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About the Author

Elene Panchulidze obtained an MA in EU International Relations and Diplomacy Studies from College of Europe, Bruges, in 2019. She also holds an MA in Diplomacy and International Politics from Tbilisi State University, including an exchange at the University of Tartu. She served as the Political Officer at the Delegation of the European Union in Georgia. She previously held the positions of Research Coordinator and Policy Analyst at the Tbilisi-based think-tank Georgian Institute of Politics (GIP), where she extensively worked on issues concerning the European Neighborhood Policy, Georgia's European integration and the implementation of the EU-Georgia Association Agreement, including a Deep and Comprehensive Free Trade Area. This paper is based on her Master's thesis at the College of Europe (Manuel Marín Promotion).

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Abstract

On 12 August 2008, on behalf of the Council Presidency of the European Union (EU), French President Nicolas Sarkozy negotiated the *Protocole d'Accord* underpinning the establishment of the Geneva International Discussions (GID). The GID constitutes an international mediation format, co-chaired by the EU, the United Nations (UN) and the Organization for Security and Cooperation in Europe (OSCE). The GID has often been criticized for lacking tangible outcomes. Besides, very little is known about the contribution of the EU as a mediating actor, especially with regard to effectiveness. To address this research gap, this paper explores the EU mediation efforts in the GID. First, it evaluates EU mediator effectiveness through the analytical framework developed by Julian Bergmann and Arne Niemann. Second, it studies the conditions for EU mediator effectiveness. The analytical framework of Bergmann and Niemann proposes four key variables: (i) mediator leverage, (ii) mediation strategy, (iii) coherence, and (iv) conflict context. To this, the paper adds (v) mediator co-ordination since the institutional set-up of the GID includes two other co-chairs (i.e. co-mediation). The study finds that EU mediator effectiveness varies from medium to low, depending on the type of conflict issues (major/minor) addressed at the negotiation table. Although the GID did not succeed in reaching agreements on major conflict issues, such as the creation of International Security Arrangements and an agreement on the return of Internally Displaced Persons, it paved the way to cooperation on minor conflict issues like cultural heritage, humanitarian problems and environmental threats.

Introduction[1]

A project aimed at achieving peace and prosperity itself, the European Union (EU) has made mediation an essential element of its foreign policy to defend and endorse the values which enthused its own conception. Article 21 of the Treaty of the European Union (TEU) lists conflict prevention and the preservation of peace among the major objectives of the Union's external action.[2] This has formed a solid foundation for the development of the EU's comprehensive crisis management with mediation being a key tool at the Union's disposal when dealing with external conflicts and crises.[3] The adoption of the "Concept on Strengthening EU Mediation and Dialogue Capacities" can be seen as the EU's attempt at developing the institutional setup and instruments aimed at achieving the policy objectives mentioned in the treaties.[4] However, in the context of international conflicts, even well-designed instruments cannot guarantee the effective realization of the predefined objectives.[5] In this regard, the Geneva International Discussions represent an interesting case study as the factors constraining EU mediator effectiveness are manifold.

The *Protocole d'Accord*[6] negotiated on 12 August 2008 between the Russian Federation and Georgia induced the establishment of the GID to monitor the implementation of the peace plan.[7] Currently, the GID represents the sole negotiating platform, set in two parallel working groups that address the security and humanitarian consequences of the August War.[8] Although the GID is marking its 12th anniversary,

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[1] This paper uses the terms 'Abkhazia' and 'South Ossetia' as a terminology used in the international literature. The term 'breakaway regions' will also be used to refer to these territories, and terms such as 'de-facto authorities' refer to the current leadership of the breakaway regions since the latter do not enjoy international recognition. Finally, the Law of Georgia on Occupied Territories (2008) labels 'Abkhazia' and 'South Ossetia' as 'Occupied Territories'.

[2] European Union, "Consolidated version of the Treaty on European Union and the Treaty on the Functioning of the European Union of 13 December 2007, *Official Journal of the European Union,* C 326, 26 October 2012, art. 2.

[3] C. Gourlay, "The European Union as Peacemaker – Enhancing EU Mediation Capacity", Brussels, European Policy Centre (EPC), 2013, p. 2.

[4] Council of the European Union, "Concept on Strengthening EU Mediation and Dialogue Capacities", 15779/09, Brussels, 10 November 2009.

[5] K.E. Smith, *European Union Foreign Policy in a Changing World*, Cambridge, Polity Press, 2014, 3rd edn., pp. 3-5.

[6] *Protocole d'Accord* is the original name of the ceasefire agreement negotiated between Russia and Georgia on 12 August 2008. The following expressions will also be used to refer to this agreement: Six Point Agreement,12 August ceasefire agreement.

[7] Government of Georgia, *Six Point Peace Plan – Communique of the President of France,* Tbilisi, 12 August 2008.

[8] T. Giuashvili & J. Devdariani, "Geneva International Discussions – Negotiating the Possible", *Security and Human Rights,* vol. 27, nos. 3-4, 2016, p. 386.

both the process and its outcome remain largely understudied. As the EU Special Representative for the South Caucasus and the Crisis in Georgia, Toivo Klaar, noted: "the Geneva format is a somewhat misunderstood framework. This is partly because it does not provide for great headlines and there are no major events coming out of it".[9] Besides, very little is known about the contribution of the EU as a mediating actor, especially in terms of effectiveness.

To address this research gap, this paper explores the EU's mediation efforts in the GID by asking the following two research questions: (1) to what extent has the EU's mediation in the Geneva International Discussion been effective?; and (2) what factors influence EU mediation effectiveness? The analysis proceeds in five sections: First, it looks into conceptualizations and explains the framework for analysis. Second, it explores the conflict context. Third, it assesses the EU mediator effectiveness in terms of conflict settlement. Fourth, the paper examines the conditions for EU mediator effectiveness, that is, which factors constrain or enable the EU's engagement. Finally, the paper summarizes the findings and provides policy recommendations for enhancing the EU's mediation capabilities in the GID.

This study faces several limitations. It has primarily been limited by the lack of publicly available information due to the sensitivity of the issue. Although information was collected through interviews with different stakeholders engaged in the conflict, constraints have been encountered in conducting interviews with Russian, Abkhazian and South Ossetian participants. Therefore, further research allowing to include those participants' perspectives would provide a more comprehensive picture regarding the mediation process.

Framework of analysis

The study applies the analytical framework developed by Julian Bergmann and Arne Niemann[10] in order to assess the EU mediator effectiveness and to analyze the conditions for it.[11] However, it cannot test a causal relationship between EU mediator effectiveness and the conditions of effectiveness. The analysis is therefore exploratory and represents a plausibility probe of the analytical framework applied to the GID.

