders of Macedonia with Kosovo and Serbia enabled the Albanian rebels to cross the border quite easily. Ethnic Albanian rebels of the Liberation Army of Presevo, Medvedja and Bujanovac (LAPMB) who were trained in Southern Serbia and the fighters who remained from the disbanded KLA joined their forces with the NLA. The number of Albanian

Experts from the Balkans believed that the international community rebels following the signing of the Ohrid Framework Agreement was around 1,200 fighters and according to some estimates it was almost 2,000.

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The international community

The international community had an active role in resolving the conflict in the Republic of Macedonia. The Macedonian conflict was a general lesson for the international and domestic actors, in that prevention of conflicts cannot be presented as a formula which would solve problems at a surface level, while in fact would leave open the deep political, economic, social and security causes of conflicts n the progressed stage of the conflict was unable to admit that it was an aggression from Kosovo because the efforts and the whole policy of the international community in Kosovo in the last two years would fall apart, and the NATO intervention would acquire a totally different dimension.69

EU – The way the European Union reacted to the conflict in Macedonia was a test for developing a new institutional framework of the Common Foreign and Security Policy and the political credibility of the European Union at the international scene for several key reasons. Firstly, the conflict in Macedonia developed when the new institutions of the Common Foreign and Security Policy and European Security and Defence Policy (ESDP) were at the beginning of their implementation. Secondly, the European Union was the mediator in resolving the conflict at the moment when the Republic of Macedonia had already signed the Stabilization and Association Agreement. Thirdly, the conflict could possibly cause instability not only in the Balkans but also in the Union itself. In these circumstances, the mediation of the European Union in the conflict in Macedonia directly highlighted the necessary internal intergovernmental cooperation as well as foreign intergovernmental cooperation. In this context we should emphasize the positive role of the High Representative for Common Foreign and Security Policy Javier Solana, who had a strong influence on both sides in the conflict to reach an agreement by political means. Despite the active role of the High Representative for Common Foreign and Security Policy during the conflict,

the European Commission was also involved in the management of the conflict and the crisis to a great extent. A new mechanism for rapid intervention was first used in the management of the Macedonian conflict. Creating a mechanism for rapid reaction was a rapid response to the new development of the European Union in the field of crisis prevention. The Commission adopted a decision to fund a Programme for confidence building in Macedonia, including the use of funds from the Rapid Reaction Mechanism. The intermediary in the negotiations and the signing of the Ohrid Framework Agreement on behalf of the EU was Francois Leotard.

OSCE – Mission in Macedonia was accompanied by actions taken by the organization in terms of managing the conflict in Macedonia and its completion. All this was consistent with the objectives and principles on which this organization was established. The OSCE mission in Macedonia was based on monitoring and reporting on the development of the events on the northern border of the state as well as within the state at the outset of the events directly related to the conflict. At the same time, these activities also initiated intensive cooperation with the OSCE missions in Pristina and Belgrade, but also investment in the efforts to increase cooperation with other international missions and organizations in the state, and in accordance with its commitment to a cooperative approach in achieving security of the state.

OSCE Mission in Macedonia continually reacted with regard to the events in the country, specifically in the Kosovo border area. Given the complexity of the situation in Macedonia, at the headquarters of the Permanent Council in Vienna on 6 March 2001, a special session was held, dedicated to the northern border of Macedonia. The work of the Special Session of the OSCE Permanent Council resulted in several key policy decisions which were directly devoted to the situation in Macedonia at that critical period: condemnation of the attacks on Macedonian territory, support for the policies and activities of the Macedonian authorities in dealing with the situation after the incidents on the north-
ern border and the need to provide effective protection of the border line with the assistance of the international community.

The mission took political initiatives in order to maintain the dialogue that was deemed crucial to solving the problems. Since the beginning of the conflict, OSCE continually supported the process of initiating inter-ethnic dialogue in Macedonia, primarily as a political means to resolve the Albanian minority issues in the country which are actually considered as the main cause of tensions. Hence, it may be understandable that the OSCE during the month of May 2001 intensified its role in finding ways for political dialogue in the country in order to resolve many issues which were directly related to the inter-ethnic life in the Republic of Macedonia – issues related to the Albanian Community.

OSCE participated in the negotiations for ceasefire. OSCE mission monitored the distribution of humanitarian aid and participated in the negotiation activities with the local Albanian population and ethnic Albanian rebels about the removal of the blockades, for a smooth passage of the convoys with humanitarian aid. With these and other activities OSCE reaffirms its determination that the use of force for any political reasons, is not and cannot be acceptable.

OSCE welcomed the signing of the Ohrid Framework Agreement which is a clear signal that Macedonia chose the path of the Ohrid peace spirit that escaped civil war. It should also be specified that the OSCE expressed its willingness to respond positively to the demands of the signatories to the Framework Agreement in the implementation of the provisions contained therein.

NATO played a crucial role in creating conditions for establishing peace and stability in Macedonia. NATO, together with the EU, OSCE and the Macedonian side contributed to making a series of significant reforms and complementary measures of trust with the main objective to support the broad political agreements and to establish peace. Learning from the experience acquired with the crisis in Southwest Serbia the international community
in the conflict in Macedonia attempted to reach a political solution. Unlike Bosnia and Herzegovina and Kosovo, the mission of the international community in Macedonia, was mainly of a political nature, since it was a partner state aspiring for full membership in NATO, a state which could not give up its sovereignty at any cost.\textsuperscript{70}

NATO action could be effected only with the full consent of the wide coalition government. The assessment was that the NATO mission should be limited by its range, size and duration. Also, the parliamentary political parties had to meet four conditions, namely: adoption of a general political agreement; creating a legal and appropriate framework for NATO forces which would lead the peacekeeping operation in the crisis areas; presenting the plan on decommissioning of weapons (adopted by the Government of the Republic of Macedonia and NATO); and, establishing a lasting ceasefire;

Politically, NATO had to persuade the Albanian extremists to surrender arms, and to stay on the established line of demarcation. Once these conditions were met, at the request of the President of the Republic of Macedonia, NATO sent troops to disarm extremists from NLA. Also, at the request of the Republic of Macedonia for the first time in its history, NATO had its senior civilian representative directly involved in the handling of the conflict and the crisis.\textsuperscript{71} The management of the crisis on the field was entrusted to the flexible and pragmatic diplomat Pieter Faith.

After the signing of the Ohrid Framework Agreement in the period of consolidation of stability in Macedonia three successive operations of NATO were implemented. The first NATO operation "Essential Harvest" was designed to collect and destroy weapons.\textsuperscript{72} In such conditions, KLA was disbanded and this was followed by the amendments to the Constitution of the Republic

\textsuperscript{70} Ruzin, N., (2005): NATO and the new challenges perspectives of Macedonia, Friedrich Ebert, Office Skopje p. 123-134;
\textsuperscript{71} James Pardew and Christopher Bennett, NATO: Solving operations. NATO Review Spring 2006.3
\textsuperscript{72} In a period of 30 days the Mission collected and destroyed 3875 weapons.
of Macedonia and amnesty for Albanian extremists shortly afterwards. The second NATO operation "Amber fox" was in the function of the protection of the 280 civilian observers of the EU and OSCE. The third NATO operation "Allied Harmony" had a similar function, but with enhanced advisory role aimed at taking full responsibility for its own stability by the Republic of Macedonia. The mandate of this mission ended in April 2003 because of taking the command by the EU and the promotion of Euro corps within the mission "Concordia". This confirmed that the EU and NATO had an outstanding and concrete cooperation in Macedonia, which in turn was important in building a strategic partnership between the two organizations.

**Results**

The military conflict in Macedonia brought great human suffering and sacrifice. More than 60 members of the security forces of the Republic of Macedonia were killed, 270 were hardly or lightly wounded, more than 10 civilians were killed, and 100 were injured, six security personnel and 36 civilians were kidnapped, more than 100 thousand inhabitants were expelled from their homes. There was ethnic cleansing of Macedonians from the villages from Sharplanina region and Tetovo, destroyed and looted houses, churches, mosques, cultural and religious monuments and buildings of historical heritage of Macedonia.

The international mediators helped in the signing of the Ohrid agreement, which is the broadest foundation for enhancing the political, cultural, social and economic status of ethnic Albanians in Macedonia. In brief, the aims of the Framework Agreement were the following: it was a proposal for resolving the ethnic conflict in 2001; a political peace agreement; and a measure for reducing the centrifugal tendencies in the society and estab-

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73 The first phase of disarmament was organized by NATO through the operation the Essential Harvest, while the second phase was organized by the state in 2003 and was called amnesty for weapons. In the first phase were collected 3875 light weapons, while in the second 7571. This, according to some estimates, was not a significant success since it was estimated that in Macedonia there were some 100000 light weapons;
lishing a lasting peace and democratic future of RM. Thus, the Framework Agreement incarnated the application of a model called "model of negotiated power sharing" or introducing measures to reduce and prevent ethnic conflicts by Liphart and Horowitz.

The Agreement contained provisions for the Albanian language to become second official language in the areas where it was spoken by over 20% of the population, an equal number of ethnic Albanians in the police forces, as well as strengthening the powers of local self-government in political decision making. Also significant is the amendment to the Preamble to the Constitution which gives sovereignty to all citizens of Macedonia and not to the Macedonian nation.\(^7\)

Administrative decentralization as envisaged in the Ohrid Agreement was the key to progress because, guaranteeing the rights of ethnic minorities and, consequently, the implementation of the peace agreement as a whole, provided a framework for the establishment of local government. The greater power of Albanians at a local level caused great discontent among some parts of the Macedonian society, which soon was used by opposition parties (some Macedonians believe that the government yielded to the demands of the Albanians at the expense of the Macedonian national integrity, some even go so far as to claim that government sacrificed western Macedonia to the benefit of its Albanian coalition partners). An additional incentive for choosing the "European path" was the declaration in 2004 that the parliamentary parties symbolically signed in the post-conflict period. The Decision of the European Union on 16 December, 2005 to grant a candidate status to "the former Yugoslav Republic of Macedonia" for full membership in the EU was another step towards long-term depolarization.

Positive outcome of the Ohrid Agreement is the political transformation of the NLA into a political party (DUI) which won a majority of Albanian votes in the elections in 2002. In terms of

\(^7\) Framework Agreement (2001) ... , p. 7;
security, the Ohrid agreement facilitated the entry of large number of ethnic Albanians in the police and the military (this process lacks a component of quality, but is considered an achievement in terms of quantity) and facilitated the process of disarmament. The Ohrid Agreement gave new impetus to the Albanian political activities, but the provisions were implemented slowly and primarily interpreted in the interest of political parties, not in the interest of the Albanian community.

Conclusions and Lessons Learned

Based on the analysis of the armed ethnic conflict in Macedonia which occurred in 2001 and which can be classified as internal armed conflict, we can conclude the following:

• An important consequence of the geostrategic, geopolitical and economical changes that occurred after 1990 is the change in the nature of the conflicts - from international into internal conflict, as was the case with Macedonia. The analysis showed that the causes of the conflict in 2001 are linked and stem from structural factors in the Macedonian society;

• The manifested stage of the armed conflict was channeled in a relatively short time. One of the main reasons for this was the great support from the International community and its main actors in the region (UN, EU, OSCE, NATO, U.S. and others). The conflict came to a latent stage with the signing of the Ohrid Framework Agreement. Tensions were reduced, but the fundamental contradictions and reasons for the outbreak of the conflict have not been eliminated yet. In this respect it can be concluded that for part of the citizens of Macedonia (ethnic Macedonians), the Ohrid Agreement has widened the gap between the two ethnic communities;

• Ohrid Framework Agreement is a political act of internal character and in many ways changed the course of history of the Republic of Macedonia. It promotes a new model in the political system, prevents the majorization of the ethnic Albanian commu-
nity and implements three basic segments, such as: expanding the use of the language of the minority ethnic communities, equitable representation of minority ethnic communities, and decentralization of power. Whether the Ohrid Framework Agreement will become an instrument of reconciliation, democratic development and deepening human and ethnic rights in Macedonia will depend on the dynamics of the realization of the three basic pillars. Only under these conditions we will avoid the possibility for the conflict to transform from latent into acute.

• Under certain conditions, the conflict in Macedonia may again become acute and visible. An important argument for the claim that RM is still far from resolving the fundamental differences between the two largest ethnic communities is the fact that RM suffered severe political crisis in early 2008, which resulted from the allegations of the Albanian coalition partner that the Ohrid Agreement was being implemented too slowly;

• Political changes in the immediate neighbourhood (the declaration of independence by Kosovo) make the stabilization of Macedonia difficult. In this sense, there are two issues which represent possible future problems. First, in 2008 at the NATO Summit in Bucharest, Macedonia was not invited to join NATO, whose mechanisms and policies would have made a significant contribution to the stabilization of Macedonia and Western Balkan countries. Second, the unresolved dispute with Greece and the postponement of EU membership make Macedonian stabilization difficult;

• For the full resolution of this complex ethnic conflict it would be necessary to provide two things: a) the will and consensus of all political parties, as well as other parts of society, to establish cultural and civilizational framework that will enable development of multiculturalism and, b) the willingness of neighbouring countries and the international community and those concerned about stabilizing the region, to provide immediate political and economic support which will facilitate stabilization, mutual support and continuous cohabitation.
What the International community recognizes as a formula for conflict prevention in Macedonia, are the solutions from the Ohrid Framework Agreement. This process should be supported by complex national strategy for prevention of conflicts that need to balance short-and long-term prevention measures and to incorporate principles of observance of international law, human and minority rights, development and building of democratic institutions.

Therefore, it can be concluded that the conflict and the managing of the conflict did not demonstrate the fragility of the Republic of Macedonia, but the national capacities of the Macedonian multi-ethnic democracy as part of the values of Euro-Atlantic community. The Republic of Macedonia has clearly proved to be a part of this community of values. Moreover, the success of the Republic of Macedonia in 2001 was also a success of the International community (NATO, EU and OSCE) and its political involvement in the Balkans.

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Introduction

This case study explores potential implications of the impacts of climate change for the European Arctic and Europe’s oil and gas supplies. Energy supplies are undoubtedly a security concern for Europe; however, these security risks are too often narrowly conceived. Over the years, the terms “energy security” and “environmental security” have been reshaped and broadened to reflect the complex nature of the geopolitical landscape of the world today. We briefly describe the evolution of both concepts and discuss their significance, using a case study of expected climate change effects on the European Arctic and related implications for Europe’s oil and gas supplies. Drawing upon research from the US Department of Energy and Department of Defence, we explain some new strategic planning tools that integrate concepts of human security, energy security, environmental science and regional geographies of Europe.

On March 11, 2011, the largest earthquake in Japan’s history killed thousands of people, wiped towns and villages off the map, caused a nuclear crisis in Japan and among other things, prompted the government officials in Germany, Italy and Switzerland to scrap their national nuclear power programs (Gerhard 2011, Wallace 2011, Discovery News 2011). A single event in Asia significantly shifted European energy security. How will Europe deal with the effects of ongoing and future environmental changes that have multiple sources, factors, drivers, stakeholders
and predictable as well as unpredictable impacts? In other words, is Europe ready for climate-related environmental changes?

Since the dissolution of the Warsaw Pact, European security has been defined in part by expansion of the North Atlantic Treaty Organization (NATO) into East-Central Europe and the Baltic states, and more recently by European Union (EU)/NATO-Russian energy concerns in Eastern Europe. The cutoff of gas supplies in 2006 and 2008 highlighted European vulnerability to, and reliance upon, Russian gas exports. With decreasing world oil supplies and potential instability of primary suppliers and supply routes, Europe has been turning towards the promising oil and gas reserves stored in the Arctic. Climate change is expected to ease Arctic oil and gas extraction as the sea ice retreats, but operations on-shore may become more difficult as the Arctic permafrost melts, destabilizing existing infrastructure.

This case study explores potential implications of the impacts of climate change for the European Arctic and Europe’s oil and gas supplies. How will global environmental changes shape the Arctic? What are the future risks of oil spills and gas leaks due to pipeline rupture caused by permafrost melt and new drilling in ice-free parts of the Arctic Ocean? What are the consequences of Arctic gas leaks and oil spills? And how can Europe identify and mitigate these risks in advance, while coordinating competing visions of security?

Energy supplies are undoubtedly a security concern for Europe; however, these security risks are too often narrowly conceived. The term “security” itself is often left undefined and open to interpretation with a general emphasis placed upon traditional conceptions of overt national threats coming from outside hostile forces - if the term is clearly defined at all.

In the following sections, we describe the evolution of the term “security” as it has developed since the early 1990s when the term was first coupled with environmental considerations. We discuss the significance of environmental and energy security in the European context, using a case study of expected climate
change effects on the Arctic and related implications for Europe’s oil and gas supplies. Lastly, drawing upon research from the US Department of Energy (DOE) and US Department of Defence (DOD), this research explains some new strategic planning tools that integrate concepts of human security, energy security, environmental science, and regional geographies of Europe.

