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The Caucasus Conflicts: Frozen and Shelved?

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Introduction

Angelo Gnaedinger¹

The Caucasus has recently not been in the focus of international attention despite the fact that the conflicts in this part of the world remain unresolved and violence is frequent at the Line of Contact surrounding Nagorny Karabakh and in parts of the Northern Caucasus. I therefore welcome the decision by Politorbis to dedicate the present volume to the Caucasus and I'm very grateful that the Swiss peace research institute *swisspeace*, with its Caucasus expert Cécile Druey, took care of collecting and editing a number of inspiring and well-informed articles. Many of those who contributed are international mediators, experts and project partners of the Swiss government. The first part of this edition features the articles about the specific regional contexts, the second part treats the engagement of the international community (OSCE, UN, EU).

The Caucasus is a priority region of Swiss peace policy. Swiss engagement started with humanitarian aid to Armenia during the earthquake of 1988. Later, the focus shifted more towards technical development cooperation with the Swiss Agency for Development and Cooperation (SDC) and the State Secretariat for Economic Affairs (SECO) establishing a regional office in Tbilisi in 1999. The first Swiss Embassy in the region was opened in 2001 in Tbilisi and at that time still covered all three countries. Swiss Embassies in Baku and Yerevan followed in 2005 and 2011 respectively. Apart from bilateral cooperation, several high-ranking Swiss diplomats were involved in conflict-related multilateral efforts in the last 25 years: In May 1993, when the armed conflict in Abkhazia was still ongoing, the UN Secretary-General appointed Edouard Brunner as his first Special Envoy to Georgia; his mandate lasted until 1997; In 1996-97 Tim Guldemann led the OSCE Assistance Group

to Chechnya; Heidi Tagliavini was involved in international efforts related to the conflict in Georgia, first from 2002-2006 as Head of the UN Observer Mission to Georgia (UNOMIG) and then as leader of an EU-initiated investigation of the background of the 2008 conflict (Independent International Fact-Finding Mission on the Conflict in Georgia – IIFFMCG, better known as the “Tagliavini report”).

At the same time, Switzerland acted as a mediator between Armenia and Turkey in a process which led to the signing of the so-called Zurich protocols on 10 October 2009. The two protocols (one on the establishment of diplomatic relations, the other on the development of relations) included provisions on reopening the border and establishing a joint commission on the historical dimension, but were, regrettably, never ratified by the parliaments of the two countries.

Due to the war of August 2008 and the subsequent recognition of the independence of Abkhazia and South Ossetia by Moscow, Georgia and Russia discontinued their diplomatic relations and asked Switzerland to represent their respective interests in the two capitals. This double mandate was formalized in an exchange of notes in March 2009. When the Russian Federation intensified its efforts to join the WTO in late 2010, Switzerland facilitated negotiations with Georgia in order to overcome divergences related to Russia's accession. This negotiation process resulted in the signing of an agreement on a mechanism of customs administration and monitoring of trade in goods on 9 November 2011.

This long-standing and multi-faceted engagement in the region motivated the Swiss Federal Department of Foreign Affairs (FDFA) to define the South Caucasus also as a priority region of the activities of the Swiss OSCE Chairmanship in 2014. Since the war in Georgia in 2008, the chairing country of the OSCE usually appointed a Special Representative for this region. In the end of 2013, Swiss

¹ Ambassador Angelo Gnaedinger is the Special Representative of the OSCE-Chairperson-in-Office for the South Caucasus. The opinions expressed in this article are his own and do not necessarily express the official position of the OSCE.

Foreign Minister Didier Burkhalter, as the incoming Chairman-in-Office of the OSCE, decided to appoint me as his Special Representative for the South Caucasus. In a joint work plan Switzerland agreed with Serbia, the OSCE Chairmanship of 2015, to distribute the various mandates of Special Representatives among the two countries and to reappoint them after the Swiss Chairmanship for a second year in order to ensure some continuity in the OSCE mediation efforts.

The traditional main task of the OSCE Special Representative for the South Caucasus is, on the one hand, to co-chair the Geneva International Discussions jointly with the EU Special Representative and the UN Representative for the Geneva International Discussions and, on the other hand, to co-facilitate the Incident Prevention and Response Mechanism (IPRM) in Ergneti together with the Head of the EU Monitoring Mission in Georgia. The Geneva Discussions are a quarterly gathering of political actors from Tbilisi, Moscow, Washington, Sukhumi and Tskhinvali which focuses, in two separate working groups, on (a) security and (b) humanitarian questions (in particular the question of IDPs and refugees). In February 2009 the participants of the Geneva Discussions agreed to establish two Incident Prevention and Response Mechanisms (IPRM), one in Ergneti, at the South Ossetian Administrative Boundary Line (ABL), and the other in Gali, at the Abkhaz ABL. In the framework of these mechanisms security actors come together once per month to clarify recent security incidents and to announce planned activities (such as military maneuvers). Currently, the monthly meetings in Ergneti take place regularly, whereas the IPRM in Gali has unfortunately been suspended since April 2012.

Despite the fact that the Geneva process and the IPRMs take up most of the time of the Special Representative, the OSCE Chairmanship was able to launch a number of conflict-related projects and to accompany and support the efforts of the co-chairs of the OSCE Minsk Group in relation to the Nagorny Karabakh conflict. While our hope was initially to contribute to a comprehensive conflict transformation, our experience of the past nearly two years showed that big steps, which go beyond the prevention of renewed violence

and the settlement of divergences on very specific questions, can currently not be expected.

However, the OSCE Chairmanship can play an active and prominent role in the South Caucasus and can benefit from the experience of the chairing country, the OSCE institutions (in particular the Conflict Prevention Center) and organizations on the ground. I therefore tried to summarize my experience of nearly two years in the Geneva process in the following 6 points:

1. Luckily, so far the Geneva process has continued uninterrupted during my mandate. We were able to conduct the regular quarterly rounds of the Geneva Discussions and monthly IPRMs despite a political environment which has become tenser due to the conflict in and around Ukraine. Although the Geneva process yields few tangible results, maintaining the regularity of the Geneva and IPRM meetings is essential. This regularity is not a given, as many other mediation processes show. If meetings start to be suspended, the process can easily fall apart and the co-chairs will have to invest all their time and energy into convincing the participants to resume their dialogue. For the same reason, the reestablishment of the Gali IPRM remains a priority.
2. I'm convinced that the established formats are able to contribute to stability on the ground. Mechanisms agreed upon within these formats have proved their efficiency. In tense situations, stakeholders regularly activate the established hotlines and, on one occasion during my mandate, even asked for an extraordinary IPRM. The Geneva-related formats offer an indispensable platform to clarify tense situations since even a single incident on the ground can trigger deterioration.
3. International presence on the ground remains indispensable. One major deficiency of the OSCE in the process is the fact that it lacks a permanent field presence in Georgia. All Chairmanships since 2008 made efforts to reestablish the OSCE in Georgia – without success. International partners represented on the ground – in particular the Office of the EUSR, the EUMM, the Office of the UN Representative to the Geneva International Discussions (UNRIGID) and

various UN agencies – generously support the OSCE in its engagement, but the scope of the activities of the organization will remain limited without field presence. The Swiss OSCE Chairmanship managed to launch some small OSCE projects in Abkhazia and South Ossetia, but additional efforts will be necessary to systematize OSCE activities in Georgia and to enable a sustainable OSCE engagement including in the two territories.

4. Our engagement in the South Caucasus benefited from the “Swiss link”. Switzerland was generally considered to be a credible partner with a certain experience in the region. We also benefited from the fact that Switzerland maintains embassies in all three countries and that three governmental key actors – SDC, SECO and the Division for Human Security of the FDFA – elaborated a joint cooperation strategy for the region which is currently being implemented and includes conflict-related activities.
5. “Accompanying projects” allow the Chairmanship to set accents – be it by launching an OSCE summer school for youngsters from the region, or by supporting efforts to clarify the fate of missing persons from Tskhinvali – which does not only increase the visibility of the OSCE in the region and create platforms for contacts, but can also generate tangible results within a short period and thereby enrich the Geneva process.
6. The ambition to work towards conflict transformation and a mutually agreed political settlement must not be given up. Besides maintaining mechanisms aimed at the prevention of renewed violence, it remains important to reflect on solutions, promote small steps, encourage contacts and, in particular, facilitate a substantial dialogue between stakeholders.

Abkhazia: Regulations for Trade with Disputed Statehood

Natalia Mirimanova¹

Walls Erected – Some Binding Thread Preserved

The Georgian-Abkhaz war broke out in August 1992 as the two peoples clashed over the issue of sovereignty over the autonomous republic of Abkhazia in the wake of the decomposition of the Soviet Union. Two nationalisms, two versions of ethnic hegemony made the two state projects incompatible. The toll of the conflict was tens of thousands of casualties in total, 200,000 ethnic Georgians evicted from Abkhazia, years of economic and physical blockade of the breakaway republic, criminal rule in some areas adjacent to the line of ceasefire, and dramatic economic decline. After the ceasefire was brokered in December 1993, it established a status quo with 136 UN mission (UNOMIG) observers and 1,600 Russian peacekeeping troops deployed in the area of fighting. Several peace proposals and rounds of talks in the next 15 years had not yielded any result. Abkhazia remained a de facto independent state and Georgia kept trying to ensure non-recognition of the breakaway republic by any state.

1 Natalia Mirimanova is a conflict resolution scholar-practitioner and has over twenty years of work experience in Russia, South Caucasus, Central Asia, Moldova, Ukraine, Western Balkans and Eastern Europe. Natalia served as a consultant for the UN, OSCE, EEAS, Internews, International Alert, Conciliation Resources, Aga Khan Foundation, National Democratic Institute, Centre for Humanitarian Dialogue and other international, national and local organisations. Amongst other projects and processes, she was involved in designing and facilitating dialogue processes in the post-civil war Tajikistan, between the opposition and the government in Kyrgyzstan, ethno-political groups in Crimea, political parties, and local government and civil society in Russia. She developed innovative dialogue formats between conflict parties, such as research dialogue of economists in the South Caucasus and Turkey and dialogue through joint media production between Armenian and Azerbaijani journalists. Natalia carried out numerous research projects. She led research initiatives on the prospects for trade regulation across contested boundaries and on 'peace dividends' of re-opening railways in the South Caucasus, pursued policy research with particular focus on the role of the European Union in building peace in the Eastern and Southern Neighbourhood. Natalia received her Ph.D. from the Institute for Conflict Analysis and Resolution, George Mason University, USA.

The Five Day War in August 2008 unequivocally changed Russia's role in the conflict from a third party to the conflict party, Georgia's adversary and a patron of Abkhazia and South Ossetia. Following this re-configuration of the conflict, the Georgian-Abkhaz dimension of conflict resolution has been dropped by both, Tbilisi and Sukhum/i. The former did so under the pretext of Abkhazia having ceased being a subject and having surrendered its agency to the Russian state and its territory to the Russian military bases. The latter ascertained that after having upgraded its status from the unrecognised to the partially recognised state, the previous Georgian-Abkhaz dimension of conflict resolution has become irrelevant.

With the change of leadership in Georgia in 2012, the State Ministry of Reconciliation and Civic Equality² re-asserted the need for and its readiness in resuming direct bilateral contacts with the Abkhaz. Few initiatives, predominantly in the cultural and humanitarian areas³, were regarded favourably by the leadership across Ingur/i, but remained rather exceptional and did not constitute an impetus for a longer-term substantive engagement.

At present, bilateral Georgian-Abkhaz interactions are secluded to the small and still shrinking sphere of civil society initiatives or small-scale projects aimed at social assistance to the vulnerable populations in Abkhazia, particularly in the Georgian-populated Gal/i district administered by COBERM, the joint UN/EU programme in support of confidence building across conflict divides⁴. The Geneva International Discussions are a multi-lateral informal platform where Abkhaz meet with

2 Under the Presidency of Mikheil Saakashvili, this Ministry was named the State Ministry of Re-integration.

3 Thus, the Georgian side handed the Abkhaz side's historical archival documents – a move the latter appreciated.

4 "Confidence Building Early Response Mechanism (COBERM)." UNDP in Georgia. http://www.ge.undp.org/content/georgia/en/home/operations/projects/crisis_prevention_and_recovery/confidence-building-early-response-mechanism--coberm-.html.

Russians, Georgians and South Ossetians as a team and not a delegation.

Irrespective of the steady dissolution of the Georgian-Abkhaz dimension, there is one constant in the Georgian-Abkhaz relations that serves as a durable bond between the two sides: the plant and power distribution system of the Ingur/i hydropower complex is on one side of the dispute and the reservoir is on the other. Neither side could afford disconnecting itself from this vital electricity generation source. The protocol of 1999 and the agreement of 2003 that had been signed by the Minister of Heat Power of Georgia and the Director General of the "Chernomorenergo" company on the Abkhaz side, which was a creative circumvention of the tricky recognition issue, still serves as the only legal basis for the operation of the Ingur/i hydropower station. Georgians typically regard this fact as a proof of interconnectedness, while Abkhaz prefer to highlight the uniqueness of this link and emphasise that they sustain it out of necessity and not by choice.

However, there is another link across the Ingur/i river – a geographic divide – that has been maintained out of interest and certainly by choice of quite a number of producers, middlemen and their customers on both banks.

Trans-Ingur/i trade was never quite legal for either side. However when the bilateral format existed, the theme of economic relations across Ingur/i regularly appeared on the agenda of talks and in the names of working groups. This theme has not developed any further, though, and always remains in the shadow of security and humanitarian matters.

At present, Trans-Ingur/i trade in goods is considered illegal by both sides. The infamous Law on the Occupied Territories, adopted in Georgia in the aftermath of the August 2008 war, bans all transport connections going into and out of the territory and effectively criminalises any commercial activity in Abkhazia, as it is very hard to make a case for

trade-related exemptions⁵. A year earlier in 2007, Sergey Bagapsh, the then Abkhaz President, issued a decree that declared the border with Georgia sealed for the movement of commercial goods in both directions, except for humanitarian aid carried by international humanitarian organisations.

Nevertheless, trade continued. The official circles of the two sides' trans-Ingur/i trade in licit goods, such as tomatoes, was usually referred to as "suitcase trade" (unimportant and of miniscule scale), carried out by individuals from the predominantly Georgian-populated Gal/i district adjoining the disputed border. It is important to note that both sides agreed to allow free movement on foot for the residents of the Gal/i district of Abkhazia that had returned to their homes after the active phase of the war⁶. The phenomenon of trans-Ingur/i trade was thus always being assessed through the criminal law, but otherwise remained a marginal topic on the agenda of the internal and bilateral discussion.

At different times, proposals were made to turn the regions adjacent to the disputed, yet penetrable, border into a free or special economic zone as a way to build confidence and make economic interactions appear more orderly, even amid mounting tensions in the run up to the 2008 war. Thus, a proposal came from German Foreign Minister Frank-Walter Steinmeier as part of the three-phase peace plan that Germany hoped to get a buy-in from Moscow and Tbilisi in July 2008. However, the details of the economic proposal were never disclosed⁷.

