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The EU and Georgia: time perspectives in conflict resolution

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The EU and Georgia: time perspectives in conflict resolution



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The European Neighbourhood Policy (ENP) framework obliges the EU to coordinate closely with Georgia on its policies for conflict resolution in the breakaway entities of Abkhazia and South Ossetia. Brussels and Tbilisi do not share the same time perspective, however.

The Georgian government is striving for a quick resolution of both secessionist conflicts, despite the impasse reached in the negotiations on the question of status and the marked incompatibility between its positions and those of Abkhazia, South Ossetia and Russia. From the standpoint of the Georgian government, good governance cannot be expected with unmonitored borders, and the refusal of the Abkhaz authorities to acknowledge the right of return of all displaced persons is intolerable. In these conditions, a swift succession of new initiatives increases the government's domestic legitimacy, while its proactive policy helps focus Western attention on the instability of this region.

The European Union supports the Georgian interpretation of the principle of territorial integrity, and is also prepared to increase its efforts to develop conflict resolution policies in the region, but not in accordance with the Georgian time frame. For Brussels, it is crucial to have a reasonable chance of success in the implementation of its programmes. It does not want to jeopardise its already complicated diplomatic relations with Russia by confronting it. Building trust between the parties involved in these secessionist conflicts and setting up negotiations on a mutually acceptable status will take time.

The difference between the Georgian and EU approaches to the question of timing in their conflict resolution policies has far-reaching consequences for their mutual relations. The EU fears that Georgian impatience may be one of the factors leading to an escalation of the conflicts to a violent and unmanageable level. Georgia, on the other hand, fears that too much patience and moderation on the EU side may cause the conflicts to be sustained indefinitely. These approaches can be analysed through a differentiation between forcible and peaceful means in the realisation of particular status options and between different objectives in conflict resolution policies.

On the question of conflict settlement, a distinction has to be made between five options: recognition of the sovereignty of the breakaway polities; the enforced abolition of their statehood; their forced inclusion in a federal framework; their peaceful inclusion in a federal framework; or, finally, the status quo. Each of these options is based on the choice between using primarily violent or peaceful means, and each approach involves a different time perspective. Those options that are based mainly on the use of force promise a quick solution to the question of conflict settlement. The peaceful option, in contrast, works slowly. It requires patience and continuity.

The first objective of conflict resolution is conflict prevention: the incompatibility of positions should not escalate to open violence. The second aim is conflict transformation: the parties' positions have to be made more compatible. Conflict transformation fails when identities and interests are driven further apart. International conflict management is the third objective. External actors have to contain the escalation of con-

flicts and create incentives for a settlement, by exercising leverage on the parties or by changing the balance of power between them. The final objective is conflict settlement: the parties should reach agreement on a common institutional framework. Joint decision-making will show that identities and interests have been made compatible.

This paper defends the following three theses: (1) the attainment of each of these objectives corresponds in each case to a particular time frame; (2) conflict resolution requires a balance between these various policy objectives; (3) in principle the EU supports Georgia's efforts to restore its territorial integrity, without sharing its lack of differentiation between conflict resolution objectives and its views on the timetable for their realisation.

The impasse in conflict settlement negotiations is leading Georgia to a policy of confrontation with the breakaway entities and Russia, which are accused of intransigence. This threatens the EU's conflict prevention policies. And, owing to the Georgian desire to isolate the breakaway polities, it also places severe constraints on the EU's transformation policies aimed at building lasting trust between the parties.

The EU has to avoid an imbalance between these four policy objectives. The policies should be clearly linked to each other, and not pursued separately. A kind of sequence in which conflict transformation is designed as the first stage and conflict settlement the second, for instance, would politicise trust-building programmes and create new tensions between the parties. The EU should pursue its present efforts to facilitate negotiations on status, but its support for long-term transformation programmes – including second-track initiatives – should also be made independent of the ups and downs of conflict settlement. In addition, the EU should try to convince the Georgian government that its severe constraints on EU conflict transformation policies in the breakaway territories are counterproductive.

Furthermore, in the field of conflict settlement the EU should adopt the principle of a separation of powers as the main criterion for judging the quality of federal models for resolving the status question. This principle has as yet been insufficiently implemented in the 'horizontal' division of powers between the executive, the legislature and the judiciary in post-revolutionary Georgia and in its 'vertical' division of powers with Adjara.

In the field of international conflict management, the EU has an interest in increasing its profile in the conflicts in Abkhazia, through its inclusion in the UN Group of Friends, and in South Ossetia, through its inclusion in a renewed OSCE mediation framework, where it would have to be on a par with Russia. But it should avoid supporting one party against the other, as this would lead to deeper distrust between the communities.

In the field of conflict prevention, the European Union should not confine itself to prudential arguments when urging restraint on Georgia. The status quo is not an option for Georgia. The EU should, strongly and convincingly, voice its determination to find a solution to these conflicts and should further deepen its dialogue with Georgia and the breakaway entities on alternatives to the use of force. Conflict prevention remains a priority in this volatile region, and should also become a central theme in status negotiations. International security guarantees within a federal framework should succeed in preventing the future use of force by the central government against the Abkhaz or South Ossetian communities.

Introduction

The patience of a nation is measured in centuries.’ This at least was the opinion of the Tatar scholar Zufar Fartkutdinov.¹ But while such wisdom may be valid for Tatarstan and some other nations, it surely does not count for Georgia, or at least not for its president. When it comes to resolving issues to do with secessionist Abkhazia and South Ossetia, the patience of Mikheil Saakashvili is to be measured in months, and sometimes only weeks.² It would be hard to say what time perspective the EU’s conflict resolution policies operate in – much depends on the individual member states involved, and much also depends on the particular crisis with which the EU is dealing. The issues in Kosovo are not the same as in Abkhazia or South Ossetia. But where these two break-away entities in Georgia are concerned, the EU works on the basis of a long-term conflict resolution perspective, which involves a gradual strengthening of its own role in these conflicts and additional support for projects designed to steer them in the direction of building trust.

Differences in timing create mutual fears. The EU fears that Georgian impatience may be one of the factors leading to the escalation of the conflicts to a violent level. Georgia, on the

contrary, fears that too much patience and moderation on the EU side may cause the conflict to be sustained indefinitely. This paper defends the thesis that these differences in time perspective are a major feature of EU-Georgia relations when it comes to conflict resolution, and that they can be analysed only through a differentiation between the various objectives of the two sides’ conflict resolution policies.

In relation to Georgia’s secessionist conflicts, the EU’s conflict resolution policies have four different objectives: conflict prevention, conflict transformation, international conflict management and conflict settlement.³ The first aim is conflict prevention. The European Union has an interest in preventing the incompatibility of positions from escalating to open violence.

The European Union’s second aim is conflict transformation. This means changing the degree of incompatibility between the positions of the parties, including those of the external actors. The transformation may either be successful in bringing the parties closer together in order to make their identities and interests more compatible from the point of view of setting up a common legal framework

¹ Quoted in Alexei Zverev, “‘The Patience of a Nation is Measured in Centuries’”. National Revival in Tatarstan and Historiography’, in Bruno Coppieters and Michel Huyseune (eds.), *Secession, History and the Social Sciences* (Brussels: VUB University Press, 2002), pp. 69-87, also available online at <http://poli.vub.ac.be>.

² This is what Ghia Nodia replied at a conference in Bruges in 2004, when the author referred to Fartkutdinov’s maxim to defend the thesis that state- and nation-building is generally a process that encompasses several generations. Nodia was referring to the Georgian president’s policies on South Ossetia.

³ There is no consensus among scholars or practitioners on the types of distinction to be made within the field of conflict resolution, or about conceptual definitions. The concept of conflict prevention may refer, for instance, to preventing the emergence of conflicts or to preventing existing conflicts from escalating to open violence. Some of the literature draws a conceptual distinction on the basis of expectations or normative considerations. Some expect a pacification of violent conflicts through conflict management, which then refers to the actions of governments, whereas others would rather focus their hopes on the involvement of civil societies in conflict transformation, expecting that this would be helpful in creating a just peace. In this case, conflict transformation processes would have to focus on the way in which basic needs and conceptions of justice are responded to. A useful overview of some of the approaches, concepts, definitions and prescriptions in conflict resolution is to be found in Oliver Ramsbotham et al., *Contemporary Conflict Resolution* (Cambridge: Polity Press, 2007). See also Thomas Diez, “‘Roots’ of Conflicts, Conflict Transformation and EU Influence”, in ftp://ftp.cordis.europa.eu/pub/improving/docs/g_ser_conflict-security_diez.pdf.

and joint decision-making, or fail, when the parties' definitions of their respective identities and interests show them to be growing even further apart.