[9] "Toivo Klaar on Geneva Talks, Engagement with Sokhumi, Tskhinvali", *civil.ge*, 8 February 2018.
[10] J. Bergmann & A. Niemann, "Mediation International Conflicts: The European Union as an Effective Peacemaker?", *Journal of Common Market Studies*, vol. 53, no. 5, 2015, pp. 960-964.
[11] See E. Panchulidze, *Limits of the EU's 'Co-mediation': The Unfolding of EU Mediation Effectiveness in the Geneva International Discussions,* Master's thesis, Bruges, College of Europe, 2019.

The paper conceptualizes the EU's mediator effectiveness within a conflict settlement dimension – an external conflict perspective.[12] According to Bergmann and Niemann, this dimension "refers to an observable change in conflict behaviour on the sides of the disputants, which may be observable both during the process of mediation and as an outcome".[13] The analytical framework proposes six different levels which allow to observe variations in conflict dynamics. Table 1 presents the six levels of the conflict settlement scale that allow to assess the EU's impact on the mediation outcome. Therefore, EU mediator effectiveness is assessed depending on the type of conflict issue solved through the mediation. For this purpose, the analytical framework distinguishes three different degrees of effectiveness: high, medium and low.[14] A high degree of effectiveness is achieved if an agreement is reached which solves either all or several major issues of incompatibility between the conflicting parties. A medium degree of effectiveness describes an agreement which solves several major conflict issues and some issues which are of minor importance to the parties. Finally, if the mediation results in an agreement to hold further rounds of negotiations, but no agreement on the substance of the dispute is reached, the degree of effectiveness is assessed as low.

Table 1: Conflict settlement scale: conceptualization of the EU's effectiveness

Level	Observable change in conflict dynamics	Description
5	**Full settlement**	Agreement that solves all issues of incompatibility between the conflicting parties.
4	**Settlement of major conflict issues**	Agreement that solves some issues of incompatibility that are of major importance to the parties.
3	**Settlement of minor conflict issues**	Agreement that solves some issues of incompatibility that are of minor importance to the parties.
2	**Process agreement**	Agreement to hold further rounds of negotiations, establishment of procedural aspects for talks or strategies for implementation of concessions (but no agreement on the substance of the dispute).
1	**Ceasefire**	Agreement that obliges parties to stop all military action against the respective enemy and to seek a peaceful solution to the conflict.
0	**No agreement**	Mediation does not lead to any agreement, neither on substance nor on procedures.

Source: compiled by the author based on the analytical framework developed in Bergmann & Niemann, "Mediating International Conflicts"*, op. cit*., p. 961.

[12] Bergmann & Niemann, "Mediating International Conflicts", *op. cit*., p. 961.
[13] *Ibid.*
[14] *Ibid.*

The analytical framework has not been previously applied to a case study where the EU plays a co-mediating role. Co-mediation refers to the process which involves multiple mediators, complementing each other in a way that can improve the quality of the mediation process and its outcome.[15] Hence, this paper addresses an existing research gap by applying the analytical framework to the Geneva talks co-mediated by the EU, the UN and the OSCE. After empirically assessing the EU mediator effectiveness, the paper also explores which factors constrain or enable the EU's engagement. The analytical framework proposes four key variables: (i) mediator leverage, (ii) mediation strategy, (iii) coherence, and (iv) conflict context. To this, the paper adds the variable of (v) mediator co-ordination since the institutional set-up of the GID includes two other co-mediators.

Conflict context: Is there room for EU mediator effectiveness?

According to Cornell, "the very nature of autonomous regions from the outset entails the existence of certain assets which are conducive to secessionism".[16] After the Red Army's invasion of Georgia in 1921, Abkhazia enjoyed the status of a Soviet Socialist Republic, while South Ossetia was granted the status of an autonomous region (oblast) in 1922.[17] Later, these special statuses of Abkhazia and South Ossetia enthused their strive for autonomy from Georgia and eventually their unilateral declarations of independence.

The controversial status of the two territories, aggravated by the nationalistic mobilizations of the Zviad Gamsakhurdia government in 1992-1993, led to intra-state armed conflicts.[18] Military confrontations resulted in the internal displacement of around 250,000 persons.[19] Although the question of territorial integrity has always been at the top of Georgia's domestic agenda, the wave of Color Revolutions in Eastern Europe provided new impetus to the discussions regarding the restoration of Georgia's territorial integrity.[20] After the Rose Revolution in 2003, Georgia's newly elected

[15] J. Rendon, "Interdisciplinary Co-Mediations: The Good, the Bad and the Imago", *mediate.com*, July 2008.
[16] S.E. Cornell, *Autonomy and Conflict: Ethnoterritoriality and Separatism in the South Caucasus – Cases in Georgia*, PhD thesis, Upsala, University of Upsala, 2002.
[17] H. Tagliavini, *Independent International Fact-Finding Mission on the Conflict in Georgia,* Report, vol. II, September 2009, pp. 67-70.
[18] Interview with conflict analyst, via telephone, 25 March 2019.
[19] B. Whitmore, "Abkhaz Flip-Flop On Georgian IDPs Reflects Leadership Split", *RFE/RL,* 3 August 2008.
[20] T. German, "Abkhazia and South Ossetia: Collision of Georgian and Russian Interests", Paris, Institut Français des Relations Internationales (IFRI), 2006, p. 4.

President Mikheil Saakashvili declared the restoration of territorial integrity as one of the major priorities of his government, together with the country's Euro-Atlantic integration.[21] Georgia's strident strive towards the West contributed to Russia's response to recognize the independence of Abkhazia and South Ossetia, which was also a response to the Western recognition of Kosovo against Russia's will.[22]

Finally, the security threats related to a further expansion of the North Atlantic Treaty Organization (NATO) to Russia's 'Near Abroad' fueled the controversy between Russia and Georgia.[23] The acknowledgement of Georgia's Euro-Atlantic aspirations in the NATO Bucharest Summit Declaration of 3 April 2008 resulted in Russia's "dramatic return to the world stage with the invasion of Georgia".[24] Following the August War, two new realities became clear: first, Russia is rather suspicious of NATO's expansion in its 'Near Abroad'; and second, genuine discussions regarding Georgia's membership in Euro-Atlantic organizations are off the table due the territorial disputes.

Georgia's attempt of internationalization of the conflict versus Russia's quest for legitimization of the 'new realities'

The Six Point Agreement of 12 August 2008, brokered by then French President Nicolas Sarkozy and signed between the Russian Federation and Georgia, ended the full-scale military conflict between the parties.[25] However, following the war, Russia unilaterally recognized the independence of Abkhazia and South Ossetia on 26 August 2008. It also established diplomatic missions in Sokhumi and Tskhinvali and strengthened its relations with the breakaway regions by signing a friendship agreement on 17 September 2008. According to Phillips, this agreement institutionalized cooperation in 20 fields with the aim to unify the breakaway regions' economic and political structures with those of Russia.[26] Besides, Russia was using political and economic leverages for an international campaign aimed at ensuring the recognition of

[21] *Ibid.*
[22] Interview with Amanda Paul, Foreign and security policy analyst, European Policy Centre (EPC), Brussels, 25 April 2019.
[23] "10 Years After War, Russia Warns Of 'Horrible' Conflict If Georgia Joins NATO", *RFE/RL,* 7 August 2018.
[24] E. Chausovsky, "Looking Back on the Russian-Georgian War, 10 Years Later", *Real Clear Defense*, 8 August 2018.
[25] M. Emerson & G. Dura, "The August War and Beyond", Brussels, Centre for European Policy Studies (CEPS), September 2008, pp. 1-3.
[26] D. Phillips, "Implementation of the Six-Point Agreement between Russia and Georgia", New York, The National Committee on American Foreign Policy, August 2011, pp. 11-12.