As in other conflict cases, security and political considerations dominated in the conflict resolution

5 "In the Occupied Territories, implementation of activities stipulated in Paragraph 1 of this Article shall be allowed only in exceptional cases, based on special permission granted in compliance with the rules stipulated in the relevant normative document of the Georgian Government, if doing so serves the protection of the state interests of Georgia, promotion of peaceful conflict resolution, de-occupation, confidence building or humanitarian purposes." *The Law of Georgia on Occupied Territories*, Article 6, para. 2: October 23, 2008.

6 The only vehicles that have permission to cross the Ingur/i bridge are the cars of international agencies present in the zone of conflict and cars of the Ingur/i hydropower plant.

7 Liz, Fuller. "Berlin Seeks To Kick-Start Peace Talks." July 17, 2008. http://www.rferl.org/content/Germany_Seeks_To_Kick_Start_Georgia_Abkhaz_Peace_Talks/1184512.html.

efforts, while economic aspects of the conflict and peace were only given lip service.

Moral, Political and Commercial Value of Trans-Ingur/i Trade

The very first systematic studies of the political, economic, psychological and legal aspects of this trade were undertaken by a collective of experts on both sides under the aegis of “International Alert” between 2010 and 2015. The phenomenon of trans-Ingur/i trade was approached analytically in view of its significance as a connector between the two sides, its relative scale in the two economies and its niche in the overall trade of the two entities.

First outcomes of the qualitative assessment of perceptions and constructions of the meaning of the persisting “trade with the enemy” appeared in 2012. They revealed that the regions adjoining Ingur/i – Samegrelo on the Georgian side, and Gal/i and, to a degree, Ochamchira/e on the Abkhaz side – largely depend on trans-Ingur/i trade and that it is, in fact, a cornerstone of the survival of these regions. The perceived importance of this trade further from the divide is small.

Moral and political assessment of the trade differed significantly on two sides. Abkhaz businesspeople by and large evaluated it from the perspective of economic nationalism⁸ that places national interest above economic profit. Some saw legalisation of this trade – given that all political issues are resolved – as a way to expand markets and diversify the supply chain, while others raised concern over tightened competition. However, others were categorically against doing business with the enemy. Yet, a smaller group considered trade a natural business vehicle irrespective of the origin of the business partner. Their Georgian colleagues were unanimously optimistic about the prospects of re-opening the currently sealed border. They largely share the economic liberalism paradigm and calculated profit, but national sentiments are not completely absent from their reasoning; reunification is seen as an important value added to the opening of

the transport route to the commercially attractive markets⁹.

At the next phase of the study, the actual commercial value of trans-Ingur/i trade was assessed. A special methodology was developed to assess the turnover of goods with high validity and low risk for researchers. The value of volumes of goods brought across the Ingur/i was obtained through market analysis and stakeholder interviews. The volume of goods that left the Georgian wholesale market near the divide (Zugdhid) toward Abkhaz markets and the overall volume of the abovementioned goods that ended up in the markets across Abkhazia acted as a proxy indicator for the volume of goods that crossed Ingur/i¹⁰. Monitoring was conducted using anthropological methods: the researchers immersed themselves into the context, built trust with persons involved in trans-Ingur/i trade, and observed the trade from the “inside”. The data obtained from conversations with buyers and sellers were compared with market observations. Monitoring was conducted simultaneously at the two ends of the trade route (i.e. on the two sides of the conflict) using an identical methodology. The researchers visited selected markets once a month throughout the research period and regularly compared their findings. The discrepancy between “input” and “output” volumes was minimal and consistent across the entire period of monitoring, which points to the precision of the designed methodology. The monitoring was carried out during two time periods: August 2012 - January 2013 and November 2013 - December 2014¹¹.

The first main conclusion about trans-Ingur/i trade was that this is a market economy phenomenon and it is market forces – and not so much political, security or other considerations – that drive or

8 E. Helleiner, A. Pickel (eds). *Economic Nationalism in a Globalizing World*. Cornell University Press, Ithaca: New York, 2005.

9 Mirimanova, Natalia. “Trans-Ingur/i Economic Relations: A Case for Regulation, Vol. 1.” May 1, 2013. <http://www.international-alert.org/resources/publications/trans-inguri-economic-relations>; Mirimanova, Natalia. *Prospects for the Regulation of Trans-Ingur/i Economic Relations: Stakeholder Analysis*. International Alert, 2012.

10 A preliminary study showed that the movement of goods was happening predominantly in one direction – from the Georgian side to the Abkhaz side. However, some specific products, such as hazelnuts and tangerines, could travel either direction depending on the price gradient.

11 Mirimanova, Natalia. “Trans-Ingur/i Economic Relations: A Case for Regulation, Vol. 2.” April 1, 2015. <http://www.international-alert.org/resources/publications/trans-inguri-economic-relations-vol2-en>.

hamper it. It is important to stress that both sides, as well as Russians who patrol the border/boundary on the Abkhaz side, seem to have more reasons to turn a blind eye on this trade than to stop it.

Secondly, this trade is composed of unmarked goods such as agricultural products, furniture with no labels, and clothes. This makes Georgian tomatoes visibly “lost” on the Abkhaz market counters, just like hazelnuts grown on the Abkhaz side mix up with the Georgian ones and end up in the hazelnut processing factories of Ferrero Rocher. Although it is not uncommon to find Georgian mineral water on the dinner tables across Ingur/i, it is completely ruled out that this same water is found on the shelf in the shops in Abkhazia.

Thirdly, trans-Ingur/i trade is by no means a “suitcase trade”. Its annual volume ranges from 7 to 15 million USD. Trans-Ingur/i trade constitutes about 5% of the overall Abkhaz trade with Russia and Turkey, but in certain categories, the share of Georgian products is as high as 40% (cucumbers, apples, onions). In 2014, due to the depreciation of the Russian rouble (the currency used in Abkhazia) and high prices in Europe, 9 million USD worth of Abkhaz hazelnuts crossed Ingur/i to enter Georgian and possibly European markets. This was nearly 8 times more than the volume of hazelnuts sold to Russia.

An important discovery of the monitoring was that goods for commercial distribution are not transported in suitcases, but in camions and vans and that 85% of all goods pass through the official Ingur/i bridge checkpoint.

Trans-Ingur/i trade was not insignificant for Georgian agricultural producers. When the Russian market was closed for Georgian products, Abkhaz markets were absorbing 5 to 10 times more vegetables and fruits than the total Georgian export to various destinations. Even a year later, in 2014, after the Russian market had partly opened and prices for Georgian agricultural products became less attractive for Abkhaz buyers due to the depreciation of the Russian rouble, Georgian exports of some products was still smaller than the volume of these products sold to the Abkhaz markets.

In sum, trans-Ingur/i trade appears to be significant in certain sectors and persistent irrespective of the prohibitive measures undertaken by both sides.

The secret of its sustainability – albeit fluctuating volume due to market factors – is probably in its having a particular niche and catering to the taste and financial profile of a certain circle of customers in Abkhazia. Trans-Ingur/i trade is even linked to the Abkhaz tourist industry as domestic food production is small scale and cannot satisfy an ever-growing number of tourists from Russia, while agricultural products from Russia are generally more expensive and lack the “natural Caucasus farm” flavour that tourists expect to find in the Caucasian resort. Georgian authorities would not want to stop the transport of goods in either direction because the category of middlemen and those involved in the crossing consist exclusively of ethnic Georgians (Mingrelians) that live in the areas adjoining the border/boundary, in spite of the Law on the Occupied Territories.

Regulation of Trade Across Contested Borders: Examples from Elsewhere

The question of regulation as a way to make trans-Ingur/i trade in licit goods transparent, lower risks, and improve relations and confidence across the divide cannot be tackled within the existing legal bases of the two sides, and requires a negotiated, creative framework for the period of time until both sides agree on a solution.

Reasons for conflicted sides to seek a common and legally backed trade and economic exchange mechanism, including facilitation of transport and increase in transit potential of the regions, may be the following:

- Trade regulation rules accepted by conflict parties introduce the first mutually agreed normative framework into their relations, which may be a confidence booster, on the one hand, and a model of creative approach to dealing with a legal impasse, on the other;

- Trade regulation leads to an increase of economic exchange, which is of immediate social benefit for the two populations¹²;
- In the situation of stagnating political negotiations, trade and economic exchange regulation talks may re-invigorate the stalled peace process.

Examples from Taiwan/China, Kosovo/Serbia and Cyprus point to some key factors that may incentivise conflict parties to look into the “trade track” in the peace process¹³.

These factors include the following:

Common external normative and/or political framework. A common point of reference, with respect to trade, creates common ground, reinforces adherence to rules and sets a precedent of the possibility to operate within a shared normative context. In the case of the Cyprus and Kosovo/Serbia conflicts, it was the European Union (EU) political framework, free trade areas (FTAs) in the Western Balkans, harmonised with the EU trade legislation, and special regulatory frameworks designed by the EU for these specific cases.

In the case of Taiwan and China, it was the World Trade Organisation (WTO) framework that became a common ground after China let Taiwan join the WTO, for which Taiwan’s lack of internationally recognised statehood was not a formal prohibitive condition, as the WTO is a club of governments, not states¹⁴. Taiwan joined the WTO as a separate customs territory. China and Taiwan managed to resolve the issue of how Taiwan will be referred to (the compromise solution was “Separate Customs Territory of Taiwan, Penghu, Kinmen, and Matsu”), after which China lifted its objections to Taiwan joining regional trade blocks. In fact, the WTO framework laid the groundwork for the bilateral Cross-Strait Economic Cooperation Framework agreement.

12 After the issues with the customs stamp were creatively resolved between Kosovo and Serbia, trade increased four times compared to the ‘unregulated’ times.

13 Mirimanova, Natalia. “Regulation of Trade Across Contested Borders.” April 1, 2015. Accessed 2015. <http://www.international-alert.org/resources/publications/regulation-trade-across-contested-borders-en>.

14 Hong Kong is also a WTO member.

Economic calculations in favour of opening a trade channel with the opponent side facilitate the search for creative solutions to legalise and regulate trade in the absence of a ready-made legal base. Normally, trade between adjacent states and territories is higher than with every other trade partner. Even after the war, Serbia is the second largest trade partner for Kosovo (the annual export from Serbia to Kosovo was 300 million USD in 2013). Transit opportunities that present themselves after the Kosovo-Serbia trade is fully legal and regulated, are of great significance in the greater region. Taiwan was an important investor in China and a producer of much needed technologies at the time. Calculations of losses stemming from the lack of trade regulation may also be an important stimulus. Thus, Taiwan could not miss the train of ASEAN + 1 (China) regional trade block, to which it could not possibly join without having signed a trade liberalisation agreement with China (ECFA).

Establishing special internal institutions of trade regulation consolidates the special trade arrangements in the two political systems and yet does not challenge either side’s position on the contested status. Taiwan and China established special institutions with clearly defined mandates and authority. In Taiwan, the Mainland Affairs Council was established to oversee the Mainland-related affairs without engaging in any official communication with China. The Council in its turn established a special non-governmental structure, the Straits Exchange Foundation, to actually deal with people from the other side of the Straits. In a similar manner, China founded an NGO, the Association for Relations Across the Taiwan Straits, to deal with Taiwan. The two non-governmental institutions were the signatories to the ECFA. In Cyprus, two Chambers of Commerce, both of them non-governmental organisations, were mandated to issue certificates of origin and oversee the implementation of the Green Line trade regulations, assist in disputes and help companies from the two parts of the island find partners and customers across the divide. The so-called “Asterisk agreement” helped end the tug-of-war over Kosovo customs stamps between Serbia and Kosovo by means of keeping the name, but also marking Serbia’s position on this matter.

Private sector as a driving force of the regulation and facilitation of trade with the opponent side is

an important impetus for the governments to consider political concessions and creativity to satisfy domestic business. In the case of Taiwan, it was Taiwanese entrepreneurs who pressured the government for the opening of legal possibilities for investments in and export to China. In the case of the Kosovo-Serbia conflict, local entrepreneurs from the areas adjacent to the divide were among the proponents of the legalisation. However, it is noteworthy that shadow trade actors and gatekeepers had to reluctantly adjust.

Regulation of Trade Across Contested Borders: Can Trans-Ingur/i Trade be a Case?

If trade regulation through a negotiated, albeit temporary set of rules and agreements were to be introduced into the Georgian-Abkhaz dimension of the regional insecurity, which of the abovementioned factors could be discerned?

Common External Normative and/or Political Framework. The Swiss-mediated Agreement of November 9, 2011 between the Russian Federation and Georgia, which lifted the final obstacle for the former to acquire WTO membership, has inevitably re-opened the question of the disputed boundaries¹⁵. The “Agreement between the Government of Georgia and the Government of the Russian Federation on the basic principles for a mechanism of customs administration and monitoring of trade in goods” envisages a neutral Swiss company to monitor the movement of goods between Georgia and Russia across three trade corridors, one of which cuts across the territory westward of the Ingur/i river all the way to the Russian border along the Psou river. Monitoring is to be implemented by means of goods inspection and affixation of electronic seals that enable GPS/GPRS tracking of the goods movement. No reference to Abkhazia or South Ossetia (the second trade corridor) is made in the Agreement, instead, the two territories are defined by a set of geographic coordinates. A third corridor between the Georgian customs terminal and a Russian customs terminal lies on the undisputed Georgian territory.

This Agreement stirred resentment in Abkhazia and South Ossetia and both issued statements that they would not let any international monitor into their territories. To ease these tensions, the Russian Ministry of Foreign Affairs (MFA) issued a long interview with the MFA spokesman that added a new twist – clearly not a part of the Agreement – to the obfuscated issue of Georgian goods crossing Ingur/i, which in turn flared anger in Tbilisi. In particular, it was said that any goods crossing Ingur/i, including goods produced in Abkhazia and aimed at Georgian markets and crossing Georgia to reach Abkhaz markets, will be a subject to customs clearance procedure, just like Georgian goods heading toward Russia or Russian goods heading toward Georgia¹⁶. This statement may be read in such a way that the WTO Agreement between Russia and Georgia automatically legalises trade across Ingur/i as international trade because – according to the MFA spokesman – the monitoring company will include goods originating from Abkhazia with the Abkhaz customs seal and certificate of origin on a par with goods from Russia.

This apparently provocative statement reads implications into the WTO Agreement, which are not there. However, it is obvious that the WTO Agreement will have to be supplemented by a pallet of documents before the Abkhaz and South Ossetian trade corridors open up for the movement of goods.

The status quo signifies that the Abkhaz customs stamp is not acceptable to Georgia. Likewise, goods with Georgian labels, even if destined for Russia, cannot be legally accepted at the Ingur/i crossing point by the Abkhaz security due to the still active decree that bans the crossing of goods from Georgia.