International conflict management is the third objective. As one of the external actors, the EU can be helpful in containing the escalation of conflicts, and create incentives for a settlement, by exercising leverage on the parties or by changing the balance of power between them. International conflict management is linked to the attainment of the EU's other conflict resolution objectives, but it may be regarded as an objective in its own right as it helps strengthen the EU as an international actor.

Internationally mediated negotiations would have to lead to conflict settlement through an agreement on the status of the two entities. Here the EU supports the view that this status should be of a federal type. This is the fourth aim of the EU's conflict resolution policies.

This differentiation within the EU's conflict resolution policies (or objectives) is necessary for two reasons. First of all, each of these four conflict resolution objectives requires a different time frame. EU steps taken within the framework of conflict prevention – such as support for Georgian border guards – have an immediate effect on the risk of military escalation with neighbouring Russia, whereas measures within the framework of conflict transformation – such as the project of a rehabilitation of the railway link along the Black Sea shore from Georgia to Russia through Abkhazia – take a long time to be implemented and aim at a long-term *rapprochement* between the sides, including Russia. Making a distinction between different time perspectives does not mean, however, that these goals should be achieved in a kind of sequence – for instance conflict transformation first and conflict settlement later. On the contrary: all these policies can best be pursued in parallel, but each according to its own particular time perspective.

Second, differentiating between these four

policies within the broader framework of conflict resolution should shed some light on relationships, and in particular on the possible contradictions between them. Within the EU, conflict transformation in Georgia is the main task of the European Commission, while the Council and its Special Representative (EUSR), in cooperation with those EU member states active in Georgian affairs, are working in all four conflict resolution policy fields. The European Parliament is active primarily in the field of international conflict management. This differentiation between the type of activities of the Commission, the Council and the Parliament could in principle lead to a significant lack of coherence in EU policies, but this does not necessarily happen in practice. There is a far greater danger that the EU may worsen its overall prospects for conflict resolution by emphasising some of these policy objectives at the expense of others.

A heightened EU profile in conflict management could, for instance, weaken its stance on conflict transformation. This would happen if, for example, the EU were to give strong support to Georgian policies aimed at isolating the *de facto* authorities. And a strong EU focus on long-term conflict transformation should not be allowed to detract from discussions on conflict settlement. Such neglect could even make conflict prevention more difficult, as lack of progress on the question of status could make Georgia even more impatient with the *status quo* and trigger violent confrontation and escalation. These two examples show the need for a balance between the various policies, and for an awareness of the potentially undesirable consequences of attaining some of these four objectives at the expense of others.

The objectives, priorities and time perspectives necessary for successfully implementing the EU's conflict resolution policies in Georgia may be described and assessed with the help of this analytical distinction.⁴ Each of these four objectives has to be pursued by the

⁴ A common distinction drawn in international organisations is the one between conflict prevention and conflict resolution. Discussions on EU policies make a further distinction between negotiations on status, which are referred to here as conflict settlement policies, and trust-building, which is one of the possible results of what is defined here as positive conflict transformation. Trust-building does not take

EU at the intra-state level with the leaderships of Georgia, South Ossetia and Abkhazia, at the inter-state level in its own relations with Russia and the US, and also within the UN and OSCE, which are mediating in the two conflicts. The present paper aims to demonstrate that Georgia tends to conflate the time horizons in which these objectives have to be achieved, by aiming to achieve all four of them in a (very) short sequence. In principle the EU supports Georgia's efforts to restore its territorial integrity, without sharing its lack of differentiation between conflict resolution objectives or its views on the timetable for achieving them.

In this *Occasional Paper* we will first analyse the various options open to the Georgian government in terms of status and the use of force. This differentiation is relevant in order to understand the time perspective the Georgian government is using. We will then assess the EU's policies on conflict prevention, conflict

transformation, conflict management and conflict settlement. The order of these policies reflects the sequence of the various stages of EU involvement in the conflict: first, through the limited participation by some EU member states in the UN and OSCE's conflict prevention activities, then, through European Commission programmes aimed at bringing the sides closer together through conflict transformation. Major projects in this field began to be implemented in 1997 in South Ossetia and in 2004 in Abkhazia. As a result of its conflict transformation projects in South Ossetia, the European Commission was granted observer status at the Joint Control Commission (JCC) meetings on economic programmes. This raised the EU's profile in conflict management on South Ossetia – and it was further raised by the decision of the EU Council in July 2003 to appoint an EU Special Representative, who became very active in the spheres of conflict prevention and transformation.

place when conflict transformation is negative. This transformation process refers then to processes of deepening distrust between the parties due to increased confrontation on issues of identity and interests. The EU has been using the term 'conflict prevention' in a quite loose sense, particularly in the post-September 11 discussions on a security strategy.

Five options in conflict settlement

There are basically five options for resolving the question of the status of Abkhazia and South Ossetia. Each of these conflict settlement options entails a particular time perspective and has consequences for how to approach the questions of conflict prevention and conflict transformation. It also has consequences for the EU's role in international conflict management.

The first option would be to recognise their international sovereignty – as independent states, as parts of a confederation with Georgia or as freely associated states (with Georgia or with Russia). Internationally recognised sovereignty would give Abkhazia and South Ossetia the highest degree of protection by international law and would create equal relations between them and Georgia through their inclusion in international security organisations. But quite apart from Georgia's opposition to this option (the main reason it is unlikely the breakaway entities would receive international recognition), the failure of the Abkhaz government to respect the right of return of a large part of the pre-war population, and the lack of democracy in South Ossetia, mean that they do not satisfy the remaining minimum standards for recognition that European Union governments would apply in such a case.

The option of international sovereignty aroused renewed interest with the discussion of the international status of Kosovo. The difference between Kosovo and the breakaway territories in Georgia is one of degree. Their populations have all suffered severe injustice at the hands of central government, but the intensity of the violence in Kosovo was greater – and better known to Western public opinion – than in South Ossetia in 1991-92 or in Abkhazia in 1992-93. On the other hand, the option of 'supervised independence' for Kosovo guaran-

tees the human rights protection of its non-Albanian minorities, whereas similar guarantees have not yet been offered to the Georgian communities in Abkhazia or South Ossetia. In Kosovo, such rights are seen as a guarantee of future political stability, whereas in the case of Abkhazia its leadership considers such protection (primarily, their right to return) as a threat to its political hegemony. More important, however, is the extent of the support for the independence of Kosovo among Western governments, making its international recognition in the long term a feasible option. At best – and provided Russia was willing to move in the direction of establishing formal diplomatic relations with them – Abkhazia and South Ossetia could count only on partial recognition by a small number of governments. But even if the international community were divided on the issue, partial recognition would give them far greater protection against attempts to subdue them by force than their present *de facto* status. This means that the EU needs to pay particular attention to the direct repercussions of the Kosovo issue on its Georgian policies.

Second, these breakaway polities could be destroyed by the use of force, as was demonstrated by Croatia in the Krajina in 1995 and by Russia in Chechnya in 1999. This option failed, however, in Kosovo in 1999. In the Georgian case the international community, with Russia to the fore, has always rejected such methods. Tbilisi chose such a forcible option in its failed attempt to put an end to the 'war of laws' over the status of the federated entities by armed intervention in South Ossetia in 1991 and Abkhazia in 1992. After the initiation of the Russian war against Chechnya in 1994, Shevardnadze made an appeal to the Russian government for the application of similar policies in

Abkhazia.⁵ Moscow did not respond positively to this request to apply the Krajina or the Chechnya model to Abkhazia.