Abkhazia and South Ossetia as independent states.[27] However, only a small group of countries (Vanuatu, Nauru, Nicaragua, Venezuela and Syria)[28] has recognized the independence of Abkhazia and South Ossetia.[29]

Russia and Georgia's controversial standpoints over the conflict were also reflected in their actions at the international scene. Soon after the War, Georgia broke diplomatic relations with Russia and embarked on a quest for to internationalization of the conflict.[30] While Russia launched an international campaign for the legitimization of the 'new realities' (i.e. the existence of two new states, Abkhazia and South Ossetia) in the region. [31]

Established in October 2008, the GID is held in parallel Working Groups (WG). WG I deals with security and stability arrangements on the ground, discussing issues such as the creation of international security mechanisms and the statement on the non-use of force and the WG II addresses the humanitarian aspects of the conflict, including but not limited to the return of Internally Displaced Persons (IDPs), cultural heritage issues, education, environment challenges and freedom of movement.[32] Although the GID was specifically tasked to monitor the implementation of the ceasefire agreement, Russia's recognition of the breakaway regions' independence and the deployment of the Russian military on the basis of bilateral agreements signed with *de facto* authorities, put the full implementation of the ceasefire agreement into question.[33] From Russia's perspective, the 'new reality' nulled the provisions of the 12 August 2008 agreement, including Russia's obligation to withdraw its forces. Soon after the GID's first round and in response to Russia's actions, on 23 October 2008, the Parliament of Georgia adopted a law labelling the territories of the Autonomous Republic of Abkhazia and Tskhinvali region (the territories of former South Ossetian

[27] "EU Lawmakers Urge Russia To Reverse Recognition of Abkhazia, South Ossetia Independence", *RFE/RL,* 14 June 2018.
[28] Vanuatu and Nauru first recognized the independence of Abkhazia and South Ossetia but then withdrew their recognition.
[29] In May 2019, the Ministry of Foreign Affairs of Syria has published a statement recognizing Abkhazia and South Ossetia and decided to establish diplomatic relations with Georgia's breakaway regions. For more information see: "Syria recognises independence of Georgia's occupied Abkhazia and South Ossetia", *Agenda.ge*, 29 May 2018.
[30] "Georgia breaks ties with Russia", *BBC news*, 29 August 2008.
[31] United Nations Security Council, *Report of the Secretary-General on the situation in Abkhazia, Georgia, pursuant to Security Council resolution 1839 (2008) (S/2009/69)*, New York, United Nations Security Council, 3 February 2009, p. 2.
[32] State Ministry for Reconciliation and Civil Equality of Georgia (SMR), *Geneva International Discussions,* Tbilisi, August 2008.
[33] Giuashvili & Devdariani, *op. cit.,* p. 386.

Autonomous Region) as 'Occupied Territories'. The law declared all legislative or administrative acts issued by their *de facto* authorities invalid.[34]

The GID's constructive ambiguity: Institutional deficit or deliberate mediation strategy?

The GID includes three international organizations, namely the EU, the UN and the OSCE, as co-chairs of the mediation. The format brings together the representatives of Georgia, the Russian Federation, the United States and Georgia's two breakaway regions Abkhazia and South Ossetia. Besides, the Chairman of the Government of the Autonomous Republic of Abkhazia and the Head of the Provisional Administration of the former South Ossetian Autonomous District also participate in the Geneva talks. The mediation format avoids name cards and allows all participants to be represented in their individual, rather than in their official government capacity.[35] Although the format endeavors to ensure a mediation process that is neutral towards the status of the breakaway regions, the latter challenged progress since the beginning of the GID, even on the practical aspects of the conflict management process.[36] Furthermore, the agendas and interests of the GID participants are drastically different. Through the mediation, Georgia strives to advance its objective of de-occupation and the start of a reintegration process, while Russia, Abkhazia and South Ossetia seek recognition of the breakaway regions' independence.[37]

Furthermore, the perception of the GID participants' roles challenges the mediation process. The Russian Federation tries to position itself as a facilitator of the conflict between Georgia and the breakaway regions, attempting to put itself at an equal footing with the mediation co-chairs.[38] Georgia argues that the Geneva format has been established to mediate the August War modalities, which means that Russia is internationally recognized as a conflict party and that it can therefore not be a co-mediator of the GID.[39] Georgia's conflicting past with the breakaway regions dating

[34] Parliament of Georgia, "Law of Georgia on Occupied Territories", *Legislative Herald of Georgia*, no. 431, LHG 28, 30 October 2008.
[35] Interview with the EU official, Brussels, 26 April 2019.
[36] Giuashvili & Devdariani, *op. cit.,* pp. 384-388.
[37] Phillips, *Implementation of the Six-point Agreement between Russia and Georgia, op. cit.,* p. 11.
[38] Interview with the OSCE representative, via telephone, 30 April 2019.
[39] Interview with Member of the Parliament of Georgia, via email, 20 March 2019.

back to the 1990s have also contributed to the existing unease.[40] Therefore, perceptions regarding the GID are diverging at two levels:

- *Mediators' level:* The EU officially affirms that the GID is the primary format established under the Six Point Agreement to address the consequences of the Russo-Georgian August War. The OSCE and the UN consider the grievances, which already existed before the August War, to be also part of the GID discussions. This can be explained by the pre-August War engagement of these organizations in the breakaway regions, namely the OSCE in South Ossetia and the UN in Abkhazia.[41]

- *Participants' level:* Georgia considers the Russian Federation to be a conflict party, occupying part of Georgia's internationally recognized territory and exercising effective control over them. However, Russian, Abkhazian and South Ossetian participants see the mediation format as a platform designed to address Georgia's internal territorial disputes, where the August War is considered as only part of a broader conflict cycle.[42]

Nevertheless, the lack of clarity over the above issues has become the major reason behind the continuous functioning of the mediation process. This resembles the negotiation technique of 'constructive ambiguity' which aims to avoid a deadlock in the mediation process and leave room for advancing the different interests of the negotiation parties.[43] In fact, by redirecting the focus from status-related issues, which has major significance for the GID participants, mediators managed to foster cooperation on minor conflict issues which are discussed in the following sections.[44]