The arrangements envisaged in the Agreement to open Georgian-Russian trade through the two disputed “corridors” have not been implemented due to the legal-political obstacles that are insurmountable at present.

15 An Agreement between the Government of Georgia and the Government of the Russian Federation on the basic principles for a mechanism of customs administration and monitoring of trade in goods.

16 “Replies by MFA Spokesman Alexander Lukashevich to Questions from Interfax News Agency on Russian-Georgian Agreement in Context of Russia’s WTO Accession.” The Ministry of Foreign Affairs of the Russian Federation Official Site. December 23, 2011. http://archive.mid.ru/bdomp/brp_4.nsf/e78a48070f128a7b43256999005bcb3/8c39312598425baf44257972001e58dc!OpenDocument.

Had the Russian-Georgian WTO Agreement been preceded or accompanied by the search for a bilateral Georgian-Abkhaz discussion on the prospects of regulating cross-Ingur/i trade in view of re-opening of transit via Abkhazia, this framework could have potentially become a creative normative alternative to another legal impasse that all sides are currently facing.

The Deep and Comprehensive Free Trade Area (DCFTA) is part of the Association Agreement between the EU and Georgia, and at present looks less potent as a trade facilitator across Ingur/i compared to the WTO framework because of its explicit application to the internationally recognised territory of Georgia – Abkhazia and South Ossetia being regarded as a part thereof. In addition, the DCFTA is part of a grand reform programme, which includes refurbishing the existing production in accordance with the European standards, for those who want to enter the European market. This is quite an investment that few small enterprises can afford. This does not mean that there is no interest on behalf of some Abkhaz producers to gain access to the European market. The 2014 hazelnut boom in Georgia, conditioned by high prices in Europe and a two-fold increase of the Euro/Rouble ratio, demonstrated that hazelnuts grown in Abkhazia were being actively sold across Ingur/i and accounted for about 10% of the overall Georgian hazelnut export to the EU, and not a penny of duties was paid on the over 9 million USD worth of goods that exited Abkhazia.

Economic calculations that may favour regulated trade across Ingur/i would most likely have to do with the broader regional and economic cluster context. For Abkhazia, who positions itself as a service economy with tourism being the core profit generating activity, expansion of tourist routes toward the neighbouring mountainous, historical and gastronomy attractions in the regions of Georgia is a way to grow. The rapidly developing tourist industry in Georgia would also profit from adding tours to the seaside, subtropical zones and religious monuments in Abkhazia. Even more pragmatically, the Abkhaz need steady food supply during the tourist season.

Abkhazia, currently a cul-de-sac, may benefit from transit and be linked with the southward

Black Sea road circle that extends to Turkey and further to Southern Europe.

The absolute volume of trans-Ingur/i trade reached 15 million USD in 2014. It is nowhere near the 420 million USD of trade between Kosovo and Serbia (2011) but it exceeds the Green Line trade in Cyprus that amounts for 5 million USD annually, and yet is regulated. It is not necessarily the actual volume of trade, but its particular niche or incorporation into broader economic clusters that may be an argument in favour of its regulation and reduction of risks associated with the trade.

Establishing special internal institutions of trade regulation does not seem to be of interest for either side at present. Focused on the security and geopolitical matters, neither demonstrates willingness to explore other avenues to approach regional security. The two Chambers of Commerce appear as most natural non-governmental liaison institutions. However, Russia's neo-imperial militarism as an external factor and an internal split over the pragmatic policy toward Russia, promoted by some political heavyweights in Georgia, create a less than conducive climate for such a move. Abkhaz leadership sticks to the rigid position with respect to signing an agreement on the non-use of force with Georgia as a pre-condition to any further interaction.

Private sector as a driving force to advance the issue of the regulation of economic relations across the conflict divide is lacking on both sides. There are companies and smaller entrepreneurs who would certainly benefit from such a move, but in neither society has business developed into an independent social actor that has its say in policymaking. It is hard to expect the Georgian or Abkhaz private sector to carry out an action similar to the private sector of Columbia that funded the process of developing scenarios for the future of the country with the participation of all conflict parties.

Conflict and Peace in South Ossetia – from a Local Perspective

Cécile Druey and Alexander Skakov¹

The situation in South Ossetia continues to be intransparent, as information about the socio-economic and political developments since the ‘hot phases’ of the conflict in 1991-1992 and 2008 are scarce and often rely on oral sources and informal personal networks. This makes a proper analysis and possible prognosis of the situation’s future fairly difficult. The aim of the present article is to create at least some clarity in this regard, locating the actual in South Ossetia in the historical. A special focus will be on the perspective of the local population.

History of Conflict and Resolution Attempts

Following the disintegration of the Soviet Union, nationalist sentiments gained ground both in Georgia as well as in its autonomous regions Abkhazia and South Ossetia. In the early 1990s, the first President of independent Georgia, Zviad Gamsakhurdia (1991-1993), stood for a strongly nationalist ideology that was widely shared by Georgia’s political establishment calling for “Georgia for Georgians”. At the same time, Abkhazia and South Ossetia, searching for self-determination, demanded independence from the newly created Republic of Georgia. When Tbilisi tried to halt this process of disintegration by force, an armed conflict erupted first in South Ossetia in late 1991, resulting in about 1000 people killed and tens of thousands displaced.

In June 1992, the Russian and Georgian presidents signed the Sochi ceasefire agreement allowing for a Joint Control Commission (JCC) and the deployment of joint peacekeeping forces from Georgia, South Ossetia, North Ossetia and Russia. An OSCE Mission was established in Tbilisi in late 1992 to monitor the ceasefire agreement and support the political peace process. Both peacekeeping

missions ceased to exist after the new escalation of Georgian-Ossetian hostilities in August 2008.

Already in 2004, the situation reached the brink of a new Georgian-South Ossetian war. In May 2004, the new Georgian president Mikhail Saakashvili probably thought that he could replicate in South Ossetia the quick success he had achieved in Ajaria in spring 2004, despite the fact that the Ossetian problem had much deeper, historical roots and had already caused one war. This time, the United States imposed pressure on Georgia and acted as a moderating force, achieving a certain level of de-escalation of the explosive atmosphere between Tbilisi and Tskhinvali.

As it is well known, the conflict between Georgia and South Ossetia entered a new, armed phase in August 2008 – despite the peacemaking efforts of the international community and notably the OSCE. At this moment, President Mikheil Saakashvili decided to solve the challenges to Georgia’s territorial integrity by military force: on August 7th, 2008, Georgian troops launched a military offensive on Tskhinvali, provoking Russia to get engaged into what became a full-scale “Five-Day War” against Tbilisi, with a massive and disproportionate use of Russian military force. As a result, Georgia completely lost control over the breakaway territories of Abkhazia and South Ossetia, and Russia recognised them as independent states. The “Five-Day War” was brought to an end with the EU-backed mediation efforts led by then French president Nicolas Sarkozy. A six-point ceasefire agreement was signed on August 12th, 2008 followed by an implementation agreement in September. Sarkozy’s peace plan not only put an end to the hostilities between Georgia and Russia, but also launched the ongoing Geneva International Discussions. The Geneva peace process has shown little results since 2008, but is important because it continues to be the only format involving all stakeholders including Abkhazia, South Ossetia, Georgia and Russia.

Nowadays, the current conflict dynamics in and around South Ossetia are limited to smaller inci-

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dents at the administrative boundary lines with Georgia. Thus, for the local population, security is restored and the overall situation is calm. However, in this situation of closed boundaries and purely military peace, Georgia and the Georgians completely disappeared from the official discourse in South Ossetia, making it challenging to view the 'other' in a constructive way: "This is not good; they are our neighbours, nevertheless".

The Manifold Socio-Economic Obstacles to Self-Sufficiency

South Ossetia is a mountainous region, situated in the Southern Caucasus on the border between Georgia and the Russian North Caucasian republics. Its surface area is about 3900 km². The South Ossetians are ethnically closely related to the inhabitants of the Russian province of North Ossetia - Alania. However, until the opening of the Roki Tunnel in 1985, the region was accessible almost only from the south and therefore economically, socio-culturally and politically strongly focused on Georgia.

As the last reliable census dates back to the late 1980s, no exact numbers are available about the actual demographic situation and migration habits; the actual number of inhabitants of South Ossetia, which means of its capital Tskhinvali and the surrounding places, varies depending on the sources, and ranges between 20,000 and 70,000². Different waves of emigration from different regions left South Ossetia with different motivations, such as security or economic needs. Probably about 10,000 South Ossetians have left the region in the early 1990s. The situation improved somewhat around 1996, but was exacerbated after Mikhail Saakashvili's takeover of presidential power in Georgia in late 2003. According to the respondents who were interviewed for the present study, this depopulation is one of the central problems of South Ossetia.

Since the 2008 conflict, the situation in South Ossetia has been stabilised militarily. However, this has not given way to social and economic stabilisation. There are different standards of living in North and South Ossetia, which makes emigration to Russia, especially to Vladikavkaz (North Ossetia) a very attractive option for South Ossetians. Furthermore, numerous "small migrations" occur, which means South Ossetians living and working in both Tskhinvali and North Ossetia/Vladikavkaz.

² According to Georgian sources, the number of inhabitants is even lower and ranges between 15,000 and 25,000.

In 2004, the Georgian authorities forced the closure of the Ergneti market at the boundary line for anti-corruption reasons. In a way, this market had become a symbol of joint trade in a conflict zone. It occupied several hectares of land, stretching for kilometres along the Tskhinvali–Gori highway. Experiences of trade at the Ergneti market set an example for the neighbouring border areas of Akhagori and Znaurski, as it was positive and, most importantly, profitable for both sides. Hence, the development of the Ergneti market promoted a certain "people to people diplomacy", contributing to the restoration of a trusting relationship between Georgians and South Ossetians. It can thus be concluded, that the closure of the Ergneti market, for anti-corruption considerations, probably helped the Georgian budget; however, it also cut off grassroots relations between Georgians and South Ossetians. This prohibition of direct business contacts intensified with the total closure of the boundary line in the aftermath of August 2008. Moreover, the closure of the market has not prevented the continuation of a black market trading network that has remained in place until the present day.

In principle, the potential for economic self-sufficiency and growth exists; according to most of the local and regional respondents, South Ossetia disposes of excellent agricultural resources and of other primary materials that could be used for export (mineral water, metals). The reasons for the continuing stagnation are manifold.

Firstly, the problems of South Ossetia's economy are of historical nature. Self-sufficiency and economic growth were never high on the local agenda. Instead, during Soviet times, South Ossetia was an administrative entity with double subordination ties: the republic of Georgia exerted immediate control under the larger umbrella of the Soviet Union. This power structure created difficulties, with decisions on macro-projects being made in Tbilisi or Moscow, and the needs of the local population often not being taken into account. As a result, South Ossetia became one of the most underdeveloped regions of Georgia, reduced to a supplier of raw materials, and politically and economically fully dependent on outside powers. The existing power structure had also psychological consequences, leading to a passive "Kolkhoz mentality" of relying on external support instead of actively developing mechanisms of economic self-sufficiency. For example, the energy supply of South Ossetia fully relies on gas from Russia,

even though during Soviet times, hydropower from South Ossetia assured the whole region's energy supply and South Ossetia's self-sufficiency.

Secondly, the present economic problems are a direct result of the conflict with Georgia. With the collapse of the Soviet Union, South Ossetia's transport routes and protected outlet markets (notably steel industry) have disappeared and the local leadership was blocked by internal and external conflict and insecurity for almost twenty years. Now, after the post-Soviet state's transition to globalised systems of economic liberalism, the markets and the systemic approaches have changed. South Ossetia largely missed this development. It therefore urgently should catch up with the required know-how and infrastructure to cope with the new situation. Another consequence of twenty years of conflict is its destructive impact also in a psychological sense, since "our young people are able to run around with Kalashnikovs, playing dirty games, but do not know how to plough and harvest with their own hands". South Ossetians thus have to be properly "educated for peace" in order to improve the future situation in their homeland.

Thirdly, the lack of professionalism and openness at a local level hampers an innovative and efficient use of local resources and the development of a functional economic system. Large parts of the local de-facto state authorities remain stuck in internal intrigues and political infighting, which makes it difficult to develop coherent mechanisms and the needed legal framework for economic and sociopolitical interaction with outsiders. The South Ossetian "Foreign Ministry", for example, is seen by local observers to be highly inefficient and arbitrary in its interaction with foreign economic partners and tourists.

Fourthly, the policy of self-isolation that is practiced by the local leadership hinders South Ossetian entrepreneurs in accessing new market possibilities and in developing perspectives of international cooperation, instead driving them deeper into dependence on Russia. It would thus be a positive development if entry permits for international actors and especially for representatives of international organisations would be granted in a more generous and pragmatic way, in order to facilitate the direct access to the local population.

Fifthly, it would make the life of producers and consumers of agricultural goods easier if the "border regime" that today separates villages and

communities that before 2008 lived and worked together for ages, could be handled in a more pragmatic and flexible way.

And finally, South Ossetia's economic development suffers from the extremely high corruption rate. The Russian government sends considerable amounts of money to the local administration (approximately 4 billion Russian rubles for the period of 2010 to 2014), intended for the restoration of South Ossetian infrastructure. However, a large part of these funds do not reach their destination as different actors involved in these transfers from Moscow via Vladikavkaz to Tskhinvali claim their share of it. This is not in the interest of Russia. It is also not in the interests of those in South Ossetia who want their state to become fully independent, as the high corruption rate deprives them of money that could be used to enhance the state's viability. However, to break free of this vicious circle of corruption and intransparency is difficult, as some people obviously get profit from this situation. Therefore, the status quo, i.e. a situation of partial independence and dependence on Moscow, isolation and intransparency, continues to get strong support in Moscow, as well as in Vladikavkaz and Tskhinvali.

Political Situation: Attempted but Incomplete State-Building

With a focus on South Ossetia's political developments, the region's present situation can be described as being in a process of attempted, but incomplete state-building. The slow pace of developing stable mechanisms and political institutions is due to the combination of domestic, regional and international factors.

Almost all respondents showed dissatisfaction with the present political situation. The criticism of the actual leadership was motivated mainly by the latter's incompetence, arbitrariness and nepotism. Furthermore, there was a feeling that many South Ossetians practice a kind of auto-censorship out of fear of personal repression. This authoritarian tendency is reinforced by the fact that the political forces in South Ossetia are already preparing for the next elections. Despite the presidential elections being scheduled for 2017 only, different interest groups and political parties have started building up potential candidates. These early political positionings can be explained by two reasons: Firstly, the political field has been largely 'cleaned' prior to and in the aftermath of the presidential elections

of 2012 and as a result is still weakly structured. Secondly, rumours circulate about early elections.

