

## **The EU and conflict resolution in Georgia**

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### **Summary**

Formal negotiation mechanisms in both the Georgian-South Ossetian and the Georgian-Abkhaz conflicts are currently stalled.

Since the Rose Revolution there has been some movement in South Ossetia. Georgian policy is based on three pillars: internationalisation of the negotiation format; support for the Temporary Administrative Unit (TAU) of Dimitriy Sanakoev; and economic rehabilitation. While there has been a certain amount of progress in the first area, the installation of the TAU tends to complicate the situation on the ground, since Sanakoev is not perceived as representing South Ossetian interests. As concerns economic rehabilitation, the region is now exposed to competing initiatives by Georgia, the OSCE and Russia.

The situation in Abkhazia is going from bad to worse. Peacekeeping instruments are in deep crisis, while the danger of escalation in the two ‘hotspots’ of the conflict, Upper Kodori and the Gali district, is steadily growing. At the same time, there is potential for compromise, which however is being rejected by both parties to the conflict.

Russia plays a decisive role in the conflict, since it continues to support the breakaway regimes politically and economically. At the same time, it is not a reliable partner for South Ossetia and Abkhazia. Georgia focuses too exclusively on Russia as the main opponent in the conflicts and should disentangle its approach towards South Ossetia and Abkhazia from its relations with Russia.

In the current situation, there is very little room for confidence building. The most promising sphere for concrete confidence-building measures in the current tense situation is economic cooperation. At the same time, this needs to be complemented by a symbolic dimension and all sides must demonstrate their political will to take their opponents’ concerns seriously and seek compromise.

The EU as a soft power has great potential to have a positive impact in the conflict region. It already has become active through technical assistance and cooperation with Georgia in the framework of the European Neighbourhood Policy. At the same time, the idea of deeper engagement of the EU in the “frozen conflicts” is met with restraint among some EU member states. Therefore it is crucial to raise awareness of the great geopolitical importance of this neighbouring region for the EU as well as of the costs of non-engagement.

## SEMINAR REPORT

The seminar was the first in a series of EUISS seminars on the “frozen conflicts” in the EU’s Eastern neighbourhood. It was organised in collaboration with the EU Special Representative for the South Caucasus, Peter Semneby, and will be followed up by a second conference in Georgia in spring 2008. The October seminar brought together civil society actors from South Ossetia, Abkhazia and Georgia, as well as experts from Georgia, Russia and the EU. The first part of the seminar was devoted to taking stock of the current situation in both conflict regions. Discussions then focused on confidence-building measures and the prospects for deeper engagement by the EU.

### **I. South Ossetia**

After the Rose Revolution, Georgian policy with regard to the “frozen conflicts” underwent a shift. While the Shevardnadze regime had given priority to the resolution of the Abkhaz conflict, after the successful reintegration of Ajara Saakashvili set out to quickly resolve the Georgian-Ossetian conflict in order to demonstrate his administration’s ability to implement one of its most important election pledges, the reunification of the country. To attain this objective, the Georgian Government pursues three strategies: change of the existing negotiating format; support for the “Temporary Administrative Unit” in Kurta, and economic rehabilitation of the conflict zone.

The Joint Control Commission has been unable to fulfil its functions for over a year now.<sup>1</sup> It was outlined that already prior to the interruption of the official dialogue, both parties to the conflict failed to implement agreements reached by the JCC. Speakers perceived several reasons for the blockade of the negotiation format: on the one hand, negotiations suffer from a lack of political commitment, deep mistrust, incoherent approaches on all sides, and the failure of all parties to ensure the implementation of decisions and agreements. Furthermore, some participants pointed out that the blockade of the JCC fulfils a certain function for the Georgian Government. By arguing that no real progress has been reached within the JCC since its establishment in 1992, the Georgian leadership also hopes to strengthen its demand for a change in the negotiation format. Therefore, the futility of the JCC is turned into a basis for the main argument supporting one of Georgia’s most important goals concerning conflict resolution: the change of the negotiation format.