**Background**

*Energy and environmental security*

Energy and environment were kept relatively separate concepts for years. Environmental security first emerged in the 1960s in relation to concerns over atmospheric testing of nuclear weapons and resulting health risks from fallout. Soviet dissidents such as Andrei Sakharov and US groups such as Physicians for Social Responsibility questioned whether repeated nuclear testing, often close to population centres such as Las Vegas, Nevada, posed significant cancer risks (Lewer 1992: 74-80). Despite reassurances from US and Soviet authorities that such tests posed no risks to civilian populations, anecdotal evidence and medical records suggested otherwise (Finger 1991: 220-25). In this first iteration of environmental security (later to develop into concerns over landmines and perchlorate/melange), actions of national security states were seen as inadvertently creating new risks to human populations.

Energy security emerged separately in the 1970s, primarily in reaction to the oil embargoes proclaimed by the Organization of Petroleum Exporting Countries (OPEC) that crippled economic security of many Western countries. With limited fossil fuel supplies, a new security dimension emerged that could potentially justify military operations in the future. Linked to these concerns were rising anti-Western sentiment in oil-producing countries, whether in Iran or Libya, and background environmental debates over resource depletion (Klare 2004). Although a few academic writers made the connection between state energy
policies and environmental risks, such links were often understood as exceptions to the rule (Dalby 2002: 95-109). In the 1990s environmental security re-emerged as a critical topic, this time framed as a potential contributor to armed conflict between states. Partly a response to the loss of Cold War structures, academics in Canada and the United States (later Europe, and particularly in Norway) questioned whether resource degradation in places like Africa would lead to greater instability and conflict over scarce resources (Homer-Dixon 1994, Kaplan 1994). The criticisms of this approach were plentiful, including use of loaded assumptions concerning less developed countries, lack of appropriate field studies, lack of proper study controls, and conclusions that implied Western countries’ actions had no impact on conditions elsewhere (Gleditsch 1998: 381-400). Although the work did highlight environment as a potential security issue, criticisms and the inability to substantiate a link between environmental degradation and conflict led to large-scale abandonment of the field by 1999-2000. After September 11, 2001, such work disappeared almost entirely for several years.

The re-emergence of environmental security, and its links to energy security, may be dated from American reactions to Hurricane Katrina in 2005. The disaster primed some American policymakers to realize that the US energy infrastructure had key vulnerabilities to natural events, and emerging climate science suggested that such events may become more common in the future (Paskal 2009). When linked to other events, such as the 2003 heat wave in Europe or the 2006 cut-off of gas supplies from Russia, a pattern emerged of potentially devastating environmental conditions and/or political events that would pose significant energy security risks. At the same time, human security conceptions became more crucial, and the inability of US authorities to prevent large-scale disaster on its own soil became all too obvious. The post-2005 period therefore saw a quick resurgence of environmental security studies, with an explicit link to energy security, and an overall framework that emphasized vulnerability of systems and societies to new, emerging risks, and particularly climate change.
Climate Change as a Security Risk

In 2007-08, the Intergovernmental Panel on Climate Change (IPCC) published its Fourth Assessment (4AR), while the US Centre for Naval Analysis (CNA) released a report on climate security. The IPCC report, considered a form of “gold standard” for state of the science, laid out in clear terms that climate-related environmental changes were occurring, confirming for many what they had already been seeing in terms of shifts in weather patterns and natural disasters. The CNA report, signed by twelve retired 3- and 4-star military officers, came in direct contradiction to the Bush administration attempts to silence and discredit climate change discussions. Now the US military establishment was clearly stating that they viewed climate change as a legitimate topic that was of direct relevance to what they saw as US strategic interests.

From a certain DOE/DOD perspective, the IPCC had been overly conservative in its estimations of environmental change. This was partly due to the inherent conservatism of scientific research (such as needing 95 percent confidence before passing peer review), the added conservatism of the IPCC process, and the fact that the most recent climate data included in the IPCC reports were collected no later than 2003. From a security standpoint, this was unacceptable. Rules of evidence for responding to terrorist threats, for example, would never wait for full certainty before reporting, and using information that was many years old would be absurd.

Energy systems are highly sensitive to changes in the environment, particularly when availability and/or temperature of water shift from a historic norm. Australia’s food and energy production capabilities have been affected by such changes for over a decade (Edwards et al. 2011: 91-104). Instead of the linear model projections shown by the IPCC reports, climate systems tend to be non-linear and can shift quite rapidly. The 2010 flooding in Pakistan and extreme heat around Moscow are examples of what may become common in the future, with cascading impacts onto other parts of the globe.
The temperature increases due to climate change are perhaps most pronounced in the Arctic region where off-shore ice coverage and Arctic tundra have been melting at a growing speed since at least the late 1980s (Harsem, Eide and Heen 2011: 8037-38, Rinke, Dethloff and Fortman 2004: 4). Reductions in ice thickness suggest that we may have passed a critical “tipping” (or turning) point in the state of Arctic sea ice (Harsem, Eide and Heen 2011: 8039). Arctic ice is becoming “rotten” (thinner, with multiple layers); it might be more movable now, which makes it more difficult to predict its behaviour (Harsem, Eide and Heen 2011: 8039, Farley 2009, Science Daily 2010). In addition, extreme weather resulting from climate change is likely to increase the frequency of polar storms and hurricanes, which some see as another important “tipping point” (Kolstad and Bracegirdle 2008: 871-85, Harsem, Eide and Heen 2011: 8039). Climate change has been altering the baseline conditions of existing complex systems, and is likely to lead to a series of unpredictable events in the near and distant future, in the Arctic as well as other parts of the world. What are the implications of the changing climate for Europe?

**Descriptive Analysis**

*Europe’s energy security: Arctic oil and gas*

Environmental changes over the next 30 years will not only significantly affect European agriculture, energy, industry and human health, but will also impact the availability and transport of energy from the Arctic. Even though the European Union does not directly hold Arctic territory, it undeniably has interests there. EU’s Northern Dimension Policy, drawn in 1999 and shared by the EU, Norway, Iceland and Russia, provides a common framework to promote “dialogue and concrete cooperation, to strengthen stability and well-being, intensify economic cooperation, and promote economic integration, competitiveness and sustainable development in Northern Europe” (European External
Action Service n.d.). But perhaps more genuine reason for the EU’s interest in the Arctic is the region’s significant resource potential.

The Arctic continental shelves, which extend over more than 7 million km² and lie under less than 500 m of water, may be the “geographically largest unexplored prospective area for petroleum remaining on Earth” (US Geological Survey 2008b). According to the US Geological Survey (2008b), roughly 13 percent of the world’s undiscovered oil and about 30 percent of its undiscovered natural gas is likely trapped in the Arctic. About 84 percent of the estimated resources are expected to be located offshore. In production terms, this translates to roughly 90 billion barrels of undiscovered oil (enough to meet global demand for three years) and about 1,600 trillion cubic feet (or roughly 45 trillion m³) of natural gas (enough to meet global demand for about 14 years) (US Geological Survey 2008a). In terms of geography, more than half of the undiscovered oil is expected to occur in Arctic Alaska, the Amerasia Basin and the East Greenland Rift Basins, while more than 70 percent of undiscovered natural gas is thought to be found in the West Siberian Basin, the East Barents Basins and Arctic Alaska (US Geological Survey 2008b).

Historically, due to low accessibility and significant costs, oil and gas exploration and production have been limited to a few areas off the coasts of northern countries, specifically the United States and Russia. But as the current global oil reserves are drying up, the world’s need for oil and gas exploration in the Arctic grows (Grom 2009). The Arctic countries capable of carrying out oil and gas production activities (namely Canada, the USA, Norway and Russia) are already exploring new possibilities (Geropoulus 2011). However, as the Arctic sea ice melts, the competition for Arctic hydrocarbons increasingly involves also non-Arctic players, including the EU and China, which need to find new ways of responding to growing energy demand.

As the production of primary commodities in Europe winds down, the EU is becoming increasingly reliant on primary energy imports. Russia has been the main supplier of crude oil and natu-
eral gas, supplying 33 percent of the EU-27’s crude oil imports and 34 percent of its natural gas (with another 31 percent coming from Norway) in 2009 (European Commission 2011, Soderbergh, Jakobson and Aleklett 2010: 7827). However, the last crises over deliveries of Russian oil and gas have undermined Russia’s ability of being a stable energy supplier (Jovanovic 2011: 12-14, Paillard 2010).

Following the 2009 Russian-Ukrainian gas crisis, the European Council adopted a directive, which requires Member States to maintain minimum stocks of crude oil and/or petroleum products (Europa n.d.). The directive set up a coordination mechanism for Member States to react uniformly and immediately in emergency cases. According to the European Commission (2011), these measures are to “ensure that all parties take effective action to prevent and mitigate the consequences of potential disruptions to supplies”, while “work[ing] together to deal effectively with any major oil or gas disruptions which might arise.” As another aspect of EU energy security strategy, a number of on-going initiatives to develop oil and gas pipelines between Europe and its eastern and southern neighbours are currently under way.

Europe’s Arctic oil and gas resources, which are concentrated in the Barents Sea, are growing in importance (Stigset 2011, Carstens 2012). However, harsh environmental conditions as well as vast distances, remoteness and darkness of the Arctic create operational challenges such as communication problems due to lack of IT infrastructure, satellite coverage and equipment reliability. Additional challenges stem from insufficient oil spill preparedness and overall lack of coordination among key stakeholders (Hasle, Kjellen and Hauherud 2009: 833). These challenges can lead to equipment and human failures with potentially large environmental consequences.
Arctic oil and gas: environmental risks of off-shore and on-shore production

For oil and gas industries, opening of the Arctic has two main consequences: 1) easier access to the off-shore resources; and 2) impacts on Arctic on-shore infrastructure that depends on stable permafrost. Oil and gas production in the Arctic entails large environmental trade-offs and potentially high environmental security risks, especially for the Arctic communities and wildlife. Rather than focus on the contested sovereignty issues most often referenced in Arctic politics, the concern here is more on the conflicting goals of providing energy security, with potential environmental consequences to northern communities and ecosystems. Marine ecosystems are particularly fragile, as lower heat budgets mean oil and other hydrocarbons do not break down naturally, and keystone species are more vulnerable to pollution impacts. Likewise, Arctic communities contain social and economic vulnerabilities to changes that are likely not considered in corporate strategies (Ford et al. 2008: 45-62).

Among the consequences of easier access to off-shore resources are potential territorial and resource disputes and increased pollution from transportation and resource extraction activities, which is likely to accelerate global warming (Schaeffer, Zhang, Bruhwiler and Barret 2011: 165-80). Opening of new Arctic shipping routes and increased resource access might prove especially difficult to manage in the light of questions of sovereignty concerning the “Arctic Five” countries as well as new non-Arctic players (Sharp 2011: 303). Increased drilling in the region increases the probability of an accidental oil spill. The “rotten” Arctic ice has been becoming more moveable by strong winds, which means the ice can disrupt drilling and damage rigs and vessels. The Exxon Valdez oil spill of 1989 has been widely cited as an alarming example of the detrimental effects of oil on fragile Arctic (marine) environment (Seymour and Geyer 1992: 261-83).
As a result of climate change, on-shore Arctic exploration may face a different set of challenges. Although a longer summer season is expected to reduce ice and snow and thus lower drilling expenses, warmer climate can turn tundra into a marsh and melt permafrost, affecting transportation equipment and infrastructure. Continued warming and thawing of permafrost can destabilize slopes and lead to changes in the frequency and magnitude of rock falls and debris flows (Voigt et al. 2010: 8). Consequently, the safety and maintenance of constructions and infrastructure will be jeopardized. Roads, airstrips, buildings and power poles can bend out of shape, and maintenance of winter roads and ice bridges might become increasingly difficult (Harsem, Eide and Heen 2011: 8040, Harris 1987). Freezing and thawing of ground around buried Arctic pipelines may result in a movement of soil and pipe, which could lead to pipeline damages and consequent spills and leaks.

Gas leaks and oil spills from off-shore accidents and ruptured Arctic pipelines are likely to result in significant environmental impacts. A ruptured Arctic gas pipeline releases methane and a number of toxic gases such as hydrogen sulfide and volatile organic compounds (VOCs). Methane leakages from natural gas pipelines can accelerate global warming processes (Severson-Baker n.d.). Oil spills are even more detrimental to affected ecosystems. Although the immediate toxicity of a spill is lower in colder waters, biodegradation and the rate of recovery of damaged populations are much slower (Jernelov 2010: 357). In cold environments, oil may be trapped in the ice in brine channels and alter the composition of microorganisms that thrive there, or it may be moved underneath the ice and re-emerge during the melt season (Faksness et al. 2011: 976-84, Blanchard 2006: 22-7). Oil spills drastically reduce animal densities in the affected areas, largely due to ingestion of oil and oiled sediments. Following a marine oil spill, commercial market value of fish catch may be reduced due to contamination, and the overall fishing productivity of commercial and non-commercial species is likely to decrease due to toxic effects of oil (Seymour and Geyer: 271-3).
Unlike blowouts, environmental impacts of ruptured Arctic pipelines are often discovered late, mishandled and at times covered up. For example, it took more than half a year to discover the 1994 spill in Russia’s Arctic tundra near the town of Usinks. Improper clean-up operations, unexpected weather conditions and seasonal climatic changes transformed what started like a manageable leak to major environmental degradation of more than 200 km² of Arctic tundra, local rivers and the Arctic Ocean, ultimately leading to the vegetation kill off and thermo-cast erosion of the tundra (Jernelov 359-60, Noah 1994: A22).

Impacts of melting permafrost on pipelines have already been recorded (although not yet in the high Arctic region). The oil pipeline from Golmud to Lhasa on the Qinghai-Tibet Plateau has been posing environmental risks to the surrounding flora, fauna and humans. Roughly 560 km of the 1,076 km long pipeline traverse areas of “warm continuous, discontinuous, sporadic, and patchy permafrost” at very high elevations of inland plateau areas (He and Jin 2010: 281). As a result of climate change and human activities, there has been a widespread degradation of permafrost and consequent stability of this pipeline system. The vegetation damaged during the pipeline’s construction in 1975 has not yet recovered (He and Jin 2010: 285). Although the Arctic region is far less populated than Central Asia, fisheries and hunting of marine mammals are of great economic importance to the indigenous Arctic populations, the subsistence activities of which are threatened by potential spills from both ruptured pipelines and marine accidents (Hasle, Kjellen and Hauherud 2009: 833).

The changing climate is likely to only increase the probability of these accidents. As Harsem et al. (2011: 8036) suggest, the frequency of polar storms and hurricanes is likely to grow in the coming years, making the Arctic oil and gas exploration, production and transportation riskier and more costly. Besides the threat of direct damage to energy infrastructure, extreme environmental events may cause temporary disruptions in Arctic hydrocarbon supplies (Mazo 2011: 147-8). Such disruptions in oil and gas
supplies to Europe may further affect particular regions by putting stress on systems as available energy supplies cannot meet electricity demand.

Higher degree of variation in climate makes planning for potential risks more difficult. In the event of spill, sea ice and harsh conditions such as high waves, strong winds and currents can reduce the effectiveness of the clean-up. Potential icing, freezing and clogging of equipment and limited access to oil due to poor infrastructure and vast distances may further complicate the situation (Abdalla, Eltaher and Duron 2008). Without proper coordination and effective contingency planning, the Arctic region may not be capable of handling an oil spill on the scale of the 2010 Deepwater Horizon spill in the Gulf of Mexico.

The vast distances of the Arctic must also be emphasized, in the context of the difficulty in responding to any disaster. The Arctic Ocean covers 14.5 million km² and borders over 45,000 km of coastline (Woods Hole Oceanographic Institution n.d.). Within that area, few bases exist for aircraft, and only a handful of icebreakers are operational. The base at the Canadian Forces Station Alert is 4,000 km distant from its resupply base in Ontario, and is closer to Moscow than to Ottawa. Operations of any sort in the Arctic are thus extremely difficult and resource-intensive.

**Achievements and Lessons Learned**

*Europe’s current response capabilities*

The 1999 Cologne European Council marked the beginning of the development of EU’s crisis management capabilities. At first, these were being built with a strong focus on military forces and their potential deployment (a direction that was later reassured by the Kosovo crisis), but later, the focus shifted towards police, rule of law, civilian administration and civil protection (Hynek 2011: 86). EU cooperation in disaster response dates farther back – at least to the mid-1980s when the European leaders
introduced Community Cooperation as a mechanism for response to environmental disasters (Ekengren et al. 2006: 457). EU disaster response now falls under the mandate of the European Commission Humanitarian Aid and Civil Protection, and particularly the Community Mechanism for Civil Protection, which provides support on request of the country affected by a natural or man-made disaster (ECHO n.d.).

The participating states include all 27 EU Members as well as Iceland, Croatia, Norway, Lichtenstein and Macedonia. Through its Monitoring and Information Centre (MIC) and Common Emergency and Information System (CESIS), the Mechanism aims at developing rapid mobilization and effective coordination capabilities (ECHO n.d.).

The system, however, relies on the solidarity and thus sharing of the resources of the EU Members, which is frequently encouraged as part of the EU rhetoric (Ekengren et al. 2006: 458). In reality, effective crisis management, although possible (and illustrated by the Turkey-Greece disaster cooperation in Ganapati, Kelman and Koukis 2010), is not a norm on the continent. Although acknowledging the need for cooperation in disaster response, the EU Members have been growing sceptical about a consolidation of EU’s civil protection instruments. Cooperation in tackling transboundary challenges such as effects of environmental changes is difficult for a variety of reasons, including expectation-capability gaps, political divisions, prioritization of resources, and sovereignty issues.