In between the negotiation rounds: Gloomy story of the 'creeping border'

Russia's continuous 'borderization' further challenges the situation over the conflict. According to Kakachia *et al.*, "[b]orderization specifically refers to the unilateral installation of border markers, fencing, and barbed wire along the Administrative Boundary Lines (ABLs) that separate Abkhazia and Tskhinvali region ('South Ossetia')

[40] "Interview: Thomas de Waal on Georgia's policy on Abkhazia", *Democracy & Freedom Watch*, 30 April 2016.
[41] Interview with the EU official, Brussels, 16 April 2019.
[42] Giuashvili & Devdariani, *op. cit.,* pp. 386-387.
[43] K. Elgindy, "When Ambiguity is Destructive", *Brookings,* 22 January 2014.
[44] Interview with the OSCE representative, via telephone, 30 April 2019.

from the rest".[45] The research conducted by the Heritage Foundation in 2018 identified 56 incidents of Russian borderization since 2011 in Abkhazia and South Ossetia, which eventually divided families and local communities.[46]

The Georgian side believes that the policy of borderization is part of Russia's broader objective to incorporate Georgia's occupied territories under its political, economic and military structures.[47] In fact, Russia formalized its efforts by signing cooperation agreements with the breakaway regions. In November 2014, Russia and Abkhazia reached agreement on an 'Alliance and Strategic Partnership' to cooperate on priority areas such as foreign policy and defense, economic and trade relations, cultural and humanitarian relations. The agreement encompassed Abkhazia's fully-fledged participation in Russian-led regional integration initiatives.[48] In addition, on 31 March 2017, Russia signed an agreement with South Ossetia to formalize the merger of South Ossetia's military units into the armed forces of the Russian Federation.[49] This agreement is part of the treaty on 'the alliance and integration' signed between Vladimir Putin and South Ossetia's *de facto* leader Leonid Tibilov in March 2015 for 25 years.[50] Soon after formalizing their relations with Russia, on 9 April 2017, the *de facto* authorities of South Ossetia held a 'referendum' on renaming the region 'the Republic of South Ossetia – the State of Alania'.[51] The rationale behind the name change is South Ossetia's eventual desire to be integrated with Russia's North Ossetia, one of the priorities of South Ossetia on its path to secession from Georgia.[52]

The cooperation agreements bring new agenda items to the GID and further intensify tensions between the participants. The EU has been rather vocal regarding the actions of Russia that are detrimental to the peace process. In the press statement published after the fifth Association Council between the EU and Georgia, the EU expressed its concerns regarding the implementation of 'treaties' signed between the Russian

[45] K. Kakachia *et al.*, "Mitigating Russia's Borderization of Georgia: A Strategy to Contain and Engage", Tbilisi, Georgian Institute of Politics (GIP), 2017, pp. 5-6.
[46] L. Coffey, "NATO Membership for Georgia: In U.S. and European Interest", Special Report, no. 199, Washington, DC, The Heritage Foundation, 29 January 2018, pp. 9-11.
[47] Ministry of Foreign Affairs of Georgia, *Official Website of the Ministry of Foreign affairs of Georgia; Statement of the Ministry of Foreign Affairs of Georgia regarding the 9th anniversary of the August 2008 War,* Tbilisi, 7 August 2017.
[48] K. Longhurst *et al.*, "What Next? Developments in the Post-Soviet Space", *The Polish Quarterly of International Affairs (PISM)*, vol. 23, no. 4, 2014, p. 56.
[49] "Moscow, Tskhinvali Ink Military Agreement", *civil.ge,* 3 April 2017.
[50] "Moscow, Tskhinvali Sign Integration Treaty", *civil.ge,* 18 March 2015.
[51] United Nations in Georgia, *United Nations Regrets Tskhinvali Referendum*, Tbilisi, United Nations in Georgia, 11 April 2017.
[52] Coffey, *NATO Membership for Georgia, op. cit.,* pp. 11-12.

Federation and Abkhazia and South Ossetia[53] as well as about intensifying military build-up and restrictions on the freedom of movement in violation of Georgia's sovereignty and territorial integrity.[54]

Mutually exclusive perceptions: The EU's impossible mandate?

The reason why international mediation does not work is not directly related to the EU, or how the EU is practicing mediation. It is related to the fact that different parties of the conflict view the solution of the conflict and the way to reach these solutions in a different way. [55] Georgia fears to face a *fait accompli* on its path to the internationalization of the conflict, the reconciliation process and the eventual restoration of its territorial integrity. Russia considers Georgia's foreign policy preferences as threat to its security. Hence, Russia incentivizes Abkhazian and South Ossetian separatism in order to maintain conflicts in Georgia, prevent NATO's expansion in its 'Near Abroad' and hinder Georgia's Euro-Atlantic integration process.[56]

Abkhazia strives for independence from Georgia. Thus, Abkhazians are worried about the substantial decline of the Abkhaz population and the neglect of the Abkhaz language, culture and traditions. Abkhazia tries to use different cultural fora, including exhibitions and contests to represent Abkhazian culture worldwide. Even though Abkhaz people are unenthusiastic about their increased dependence on the Russian Federation, the choice is still between the 'bad and the worse', Russia and Georgia respectively. On the contrary, South Ossetia strives for integration with Russia's North Ossetia. The 9 April 2019 referendum on the change of South Ossetia's name to Alania was a step in this direction. South Ossetia tries to deepen its relations with the Russian Federation and formalize its gradual inclusion into Russia's political and military set-up. Finally, the mediation process is complicated by the lack of clarity on what should be discussed at the GID as well as the roles of participants. The EU's mediation is challenged on many levels. Therefore, unless a creative solution is found, the options currently on the table do not look promising for EU mediator effectiveness.

[53] Council of the European Union, *Joint press statement following the 5th Association Council meeting between the EU and Georgia,* Brussels, 5 March 2019.
[54] *Ibid.*
[55] Interview with Amanda Paul, Foreign and security policy analyst, European Policy Centre (EPC), Brussels, 25 April 2019.
[56] Interview with conflict analyst, via telephone, 25 March 2019.

Assessing EU mediator effectiveness: Conflict-settlement dimension

To assess EU mediator effectiveness in terms of conflict settlement, it is important to explore what the questions are that the GID has been tasked to address. According to Mikhelidze, the aim of the Geneva process was rather ambitious: the forum aimed at achieving an all-inclusive agreement on stability and security in the region, conflict settlement and the return of IDPs based on international law.[57] As Devdariani notes, the objectives of the mediation format are relatively unclear because mediation is originally linked to the implementation of the Six Point Agreement, particularly the issue of security and stability arrangements and the IDPs.[58] However, the recognition of the independence of Abkhazia and South Ossetia changed the conflict context. Therefore, for some GID participants (Russia, Abkhazia, South Ossetia) nulled the provisions of the 12 August 2008 agreement, for the monitoring of which the GID had been established. The analysis of primary sources shows that the conflict issues remain the same since the establishment of the mediation format, some of which have major significance, while others are of minor importance for the participants. The creation of International Security Arrangements (ISA), the statement on the non-use of force (NUF) and the return of IDPs represent conflict issues of major significance, while cultural heritage, environment challenges, etc. could be characterized as issues having minor importance for the GID participants.