Georgian suggestions to this end envisage a shift to a bilateral dialogue between Georgia and South Ossetia under the auspices of the OSCE. According to the Georgian proposal, the US, the EU and Russia should acquire equal status as guarantors of the negotiations. The Georgian side aims at curbing Russian influence and bringing in Western actors. The Georgian government pursues a similar approach towards the Russian-led JPKF, which it wants to be replaced by truly international police and peacekeeping forces.

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<sup>1</sup> The Joint Control Commission was created in 1992. It consists of four equal parties: Georgia, South Ossetia, North Ossetia, and Russia, which is tasked to supervise the ceasefire agreement reached in 1992 and the negotiation process, as well as to coordinate the Joint Peace Keeping Force, to which the Georgian, Ossetian and Russian sides contributed battalions. JCC meetings take place with the participation of the OSCE as an observer. The last full session of the JCC took place in August 2006. Since then the Georgian side has made the continuation of dialogue within the JCC frameworks conditional upon format change.

The Temporary Administrative Unit (TAU) under the guidance of Dmitri Sanakoev was established in Kurta after the November 2006 *de facto* presidential elections in the Georgian-controlled parts of the conflict zone.<sup>2</sup> Sanakoev is a former combatant and official of the *de facto* regime in Tskhinvali who now supports reintegration with Georgia. Tbilisi lent strong support to the TAU from the very moment of its emergence – some observers claim that it was the Georgian government who actually initiated the Sanakoev administration in order to create an alternative to the *de facto* authorities in Tskhinvali. Sanakoev was appointed to an official position in the Georgian government in June 2007; his administration is now funded by the Georgian state budget. Georgian speakers underlined the importance of this step so as to ensure Sanakoev's capacity to act.

On the other hand, it was emphasised that although the establishment of the TAU might have partly strengthened Tbilisi's position *vis-à-vis* Tskhinvali and Moscow, it had a destabilising impact on the situation in the conflict region. It was pointed out that the establishment of the TAU went hand-in-hand with unauthorised deployments of armed personnel, road blocks etc. and has cemented the growing physical separation of the Georgian and Ossetian communities. Participants also voiced doubts as to Sanakoev's potential to integrate the Georgian and South Ossetian parts of the population in South Ossetia. While his capacity to strengthen coherence within the Georgian-populated parts of South Ossetia was acknowledged, participants cast doubt on his ability to bridge the gap between the ethnic communities. In this context it was emphasised that the Georgian government's support for Sanakoev was "too strong", thus preventing him from positioning himself as "Ossetian", as opposed to "Georgian". This, however, would be the only way for him to gain credibility among the South Ossetian population.

Economic rehabilitation in the conflict zone is the third strategy of the Georgian government. By improving the economic infrastructure and the living conditions of the population in the TAU, Tbilisi hopes to convince Ossetians that they would benefit from reunification with Georgia. Georgian economic rehabilitation measures were initially linked to the OSCE-led Economic Rehabilitation Programme (ERP), which was initiated in June 2006.<sup>3</sup> Tbilisi had announced its intention to match every euro pledged by the international community with similar funding from its state budget. However, it was outlined during the conference that the Georgian government's priorities had obviously changed in the process. Instead of channelling rehabilitation funds for South Ossetia through ERP, Tbilisi refocuses its support on the TAU. This policy shift, it was indicated, implies a partly ambivalent Georgian attitude towards the ERP: On the one hand, Tbilisi appreciates that additional international actors have been brought into the process. On the other hand, the programme partly undermines its intention of presenting the area administered by the TAU to ethnic Ossetians as a model for economic rehabilitation that can only be achieved through reintegration with Georgia proper.

The issue of economic rehabilitation led to a lively discussion among participants. It was pointed out that though the EU might be among the biggest transparent donors, the amount of Russian money flowing into the conflict regions (this concerns not just South Ossetia, but also Abkhazia) is probably much higher. With Russia and Georgia pursuing selective approaches of economic support in the conflict zone, a competition in terms of rehabilitation efforts is emerging which runs the risk of deepening the divide. The effectiveness of economic

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<sup>2</sup> Elections were held in Tskhinvali at the same time and Eduard Kokoity was confirmed in office.

