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In This Issue

From the Editorial Team	1
PART 1	4
Engagement with the South Caucasus de facto states: A viable strategy for conflict transformation? <i>Nina Caspersen</i>	5
Russia and the conflicts in the South Caucasus: main approaches, problems, and prospects <i>Sergey Markedonov</i>	24
Two Modalities of Foreign and Domestic Policies in Turkey: From Soft Power to War Rhetoric <i>Ömer Turan</i>	48
PART 2	66
Nationalism and Hegemony in Post-Communist Georgia <i>Bakar Berekashvili</i>	67
Russia and Georgia 2008-2018 – Escapism for the Sake of Peace? <i>Dmitry Dubrovskiy</i>	80
Recommendations <i>Dmitry Dubrovskiy</i>	92
The Poverty of Militarism: The ‘Velvet Revolution’ and the Defeat of Militarist Quasi-Ideology in Armenia <i>Mikayel Zolyan</i>	95
Discourses of War and Peace within the Context of the Nagorno-Karabakh Conflict: The Case of Azerbaijan <i>Lala Jumayeva</i>	105
Recommendations <i>Lala Jumayeva, Mikayel Zolyan</i>	117
Perceptions in Azerbaijan of the Impact of Revolutionary Changes in Armenia on the Nagorno-Karabakh Peace Process <i>Zaur Shiriyev</i>	119
Karabakh Discourses in Armenia Following the Velvet Revolution <i>Anahit Shirinyan</i>	140
Recommendations <i>Anahit Shirinyan, Zaur Shiriyev</i>	155
Authors	158
Editors	161

Engagement with the South Caucasus de facto states: A viable strategy for conflict transformation?

Nina Caspersen

De facto states such as Abkhazia, South Ossetia, and Nagorno-Karabakh are often described as the “places that don’t exist” on the map of sovereign states, and their lack of (widespread) international recognition constrains their external interactions. Yet no de facto state is completely isolated, and we find considerable variation when it comes to their levels of external engagement. Many de facto states benefit from international contacts, in the form of humanitarian aid, travel, educational exchanges, trade, and even some diplomatic links. Some de facto states also retain links with their de jure parent state, which may, for example, continue to provide medical treatment or other public services to the population of the contested territory. Such engagement is intended to help moderate popular attitudes in the de facto state, reduce the influence of patron states, and increase leverage over the authorities (Cooley & Mitchell 2010; Fischer 2010; De Waal 2017; Caspersen 2018).

The goal of conflict resolution or conflict prevention has also been the driving force behind engagement policies in the South Caucasus. The European Union’s “Non-Recognition and Engagement” policy for Abkhazia and South Ossetia was presented as part of the EU’s approach to “conflict resolution and confidence-building” (Fischer 2010, 1). Similarly, the Georgian Government launched its own engagement strategy with the stated aim of enabling the peaceful reintegration of the breakaway entities (Government of Georgia 2010, 1). In 2018, this was

followed by the “peace initiative,” a “Step to a Better Future,” which proposes the facilitation of trade across the dividing lines (Government of Georgia 2018). In the absence of actual settlement talks and increasing separation looming, continued links with the populations of Abkhazia and South Ossetia are seen by both the EU and the Georgian Government as the best ways to preserve the prospect of eventual reintegration.

International links with Nagorno-Karabakh are much more limited, primarily due to Azerbaijan’s insistence on keeping the entity isolated. Contacts between Azerbaijan and Stepanakert are non-existent. Yet such links used to be more commonplace, and there have been calls for renewed engagement through both military and civilian confidence-building measures. These measures have primarily been proposed as a strategy for avoiding further escalation of the conflict and for bringing the parties back to the negotiating table (Paul and Sammut 2016, 2). Following the four days of military clashes in April 2016, James Warlick, the US Co-Chair of the Minsk Group, called for confidence-building measures (CBMs) to deter accidental flare-ups of violence, including the removal of snipers from the line of contact, the deployment of additional international observers, and new electronic equipment (Tarjimonyan 2017). However, CBMs have also been proposed as a precondition for a negotiated settlement. A recent report from International Alert (2018) argued that increased contacts across the conflict divide would help people start to envision peace and stop accepting the current state of affairs as normal. Paul and Sammut (2016, 3) argue that a negotiated settlement will not be sustainable unless “accompanied by CBMs of a civilian and military nature.” Trust must be built at all levels. Unlike the Georgian case, settlement talks do take place intermittently, but the parties have discussed the same broad principles for over a decade and appear no closer to a solution. One significant obstacle to the signing of a settlement, let alone its implementation, is the lack of trust between the parties.