International Security Arrangements and statement on the non-use of force

The NUF statement and the ISA are major conflict issues addressed at the GID since its inception. Although various versions of NUF-ISA papers were drafted by the co-chairs, there was no consensus reached between the GID participants. At first, it was thought that the political commitment to the non-use of force would follow the creation of an international security arrangement. However, at a later stage, it became apparent that the discussion about the NUF has to be held before a security arrangement can be agreed upon.

The analysis of the co-chairs' press communiques shows that in 2017 the negotiations have been close to an agreement regarding the NUF statement. In particular, the

[57] Mikhelidze, Nona, "The Geneva Talks over Georgia's Territorial Conflicts: Achievements and Challenges", Rome, The Istituto Affari Internazionali (IAI), November 2010, pp. 2-3.
[58] Devdariani, J., "Contrasting the Mediation Perspectives of the Belgrade-Pristina Dialogue and the Geneva International Discussions", Bern, Politorbis, no. 60, Federal Department of Foreign Affairs (FDFA), p. 58.

press communique of the 40th round conducted on 21 June 2017 states that "the participants extensively discussed ways to find an agreement on a non-use of force statement and agreed to continue to work on this matter before the next GID round with a view to achieving consensus".[59] The press communiques of the 41th and 42th rounds refer to the extensive consultations "on the content" of the NUF with a promising wording regarding its finalization.[60] However, the statement of 28 March 2018 in the next round regrets that participants were not able to achieve a consensus: "despite intensive engagement by all participants, it did not prove possible to finalize the draft joint statement on non-use of force".[61]

On 23 November 2010, Georgia's former President Mikheil Saakashvili unilaterally pledged the NUF when addressing the European Parliament.[62] The text of his address reads that "Georgia will never use force to restore its territorial integrity and sovereignty, that it will only resort to peaceful means in its quest for de-occupation and reunification".[63] After a change of power in Georgia, the Parliament of Georgia adopted the bipartisan resolution of 7 March 2013, which also confirmed the NUF pledge.[64] Georgia's NUF promise has been followed by similar pledges by the breakaway regions, reiterating their commitment to the internationally recognized principle of the non-use of force in their relations with Georgia. [65] However, such a pledge from the side of the Russian Federation is still missing. Even though the first clause of the Six Point Agreement signed between Georgia and Russia clearly represents a NUF obligation for both parties, Russia considers the agreement outdated and to not sufficiently reflect the new realities in the region.[66]

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[59] Organization for Security and Co-operation in Europe (OSCE), *The 40st round of the Geneva International Discussions, Press Communiqué of Co-Chairs of Geneva International Discussions,* Geneva, 21 June 2017.
[60] Organization for Security and Co-operation in Europe (OSCE), *The 42nd round of the Geneva International Discussion, Press Communiqué of the Co-Chairs of the Geneva International Discussion*s, Geneva, 13 December 2017.
[61] Organization for Security and Co-operation in Europe (OSCE), *The 43rd round of the Geneva International Discussions, Press Communiqué of the Co-Chairs of the Geneva International Discussions*, Geneva, 28 March 2018.
[62] European Parliament, Strasbourg plenary session 22-25 November 2010, *Georgia's Saakashvili pledges peaceful solution to dispute with Russia*, Strasbourg, 23 November 2010.
[63] "Saakashvili's Address to European Parliament", *civil.ge*, 22 November 2010.
[64] "Parliament Adopts Bipartisan Resolution on Foreign Policy", *civil.ge,* 7 March 2013.
[65] S. Kapanadze, "Opinion: Non-Use of Force in Geneva Talks - No Can Do", *civil.ge*, 28 March 2018.
[66] Interview with the EU official, Brussels, 26 April 2019.

The co-chairs attempted to break the gridlock by proposing a 'status neutral' statement, affirming that the "participants of the Geneva talks commit to the NUF".[67] However, the Georgian side blatantly opposes this formulation which is again linked to the status of the breakaway regions which are represented in an individual capacity at the GID. As MP Kapanadze notes, any wording that "participants agree" upgrades the status of Abkhaz and South Ossetian participants and endangers the Georgian position that the Geneva talks are all about the Georgian-Russian conflict.[68] Besides, Georgia's acceptance of such a statement could have been interpreted as an acquiescence to the Russia-driven "new reality in the South Caucasus".[69] Within a twelve-year timeframe the mediation efforts failed in fostering agreement regarding the major conflict issues. The issues of the NUF and ISA have become so intertwined that because of divergences on the NUF, the International Security Arrangements also remain blocked. According to interviews with EU officials, the discussion over major conflict issues is highly politicized with no promising outcome, yet the co-chairs continue consultations in search of an original solution.[70]

The issue of the return of IDPs

Another pressing topic for the GID is the return of the IDPs. Participants have "sharply diverging views on ways and means" in terms of addressing this issue.[71] Although Russian, Abkhazian and Ossetian participants have continuously performed walkouts from the room, preventing the discussion of the topic,[72] interviews with EU officials confirm that representatives of the breakaway regions are also interested in discussing the issue.[73] Their major dissatisfaction is related to the 'Resolution on the Status of Internally Displaced Persons from Abkhazia, Georgia and the Tskhinvali Region/South Ossetia, Georgia' which has since 2008 annually been adopted at the UN General Assembly (UNGA) and is aimed at strengthening "IDPs' fundamental rights especially in terms of the right to a voluntary, safe and dignified return to their homes".[74]

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[67] *Ibid.*
[68] Kapanadze, *Opinion: Non-Use of Force in Geneva Talks - No Can Do, op. cit.*
[69] *Ibid.*
[70] Interview with the EU official, Brussels, 16 April 2019; Interview with the EU official, Brussels, 26 April 2019.
[71] Organization for Security and Co-operation in Europe, *The 37th Round of the Geneva International Discussions Press Communiqué of Co-Chairs of Geneva International Discussions*, Geneva, 21 June 2017.
[72] *Ibid.*
[73] Interview with the EU official, Brussels, 26 April 2019.
[74] "UN General Assembly adopts resolution initiated by Georgia", *Agenda.ge*, 13 June.