Yet, the 2008 European Commission/High Representative report on climate change and international security categorizes climate change as a “threat multiplier, which exacerbates existing trends, tensions and instability” (European Union 2008). The report recognizes that tension over energy supplies arises from intensified competition over access to and control over energy resources, and that increased accessibility to the Arctic hydrocarbon resources may have consequences for European security interests.
However, although the term “climate change” is not unknown to the Europeans, the unknown probability of extreme environmental events has left these “security wild cards” in the back row of European policy making (Mazo 2011: 123-4). The 2010 eruption of Iceland’s volcano illustrates that European preparedness decreases with the likelihood of an event occurrence (Mazo 2011: 144, Walt 2011). With respect to the Arctic “security wild cards,” what happens to one Arctic stakeholder affects all, and none of the Arctic nations is currently adequately equipped to deal with a significant ecological disaster north of the Arctic Circle (Sharp 2011: 297, 304 and 311-12). An exception may be Norway.

Norway’s Oil Spill Emergency Response System (OSER) is based on “interaction of multiple organizations with functionally specialized tasks” and organized into three levels: state, municipal and private (Sydnes and Sydnes 2011). Each of these levels may be mobilized in the time of emergency. Due to coordination challenges of a large number of diverse participants, OSER relies on formalized coordination procedures and mechanisms (such as mandates, contingency plans and formal agreements) and a “duty system” with command and control approach. In order to develop an effective environmental security response system within Europe, OSER’s national structure could be adapted to EU’s supranational dimension. Coordination of such a complex system, especially in light of competing national priorities, might, however, prove extremely difficult.

Some suggest that in order to mitigate large impacts of unpredictable environmental events, infrastructure investments and discouragement of building in zones at risk should be part of the European security strategy (Mazo 2011: 123-48). In case of Arctic oil and gas exploration, production and transportation, such measures are highly unlikely. In light of growing energy demand, it is implausible that the Arctic as well as non-Arctic countries will refrain from expanding current and existing oil and gas infrastructure. Development of alternative response capabilities is thus of immense importance.
How to See an Unknowable Future

The risks and impacts from environmental changes are notoriously difficult to envision. The complexity of the issue and novel nature of associated changes make it difficult to ground discussions in prior experience, and previous categories of thought may no longer apply. If the future will not look like the present, how can we plan for future risks, and how do we understand security impacts? For decades the US has used scenario planning to help train officers and policymakers to deal with changing conditions, and increasingly these are now used for energy and environmental security risks, as well.

New methods exist to model future energy-environmental conditions, but these require breaking away from existing assumptions about priorities and monitoring. Extreme weather conditions have already been occurring in Europe during the past decade, and while individual weather events cannot be attributed to climate changes, the overall trend and increased variability is hardly a coincidence. Such variability will continue to place increased stress on peak energy demand, on the resilience of infrastructure (including Arctic permafrost-based infrastructure), on available food production, and on the health of vulnerable populations (Briggs 2010, Briggs and Carlsen 2010).

An effective and accurate assessment of energy and environmental risk for Europe is divided into two steps, described in the security literature as a capabilities assessment and net assessment (Bracken 2007). Capabilities assessments were originally designed to determine the potential actions of an adversarial military. How many tanks, attack aircraft, infantry divisions, supply trucks, etc., did a military possess? How effectively could the military field those resources? How far away and for how long could they operate? These questions helped planners to conceive of worst-case scenarios, and understand the maximum extent of action that another military could take.

In environmental terms, a similar assessment can be made. How far do environmental changes occur and in what combina-
tion? How hot will air temperature get in the summer? How much will it rain during that time? How much will agricultural crops be affected? What is the extent of flooding and/or drought? Rather than focus on median projects from models, we instead ask just how extreme conditions might become in the future. This relies upon an n-dimensional modeling system that can take multiple states from multiple variables and find the extremes of combinations. In contrast to simpler worst-case constructions, this approach can find particular combinations that capture the complexity of environmental systems, as well as novel combinations that had not previously been considered.

This combination of factors (or a “phase point”) can then be taken as a starting point for assessing the net impacts of such changes. From a given set of factors, how will environmental changes affect conditions for the European energy sector? How will energy suppliers react to melting permafrost, and how will those reactions in turn impact political and economic decisions elsewhere? By engaging with regional and topical experts, we hope to give some resolution to second and third order impacts, as those reactions depend largely on risk perceptions, knowledge of available options, and political constraints that are not necessarily visible from elsewhere (Briggs 2010). The cascade of impacts from changing environmental conditions in the Arctic, a capabilities assessment of the climate and a net assessment of resulting energy strategies can only be carried out with the help of participating and affected states. Further impacts from melting permafrost itself can trigger environmental emergencies that will require the cooperation of these states.

Conclusion

The nation state no longer takes primacy in a world, in which environmental considerations do not respect political borders. Over the years, the term “environmental security” has been reshaped and dramatically broadened to reflect the complex and messy nature of the geopolitical landscape of the world today,
which is influenced by globalization and dramatic environmental changes. These changes are perhaps most pronounced in the Arctic, the transformation of which is likely to significantly affect energy security in Europe as well as the rest of the world. What will environmental changes allow in terms of oil and gas exploration? What are the likely immediate and tertiary consequences of energy policies in the Arctic, and what capabilities will be needed to address those risks? How will the introduction of outside actors (either states or commercial entities) shape Europe’s role in the region?

Environmental security transcends borders and must be considered in a broader context, in which human security and business-as-usual assumptions about environmental conditions no longer apply. Although Japan’s most recent earthquake itself was in no way linked to climate change, the subsequent nuclear disaster at Fukushima led to a cascade of events that affected energy production elsewhere in the world. And it is precisely these critical vulnerabilities (such as placing backup diesel generators below sea level) that should be identified in advance of a disaster in order to mitigate the impacts of environmental changes. The problem is that, as a complex system, climate changes or disasters cannot be predicted with any accuracy or probability, and instead must be approached in terms of risk and scenario planning.

Undoubtedly, it is important to understand that national politics are vitally important if one is to understand the dynamics of energy in Europe, whether they concern decisions involving nuclear power plant licensing, or the balance of electoral politics in a country such as Ukraine. Yet, the actual impacts of energy security tend to be felt at a sub-state level, affecting vulnerable populations and industries, with cascading effects throughout a region. An effective energy security strategy must take account of critically vulnerable areas of societies and economies, and not remain focused on state-level stability concerns. This requires the application of new methodologies and monitoring. Without a clear understanding of how global environmental changes will impact the Arctic and other regional areas, European energy secu-
rity strategies will remain largely reactive and will leave these regions vulnerable to future energy supplies.

References


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Introduction

The policy-making context of global emergency actions consists of different types of actors, institutions and agencies, of procedures and practices, and resources and processes. This condition makes the study of global policies for relief and reconstruction important also to understand the current change of global politics. In particular, the interaction of state governments, international organisations and non-state actors is more balanced in the formation of these than in other policies.

Therefore, we can say that a new process of policy-making and policy implementation is experimented to respond to the emergency problems of the world. This policy-making innovation may influence the progressive change of the global political institutions and, on the long-term, enhance even the democratisation of the structure of government of the global system.

These significant political innovations are improving the building up process of State responsibility towards human rights violations and refugees and victims’ needs. They are contributing, however, to enlarge the gap between the military and civilian dimension within the humanitarian action, causing theoretical discussions and logistical controversies, especially on field, among different actors working on the same territories and on the same issues. Non Governmental Organizations (NGOs), an important player of emergency policy-making and implementation, are able to deploy a wide range of materials and logistics, and make use of
appraise capabilities to the problems of action in peace building and reconstruction missions. They have their own approach to reconstruction and service provided to people affected by natural disasters and conflicts. In principle, this approach is complementary to the states and International Governmental Organizations (IGOs) approach. In practice, it can be very different from it. Consequently, NGO actions often clash with the programmes states and IGOs develop in the sites of humanitarian intervention. This chapter analyzes the issue of the participation of humanitarian NGOs in, and along, the actions of IGOs and states to respond to composite humanitarian emergencies. The main assumption is that, in the current phase of world politics, the global institutions are undergoing a process of change. However, the promotion of good relations in humanitarian missions is underestimated and neglected in the practice. The chapter is divided into three main parts. The first part discusses the literature on humanitarian action and raises the problem of how and to what extent humanitarian NGOs play some roles which are relevant to international interventions. The second part offers the main results of the HNGOs-Rep survey 75, which includes opinions of the representatives of 28 humanitarian NGOs and networks of NGOs active in the field of humanitarian assistance, peace building, and conflict transformation and mediation. The third part debates on the implications of the NGOs attitudes on their role in humanitarian action. In the conclusions some lessons learned are provided.

Humanitarian NGOs and Action

Impartiality, proportionality and neutrality are the fundamental principles of action as applied by those agencies which are responsible for humanitarian actions. In addition, independence from the state governments is the standard behaviour of the humanitarian NGOs. Additional principles were added to define and

75 The Humanitarian NGOs’ representatives Survey was conducted by the author in Geneva and Brussels between November 2009 and February 2011.
shape the improvements which occurred in the relationship between civilians and military operations, through which States and IGOs operate.

The term “civil-military co-operation” (CIMIC) was coined to name the close cooperation between military troops and civil society actors (Rietjens, 2008). All the military and civil, state and non-state personnel operate in the same environment, and decide to work either separately or together, in close or loose cooperation. Therefore, *civil-military cooperation* is the militaries’ preferred concept for the relation between the military Commander and civil actors, including the national population and local authorities as well as the international, national and NGOs and agencies.

The presence of NGOs in conflict areas became stronger during the Cold War time. NGOs were mainly involved in relief assistance, and in human rights and minorities protection. The origin of Amnesty International (AI) in 1961, Médecins Sans Frontières (MSF) in 1971, and the organization that subsequently became Human Rights Watch (HRW) in 1978 are important steps on the road towards the formation of the new culture of humanitarian intervention. Indeed, a broad array of actions of intervention was started by such organizations, and continues until present times. The number of NGOs in and near armed conflict zones has been increasing during the years, since their action priority is on human and civil rights, peace promotion, and environment and social issues. According to mainstream literature, NGOs participate in humanitarian intervention as moderate actors and specialized groups of experts (Rucht, 2006). Operational and campaigning NGOs exercise actions in peace operations through different methods. Operational NGOs participate directly to peace operations by mobilizing human, financial and material resources; carrying out projects and programs; and offering expertise and advise. Campaigning NGOs participate indirectly by seeking for the wider public support to operations, and also by fund-raising on a smaller scale (Willetts, 2001).
A better typology of NGOs, however, is needed to aptly analyze the NGOs approach to conflict management and humanitarian intervention. To this end, a typology has been created (Irriera, 2010) by merging two NGO attributes. These are (a) the NGO’s identity and principles of action, and (b) the NGO’s approach to conflict management and humanitarian intervention. According to Stoddard (2003), three types of NGOs are distinguished according to identity attributes. The Wilsonian type organization, so named after the American President Woodrow Wilson’s ideas, do not deny the principles of cooperation and multilateralism as practiced by governments and international institutions. CARE International is example of this type.

The Dunantist type organization, so named after the social activist Henry Dunant, adheres to the principles of impartiality, neutrality, and independence, as MSF and AI can be considered. The faith-based type organization acts in harmony with religious principles. Christian Aid, and Islamic Relief are example of this type. By distinguishing NGOs along with the second attribute, the conflict resolution approach, including willingness to work with local partners and/or international institutions, the following typology is created and applied here below to the analysis of NGOs roles in peace and humanitarian operations:

1. The pragmatist Wilsonian NGOs.
2. The principle-centred Dunantist NGOs.
3. The solidarist NGOs.
4. The faith-based NGOs.

The range of NGOs approaches to peace operations matches, to some extent, to the range of conflicts and different forms of intervention which is required to manage humanitarian problems. Therefore, we can affirm that they followed the changes affecting the broader concept of global security and, as a consequence, the practical implications of new kinds of humanitarian interventions (Donini, 2006). These changes shaped all IGOs practices and produced some results on the political effects of peace missions.
The NGOs Representatives’ Opinions Survey

This part is based on results provided by the HNGOs survey which consists of semi-structured interviews to the representatives of 28 NGOs and networks of NGOs based in Geneva and Brussels. All organizations have official relations with the UN and/or the EU, are officially registered as humanitarian NGO, active in the field of humanitarian assistance, peace building, and conflict transformation and mediation.

Through the answers of the interviewed NGOs representatives, it is clear that a wide range of actions, including peace mediation (as exerted by the Centre for Humanitarian Dialogue, based in Geneva, and Crisis Management Initiative) and the dispatch of international volunteers to areas of conflict to promote a different kind of humanitarian interventions (as Non Violent Peace Force, based in Brussels, and Pope John XXIII, based in Geneva) are regularly practiced. NGOs are active in conflict areas, playing several roles and covering a large slot of time, since the beginning to the rebuilding phase, independently from peace missions deployed on the same territory.

The survey questionnaire is divided into four parts. Section 1, 2 and 3 are aimed at clarifying how NGOs match the above mentioned attributes, as well as the quality of the relationship they have with IGOs in humanitarian issues, while Section 4 was focused on the experiences they have collected on the ground. As far as the first attribute (the NGOs identity and principles of action) is concerned, the main focus is on two basic questions, namely the size and geographical dimension and the use of the controversial term humanitarian. The first one seems to be essential for describing NGOs strength and resources. It is clear that having an headquarter in Geneva or Brussels reveals the existence of some considerable financial basis.

The question was not, however, ineffective. It aimed at investigating, firstly, the NGOs internal structure (relations with local partners, being members of other networks, etc.), and, secondly, their ability to achieving goals.
According to the replies, the majority of NGOs acts on a global basis; some of them focus their actions on a regional scale; only one, MSF, prefer to be defined as an international NGO, by refusing the concept of globalization *per se* (see Tab. 1). The largest number of NGOs presents a complex internal structure, made of local agencies and/or regional branches, while all organizations have enough resources and tools for realizing their projects in an efficient way.

The word *humanitarian* is used as a very broad concept to qualify the specific issue of helping people in any troubled context. However, as the literature has enlightened, being humanitarian refers not only to the NGOs identity or activity, but also to a peculiar approach in defending human dignity and needs. The majority of NGO representatives declared that they identify with this standard use of the label humanitarian, even though some of them want to attach some added values to the concept. At the same time, a significant number of NGO representatives prefer to defend a peculiar identity and define themselves in a different way (Tab. 2).

Table 1

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*Are you global, regional or local?*
Those organizations which prefer to be called in a different way refer to the particular tasks dealing with the rebuilding phase, namely emergency management, the containment of the effects produced by civil conflicts and/or natural disasters, the development projects and initiatives, and the State building measures. While MSF recalls its own specific medical and surgery missions, others - like CMI and Centre for Humanitarian Dialogue - stress the role of mediation and dialogue promotion (Tab. 3). Therefore, the concept of humanitarian action is strongly changing and reshaping, moving from the traditional actions towards human beings to different roles which do not underestimate individual needs but are focused prevalently on the technical aspects of conflict management and resolution. Rapid reaction to emergencies and development projects are increasing as well as all issues related to the peace building phase. Interestingly, new and alternative roles, like mediation and conflict transformation as well as demining are increasingly important, marking NGOs identity and – above all – reshaping their roles and their relations with IGOs.

\[77\] Will you define your organization as a “humanitarian NGO”?
In the analysis of the NGOs identity, it is important to take into consideration which kind of financial donor they accept for promoting their projects and activities. According to the literature, civil society is traditionally associated to a non-state entity and, therefore, it can represents interests and promote activities by safeguarding its own independence and neutrality (Galtung, 1987; Willetts, 2001). Thus, it would be not acceptable to suffer governments’ pressure through economic conditionality. This is what all NGO we have interviewed underlined. However, all of them declare that governments are ordinary donors. They are from established democracies (mainly US, Australia, Canada, Switzerland and the Scandinavian countries). The donations they make cannot, in any way, change the NGOs’ behaviour. However, as Table 4 demonstrates, governments are the most important donors. The UN continues to play an important role, through its Agencies, and the EU plays an acceptable role, through the Commission and ECHO. A minor role is played by the Council of Europe.

It is true that private foundations and fees waged by partners pay a huge contributions to the civilian humanitarian activities. However, the somewhat ambiguous relation NGOs have with governments should be taken into account.

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78 Which is the main purpose of your activity?
The question on the geographical areas in which NGOs are deployed is functional to the analysis of the first attribute. The NGOs' representative answers were important, in particular, to understand whether civil actors prefer to act in countries and regions in which an IGO-led peace mission is deployed. All NGOs are active in areas affected by civil conflicts, state failure and natural disasters. All representatives believe that it is their duty to immediately react to troubles, according with their expertise, means, and possibilities. Since the African continent seems to be the most affected by conflicts, the Balkans remain important regarding long-term peace building initiatives. The South-Eastern Asia seems to be one of the areas in which international intervention will grow in number in the near future (Tab. 5). Afghanistan and Iraq as well as the Gaza Strip are still at the core of humanitarian action and the countries in which the majority of NGOs are deployed. Interestingly, in all these troubled areas NGOs and military personnel are situated, even for long periods, without any preliminary coordination. Table 6 presents, in particular, the list of countries in which the NGOs we have interviewed are installed and in which European Union deployed its peace missions.

Which are your main donors/sources?