<sup>3</sup> The OSCE pledged €7.8 million, out of which the EU contributed €2 million. ERP is strictly oriented towards parity between ethnic Georgians and Ossetians, so as to link economic rehabilitation to confidence building by ensuring equality between the ethnic communities.

rehabilitation efforts as a tool for conflict resolution was another controversial point in the discussion. Representatives from Georgia were convinced that the positive example of economic rehabilitation and Georgia's "charm offensives"<sup>4</sup> would positively influence the Ossetians' attitude towards Georgia. EU representatives also argued that Georgia's increasing economic attractiveness might change the perceptions of the people in the breakaway region. Other speakers insisted that economic rehabilitation would not succeed without an open debate about the preservation of South Ossetian political autonomy, language and culture, and about political participation and the separation of powers in a future unified Georgian state. Representatives from the breakaway regions insinuated that they preferred an economically attractive neighbour (Russia) to a central state (Georgia). In their view, the upgrading of living standards in the current political situation has the potential to increase the distance between them and Tbilisi rather than to reduce it. South Ossetians also called upon the EU to make more information accessible about its assistance so as to improve the EU's image in South Ossetia.

## II. Abkhazia

While the Rose Revolution triggered some dynamic in South Ossetia, the Georgian-Abkhazian conflict remains stuck in the same deadlock as in the years before. No initiative comparable to the Economic Rehabilitation Programme has occurred. The only possible momentum could emanate from Georgia's bid for NATO membership (or at least quick *rapprochement* through the conclusion of a Membership Action Plan), which is being jeopardised by the current domestic crisis. For the time being, as was highlighted during the seminar, Georgia and Abkhazia continue to drift apart.

As in South Ossetia, the peacekeeping instruments and negotiating mechanisms are in deep crisis.<sup>5</sup> The mandate of the Russian CISPKF is being fundamentally challenged by the Georgian government, as is the mandate of the United Nations Observer Mission in Georgia (UNOMIG) because of its perceived ineffectiveness. The UN-directed Geneva process is making practically no progress. Georgia has repeatedly called for the internationalisation of the peacekeeping forces in order to curb Russian influence in the conflict zone. Tbilisi is also pushing for a quick change of the *status quo*, implying the reintegration of Abkhazia along the lines of the model of Ajara, as is regularly suggested by the Georgian side and rejected by the Abkhazians. Some of the European experts present at the seminar conceded that this was a legitimate aim, but there was little hope for progress on the status issue without simultaneous de-escalation and confidence-building measures. Recent developments tend to strengthen the status quo, i.e. *de facto* independence of Abkhazia, limited only by its economic and political dependence on Russia.

Participants voiced great concern about the danger of escalation in the two current focal points of the conflict.

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<sup>4</sup> For example the Boney M concert in the conflict zone which took place a few days before the conference.

<sup>5</sup> The 1994 Moscow Agreement provided for the deployment of a Commonwealth of Independent States Peace Keeping Force (CISPKF), which consists exclusively of Russian troops under UN monitoring, accomplished by the United Nations Mission to Georgia (UNOMIG). Negotiations between Tbilisi and Sukhumi take place within the Geneva Process, which is chaired by the UN and in which observers from the OSCE and the Group of Friends of the Secretary General (the U.S., Germany, UK, France and Russia) participate.

The Kodori crisis persists. In July 2006 Tbilisi had launched an operation aimed at ousting the warlord Emzar Kvitsiani. He was the head of the largest armed militia funded by the Georgian defence ministry and conducting a low-level guerilla war against the Abkhaz in order to pressure Sukhumi. Saakashvili started to rein in the militias soon after his election. The intention to dissolve Kvitsiani's Monadire paramilitary group was met with resistance both from Kvitsiani and from the Abkhaz government-in-exile in Tbilisi. In July 2006 the situation spiralled out of control, which led to the Georgian "police operation" and the disarmament of the militia. Shortly afterwards, the Abkhaz government-in-exile was relocated to Upper Kodori, which created a situation similar to that in South Ossetia, with an alternative administration backed by Georgia located in the conflict zone. As in South Ossetia, the Abkhaz side refused to accept this change which is perceived as a step towards creating a strategic bridgehead for retaking Abkhazia militarily. The Georgian side insists that the operation was necessary to restore law and order in Upper Kodori. The situation remains extremely tense.