The Abkhazian and Ossetian participants oppose the discussion on the return of IDPs because of this resolution. They argue that their absence from the UNGA make the Georgian position to be the only one represented on this issue.[75] This resolution is a tangible example of Georgia's efforts to internationalize the conflict. Although the participants of Abkhazia and South Ossetia's *de facto* authorities are willing to engage in a discussion if the resolution would not be adopted at the UNGA, the Georgian side sees no guarantee that they would live up to their pledge.[76] Besides, after the adoption of the resolution, there is a full year between the next UNGA during which the GID convenes four times. Therefore, the Georgian side suggested that in case of a genuine discussion and engagement on the issue, Georgia would not bring the resolution at the UNGA the year after.[77] The issue is nevertheless highly politicized and Georgia sees the resolution as a means of leverage within the negotiation. However, the impact of this resolution is also limited and in the long term the unsustainable situation of IDPs is likely to result in a situation that favors Russia. [78]

Minor conflict issues: Promising path towards conflict transformation?

Although the GID is the format which mediates the Russo-Georgian conflict, the framework also proves to be a useful forum for communication between the Georgian government and the Abkhazian and South Ossetian participants. Table 2 summarizes three examples of practical cooperation which appear to provide a promising path to move to a sustainable conflict transformation.

Table 2: Examples of technical cooperation attained due to the GID

Small achievements which would not have been possible without theGID
❖ **Archive/Cultural heritage**: Tbilisi and Sokhumi experienced successful cooperation on exchanging archival materials.
❖ **Movement of people/Humanitarian issue:** because of the ongoing borderization, access to the cemeteries has a pressing issue for the local communities living on different sides of the Administrative Boundary Lines. There are cases where South Ossetia allows Georgians to cross the Lines for the purpose of visiting the cemeteries of their ancestors during Easter.
❖ **Agricultural pest/Environmental issue:** hazelnut cultivation is a major sector in Abkhazia. The plague of the brown marmorated stink bugs in the western part of Georgia also affected Abkhazia. The destruction of hazelnut plantations caused by the bugs was immense. Cooperation between Tbilisi and Sokhumi consistis of expert meetings, exchange of information and practical activities.

Source: compiled by the author based on an interview with an EU official, Brussels, 16 April 2019.

[75] Interview with the EU official, Brussels, 16 April 2019.
[76] *Ibid.*
[77] *Ibid.*
[78] Interview with Amanda Paul, *op. cit.*

This section offered an analysis of EU mediator effectiveness within the conflict-settlement dimension. The paper first discussed conflict issues having major and minor significance for the GID participants. Regarding the assessment, the EU's performance varies from low to medium, depending on the type of conflict issue addressed at the negotiating table. Although mediation was not effective in attaining consensus on major conflict issues, particularly on the non-use of force statement, the establishment of International Security Arrangements and the return of IDPs (level 5 in terms of the conflict settlement scale), the mediation provided several examples of promising cooperation at a technical level, on issues of minor significance such as cultural heritage and environmental threats (level 3 in the conflict settlement scale). Finally, the GID could be labeled as a *process agreement* (level 2 in the conflict settlement scale) since all participants express a willingness to hold further rounds of negotiations, while no significant agreement is reached on the substance of the dispute.[79]

Conditions for EU mediator effectiveness

After assessing EU mediator effectiveness, it is important to analyze which factors are likely to influence EU mediation efforts. The analytical framework proposes four key variables: (i) mediator leverage, (ii) mediation strategy, (iii) coherence, (iv) conflict context, and (v) mediator co-ordination. Although these conditions are separately discussed in the paper, they are tightly interconnected.

Mediator leverage: The EU's 'coercive leadership'?

Mediator identity determines the power or leverage she/he has on the mediation,[80] while leverage is defined as the resources and instruments the EU can use towards the conflict parties to foster an agreement.[81] The academic literature on international negotiation analysis also refers to the notion of 'coercive leadership' which, according to Underdal, can be defined as a 'carrots-and-sticks' approach to affect the incentives of others to accept one's own terms or at least make concessions.[82] An analysis of the EU's leverage in the case of the GID reveals that the EU has both coercive measures and positive incentives at its disposal. The EU and Georgia enjoy

[79] Bergmann & Niemann, "Mediating International Conflicts", *op. cit.,* p. 961.
[80] *Ibid.*
[81] *Ibid.,* pp. 961-962.
[82] A. Underdal, "Leadership Theory: Rediscovering the Arts of Management", in W. Zartman (ed.), *International Multilateral Negotiation: Approaches to the Management of Complexity*, San Francisco, Jossey-Bass, 1994, pp. 186-187.

deep economic and political cooperation in the framework of the Association agreement, a Deep and Comprehensive and Free Trade Area (DCFTA) and a visa-free regime, but it is Georgia's EU membership aspirations (which has 78% of public support) that represents the biggest leverage for the EU.[83] Besides the fact that the EU is Georgia's largest trading partner, it also provides around 120 million EUR worth of technical and financial assistance every year to Georgia.[84] Obviously, the EU's leverage towards Russia is relatively weak compared to the one it has over Georgia. However, the sanctions and the fact that the EU is an important energy consumer of Russian gas give the EU a certain political clout.[85] While the conflict parties stay firm on their positions regarding the August War and the status of the breakaway regions, the impact of the EU's pressure is noticeable. The EU managed to contain further confrontation. The mediator identity allowed the EU to put political pressure on Georgia, so the latter commits to a peaceful conflict resolution policy despite multiple examples of Russia's policy of borderization[86], as well as to contain Russia from further military offense towards Georgia.

Mediation strategy: Combination of manipulation and facilitation strategies

According to Bergmann and Niemann, a particular strategy adopted by the mediator is likely to impact mediator effectiveness.[87] Based on Touval and Zartman's taxonomy of ideal types of mediator, their framework distinguishes three mediation strategies: facilitation, formulation and manipulation. "Facilitation is the least interventionist strategy."[88] By using this strategy, the mediator facilitates the communication and provides information to disputants without providing proposals for compromise.[89] The formulation strategy is a proactive strategy for mediation "by which the mediator exerts more control on the mediation process and formally structures the negotiation process, formulates alternatives to resolve the conflict and makes substantial

[83] National Democratic Institute (NDI), *Public Attitudes in Georgia Results of July 2019 survey.*
[84] European External Action Service (EEAS), *EU-Georgia relations, factsheet*, Brussels, 10 January 2019, retrieved 19 April 2019.
[85] Eurostat, EU imports of energy products - recent developments, October 2018, retrieved 19 April 2019.
[86] "Creeping occupation: Russia advances 10 hectares into Georgian territory", *Agenda.ge*, 4 July 2017, retrieved 19 April 2019.
[87] Bergmann & Niemann, "Mediating International Conflicts", *op. cit.,* p. 962.
[88] S. Touval & I.W. Zartman, "Introduction: Mediation in Theory", in S. Touval & I.W. Zartman, (eds.), *International Mediation in Theory and Practice*, Boulder, CO, Westview Press, 1985, quoted in Bergmann & Niemann, "Mediating International Conflicts"*, op. cit.,* p. 962.
[89] Bergmann & Niemann, "Mediating International Conflicts"*, op. cit.,* p. 968.