The following are groups with high interest in competing in the presidential elections:

1. Leonid Tibilov (actual de-facto president), Boris Chochiev (actual head of presidential administration) and their "family". Despite his declared intention to defend his position for a second presidential term, Tibilov has weak chances to be re-elected. Even more unlikely would be the success of a candidature of Boris Chochiev who is unpopular among the local population.
2. The former de-facto president, Eduard Kokoity, allegedly intends a re-launch of his candidature for the presidential elections in 2017. If he does not run for president under his own name, Kokoity might also propose one of his younger followers, for example the parliamentarian Amiran Dyakonov.
3. A third group that will most probably run for the coming presidential elections is located around the present speaker of the parliament, Anatoliy Bibilov. Bibilov's party, "United Ossetia", that won the parliamentary elections of June 2014, promising the electorate South Ossetia's unification with North Ossetia and therewith an incorporation into the Russian Federation to be "right around the corner". It became clear very soon that Bibilov's unification discourse was mainly tactical, as he took distance from his promises in the immediate aftermath of the elections, and Bibilov himself thus seriously lost in credibility. Nevertheless, in case of early presidential elections, Bibilov could be one of the most promising candidates, as he could argue that he had "not yet found the time" to implement his plans of unification.
4. A fourth and last group that will most likely run for presidential elections are independent candidates based in both Moscow and Tskhinvali, such as the present Ambassador of South Ossetia in Moscow, Dmitriy Medoev, or the former vice-speaker of the parliament, Yuriy Dzitsoity.

Due to a mix of historical reasons, unprofessionalism, political infighting, the lack of know-how and the lack of financial resources, it has thus so far not

been possible to build stable and functioning institutions, governmental mechanisms and political strategies, the right hand often not knowing what the left hand is doing. South Ossetia struggles with the difficult task to transition from authoritarianism to a free democracy, as its authorities were traditionally used to implementing the orders of Moscow and Tbilisi, and not developing independent policies. In a small political environment where "everybody knows everybody and everything", it is thus easier not to do anything, keep silent and wait for the Russian patrons to solve all problems, instead of creating own solutions and innovative strategies. Not the entire population, however, is stuck in passivity.

Some members of the South Ossetian intelligentsia promote innovative and ambitious plans of state-building, also in the field of foreign relations. Furthermore, an active and diverse network of civil society organisations (often led by women) is developing in Tskhinvali; however, these organisations are now under growing pressure by the local government. Examples are the public platform for political debates Media Centre 'Ir', the association Women of South Ossetia for Democracy and the Defence of Human Rights, or the Agency for Social, Economic and Cultural Development³.

Provinciality Can Be Used as an Advantage

Due to its remote and isolated position and small number of inhabitants, Tskhinvali is a provincial small town. This provincialism is generally viewed as a disadvantage and provokes, among the South Ossetian elite and among Moscow-based advisors, the wish to civilise, develop gigantic economic projects, attract investors and make Tskhinvali a small South Caucasian copy of the ambitious Russian metropolises. However, the provincial nature and remoteness of South Ossetia can also be seen as an advantage, as a too pronounced attention by neighbours and other interest groups in general only adds to the tensions at a local level. Furthermore, the intimacy of the social structures with strong family ties and where "everybody knows everybody and everything" in general makes it more difficult for political leaders to exert pressure and act without the approval of civil society,

3 Statements based on interviews conducted in November 2014.

which can have a moderating effect on their political actions⁴.

Relations with the Outside-World

As unmistakably demonstrated, Russia has vital interests in the Southern Caucasus, South Ossetia and Abkhazia being two important bricks in the wall of Moscow's provisions against Georgia, NATO and the West that continues to be perceived as a threat to their own security. In its approach of how its interests in South Ossetia are best served, however, the Russian actors are divided. One approach supports the vision of making of South Ossetia an isolated de-facto (military) protectorate that is fully dependent on Russia, preferably by annexation via unification with North Ossetia. Another approach supports the idea of an independent and self-sufficient South Ossetia that utilises resources provided by Moscow in an efficient way. This approach is in line with the project of a Russian-South Ossetian framework agreement on "Cooperation and Integration" that is announced to be developed in the forthcoming months. The new "Agreement" supports an enhanced cooperation with South Ossetia in the field of economic relations and security, but clearly rejects the idea of its full integration into the Russian Federation.

In relation to its neighbour to the South, Georgia, the South Ossetians expect no considerable security threats, at least for the coming decades – if no serious changes occur in the geo-political field. Although the South Ossetians show criticism for Georgia's political leaders, especially for those of the Saakashvili era, they underline that this attitude does not include the Georgians themselves. Most South Ossetians have friends and family members in Georgia. They welcome the fact that the de jure closed boundary became more permeable for Georgian goods, for example fruits. A maximum normalisation of the relations between Georgia and South Ossetia is possible only if South Ossetia displays sufficient self-sustainability, stability and international support (by Georgia and Russia,

4 For example, in summer 2014 it was not possible in Tskhinvali to get a parliamentary majority for a Russian-style "law on foreign agents", serving as a repressive instrument against civil society organisations funded by international sources. Instead, the South Ossetian law was renamed "law on foreign partners", whereas the concerned NGOs generally could even avoid to get registered at all (in contrast to Russia's „foreign agents“, to whom the law is applied in a much more rigorous manner.

as well as by the international community). Ongoing weakness and isolation, on the other hand, deepen the traditional South Ossetian distrust for Georgia and further drives Tskhinvali into a defensive position.

Political Status

Trying to understand the 'hot issue' of South Ossetia's political status, three options traditionally appear: a) incorporation into the Russian Federation by unification with North Ossetia, b) incorporation into the Russian Federation as an independent unit (autonomous status within Russia) or, c) full independence. The re-unification with Georgia is not an option for neither South Ossetia nor Russia, for South Ossetia's own security reasons and due to Russia's strategic interests.

On 8 June 2014, South Ossetia elected a new parliament. The results turned out to be in favour of parties that support the idea of a unification with North Ossetia/Russia (notably Anatoliy Bibilov's "United Ossetia"). This attitude, that enjoys a big popularity of the population, received new impetus by President Tibilov's recent announcement about a planned referendum on South Ossetia's potential incorporation into the Russian Federation⁵. A minority of Tskhinvali's local elite, however, already in the spring of 2014 favoured option c), i.e. they propagated a stronger autonomy and want South Ossetia to become a viable and independent state. The mentioned differences in the local elite's opinion about South Ossetia's future status is the result of colliding interests at a local level and in Moscow. As a matter of fact, the Russian leadership has at present no interest to make South Ossetia fully Russian, an incorporation of South Ossetia into the Russian Federation by unification with North Ossetia considered to be politically impossible.

At a local level, the former enthusiasm for unification with North Ossetia lost in impetus, Bibilov's losung of "United Ossetia" mainly being "pre-electoral tactics" and "a betrayal of the voters". Many respondents see the events in Ukraine as an explanation for Russia's reluctance to agree on a unifi-

5 See "Yuzhnaya Osetiya Provedet Referendum O Vossoedinenii S Rossiei ('South Ossetia Will Hold Referendum on Incorporation into Russia')," E-News, October 20, 2015, <http://www.e-news.su/in-world/81104-yuzhnaya-osetiya-provedet-referendum-o-vossoedinenii-s-rossiey.html>.

cation: “the developments around Ukraine made it impossible for Moscow to agree on South Ossetia’s incorporation. “We, the South Ossetians would be nothing but another burden for Russia’s international relations.”

In any case, South Ossetia’s future status mainly depends on Moscow and on the distribution of power between the different actors that define Russia’s policy towards South Ossetia.

History Dialogue between Georgians and Abkhaz: How Can Working with the Past Pave New Ways?

Andrea Zemskov-Züge¹

“Memory is knowledge with an identity-index, it is knowledge about oneself, that is, one’s own diachronic identity, be it as an individual or as a member of a family, a generation, a community, a nation, or a cultural and religious tradition².”

The Georgian Abkhaz war in 1992-1993 was a consequence of the disintegration and clash of the Soviet Empire. In 1991, Georgia became an independent state. At the same time, the Abkhaz national movement, drawing on experiences of oppression, started to push for more political power and independence in a federative state, in the beginning as part of Georgian territory. As state institutions were weak, this confrontation led to repeated violent clashes since 1989 and to outright war after Abkhaz independence was declared, from August 1992 to September 1993. In addition to ten thousands of war dead on both sides and 8000 wounded, about 250,000 ethnic Georgians have been displaced³. Abkhazia is today acknowledged as a state only by Russia and few minor states. Both societies live isolated from each other. At present, Russian influence is growing.

In my paper I argue that the past and the memories of Georgian and Abkhaz relations before, during and after the wars are a vital resource of building future relations in the South Caucasian conflict system. Yet, as I will try to show, the framing and depiction of past events and relationships must be reflected on and tuned carefully in order

for them to open doors between former conflict parties, rather than enhance reservations or even further escalate the “frozen conflicts”.

The Israeli researcher Daniel Bar-Tal has developed a comprehensive theory of what he calls “conflict supporting narratives”. Such narratives develop in protracted conflict situations. They fulfil a whole range of functions, suitable in helping society members adapt to the difficult circumstances created by the conflict. They justify violence and destruction committed by the group’s own members. They prepare society for more possible hardship and enable the maintenance of positive personal and collective identities, and help the group to position itself as victims when presenting themselves to an international community⁴. Of course these functions at first sight seem to positively influence society. But Bar-Tal emphasises their negative backside: “Despite all of these functions, it should be noted, that when the windows of opportunities open for resolving these intractable conflicts peacefully, the same narratives become stubborn barriers to the peacemaking process⁵.” This is, of course, because these narratives depict only the own view and perspective of the conflict, completely concealing the other side’s view. Also, in justifying or diminishing one’s own violent behaviour, they let it seem unnecessary to change own behaviour in order to solve the conflict.

For the first time, I encountered this phenomenon in a series of workshops I conducted with the NGO OWEN and the Heinrich Böll Foundation in 2004 and 2005 in Georgia and Abkhazia. During one session, we asked the participants to recall historical events in the 20th century that spontaneously came to their minds. There were a range of Soviet-time

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2 Assmann, Jan. *Communicative and Cultural Memory*. In: Erll, Astrid, Ansgar Nünning. *Cultural Memory Studies. An International and Interdisciplinary Handbook*. Berlin, New York: de Gruyter, 2008. 114. http://eas.unideb.hu/admin/file_7419.pdf

3 Peterson, Alexandros: The 1992-93 Georgia-Abkhazia War: A Forgotten Conflict, in: *Caucasian Review of International Affairs*, S.187. http://cria-online.org/5_3.html

4 Bar-Tal, Daniel. “Sociopsychological Analysis of Conflict-Supporting Narratives. A General Framework.” *Journal of Peace Research* 51, no. 5 (2014): 662-675.

5 Op. cit., 666.

events like the space flight of Yuri Gagarin in 1961 and Stalin's death 1953, remembered on both sides.

At the same time, the memories of conflict events drastically differed between the two groups. The Abkhaz group remembered a series of events linked to the settlement of Georgians in Abkhazia and the discrimination of the Abkhaz, their language and culture by Georgians on the territory of Abkhazia. The Georgian group remembered an upheaval of Abkhaz activists in 1978, a demonstration for Georgian independence in Tbilisi struck down by Soviet state forces in 1989, and the eviction of Georgians from Abkhazia during the war.

To generalise the result, it can be said that both sides remembered how members of their own groups became victims, but they did not remember the reasons for the outbreak of violence or the suffering of the other side. Similar results can be seen when looking at official history in both societies: In Georgia, the main focus in historiography lies on the centuries when Abkhazia was under Georgian rule. In Abkhazia, the most important periods in history are considered the times when Abkhazia was an independent state⁶. This observation evoked in me the image of a zipper: Each side represented only those parts that fitted their own perspective on the conflict, skipping the contradictory parts. Just as the two halves of a zipper, each side carries single elements that form a whole only when locked together⁷. I fully agree with Daniel Bar-Tal: such selective representations of memory do pose a great obstacle to a possible reconciliation process. In order to achieve a "full picture" and to begin to understand the "other side's" position, it is necessary to first perceive of the other memory contents and begin to integrate them into one's own perception. In my image, this would mean to close the zipper. The conflict-supporting narratives do not only intrude history textbooks, they also manifest themselves in the political arena. For example, the Georgian Prime Minister Irakli Garibashvili gave a speech at the General Debate

of the 70th Session of the UN General Assembly in New York on October 1st 2015 that shows clear features of a conflict-supporting narrative. In his speech, Garibashvili directly addressed the Abkhaz and South Ossetian public with the following words: "My brothers and sisters, I firmly believe that no one, no one will rewrite history and erase our common past. All attempts to cut off our ties and divide our peoples will fail. You will benefit from a growing Georgian economy soon and from our Association Agreement with the European Union – including increasing trade and visa liberalisation. The arc of history is for more cooperation, more integration, and more prosperity⁸." This way of argumentation is widespread in Georgia when referring to the Georgian-Abkhaz conflict today. The Georgian and Abkhaz people are represented as friends and brothers, bound together by centuries of positive relationships and family links. Common history is emphasised, meaning fertile and friendly relations, whereas the conflict, its history and escalation are left aside: The Prime Minister draws a bow from a united past to a prosperous and united future, referring with not a single word to the difficulties that dominated the past twenty years of mutual relations. In this depiction, one can see the following features of a conflict supporting narrative, as depicted by Bar-Tal: The Georgian side can keep their dignity and positive appearance, closeness to the Abkhaz in the past is pointed out, whereas in present and future, they attempt to bring only prosperity and freedom to Abkhazia. The conflict is externalised completely, as if the Abkhaz side had been separated from the Georgian side against their will. This means that the speaker completely detaches himself and the current Georgian society from the war and its heritage. Also, considering the occasion of the speech, this self-representation helped Georgia appear in a positive light before the United Nations.

A Georgian war veteran, who told his life story in the frame of our Berghof Foundation History Dialogue Project, subsumed his time as a prisoner of war as follows: "I hold absolutely no feeling of enmity, nothing bad, but a feeling of thank-

6 For an informed overview, see: Auch, Eva-Maria. "The Abkhazia Conflict in Historical Perspective." *OSCE Yearbook 2004*. 221–235.

7 For a deeper description and analysis of my findings, see: Zemskov-Züge, Andrea. Erinnerung. "Geschichtsbilder und zivile Konfliktbearbeitung – Ein Erfahrungsbericht zur Anwendung theoretischer Konzepte in der friedenspädagogischen Praxis." *Sicherheit und Frieden: S + F*, 2012. 164–170.

8 For a full copy of the speech, see: "Georgian PM's UN Speech." Civil Georgia. October 2, 2015. <http://www.civil.ge/eng/article.php?id=28614>.

fulness and sympathy: the impression that I was with dear people, not with strangers in a foreign land⁹." Just as Garibashvili's address, the veteran's recollection sounds entirely positive. Difficulties, injustices and atrocities, committed on both sides of the conflict divide are omitted – harmony and friendship become key elements of the presentation. In this sense, they do contribute to the perpetuation of the conflict because they leave no room for the disappointment and anger experienced by Abkhaz as well as Georgians who used to live together, even today. These feelings are very important for the Abkhaz side and they dominate the Abkhaz discourse on Georgian-Abkhaz relations in the past. What's more, the respondent's feeling of closeness to his opponents is transferred to the land. Just as the Abkhaz are no enemies, their land is not perceived as "foreign". Bearing in mind that the veteran had fought to keep Abkhazia Georgian, this attitude can be understood by the Abkhaz as menacing.