Table 4

Donors

Afghanistan EU UN Private foundations Partner/other/unknown Council of Europe Others

19 15 7 14 8 1 5
As far as the second attribute is concerned (the NGOs approach to conflict management and humanitarian intervention), even though NGOs have been given the right to be consulted also in humanitarian issues on all the matters they are able to provide functional resources, they usually prefer to safeguard their own position which is separate from those of the military and officers that represent IGOs. This assumption is sustained by the major literature and has been confirmed by the replies to the questionnaire.

Table 6

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*Were you acting in the same place in which a peace mission was deployed? Which one(s)?*
In principle, all NGOs consider this right as a useful one and tend to exercise it. This does not mean that the consultation is an efficient and problem-solving one. Even though some of them almost regularly participate to fora and meetings and provide expertise, all organizations complain the lack of involvement in the planning phase and, more important, a significant lack of coordination (Table 7). Answers to the specific question on their satisfaction levels reveal how the gap between state actors and non state actors is contentious. Cooperative relations with military personnel are expected to be more effective in relief operations, and facilitate the peace mission success. Also, NGOs have been given the right to be consulted by the UN Peacebuilding Commission (as well as by the European Commission) on all the matters they are able to provide functional resources. A good number of representatives (17) are quite satisfied of the relations established with IOs, some others exercise their right to be consulted with strong misconception, a minority prefer not to have a set of relations in which they don’t believe at all (Table 8). In addition, some NGOs (like Oxfam and Terres des Hommes) used to act as peace mission watchdog and control the operation actions and mission transparency. To sum these findings up, we say that the tools used by IGOs to manage challenges and threats, especially civil conflicts, are in principle considered as an useful instrument but weak or inefficient in practice.

Table 7 81

81 Are you consulted by IOs in humanitarian affairs?
Working on the same areas and problems, however, produces effects which, in some cases, intersect one another. The survey specific and direct questions obtained equivalent clear answers. All NGOs played their roles on the ground on their own (being embedded is categorically refused). No formal or structured coordination with IGOs, neither in the planning phase nor on the ground, is programmed but sometimes requested. However, several channels which can be considered as a form of cooperation or – more frequently – consultation are observed (Table 9). Two different terms to mark two different levels of relations with militaries have been used in the survey, consultation to deal with the traditional role ascribed to NGOs and cooperation to refer to a more structured exchange of practices and mutual help. This is what some NGOs declared. CESVI practices an exchange of information on security to facilitate the protection of its staff. The Centre for international demining provides technical information and services. Non Violent Peace Force used to coordinate with peacekeepers in some missions.

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82 Are you satisfied with the present level of consultation?
There is a kind of ideological refusal to enter into contact with military missions. In principle, NGOs prefer to have no formal contact with military personnel. At the same time, data demonstrate how segmented and diversified is the humanitarian action of the NGOs and how much controversial is the relation they have with institutionalized interventions. The practical implications of the NGOs attitudes revealed by the survey are further analyzed in the next part.

**NGOs Role(s) on the Ground**

The different roles NGOs play on field are multidimensional and destined to produce implications in the long-term period. They cover the different phases of a crisis, namely the three traditional phases of crisis analysis, i.e. (a) the pre-crisis phase; (b) the crisis phase, and (c) the post-crisis phase.

The role in the first phase of a civil conflict and man-made disaster mainly deals with the evolving nature of security, as analysed by the scientific community and as resulting from non state actors’ practical experience in dealing with new tools of management of security challenges. The traditional concept of secu-

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83 *Did you have any relationship with military troops? Cooperation? Consultation? Friction?*
licity, in fact, is associated to the nature of the state, the image of the enemy, and the use of military violence. Change in armament technology, the rising importance of non-state actors, and political innovations, namely the adoption – initially by the European countries - of the concept of cooperative and comprehensive security, contributed to change this view of security. Buzan, a leading scientist in security studies, has pointed to three levels of analysis (the individual, the state, and the international system), and different dimensions (the political, economic, and social one) in managing security issues in addition to the military one (*Buzan, 1991*). Later, he and the Copenhagen School members, worked at the concept of comprehensive security because a wide range of factors (military, environmental, economic, societal, and political) bring in different actors and forms of action as determining security matters. Lastly, the Copenhagen School drew the attention of the specialists to the importance of the securitization of any social issue that political actors change into a threat by means of speech acts, to respond to by means of emergency measures. In subsequent years, the scientific debate continued, and tried to merge the new concepts in order to develop a perspective useful also to practitioners. NGOs – especially the Wilsonian ones – have been particularly responsive to the suggestions of the scientific debate, and have developed their own security management language as well as processes and best practices connected to those scientific concepts. At the same time, a wide range of tools has been institutionalized by the pragmatist and solidarist NGOs in their practice of security management. The institutionalization process includes different actions and sectors like information; analysis of threats, risks and vulnerabilities; and the planning of potential future interventions (*Avant, 2007*). On their turn, Dunantist NGOs have underlined the importance of non-partisan, fast, non-bureaucratic, and risk-taking nature of humanitarian intervention. The Wilsonian and Dunantist organizations have been able also to supply knowledge useful to regulating conflict solving and peace management like rule-making procedures, and methods of interpretation and application of norms and standards (*Beck, 2008*). Peace mediation can be envis-
aged as one of them. The Centre for Humanitarian Dialogue and CMI facilitated peace talks in Aceh before the military arrival. Also, CMI had been “called” by the Georgian Government to assist stabilisation procedures, in parallel to intergovernmental intervention. It is worth mentioning also that, in recent years, in line with the human needs expansion, the NGO community has been particularly keen in diffusing the responsibility to protect (R2P) principle.

Even though, this seems to be a quite unusual role for NGOs, preventive action is increasing and is more and more linked to the initiatives made by Terres des Hommes, Interpeace, Search for Common Ground (among the others) to promote development and foster social dialogue despite the fact that a rising crisis arose.

The second phase refers to the traditional role ascribed to NGOs, namely relief and assistance. Generally, NGOs manage a wide range of logistics and facilities and demonstrate a remarkable ability in maintaining procedures for keeping on, updating, and monitoring the whole security planning process. Also, they have developed a rapid reaction capacity. This means that when a conflict starts or immediately after an earthquake, they are ready to strengthen the existing missions or to deploy new personnel. During the crisis phase, the NGO personnel have to work alongside the official, military and civilian, personnel of the peace missions and to assist local parties. As clarified by the interviews, NGOs defend their identity as independent agencies in peace operations, because they are not part of the military structure and they strongly desire to protect their independence. Interactions are, however, inevitable. In some cases NGOs contribute directly also to the political success of humanitarian missions. The Sant’Egidio Community, for example, has been an important actor in mediation and diplomatic negotiation. It promoted, and sometime brought to positive results, peace process in conflict zones like in Burundi, Mozambique, and Palestine. The Dunantist NGOs, like Amnesty International, and Oxfam have been successful in creating humanitarian civil pressure. In other cases,
they help to informally improve the mission performance. European NGO networks, like EPLO or VOICE, regular consult ECHO and promote working groups testing the efficacy and the goal-oriented behaviour of peace missions deployed by the European Union. Their disapproval of misconduct (or their evaluation, as Oxfam regularly does) contributes to reshape the operation mandate on as different aspects as the legal basis of the operation, the definition of practical effects, and the behaviour of military personnel. In general, the independent and neutral status of many humanitarian NGOs is a problem for good civil-military co-operation. Co-ordination and the sharing of aims and tools are essential to good co-operation.

However, even though experts advise NGOs to change their ideological stand, and take part in coordinated actions (Klose, 2006), choosing a compromise on their principles is always hard for NGOs working on field and is considered as an option they rarely can accept.

The third phase is increasing its importance, as far as it is the longest and most troubled. NGOs are becoming more and more crucial because of the relations they are able to establish with the local actors (individuals and associations). These relations are often much stronger than those created by the peace operation personnel. All NGOs give great importance to providing voice to local civil society. MSF and Oxfam are quite successful in this respect, probably because of their identity and approach attributes. In many cases, there are established and structures relationships between NGOs active on a global level and local counterparts or affiliated. This is the way in which Interpeace, Non Violent Peace Force, Pax Christi International, and Terres des Hommes act. The majority of NGOs, however, are very much committed to exercise this role of voice-articulator. They are keen to stay in dialogue with local actors and obtain their confidence because on this condition depends the successful outcome of the mission. Normally, this objective is achieved by providing help and basic goods to the local population.
The good performance of NGOs emergency relief work has the positive consequence of obtaining the confidence of the local population. In other terms, the practical assistance NGOs provide makes them more effective in the objective of humanitarian intervention, facilitates the building of mutual confidence relations, and increases the likelihood that the local population will embrace the reconstruction process.

**Conclusions**

The main assumption of this paper is that, in the current phase of world politics, global emergencies are imposing to the global institutions a process of change which is demanding and producing rules and policies. A potential humanitarian set of actors, institutions, rules and practices is undoubtedly appearing and strengthening.

The growing participation of NGOs to conflict management and humanitarian intervention is part of the NGOs struggle for effective international actoriness in world politics, and, at the same time, a significant political innovation. They began acting in parallel to UN peace missions in the 1990s, and adapted to the change peace missions encountered in their aims and methods in the following time. They have developed a wide range of approaches, but by continuing to preserve, during the years and until today, their independence and neutrality. In parallel, NGOs acted in the same places in which EU missions are deployed and were involved in the establishment of different practices based on the dialogue with those EU institutions which are responsible for foreign policy and defence. The survey data demonstrated that, sometimes, NGOs approaches fit easily to the governments and international organizations practice. Sometimes, they differ considerably from it. These approaches are tightly connected to two attributes of the NGOs, their individual identity and their specific approach to conflict management and humanitarian intervention. These attributes influence and mark their presence into the whole humanitarian process: a preventive action and mediation; a tradi-
tional relief and assistance role; an increasing long-term peace builder capacity.

This confirms on one hand, how military missions and institutional interventions still need to update their efficacy, and on the other that humanitarian and peace building NGOs are increasing their “ unofficial” and “uninstitutionalized” roles on the ground. As resulting by the survey, a ‘good’ bulk of NGO-IGO relations to goal-achievement by humanitarian missions is undoubtedly affirmed in principle but underestimated and denied in the practice.

Therefore, the humanitarian system fails to be effectively productive and rapid. It is true that IGO and NGOs are different actors, and even though they may work in the same territories during the same period, they use different approaches. However, the universal principles – namely the R2P – the defend while acting as humanitarian actors are the same, as well as the potential resources they hold are not incompatible and can be integrate. Probably, more integration with those NGOs ready to cooperate and more coordination with those ones which are more reluctant could help the system to improve its responsiveness.

References


APPENDIX

Humanitarian Non Governmental Organizations Representatives (in alphabetical order). All interviews took place between November 2009 and February 2011.

1. Action d’Urgence Internationale (AUI)
2. Association of Local Democracy Agencies (ALDA)
3. Business Humanitarian Forum
4. Care International
5. Centre for Humanitarian Dialogue
6. Centre for International Demining
7. Comrades
8. Concern Worldwide
9. Cooperazione e sviluppo (CESVI)
10. Crisis Management Initiative (CMI)
11. European Peacebuilding Liaison Office (EPLO)
12. Initiative for Better and Humane Inclusion
13. International Catholic Migration Commission (ICMC)
15. Interpeace
16. Medecins Sans Frontieres
17. MissionEast
18. Non Violent Peace Force
19. Oxfam
20. Papa Giovanni XXIII (PG23)
21. Pax Christi International
22. Save the Children
23. Search for Common Ground
24. Shelter for Life International
25. Solidar
26. Terres des Hommes
27. Voice
28. WarChild
The Limits of EU Conflict Management

Stefan Wolff

Introduction

In August 2008, Georgia and Russia clashed in a five-day war after Georgian troops attempted to assert full control over the break-way region on South Ossetia, in contravention of a 1992 ceasefire agreement brokered by Russia and policed by Russian troops in the guise of CIS peacekeepers. French President Nicolas Sarkozy, at the same representing the EU Presidency, offered an impressive example of leadership and diplomacy and helped broker a ceasefire between the two countries after five days of fighting. Despite the quick end of military hostilities, the political situation escalated further, culminating in the Russian recognition of South Ossetia’s and Abkhazia’s independence on 26 August 2008. Sarkozy’s diplomacy was not only that of a political leader who saw an opportunity to leave his mark on the European and global stage but also reflects the significance of unresolved conflicts over statehood issues that date back to the break-up of the Soviet Union. Alongside the conflicts over Transnistria (in Moldova) and Nagorno-Karabakh (in Azerbaijan), the two conflicts in Georgia – Abkhazia and South Ossetia – are of critical importance especially to the EU, and its member states, as the Union engages with the region as part of its neighbourhood through its European Neighbourhood Policy and the Eastern Partnership. The implications of these conflicts over unrecognised states for European and EU security have also been recognised by the EU Security Strategy of 2003 (EUSS), noting that “frozen conflicts, which also persist on our borders, threaten regional sta-
The EUSS makes clear that “violent conflict, weak states where organised crime flourishes, dysfunctional societies or exploding population growth on its borders all pose problems for Europe” (ibid.: 7) and goes on to demand very specifically that the Union “should now take a stronger and more active interest in the problems of the Southern Caucasus” (ibid.: 8). The 2008 Report on the implementation of the EUSS referred specifically to the conflicts in Georgia, claiming on the one hand that “[s]ince 2003, the EU has increasingly made a difference in addressing crisis and conflict, in places such as ... Georgia” and pointing put on the other that “[t]he situation in Georgia, concerning Abkhazia and South Ossetia, has escalated, leading to an armed conflict between Russia and Georgia in August 2008. The EU led the international response, through mediation between the parties, humanitarian assistance, a civilian monitoring mission, and substantial financial support. Our engagement will continue, with the EU leading the Geneva Process” (Council of the European Union 2003: 1, 7).

One year on, the Geneva process had succeeded in keeping all sides of the conflict engaged, but had otherwise made little substantive progress, when, on 16 October 2009, Sergei Bagapsh (2009) expressed confidence “that the independence of Abkhazia not only is assured, but that we will thrive politically and economically ... [and that] it is only a matter of time before we are recognized by most countries of the world.” There were many remarkable things about this statement. The first was the optimism that Bagapsh displayed about Abkhazia’s independence and future development. As the president of this entity, this may be expected of him, but his country remains unrecognized by all but Russia and Nauru, Nicaragua, and Venezuela, as well as by the even less recognized Transnistria. Nor has Bagapsh’s election as president received any wider recognition. And even the use of the term ‘independence’ is arguably misleading – Abkhazia and its leadership may perceive the post-August 2008 status as such, but their dependence on Russia has, if anything, increased and reduced the little room for manoeuvre that Abkhazia might have
had before. Seen from this perspective, even more remarkable than the statement itself, is where it was expressed: in the editorial pages of the Washington Times that also acknowledged Bagapsh’s title as President.

A de-facto recognition, if not of Abkhazia so at least of the new status quo, giving Bagapsh such highly prestigious column space is an indication of two closely linked dimensions of the politics of unrecognised states: on the one hand, there is the frequent failure to resolve their status and to do so by peaceful means; while on the other the need persists to engage with them. This fine line between recognition and engagement – often presented as a choice between recognition and non-engagement – is what this chapter will explore in more detail in relation to the case of EU conflict management in the two separatist conflicts that have plagued Georgia and Georgian-Russian relations for most of the post-Soviet period. The focus on Abkhazia and South Ossetia is justified in that it offers an excellent case study on the dangers associated with unrecognised statehood left poorly managed in a region of significant geostrategic importance. While the EU is not solely responsible for the lack of effective conflict management, examining its role is instructive in that it can shed light on a number of core problems associated with international conflict management more generally. The chapter proceeds in three steps: it begins with an overview of EU-Georgia relations from the early 1990s to the aftermath of the Georgia-Russia war of August 2008. It then offers two complementary explanations for the ultimate failure of conflict management – the EU’s lack of appropriate capabilities and the multi-layered context of the two separatist conflicts. Against this background, the chapter concludes with a broader evaluation of the utility of international conflict management strategies in relation to unrecognised states.