suggestions for compromise".[90] The third strategy is manipulation which – like the formulation strategy – provides proposals and suggestions for compromise; however, in this case the mediator also uses political and economic leverages to influence the mediation process and have an impact on its outcome.[91]

The analysis of the EU's practice within the GID shows that its mediation strategy is a combination of formulation and manipulation. The EU is a lead co-chair in the mediation process, and the EU facilitates the preparation process for each round. The GID meets four times a year. Before all mediation rounds, together with the other co-chairs, the EU conducts preparatory trips to Georgia, Abkhazia, South Ossetia and finally Moscow.[92] By doing so, the EU extensively works with the participants to prepare the ground for the discussions and develop the agenda. Upon the co-chairs' suggestions in 2009, the Incident Prevention and Response Mechanism (IPRM) has been established. IPRM is an important tool for communication on the ground and for preventing any escalation.[93] Interviews with EU officials disclosed that the co-chairs played a key role in the initiation, the adoption and the implementation of this mechanism. The EU has also facilitated the drafting process for the NUF statement by offering suggestions and working individually with the conflict parties.[94] While the mediation strategy is mostly about formulation, the EU's 'mediator identity', its power and its leverage on the participants could also be considered as manipulation.

The EU's enduring quest for coherence

Coherence is a concept which is often used when studying the EU's foreign policy. In the context of peace negotiations, coherence refers to the "substantive agreement between individual Member States' policies towards a conflict and the mediation activities carried out by EU institutions such as the European Commission, the High Representative or EU Special Representatives for a particular conflict region".[95] Starting with the analysis of the divergences between the member states, the EU is divided into different blocs. A camp of Nordic and Eastern members is mainly supportive towards Georgia, but Germany and France favor a pragmatic approach

[90] *Ibid.*
[91] *Ibid.*
[92] Interview with the EU official, Brussels, 16 April 2019.
[93] Interview with the EU official, Brussels, 26 April 2019.
[94] *Ibid.*
[95] Bergmann & Niemann, "Mediating International Conflicts", *op. cit.,* p. 963.

because of their strategic relations with Russia.[96] According to Popescu, "these divisions between the EU members are easily exploited by Moscow and are one of the reasons why the international community has found itself completely incapable to stem the rapidly expanding Russian military, political and economic presence in Abkhazia and South Ossetia".[97] Obviously, the member states' division constrains EU mediator effectiveness.

Besides, there is an incoherence at the institutional level: the number of institutions working on the conflict, including but not limited to the European External Action Service (EEAS), the Commission, the EU Special Representative for the South Caucasus and the Crisis in Georgia, the EU Delegation to Georgia and the European Union Monitoring Mission in Georgia (EUMM), challenges the coordination and decision-making procedures. Coordination between different actors is not always smooth, which challenges both the development and implementation phases of the mediation strategy.[98] In addition, the political oversight and influence of the member states is still immense. The EUSR office, which facilitates the preparation for the GID, receives the strategic guidance from the Political and Security Committee where the member states are the major actors.[99] Incoherence thus exists on two levels: on the one hand between the member states' policies and interests and on the other hand between the institutions. Thus, incoherence is a constraining factor for EU mediator effectiveness.

Conflict context: Are societies ready for peace?

The conflict context is of crucial importance for the mediation process. In this regard 'internal cohesiveness' plays a decisive role, where "cohesiveness has been operationalized either as the parties' internal power structure or as the nature and number of their constituencies".[100] Besides, the notion of cohesiveness is also defined as what conflict scholars call the 'spoiler problems' – "leaders and parties who believe

[96] Popescu, Nicu, "The EU's conflict prevention failure in Georgia", The Central Asia Caucasus Analyst, 14 October 2009.
[97] *Ibid.*
[98] Interview with former EU official, Bruges, 2 March 2019.
[99] Council of the European Union, "Council Joint Action (2008/736/CFSP) of 15 September 2008 on the European Union Monitoring Mission in Georgia, EUMM Georgia", *Official Journal of the European Union*, L 248/26, 17 September 2008.
[100] M. Kleiboer, "Understanding Success and Failure of International Mediation". *The Journal of Conflict Resolution*, vol. 40, no. 2, pp. 360-389, quoted in Bergmann & Niemann, "Mediating International Conflicts", *op. cit.,* p. 963.

that peace emerging from negotiations threatens their power, worldview, and interests, and use violence to undermine attempts to achieve it".[101] Looking into the conflict context one could argue that in the scenario of conflict resolution the party concerned with the weakening of its power and influence would be Russia. For Russia, the existence of conflicts in Georgia is the source for having a continuous influence over its 'Near-Abroad', since the existence of unresolved conflicts hinders Georgia's Euro-Atlantic integration process.[102]

In addition to the spoiler problems another aspect should be thoroughly analyzed. When discussing the outcomes of the GID, mediators often refer to the extremely low level of willingness for compromise among the participants. In this context, it is important to explore whether negotiators at the GID have any room for maneuver when addressing issues at an exceedingly politicized forum. As international negotiations' scholars emphasize, perceptions at the domestic level uniformly matters in the process of reaching the agreement at international level.[103]

According to Kakhishvili, the public in Georgia is well-aware of the conflict, and since the 1990s it remains high on the political agenda.[104] The public opinion polls conducted by the National Democratic Institute (NDI) demonstrate that the issue of territorial integrity always ranks within the top five nationwide problems since 2009.[105] The population has relatively clear demands on how the government should deal with the conflict resolution process. "Recognition of the independence of Abkhazia and South Ossetia is not an option for the Georgian population, the only solution refers to the restoration of Georgia's territorial integrity which would reintegrate breakaway regions within Georgia."[106] According to public opinion polls of the Caucasus Barometer 2019, 85% of the respondents will never accept Abkhazia as an independent country, while only 6% would accept this option under certain circumstances (Figure 1).[107] The results are similar for the question on the acceptance of South Ossetia as an independent country, according to 86% of the respondents

[101] S.J. Stedman, "Spoiler Problems in Peace Processes", *International Security*, vol. 22, no. 2, pp. 5-53, quoted in Bergmann & Niemann, "Mediating International Conflicts", *op. cit.,* p. 963.
[102] Interview with Levan Kakhishvili, Policy Analyst, Georgian Institute of Politics, interview via email, 19 March 2019.
[103] E. da Conceição-Heldt, "Two-level games and trade cooperation: What do we now know?", *International Politics*, vol. 50, no. 4, 2013, pp. 579-599.
[104] Interview with Levan Kakhishvili, *op. cit*.
[105] "Public Attitudes in NDI-Commissioned Opinion Survey", *civil.ge*, 17 September 2019.
[106] Interview with Levan Kakhishvili, *op. cit.*
[107] The annual household survey about social economic issues and political attitudes conducted by CRRC, *Caucasus Barometer,* 2019.

they will never accept South Ossetia as an independent country and only 5% believes this should be acceptable under certain circumstances (Figure 2).[108]

Source: Caucasus Barometer 2019 Georgia, the annual household survey about social economic issues and political attitudes.