On the Abkhaz side, the Georgian "friendship narrative" usually finds no approval. It is seen as paternalistic and overbearing and evokes contradiction and protest: What about the families, still suffering the loss of their sons? What about the civilians, women and children, killed in the war? And what about the unequal conditions many Abkhaz experienced in Soviet times? While the Georgian narrative speaks of friendship, on the Abkhaz side the perception is completely different.

More than 20 years after the end of the war in 1993, severe difficulties of overcoming the trauma and completing the process of mourning can be witnessed in Abkhazia today. Abkhazia is a small and very traditional society with a lot of social control. Nearly every single family is mourning war dead. What's more, mourning and honouring the deceased traditionally plays a big role. To this day, many mothers whose sons have fallen during the war still wear black and cover their heads with mourning scarves. This is especially the case in rural regions. The role of the mourning mother completely dominates their lives and it seems impossible for them to assume any other role. For many of them it is very hard to find the point in time when they could or should return to a more regular life, without the

feeling of being a "bad" mother or depriving the fallen son of his right to be honoured and mourned. What additionally aggravates this situation is the fact that many bodies of the dead have still not been found and identified.

The Cyprus-born psychoanalyst Vamik Volkan has studied the phenomenon of large-group identity¹⁰. He describes how individuals develop their identity and their sense of belonging into a large group, like a nationality. Belonging to a large collective is part of the core identity of each individual. The development of core identity happens in early childhood. Throughout life, in times of crises people turn to positive objects and rituals they internalised as children, to revive positive emotions and evoke in themselves a feeling of safety. Just as positive links and objects, traumatic experiences and grief can be installed into the consciousness of large groups. When large groups have difficulty overcoming trauma and concluding the process of grieving, severe consequences can occur. The grieving process consists of several phases, including denial and anger and can last between two and four years. Grieving that is prolonged over decades can transform the traumatic experiences and memories into a "chosen trauma".

"A chosen trauma is the shared mental representation of an event in a large group's history in which the group suffered a catastrophic loss, humiliation, and helplessness at the hands of its enemies. When members of a victim group are unable to mourn such losses and reverse their humiliation and helplessness, they pass on to their offspring the images of their injured selves and the psychological tasks that need to be completed, such as reversing humiliation and helplessness and completing the work of mourning. This process is known as the transgenerational transmission of trauma¹¹." This means that chosen traumas are also passed on between generations via narratives and rituals. When the large group identity is threatened by any kind of crisis, strong collective feelings of fear and dismay can occur. Vamik Volkan points out that under

9 Berghof Foundation Internal Interview Archive: G035, min. (05:04 - 12:57)

10 Volkan, Vamik. "Large-Group Identity, International Relations and Psychoanalysis." Paper given at "Deutsche Psychoanalytische Gesellschaft e.V. (DGP) Meeting" Gasteig Cultural Center, Rosenheimer Platz. May 23, 2008. <http://www.vamikvolkan.com/Large-group-Identity,-International-Relations-and-Psychoanalysis.php>.

11 Op. cit.

collective stress, the sheltering, keeping up and maintenance of their large group identity becomes the main concern of the group members. In such cases, "chosen traumas" and "chosen glories" are activated to protect the peoples' group identity.

The reactivation of such chosen traumas, according to Vamik Volkan, can have devastating consequences for the group¹². It can lead to a widely perceived perception of "time-collapse", in which the members of the group re-live the old traumatic situation and re-enact it with present enemies. On the base of the old humiliation, the members of the group feel a sincere entitlement for revenge that justifies radical and violent behaviour. Also in these situations, the group tends to magnify current conflicts; the leaders, also under stress, develop a tendency for irrational decision-making, and often the group is mobilised to engage in large group activities. Following the argumentations of Daniel Bar-Tal and Vamik Volkan in analogy to the term of conflict-supporting narratives, I perceive the phenomenon of protracted grieving, as we see it in Abkhaz rural communities, as a "conflict-supporting ritual", pointing to the danger of a developing chosen trauma.

By now in this paper I have tried to analyse some features of the Georgian-Abkhaz conflict system, making use of Bar-Tal's and Volkan's concepts. I come to the result that both sides engage in conflict-supporting narratives and rituals. The described mechanisms can be used to mobilise groups or even whole societies and aggravate contradictions between the two sides. On the other hand, they show a potential of working towards a more peaceful future. Theoretical concepts can in fact help analyse, understand and further develop civil society initiatives, aimed at dealing with the past. Let me give you two examples:

First, for many years in the Georgian-Abkhaz dialogue initiatives, the discussion of past events was avoided at the benefit of negotiating possible future relations. The common idea was, as in Garibashvili's statement, to leave aside the difficult aspects such as touching on the difficult topics of

nationalism and guilt and responsibility of conflict actors in the political and military spheres. Questions of trade, railway connections, medical care and also the current political situation in Georgia and Abkhazia were discussed frequently, whereas the common past that had led to conflict and the history of the war were considered too difficult to discuss across the conflict lines. In 2007 the Georgian Human Rights Centre, formerly the Human Rights Information and Documentation Centre (HRIDC) initiated a campaign that became known as the "Sorry Campaign". In an appeal to the Abkhazian people, they formulated a general apology for the war. In it, it says:

"The future will not change if we do not reflect on the tragedy that happened; if we do not seek ways to come together. For us, for one part of the Georgian society, it is clear that the problems cannot be solved without admitting our mistakes. This appeal comes directly from our hearts. Sorry for not preventing the war. Sorry for not having avoided the disaster. Sorry for every word that inspired the war; for every bullet that was shot. We are fully aware that there are always reasons for war to break out; both opposing sides had provokers and encouragers who supplied them with weapons to kill each other. Some are more to blame than others - but everybody is guilty of the war. The war already meant defeat¹³." In this initiative one can see a true attempt of changing the discursive angle and giving the official discussions on the war in Georgian society a whole new direction. Instead of avoidance, the past was tackled and the need for reflection was articulated. This was a big step. It provoked a whole range of negative reactions and some positive ones. To give you some examples, people wrote on the campaign's website:

"I would not apologise to anybody, because only Russian and Abkhazian sides have to be sorry about the situation. They have broken Georgian territorial integrity and forced out more than 100,000 Georgian people from there. It is a serious crime committed against Georgian nation¹⁴."

12 Volkan, Vamik. "Transgenerational Transmissions and Chosen Traumas." Opening Address at the XIII International Congress of the International Association of Group Psychotherapy. August 1998. <http://www.vamikvolkan.com/Transgenerational-Transmissions-and-Chosen-Traumas.php>.

13 "A Sorry Campaign." An Appeal to Abkhazian People. Human Rights Center. <http://apsni.org/index.php?a=pg&pid=2&lang=en>.

14 "A Sorry Campaign." Human Rights Center. <http://apsni.org/index.php?a=adpage&pageid=5&lang=en>.

"I am furious when any organisation takes responsibility to make statements in the name of Georgian people. Moreover, nobody must excuse to others. As for the fact whether we have to apologize to them, I think we have to return our break-away region and restore our territorial integrity¹⁵".

"I agree and think that for both people this is a very painful question. I also agree that we were able to avoid the war and we have to ask for forgiveness to those Abkhazians, who suffered during the war. I am sure, that the conflict must be solved by peaceful way. We have to renew relations through the way of forgiveness, because such relations are stronger¹⁶".

Interestingly, some of the commenters engage in deeper analysis. This shows that the campaign was successful in inspiring reflection and provoking people to differentiate in their judgement, for example distinguishing between the government's responsibility to make a clear cut and position itself and the Georgian people's responsibility to ask for forgiveness. Therefore, in my opinion it was a good decision to post all comments, not only the positive and supporting ones on the campaign's website. At the same time, as the statements show, there were some problems in the set-up of the campaign that caused difficulties in both respects: for signers of the document as well as for the Abkhaz side to relate to it. These flaws I see in two aspects: First, the address is formulated very generally. The excuse is extended on "every bullet" and "every word". This general outreach causes problems because even individuals who are guilty in concrete cases and accept their guilt cannot apologise for virtually everything that happened because they do not bear responsibility for everything. Therefore, a general excuse aligns with no excuse. The repentance of an individual can only be serious when the person wholeheartedly accepts his or her responsibility and complicity in the matter. An apology therefore becomes more relevant and gains value, the more concrete it is.

This leads me to a second weak point of the campaign. In spite of the claim on the need for reflection that is made in the beginning, the appeal delivers far more conclusions than it opens spaces for re-

flexion and analysis. Before the individual can reflect on single events and take in their impact and consequences, the conclusion is drawn that, "[...] everybody is guilty of the war. The war already meant defeat". The own accountability has just been realised and admitted as, in the second moment, the other side is drawn into having to admit their responsibility, too. This understandable impulse anticipates the counterpart's desirable reaction, at the same time leaving no room for the counterpart to react self-dependently. In exchange, it excludes any undesirable reaction at the same time preventing the most longed for result: the free and benevolent participation in responsibility from the other side. The "Sorry Campaign" was a brave, honest and honourable effort, hinting in the right direction: the direction of overcoming the idealising Georgian "friendship narrative". The campaign also perpetuated some patterns of this same "friendship narrative", namely its generalising approach. In a way, it made a second step before the first in offering general apology, before analysing the past thoroughly with a truly self-critical approach. Such a process of analysis would have made it possible to start with one – maybe symbolic – event, where own faults were clearly analysed and defined and maybe some actors who participated at the time would have admitted their fault and asked for forgiveness. This would have made it possible for younger generations to join in and declare their sincere wish and responsibility to prevent similar events in the future. Such an action would have demanded an intense process of inner preparation and work inside Georgia before reaching out to the "other side". Meanwhile, it would have been easier for the Abkhaz to react because the subject would be more concrete.

As a second example, I would like to introduce an initiative of the organisation Movement of Abkhaz Mothers for Peace and Social Justice. The founder of the organisation lost her elder son in the war in 1993. In the early post war years, she founded the Mothers organisation in support of the families of those deceased and still missing. In talking about her work, she reflects very consciously about the danger of passing on unwholesome memories and practices to the next generations¹⁷. Already in 1996, about three years after the

15 Op. cit.

16 Op. cit.

17 Berghof Foundation Internal Interview Archive: A037, min. (45:02-52:44).

end of the war, she had developed an acute sense that the process of mourning was lasting too long. In an interview taken in the frame of our History Dialogue Project, she describes a situation where she was asked to give a public speech in order to collect money for a war memorial.

“I was asked to speak and I wasn’t even prepared. And when I got up on the stage, I wanted to call on all the people to contribute to [the memorial], and when I got up on the stage and looked into the audience, I saw Malevich’s Black Square. It was something... darkness! I already... I... really, I just thought ‘oh my god, what a tragedy!¹⁸!”

While giving her speech, she spontaneously decided to take off her own mourning scarf and one scarf of another mother, who approached her to donate money. After this initial action, other mothers started approaching her, asking for their scarves to be taken off their heads. In reaction to these pleas, the Mothers organisation developed a ritual in which they would go to mothers’ homes throughout the country and, in honouring their sons, take down their shawls, offering them in replacement a coloured speckled shawl. The speckled shawl in Abkhaz tradition could be worn for mourning as well as in daily life. In offering a supplement, the women were empowered and given the possibility to decide: Did they want to proceed in covering their heads? Or was it maybe also appropriate to wear the speckled shawl on their shoulders, keeping it as a reminiscence of their deceased? In its symbolic power, the act of taking down the scarf is accessible for everybody, independently of their education and background. The organisation’s activists would share with the mother the responsibility of taking down the scarf, opening a possibility for transforming the feeling of sorrow into a positive remembering of the deceased. This way, they can deal with their loss at their own pace, and are not excluded or separated from other women in the same situation, even if they have different patterns of coping.

Since 2012, the Berghof Foundation Caucasus Program has developed a History Dialogue Process in which we obey several principles that have proven to be important in our analysis, described below:

- The process includes a strong local component. Before meeting representatives of the “other side”, many local discussions are conducted. The facilitators in these discussions consciously enhance critical self-reflection of the audience.
- The process gives room for “negative” feelings, such as anger and disappointment. Only accepting these feelings can open the space to perceive also positive memories.
- The discussions in the local as well as cross-conflict line settings are focused on concrete events and circumstances and strictly avoid generalisations. Individual experiences have higher priority than official history.
- The process aims at analysis more than apologies and forgiveness. It is a central goal to integrate events and experiences that are important to the “other side” but displaced from own, conflict-supporting narratives.
- Starting out with the analysis and transformation of personal memories and discourses, in the long run stakeholders of war memorialisation will engage in cross-conflict line rituals and the exchange of symbolic gestures. This way, memory is stimulated on the level of narratives as well as on the level of rituals.

During a Berghof Foundation History Dialogue meeting, where participants from Georgia and Abkhazia discussed interviews from both sides of the conflict divide, a young Georgian project participant said:

“In the first place, we have achieved so much. The fact that we now ... listen to interviews from the Abkhaz and Ossetian groups is in my opinion not easy and a big success, because it is not easy to hear these interviews. For example, today there was an interview from the Georgian group, the story of a Georgian soldier, and despite of the fact, that that man spoke about the war and about the Abkhaz in a good context. However from our Abkhazian group, there was some doubt or maybe not a good mood. But all that we accepted, because we understood. There was, in the group, there was the mutual relationship, for me it was

18 Op. cit.

very important¹⁹.” For young people in Georgia and Abkhazia today, the memories they inherited from their parents about the war are a burden that is hard to carry. They have heard many stories about shelling, evictions, destroyed houses, killed and tortured people, destroyed relationships and hostilities. At the same time, it is these memories that, when shared in a trustful and safe atmosphere, can become a treasure. The participant’s quotation shows, in my opinion, that with good preparation, it is possible to engage in a dialogue that can dissolve, step by step, the exclusiveness of a zipper formed perception. By listening to experiences of the other side, and acknowledging the other side’s suffering, they can become the stepping stones of reconciliation.

19 This comment is part of the Berghof Foundation Dialogue Diary no 1. The quotation is translated directly from the Russian original and is therefore more accurate than the interpretation in the video. <https://vimeo.com/120038568>

Bridging Gaps in Civilian Peacebuilding in the Nagorny Karabakh Context

By Anna Hess Sargsyan¹

Introduction

When it comes to analysis of the Nagorny Karabakh (NK) conflict and related peace efforts, experts and analysts run the risk of repeating themselves. Karabakh watchers, experts and policy makers alike have recycled the same insights and conflict settlement approaches over the past 20 years with limited impact. Any attempt to analyse the intricacies of the NK conflict is unlikely to generate new insights or identify new channels for effective engagement. Almost every analysis of the conflict leads practitioners and analysts of the region to the conclusion that this is a protracted conflict largely due to geopolitical interests of mediating powers and lack of will of the conflicting parties. 20 years into official negotiations, the conflict is still classified as frozen and unresolved. Despite the efforts of the international mediators, there is very little change in the geopolitical realities and the parties' motivation to allow for any change in the current status quo. On the contrary, in the aftermath of the Ukraine conflict, the geopolitical game is back in town, hindering any political settlement of the conflict any time soon.