The second hotspot is the situation in the Gali district. One speaker pointed out that the Georgian population in the area is still being held hostage to conflicting interests. Despite some measures taken by Sukhumi to improve their situation, the Gali Georgians are far from enjoying equal status. At the same time, the Georgian side is undermining attempts to integrate the Gali Georgians in Abkhazia in order to prevent Sukhumi from extending its influence in the region. It was emphasised that neither of the parties obviously sees the Georgian-Abkhaz overlap in Gali as presenting potential for cooperation; rather the reverse in fact – both Sukhumi and Tbilisi exploit it as a tool for tactical manoeuvring.

At the same time, speakers saw far more potential for mutual understanding than the current tense situation might suggest. According to them a fair amount of support for a policy of compromise and reconciliation exists both in Georgia and Abkhazia. They pointed to regular contacts between representatives of the conflict parties, organised by NGOs like Conciliation Resources or the Heinrich Böll Foundation. The potential role of Georgian internally displaced persons (IDPs) for reconciliation was particularly emphasised because of their experience of coexistence in Abkhazia. Therefore participants called on the Abkhazian side to rethink its approach towards IDP return, which is still regarded with distrust and suspicion. Last but not least, both sides' interest in alignment with the EU and closer integration with European structures could bring Sukhumi and Tbilisi closer together.

But it was deplored that both sides reject any critical confrontation with the past and their own role in the escalation of the conflict, war crimes etc and see themselves exclusively as victims. As a consequence of these one-sided interpretations of the conflict, none of the sides shows openness to dialogue. Tbilisi is interested only in projects clearly under its control, while Sukhumi rejects all Georgian forums which are conditional on their renouncing their claim for independence.

### **III. The "Russia Factor"**

Russia continues to play a decisive role in both conflicts. It was emphasised that the *de facto* governments in Sukhumi and Tskhinvali to a great extent depend on Russia. Georgian representatives voiced concern that this might restrict the scope of moderate political actors interested in talks with Tbilisi. Heavy investment expected in the run-up to the Winter Olympics in Sochi in 2014 might intensify the drifting apart of Abkhazia in particular. Other

speakers saw the international attention this event will draw to the region as representing a potential opportunity.

At the same time, participants underlined the fact that Russia is not a reliable partner for Abkhazia and South Ossetia. The Russian approach was called cynical, focused exclusively on Moscow's interests. None of the participants expected Moscow to defend the Abkhaz/South Ossetian population or culture, but saw Russia's policy in the frozen conflicts as part of a bigger game that Moscow is playing on the global level (regarding first of all Kosovo, Iran, the Middle East etc). It was also pointed out that actors in Abkhazia and South Ossetia are aware of this asymmetry in their relationship with Russia. It was suggested that the fact that both Georgia and the breakaway regions have an ambiguous relationship with Russia and have reason for (albeit different degrees of) mistrust could be something that the parties could build upon.

This formed part of a broader argument calling into question the exclusive Georgian focus on Russia as the main adversary in the conflicts. While the Georgian demand for the internationalisation of conflict resolution and a stronger engagement of external actors like the EU or the US was considered legitimate, many participants spoke out in favour of a more differentiated approach by Tbilisi, for several reasons. Firstly, by focusing so strongly on Russia, the Georgians lose sight of the limited but existing room of manoeuvre of the *de facto* governments and civil societies *vis-à-vis* Russia. It was pointed out that Georgia could benefit from not simply seeing Sukhumi and Tskhinvali as tools in the hands of Russia, but strengthening dialogue with those parts of the societies and political elites which strive for greater autonomy from Russia as well. The concentration on Moscow prevents Tbilisi also from developing a strategy to address Ossetian and Abkhaz concerns, which entails the risk of pushing them further away. Secondly, by denying Sukhumi and Tskhinvali the status of autonomous actors Georgia creates conditions in which it is very easy for the separatist regimes to reject negotiations. Thirdly, the complete isolation of the conflict parties from each other plays into the hands of Moscow and provides it with every opportunity to use the conflicts to its own advantage. Several speakers pointed out that the deterioration of Georgian-Russian relations had a very negative impact on the situation in the conflict regions. Furthermore, Tbilisi cannot count on unequivocal support from the international community for its internationalisation strategy since the external actors it addresses feel constrained by their interests in maintaining good relations with Russia. Therefore, Tbilisi was called upon to gradually disentangle its approach towards South Ossetia and Abkhazia from its relations with Russia and to find a more balanced position, taking into account both the international and the internal dimensions of the conflicts.