Therefore, there appears to be a compelling argument for engaging with the South Caucasus de facto states as a form of confidence building. CBMs, which span both military and civilian contacts and dialogue, are widely seen as an effective way to move protracted conflicts closer to a negotiated settlement (Desjardins 2005). They are intended to give the

conflict parties reason to believe that promises will be honored (Behrendt 2011, 2). However, the effect of CBMs remains contested and cannot be analyzed apart from the wider conflict dynamics. Moreover, engagement with de facto states remains deeply controversial, especially in their parent states, which will often impose significant constraints on such contacts, if accepted at all. Following a brief overview of engagement with the three South Caucasus de facto states, this article analyses the opposition it has faced and the resulting constraints. It then discusses the likely effects on the stalled peace processes and examines options for rethinking and revitalizing the existing approach. The article concludes with a set of policy recommendations.

Engagement with the South Caucasus De Facto States

The EU launched its Non-recognition and Engagement policy for the Georgian breakaway territories in 2009. Shortly afterwards, the Georgian government adopted its own engagement strategy aimed at supporting those living in the breakaway regions with medical and education assistance (Government of Georgia 2010). Recently, with the proposal “A Step to a Better Future,” the Georgian government aims to extend this engagement to trade and invites businesses from South Ossetia and Abkhazia to apply in Georgia proper for an identification number, which would allow them to sell their products both in Georgian-controlled territory and abroad. The proposal would also allow them to apply for tax breaks and investment funds (International Crisis Group 2018; Government of Georgia 2018). Increased trade with the breakaway entities would also result from recent talks to open a trade corridor between Georgia and Russia, which passes through South Ossetia. Three corridors between Georgia and Russia were formally agreed in 2011, but only one, which does not pass through the breakaway entities, has so far been opened (International Crisis Group 2018, 14). There has also been talk of Abkhazia wanting to use the opportunities offered by Georgia’s free trade agreement with the EU, which came into effect in 2016. Confidential talks between EU officials and the Abkhaz de facto authorities have reportedly been held (International Crisis Group 2017, 18).

For both the Georgian government and international actors, the rationale behind the engagement policy is that it will de-isolate the de facto states

and strengthen more moderate voices, and thereby over time increase the prospect of reintegration. However, the engagement strategy often collides with Georgia's actions to further its non-recognition policy (International Crisis Group 2018, 2) and it is significantly constrained by its 2008 "Law on Occupied Territories." This law forbids any economic activity with Abkhazia and South Ossetia without the written authorization of the Georgian government and requires international organizations intending to work in the breakaway territories to coordinate closely with the Georgian authorities (De Waal 2017). Western allies have repeatedly encouraged Georgian leaders to soften the law, give international humanitarian organizations greater access to Abkhazia and South Ossetia, and encourage trade and freedom of movement, but such reforms have faced severe domestic opposition (International Crisis Group 2018, 2).

The engagement policy also faces obstacles in the breakaway entities. For example, both entities have restrictive trade regulations that define goods from Georgian-controlled territories as "contraband" and also ban goods moving in the other direction. The only official exception is Abkhaz hazelnut exports, which was authorized by the de facto leadership in 2015 (International Crisis Group 2018, 5). The entities have also developed trade with the outside world, but they generally have to rely on intermediaries, usually Russian, which is cumbersome and expensive. A local economic analyst told the International Crisis Group, "Trade with the West is possible, but with too many headaches" (2018, 10). Although there are other examples of pragmatic acceptance of engagement, and some use of loopholes, the result is that the engagement with Abkhazia and South Ossetia is much more limited than what was envisaged ten years ago. South Ossetia, in particular, "has kept its border closed, and has strongly resisted almost all forms of interaction with the outside world" (De Waal 2017).