Calling the NK conflict a frozen one, however, is a fallacy. Judging from the increasingly frequent ceasefire violations and intense escalations along the Line of Contact (LoC) and the Armenian-Azerbaijani border, the conflict is far from being frozen – it is simmering to a rather alarming degree². If anything, it is the official Track 1 negotiation process that is protracted and frozen.

To avoid yet another geopolitical analysis of the NK conflict and the Track 1 official peace process, the following article looks instead at the challenges of the Track 2 peacebuilding initiatives³. In a context of a protracted peace process, what is the use and the impact of Track 2 initiatives if they have no tangible influence on the official peace process and remain detached from it? A more specific dilemma then is how much sense does it make to advocate for the inclusion of the civil society into the official peace process given the protracted nature of the official negotiation process, the geopolitical restrictions and the conflict parties' unwillingness to change the status quo.

After a brief background on the NK conflict, the article will look at the nature and challenges of the Track 2 peacebuilding initiatives in the NK context. The author argues that even in the face of a protracted peace process and despite the weaknesses of the peacebuilding initiatives, it is still important to promote civilian peacebuilding initiatives, under certain conditions: they should be inclusive in a meaningful and not in a normative way; all conflict parties should be, to the degree possible, equally present and equally active in all or most of the initiatives; and most importantly, these initiatives should be designed according to the needs and demands of the current conflict phase to be able to achieve maximum possible effectiveness and impact⁴.

Conflict History

The conflict over NK dates back to 1988 when the predominantly Armenian population of then Autonomous Republic of Nagorny Karabakh with-

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2 Agayev, Zulfugar. "Azerbaijan Says It's Prepared to Take Back Karabakh by Force." Bloomberg Business. August 5, 2015. <http://www.bloomberg.com/news/articles/2015-08-06/azerbaijan-vows-to-take-back-karabakh-from-armenia-by-force>.

3 To avoid terminological confusion, "civil society peacebuilding" and "Track 2 initiatives" are used interchangeably, while by "mediation" we mean official Track 1 negotiations.

4 According to findings of the comparative study of the CCDP on Civil Society and Peacebuilding by Thania Paffenholz, civilian peacebuilding initiatives are most effective if they are chosen according to the demands and the needs of the particular conflict phase, based on the so-called functional approach.

in Soviet Azerbaijan launched its independence movement and demanded unification with Soviet Armenia. Gorbachev's perestroika and glasnost policies allowed for more freedom for national aspirations to gain momentum and shape a nationwide independence movement in Armenia and Karabakh as well as all over the Soviet Union⁵.

What started as a peaceful political upheaval, turned into inter-ethnic violence and eventually a fully-fledged war between the newly independent Armenia and Azerbaijan in 1992 following the collapse of the Soviet Union. The Russian-brokered ceasefire was signed in 1994 in Bishkek, Kirgizstan⁶. Armenia came out of the war with a military victory, taking control over NK and the Lachin corridor connecting it to mainland Armenia. To guarantee strategic depth and create a security buffer zone, it also occupied seven Azeri districts (15% of Azeri territory) surrounding Karabakh⁷. The war resulted in an estimated total of 25,000 to 30,000 casualties on both sides, 750,000 internally displaced persons (IDPs) in Azerbaijan both from Karabakh and the occupied districts, and around 360,000 Armenian refugees from Azerbaijan⁸. Today, the internationally unrecognised Republic of Nagorny Karabakh is a de facto independent state with a democratically elected government and population of 140,000.

The current situation in NK rests on conventional military deterrence and self-regulation by the parties. Since 1994, a self-controlled ceasefire has been in place, but sniper shootings have been taking place along the LoC between NK and Azerbaijan, causing both military and civilian casualties⁹. Since early 2014, the regular ceasefire violations along the LoC and along the Armenian-Azeri border have intensified, leading to an escalation in August 2014—the worst since 1994¹⁰. As a result of

the increased shootings and incursions both along the LoC but also the Armenian Azerbaijani border, both sides had considerable human losses, raising the possibility for a new outbreak of war.

The NK conflict has a multidimensional nature including political, socio-economic and security related issues ranging from territorial disputes to ethnic hostility¹¹. Legally, it is a clash between the law of territorial integrity for Azerbaijan and the right to self-determination for NK. Four main issues have been on the negotiating table for the past 18 years: the political status of NK and the Lachin corridor; the withdrawal of the Armenian forces from the occupied Azeri territories; security guarantees for Karabakh and Armenia in case of the return of the occupied territories; and the return and resettlement of the Azeri IDPs. These four issues are at the core of the Madrid principles, which is the main framework for the peace process led by the OSCE Minsk Group¹².

For the past 20 years, international efforts to mediate in the NK conflict have been led by the OSCE Minsk Group, comprised of three co-chairs from Russia, USA and France. The peace process has been monopolised by Armenian and Azerbaijani political elites, excluding both the de facto authorities of NK and respective civil societies. Despite the 20 years of negotiations, the two sides have been boosting their military capabilities, which has resulted in an asymmetric arms race¹³ endangering regional security. They have also been continuously engaged in psychological warfare, consolidating mutually exclusive narratives of their national identities and dehumanising each other as historical enemies.

Bridging Gaps

Proponents of multitrack and inclusive peace processes, including the author of this article, argue that Track 2 peacebuilding initiatives

5 For more in-depth analysis of this factor, see: Cheterian, Vickren. *War and Peace in the Caucasus: Russia's Troubled Frontier*. London: Hurst & Co., 2008.

6 Hess, Anna. "Berg-Karabach: Hindernisse Für Eine Verhandlungslösung." *CSS Analysen Zur Sicherheitspolitik*, no. 131 (2013).

7 Op. cit.

8 See: "United Nations High Commissioner for Refugees." United Nations Armenia. <http://www.un.am/en/agency/UNHCR>.

9 Hess, Berg-Karabach.

10 De Waal, Thomas. "Karabakh's Guns of August." Carnegie Moscow Center. August 5, 2014. <http://carnegie.ru/eurasiaoutlook/?fa=56322>

11 Hess, Berg-Karabach.

12 See: Geukjian, Ohannes. *Ethnicity, Nationalism and Conflict in the South Caucasus: Nagorno-Karabakh and the Legacy of Soviet Nationalities Policy*. London: Ashgate, 2012.

13 In 2012 Armenia's defence budget reached around USD 400 million, up from around USD 180 million in 2006. Azerbaijan has increased its defense budget from USD 175 million in 2004 to USD 3.74 billion in 2012, which is twice as large as the entire Armenian state budget. See *Jane's Intelligence Review*, November 2012, 28.

have no tangible effect if they are by and large detached from official peace processes. In the absence of any channels of influence between governments and civil societies in Armenia and Azerbaijan, the civilian peacebuilding efforts remain in a vacuum, creating loose and informal networks of professionals and boosting personal transformation at best¹⁴.

Looking back on 20 years of civilian peacebuilding initiatives in the NK context, two main gaps can be identified:

1. Diverse peacebuilding efforts have not brought much of a change in the Track 1 peace process and,
2. have not resulted in a tangible change of societal attitudes towards conflict settlement. The Track 1 peace process remains largely exclusive and opaque, while bellicose rhetoric has led to a hardening of positions and deepening of the constructed enemy image among respective populations.

The first gap, the lack of influence on the official peace process, can be explained by the internal set-up of socio-political life in Armenia and Azerbaijan. In both countries, to varying degrees, governments have the monopoly not only on economy and politics, but also on war and peace. This automatically excludes civil societies from any meaningful engagement in bringing policy changes in any of the above-mentioned realms.

The second gap, the failure of the peacebuilding initiatives to bring in change in societal attitudes towards the conflict settlement, is mostly, but not only, due to the fact that the peacebuilding community consists of a small group of professionals, leaving the larger population rather uninformed about their activities. As a result, the small and closed peacebuilding community is most likely stigmatised by the rest of the society as “traitors” since they are seen as working with the “enemy.”

14 For more detailed analysis of civilian peacebuilding initiatives, see: “Advancing the Prospects for Peace: 20 Years of Civil Peacebuilding in the Context of the Nagorny Karabakh Conflict.” International Alert. August, 2013. <http://www.international-alert.org/resources/publications/advancing-prospects-peace-en>.

Despite the detachment from their larger constituencies and their governments, there is a group of prominent peacebuilders that admirably keep their efforts going. A question, however, worth reflecting on is whether there is a danger that this environment would eventually lead to peacebuilding fatigue. To avoid a disgruntled, even if well-intentioned civil society sector in the long run, the international community should gear its support for peacebuilding efforts in the NK context towards carefully selected initiatives fulfilling clear-cut conditions.

How much space is there then for international actors to help bridge the above-mentioned gaps? In the first case (detachment from Track 1 peace talks), there is very little the international actors can do to exercise any influence, as the issue is of a very internal nature. It is the social contract between a particular society and its own government, and remains solely in the hands of the local actors. In the second aspect however (detachment from the larger population), there are some measures the international community can undertake to minimise the level of detachment of Track 2 peacebuilders from their own larger constituencies and guarantee efficient continuity of select peacebuilding activities.

According to findings of the comparative study of the Centre on Conflict, Development & Peacebuilding (CCDP) on Civil Society and Peacebuilding¹⁵, civilian peacebuilding initiatives are most effective if they are chosen according to the demands and the needs of the particular conflict phase, based on the so-called functional approach¹⁶. In the current protracted phase of official talks in the NK context, focusing predominantly on Track 2 and 1.5 dialogue initiatives¹⁷, which in essence have become the replica of the official process, very little change can be anticipated, if at all.

15 Paffenholz, Thania. “Civil Society and Peacebuilding: CCDP Working Paper 4.” Center on Conflict, Development and Peacebuilding (CCDP). 2009.

16 Op. cit.

17 The focus on dialogue activities here is mainly due to the author’s own experience and observations. For a more detailed and comprehensive overview of the peacebuilding initiatives, please see: International Alert, Advancing the Prospects for Peace.

Given the contextual limitations, it is well worth supporting efforts that are targeted at preparing the peacebuilding community for an eventual context change. In this particular case, context change entails either military or political settlement of the situation. In case of the military option, according to Paffenholz, the most important function of the civil society during the phase of war or an armed conflict is to “monitor human rights, protection of civilians,” essentially narrowing the space for the civil society to be effective. This however would be a rather counterintuitive effort and no international actor would be interested in supporting peacebuilding initiatives by essentially preparing the civil society for effective work during war.

Thus the only reasonable way forward is to prepare the civil societies in Armenia, Azerbaijan, and the de-facto Republic of NK for an eventual context change that would possibly lead to the conflict parties to return back to inclusive and structured negotiations. This preparation would entail providing the civil society actors with the necessary knowledge of peace processes and peace agreement topics so that they are ready and able to impact the negotiation process and advocate for their voices to be heard and included in the official talks. With the ability to influence the agenda for the political settlement of the conflict, it should also be able to have the buy-in of a larger population and act as a link between respective governments and their societies at large.

In preparation of civil societies for an eventual opening of the peace negotiations, a number of conditions should be in place to guarantee a more conducive environment for the peacebuilding initiatives to be as effective as possible. Thus, the international peacebuilding community should make sure to:

Enlarge the peacebuilder pool beyond the urban, capital based peacebuilding elites and include those groups of the population most affected by the conflict. They might not be speaking the international peacebuilding language and lack certain trainings to be equally engaged, but they are the ones who have been bearing the brunt of the conflict and will most likely be the ones who would be bearing partial responsibility for the implementation of any potential agreement.

Guarantee **sustainability** of the initiatives, making sure they are not donor driven but based on the needs of the stakeholders. In many cases, there is a donor burnout on the account of not achieving the desirable results in a short period of time, which might lead to short-term engagements.

Strengthen **local ownership** of peacebuilding initiatives led by local organisations and gradually minimise the presence of the main international peacebuilding NGOs. After 20 years of civilian peacebuilding, local NGOs are still marginal in the field, with most projects still initiated by the international peacebuilding community¹⁸.

Find **creative ways** to guarantee equal participation from all sides. In the face of recent crack-downs on the Azerbaijani civil society, it has become rather challenging to engage Azeri peacebuilders in ongoing or new initiatives. Faced with this challenge, most international actors are willing to work with anyone they can recruit or with everyone who is ready to take the risk to work with the Armenian side, which limits the choice for partners tremendously. The international community should consider working with the Azerbaijani civil society in exile, however this has its limitations as well, since over time they will be even more detached from their government and the respective society. However, if peacebuilding initiatives continue operating with only one conflict party, it is essentially preparing Armenia for peace, while Azerbaijan by default is preparing its population for war and the Karabakhi civil society remains largely excluded.

Ways Ahead

In the logic of protracted conflicts, tangible contextual changes open up windows of opportunity for new conflict dynamics and related peace processes. In the current phase of protracted peace process and despite all the contextual limitations for effective civilian peacebuilding, there is still a need to support carefully selected and targeted peacebuilding initiatives in the NK context. In order to guarantee optimal effectiveness, however, these

¹⁸ The author has made this observation based on her experiences, but it is also backed by: International Alert, *Advancing the Prospects for Peace*.

initiatives must have a clearly defined goal of enabling the civil societies and the larger societies to influence the peace process, if ever there is a shift in internal and external political realities around the NK conflict that would allow for opening up the negotiation process.

With a view for an eventual change in the internal and external context, selective efforts need to be supported that would allow the civil societies and the societies at large to influence the agenda of a more open and inclusive peace process. To guarantee sustainability of any peace deal, it is crucial to have well-prepared civil societies, knowledgeable enough to influence the peace process, and not be brought in only at a post-agreement phase to get the buy-in of the society. It is equally important to prepare the civil societies in Armenia, Azerbaijan and the de-facto Republic of Nagorny Karabakh on a balanced and equal level of engagement. Currently there is a big asymmetry in terms of the nature of civil societies in Armenia and Azerbaijan, the latter being either arrested or exiled at the moment of writing this article¹⁹. Lopsided initiatives are at best counterproductive and at worst following an agenda that is not serving a common prospect of peace and security in the region.

Therefore, it is recommendable that the international peacebuilding community consciously promotes carefully chosen initiatives in line with the needs of the current conflict phase, in a sustainable manner and with equal commitment from all affected parties. This is by no means an easy task, given the internal political restrictions in Azerbaijan. With the Azeri civil society either being jailed or exiled, can the international community reach out to them outside Azerbaijan? How can their activities then translate into tangible impact for their population if they remain physically outside of the country? As insurmountable as this dilemma seems, it cannot be swept under the carpet for the sake of expedient project implementation.