**The EU’s Engagement with post-Independence Georgia**

EU efforts to engage with Georgia over the country’s two separatist conflicts date back to the early 1990s and were initially
focussed on humanitarian assistance: more than half of all ECHO funding to Georgia prior to the 2008 war and its aftermath were spent between 1992 and 1995, two-thirds of all food aid (from DG Agriculture funds), and all exceptional humanitarian assistance. From 1997 onwards, the EU also begins to commit funds to rehabilitation programmes in the two conflict zones.\textsuperscript{84}

A major boost in the amount of EU funding received by Georgia and a significant diversification of programmatic areas in which projects are financed occurs after 1999 when relations between Georgia and the EU were put on a contractual footing with the Partnership and Cooperation Agreement (PCA) entering into force. As part of the envisioned political dialogue to be developed on issues pertaining to security, stability, economic development, institutional reform, and human and minority rights, a hope was expressed that “[s]uch dialogue may take place on a regional basis, with a view to contributing towards the resolution of regional conflicts and tensions” \textit{(European Commission 1999: 6)}. The Presidency Conclusions of the Cologne European Council were even more optimistic, expressing the conviction “that this will also facilitate ... the quest for lasting solutions to persisting conflicts in the region” \textit{(Council of the European Union 1999: §93.)}

In 2001, the European Commission issued a Country Strategy Paper\textsuperscript{85} for Georgia which, apart from a gloomy overall assessment of the political and economic situation in Georgia \textit{(European Commission 2001: 4, 7-10)}, identified the two conflicts in and over Abkhazia and South Ossetia as a major “impediment to development in Georgia” and a contributing factor to regional instability. Noting the readiness of the EU “to look for further ways in which it could contribute to conflict resolution, as well as post-conflict rehabilitation”, the paper also explicitly committed the EU to the support of “the principle of Georgian territorial integrity” \textit{(ibid.: 5)}. Less than two years later, the Commission published a revised country strategy, taking account of the deteriorat-

\textsuperscript{84} For detailed annual expenditures, see European Commission (2007:33).
\textsuperscript{85} According to the Commission’s 2001 Communication on Conflict Prevention, such Country Strategy Papers are “the instrument for ensuring [...] an integrated approach of conflict Prevention” \textit{(European Commission 2001: 11).}
ing political and economic situation in Georgia (European Commission 2003) and restating the commitment to contributing “to support efforts to prevent and resolve conflicts as well as post conflict rehabilitation” (European Commission 2003: 4). The latest Country Strategy dates back to 2007 and is generally more upbeat about developments in Georgia after 2003, which included the appointment of an EU Special Representative for the South Caucasus and the deployment of the EU’s first-ever Rule of Law mission (EUJUST Themis). While the EU’s priorities vis-à-vis Georgia – poverty reduction and institutional reform – remain essentially unchanged, the language on two Georgia’s conflicts is toned down, merely noting that “the EU attaches great importance to the resolution of conflicts in Georgia’s two breakaway regions of Abkhazia and South Ossetia and is actively involved in ongoing efforts to achieve a peaceful settlement, partly through the offices of the EUSR for the Southern Caucasus and through providing financial assistance for reconstruction and rehabilitation projects in Georgia’s conflict zones” (European Commission 2007: 7). This is quite remarkable in light of the fact that less than a year earlier, External Relations Commissioner Ferrero-Waldner had clearly, and correctly, noted, with respect to the South Caucasus as a whole, that “[t]hree negative strands are coming together, the combination of which is, frankly, alarming”, namely the failure of all parties to deliver on conflict settlement, increased defence expenditure, and ever more inflammatory rhetoric. Thus, she warned that “[a]ny further escalation of tension could reignite the conflicts with devastating consequences for the entire region” (European Commission 2006: 1f).

The 2007 Country Strategy must be seen in the context of the EU’s European Neighbourhood Policy of which Georgia had become a participant in 2004. As a result, while the 1999 PCA remains the legal foundation of EU – Georgia relations, it is now the ENP Action Plan that provides the framework for EU assistance and it is the ENP instruments (principally, ENPI and NIF)
that are primary implementation tools.\textsuperscript{86} In the PCA, the issue of the conflicts in, and over, Abkhazia and South Ossetia only got relatively brief mentions, especially in Article 5 of Title 2 (Political Dialogue), whereas the ENP Action Plan elevated the conflicts and their settlement to a Priority Area (no. 6 among 8 priority areas in total). As a consequence, the inclusion of Georgia in the ENP in 2004 saw a general increase in the EU’s engagement with the country’s two secessionist conflicts. Moreover, the change in government in Tbilisi in 2004 gave the EU greater confidence that its engagement would yield positive results and more quickly so.\textsuperscript{87} It is also important to note that this major gear-shift in EU engagement in the South Caucasus also reflected a break with previous thinking on the South Caucasus more generally, which now, for the first time became more differentiated as a region of its own, rather than being treated as a part of the post-Soviet region (Lynch 2004).

Reflected in the policy instruments brought to bear and the funding committed to conflict resolution by the EU is a consistent EU preference for creating enabling conditions for the resolution of the conflicts in, and over, Abkhazia and South Ossetia. The bulk of EU initiatives and funding has gone to rehabilitation projects with the aim to contribute to economic and infrastructural development and thereby also build confidence between the different parties.\textsuperscript{88} Being the largest foreign donor, the EU allocated €25m to Abkhazia and €8m to South Ossetia between 1997 and 2006 (European Commission 2007: 20). In addition, just over €100m were spent on humanitarian assistance under ECHO between 1993 and 2006, primarily “targeting population groups affected by the conflict” and increasingly concentrating on food security and income generating activities for internally displaced people and other vulnerable groups (ibid.). This trend continued

\textsuperscript{86} The ENP Action Plan also takes significant inspiration from the PCA and makes frequent reference to it (European Commission 2007: 5, 6, 11, 19, 21, 25, 34, 40) and clearly states that PCA implementation is the number-one priority for future assistance to Georgia (ibid.: 19).

\textsuperscript{87} Compare for example the EU’s assessment of the situation in Georgia in the 2003 Country Strategy with that of the 2007 Country Strategy.

\textsuperscript{88} Interview with Peter Semneby and Mark Fawcett, Brussels, 16 December 2008, and John Kjaer and Stefano di Cara, Brussels, 16 December 2008.
in 2007 and the first half of 2008 with a further €10m committed to economic rehabilitation projects in the conflict zones of Abkhazia and South Ossetia and to a range of projects catering to the needs of Georgia’s still significant number of IDPs from the two conflicts (European Commission n.d.: 18). Spending on IDPs increased further in the aftermath of the 2008 war which created an additional almost 200,000 IDPs: a total of €61m was additionally allocated under the ENPI and a further €6m, initially committed to the OSCE-administered economic rehabilitation programme for South Ossetia, was reassigned to IDP projects following the closing of the OSCE mission to Georgia (European Commission 2009: 5, 7).

In addition to these economic and humanitarian programmes, the EU has also been politically engaged in Georgia and in relation to its two secessionist conflicts. Apart from significant funding made available to reforms in the political and judicial institutions of the country, Joint Actions under CFSP have begun to play an increasingly important part of the EU’s efforts to contribute to the peaceful resolution of the conflicts in, and over, Abkhazia and South Ossetia. When the first EUSR was appointed in 2003, his mandate in relation to the conflicts in the South Caucasus was merely one of “assisting” in their resolution. The appointment of the current EUSR, Peter Semneby, in 2006 saw the mandate amended to a more proactive “contributing” to conflict resolution. This change has been reflected more generally in EU CFSP actions vis-à-vis the conflicts in, and over, Abkhazia and South Ossetia. Indicative of this gear change is the first ENP Action Plan, endorsed by the EU-Georgia Cooperation Council in November 2006 and entering into force in 2007 (European Commission 2006). Under Priority Area 6 (Promote peaceful resolution of internal conflicts), Georgia and the EU commit to a range of specific actions with regard to conflict settlement in Abkhazia and South Ossetia, “based on respect of the sovereignty and territorial integrity of Georgia within its internationally recognised...

89 Interview with Peter Semneby and Mark Fawcett, Brussels, 16 December 2008.
borders”, including confidence building, economic assistance, and demilitarisation (European Commission 2006: 10). “Disguised” as action items, the Commission also offers a broader assessment of the state of play at the time, pointing out that there is a “need to increase the effectiveness of the negotiating mechanisms”, that “[t]he work of the Joint Control Commission [for South Ossetia] should be measured by the rapid implementation of all outstanding agreements previously reached and in particular by the start of demilitarisation”, that “constructive cooperation between interested international actors in the region, including the EU and OSCE Member States” is essential for further progress towards conflict settlement (ibid.). This latter point needs to be seen also in conjunction with a reference to the peace plan for South Ossetia, endorsed at the OSCE Ministerial Council in Ljubljana in December 2005. Together with an EU commitment to support the enhancement of the mandates of the UN and OSCE in Georgia, this all clearly underlines the EU’s multilateral inclination. Moreover, the EU’s explicitly stated intention to “[i]nclude the issue of territorial integrity of Georgia and settlement of Georgia's internal conflicts in EU-Russia political dialogue meetings” (ibid.) reflects the clear realisation that Russia is a veto-player whose support needs to be secured for any conflict settlement to have a realistic prospect of sustainability.  

The importance of the EU’s capabilities for effective crisis management was underlined in the context and aftermath of the war in August 2008. The French Presidency of the EU, together with the OSCE Chairmanship (at the time held by Finland), was instrumental in brokering the six-point ceasefire plan agreed by Russia and Georgia on 12 August. The follow-up visit by German Chancellor Angela Merkel to both Russia and Georgia between 15 and 17 August further demonstrated that two of the ‘Big Three’ clearly saw eye-to-eye on the issue. By the time an implementation agreement was signed by Russia and Georgia on 8 September, after further shuttle diplomacy by Presidents Barroso and

90 This manifests itself also in EU-Russia discussions in the framework of the Common Space External Security.
Sarkozy, an Extraordinary European Council meeting in Brussels on 1 September had given full backing to the ceasefire agreement and committed the Union “including through a presence on the ground, to support every effort to secure a peaceful and lasting solution to the conflict in Georgia” (Council of the European Union 2008). The deployment of a civilian monitoring mission (EUMM) tasked with overseeing the implementation of the ceasefire agreement had its immediate significance in demonstrating the EU’s capability to act quickly in terms of decision making, financing and deployment. Longer-term, the EUMM’s significance was further enhanced because it soon became the only internationally mandated presence in Georgia after Russia forced the closure of both the UN and OSCE missions in Abkhazia and South Ossetia, respectively. Moreover, the political weight of the EU in the Geneva settlement negotiations (technically, talks to consolidate the August ceasefire) was considerably higher than the previous roles it had played (observer status in the JCC for South Ossetia and involvement in the UNSG Group of Friends for the Abkhazia talks through some of its member states). The EU became, alongside the UN and OSCE, an official co-chair of the Geneva process, in which the European Commission is a co-moderator (with UNHCR) of the Working Group on humanitarian and IDP issues.

The EU response to the August 2008 war between Georgia and Russia also served as a test for the Community Civil Protection Mechanism which was mobilised to facilitate civil protection assistance provided by member states directly to Georgia and the two conflict regions. In addition, the Commission provided €9m worth of immediate humanitarian aid for IDPs and co-hosted with the World Bank the Georgia donors’ conference on 22 October where it pledged some €500m for various rehabilitation measures, including further humanitarian assistance (€8m), support of IDPs (€61.5m through ENPI and €15m through IfS), and for the EUMM (€37m for the first twelve months to 30 September 2009). Following this initial flurry of activity in August and September 2008, there was wide-spread enthusiasm that the EU had finally
made a real breakthrough in its credibility as an international security actor. During the twelve months since, however, this perception, which was by-and-large correct at the time, has required some adjustment. While the humanitarian assistance programmes run by the EU, especially support projects for IDPs, have continued relatively successfully, the political process has stalled and a resolution of the two conflicts in, and over, Abkhazia and South Ossetia is as, if not more, remote than it was at the time of the war in August 2008. Not only has Russia gradually reneged on a number of pledges in the ceasefire agreement and implementation plan, but with its recognition of the independence of Abkhazia and South Ossetia (even though only Nicaragua and Venezuela have so far followed suit) and the consolidation of its political and military presence in both territories, Georgia’s territorial integrity and sovereignty are no more than a fiction. Georgia itself has been through a period of heightened domestic tensions seeing a significant, yet ultimately unsuccessful, challenge to the political authority of President Saakashvili and experiencing the consequences of the global financial crisis. In addition to tense relations with Russia, Georgia’s ambitions for a more concrete perspective to NATO membership, let alone an accelerated path to it, have not been fulfilled by the alliance to date. Nonetheless, Georgia continues to look to the US rather than the EU for political backing. While relations between the West and Russia have prospects of improving in the wake of a foreign policy reorientation of the US under the Obama administration, little of substance has happened, limiting both EU leverage in the Geneva talks and any incentives for Russia to make compromises. As a result, the EU, for example, had to retract proposals for an inclusion of US monitors into its mission in Georgia, strongly pushed for by Tbilisi, but equally vehemently rejected by Moscow. At the same time, within the EU, the appointment of Jacques Morel as EUSR for the Crisis in Georgia was a concession to the outgoing French EU Presidency, but undermined the role of the existing EUSR for the South Caucasus, Peter Semneby, even though the latter remains tasked with providing political guidance to the EUMM. The EU thus now finds itself between several rocks and hard places in re-
lation to the two conflicts in Abkhazia and South Ossetia: it has not been able to capitalise on its achievements in August and September 2008 by providing clear international leadership for conflict resolution but rather is involved (again) in what has become an almost meaningless settlement process in the shape of the Geneva talks. Where the EU has, however, proven its worth is the broader set of assistance measures from humanitarian aid to support for political, legal and economic reform in Georgia.

In other words, the EU has been able to maintain its engagement with both Georgia and the two unrecognised states of Abkhazia and South Ossetia while avoiding the issue of the latter’s recognition, arguably by insisting on their non-recognition through the continuing emphasis on Georgia’s territorial integrity. While this may have contributed to containing the conflicts, it has done little to resolve them.

**Explaining the Limitations of Conflict Management**

How can we explain the lack of any tangible progress toward a negotiated settlement of the conflicts over the unrecognised states of Abkhazia and South Ossetia after close to two decades of international involvement, including by the EU. In the case of the Union, the question could also be phrased slightly differently: how can we explain that the EU’s impact was close to negligible before the summer of 2008, then for a short period of time very significant, before declining again quite steeply. As I will illustrate in the next two sections, there are two complementary sets of factors at work here — the EU’s insufficient capabilities and the context in which the two conflicts are played out at local, state, regional and global levels and their interfaces.
Insufficient EU capabilities

Any third party involved in conflict management must possess three sets of capabilities to have any chance of succeeding in its endeavours: it must have the appropriate policy tools and be able to deploy them in a timely fashion, it must be capable of funding its efforts possibly over extended periods of time, and it must be willing and able to coordinate and cooperate within its own organisational structures and with external actors. While we will assess in the next section whether the actual conflict context was conducive to an externally facilitated settlement, what follows now is an assessment of EU capabilities meant to identify also shortcomings in the Union’s overall approach to conflict management and offer some recommendations of what might be done to overcome them. Our focus on EU capabilities and the external conflict context that, together, shape the likelihood of successful EU conflict management also offers a tool of gauging in which situations the Union might be able to succeed given its capabilities and the conflict context and thus to caution against over-ambitious and unrealistic expectations of what can be expected of the EU as a conflict manager in the case of Georgia, and throughout the Eastern Neighbourhood and beyond.

As noted above, the EU has markedly improved its capabilities to act and to fund. Two EU Special Representatives (for the South Caucasus and the crisis in Georgia) have been deployed, ENP and the Eastern Partnership have made conflict management one of their priorities, and high-level intervention, such as in the case of the (French) presidency’s shuttle diplomacy during the Georgian-Russian war in August 2008, has left a positive mark. To be sure, Georgia is far from a success story for EU conflict management, but comparing the relative success of the French Presidency’s handling of the crisis in summer and autumn 2008 to the considerable difficulties the EU experienced in the Western Balkans throughout the 1990s indicates that the EU has come a

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91 This argument is developed in greater detail in Wolff (2008) and Peen Rodt and Wolff (2010)

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long way in achieving some credibility as a conflict manager. Likewise, the various funding instruments available now, such as the IfS and ENPI, are working far more effectively in the short and long-term than even the so-called Rapid Reaction Mechanism and other instruments did. Yet, even with improved capabilities, political will to engage politically, remains a scarce commodity. The main instrument (in terms of duration and funding provided) for EU engagement to date has been the ENP. Yet, as External Relations Commissioner Ferrero-Waldner already pointed out in 2006, the ENP “is not in itself a conflict prevention or settlement mechanism”, but “tackles the underlying issues which enable conflicts to fester” (European Commission 2006). Insisting, as she did at the time, that the example of Western Europe after the end of the Second World War has demonstrated that “promoting prosperity, stability and security is the ultimate conflict prevention policy” is empirically correct (ibid.), but not a suitable analogy. Conflicts, such as those in and over Abkhazia and South Ossetia, that are based on incompatible self-determination claims of distinct ethnic groups follow a different logic that is not comprehensively captured and addressed by an approach that sees “to contribute to a more positive climate for conflict settlement”(ibid.). In other words, “impressive economic growth is not the key mechanism for turning a conflict that springs from issue of identity into a cooperative arrangement” (Coppieters 2007:26). This is not to say that the EU approach as a whole is flawed, but rather that it lacks a comprehensive vision and strategic follow-through: unlike the UN and OSCE, the EU has significant economic and political instruments that it could deploy in support of a more active diplomatic role in seeking a negotiated settlement.  

Rather than merely supporting existing efforts (which failed to make any progress over more than a decade), the EU should have mustered the political will to take a lead in the settlement process.

That this has not happened either before or after the 2008 Russia-Georgia war is also a reflection of the fact that the most

\[92\] Cf. International Crisis Group (2006: 3). This report is overall highly critical of the EU’s reluctance “to take on direct conflict resolution responsibilities” (ibid.: 27)
problematic area for the EU are its internal and external capabilities to cooperate and coordinate. As already noted, being a latecomer in the arena of international conflict management, the EU has had significant difficulties finding a role for itself within the broader international conflict management efforts. This has been as much a problem in relation to the EU’s internal political dynamics. Especially in the Eastern Neighbourhood, and thus in relation to the conflicts in Georgia, the Union has been unable to overcome different member state preferences on how to deal with Russia and remains fundamentally divided between a more Russia-friendly camp (comprised of those, like France and Germany, who prioritise bilateral relations with Russia over a common EU approach) and a more Russia-critical camp (including primarily Poland, Sweden, and the Baltic states, as well as at times the UK who prefer a much tougher line). This divide within the EU has meant a repetition of a well-known EU pattern of no or insufficient action until a crisis has fully escalated, rather than the pursuit of a well-conceived, strategic, and properly resourced proactive foreign policy.