Most parent states are wary of engagement with their breakaway territories and try to limit international links. However, Azerbaijan goes further than most when it comes to preventing engagement with Nagorno-Karabakh. It rejects any form of international engagement, with the exception of some humanitarian work, such as the clearing of mines, and has taken strong measures to prevent it. Azerbaijan's prosecutor is reported, for example, to have launched an investigation

into foreign companies suspected of “illegal economic activities” in Karabakh (International Crisis Group 2017, 11). As a result, Nagorno-Karabakh has hardly any interactions with recognized states apart from its patron Armenia, and the entity’s international linkages largely consist of financial support and investments by the Armenian diaspora (Beacháin et al. 2016).

Baku’s refusal to accept engagement with Nagorno-Karabakh also extends to any links between Azerbaijan proper and the breakaway territory. The Line of Contact (LoC) is hermetically sealed and it is an offence for Azerbaijani citizens to travel to Nagorno-Karabakh, which is regarded as occupied territory. The Azerbaijani government also refuses to implement confidence-building measures along the LoC, fearing that this would cement the status quo (International Crisis Group 2017, 22). Yet, Baku’s position has not always been so rigid. For example, there used to be some contacts between NGOs based in Baku and Stepanakert. For example, in 1994 and 1995, the Karabakh NGO Helsinki Initiative 1992 was able to bring representatives of Azerbaijani NGOs to Stepanakert, and 11 members of Karabakhi NGOs went to Baku in 2011 to visit the Human Rights Centre of Azerbaijan (Kopecek, Hoch, and Baar 2016). Similarly, the Minsk Group Co-Chairs have in the past crossed the LoC on foot, which requires a certain amount of coordination between the sides and can therefore be considered a CBM (Paul and Sammut 2016).

There are, as mentioned above, calls for the reintroduction of such CBMs. Most of these suggestions have focused on military measures that are to avoid the accidental flare-up of violence, but there are also suggestions for non-military CBMs such as technical dialogue between the two sides and an increase in civil society contacts (Cavanaugh and Stares 2017). Moreover, the latest iteration of the Madrid Principles has been termed “Madrid lite,” as it reportedly papers over the issue of a future referendum on the status of Nagorno-Karabakh, and instead adopts a phased approach that begins with restoring transport communications in the region (De Waal 2018a), presumably including Nagorno-Karabakh. The hope is again that such contacts will build trust and make it easier for the parties to agree to a permanent settlement. However, even if Baku were to accept such links, and it would almost certainly ask for significant concessions in return, the Azerbaijani

government is likely to insist on important “red lines” when it comes to engagement with the de facto state. Moreover, such engagement will also face oppositions from other actors, and its effect on conflict resolution could therefore be more limited than is hoped.

Obstacles to Engagement with De Facto States

The most prominent and noticeable opposition to engagement comes from the de jure parent states. Parent states fear two related outcomes: “Creeping recognition” and the normalization of the de facto separation. They are worried that international interactions with the breakaway entity, or the sum of such interactions, could be seen to imply recognition of the de facto state and gradually create the conditions for this to happen. But they are also worried about what some term Taiwanization, or the consolidation of the status quo. This may not lead to international recognition in the short-term, but it will make reintegration harder to achieve. Even parent states that do accept the need for engaging with their breakaway territories will therefore usually insist on a number of conditions. For example, international engagement must go through the parent state or be subject to its explicit approval, and engagement with public institutions in the contested territories is severely constrained, if accepted at all (Caspersen 2018).

In Georgia, the opposition to engagement is almost entirely status-related. Engagement is intended to further the goal of restoring Georgia’s territorial integrity—and in the meantime prevent the international recognition of South Ossetia and Abkhazia (Coppieters 2018)—but there are fears that engagement could undermine this goal. For example, one of the obstacles to a South Ossetian trade corridor is a lack of agreement on which trade would be subject to “international monitoring.” The Georgian negotiators have insisted that trade between Georgian-controlled territory and South Ossetia is “domestic trade” and must therefore be exempt from such monitoring (International Crisis Group 2018, 15). Similarly, Georgia insists that all cargo that crosses the South Ossetian sections of the Russian border must pass through Georgian customs, or at least be registered online (International Crisis Group 2018, 15). Georgia cannot accept the creation of full-fledged customs posts by Tskinhvali or passport inspection by the de facto authorities (International Crisis Group 2018, 22). Anything that implies