Nor is there at present any support in the international community for the third option: the forced reintegration of the secessionist polity into a federal framework, like the reintegration of the Republika Srpska into Bosnia under the Dayton Agreement of 1995. In this case too, Shevardnadze immediately launched an appeal to NATO to apply similar policies in his own country, drawing a parallel between the situation in Bosnia and that in Abkhazia. He pointed out that the forced displacement of the Georgian population from this territory by Abkhaz forces at the end of the war constituted a 'just cause' for military action, in the same way as ethnic cleansing had in the case of Bosnia. But then he also conceded that such intervention would require the authorisation of the UN Security Council. The Georgian leadership has therefore made repeated attempts, both before and since the 2003 Rose Revolution, to persuade the Russian government to impose a federal arrangement on Abkhazia and South Ossetia. Moscow, however, has never been convinced that the forced reintegration of these two entities into Georgia could be in its interest. The need for Russia's agreement made it thus impossible to apply the Bosnia model to Abkhazia.

A fourth option – the peaceful reintegration of Abkhazia and South Ossetia into the Georgian federal framework – is prescribed by the UN and the OSCE. There are a number of reasons why this option has not succeeded. The Georgian government has never allowed a differentiated approach to conflict resolution to take shape, particularly one whereby support for initiatives in the field of conflict transformation would not be made directly contingent upon progress in the field of conflict settlement. A

clear separation between the two policies could facilitate a process in which the identities and interests of the conflicting parties gradually draw closer together, even if in the short term this is not necessarily reflected in a settlement of the conflict.

In the case of Abkhazia, the Georgian leadership's quest for a proactive policy that would deliver immediate results made conflict transformation impossible. In the case of South Ossetia, trade links with Georgia were re-established under Shevardnadze. In 2004, however, the impatience of the post-revolutionary Georgian leadership with the lack of progress in the political negotiations, and with the high economic (and, especially, fiscal) cost of the lack of control over the transfer of goods between Georgia and Russia through South Ossetian territory, led to harsh measures. Freedom of trade was restricted by a number of means, notably the closing of the Ergneti market near South Ossetia in June. Georgia criticised the South Ossetian leadership's lack of representativeness, hoping that the local population would support Georgian anti-corruption policies against their *de facto* authorities. But the closing of the market was not linked to the creation of alternative economic opportunities for the local population. It led to an even greater distrust of the Georgian authorities. As a consequence, this confrontational policy reduced the prospects for a peaceful settlement, increased South Ossetia's dependence on Russia, and – with the deployment of Georgian troops in August 2004 – led to violent clashes. Western pressure and the fear that the conflict would get completely out of hand militarily forced Saakashvili to back down.⁶

The need for peaceful reunification has been accepted in principle by the Georgian side, but this was done solely on a prudential basis and as

⁵ Shevardnadze openly supported Yeltsin's war against Chechnya: "Russia must defend its national interests and territorial integrity in Chechnya", Eduard Shevardnadze told ITAR-TASS on 18 December {1994}. Shevardnadze said Georgia supports a united and indivisible Russia, because if Moscow will not curtail an "aggressive separatism", it could lead to the disintegration of the Russian Federation.' Victor Yasmann, *RFE/RL Daily Report*, 19 December 1994.

⁶ On the conflict on South Ossetia, see International Crisis Group, 'Conflict Resolution in the South Caucasus: the EU's Role', *Europe Report* no. 173, 20 March 2006, and International Crisis Group, 'Georgia's South Ossetia Conflict: Make Haste Slowly', *Europe Report* no. 183, 7 June 2007. Both ICG publications are on the Internet at: <http://www.crisisgroup.org/home/index.cfm>. See also Nathalie Tocci, *The EU and Conflict Resolution. Promoting Peace in the Backyard* (London and New York: Routledge, 2007), pp. 137-139.

a way to accommodate the Western interest in regional stability.⁷ The Georgian government has traditionally defended the view that it has just cause for the use of force. It perceives the present situation as an unacceptable breach of its sovereign rights over the breakaway territories. Georgia cannot accept that state-building has to go ahead despite unmonitored borders with neighbouring countries, or that the Abkhaz authorities refuse to acknowledge the principle of a right to return for the Georgian population. The unresolved status of South Ossetia has already led to a military build-up 100 km from Tbilisi.⁸ For Georgia, the lack of a positive Russian role in status negotiations and the use of its military might to deter any use of force by Georgia are the major obstacles to redressing such injustices. The Georgian attitude is characterised by an unresolved contradiction between prudential considerations and the conviction that it has a just cause to defend which would in principle justify the military option. This moral dilemma largely explains the strongly emotional language – driven by anger and resentment – used to criticise Russian behaviour.

Georgian claims and policies in the past show that it still remains deeply convinced of its moral right to use forcible steps as a last resort. Shevardnadze has proposed the Chechnya model for destroying the breakaway polities established in Abkhazia and South Ossetia in 1994 and the Bosnia model for their forced reintegration into the Georgian fold in 1995. After the 2003 Rose Revolution, the Georgian government ended its support to large-scale undercover operations in Abkhazia, mainly due to international pressure, but the use of belligerent rhetoric by some government members, the existence of an even more radical opposition, the announcement of the creation of a 100,000-

strong reserve force with the explicit aim of protecting territorial integrity⁹ and the opening, in April 2006, of a military base in Senaki in Western Georgia, not far from the Abkhaz border, have further undermined the process of building trust with the breakaway entities. Georgian president Saakashvili has presented the limited military operation in the Kodori Gorge in 2006 as a first step in extending Georgia's jurisdiction over the whole territory of Abkhazia.¹⁰ The distinction between prudential considerations – which are based on the need to accommodate the West's interest in regional stability – and just cause convictions – which are based on the claim that injustices have to be redressed – is thus crucial for understanding the Georgian moral attitude towards the breakaway polities and Russia, and the lack of faith in Georgian intentions in the Abkhaz and Ossetian polities.

Georgia has a certain value for NATO, and in particular for the United States. Washington would like to roll back Russia's influence in this part of the former Soviet Union. NATO's policies on democratising the armed forces are aimed at bringing the army under civilian and parliamentary control. It can apply the mechanism of conditionality thanks to Georgia's aspiration to membership of this military-political organisation. NATO does not intervene directly in the issue of the frozen conflicts and has no official plans to do so. Georgia's gradual integration into the NATO framework is, however, having a decisive impact on the relations between the conflicting parties. On the positive side, NATO – in coordination with individual Western governments – has been a strong restraining influence on Georgia in recent years when its conflicts with Abkhazia, South Ossetia or Russia risked escalating to an unmanageable level. Reforms in the defence sector have been a

⁷ Prudential criteria can be part of a moral assessment. In the just war tradition, the principles of likelihood of success and proportionality are used to assess the practical consequences of a decision to go to war.

⁸ Nicu Popescu, 'Europe's Unrecognised Neighbours. The EU in Abkhazia and South Ossetia', *CEPS Working Document* no. 260, March 2007, p. 16, available at: http://shop.ceps.be/BookDetail.php?item_id=1476.

⁹ ICG, 'Georgia's South Ossetia Conflict: Make Haste Slowly', *op. cit.* in note 6, p. 13.

¹⁰ On Saakashvili's justification of the Kodori operation, see United Nations Security Council, *Report of the Secretary-General on the Situation in Abkhazia, Georgia*, 28 September 2006, S/2006/771, available at: <http://www.un.org/Docs/sc/sgrep06.htm>. Saakashvili has argued that he had to restore law and order in that region against Georgian rebels, a justification that is similar to the one given by Shevardnadze for the military intervention in Abkhazia in August 1992.

further positive outcome of integration into NATO. On the negative side, however, Georgia's long-term prospect of joining an organisation with extensive experience of military intervention in intra-state conflicts – ranging from Bosnia to Kosovo and Afghanistan – has increased the military threat to the breakaway entities. The negative consequences for conflict transformation, and consequently for conflict settlement, of Georgia's integration into NATO should not be underestimated.

The lack of effective international guarantees in all the blueprints for constitutional arrangements put forward by the Georgian government or by international mediators is a further explanation for the difficulty of introducing federalism in the region. The population of the breakaway territories and their leaderships are not convinced that a federal framework could prevent future injustice, and in particular the use of force by the central government. Federal proposals, generally based on the most peaceful practices in European countries, do not address the need for strong international safeguards against any attempt by the central government to use force against federated states.