#### **IV. Confidence Building**

Confidence-building measures aim at softening intransigent positions and, by doing so, create the basis for dialogue between conflict parties and their further *rapprochement*. Statements from representatives of the different sides made it very clear that considering the tense situation in the conflict zones and the deterioration of relations between Georgia and Russia there is very little space for such dialogue at the moment. While Georgian representatives insisted on the paramount role of Russia, participants from the conflict regions blamed Georgia for undermining confidence- building and dialogue processes by its aggressive attitude. Several speakers pointed out that the operation in Kodori as well as bellicose

statements by Georgian government officials would seriously impede the Schlaining process and other dialogues and thus deprive both sides of any opportunity for *rapprochement*.

Speakers came up with various suggestions regarding appropriate confidence-building measures between the Georgian and the Abkhaz/South Ossetian sides which can be roughly divided into activities in the practical sphere of economic relations and governance, and symbolic steps:

In the case of South Ossetia, speakers argued that increased economic assistance from the Georgian side, channelled through the Economic Rehabilitation Programme but visible as Georgian aid, could improve Georgian credibility in the eyes of South Ossetians. It was emphasised that increasing economic interaction across the conflict lines in both cases has the potential to support the emergence of interest groups which can lobby for stability and cooperation. Therefore both the support of these activities and cooperation in the field of policing and law enforcement would directly contribute to confidence building and to conflict transformation by creating lobby groups on both sides of the divide interested in *rapprochement*. It was pointed out that promotion of cooperation should consider elements like joint capacity building, community policing, joint patrolling, common investigations and information sharing. Experts and representatives of the EU also saw opportunities for cooperation with Russia in this field. In this context one speaker welcomed EU support to the Georgian Ministry of Conflict Resolution, but encouraged the EU to apply similar measures in the conflict regions so as to improve all sides' access to negotiation practices and skills.

One EU representative suggested that EUBAM activities in Transnistria/Moldova could serve as a pattern for South Ossetia and Abkhazia; he outlined that training and information seminars held by EUBAM in Transnistria increased Transnistrian business actors' awareness of the benefits they could gain from trading with the EU through Chisinau. However, this option was turned down by participants from Abkhazia and South Ossetia, because of Georgia restricting free travel for South Ossetians and Abkhazians with Russian passports.<sup>6</sup> Under such conditions, they emphasised, no normal economic relations could emerge.

There is a legitimate concern on the Georgian side that this kind of support to the *de facto* governments and civil societies in the breakaway regions might enforce their desire and capacity for separation. It was argued, therefore, that measures in such a direction must take such concerns seriously and aim at diminishing isolation. At the same time the Georgian side was called upon to give up its distrustful attitude towards NGOs and INGOs who work in the field of conflict resolution and become a more constructive collaborator for them.

Participants on all sides emphasised the symbolic dimension of confidence building, to which not enough attention is being paid in the current tense situation. Speakers called for the resumption of a sincere and genuine dialogue between the conflict parties. The discussion about what form a constructive dialogue about the symbolic dimension of the conflicts and their possible solution should take focused on three main aspects:

- All sides need to demonstrate that they can be reliable, accountable and trustworthy interlocutors; they need to display political will and the preparedness to put the interests and concerns of their opponents first. As concerns Abkhazia, speakers pointed out that Sukhumi

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<sup>6</sup> It was pointed out by one participant that Abkhazians and Ossetians travelling to Georgia with a Russian passport would be charged €2000.

has to show that its aim is not to establish an ethno-centric state and to make sure that Abkhazian plans for demographic security are compatible with the rule of law in a multiethnic state, and oriented towards equal treatment of the Georgian citizens of Gali and gradual return of refugees. Georgia was criticised by one speaker for having no faith in confidence building, but putting pressure first instead. It was argued by representatives from the breakaway regions as well as by European experts that, if Georgia really wants to achieve progress in a dialogue process, it has to get beyond its focus on Russia, accept South Ossetians and Abkhazians as dialogue partners and recognise their sincere determination to gain autonomy. It would also have to make offers of cooperation, lift economic sanctions and demonstrate reliability and consistency by ensuring that its deeds correspond with its words over a long period of time.