the acceptance of an international border is a non-starter as this could bolster South Ossetia's claim to independence. Another concern relates to Russia's control over the de facto territories. For example, the widespread opposition to review the Law on Occupied Territories is in part based on a fear that Russia will exploit any softening of the law to reinforce its "occupation" of Abkhazia and South Ossetia (International Crisis Group 2018, 27) and the Georgian opposition have alleged that engagement with the breakaway territories are concessions to Russia (De Waal 2017). Following the change in government in 2012, the law was amended and a renewed engagement strategy, including offers of direct dialogue with the de facto authorities, was tabled (Abramashvili and Koiava 2018, 76). However, little actual change in the Georgian policy materialized, partly due to growing Russian involvement in the entities, which resulted in a "reactive" approach (Abramashvili and Koiava 2018, 76). There has also been opposition to any measures that could be seen to result in capacity building in the breakaway territories and thereby consolidate the status quo. Such concerns extend to something as seemingly innocuous as EU-funded teacher training in Abkhazia.³ The fear is that such engagement will "cement de facto realities on the ground" and leave no incentives for the contested territories to reintegrate (Grono 2018). Concerns over capacity building are therefore ultimately about the final status of the contested territory.

Even so, there are few clear "red lines" when it comes to engagement, and pragmatism sometimes rules. Georgia has, for example, been prepared to introduce status-neutral options, including travel documents, to promote engagement. Moreover, in December 2017, Georgia unexpectedly signed its contract with the Swiss company that is to manage the South Ossetian trade corridor, even though an agreement had not been reached on the issue of passport and customs control. The Georgian Prime Minister said that this created space for the trade corridor to be used "in a force majeure situation." The Law on Occupied Territories can also be simplified in an emergency, and the International Crisis Group speculates that an emergency launch of the corridor could open the door to more permanent arrangements (International Crisis Group 2018, 17).

³ Author's personal communication in Brussels.

Such pragmatism is much harder to find in the case of Azerbaijan, which has been staunchly opposed to any measures that are seen to “prolong or strengthen the status quo, or extend the legitimacy of the de facto authorities in Nagorno-Karabakh” (Paul and Sammut 2016, 3). For example, President Aliyev stated that he would reject an incident investigating mechanism on the Line of Contact if it was meant to freeze the conflict (Paul and Sammut 2016, 3). This fear of cementing the status quo has led to an insistence that CBMs are conditional on progress in the peace talks (Grono 2018). Aliyev has made clear that an incident investigating mechanism would only be considered in the context of “positive dynamics in the negotiation process,” meaning that the withdrawal of Armenian forces from the districts surrounding Nagorno-Karabakh had to start first (Paul and Sammut 2016). In other conflicts involving de facto states, we see pragmatic departures from such policies, but Baku does not waver from its policy of complete isolation of Nagorno-Karabakh. This position is not static, but we have seen the neutral space in the conflict, and thereby the space for engagement, being squeezed over the years (Broers 2014). The small territorial gains made in the four days of fighting in 2016 have reignited hopes in Azerbaijan that the status quo can be broken, and the Azerbaijani government is even less likely to accept measures seen to consolidate the current situation.

While the strongest opposition to engagement usually comes from the parent states, the de facto states are not necessarily keen on such links either. Whereas the parent states are worried about creeping recognition, the de facto states tend to worry about creeping reintegration and the weakening of their de facto independence (Caspersen 2018).

Both Abkhazia and South Ossetia have an interest in increased engagement, which is viewed by the de facto authorities as a strategy for furthering the goal of international recognition (Royle 2016) and could help make up for the reduction in Russia’s financial support. Between 2012 and 2016, Russian inflows were estimated to have dropped by more than half (International Crisis Group 2018, 21). However, Abkhazia has been reluctant to accept the constraints on engagement imposed by Tbilisi. Anything that implies a hierarchical relationship or gives the parent state control over activities in the de facto state has been rejected. The Abkhaz authorities were, for example, quick to denounce the recent