Russia has advanced its own proposals for conflict settlement, such as the 1997 proposal to Georgia and Abkhazia by the then Minister for Foreign Affairs, Yevgeny Primakov, to create a 'common state'. According to Moscow, Russia itself would provide all the necessary guarantees for the stability of this federal construct. Georgian views are no less one-sided. When the Georgian president, Mikheil Saakashvili, described the basic principles of a settlement of the South Ossetian conflict in January 2005, he proposed that the EU would function as a 'peace guarantor' without leaving Russia any role in this respect.¹¹ It will be difficult for the parties to come to an agreement while they have such unbalanced views on the role of international guarantors in

conflict prevention in a post-settlement situation. Such views also make it more difficult to argue in favour of the federal option for unifying states that have been divided by the use of force.

Positive European experiences in the peaceful resolution of secessionist conflicts are lacking. The experience is far richer when it comes to the fifth option. The preservation of the *status quo* in states that have been divided by massive violence is characteristic of Cyprus, Azerbaijan and Moldova. Breakaway polities can cope with the *status quo* as a lesser evil – it gives them the feeling that they can preserve their statehood in the expectation of its international recognition.

Moscow claims that it takes a long-term view of conflict settlement, with the argument that there should first be sufficient trust between the sides for the building of a 'common state'.¹² But it does not do much to build this trust, taking no initiatives at all in conflict transformation. Russia is supportive of EU conflict transformation projects only insofar as they are in its own interests, such as a railway link with Georgia and Armenia through Abkhaz territory. Moscow has ceased to launch initiatives in the field of conflict settlement where Abkhazia is concerned, and has never made any status proposals for South Ossetia. It has strong views, however, on conflict prevention and international conflict management, where it is engaged in a confrontation policy with Georgia. The lack of a coherent Russian conflict resolution policy leads to its defence of the *status quo*. The inclusion of Abkhazia in the preparations for the Winter Olympics in Sochi in 2014 fits in with the Russian 'wait and see' approach. This is entirely unacceptable for Georgia.

Thus not only the actors' political and moral considerations, but also their time perspectives in relation to conflict settlement, are very far apart. In such a situation, it will be extremely difficult to prevent an escalation of violent conflicts.

¹¹ See *Remarks – H.E. President Mikheil Saakashvili to the Parliamentary Assembly of the Council of Europe*, 26 January 2005, available at: <http://www.president.gov.ge/?l=E&m=0&sm=3&st=120&id=153>.

¹² According to Putin, 'Extremely difficult relations have formed between these peoples. What we need is patience. We need carefully to try to restore [their] confidence toward one another and build up a common state. This is what we are calling for, this is what we want.' Quoted in Vladimir Socor, 'Putin's Logic on Georgia and the Frozen Conflicts', *Eurasia Daily Monitor*, vol. 3, no. 196, 24 October 2006, available at: http://www.jamestown.org/edm/article.php?article_id=2371568.

On EU conflict prevention policies

The EU is finding it increasingly difficult to cope with the serious discrepancy between Russia and Georgia concerning time perspectives in conflict resolution. The EU is aware that Russia will not bow to Western pressure where its support to the breakaway territories is concerned, but it is understandably also fearful that conflict prevention may become ever more difficult to handle when there is no progress in the other fields of conflict resolution. Both Russia and Georgia can derive certain advantages from conflict escalation: the former can reasonably expect Western governments to restrain unilateral Georgian initiatives, while the latter can hope that this would result in their concerns being put more prominently on the international security agenda. The EU is in fact responding positively to both expectations: it restrains Georgian actions when they are considered to be destabilising, and it is giving the question of Georgia's breakaway territories – and more particularly, conflict prevention issues – an increasingly prominent position in its dialogue with Russia.

The contradiction between just cause and prudential considerations in Georgia's moral view of the use of force has led to certain tensions in its relations with Western governments regarding conflict prevention. These tensions arise even in cases where Tbilisi does not mention the war option. For example, in 2007 the Georgian government organised a summer sports camp in the Georgian village of Ganmukhuri in the security zone just next to

the border with Abkhazia. The camp was intended to arouse patriotic feelings among Georgian youth.¹³ Music and dance were to reflect the peaceful attitude of the participants and their firm resolve concerning reunification with Abkhazia. This initiative was strongly criticised by the UN Secretary-General and the Group of Friends, which includes Russia, the US, France, Germany and the UK,¹⁴ on the grounds that it would constitute a risk that violence might be provoked and should therefore be relocated away from the security zone. Georgia refused to yield to this criticism. On 6 September 2007, in a speech to the participants of the Ganmukhuri camp, Saakashvili railed against this 'amoral and miserable advice'.¹⁵ The camp was held, fortunately without serious incident. The row shows clearly how strongly Georgia's proactive policy remains fuelled by moral arguments. It also shows that Georgia is prepared to go against Western conflict prevention policies.

The European Union – in particular its parliament – could address this clash between just cause and prudential arguments. First, the EU has made only a very partial historical and moral assessment of the secessionist conflicts in Georgia. It has never engaged in a dialogue with the parties on the origins of the wars, on their respective responsibilities or on the war crimes committed by all the sides. A public discussion of this kind would help clarify what type of status would be required in order to prevent and redress these injustices. It would also lend moral

¹³ Nino Narimanishvili, 'Georgian 'Patriots' Camp Sparks Controversy. Inside Georgia's youth camp on the *de facto* border with Abkhazia', *Caucasus Reporting Service*, no. 404, 2 August 2007, available at: http://iwpr.net/?p=crs&s=f&o=337607&apc_state=henh.

¹⁴ United Nations, Security Council, *Report of the Secretary-General on the situation in Abkhazia, Georgia*, 18 July 2007, S/2007/439, <http://www.un.org/Docs/sc/sgrep06.htm>.

¹⁵ Malkhaz Alkhazashvili, 'Saakashvili unwisely prefaces international address by dressing down the UN', *The Messenger*, 11 September 2007 (*Georgia News Digest*, 12 September 2007, distributed by the Georgian Foundation for Strategic and International Studies).

strength to the European Parliament's appeal to the parties to resolve these conflicts using peaceful means.¹⁶ At present, this appeal can still be interpreted as being based on exclusively prudential considerations or, even worse, as a defence of the *status quo*.¹⁷

Such a proposal for reconsidering previous wrongs could be countered with the argument that it is far too soon to revisit the historical record. At the present stage, such a discussion on historical responsibilities would tend rather to reopen wounds or lead to a sterile exchange of polemical arguments. According to this counter-argument, more time would have to pass before historical reflection could lead to productive forms of self-criticism. There is indeed a risk that such discussions might fail, but it remains one that can reasonably be taken. Much depends, of course, on how the historical debates are moderated. Dialogue should take place preferably at the second-track level. But this counter-argument shows how important timing may be in the resolution of violent conflicts. The question of how the authorities failed to prevent violence in the past is absent from the present political process, and this is one of the main reasons why it is so difficult to have negotiations on how to prevent violence in the future.

Second, conflict prevention is a prominent theme in discussions on conflict settlement. The EU has, rightly, put pressure on Tbilisi to do more to make its views on an 'asymmetric federalism' more concrete, and the present discussions in Georgia on the status of South Ossetia are partly the result of this pressure. The EU has further declared that it would in principle be prepared to send peacekeeping forces to both regions.¹⁸ This would require acceptance of joint operations by the other parties, including Russia. The EU has, however, never made clear what kind of political mecha-

nisms would be needed in the security sphere to de-escalate post-settlement conflicts. Peacekeeping forces and pledges on the non-use of force, presently envisaged as part of future peace settlements, would not be sufficient. As stated in the previous section, specific security mechanisms for federated states need to be provided, which would allow them to turn to international diplomacy and security organisations when force is used, or even in the event of serious political tension with the central government. This would require a reform of the international security institutions, whose membership has traditionally been restricted to sovereign states.

Such a reform may be crucial. Moscow has derived its strength in the conflicts in Georgia from its ability to provide the secessionist entities with security. In the future it will, moreover, have a key role to play in the provision of international guarantees to the Abkhaz and Ossetian communities, but there is no reason why it should continue to bear full responsibility for their long-term security concerns.