It is worth mentioning however that even the most effective peacebuilding initiatives implemented under the above-mentioned conditions would

have a very limited impact on the overall peace and security, since as Paffenholz says, “the role of the civil society is not so much decisive in building peace, but rather supportive. The central impetus for peacebuilding comes mainly from political actors, and above all, the conflict parties themselves.”²⁰

19 “Guilty of Defending Rights: Azerbaijan’s Human Rights Defenders and Activists Behind the Bars”, Amnesty International Publications, 2015, https://www.amnesty.nl/sites/default/files/public/guilty_of_defending_rights_-_az.pdf

20 Paffenholz, Thania, op. cit.

Armenia: An Interior View

Lukas Gasser¹

“We decided, two thousand years ago, to which civilisation we want to belong.” Lately, this bon mot has been frequently expressed by the Armenian Minister of Foreign Affairs, Edward Nalbandyan. He is right, indeed. If one wants to give the Armenians credit for something, then it should be for this: Armenia had already been the easternmost province of the Roman Empire for two centuries before becoming the first kingdom to convert to Christianity in 301. It thereby gained security in a precarious peripheral region of Europe. The Armenians have lived in the Caucasus for more than three thousand years and, historically, they are not easily led on. Are they one of those long-forgotten countries in the orbit of the former Soviet Union, whose romantic-retrograde views are only for historians’ interest? Certainly not! Even though today Armenia knows many challenges, backwardness is definitely not amongst them. For Armenians, history means not only a proud heritage and centuries of hardship; the Armenian diaspora, now present on all continents, connects the motherland with the world. Nowadays, it is mainly entrepreneurship that profits from this fact, but also the academia and the rich music scene. Sectors of Armenia’s economy such as software development, chemistry, precision mechanics etc., are working at maximum performance, which has started attracting the interest from farther abroad. Since 2015, first settlements of Armenian informatics enterprises can be found in Switzerland, while a Swiss investor recently opened a pharmaceutical research laboratory with 30 young chemists in the Armenian capital.

All in One: Entrepreneur, Artist, Scientist, Politician

Armenia’s capital city, Yerevan, is a cosmopolitan spot in whose street cafés dozens of languages

and accents from the whole of the Middle East, Russia, North and South America, and Western and Eastern Europe can be heard. Young Armenians feel at home speaking in Russian just as much as in English, garnished with Farsi, Turkish or Arabic. Even the French language can rely on a stout bulwark here. For Armenians, language skills have never been an indicator for preferences and sympathies. Different idioms are in use because one cannot afford isolation, and niches are also obtained by language advantages. Language variety goes hand in hand with a sense for innovation, curiosity, an instinct for trade, hospitality, enthusiasm for art, and a stone-hard culture of bargaining.

The Minister of Foreign Affairs offers his bon mot as an answer to a critical question he has frequently been asked in recent times: has Armenia chosen complete dependency on Russia? A return to the Post-Soviet-Russian orbit can indeed be detected. In autumn 2013, Armenia took an astonishing U-turn when President Sargsyan surprised even his leading diplomats by announcing Armenia’s intention to join the Eurasian Economic Union (EEU)².

Good Services? Thanks, but no Thanks!

In contrast to the governments of Azerbaijan and Georgia, who are concerned with their precarious territorial integrity, for Armenians, the status quo in the conflict over Nagorny Karabakh seems to be the best option. The government meets international peace efforts with polite rejection. Twenty years after the conflict, the separatist region of Nagorny Karabakh has not been recognised by any international actor – not even by the Armenian Republic. De facto, however, the historical province, which Armenians refer to as Artsakh, is largely integrated with the Armenian core country: there is a common currency, a common health

¹ Lukas Gasser is the Ambassador of Switzerland to Yerevan. The opinions expressed and the terminology used in this article are his own and do not necessarily reflect the official position of the Swiss FDFA.

² In 2013, the EEU functioned as a Customs Union between Russia, Belarus and Kazakhstan.

care system, and even the two armed forces are not really differentiable. Was the recruit who was killed yesterday at the border to Azerbaijan an Armenian or a Karabakhi? Own sources usually keep silent about this difference.

Integration with Equals

Thanks to the huge dedication of the diaspora and the local population, the infrastructure of Karabakh has continuously been renovated. Apart from the existing corridor across the southern Goris in the Syunik Province, the All-Armenia Foundation currently builds a connection between the southern end of Lake Sevan in Armenia and Mardakert in the north of the former Autonomous Region of Soviet Azerbaijan. In the supermarkets of Yerevan, the wine of the local grape “Khndoghni,” only found in the south of Karabakh, shines self-evidently ruby red next to Armenian products. The indication of origin is the producer’s concern – some prefer the less politically correct “Armenian Wine” for marketing reasons, while others do not hide their local pride and showcase “Karabakh” or even “Artsakh” as a place of manufacture³. There are further reports about caviar breeding, tourist resorts designed by foreign architects, renovated concert halls, even about the production of watch parts for enterprises in Switzerland. The Artsakhbank, listed at the Yerevan stock market, offers its financial services in the whole area of the separatist region, with high visibility thanks to a good network of cash machines. In spite of the travel advice of their Ministries of Foreign affairs, North Americans and Europeans travel to Stepanakert and Shushi, which almost naturally figure on every local travel company’s programme. We as foreign diplomats can only pronounce warnings that our countries cannot offer any consular help in case of difficulties. For us at least, it means that we have to stop and turn back a few kilometres after Goris, in order to avoid provoking a diplomatic conflict with the other party involved. Thus, Nagorny Karabakh remains a no-go zone for diplomats.

Inter Pares?

The theory that Nagorny Karabakh is controlled by Armenia is a widespread belief today. It is only

³ The reference work „Wine Grapes“, co-authored by a Swiss geneticist, lists “Khndoghni” politically correct under “Azerbaijan” (s. J. Robinson, J. Harding, J. Vouillamoz, Wine Grapes. A Complete Guide to 1’368 Wine Varieties, Including their Origins and Flavours. New York, Ecco: 2012).

partly true, though. Two of three presidents since Armenia’s independence are from Nagorny Karabakh, as well as the current Minister of Defence, the Deputy Head of the General Staff of the army, numerous parliamentarians, media representatives, opposition politicians and different retired influential characters, who are nowadays more often to be found in Yerevan than in Stepanakert. Some socio-economic sectors, such as monetary policy and healthcare in Karabakh, are governed from Yerevan. In other fields, however, Stepanakert exerts more influence on the Armenian Republic than many would like it to. Furthermore, Stepanakert has had a direct connection to Moscow since Soviet times.

In Nagorny Karabakh as well as in Armenia, the Ex-President Robert Kocharyan is criticised for the tactical mistake due to which the separatists are not sitting at today’s negotiation table. After having been elected as the Head of State of Armenia, Kocharyan – Former-President of Nagorny Karabakh – considered the separatists’ presence no longer necessary, since he would represent both territories in the peace talks.

Bad Publicity for the Country

The current interim arrangement in the conflict around Nagorny Karabakh might for the moment appear to be the best option for Armenia. However, the status quo does not offer only advantages, and the burdens are getting increasingly heavy. Armenia attracts the attention of foreign diplomats, especially in multilateral fora. There, unrelenting statements are heard from their delegates, acrimonious replicas to the Azerbaijani votes (and, obviously, the other way around). Not exactly an edifying sight! With this behaviour, Armenia often reduces its presence in international networks to an monothematic and shrill approach. The whole complexity – the abundance of a country with age-old traditions, an open society rich in exuberant talent – gets lost to the perception from outside and stays the privilege of a small number of cultural tourists. Among the younger generation of diplomats, the attitude that Armenia’s mission should consist of more than just achieving small verbal victories against Azerbaijan is getting more and more popular. On one hand, the hope prevails that the ‘acquis’ of Nagorny Karabakh will become irreversible, if the conflict will only be sat out internationally for long enough. On the other hand,

the costs and risks of this waiting and seeing are substantial for Armenia.

Dispute Brings Constraints

Armenia's younger generation especially, which has not experienced the conflict first hand, is no longer prepared to unconditionally subordinate their future to the Karabakh question. Armenia is a comparably open society which even in Soviet times had felt more strongly connected to the free market than to the Moscow-dictated collectivism. The fact that the country – notwithstanding these theoretically good prerequisites – is nowadays affected by patronage, corruption and oligopolies in many areas of the economy is much due to Nagorny Karabakh. The paybacks between warlords and the political violence in both Armenia and Karabakh have belonged to the past for fifteen years now. Both areas have stabilised successfully. In contrary to its adversary, Armenia does not own any oil and gas resources. This does not have to be a loss for the sustainable development of an aspiring national economy – on the contrary. Still, one has to be inventive in order to survive in the arms race against an economically stronger opponent. In order not to exceed the internationally accepted upper limit of 4% of the GDP for armaments expenditure, Armenia turns to a mix of economic privileges and military alliances. Yerevan obtains most of the modern weapons from Russia, which offers them for concessionary terms to its CSTO partners (while Azerbaijan pays world market prices to the same supplier). The war chest is further fed by economy stakeholders close to the government, who exchange their privileges – e.g. a monopoly for the import of staple foods, privileged access to privatisation and government orders – for an obolus to the armament industry. As is often the case when a group enjoys privileges out of reasons of state, these privileges are hardly reversible, create an obscure business culture and show a tendency to get out of hand. This is what a good part of the urban youth rebels against nowadays. The most recent, basically non-political, demonstrations in Yerevan against the poorly justified rise in electricity prices expressed exactly this discontent. An increasing number of young people show reluctance in tolerating an ever-growing rate of corruption and privileges for a small group of people, in exchange for the construction of an independent Karabakh. This attitude is reinforced by the tough two-year military service, which

provokes many talented and educated young Armenian men to opt for a life in exile. The parliamentary opposition has a weak political base and is unable to take advantage of this discontent in society – because a rational conclusion from the analysis of the current situation would question the status quo in Nagorny Karabakh, and none of the established opposition parties wants to take this risk.

Monopolist with Tied Hands

For twenty years now, the Minsk Group of the Organisation for Security and Co-operation in Europe (OSCE) has been the sole platform for peace-making in Nagorny Karabakh. Armenia and Nagorny Karabakh make big efforts for this situation to remain. (No forum shopping, please!) The OSCE and its Minsk Group is solely responsible. If Yerevan says "Minsk Group," it usually means its three co-chairs Russia, USA and France, and not the whole group (which includes fourteen states, among them the members of the OSCE troika, Turkey and Germany). However, this constellation has only existed since 1997, when Switzerland and Denmark, as incumbent OSCE chairs, successively appointed France (Berne) and the United States (Copenhagen) as co-chairs of the Minsk Group, next to Russia. This change has become necessary after Finland's resignation. Switzerland appointed France as one of the last official acts during its OSCE chairmanship of 1996. A few months later, Denmark elected the United States as the third co-chair of the Minsk Group. This constellation has not changed since, but the larger group, which also includes the representatives of the OSCE troika, has not kept its relevance.

More Promising with Turkey?

While Switzerland has not played a primary role in the conflict on Nagorny Karabakh from the beginning, our diplomacy has achieved a widely applauded coup with the mediation of the Zurich Protocols in 2009. The Zurich Protocols could have offered an important rapprochement between Ankara and Yerevan. The most important point for Armenia would be the opening of the border with Turkey. Since the Karabakh war, this border – of highest importance for Armenia – has been closed. One can imagine what that means for a domestic economy when supposing if Germany were to close its frontier with Switzerland. This does not only concern the direct passenger traffic and movement of goods – Turkey imposed an embargo on

the exchange of goods with Armenia, and it is effective. While Turkish goods usually find their way to Armenia via Georgia, Armenian exports to Turkey are hardly possible. The extent of Armenian imports from Turkey is nevertheless notable and nowadays approximately equals the imports from the USA. Oranges, hospital equipment, used cars, building material, electronic consumer goods, textiles – the mid-range price segment of these goods usually stems from Turkey. Several Turkish companies maintain branches in Yerevan. In the economy and many other areas, Turkey would be a natural regional partner for Armenia. The eastern regions of Turkey, which border on Armenia, would also profit from an opening of the frontier.

Unfortunately, the Zurich Protocols have not been ratified up to the present day. The link to the Karabakh question, which had been avoided during the negotiations, suddenly reappeared. Not only the Turkish side, also the Armenian leadership earned sharp critique from the diaspora for its concessions in the Protocols. The Armenian social-democratic traditional party, Dashnaksutyun, left the government coalition under protest, and is today still in opposition. At the beginning of this year, President Sargsyan withdrew the ratification appeal from the National Assembly, a gesture that mainly concerns the opposition: the government needs wide support in parliament, as it plans to push through an extensive constitutional reform. Nonetheless, the Armenian diplomacy still sees the Protocols, mediated by Switzerland, as the only basis for an approach between Yerevan and Ankara.

A Soviet External Border – even after 25 Years

Aside from the economic damage, the closing of the border has not changed much in people's minds, either. During Soviet times, a "border mentality" had developed in Armenia, as well as in other places. This mental blockade has not changed significantly, even a quarter of a century after Armenia's independence. The other side of the border is still conceived as a lost territory, with the loudly screaming symbol of the Ararat – the holy mountain of the Armenians – seeming so tangible from the capital, just as the Matterhorn in Zermatt. In the Treaty of Lausanne, the Soviet Union agreed in 1923 to transfer the east Armenian regions of Kars, Ani and Ararat to young Turkey. The Bolshe-

viks' calculation behind this move was to make the Kemalists compliant in order to incorporate Turkey as a future Soviet Republic into the alliance. Very few people are interested in the fact that concrete life is going on in these 'lost territories' – in whose return hardly anyone here believes anymore. It is significant that in the light of the recent parliamentary elections in Turkey, nobody showed any interest in the results of the regions bordering on Armenia – not the mass media, not analysts, not one of the numerous experts on Turkey. In all three districts, it was the HDP that won, the Party of the Kurds and of other minorities – this was completely unnoticed by the people across the border! Not even the question of the Kurds, who also represent the greatest ethnic minority⁴ in Armenia, seems to capture the interest of the public opinion in the least. The geography and local politics of the federal state of California, the Oblast Rostov-na-Donu, and the Départements in Southern France are better known than today's Valiliks of Kars, Igdir or Agri.

Turkey as Abstraction

Yet, Turkey is still the centre of attention. But this Turkey is far away and quite abstract. It means Istanbul, the genocide of 1915, the old Armenian regions in Cilicia and the Lake Van region, or Ankara's policy in the Syrian civil war. The recent demonstrations in the Gezi park were followed closely, President Erdogan's statements against whomever are usually commented intensively, and contemporary Turkish literature is translated into Armenian by local publishers. When international NGOs offer exchange projects with Turkish software engineers, filmmakers, cooks and so on, one participates politely. However, which border point one should use some day to get to the city of Igdir, only 50 km away from Yerevan, hardly an inhabitant of the capital can tell you.