Relegated to observer status in South Ossetia and to providing support for confidence-building measures and economic reconstruction in Abkhazia, the EU’s role in Abkhazia and South Ossetia was relatively marginal until summer 2008, despite a somewhat higher level of activity from spring 2008 onwards (European Commission 2009: 7), including a visit by High Representative Solana to Georgia and Abkhazia in June 2008. The Georgian-Russian war in August that year, however, coincided with the French Presidency of the EU and thus with an internationally heavy-weight incumbent with an experienced and well-resourced foreign office staff and a president accepted as equal in his national role by Russia. Yet, the EU needs to maintain a care-

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94 Another high-level visit to Georgia, Abkhazia and Russia was undertaken in July by Frank-Walter Steinmeier in his dual capacity as German foreign minister and coordinator for the five-member Friends of the UN Secretary-General (including also the United States, Britain, France, and Russia). While a peace plan presented by Steinmeier was rejected, further escalation of the conflict over Abkhazia, seen as much more likely and dangerous than the situation in South Ossetia, was averted at the time.
ful balance here, as noted by High Representative Solana, between “unity inside the EU and commitment to our principles” and realising that “there is no alternative to a strong relationship with Russia” (European Council 2008c). This was also emphasised in a Commission review of EU-Russia relations in November 2008, acknowledging that “Russia is a key geopolitical actor, whose constructive involvement in international affairs is a necessary precondition for an effective international community” and observing that the key requirement for successfully engaging Russia in conflict resolution in the common neighbourhood is “the will and the capacity of the EU to act as one, combining both Community instruments as well as those of CFSP/ESDP” (European Commission 2008: 4f).

At the same time, the OSCE chairmanship was held by Finland, another EU member state and one not traditionally perceived as anti-Russian. Seizing the initiative, the French Presidency, in cooperation with the OSCE, brokered a ceasefire and oversaw the swift agreement on, and deployment of, EU monitors to Georgia. While member states remained divided over who to blame, Russia or Georgia or both, the French Presidency of the EU managed these disagreements well enough to preserve the EU’s ability to act. While this may be seen as a major breakthrough in the EU’s conflict management capabilities, it also indicated some potential weaknesses, as one might wonder whether the same results would have been obtained if the war had happened during the Presidency of a smaller member state anchored in the Russia-sceptic camp within the EU. Moreover, there remain question marks over whether the EU’s intervention actually achieved much at all: the EU-proposed ceasefire was agreed by Georgia and Russia, but only after Russia had essentially achieved its aims; Russian recognition of the independence of

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95 Cooperation with Russia, regardless of how reasonable it may seem from the EU’s perspective, has been difficult to sustain at constructive levels. The military escalation in the summer of 2008 and the subsequent recognition by Russia of the independence of Abkhazia and South Ossetia is a clear indication that the Road Map for the Common Space of External Security is barely worth the paper on which it was written, committing the two sides, as it did, to, inter alia, cooperation in crisis management, promoting conflict prevention and settlement, regular consultation, early warning, etc. See European Commission (2005).
South Ossetia and Abkhazia happened despite EU opposition at the end of August 2008; and thus far little, if any progress has been made in the Geneva talks, mandated by the ceasefire agreement. Moreover, while the French Presidency managed to keep EU member states in line and on course during the crisis and to get, and implement, an EU-internal agreement on the deployment of monitors to Georgia, the appointment of its own EUSR for the Crisis in Georgia (the existing EUSR for Central Asia, Jacques Morel) did little to dispel perceptions of a specific French national agenda within and beyond the EU.

The conflict context

How did the conflict environment impact on failures and successes of EU conflict management in Georgia?® Globally, the EU is a late-comer in the area of conflict management. Throughout the 1990s, the EU was, if anything, focused on the Balkans, with little success. ESDP, the Union’s major reservoir of conflict management instruments, only became fully operational in 2003 (a decade after its inception), and continues to lack military teeth. Thus, by the time the EU began to look to the Eastern Neighbourhood (ENP, too, was inaugurated only in 2003) the field of conflict management had already been carved up among other actors, such as the UN and the OSCE, who showed little enthusiasm to let the EU become a major player as well. The Union, thus, remained mostly excluded from political efforts and was relegated to providing economic support and limited confidence-building measures in Abkhazia and South Ossetia where the UN and OSCE, respectively, were the main ‘drivers’ of peace processes that stalled soon after ceasefire agreements were concluded in the first half of the 1990s (see below). The Union did obtain observer status in the OSCE and Russia-led Joint Control Commission in South Ossetia and appointed a Special Representative for the South Caucasus (as well as after 2008 for the crisis in Georgia).

®For a more detailed exploration of the dimensions of ‘context’ and their impact, see Wolff (2008) and Cordell and Wolff (2009).
Through the Presidency, held at the time by France, the EU also filled a vacuum created in the wake of the 2008 Russia-Georgia war, and provided, together with the OSCE Chairman-in-Office (Finland at the time), crucial shuttle diplomacy leading to a cease-fire agreement. However, in general, the geopolitical environment offered few concrete opportunities for the EU to play an active, let alone leading role, in managing the conflicts in Georgia. Given their prominence, it is, therefore, worth briefly exploring here the role of two international organisations – the OSCE and the UN – as part of the broader global conflict context.

As already noted, for most of the period after the outbreak of violence in Abkhazia and South Ossetia, the OSCE and the UN were the most significant external mediators involved in any of the conflicts settlement processes. Their engagement was guided by three principal objectives: to bring active hostilities to an end and to prevent their resumption; to deal with the humanitarian consequences of the two conflicts; and to achieve durable settlements. Yet, with the underlying objective of at least some of the Western members of the two organisations having been to consolidate the independence of Georgia and to effect its integration into European and transatlantic structures, tug-of-war games in which Abkhazia and South Ossetia, as well as eventually Georgia, would become nothing more than pawns, were inevitable: locally between pro-Western and pro-Russian forces, within regional organisations (such as the OSCE and the CIS), and geopolitically between Russia and the West.

This geopolitical dimension of Georgia’s contested statehood requires some further analysis of another third-party actor: the United States. US engagement was driven primarily by its own national security and energy agendas. The Baku-Tbilisi-Ceyhan (BTC) pipeline serves major US interests, including diversification of supplies and limiting Russia’s (and potentially Iran’s) control over Caspian hydrocarbon resources by providing alternative supply lines to world markets. The security of the pipeline, however, remained crucially dependent on stability in Georgia which established an initial US interest in what was con-
sidered Russia’s backyard throughout the first half of the 1990s. With the beginning of the Global War on Terrorism, the region rose to higher prominence on the US security agenda because of its strategic location in relation to Afghanistan, Iraq, and the Middle East, necessitating the use of Georgian airspace and leading to the establishment of two (joint US-Turkish) airbases in Georgia. In 2002, as part of an effort to widen the coalition of countries supporting the US-led war on terrorism, the Georgia Train and Equip programme was initiated, funded with $64million and designed to increase the capabilities of Georgia’s armed forces by training and equipping four six-hundred strong battalions of the Georgian army and some additional troops under the command of the ministry of the interior, including border guards. A follow-up to the train and equip programme was the Georgia Sustainment and Stability Operations programme, tied more specifically to Georgian troop deployments in Iraq and providing an additional $60million in military US assistance in 2005/6. 97 In addition, around $400 million worth of military surplus goods were delivered to Georgia. 98

While the sustained commitment by the US to Georgia had a significant impact on the country’s economic performance, especially since 2004, and arguably contributed to a number of social and political reforms, it also exacerbated Georgian-Russian tensions, especially because of US support for, if not encouragement of, Georgia’s aspirations to join NATO. While US policy in the early 1990s acknowledged Russia’s claims that Georgia (and other ex-Soviet republics) should be respected as part of its zone of influence, US military and energy security interests over the last decade have turned the South Caucasus into somewhat of a battleground for regional influence. In the context of generally worsening relations between Russia and the West, a perceived US agenda to press ahead with Georgia’s NATO membership bid at the Bucharest Summit in April 2008 was at least a contributing factor to the outbreak of violence in South Ossetia over the summer.

97 Information from www.georgia.usembassy.gov
98 Information from www.state.gov/p/eur/ci/gg/c7008.htm
These complex strategic configurations of power and the opportunities and constraints they establish for the realisation of the interests of each involved player at least partly explain the failure of international conflict management efforts in facilitating a durable political settlement of the conflicts over Abkhazia and South Ossetia. Much like the EU, the UN, OSCE and US were part of the same conflict context and insufficiently able to shape it to their advantage and thus be in a better position to affect progress towards conflict settlement. Consequently it would be unfair to lay all the blame for the lack of sustainable settlements in the two conflicts in Georgia on third parties alone. Yet, seeing them just as victims of the intransigence of local conflict parties and of the self-interested agendas of other external actors, chiefly Russia, does not tell the entire story of failure either. While the US pursued a predominantly national security agenda in Georgia which limited the degree to which it could play a more constructive role in conflict settlement, the UN and OSCE were proactively engaged as key players in international conflict management efforts, but proved themselves at the same time extremely protective of ‘their’ settlement processes and prevented (for a long time successfully), a more multi-track and multi-actor approach. In the same way that the OSCE maintained its lead role in South Ossetia, the UN had been keen to keep other actors at bay from its efforts in Abkhazia. This exclusion of other third parties from the core conflict settlement processes limited their effectiveness in two ways. On the one hand, it deprived them from capacities that they did not, or not sufficiently, have themselves. For example, the EU’s proven track record to facilitate economic reconstruction and reintegration and assist with civilian police and border management has, if anything, been activated only very late. On the other hand, despite the ‘protectionism’ of the UN and OSCE, the number of external actors on the ground who are keen to contribute to the settlement of these conflicts has steadily increased, but the multiple efforts made by them and the respective key players have not always been sufficiently coordinated, and objectives have at times been contradictory.
Moreover, there were two further factors that added to this unfavourable global context. Kosovo’s unilateral declaration of independence in February 2008, and its recognition by now all but five of the EU’s 27 member states, created a welcome ‘precedent’ for Russia as frequently emphasised by Putin, already in the run-up to February 2008. While Russia’s position here is ambivalent, of course, as it also backed Serbia before the ICJ challenging the legality of Kosovo’s UDI, this ‘successful secession’ further strengthened the resolve of the Abkhaz and South Ossetian elites to pursue their course of breaking away from Georgia. The second complicating factor in this respect is Georgia’s aspiration to join NATO and NATO’s principal openness to this idea, as expressed at Bucharest summit in April 2008. Unsurprisingly, this was not welcomed by Russia and may well have confirmed to the Kremlin an essentially hostile agenda on the part of Georgia and NATO (in connection also with the then still ongoing US-inspired missile defence shield). The overall worsening relationship between Russia and the West clearly did not facilitate any progress on diffusing ever-increasing tensions in Georgia, thus limiting further whatever conflict prevention and resolution capabilities the EU, alone or in cooperation with other international actors, may have possessed before August 2008. Moreover, as the International Crisis Group argues, defeating Georgia in the August 2008 war served several of the Kremlin’s strategic goals in this respect: “to punish one nation for its NATO ambitions; to warn others, especially Ukraine, not to go down the same route; and to humiliate NATO by showing it to be indecisive and ineffective” (International Crisis Group 2008: 10).

At the regional level, constraints on EU effectiveness, by-and-large, also outweighed opportunities. The main factor here is Russia. Russia, at the same time a global player, not least through

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99 The International Crisis Group (2008: 8) notes in this context that soon after Kosovo’s declaration of independence, Russia significantly increased the strength of pre-existing links with Abkhazia and South Ossetia.

100 The connection between the escalation of tensions between Georgia and Russia over Abkhazia and South Ossetia, on the one hand, and Kosovo’s declaration of independence and the outcome of the Bucharest NATO Summit, on the other, is also emphasised in Independent International Fact-Finding Mission on the Conflict in Georgia (2009: 31).
its status as permanent member of the UN Security Council, has clear security and economic interests in the area considered by the EU as its Eastern Neighbourhood, interests that are often at odds with those of the EU. The Russian military presence in South Ossetia and Abkhazia (in the form of CIS peacekeepers for much of the period after the break-up of the Soviet Union), as well as Russian political influence and economic leverage makes Russia a veto power when it comes to conflict settlement. Deteriorating relations between Russia and the West, over Kosovo and NATO expansion among others, combined with the limited leverage that the EU has over Russia, have further complicated the task for the EU. EU dependency on oil and gas from Russia and on Russia as a major transit country for energy from the Caspian region has so far outweighed Russian dependency on the EU as a major market. EU efforts to diversify supply and supply routes by investing in pipelines through the South Caucasus have significantly driven increased EU conflict management efforts in this region, and Georgia in particular, but not decreased Russian leverage, predominantly because of the continuing influence that Russia exercises in Abkhazia and South Ossetia.

The regional situation, however, is also characterised by the influence of non-state actors. The fact that, over some fifteen years, quasi-state structures have grown in Abkhazia and South Ossetia (to the extent that both regions exhibit key criteria of stateness, such as a permanent government associated with a population and a territory), yet remained largely un-integrated into international political and economic networks, has also created opportunities for transnational organised crime that have become entrenched and are closely interwoven with the local political, social and economic structures, and in fact sustain them in many ways financially and militarily. These criminal networks are predominantly involved with drugs smuggling and weapons trafficking and as such also integrated into global east-west transit routes. Moreover, throughout the 1990s, the conflict zones in Abkhazia and South Ossetia, and surrounding areas of Georgia proper provided training and transit opportunities for jihadist
fighters joining the Chechen independence struggle, thus increasing also Russian security concerns. While the EU is clearly and negatively affected by this kind of organised criminal activity, it lacks effective instruments to tackle them at their source. Moreover, from a conflict management perspective, such efforts might prove counter-productive by alienating the very local elites that will be essential for achieving a sustainable settlement.

At the state and the local levels, the factors that condition the success or failure of EU conflict management in Georgia are equally unfavourable. Local elites in Abkhazia and especially South Ossetia are deeply dependent on, and controlled by, Russia and involved in organised criminal activity. While they may lack even a minimum of democratic legitimacy in the eyes of the EU, it is difficult to see how any continuing stabilisation, let alone settlement, can be achieved without engaging them. While the EU is keenly aware of this, it remains committed to the territorial integrity of Georgia, which in turn resists any negotiations with the Abkhaz and South Ossetian elites. These elites, heavily dependent as they are on Moscow for political and military backing and for economic lifelines that help them maintain a modicum of local legitimacy for their regimes, thus have very little room for manoeuvre in potential status negotiations. In other words, even though local elites may be able to claim legitimately that they represent the interests of Abkhazia and South Ossetia they have very limited, if any opportunity, in the existing negotiations format to do so effectively because of a regional balance of power that favours Russia from the start. The Russian position, moreover, is clearly at odds with that of Georgia and those among its supporters that insist on the country’s territorial integrity. Thus, even though one of the results of the Georgia-Russia war in August 2008 was the creation of a new negotiation format involving both Russia and the EU, these so-called Geneva talks have yet to produce any concrete results. The EU has earned its place in the Geneva talks qua its efforts to broker a ceasefire, but its actual position within them is weak: limited, if any, leverage over Russia is matched by
a Georgian preference for the US and NATO as backer. Moreover, the EU’s role is constrained structurally.

The current agendas of the immediate conflict parties at the local and state levels in both conflicts have not only created a situation in which the EU is of relatively marginal significance but their perceptions of what their own interests in relation to security, power and material gain are have also meant that their willingness to move beyond the status quo and towards sustainable settlement is at best limited. Security concerns in South Ossetia and Abkhazia remain high for both separatist and Georgian officials. Internal power struggles at the state level continue in Georgia. Repeated election promises by the incumbent president to restore full sovereignty over the entire territory of the Georgian state in its internationally recognised borders from the outset limited the chances of a peaceful settlement of the two conflicts there in light of entrenched positions, and Russian backing, on the other side. Moreover, the material benefits that different sections of the elites on both sides in the conflicts derive from the status quo, and thus the threats they perceive from a negotiated solution, have created significant constituencies who benefit from the lack of a solution and are thus hardly inclined to negotiate in good faith. Abkhaz and South Ossetian leaders cannot even privately contemplate any form of reintegration into Georgia, but differ with regard to their own long-term goals. Abkhaz favour independence and fear increasing Russian dominance, while South Ossetians aim at reunification with the North Ossetian republic in the Russian Federation. Yet, Russia struggles with a restive North Caucasus and is aware of the risk of further destabilisation through continued Ossetian ‘reunification’ efforts.