This discussion would also have to involve other organisations, such as the OSCE and NATO. The European Union's division of tasks with NATO on the question of Georgia's democratic reforms (the crucial question of the reform of its armed forces remains outside the EU's policies) has made the EU's policies on Georgia largely dependent on the Atlantic Alliance. As stated previously, Georgia's long-term prospects of NATO membership may have positive consequences for conflict prevention and Western conflict management, but this requires far more clarity about NATO's potential role in Georgian intra-state conflicts. Georgia's integration into NATO – in particular, its prospective membership – is inevitably having a negative impact on conflict transformation and conflict settlement, and the lack of clarity

¹⁶ 'European Parliament Resolution on the Situation in South Ossetia', 26 October 2006, available at: www.europarl.europa.eu.

¹⁷ Such a debate on moral responsibilities would, moreover, be in line with the principles used to argue in favour of supervised independence for Kosovo. This status provides for the most solid international security guarantees. The EU came to this conclusion on the basis of its assessment of the responsibilities of the Serbian state in its conflict with Kosovo.

¹⁸ Andrew Rettman and Renata Goldirova, 'Solana raises prospect of EU soldiers in Georgia', *EUobserver*, 27 February 2007, available at: http://www.caucas.com/home_eng/depeches.php?idp=1554.

surrounding these issues can only be perceived by the breakaway polities and Russia as being even more threatening. This reflects negatively

on the EU, particularly as most of its members active on Georgia are generally also active members of NATO.

On EU conflict transformation policies

The European Union is not a weak actor in Georgia. It would be difficult to imagine a conflict settlement for Georgia's two breakaway regions without its contribution, particularly in the field of conflict transformation. The EU is the largest donor in conflict areas, even when compared with Russia,¹⁹ and its efforts in rehabilitation and reconstruction are needed to improve the climate of trust between the conflicting parties and improve the living conditions of the population, including internally displaced persons (IDPs).²⁰

But there are several limitations to the EU's policies when it comes to bringing the identities and interests of the various communities closer together. These limitations result largely from the nature of conflict transformation in secessionist conflicts. This policy is designed to bring the sides closer together, on the assumption that they are unable to do this on their own. But breakaway polities do not have the same power as the central government to influence such transformation policies. To implement their transformation policies, external actors are made dependent on receiving authorisation from all the parties, but primarily from the legally recognised government. This means that the policies designed to bring the sides' different identities and interests closer together will be heavily dependent on the views of one of the parties to the conflict.

The EU is therefore far from free to determine the contents of its policies by itself, and has

to remain extremely cautious in its contacts with *de facto* authorities. This caution makes it difficult to coordinate larger projects on infrastructure.²¹ EU support for NGO activities rather than for official structures is prompted largely by Georgian fears that a transformation process could end up legitimising the breakaway entity, more than by efficiency criteria for conflict transformation. The Georgian government is trying to gain some control over the EU's conflict transformation policies, particularly through its inclusion in the European Neighbourhood Policy (ENP) framework. The negative consequences, and the EU's chances of minimising them, may be described as follows.

First, the restraint prompted by Georgia's fears has negative consequences for the EU's ability to influence the attitudes of the political elites in Abkhazia and South Ossetia. The EU's actions are perceived by the *de facto* authorities as being in line with Georgian identities and interests. This then entails risks for Abkhaz and Ossetian recipients of EU support who, as they receive external support agreed by the Georgian government, may wrongly but easily be criticised by political opponents for being disloyal to national interests. Again because of its fears of upsetting Georgia, the EU is also unable to support state reforms in the two entities, despite the importance of such reforms for issues such as democratisation, the rights of minorities or the negotiations with the central government. Nor can the EU stipulate precise conditions – such as

¹⁹ Military support aside, Russia's contribution to Abkhazia and South Ossetia is mainly in the areas of pensions and private investment and only marginally in infrastructure. None of these contributions is in the sphere of conflict transformation. On EU conflict resolution activities in Georgia, see <http://www.delgeo.cec.eu.int/en/programmes/rehabilitation.html>.

²⁰ European Commission, 'European Neighbourhood and Partnership Instrument, Georgia, National Indicative Programme 2007-2010', pp. 14-15, available at: http://ec.europa.eu/world/enp/pdf/country/enpi_csp_nip_georgia_en.pdf; European Commission, 'European Neighbourhood and Partnership Instrument, Georgia, Country Strategy Paper 2007-2013', pp. 34-35, available at: http://ec.europa.eu/world/enp/pdf/country/enpi_csp_georgia_en.pdf.

²¹ Tocci, op. cit. in note 6, p. 142. On the impact of EU conflict resolution policies, see *ibid.*, pp. 141-149.

the participation of the displaced population – under which it would regard local elections as meeting European standards of democracy. Georgia would not accept such conditions before the re-establishment of its control of the breakaway territories. The Georgian attitude thus makes it impossible for the EU to increase the legitimacy or political resources of some domestic actors in these communities, or to constrain others. EU conditionality is thus weak, particularly when compared with Russia's. Moscow retains a right of veto on most key decisions to be taken in both entities.²² Excessive Georgian pressure on the EU to curb its engagement with the breakaway communities is thus leading to suboptimal transformation policies, leaving Russia a free hand in these territories.²³ The EU has a strong interest in convincing Georgia that such pressure is not productive.

Second, the EU has no interest in following Georgia's time frames for conflict transformation. Such a policy needs a long time perspective in order to show positive results, unlike, for instance, conflict prevention policies, which have not only to create a framework capable of providing security in the long term but also to work on present crises. A kind of linkage that overlooks the diversity in the types of policies and time spans needed for one of these policies to achieve positive results can indeed only encourage negative responses from the other side, increase frustration on both sides and discourage the international community.

The proposals by Georgian prime minister Zurab Nougaideli at the OSCE Permanent Council of 27 October 2005 on South Ossetia envisaged a 'full-scale conflict settlement'²⁴ within a few months. According to Nougaideli, radical measures in international conflict management (such as the creation of a new international

framework for dealing with the conflict), conflict prevention (such as ensuring the demilitarisation of the region) and positive conflict transformation measures (such as the distribution of pensions to elderly people in South Ossetia and the creation of economic incentives or direct contacts between Ossetian and Georgian NGOs) could be expected to lead, within a single year, to the signing and implementation of an agreement on the status of the territory. The particular conflict transformation proposals put forward by the Georgian government had been welcomed by the South Ossetian authorities, but they rejected the other conflict resolution proposals. Tskhinvali did not want to embark on status negotiations that would imply its reintegration into Georgia. This intransigence is not acceptable, but it is also difficult to see how a conflict transformation programme lasting a couple of months could re-establish historical ties and trust between communities that have been devastated by war, violent expulsions and confrontational policies.

Conflict transformation programmes should be supported regardless of setbacks in other conflict resolution policies – because they need time to work, and cannot be suspended on account of failures in other areas. Informal diplomacy aims to create equal opportunities for the members of communities in conflict to discuss new prospects for conflict resolution. Their work cannot be detached from the ups and downs of the official negotiations, but its continuity should not be made contingent on them.

Third, many activities funded by the European Commission take place *within* rather than *among* the communities.²⁵ This situation is in danger of being reinforced by the creation by the Georgian authorities of a temporary

²² The fact that Raul Khajimba, who received strong support from Moscow, lost the 2004 Abkhaz presidential elections to Sergei Bagapsh has correctly been seen as reflecting the limits of Russia's influence on Abkhazian politics. But Moscow still managed to impose a power-sharing agreement on the two candidates, and it retains the power to veto crucial political decisions.

²³ According to Nicu Popescu, these EU programmes increase the possibility that the population of breakaway entities will find alternatives outside Russia and promote knowledge about Europe and its values. See Popescu, *op. cit.* in note 8, p. 14.

²⁴ Zurab Nougaideli, 'South Ossetia Conflict Resolution Plan', presented at the 575th Special Meeting of the Permanent Council of the OSCE on 27 October 2005, available at: http://www.osce.org/documents/pc/2005/10/16791_en.pdf.