- All sides must engage in an open and sincere discussion about political participation and distribution of power between the centre and the regions in Georgia. The EU and other external actors were criticised for their focus on Western models of federalism, which do not necessarily fit the political and historical traditions of post-Soviet societies.

- A third crucial point was the political attractiveness of Georgia. Participants from South Ossetia and Abkhazia voiced doubts about Tbilisi's willingness to grant them political rights and to preserve their cultural and linguistic autonomy. Other speakers emphasised that Georgia has to demonstrate its democratic vocation and character "at home" by consistently pursuing reforms and transforming state and society into a liberal democracy in which minority rights and freedoms are guaranteed. There was consensus that the Georgian government's strategy of increasing Georgia's economic attractiveness through rehabilitation programmes would not be successful if the political dimension remains neglected.

## **V. A Role for the EU?**

EU representatives pointed out that the South Caucasus is a new region in terms of foreign policy for the EU. Enlargement changed the EU's perspective because of new geographical proximity, but also because the region is important in terms of energy relations. Because of its specific characteristics as a soft power, the EU has the potential to act and engage in a country as conflict-prone as Georgia without posing a threat to any of the opposing sides. Therefore the EU can act in all areas relevant for conflict transformation and resolution.

There are two main tools which the EU can apply to improve the situation in Georgia proper and in the conflict regions. The first tool is technical assistance. According to one speaker, the EU is the largest donor both to South Ossetia and Abkhazia, and finances a large number of projects. The EU also, albeit to a lesser extent, provides funding for confidence-building measures. The three main goals behind this technical assistance are (a) to alleviate the suffering of the population, (b) to promote economic rehabilitation, and (c) to promote dialogue between the conflict parties.

The second tool at the EU's disposal is cooperation with Georgia in the framework of the European Neighbourhood Policy. The EU has offered Georgia gradual integration into the single market, as well as deepened political dialogue in exchange for accelerated political and economic reforms. Cooperation in the framework of ENP aims at stabilising the political and economic situation in the countries and improving the living conditions of the population, so as to make Georgia more attractive also in the view of the Abkhaz and South Ossetian population.

It was pointed out that since the ENP Action Plan entered into force only one year ago it was too early to assess its successes and shortcomings. The Georgian government's reform policies have already removed tariffs and promoted legal convergence, so that EU companies have to contend with fewer obstacles when they become active in the Georgian market. However, more needs to be done to accelerate Georgia's integration into the single market. It was conceded also that the Schengen system puts serious constraints on people-to-people contacts, which is why both sides are engaged in negotiations about a visa facilitation agreement.

The EU faces difficulties in raising its political profile in the conflict resolution processes. EU speakers reported on an expert team mission organised by the Commission and the Council in January 2007 which explored possible ways of further EU engagement. However, the results and recommendations of this mission met with restraint in Brussels since not all member states are interested in deeper engagement in the South Caucasus. Therefore, one important task of the Commission and also the EUSR is to raise awareness of the geopolitical situation in the region and its importance for the EU. The fact that many EU members consider it difficult to engage Russia in a constructive dialogue on the frozen conflicts leads them to take a very cautious approach for fear of a deterioration of their relations with Russia. In this regard, the importance of regional cooperation initiatives like the Black Sea Synergy was emphasised.

It was made clear that the deployment of EU peacekeeping troops is unlikely in the current situation. However, the EU has already introduced CFSP elements by dispatching police liaison officers to the breakaway regions as a result of the January 2007 expert commission recommendations. The use of peacekeeping forces was not excluded in principle, but it was clearly made conditional upon an agreement between the conflict parties.

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