**The International Management of Unrecognised States**

The gradual escalation of the conflicts over Georgia’s two separatist entities — the unrecognised states of Abkhazia and South Ossetia — demonstrates the dangers inherent in international efforts to manage such conflicts. As the foregoing analysis
has demonstrated in its focus on the EU, there are several objective limitations to the effectiveness of international conflict management in a situation as multi-faceted and complex as the context in which the conflicts over Abkhazia and South Ossetia have evolved over the past two decades. The focus on the EU, however, has also highlighted a number of capability gaps that have prevented more effective conflict management, some of which are clearly not unique to the EU but constitute a broader set of problems for third-party actors involved in conflicts related to unrecognised states. Yet, the relative failure of international conflict management in the case of these two unrecognised states in the South Caucasus also offers some important lessons.

What was crucially lacking in the case of Abkhazia and South Ossetia, on the part of the EU and third-party actors more generally, was a proper conflict management strategy. The formulation and subsequent implementation of such a strategy would need to be based on a clear definition of third-party interests vis-à-vis a specific conflict and the context in which it occurs; a context-sensitive assessment of third-party strengths and weaknesses in conflict management; and a feasible approach as to how these strengths can be best leveraged and weaknesses be overcome.

In addition, there are five substantive principles that have so far not been comprehensively appreciated in their significance for the effectiveness of international conflict management in cases involving unrecognised states.

*Primacy of negotiated solutions over imposed settlements*

The eventual outcomes of settlement negotiations must not be prejudged, but reflect what is practical and feasible given the interests of the immediate conflict parties and other relevant players. In order to attain such outcomes, the relevant third-party actors need to stand ready to provide adequate resources for potentially protracted negotiations, as well as leadership and technical expertise as necessary to assist in crafting a sustainable settlement.
Inclusiveness of negotiations

Comparative experience of conflict management indicates more generally the need for negotiations to include all relevant parties if whatever settlement is obtained is to have a chance of being fully implemented and sustainably operated. Such inclusion need not be unconditional, but conditions need to be determined and enforced with care. While a commitment by all parties to non-violence is essential, the non-prejudicial approach to negotiation outcomes outlined above, suggests that demanding prior acceptance of certain parameters of a settlement, such as continued territorial integrity or the permanence of demographic changes, might be counter-productive by undercutting the support that negotiators need from their constituencies. This point also emphasises the need for engaging the leaderships of unrecognised states without at the same time linking such engagement to recognition.

Comprehensiveness of agreements

The two conflicts in Georgia, for example, are primarily secessionist in nature. Yet, a mere compromise about who is to control which stretch of territory will be insufficient for any settlement to be sustainable. Experience indicates that, apart from accommodating territorial claims, security, economic, and cultural concerns too need to be addressed. This will require the parties to make concessions and settle for compromises. An often painful and risky process for the negotiators personally and the parties they represent, third-party mediators need to be acutely aware of ‘red lines’ and carefully tease out the space for compromise between them, tabling proposals at key moments. Such proposals can be specific to address a particular impasse during negotiations, but they may also be broader, considering the interests of external parties whose support will be needed for settlement implementation and operation.
Building broad coalitions of support for negotiated settlements

Difficult as it may be to reach a settlement at the negotiation table, the process of securing its implementation is often even more fraught with dangers of failure. Third-party actors will need to put significant effort into securing the support of a particular settlement from key constituencies of those represented in negotiations, external stakeholders and interested parties, as well as manage potential spoilers and limit their ability to undermine a settlement agreement once it has been negotiated. Such a broad coalition of support would need to include civil society and media, diaspora networks, regional and international organisations, neighbouring states, and relevant great powers to offer the political elites who negotiated a settlement the necessary backing and give them the room for manoeuvre to accept compromises and make concessions.

Need for long-term external assistance

Achieving a negotiated settlement in any conflict is a difficult enough task on its own, and is often additionally complicated by painful compromises over status issues involved in conflicts with unrecognised states. The subsequent implementation and operation of settlements, moreover, will be long-term projects of state and nation-building: (re-) building a single common state or consolidating two separate ones. Without external assistance, implementation and operation of settlements will almost certainly lack the necessary human and material resources to be completed successfully. Third-party actors normally have significant experience – of success and failure – in this (the EU, for example, from its engagement in the Western Balkans over the past almost two decades), and it will increase the likelihood of its success in conflict management if it commits to long-term, post-settlement engagement with the former conflict zones by providing security guarantees, development aid, and institutional capacity-building and training.
Overall, the case of international, and in particular EU involvement in the management of conflicts over the unrecognised states of Abkhazia and South Ossetia demonstrates that third-party actors rarely face the stark choice between non-engagement and recognition. Rather, to the extent that engagement can happen without recognition, the international track record of conflict management may not be that poor after all: before and after the 2008 war, economic and social reconstruction efforts and humanitarian relief for IDPs did result in some concrete benefits, even though these were clearly not enough to prevent the outbreak of war. This also illustrates that avoiding the recognition issue is no long-term strategy for conflict management either, postponing, as it does meaningful, outcome-oriented status discussions. In extremis, and the examples of Abkhazia and South Ossetia are a case in point here, the status issue is ‘resolved’ by force and recognition extended partially and without broad international consensus. Sergei Bagapsh’s optimism to one side, this does not do away with unrecognised states.

References


Green-belt Zones in Danger!

Nadiya Kostyuchenko
Yuriy Petrushenko

Introduction

Nowadays more people live in cities than in rural areas. While cities grow it becomes more problematic to create normal living conditions. Rapid development of industry and agriculture is accompanied by significant violation of natural environment. The quality of the urban environment becomes increasingly important. High environmental standards of a city is one of the main factors to choose the city for living today. The need for sustainable cities that offer both healthy and attractive environments for inhabitants is higher than ever.

Urban green spaces contribute greatly to the quality of life in cities. Green areas not only make the cities look more beautifully but these also provide a wide range of environmental, social, cultural and economic benefits to the society, starting with the assuring opportunities for recreation up to reducing the health risks. Many of the environmental services provided by urban green spaces are characterised as climatic or engineering benefits that offer a ‘green infrastructure’ to the cities and towns. Trees and other vegetation help to reduce air pollution as well. Trees reduce storm water runoff and can assist with processing wastewater. Besides, urban green also protects soils and moderates harsh urban climates. Urban trees create a pleasant and attractive green townscape. Green areas shelter the wildlife and promote its biodiversity. Green spaces can have a positive impact on human’s
physical and mental health by providing settings for physical exercise, reducing ultraviolet radiation and lowering stress levels.

As a result of urbanization, attention for the role of urban green spaces in contributing to sustainable cities has increased in many countries both at the European and national level.

Governments of the European Union countries try to take care about urban ecological situation. Nowadays Hamburg is European Green Capital. Amsterdam was awarded as a European city of the trees in 2012. The same award was given to Turku in 2011, Prague in 2010, Malmoe in 2009, Turin in 2008, and Valencia in 2007. European green city index among the other indicators includes greening of cities.

Nevertheless the role of urban greening increases highly, green areas started to disappear in many parts of Ukrainian cities over the recent several years. Zones of greenery in cities of Ukraine are rapidly built up with houses and supermarkets.

**Background**

Urban green areas have been an important and valued part of European cities for many centuries. Europe has had a long and rich history of green space design and management (Konijnendijk, Nilsson, Randrup, Schipperijn, 2005). Many cities, especially in Central Europe, have owned and managed nearby woodland for centuries.

As early as during the ancient Greek and Roman civilisations, trees and other green elements were appreciated as parts of cities. Structural interference of cities in green resources, however, developed during the Middle Ages. While the nobility conserved forests near cities as hunting grounds and economic reserves, city authorities saw the value of surrounding forests for providing construction and fuel wood, food and fodder for the benefit of local citizens. Although use often led to overexploitation and forests were transformed to agricultural land, the need
for timber and other forest products close to the city for example during times of war led to the first conservation measures undertaken for other than hunting purposes. Cities such as Freiburg, Hanover, Tallinn and Zurich installed protective measures to conserve nearby woodlands. City involvement further increased over time. During the Mercantilist and following periods, the emerging class of merchants and bourgeoisie turned to forests and other green areas for economic as well as leisure purposes. They established estates just outside cities with woodlands and parks complementing agriculture. Other citizens also started to demand opportunities for outdoor recreation, especially during the 19th century Industrialisation. Cities had often turned into crowded, dirty places where green areas and nature were hard to find. Initially, many of the larger parks and gardens in cities and towns were established by the nobility and public access to these areas was very limited. Although there are earlier examples of city authorities becoming concerned with providing public green space, more cohesive action emerged during the 19th century, when industrialization led to a boom in Europe’s urban population. Urban parks were seen as important contributors to the quality of urban life and health of the population. New green spaces were established and existing and private parks and gardens were opened to the public during the second half of the 19th century (Konijnendijk, Ricard, Kenney, Randrup 2006).

Providing outdoor recreation areas in and close to cities became a concern not only of local authorities, but also of national governments. Large green areas primarily for recreation were created close to cities in many European countries.

Over time, rulers and governments were active in conserving and developing urban green. This led to a large variety in the quantity and quality of urban green structures across Europe, with some cities benefiting today from several periods in history where green space was high on the political agenda (Konijnendijk, 2002). In Europe green space cover varies between 5% in Madrid and 56% in Ljubljana, 60% in Bratislava. Green space per inhabitant differs from 6 to nearly 7000 m². For example, in Great Brit-
ain green areas cover approximately 14% of urban areas (parks and green spaces estimated to account for 120 000 –150 000 ha). In the Netherlands average municipal green space cover of 19% for 22% of the largest Dutch cities (i.e. average of 228 m²/ inhabi-
tant) (Konijnendijk, 2003).

Figure 1 shows how the amount of remaining woodland within municipal boundaries of European cities differs. Especially in the case of woodland, mostly the first to go when urban and ag-
cultural lands were needed, strict protection measures such as laws imposed by rulers were crucial for conservation. In many countries and regions in Western and Southern Europe, the pressure of growing and urbanising populations was simply too high and only forests on marginal lands or under strict private ownership remained. Many countries in the Nordic and Eastern regions, however, maintained a forest culture and cities were built ‘into’ the forest (Konijnendijk, 2002).

Figure 1 – Woodland cover in percentage of the area within the municipal boundaries and in m² per inhabitant for 26 Euro-
pean cities (Konijnendijk, 2002)
From the description of the development of Europe’s green heritage, it is clear that urban green development largely followed societal demands. The need for sustainable and multifunctional green structures, however, today is stronger than ever as the limited urban green resources are under pressure in increasingly urbanised societies (Konijnendijk, 2002).

Increasing urban populations are not always met by increasing urban green resources, far from that. Many European cities in fact have experienced a decrease in open space, as the competition for land has intensified. Green area planners and managers have to face this demanding situation in a time when public budgets, and not in the least those for green area management, are being cut. Moreover, they are affected by government reforms and by society’s challenging of their authority and demand for more influence in decision-making (Konijnendijk, 2002). Indicators such as the per capita provision of trees can be used to benchmark the performance of urban areas and develop targets for urban forest planning (Konijnendijk, Nilsson, Randrup, Schipperijn, 2005). Green norms (in terms of a minimum surface of green per inhabitant) were introduced to guide greening policies.

With limited green resources available to meet the many demands, diversification and multifunctionality are key concepts in today’s green planning and management. Increasing the quantity of nearby green areas is not easy, but important. Where quantity may be lacking, quality of the available green areas in terms of values to society and sustainability should be maximised. Another key issue to consider is a fair distribution of green areas over urban areas in order to have outdoor opportunities available to all. Related to this is the issue of access to green areas: it should be ensured that different groups in society have equal opportunities to use green areas. Current green resources in Europe, however, do often not meet these demands (Konijnendijk, 2002).

Attention for urban forestry at the European level has been limited so far, although sufficient access to public green space is seen as an important indicator for sustainable cities (EEA, 1995). At the national level, however, new policies have incorporated the
importance of urban green areas. Countries such as Belgium, Denmark, Ireland, the Netherlands and Great Britain issued afforestation policies in which urban agglomerations have the highest priority (Konijnendijk, 2003). Urban and community forests are described as a priority and powerful tool in the England Forestry Strategy issued in 1998. The legal framework for trees in many countries consists mainly of the Planning and Building Act which concerns the planning of land and water use and regulates tree felling. In Sweden the problem is also regulated by the Property Act which concerns, for example, damage to property such as trees, and the Environment Act which aims to promote sustainable development and preserve biodiversity.

Some European cities with a long history of woodland ownership developed strategies and policies for their woodlands, while most other cities have contented themselves with green space management plans only (Konijnendijk, 1999). Comprehensive local urban forestry strategies are even less common, especially outside of Britain and Ireland (Konijnendijk, 2003).

At the same time urban forestry programmes and projects throughout Europe have stressed the involvement of stakeholders and the public at large. There are a lot of examples that much can be gained from enhanced public involvement in decision making about one’s daily living environment, for example in terms of more legitimacy and public support, enhanced awareness and “better” decisions (Konijnendijk, 2012).

**Narrative Description of the Situation**

The city of Sumy is a typical regional centre in Ukraine allocated on the East-North of the country in the natural area of Polesie. Yearly American magazines ‘Men’s Health’ and ‘Women’s Health’ give rating of the best and worst cities for health in USA. A similar study has been made in Ukraine since 2007. The results of the rating of the best cities for life in Ukraine are pub-
lished in the magazine ‘Focus’. According to the research over the last five years the rating of ecological situation in Sumy has decreased greatly. As a result the overall score for Sumy has declined from 11th place in 2007 to 25th place in 2011 among the 55 cities of Ukraine under consideration. The rating is made based on peer review. Ecological factor is one of the main in the overall rating and includes the place of city settlement, types of production, sources of environmental pollution, level of water pollution, level of air pollution, level of land pollution, types of pollutants and level of danger, and traffic load. The overall rating includes also such factors as: infrastructure, innovation, social and cultural environment, development of international business.

During this period of time the population of Sumy has decreased greatly. Nowadays the city population is nearly 270 000 of people. In comparison with 2007 there were 280 000 inhabitants living in Sumy, and nearly 300 000 of people in the middle of the 90th (Stan, 2008; Statistichniy, 2011). Many young people left the city.

In the middle of 90th Sumy was a green city with a lot of trees and millions of roses. Today there are much more less trees on the streets and no roses. Many city green areas have disappeared. The situation that has arisen in Sumy is not specific. A similar situation occurs in many other cities in Ukraine. And the same was in some European cities before strict regulations on building and development were not adopted. The problem of air pollution is the urgent one in the city of Sumy. There are 4 main factories-pollutants of air in the city.

Dynamics of air pollution in Sumy region shows that emissions into the atmosphere have increased during the years but not greatly. This is mostly due to the decrease of production capacities of the main factories in the city. The main air pollutants of Sumy region are transport and factories of oil and gas production that give more than 85% of all the harmful emissions from the stationary sources.
The level of air pollution in Sumy has stabilized but is still high enough. For example, the average daily norm for dust is 0.15 and for nitrogen dioxide = 0.04.

The role of urban green areas in regulating the quality of city air is crucial. System of greening determines the quality of urban environment. Green areas contribute to the improvement of microclimate and sanitary conditions. They slow wind speed, act as a trap for dust, absorb gas impurities from the air, reduce the power of sound waves, create a natural landscape in the city, etc.

But despite high air pollution in the city, the quantity of new urban greenery decreased over the recent several years in Sumy region (see Table 1).

Table 1 – Urban greening (Dopovid, 2012)

<table>
<thead>
<tr>
<th>Activities</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quantity of new greenery, ha</td>
<td>4,8</td>
<td>7,4</td>
<td>7,5</td>
<td>2,4</td>
<td>2,8</td>
</tr>
<tr>
<td>Landscape reconstruction on vegetation, ha</td>
<td>4,3</td>
<td>4,5</td>
<td>4,4</td>
<td>3,8</td>
<td>1,6</td>
</tr>
<tr>
<td>Caring for plants, ha</td>
<td>1853</td>
<td>1858</td>
<td>1859</td>
<td>1911</td>
<td>2110</td>
</tr>
</tbody>
</table>

Numerous studies of foreign researchers prove that green areas reduce dust and harmful gases content in the atmosphere, and thus reduce the negative impact of pollutants on public health. A tree yearly absorbs 30-40 kg of dust and other solids from the air. There two times less pathogen in parks within 30 meters from the road than on the street. Nearly 30 kg of essential oils are put into the air by 1 ha area with trees (Kucheryaviy 2005). World Health Organization recommends 50 m$^2$ of urban green space per person living in a city. This number of trees and plants is necessary for providing an optimal level of oxygen per person. Norms of greenery for urban territories are formed according to the type of a city and its location. Several studies underline that a norm of greenery for large cities has to be 21 m$^2$ per person.

The average level of greenery in different regions of Sumy is presented on Figure 2.
Figure 2 - The average level of greenery in different regions of Sumy (made based on Generalniy)

There are only three zones in the city with the level of greenery within the norms. These are zones 1, 2 and 5. The amount of green space in zone 1 is large because of a city park that is also included. Zone 2 is mostly a recreation zone with lakes and forests. As for zone 5, the norm of greenery has to be increased for it as there is a chemical factory on its territory – a huge air pollutant (see Table 2). Zones 3 and 4 are the ones with...
the highest population density in the city. As for zone 4, there are three factories – air pollutants – on its territory.