²⁵ ICG, 'Georgia's South Ossetia Conflict: Make Haste Slowly', *op. cit.* in note 6, p. 20.

administration in South Ossetia and the removal of the so-called 'Abkhaz government-in-exile' to the Georgian-controlled Kodori Gorge inside Abkhazia. In the case of South Ossetia, the European Union has been asked to support projects in the mainly Georgian-populated territory controlled by the administration of Dimitri Sanakoev, an Ossetian politician loyal to Tbilisi. On the other side of the ceasefire line, the *de facto* authorities in Tskhinvali receive substantial support from Moscow. The competition between the two authorities may benefit the small population of South Ossetia in economic terms, but, according to the International Crisis Group, it does 'not promote trust, rather the opposite'.²⁶ Instead of entering into the cycle of unilateral steps, EU financial support should continue to be used to achieve the original objectives of conflict transformation – in other words, to bring the identities and interests of the conflicting parties closer together through cooperative projects. The EU should, moreover, refrain from supporting projects created in a spirit of confrontation. Strengthening the administration in the parts of Abkhazia and South Ossetia controlled by Georgia cannot become the main focus of a transformation policy, as Tbilisi never had any conflict with them.

Fourth, the European Union has actively propagated the thesis that Georgian reforms should make the country more attractive to the breakaway communities. The anti-corruption policies adopted after the Rose Revolution, impressive growth rates and the implementation of the rule of law should eventually be able to convince the Abkhaz and Ossetian populations that they have a strong interest in remaining within Georgia. But impressive economic growth is not the key mechanism for turning a conflict that springs from issues of identity into a cooperative arrangement, particularly when

the breakaway entities remain isolated and the Russian economy is part of the competition. The secessionist conflicts in Georgia are first and foremost about grievances, not about greed. Increasing Georgia's political and economic attractiveness should thus remain an important objective of EU policies for its own sake, and as a necessary condition for reunification, but it should not be regarded as a sufficient condition for or even as the main key to success in conflict transformation.

It may be concluded that through its transformation policies in South Ossetia and Abkhazia the EU has demonstrated that it is willing in principle to take a balanced approach to its dealings with the parties, despite structural limitations due to the very nature of external intervention in a secessionist conflict. The ENP framework obliges the EU to accept strict control by the Georgian government over its transformation policies, if it wants ENP to be applied also to the population of the breakaway polities. It has to coordinate its policies closely with Georgia, thereby creating an imbalance between the parties. The EU needs to prevent this lack of evenhandedness from undermining the building of trust between the conflicting parties or, even worse, from becoming part of a confrontation policy.

The issue of conflict transformation policies does not only affect intra-state conflicts in Georgia. At the inter-state level, diverging identities and interests are also characteristic of Georgian-Russian and EU-Russian relations. EU projects in the breakaway territories have striven for a high degree of coordination with international organisations and external actors, and the EU has an interest in concentrating its efforts on Russia's involvement in such projects. Such an approach may help persuade Russia to have its own conflict transformation policies on Georgia's secessionist conflicts.

²⁶ Ibid., p. 23.

On EU international conflict management policies

Georgia has always had a strong interest in internationalising its conflicts with the breakaway territories, in the hope that this would put additional pressure on Russia to refrain from supporting them. But Georgia also fears that internationalisation could make it even more difficult to regain control over what are in principle defined as domestic policies. External actors involved in the management of an internal conflict may be tempted to engage the breakaway communities in the process of conflict transformation, or even to recognise some of their claims as legitimate instead of isolating them. This means that Georgia has an interest in stepping up the EU's role in international conflict management, but also in limiting its consequences in the other fields of conflict resolution.

The appointment by the Council of the European Union of an EU Special Representative for the South Caucasus in July 2003 was an important step towards playing a more prominent role in international conflict management.²⁷ The Special Representative's mandate was expanded in 2006, and included tasks in the field of conflict transformation (according to its 2003 mandate, 'to assist' the countries of the South Caucasus in carrying out democratic reforms) and conflict prevention ('to prevent conflicts in the region') and an indirect role in conflict settlement ('to prepare the return of peace, including through promoting the return of refugees and internally displaced persons' in the 2003 mandate, 'to assist in creating the conditions for progress on the settlement of conflicts' according to the 2006 mandate).

The EU can raise Georgia-related issues with Russia in various ways. For instance, the EU and Russia have a Common Space of Cooperation in the Field of External Security, in which they have agreed to 'strengthen EU-Russia dialogue on matters of practical cooperation on crisis management in order to prepare the ground for joint initiatives ... in the settlement of regional conflicts'.²⁸ With its member states, the EU may help to de-escalate Georgian-Russian tensions, but it is not in a position to have a decisive impact on Russia's position *vis à vis* the breakaway entities. It is, moreover, difficult for the EU to mediate in disputes between Georgia and Russia that involve the terrain of national identity and history, when some of its member states are themselves involved in similar disputes with Russia.

While the confrontational policies of Russia and Georgia promote their internal consolidation, they have the opposite effect on the European Union. The lack of agreement among EU members concerning the importance of the South Caucasus region in the EU's overall neighbourhood policies, and the fear that Moscow may perceive some EU steps as provocative, make any decision in the field of international conflict management – such as the creation of a Border Support Team in 2005²⁹ – contingent on complex negotiations among the member states.

The Group of Friends, which supports UN activities in Abkhazia, could be enlarged to include the EUSR. The European Commission is currently involved in the OSCE mediation on the South Ossetian conflict through rehabilita-

²⁷ Popescu, *op. cit.* in note 8, pp. 15-16.

²⁸ Quoted in International Crisis Group, 'Conflict Resolution in the South Caucasus: the EU's Role', *op. cit.* in note 6, p. 10.

²⁹ On the EUSR Border Support Team, see Popescu, *op. cit.* in note 8, pp. 11-12.

tion initiatives, which has led to its participation in Joint Control Commission (JCC) meetings on economic programmes.³⁰ A step that would raise the profile of the EU more decisively would be the participation of the EUSR in the mediation of the Georgian-Ossetian conflict. This would require a new international format within the OSCE, something the Ossetians and Russians would find it difficult to agree to.³¹

A clash between international conflict management and conflict transformation has to be avoided. During their visits in Georgia, European Parliament members and delegations have held meetings with the *de facto* authorities.³² Such visits are part of the usual practice of representatives of EU member states and international organisations and are aimed at obtaining first-hand information on the negotiations and at communicating the proper views to these authorities. Having contacts with both sides is entirely in line with the EU policy of conflict transformation, and the meetings do not imply any form of formal recognition of the *de facto* state institutions. But in 2007 the European Parliament decided to go beyond this dialogue by giving widely publicised support to the creation by the Georgian government of a provisional administration in South Ossetia. It gave its head, Dmitri Sanakoev, the opportunity to address the 9th session of the EU-Georgian Parliamentary Cooperation Committee on 26 June 2007.³³

In terms of recognition of democratic and legal representativeness, the significance of an address to this cooperative body of the European and Georgian parliaments is very different from that of a simple meeting with European Parliament members. For this reason, the *de facto* authorities of South Ossetia would not receive an invitation to address this body. Yet the European Parliament decided to invite Sanakoev despite the fact that his democratic representativeness is actually no less questionable than that of the *de facto* authorities. Such a policy by the European Parliament – striving to raise its own profile in Georgia – would fit formally into a policy of international conflict management, where an external actor might have to support the positions of one of the parties in order to create incentives for an agreement. In order to contribute to conflict resolution, however, such a policy would also have to fit in with a policy of conflict transformation, which aims at bringing the sides closer together. But the European Parliament has failed to reach this particular objective. The invitation was perceived by the international media and by public opinion in Georgia and South Ossetia as a clear indication of support for a unilateral move by the Georgian authorities, aimed at demonstrating the international diplomatic isolation of Tskhinvali. This lack of balance on the part of the European Parliament clashes with the EU's objectives in conflict transformation.

³⁰ ICG, 'Georgia's South Ossetia Conflict: Make Haste Slowly', op cit. in note 6, p. 20.

³¹ Ibid., p. 11.

³² In September 2007, for instance, a delegation from the European Parliament travelled to Tskhinvali and met with the South Ossetian president Eduard Kokoity.

³³ The EU-Georgian Parliamentary Cooperation Committee was set up in the framework of the Partnership and Cooperation Agreement between the EU and Georgia and comprises parliamentarians from both the Georgian and European parliaments. It covers all aspects of their bilateral relations.