trade proposal from the Georgian government, saying that no representative of the de facto leadership took part in discussions of the proposed package (International Crisis Group 2018, 27-8). Engagement with the EU is also met with skepticism. The Abkhaz foreign minister in 2011 argued that the EU's engagement strategy lacked substance and provided a cover for Georgia's reintegration strategy. He stated that Abkhazia would be ready for cooperation with Europe, but only if this cooperation was "not imposed on us through Georgia. We won't be establishing contacts with the European Union through Georgia" (Civil.ge 2011). These status-related obstacles also make it unlikely that the Abkhaz leadership will agree for the entity's residents and businesses to access Georgia's free-trade agreement with the EU, which would require local products to have Georgian certification of origin (International Crisis Group 2018, 18). As the International Crisis Group argues, "Abkhaz leaders would risk talks with Georgian officials over free trade with the EU only if they saw a real prospect for mechanisms that are genuinely status-neutral" (International Crisis Group 2018, 21). However, as I will argue below, what is regarded as "status-neutral" is far from static and varies from conflict to conflict.

Since Russia's recognition in 2008, South Ossetia has increasingly isolated itself and become almost completely dependent on its patron (De Waal 2017). In 2013, fences and barbed wire were erected along the de facto border, thereby further restricting Georgian-South Ossetian contacts (Abramashvili and Koiava 2018, 76). As a result, engagement with the entity has been extremely limited. However, South Ossetia lacks Abkhazia's natural resources and tourism industry, and the de facto authorities have recently shown a greater level of pragmatism when it comes to engagement with Georgia, especially when this does not involve any compromises on status. In 2017 the South Ossetian authorities tried to block a loophole that had enabled informal trade across the de facto border. However, these new restrictions were lifted when truck drivers retaliated with a series of boycotts that emptied South Ossetian markets. Later that year, a customs post was opened at the crossing (International Crisis Group 2018, 7).

In the Nagorno-Karabakh conflict, the Armenian side is usually supportive of confidence-building measures and often insists that such measures must be implemented before the substance of a future

settlement can be discussed (Grono 2018; Ghazanchyan 2017). Yet this support for CBMs depends on the specific form, and the Karabakh authorities would have several “red lines” if more extensive engagement was on the table. The Karabakh authorities argue that they have “called to eliminate the atmosphere of hostility and hatred in the region by a joint realization of minor projects of mutual benefit,” but they also emphasized that any conflict resolution initiatives must take into account “the realities in place”; in other words Karabakh’s de facto independence (Office of the Nagorno Karabakh Republic 2017). The Armenian position is that CBMs should ensure and entrench the continuation of the status quo (Paul and Sammut 2016, 3). They consequently rejected an Azerbaijani proposal for promoting relations between the Armenian Karabakh community and the Azerbaijani Karabakh community (Paul and Sammut 2016, 3). This form of CBM was based on the equal position of the two Karabakh communities and would likely have bypassed the de facto authorities. It clearly did not imply their equal status with the Azerbaijani government.

Engagement is viewed, by both sides, in an instrumental way: it is a means to promote each side’s preferred final status for the contested territory. The resulting obstacles are sometimes reinforced by patron state involvement. Patron state support affects the extent to which the de facto states need external links and consequently their willingness to accept the constrained form of engagement on offer (Caspersen 2018). However, it can also have a more direct effect on engagement. De Waal argues that growing Russian assertiveness has narrowed the space for EU engagement in Abkhazia and the role of international NGOs has also decreased (De Waal 2017; Beacháin et al. 2016). In the talks over a trade corridor through South Ossetia, Russia has rejected the demand for Georgia to exercise passport and customs control, since this could be seen as undermining Russia’s recognition of South Ossetia’s independence (International Crisis Group 2018, 15). However, when it comes to extending Georgia’s free-trade agreement to Abkhazia, Moscow reportedly sees this as too unrealistic and remote a prospect to warrant their concern (International Crisis Group 2018, 26). Engagement is therefore significantly constrained by opposition from the parent state, the de facto states, and possibly their patron. This could limit its effect as a conflict resolution devise.