Source: Caucasus Barometer 2019 Georgia, the annual household survey about social economic issues and political attitudes.

[108] *Ibid.*

In addition to this, Abkhazians and South Ossetians do not consider re-joining Georgia as a solution to the conflict. Therefore, their demand/mandate for the GID participants is quite clear and does not foresee anything but independence from Georgia. Besides, currently there is no platform generating new ideas for conflict resolution or its transformation. In Georgia, the political elite is stigmatized around diverging opinions: Mikheil Saakashvili's United National Movement for the August War and the ruling Georgian Dream for its overly reserved steps towards Russia. This leads to political parties' reluctance to initiate creative solutions for conflict resolution.

This study found that the GID is a highly politicized forum. The perceptions of the conflict-affected societies regarding the controversial options for conflict resolution leave little room for maneuver to the co-chairs, which significantly limit their mediator effectiveness. Besides, there is a lack of creative thinking and political will among the participants for concessions. The Geneva talks have proven that the government level (Track I) does not produce tangible solutions for the conflict. Since the issue of the conflict is highly sensitive for societies and governments fear to be unpopular by initiating options for conflict resolution, this study suggests extensive engagement of middle-range leadership (Track II), religious dignitaries, academics, civil society, grassroots leadership, NGO representatives and community developers (Track III). Track II and Track III should open the platform for genuine discussions which will eventually contribute to the GID participants' readiness to discuss solutions at Tack I. Public opinion polls suggest that around 67% of the respondents would accept Abkhazia to have a high degree of autonomy within Georgia and 55% as regards South Ossetia.[109]

Mediator co-ordination: Neither conducive nor constraining factor?

As the leading co-chair in the negotiations, the EU's work in the GID is complemented by the UN and the OSCE. The Russian Federation's presence in these organizations resulted in the withdrawal of the UN and the OSCE missions from Georgia. Russia's demand for new mandates reflecting the 'new realities' of the August War has been contested by the Georgian government by arguing that such a mission would violate Georgia's sovereignty and territorial integrity.[110] The closure of the OSCE's large-scale mission in the region in combination with the withdrawal of 130 UN monitors left the EU

[109] *Ibid.*
[110] "Russia Blocks Georgia OSCE Mission Extension", *civil.ge*, 20 December 2008.

as the sole international organization on the ground. The EU's around 200 unarmed monitors have no access to the breakaway regions of South Ossetia and Abkhazia.[111] Before the August War the EU's engagement in the conflicts had been relatively limited, therefore the EU requested the two organization's engagement which have been operating on the ground since 1990s.[112] However, from today's perspective, the EU's engagement and presence in comparison with the other co-chairs have dramatically increased.[113]

The formal coordination between the co-chairs includes joint pre-Geneva trips for meeting with the GID participants. Besides, there are two or three additional meetings per year to discuss and strategize what to do for the next rounds.[114] Although the co-chairs co-ordinate the actions, the interviewees note that the effectiveness of the coordination largely depends on the personalities representing the three organizations.[115] There are also differences in terms of the institutional cultures of the three organizations, their mandates and membership. In the case of the EU, Georgia and Russia are not present, contrary to the OSCE and the UN.[116] There are some positive complementary activities such as info sessions where the co-chairs specializing on the topic of the discussion can provide insights to the participants. This has high significance for the upcoming round. Besides, the co-chairs equally divide the costs for each GID session.[117]

Overall, the EU's co-chairmanship of the Geneva talks with the UN and the OSCE has both constraining and conducive effects for EU mediator effectiveness. The trends of the informal division of labor and the organizations' expertise in different fields complements the EU's mediation practice. However, the membership of Georgia and Russia in the UN and the OSCE constrains these organizations' possible influence on the mediation process.

[111] European External Action Service, "European Union Monitoring Mission in Georgia (EUMM)", *Factsheet and Figures*, December 2018.
[112] Interview with the EU official, Brussels, 16 April 2019.
[113] *Ibid.*
[114] Interview with the EU official, Brussels, 26 April 2019.
[115] Interview with the OSCE representative, 30 April 2019.
[116] Interview with the EU official, Brussels, 16 April 2019.
[117] Interview with the EU official, via email, 2 May 2019.

Conclusion

This paper studied EU mediator effectiveness in the Geneva International Discussions by looking into the conflict settlement dimension. Subsequently, the paper explored the conditions for EU mediation effectiveness by analyzing five variables: mediator leverage, mediation strategy, coherence, conflict context and – given the GID's co-chairs – mediator co-ordination.

The EU's performance varies from low to medium depending on the type of conflict issue. Although mediation was not effective in attaining consensus on major conflict issues, particularly on the non-use of force statement, the establishment of International Security Arrangements and the return of IDPs (level 4 in the conflict settlement scale), the mediation provided several examples of promising cooperation at a technical level, on issues of minor significance such as cultural heritage, humanitarian issues and environmental threats (level 3 in the conflict settlement scale). Finally, the GID could be labeled as *process agreement* (level 2 in the conflict settlement scale) since all participants express their willingness to hold further rounds of negotiations, however no significant agreement is reached on the substance of the dispute.

This study concludes that the EU's mediator leverage and mediation strategy were conducive factors for EU mediator effectiveness within the GID. However, the incoherence between member states and EU institutions has constrained EU mediator effectiveness. Nevertheless, the conflict context has been identified as the major constraining factor. The findings of this study suggest that the conflict affected the societies' perceptions regarding the possible scenarios of the conflict resolution, but does not provide any room for maneuver to negotiators at the GID for discussions of creative solutions for the conflict. Diverging opinions together with the spoiler problems – reflected in Russia's enduring quest for maintaining power and influence over its 'Near Abroad' – negatively affect the degree of EU mediator effectiveness.

Besides, this study found that the issues at the GID are highly politicized, and it also demonstrated a lack of creative thinking and political will among participants. The Geneva talks have proven that the government level (Track I) does not produce tangible solutions for the conflict. Although the study recommends Track II and Track III engagement in the process, it has been limited in developing concrete guidelines in this regard. Further research will have to contribute to an in-depth analysis for the Track II and Track III engagement.

Finally, this paper for the first time applied the analytical framework developed by Julian Bergmann and Arne Niemann with an additional variable, mediation co-ordination. The findings suggest that mediator co-ordination has been both a conducive and constraining factor for EU mediator effectiveness. Although the UN and the OSCE positively complement the EU's actions through a division of labor and equal financial contributions, the differences of their organizational structures, membership and mandates can be perceived as a constraint.

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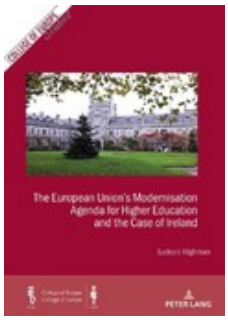

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