On EU conflict settlement policies

At present the European Union is confronted with three main problems in its support for negotiations on the international status of Abkhazia and South Ossetia. First, the negotiations have to overcome the incompatibility between the positions of Georgia, Russia, Abkhazia and South Ossetia. Like all foreign actors supporting a breakaway entity – e.g. Turkey in the case of the Turkish Republic of Northern Cyprus (TRNC) or Western governments in the case of Kosovo – the Russian authorities have a basic interest in a type of status that would not subordinate this entity to the central government. Equality in status between the parties creates optimal conditions for conflict resolution. Such equality can be achieved either through independence or through other forms of international sovereignty (the option chosen by Turkey when it recognised the TRNC or by Western governments in regard to Kosovo), or by the creation of a federation in which the minority has a very high status or even equal status with the majority (Turkey's backing of the Annan plan for Cyprus).

Where the conflicts in Georgia are concerned, the first option is the preferred one for the breakaway communities themselves but it is not a viable one for Russia insofar as it would isolate – and thus weaken – Russia's position. The second option has been proposed by Russia for Abkhazia

(the 'common state' proposal of 1997). Georgia, by contrast, defends a model of state-building that has been repeatedly described as 'a supra-presidential system' in which the branches of power are not sufficiently separated.³⁴ The difficulty experienced by Georgian democracy in dividing powers 'horizontally' between the executive, the legislature and the judiciary do not bode well for its ability to divide powers 'vertically' between the federated entities and the federal level. Back in 2004, in fact, according to criticism from the Venice Commission and the Council of Europe, the lack of separation of powers – reflected in the excessive power of the central government in the affairs of Adjara – was already a major fault in the constitutional arrangements for this Autonomous Republic.³⁵

There are several federal options compatible with the principle of territorial integrity. They range from a federation, in which Abkhazia and South Ossetia would all receive the same powers, to a type of devolution whereby Abkhazia and South Ossetia would become subordinate autonomies within the Georgian state, with many options in between. There is thus a wide range of alternatives, but one of the main principles that the EU should bear in mind when assessing their value is the separation of powers.³⁶

³⁴ See among others Mariam Gabedava, 'Division of Authority in Georgia', Reports of the International Commitments Assessment Programme, Transparency International, October 2006, available at: http://www.transparency.ge/files/215_273_232939_Division%20of%20Authority%20Eng.pdf.

³⁵ European Commission for Democracy through Law (Venice Commission), 'Opinion on the Draft Constitutional Law of Georgia on the Status of the Autonomous Republic of Adjara Adopted by the Venice Commission at its 59th Plenary Session (Venice, 18-19 June 2004)', Strasbourg, 21 June 2004, CDL-AD(2004)018, available at: [http://www.venice.coe.int/docs/2004/CDL-AD\(2004\)018-e.asp](http://www.venice.coe.int/docs/2004/CDL-AD(2004)018-e.asp). These recommendations have been endorsed by the Council of Europe.

³⁶ Concerning the Abkhaz conflict, in 2001 the Friends of the Secretary-General on Georgia agreed on the so-called 'Boden document', setting out the distribution of powers between Tbilisi and Sukhum(i) that should serve as a basis for future negotiations between the Georgian and Abkhaz sides. In terms of the separation of powers, this UN document defines Abkhazia as a sovereign entity within the sovereign state of Georgia. The sovereignty of the federal parliament and federal government may not infringe on the constitutional powers of Abkhazia. Both levels of government will derive their powers from the federal constitution and both will be equally subordinate to it. The Boden document prescribes that both sides 'shall not amend or modify the Federal Agreement, nor terminate or invalidate it in any way, other than

Second, the discussions on various models for settling conflict in Georgia will have to take into account the international negotiations on Kosovo. The European Union has tried to minimise the negative consequences of its pro-independence position on secessionist conflicts elsewhere by pointing out that this position was based on unique circumstances. Such an answer is very unsatisfactory if the breakaway Abkhaz and Ossetian communities ever have to be convinced that they should compromise and accept a federal option as a lesser evil. The European Union will have to clarify the principles on which it has based its rejection of federalism in the case of Kosovo. It will have to support an open debate on the right to secession, and will also have to demonstrate that a federal option would not necessarily include fewer benefits for Abkhazia and South Ossetia than the option of international sovereignty and independence, for instance in the field of international security guarantees.

A third problem with which the European Union is confronted is the question of the legitimacy of the parties who have to negotiate a settlement, particularly where South Ossetia is concerned. The authorities of Abkhazia and South Ossetia are taking part in the UN- and OSCE-mediated negotiations on the basis of their *de facto* control of a population and a territory. The stalling of the negotiations on political status has prompted the Georgian government to look for alternatives, particularly as regards South Ossetia. Since 2004 Georgia has made a series of attempts to regain control over this territory. All have been based on a denial that the conflict with South Ossetia is identity-based or that the authorities of this breakaway territory represent its population. The *de facto* statehood of South Ossetia is depicted as an instrument of economic privilege and the imperial interests of Russia. This discourse aims to delegitimise the enemy. It further reinforces the historical myth that identity conflicts never took place in Geor-

gia and that the Georgian majority nation has coexisted harmoniously with its minorities over the centuries. The main problem with this approach is that it reduces the conflict over South Ossetia to the creation of economic opportunities for local élites and strategic opportunities for outside powers, and overlooks the question of historic injustices, security and national identity.

The key element in the latest attempt to apply this logic was the creation of a pro-Georgian administration to govern the part of the territory not under the control of Tskhinvali, as has already been mentioned in the previous section. Parallel to the presidential elections that took place in the breakaway entity of South Ossetia in November 2006, leading to the re-election of Eduard Kokoity, elections were held among the population not controlled by the *de facto* regime. They chose Dmitri Sanakoev as 'their' president. In May 2007, Saakashvili appointed him head of the newly-created South Ossetian Provisional Administrative Entity. Sanakoev is a member of the State Commission on the Determination of the Status of South Ossetia, set up by the Georgian government in July 2007 to draw up the status of the region within Georgia, and which operates without the participation of Tskhinvali. In an interview, Sanakoev expressed his conviction that South Ossetia would again be part of Georgia before the end of 2007.³⁷ That 'secession would be over by Christmas' is an expectation fully in line with the time frame of the Georgian leadership.

It would be difficult to say which of the two competing administrations could be considered more representative of the multi-ethnic South Ossetian population. Both presidents claimed to have won more than 90 percent of the votes. Whereas the total population of South Ossetia is estimated to be no greater than 60,000 or 70,000, Tskhinvali claims that 98 percent of the 55,163 registered voters expressed their preference for Kokoity, while the alternative poll

by mutual agreement'. On the Boden document, see Bruno Coppieters, 'The Georgian-Abkhaz Conflict', in Bruno Coppieters et al., 'Europeanization and Conflict Resolution: Case Studies from the European Periphery', published in 2004 as a special issue of the *Journal on Ethnopolitics and Minority Issues in Europe*, 1/2004, available online at <http://www.ecmi.de/jemie/>, and reproduced in 2004 as a book by Academia Press, Ghent, 2004, pp. 191-232.

³⁷ *EUobserver.com*, 28 June 2007, <http://euobserver.com/9/24389>.

organisers claimed that 96 percent of about 57,000 registered voters participated and gave Sanakoev 94 percent of the votes.³⁸

It would be even more difficult to know which status option the Ossetian community in South Ossetia would vote for, given the chance to express their real opinion. The referenda organised at the same time as the presidential elections in both parts of South Ossetia left no room for an open and pluralistic debate on this issue. The referendum organised by Tskhinvali produced more than 99 percent in favour of independence, and the referendum organised by the parallel authorities 94 percent of the votes in favour of reintegration within Georgia on the basis of a federal arrangement. No arguments in favour of federalism are permitted in Tskhinvali and secession is expressly forbidden by the Georgian constitution. Sanakoev himself stated in an interview in Brussels that his preference for autonomy within Georgia was based on the

argument of a lesser evil. He would personally be in favour of South Ossetia joining the Russian Federation if this could be done peacefully.³⁹

The lack of democratic representativeness of the South Ossetian leadership and the difficulty of conducting an open political debate on the status option are indeed major obstacles to conflict resolution, but this problem is not resolved by the creation by the central government of an administration 'representative' of the South Ossetian community, or by unilateral decisions on its future status. Negotiations on conflict settlement will have to start as soon as possible, but they cannot result from administrative decisions taken by one of the sides. Despite their lack of democratic representativeness, the *de facto* authorities of South Ossetia are defending a position on Ossetian identity and interests which has to be taken into account no less than those of Sanakoev or other pro-Georgian Ossetian leaders.