Effect on Conflict Resolution and Possible Ways Forward

Isolation of the South Caucasus breakaway entities has impacted negatively on the prospect for conflict resolution, and even conflict prevention. It has fuelled radicalization on both sides (Gultekin et al. 2016) and increased the dependence on the de facto states on their external patrons. As International Alert argues, a lack of contact across the conflict divide “creates fertile ground for misperceptions, stereotypes and manipulation of emotions” (International Alert 2018, 8). Although this report found that respondents in Armenia, Azerbaijan, and Nagorno-Karabakh expressed a strong desire for peace, they had very different view of what this would entail, and it is hard to see how progress towards a settlement is possible without at least a minimum level of trust (International Alert 2018, 8). Without a policy of engagement only informal, often illicit, links are retained. These are unlikely to create trust and could even act as an additional obstacle to a settlement. The International Crisis Group argues that informal trade in the case of Georgia has not “improved ties or even opened fresh lines of communication between Georgian and Abkhaz or South Ossetian authorities.” Instead, it has fuelled corruption in Abkhazia and South Ossetia, and vested interests have developed around the informal cross-boundary trade, thereby creating another obstacle to changing the status quo (International Crisis Group 2018, 8).

This does not mean that engagement will necessarily boost conflict resolution efforts, especially not in the short-term. Engagement with de facto states is constrained and this impacts negatively on the effectiveness of international programs. In its analysis of EU programs in Northern Cyprus, the European Court of Auditors found that their efficiency had “been significantly reduced because the TC [Turkish Cypriot] administration is not officially recognised internationally” (Coppieters 2018). George Kyris argues that the resulting imbalanced engagement actually hampers conflict resolution efforts (Kyris 2018). This assessment, which is focused on the case of Cyprus, seems to rely on a rather narrow conception of conflict resolution success: the signing of a settlement. There are clearly limits to what engagement can achieve. It is unlikely to significantly reduce the importance of a patron state that

provides a vital security guarantee. Since Russia's recognition in 2008, Abkhazia is more secure, and the influx of Russian money has also made it much better off, but the tradeoff has been increased international isolation and dependence on Russia. As an Abkhaz joke goes: "we used to have independence, now we have recognition" (De Waal 2018b). The Abkhaz elite do not want even closer integration with Russia but can "at best" only slow it down (De Waal 2018b). Engagement with Georgia and the wider international community could slow it down further, but would be unlikely to reverse it, at least in the short to medium term. More modest success criteria could be the gradual easing of tensions and the emergence of more moderate attitudes. Increased interactions and dialogue across the divide could, over time, make it possible to envision peace and accept it as "something of value" (International Alert 2018, 16).

The above analysis has also shown that there are significant obstacles to overcome if engagement is to be accepted by both sides and impact positively on conflict resolution efforts. However, these obstacles vary from case to case, and there is some room for maneuver. A fear of creeping recognition and of consolidating the status quo is shared by virtually all parent states, but some are more willing to engage than others. The same is true for the de facto states. As I have argued elsewhere, "there is no clear threshold beyond which the relationship between the parent state and the de facto state, or their relative position, is altered" (Caspersen 2018). If there is a willingness to engage, creative solutions can be found. For example, while the Cypriot government is unwilling to have any links with public institutions in the Turkish Republic of Northern Cyprus, they accept engagement with institutions that are deemed to have existed prior to the Turkish military intervention in 1974 (Caspersen 2018). Since the breakaway authorities did not create these institutions, engagement with them arguably does not imply recognition of the de facto state or acceptance of the legitimacy of its institutions. Similar, pragmatism is found in some de facto states. The Transnistrian authorities have, for example, been willing to sign on to Moldova's free-trade agreement with the EU.

It has been suggested that any agreement to extend the free-trade agreement to Abkhazia would have to be "status-neutral enough to work for the Abkhaz" (International Crisis Group 2018, 26), which

implies that we need to be creative, to think of ways to sidestep the issue of status. One example of such a status-neutral solution is the suggestion that Russia and Georgia could hire a private company to collect customs fees, thereby addressing a key status-related obstacle to trade through, and with, South Ossetia (International Crisis Group 2018, 24). While there is certainly merit to such solutions, and they can make it easier for both sides to accept engagement without facing a domestic backlash, examples from other conflicts also show that a very rigid reading of the consequences of non-recognition is not a given. Even if both sides take clear positions on the issue of status, there is still some room for maneuver, and solutions can only be found if there is a willingness to engage. Whether a policy is perceived as status-neutral depends to a large extent on perceptions and internal politics rather than international law (Caspersen 2018). For example, even with creative “status-neutral” solutions, the extension of a free-trade agreement to a de facto state could still be viewed as the acceptance of a hierarchical relationship, with potential status implications. But the Transnistrian example shows that this is not inevitable. Engagement is ultimately about political will and cannot, therefore, be separated from the wider conflict dynamics and the progress, or lack thereof, in any settlement talks.