Table 2 – Adjusting coefficients for norms of urban greenery (Kostyuchenko, Petrushenko, 2010)

<table>
<thead>
<tr>
<th>№</th>
<th>A zone of greenery</th>
<th>Adjusting coefficient</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>A zone of greenery located in the recreation area</td>
<td>1,2</td>
</tr>
<tr>
<td>2</td>
<td>A zone of greenery located in the coastline area</td>
<td>0,9</td>
</tr>
<tr>
<td>3</td>
<td>A zone of greenery located near the motorway</td>
<td>1,05</td>
</tr>
<tr>
<td>4</td>
<td>A zone of greenery located in the ‘residential’ area</td>
<td>1</td>
</tr>
<tr>
<td>5</td>
<td>A zone of greenery located near the industrial complex:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1&lt;sup&gt;st&lt;/sup&gt; class of damage</td>
<td>1,2</td>
</tr>
<tr>
<td></td>
<td>2&lt;sup&gt;nd&lt;/sup&gt; class of damage</td>
<td>1,15</td>
</tr>
<tr>
<td>6</td>
<td>A zone of greenery located nearby railway junction</td>
<td>1,05</td>
</tr>
</tbody>
</table>

Zones of greenery are green areas inside a city having a special status according to the official city plan. This is a territory which has to be covered with trees, bushes and other greenery according to the city plan.

In reality the territory marked as a zone of greenery may be built up with some constructions as there is mostly no control on the problem. And in most cases a decision-making person who is responsible for the control is a future owner of a supermarket or a house built on that territory.

When a zone of greenery disappears, people living nearby the former green area are the first who face the problem. Many regions of the city are far distance from the city parks. And for many people it takes a lot of time to get to the parks. That is why they visit the city parks rarely. They use green areas nearby there houses as recreation zones.

But the problem is not local. Sumy is a city of chemical industry. As it was mentioned above green areas help to decrease air pollution from chemicals.
Key Parties

The main actors of the situation are the next ones:

- People living nearby a zone of greenery which is under construction;
- People living in the region of the city, where a zone of greenery (which is under construction) is allocated;
- People living in other regions of the city, far from a zone of greenery;
- Local NGOs;
- Press;
- Radio;
- TV;
- Deputies;
- Local authority;
- National ecological organizations;
- International ecological organizations.

The interests of different actors differ a lot. Among the deputies there are fractions interested in personal gain from the situation when zones of greenery are built up with houses and supermarkets. These deputies also control several local radios and newspapers. People that live nearby zones of greenery, which are under construction are effected by the problem most of all. They used those zones as places for rest. And they also had a wonderful view from the windows of there flats. People living in the region of the city, where a zone of greenery (which is under construction) is allocated, also benefited from this area as they could use it as a recreation zone. People living in other regions of the city (far from the zone of greenery) understand that the same situation can happen to their region.
Results

There was an attempt to destruct a green area in zone 5. There was an attempt to build the territory up with a block of flats. But as a result of a strong cooperative work between different actors the decision of the City Council "On Moratorium on the change of the target land use in Sumy city" was adopted (No. 3620-MR from February 14, 2010).

The decision was made to prevent negative changes in microclimatic conditions, destruction of natural systems and landscapes, to preserve their values and biological diversity, sustainable use of natural objects, to prevent mass construction of green areas of the city.

There was another attempt to eliminate a green area in zone 4 of the city. It was a little park grown up by the residents of a nearby house. The problem is that the territory is not marked as a green zone on the city plan. That’s why, nevertheless the moratorium was adopted, all the same there are attempts to destroy some green spaces of the city. There was a strong social protest against the possible construction of a supermarket instead of park. As a result of a strong cooperative work between different actors the park still exists. Nowadays there is a work on improving and correcting the city plan. And there was made an attempt by the city inhabitants to give the little park a status of “a zone of greenery”.

Conclusion: Lessons Learned

Environmental conflicts, taking place nowadays, prove the necessity of sustainable development. The further development of local communities is impossible without harmonization of social, ecological and Economic spheres of life.

Environmental degradation in Sumy also causes the decrease in social and Economic indicators of the city and makes the city uncomfortable for life.
According to the situation described, if nothing changes an ecological crisis will soon occur in Sumy.

In order to solve the problem all the main actors are to act together. Otherwise, there won’t be any changes as the interests of different actors are not the same and in many cases are opposite.

The moratorium on the change of the target land use in Sumy city is just a short-term preventive measure.

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Notes on contributors

Chad Briggs is the Director of Strategy at Global Interconnections, Senior Fellow at the Institute for Environmental Security in The Hague, and Adjunct Research Professor of Geography at Carleton University. From 2010-2012 he was a US Department of Defence Minerva Fellow, and also served as the Minerva Chair of Energy and Environmental Security for the US Air Force. While at USAF he directed comprehensive regional assessments of emerging energy and environmental risks, and was lead author on the energy and environmental security strategy futures report in the Asia-Pacific region. Prior to that Dr. Briggs was a Senior Advisor for International Security Affairs at the US Department of Energy, where he was the team leader for the Abrupt Climate Change and Security project at IN-40. He has published widely on issues of vulnerability analysis, cascading risks, disaster response and environmental politics, including in geography, public health, and other science disciplines. Briggs has a PhD in Political Science from Carleton University in Canada (2001), and was previously a Phi Beta Kappa graduate of the University of Wisconsin-Madison in International Relations. He was a Visiting Scholar in environmental geography at University College London, was a Fulbright professor in Budapest, Hungary and Berlin, Germany, and has studied as well in Ireland, Serbia, France, Hungary and Norway. Dr. Briggs was also formerly a faculty member in Pennsylvania and California, Budget and Policy Director for the Wisconsin Dept of Education (TEACH), a communications specialist for USAID, a legislative aide to the Senate Majority Leader of the Wisconsin State Senate, an international trade analyst for the Wisconsin Dept of Commerce, and a foreign campaign advisor to the Hungarian Alliance of Free Democrats in the 1994 parliamentary election.

David Galbreath is a Senior Lecturer in Politics and International Relations at the University of Bath, UK. He is a Senior Re-
search Fellow of the European Centre for Minority Issues in Flensburg, Germany and editor-in-chief of the scholarly journal, *European Security*. He has written extensively on minority and ethnic politics in Central and Eastern Europe as well as the Euro-Atlantic organizations of security governance. The most recent project, funded by the Leverhulme Trust, was entitled ‘The European Minority Rights Regime’, which has generated a research monograph of the same name for Palgrave-Macmillan Publishers in 2012.

**Daniela Irrera** is Assistant Professor of Political Science, University of Catania, where she teaches International Politics and Global civil society. PhD in International Relations at the University of Catania, she has been Research Assistant at the Stony Brook University, New York; Visiting Fellow at the Clinton Institute for American Studies, University College Dublin, Ireland; Fulbright Alumni of the Study of the United States Institute on National Security of the US Department of State, (University of Delaware); Visiting Fellow at the Université Libre de Bruxelles; Visiting Fellow at the Department of Sociology, University of Oxford. She is Member of the executive committee of the Standing Group on Organised Crime, European Consortium for Political Research. She has published in the areas of International Relations and EU politics, dealing with global terrorism, transnational organised crime, civil society and humanitarian affairs.

**Nadiya Kostyuchenko** was born on October 24, 1981 in Kharkiv (Ukraine). In 2004 she graduated from Sumy State University. In 2007 Nadiya finished her PhD programme in Environmental Economics in Sumy State University. In 2010 she got her PhD degree in Economics. In 2010-2012 Nadiya Kostyuchenko worked as a senior lecturer at the Chair of Economic Theory, Department of Economics and Management in Sumy State University. She is an associated professor of the Chair of Economic Theory since 2012. Starting from 2011 till the present time she works as a Deputy Director of the Centre of extramural and distant education in Sumy State University. Nadiya
Kostyuchenko is an author of more than 80 scientific papers. She took part in international seminars, summer schools and presented the results of her research during international scientific conferences in Czech Republic, Sweden, Germany, Hungary, Romania, Russian Federation. Since 2008 she is a member of International Association for Institutional Studies. Nadiya Kostyuchenko is involved into social activities since 2010. She is a member of the expert committee on ecology and improvement of public services in Sumy. She is a member of the NGO “Council of Young Scientists”.

**Tetyana Malyarenko** is Professor at the Faculty of Law and Social Science, Donetsk State Management University, Ukraine. Prof. Malyarenko is Deputy Chairperson of the International Association for Institutional Studies, expert of Ukrainian Helsinki Human Rights Group and public policy expert at Council of National Security and Defence of Ukraine Staff. She has extensive experience in international teaching and research collaboration with the NATO and the UN. Her research has been funded by the European Commission (Jean Monnet Information and Research projects “Europe’s Evolving Security Architecture” (2008), “Human Security and Security Strategy: Institutions and Policies in a European Perspective” (2010) and “Ukraine-EU Cooperation in Crisis Management and Disaster Risk Reduction: Sharing Best Practices, Building Effective Capabilities” (2011), the NATO, DAAD, US Department of State, Carnegie Corporation of New York and Open Society Institute. Tetyana Malyarenko holds a Master Degree from Donetsk National Technical University (MA in Engineering, 1993 and MA in Economics, 1994), a Candidate of Science Degree in Economics (equivalent to PhD) from Donetsk National University of Economics and Trade and a Doctor of Science Degree in Public Policy from Donetsk State Management University (thesis title: “Preventing Social Conflict: Mechanisms of Governance and the Security of the State”). Her principle research interests include societal and economic aspects of security in transition states, human security and good governance,
social conflicts and civil wars. Current research projects are about state weakness and state failure, underdevelopment and conflict.

**Miriam Matejova** holds a BA (Hons) in International Studies from the University of Northern British Columbia and an MA in International Affairs from Carleton University, Canada. In the past, she held research and analytical positions at various institutions, including the University of Northern British Columbia, Carleton University, the United Nations and the Government of Canada. Presently, she is working as an economist at Environment Canada, specializing in economic impact analysis for environmental assessments. Miriam’s current work and research interests include environmental valuation and cost-benefit analysis, federal environmental regulations, energy and environmental security assessments and strategic risk scenario planning, and Canada’s foreign intelligence. Most recently, she has participated in the 2012 International Polar Year Conference in Montreal and, as a key speaker, travelled to Kiev, Ukraine to take part in the 2012 Jean Monnet Seminar on European Union Cooperation in Crisis Management. Her co-authored article titled “Spies without Borders? Western Intelligence Liaison, the Tehran Hostage Affair and Iran’s Islamic Revolution” is to appear in *Intelligence and National Security* in the fall 2012. Miriam is also a writer, translator, and editor. She writes short stories and newspaper articles in English and Slovak, and translates and edits presentations for the TED Open Translation Project. She also volunteered as an editor of the *Paterson Review*, a peer-reviewed journal of international affairs.

**Yuriy Petrushenko** was born on October 26, 1977 in the village Red Sloboda (Ukraine, Sumy region). In 1999 Yuriy graduated from Sumy State University. In 2003 Yuriy finished his PhD programme in Kharkiv National University. In 2004 he defended his PhD dissertation in Economics. Since 2006 Yuriy works as an associated professor at the Department of Economics and Management in Sumy State University. Starting from 2010 and till the present time Yuriy is a doctoral candidate in “Economics and management of national economy”. He is an author of more than
100 scientific and journalistic publications. Yuriy took part in international scientific conferences in Poland, Russia, Germany, Lithuania, Latvia, Serbia, Scotland. He was awarded with diplomas from Ministry of Education and Science of Ukraine for his scientific achievements. Starting from 2010 Yuriy gets a scholarship from the Government of Ukraine as a young scientist. Yuriy is actively engaged in social activities since 2008. He is a co-chair of the expert committee on ecology and improvement of public services in Sumy since 2009. Yuriy is a chairman of the NGO “Council of Young Scientists” since 2010. He is a member of the Public Council of the Sumy mayor and City Executive Committee since 2011.

**Frosina Tashevska-Remenski** is Associate Professor at the faculty of Security, Skopje, Macedonia when she teaches conflict management, conflict prevention, peace operations and post-conflict reconstruction. She is graduated from Faculty of Philosophy, Institute of Sociology in Skopje, Macedonia with MA in Sociology. Her PhD thesis (topic: “Macedonian national minorities in the neighbour countries: contemporary position”) was awarded with Macedonian State Award named after “Goce Delcev”. Dr. Tashevska-Remenski is author of more than 39 research papers and scientific articles presented on international and national conferences, and published in scientific journals. Her research experience includes academic leadership in few projects, for example, “Socio-psychological conditions of security force members, participants in the armed conflict in Macedonia 2001”, “Public face of Macedonian police”, “Ethnical coexistence in the post-conflict Macedonia”, and “Albanians and Macedonians: ethnic interaction before and after the armed conflict in the Republic of Macedonia in 2001”. Dr. Tashevska-Remenski’s area of research interest is ethnic groups and interethnic relations; minority rights and International law of minority rights; ethnical conflicts and conflict prevention; UN, NATO and EU peacekeeping missions.

**Stefan Wolff** is Professor of International Security at the University of Birmingham, England, UK. A political scientist by background, he specialises in the management of contempo-
rary security challenges, especially in the prevention and settlement of ethnic conflicts and in post-conflict reconstruction in deeply divided and war-torn societies. He has extensive expertise in Northern Ireland, the Balkans, Central and Eastern Europe, and the former Soviet Union, and has also worked on a wide range of other conflicts elsewhere, including the Middle East, Africa, and Central, South and Southeast Asia. Bridging the divide between academia and policy-making, he has been involved in various phases of conflict settlement processes, including in Sudan, Moldova, Sri Lanka, and Kosovo. Currently, he is involved in an advisory capacity in the settlement of the status of Transnistria, Moldova. Wolff’s publications to date include seventeen books and over twenty journal articles and book chapters. Wolff is the founding editor of Ethnopolitics, a quarterly, peer-reviewed journal dedicated to the study of ethnic conflicts and their management around the globe. In 2010, he also became an associate editor of Civil Wars. Wolff is a member of the Governing Council of the European Centre for Minority Issues and an International Associate at the Liechtenstein Institute on Self-determination at Princeton University. He has held visiting professorships at the Johns Hopkins University School of Advanced International Studies, Bologna Centre, the University of Sofia, the University of Bucharest, the University of Skopje, the University of Belgrade, Humboldt University Berlin, Free University Berlin, and St. Petersburg State University. In 2006, Wolff served as Distinguished Visiting Fellow at the UK Defence Academy. He holds a BA degree from the University of Leipzig, a Masters Degree from Magdalene College, Cambridge, and a Ph.D. from the London School of Economics and Political Science.
Весінній семінар з Європейської безпеки

Серія Весінніх семінарів з Європейської безпеки ім. Жана Моне пропонує своїм слухачам міждисциплінарну програму, яка складається з лекцій, семінарів, презентацій, круглих столів, ситуаційних вправ та симуляційних ігор, присвячених різним аспектам Європейської безпеки. Щорічні зустрічі у форматі Весінніх семінарів концентруються на аналізі політичних та соціальних викликів для Європейської безпеки, ролі Європейського Союзу у поширенні демократії, встановленні верховенства права у країнах Європейського Добросусідства та у всьому світі.

Концепції «глибокого включеного пізнання» та викладання, що базується на дослідженнях, є ядром методологічного підходу, який лежить в основі Весінніх семінарів. Семінар ім. Жана Моне – це серія академічних заходів, спрямованих на інтелектуальний та професійний розвиток нової генерації лідерів в Україні, які, у свою чергу, сприяють встановленню в українському суспільстві таких базових, але важливих цінностей, як свобода, верховенство права, права людини і справедливість.

Тематично нові міжнародні семінари з Європейської безпеки, які будуть проводитись в Україні у наступні роки, фокусуються на аналізі нових викликів для Європейської безпеки. Перша група викликів пов’язана з ростом нестабільності в країнах, які оточують Європейський Союз. Інша категорія викликів для Європейської безпеки, яка буде обговорюватися у межах семінару, – нові, «нетрадиційні» загрози безпеці, такі як нелегальна міграція, «провальні» держави, міжнародна організована злочинність, загрози навколишньому середовищу.
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Весенний семинар по Европейской безопасности

Серия Весенных семинаров по Европейской безопасности им. Жана Моне предлагает своим слушателям междисциплинарную программу, состоящую из лекций, семинаров, презентаций, круглых столов, ситуационных задач и симуляционных игр, посвященных различным аспектам Европейской безопасности. Ежегодные встречи в формате Весенных семинаров концентрируются на анализе политических и социальных вызовов для Европейской безопасности, роли Европейского Союза в распространении демократии, установлении верховенства права в странах Европейского Добрососедства и по всему миру.

Концепции «глубокого включенного обучения» и преподавания, базирующегося на исследованиях, являются ядром методологического подхода, который лежит в основе Весенных семинаров. Семинар им. Жана Моне — это серия академических мероприятий, направленных на интеллектуальное и профессиональное развитие новой генерации лидеров в Украине, которые, в свою очередь, способствуют установлению в украинском обществе таких базовых, но, тем не менее, важных ценностей, как свобода, верховенство права, права человека и справедливость.

Тематически семинары по Европейской безопасности, которые будут проводиться в Украине в следующие годы, фокусируются на анализе новых вызовов для Европейской безопасности. Первая группа вызовов связана с ростом нестабильности в странах, окружающих Европейский Союз. Вторая категория вызовов для Европейской безопасности, которая будет обсуждаться в рамках семинара, — новые, «нетрадиционные» угрозы безопасности.
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