³⁸ ICG, 'Georgia's South Ossetia Conflict: Make Haste Slowly', op. cit. in note 6, pp. 2-3.

³⁹ *EUobserver.com*, 28 June 2007, <http://euobserver.com/9/24389>.

Conclusions and recommendations

The Georgian central government and the authorities of the two breakaway polities of Abkhazia and South Ossetia are not tied to each other through a common legal framework. Their conflicts are not regulated by constitutional or international law. There is no joint decision-making. The secessionist conflicts in Georgia are, moreover, part of an intractable international situation: the conflicting parties in Georgia are unable to reach a settlement without external support, while relations between the international actors are themselves characterised by incompatible identities and interests.

The first objective of conflict resolution is *conflict prevention*: the incompatibility of positions should not escalate to open violence. The second aim is *conflict transformation*: the positions of the parties have to be made more compatible. Conflict transformation fails when identities and interests drive the sides farther apart. *International conflict management* is the third objective. External actors have to contain the escalation of conflict and create incentives for a settlement, by exercising leverage on the parties or by changing the balance of power between them. The final objective is *conflict settlement*: the parties should reach agreement on a common institutional framework. Joint decision-making will show that identities and interests have been made compatible.

The achievement of each of these objectives corresponds to a particular time frame. Conflict resolution policies may fail if there is no balance between these various policy objectives.

On the question of conflict settlement, a distinction has to be made between five options: recognition of the sovereignty of the breakaway entities; the forcible abolition of their statehood; their forcible inclusion in a federal framework; their peaceful inclusion in a federal framework; and, finally, the *status quo* option.

Each of these options is based on a clear choice between the use of violent or peaceful means. Each approach involves a different time frame. Those options that are based on the use of force promise a quick solution to the question of conflict settlement, without, however, being able to resolve the issue of conflict transformation. The peaceful option necessitates positive conflict transformation, which works slowly and requires continuity and a finely balanced approach on the part of external actors. There is thus a clear link between time frames and the choice of exclusively peaceful means or the use of force in the search for a solution to the conflicts in Georgia on the issue of sovereignty.

Owing to Russian intransigence, Georgia is incapable of enforcing the right of a large part of the Georgian population of Abkhazia to return to their homes or to regain control over Georgia's own external borders. There are no negotiations on the political status of Abkhazia or South Ossetia. Russian military might also make it impossible for Georgia to use force as a last resort. Georgia is forced to accept the principle of the peaceful integration of the secessionist entities without having the option of using force as a last resort if the negotiations should stall. This creates a risk that conflict settlement may be postponed indefinitely. The Georgian government fears that the EU and the US may become indifferent to its fate, and it responds to Russian intransigence with a policy of confrontation, hoping for increased international attention. Involved in a never-ending series of clashes with Russia, Georgia has pinned its hopes of recovering its lost territories to its integration into the West, and particularly to the prospect of NATO membership.

Georgia's conflict resolution policies make no basic distinction between the specific tasks of conflict prevention, conflict transformation,

international conflict management and conflict settlement. These four tasks within a conflict resolution policy become conflated into a single approach. Georgia considers that all these tasks need to be carried out simultaneously and in very swift order. But crash programmes in conflict resolution do not seem to work. While in principle a differentiated, patient approach allows positive results to be achieved in both the long and the short term, an undifferentiated and impatient perspective has so far resulted in a quick succession of failed initiatives.

In the field of conflict prevention, the EU has to work in a highly volatile region with a high level of military mobilisation. Instability could lead any day to violent confrontations in South Ossetia and Abkhazia. The degree of antagonism between Georgia and Russia makes it difficult for the EU to contain conflict escalation, one of the main tasks of conflict management.

Conflict transformation is currently taking place, but only in a negative form, as the identities and interests of the parties are drifting farther and farther apart. The EU needs to be aware that its conflict transformation policies cannot be based on an evenhanded approach to the conflicting parties. As an external actor in a secessionist conflict, it can only engage in the breakaway territories to the extent and on the conditions defined by the local authorities and the central government. But the EU has to cope with severe restrictions imposed on its conflict transformation policies by Tbilisi, particularly in the implementation of the European Neighbourhood Policy in the breakaway territories. The EU can, however, lessen the negative consequences of its lack of impartiality in a number of ways.

First, it has to respond to the Georgian fear that strong engagement with the breakaway communities may lend a kind of legitimacy to the act of secession. The EU can point out that a policy of engagement does not entail any form of diplomatic recognition and that excessive restraint has the worst possible results. Second, the EU has to make it clear that it cannot share the time perspective of the Georgian government with regard to conflict transformation. Programmes in this field cannot be expected to

lead to spectacular changes in the short term, and supporting them should not be made contingent on progress in other fields of conflict resolution such as conflict settlement. Third, nor should the EU engage in an economic competition between the *de facto* authorities in South Ossetia and the newly created provisional administration loyal to Tbilisi. Such competition would inevitably lead to new forms of confrontation, not reconciliation.

In the field of international conflict management, the EU has an interest in raising its profile in the conflicts on Abkhazia, through its inclusion in the UN Group of Friends, and on South Ossetia, through its inclusion in a renewed OSCE mediation framework where it would have to be on a par with Russia. But it is difficult for the EU to agree on a strengthened role in conflicts involving Russia. Whereas the confrontational policies of Georgia and Russia promote their own internal political consolidation and increase the domestic popularity of their leaders, the European Union is deeply divided on the question of how to respond to Russia's increasing assertiveness. Some of its members consider that they have more urgent priorities in their relations with Moscow, while others are engaged in disputes with Russia that are similar to Georgia's. These concern the difficult questions of historical injustice and national identity. Whether or not the EU should be more deeply involved in Georgia's unresolved conflicts is a further divisive issue for the EU, and one that is partly linked to Georgia's integration into the EU and EU enlargement.

In the field of conflict settlement, the European Union should not confine itself to prudential arguments when exercising restraint on Georgia. The *status quo* is not an option for Georgia. The EU should, strongly and convincingly, voice its determination to find a solution to these conflicts and further deepen its dialogue with Georgia and the breakaway regions on alternatives to the use of force. The EU has declared that it is willing in principle to send peacekeepers to South Ossetia and Abkhazia. It should be able to define the role it could take in providing security to the Ossetian and Abkhaz communities in a post-settlement situation, in

cooperation with Russia and the US and with the support of the OSCE and NATO.

In the field of conflict settlement, the EU has to adopt the principle of a separation of powers as the main criterion for judging the quality of federal models for resolving the status question. This principle has as yet been insufficiently implemented in the 'horizontal' division of powers between the executive, legislature and judiciary in post-revolutionary Georgia and in its 'vertical' division of powers with Adjara.

The EU needs to make explicit the principles on which it has based its position in favour of 'supervised independence' for Kosovo. A rational discussion on the choice between full

and shared sovereignty for the breakaway communities has to be based on costs and benefits for the various communities.

There is no reason to postpone negotiations on status, but patience will be needed if progress in conflict transformation, conflict prevention and international conflict management are to create more favourable conditions for bringing conflict settlement to a successful conclusion. There are no short-cuts to a decision on status, either by expecting that Georgia or its provisional administrations may become so economically and politically attractive that secessionist arguments will wane among the Abkhaz and Ossetian communities, or by the use of force.

Annex

Abbreviations

ENP	European Neighbourhood Policy
EUSR	European Union Special Representative
IDP	Internally Displaced Person
JCC	Joint Control Commission
NATO	North Atlantic Treaty Organisation
NGO	Non-Governmental Organisation
OSCE	Organisation for Security and Co-operation in Europe
TRNC	Turkish Republic of Northern Cyprus
UN	United Nations

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