Moreover, even if status-neutral solutions can be found, there is still the issue of capacity. Almost any engagement could be argued to help build capacity in the de facto states: educational exchanges lead to better educated citizens, trade helps the economy, and even limited confidence-building measures would need some administrative support and could therefore be said to increase skills in the contested territory. While this is not state-building in a “hard” sense, which has been argued to be illegal in case of collective non-recognition (Coppieters 2018), it could still be seen as consolidating the status quo and ultimately make the de facto separation harder to reverse. Such fears, rather than explicitly status-related concerns, have been behind Azerbaijan’s vehement opposition to engagement with Nagorno-Karabakh. Due to such concerns, it is often necessary to create an explicit link between engagement and settlement talks. In the case of Transnistria, the sequencing of engagement has also proved controversial. Progress on technical issues, which were discussed as part of a confidence-building

strategy, was only possible once the stalled settlement process restarted. We also saw progress on these technical issues (De Waal 2018c).

In the case of Nagorno-Karabakh, it will be nearly impossible to overcome Azerbaijani resistance to engagement unless we see some movement in the settlement talks. If the two processes proceed in tandem, they could reinforce each other. Increased confidence would reduce the perceived stakes and result in greater willingness to accept uncertainty. This would facilitate the substantive talks that would, in turn, help foster dialogue and cooperation. However, such a self-reinforcing positive process seems highly unlikely in the present conflict dynamics. The process would have to be kick-started and improved rhetoric would help achieve this (Broers 2014). The effectiveness of CBMs in building trust very much depends on perceived intent, and bellicose rhetoric could undermine generous gestures (Behrendt 2012).

Policy Recommendations

While this article has argued that engagement with de facto states is severely constrained, it has also pointed to examples of pragmatism and loopholes. The Georgian and Azerbaijani governments share very similar status-related concerns, yet one has adopted an explicit and increasingly ambitious engagement policy, while the other is resisting even military confidence-building measures. Perceptions of engagement, and of supposedly status-neutral options, cannot be analyzed in isolation from the wider conflict dynamics and domestic constraints. This lack of objective “red lines” means that it may be possible to convince both sides that de-isolation is worthwhile. The following policy recommendations emerge from this analysis:

- The development of creative, status-neutral solutions would help “sell” engagement to the de facto authorities without necessarily alienating the parent state. Other conflicts involving de facto states provide useful examples.
- But what counts as “status-neutral” varies from conflict to conflict. Efforts should be made to encourage both parent and de facto states to interpret international status, and the constraints that follow from it, less restrictively. Parent states should be reassured that a commitment to non-recognition is

commensurable with extensive international engagement with their breakaway territories (Abramashvili and Koiava 2018).

- Confidence-building measures can to some extent be depoliticized by focusing on technical issues (Cavanaugh and Stares 2017), relying on non-state actors for their implementation, and locating meetings on neutral ground (Paul and Sammut 2016, 6-7). International Alert found that many of the people most directly affected by the Karabakh conflict expressed a readiness to meet people from “the other side,” and thus, such local peacebuilding potential should be utilized (International Alert 2018, 14).
- Depoliticized CBMs provide a useful first step than can create basis for more ambitious measures. Effective CBMs involve politically sensitive issues and are based on a “conscious buy-in to the need to build the other side’s confidence” (Behrendt 2011).
- Engagement will often have to be explicitly tied to settlement talks—as a first step in a phased approach or as a parallel but formally linked process. To avoid resistance from the de facto states or their patrons, this may have to be done without prejudging the final status, thus necessitating a level of “constructive ambiguity.”
- In the absence of settlement talks, the goal of engagement should still be explicit. For example, the avoidance of conflict escalation or improvement of relations.
- The toning down of rhetoric, on both sides, would help achieve these goals. Open media projects could help improve the dominant discourse (International Alert 2018, 15), but significant change would require buy-in by the top leadership.

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