The ceremonies dedicated to the hundred year commemoration of the 1915 genocide have been an impressive experience for Armenia. In a positive dynamic, the world took notice of this usually rather neglected country. Signs of solidarity increased, clear signals from the Vatican, Germany, Austria, Belgium, Luxembourg, Brasilia and others brought the international denunciation of the

4 Most ethnic Kurds in Armenia belong to the group of the Yazidis.

offenders of 1915 a good deal closer to its universal ideal. Whether this dynamic will persist or not, in the end, both sides have to take a substantial step towards each other. Weary of certain dependencies, the young generation will speak up concerning the relationships with Turkey, and hopefully also notice that a lot has changed in Turkey, as well.

Poorly-Rewarded Individualism

Armenia is a fascinating country and has an extremely enriching society. Having a millennium-old history behind them, their nimbus of tranquil serenity fits these people well. However, the Armenians have also arrived in today's fast-moving world. Here, individualists – and the Armenians belong to them – want to find complete expression, preferably in this lifetime. Armenia has all the potential to play in the highest leagues. Despite their pride in several thousand years of civilisation and history, today's generation of the under-thirties will most likely not leave this opportunity to their children.

Stability without Peace in Chechnya

Cécile Druey¹

With the wars that raged through Georgia (2008) and Ukraine (since 2014), the conflicts of the North Caucasus have been somewhat pushed into the background. However, a closer look into Chechnya shows that the situation is far from stable. An ongoing economic malaise, an increasingly authoritarian rule, an “archaisation” of society, and the burden of the violent and largely unresolved conflicts in the past create an explosive mixture that weighs heavily on the human security. Nevertheless, it would be wrong to say that civil society ceases to exist under these difficult circumstances, but it is driven underground and has to develop new, creative ways to do its important peacebuilding work.

The Heritage of a Violent Past

As a result of state collapse and a failed de-centralisation of the Soviet political system of the late 1980s and early 1990s, nationalist mobilisation and an ethnic fragmentation went high in all parts of the former Union. However, whereas in some regions, such as the Baltic north, the disentanglement between the “old” and the “new” socio-political system went in a relatively smooth manner, the former Soviet South and especially the Caucasus became the scene of violent conflicts. Armed clashes erupted between and within the newly independent states: the tragedies of Nagorny Karabakh, Transnistria, South Ossetia, Abkhazia and Chechnya are but the most visible parts of this tornado of armed violence and nationalism that in the early 1990s swept across the southern periphery of the former Union.

A closer look at these conflicts shows that most of them were no classical outbursts of anti-colonial violence, which opposes emerging or newly independent states to the colonising core (Moscow). Rather, they were the result of the collapse of state

institutions (notably, the Soviet Communist Party and the Armed Forces), and of a reallocation of territory and political, military and economic power among the different interest groups at the periphery itself. “Matrioshka Nationalism”² is the term Ray Taras uses to describe this process of nationalistic fragmentation, comparing the hierarchy of nationalisms in the former Soviet South to the multi-layer structure of the famous Russian doll. In many cases, the inner, subordinate ‘slices’ of ethnic minorities appealed to the outer (Soviet, later Russian) umbrella to fight the repressive rule of their local governments.

The first war in Chechnya is an exception in this regard, as it is not first and foremost due to state collapse, but shows the classical characteristics of a colonial war³. Since the eighteenth century, the history of Chechnya is marked by Russian (and Soviet) colonisation and the resistance of the local population against the dominating core. In 1944, Joseph Stalin had ordered the deportation of the entire population to Kazakhstan because the Chechens were seen as potential allies of the German enemy⁴. In 1991, the nationalist elite of the Autonomous Republic of Chechnya launched an attempt for full independence, led by the Soviet

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² Bremmer, Ian, and Ray Taras (eds.). *Nation and Politics in the Soviet Successor States*. New York, New York: Cambridge University Press, 1993. 513–538.

³ The first war in Chechnya (1994–1996) can be characterised as a “national liberation war” or an ethnically-based “secessionist civil war”, similar to those forming the base of the post-colonial political order in Africa. See: Englebret, Pierre, and Kevin C. Dunn. *Inside African Politics*. Boulder, Colorado: Lynne Rienner Publishers, Inc., 2013. 268–276.

⁴ See: “The North Caucasus: The Challenges of Integration (I), Ethnicity and Conflict.” *Europe Report*, no. 220. International Crisis Group. October 19, 2012. <http://www.crisisgroup.org/~media/Files/europe/caucasus/220-the-north-caucasus-the-challenges-of-integration-i-ethnicity-and-conflict.pdf>. See also: “The North Caucasus: The Challenges of Integration (II), Islam, the Insurgency and Counter-Insurgency.” *Europe Report*, no. 221. International Crisis Group. October 19, 2012. <http://www.crisisgroup.org/~media/Files/europe/caucasus/221-the-north-caucasus-the-challenges-of-integration-ii-islam-the-insurgency-and-counter-insurgency.pdf>.

general Dzhokhar Dudayev. In 1994, the Russian government sent its armed response: the first Chechen war left at least 50,000 Chechens dead (armed groups and civilians), while a bit over 5000 Russian soldiers were killed or went missing⁵. The 1996 Khasavyurt accords resulted in a withdrawal of Russian troops; Chechnya's status, however, remained unresolved and many field commanders kept their paramilitary groups intact. The conflict was thus militarily frozen, but was not solved politically.

What is commonly referred to as the Second Chechen War was again "pacified" by a massive use of military force, but this time in a more sustainable, uncompromising way: Vladimir Putin's cleansing campaign of 1999-2000 resulted in a de-Islamisation and re-Russification of Grozny by Russian troops.

In its nature, the second conflict considerably differs from the first one. This time, it was less a rebellion of armed separatists against a colonial core than it was a civil war within Chechnya. These internal contradictions, ranging from socio-economic and political, to social, cultural and religious problems, are until the present day not solved. The stability that was achieved after 2003 mainly reflects the fact that one side, thus the Kadyrov clan, artificially gained the upper hand due to the massive support from Moscow. The Kadyrovs were chosen as Moscow's loyal vassals in Chechnya, in faithful accordance with the principle of "divide and rule". With the early death of his father Akhmad-Hadji, who was one of Chechnya's well-respected Muftis and had contributed to the ousting of the Islamist opposition and the installation of a pro-Russian government in the early 2000s, the twenty-eight year old Ramzan Kadyrov assumed informal power in 2004 and was two years later officially installed as President of the Republic of Chechnya. Since then, Ramzan, as everybody calls him informally, built a vertical of power based on personal devotion and brought many former members of illegal armed groups

close to him⁶. With the help of abundant funds from Moscow, he managed to eliminate large resistance hotbeds, restored the capital city of Grozny and provided the people in Chechnya with a subsistence minimum. However, although the situation has improved, armed violence and terrorist attacks still continue. The main weak point of the young leader remains his authoritarian rule and his propaganda based on personal achievements and merits. Moreover, the excessively rushed and obtrusive propagation of an archaic form of Islam exacerbates internal contradictions.

The "Neo-Sultanates" of Contemporary Eurasia

Similar to the regimes in Central Asia, Belarus, Azerbaijan and Putin's Russia, Kadyrov's rule in Chechnya is an expression of a highly personalised and authoritarian system of government. Eke and Kuzio refer to this phenomenon as the new "sultanistic regimes"⁷ of Eurasia. According to their assessment, "sultanistic" systems have the following seven characteristics:

1. Extreme patrimonialism: central role of state dominated by the 'sultan' and his clan.
2. The private and public sectors are fused, with a high degree of corruption. "Neo-sultanistic" regimes often dispose of two parallel budgets, one approved by the parliament, another hidden under the exclusive control of the leader. Business structures are under the control of the government.
3. There is no ruling ideology; instead, an excessive cult of personality is practiced.
4. The strength of the leader is reinforced by the absence of a rule in law and by weak institu-

⁶ Since 2003, father and son Kadyrov amnestied several thousands of former rebels and integrated them into the republic's armed forces and private militia. This "rehabilitation of former combatants", as they called it, was generally implemented in an informal way, based on "words of honour" and without keeping exact records. As a result, the Republic's official security structures are today interspersed with criminal elements, and the educational level and professionalism of its members are often very low. See: Malashenko, Aleksey. *Ramzan Kadyrov: Rossiyskiy Politik Kavkazskoy Natsional'nosti (Ramzan Kadyrov: Russian Politician of Caucasian Nationality)*. Moscow, Russia: Rospen, 2009. 38.

⁷ Eke, Steven M., and Taras Kuzio. "Sultanism in Eastern Europe: The Socio-Political Roots of Authoritarian Populism in Belarus." *Europe-Asia Studies* 52, no. 3 (2000): 530-32.

⁵ "Chechnya: The Inner Abroad." *Europe Report*, no. 236. International Crisis Group. June 30, 2015. <http://www.crisisgroup.org/en/regions/europe/north-caucasus/236-chechnya-the-inner-abroad.aspx>.

tions; instead, informal bonds of kinship and patrimonialism act as a reference for the population's behaviour.

5. Strong reliance on security forces as a pressuring tool of the leading party. Political pluralism is oppressed.
6. The political future of "sultanistic regimes" is unpredictable, as the purges of former elites potentially create powerful opposition in the underground.
7. Inability for peaceful change, collapse only if the "sultan" is violently overthrown.

Although originally applied to Belarus, the concept of (neo-) "sultanism" is entirely applicable also to the situation in Chechnya. However, for the latter's case I would add yet another characteristic, which is the almost excessive reference to traditional customs and to archaic moral concepts. Andrey Ryabov refers to this phenomenon as a resurrection of "feudal archaism"⁸, which, in the Chechen case, goes hand in hand with an Islamisation of society.

Manifold Repercussions on Human Security

Kadyrov's "sultanistic" authoritarianism, combined with a general Islamisation and archaisation of society, has manifold consequences for the human security situation in Chechnya. A lack of accountability, the absence of regulating laws and the reliance on informal networks of kinship and other interest groups make the decision-making processes highly intransparent. This only adds to the arbitrariness and unpredictability of the behaviour of the authorities, not to mention the corruption and nepotism that since 2003 took enormous dimensions. A general climate of fear and auto-censorship paralyses the society in its civic activism, since every day brings new breaches of basic rights and freedoms, such as the freedom of speech, assembly, movement, or the rights to free-

dom or even life. Women are especially vulnerable to this development⁹.

A widespread phenomenon of the time is the crackdown on civil society as "spies" or, even worse, as "traitors of the nation". The intensity of this witch-hunt on "foreign agents" in Russia, a category that basically hosts all different kinds of civil society activists, is multiplied by the local "sultans" of the North Caucasus: trying to please their Russian patrons and always being on guard of potential upheavals in their own ranges, Kadyrov and his entourage interpret the Kremlin's orders in an even more vigorous way. For instance, a Grozny-based non-governmental organisation specialised on gender issues recently appeared on the list of potential new candidates of "foreign agents" recorded by the Russian ministry of Justice. Its members were so heavily threatened by Kadyrov's "anonymous" strongmen that the organisation had to close down out of security considerations. This happened despite the fact that Moscow had officially renounced its intention to put the NGO on the list, the repressive behaviour of the Chechen administration appearing to be overeager or "more catholic than the Pope".

Ukraine and Beyond

Russia's patriotic fight against the influence of a malevolent "West" and its local servants disguised as civil society activists and "foreign agents", got a new impetus with the Maidan upheaval and the escalation of conflict in 2013/2014 in Ukraine. The argument of "saving the nation from Western influence" is largely used as a propagandistic tool to justify the increasingly authoritarian rule over their own societies, in Moscow as well as in the Russian periphery.

Beyond this ideological re-orientation on an anti-western isolationist course, the conflict in Ukraine had and still has a number of very practical consequences on the fate of the local populations in the North Caucasus. The "Chechen battalions" of armed volunteers are among the strongest and most cruel supporters of the separatist forces and of the de facto authorities of the non-recognised

8 For the concept of the "feudal archaism", See: Ryabov, Andrey. *Vozrozhdenie "Feodal'noy Arkhaiki" (Resurrection of 'Feudal Archaism')*. Working Materials 4. Moscow, Russia: Carnegie Moscow Center, 2008.

9 See: Committee on the Elimination of Discrimination against Women, *Concluding Observations/Russian Federation*, CEDAW/C/USR/CO/7 (16 August, 2010). See also the shadow report: "Women's Rights in the Chechen Republic." Union of the Don Women, 2010.

People's Republics of Donetsk and Lugansk in Eastern Ukraine. However, many of these fighters never return home alive, which leaves a painful loss in the social, political and economic sense of the word. And those who return are emotionally hardened and often traumatised. In combination with the high amount of arms that are – again – easily available in society, this has led to a new wave in killings and forced disappearances, and to an increase in domestic violence. This is in many ways an alarming *déjà-vu* for a population that has seen already two bloody wars within less than a decade. Let's pray and hope that the third one is not near at hand.

Civilian Peacebuilding, Nevertheless...

Under the influence of the conflict in Ukraine and the general militarisation of the political and social structures, the civil society activists of the North Caucasus that for twenty years did an excellent job in the field of human rights and peacebuilding came under enormous pressure and are often driven underground. Despite the threats and constraints that hinder them in their activism, they continue developing always new and creative ways to prevent violence and to deal with the traumatising consequences of conflict. This is certainly not an easy task, since the space for civil society is shrinking and the small, but active peacebuilding community has to engage in a constant balancing act between repressive authorities and a highly explosive socio-political environment. Thus, many of these organisations are fully or partly driven underground.

A few examples for such courageous initiatives should be mentioned here in more detail¹⁰. The non-governmental organisation 'Union of the Don Women', based in the small town of Novocherkassk in the southern outskirts of Russia, together with local volunteers developed an innovative method to support the psycho-social rehabilitation of victims of armed clashes and terrorist attacks in the North Caucasus and beyond. These so-called "mobile brigades" consist of professional psychologists and volunteers and are mobilised ad hoc, in a quick and flexible way. Among others, the "brigades" did an excellent job during and after the traumatising attacks on the school of

Beslan (2004). Especially the involvement of local volunteers proved to be a valuable tool to gain access to and confidence of the persons in need. In this regard, these informal "brigades" could have a model character for further conflict or post-conflict contexts (notably, Ukraine!), helping out where state-led mechanisms are inexistent, slow or insufficient.

Another example of best practice is an all-Caucasian women's network that supports vulnerable groups (especially women and children) to address sensitive issues, for instance, the relationship between minority groups and representatives of the security forces. Doing so, the project applies creative peacebuilding tools, such as social theatre dialogues. A big asset of this project is its transnational nature, since it involves volunteers from the Northern Caucasus, Georgia, Armenia and Azerbaijan. This empowers civic peacebuilders, who are often isolated and marginalised at a local level, to improve their strength and effectiveness through successful networking. Such transnational initiatives could nowadays as well involve partners from the civil society in Ukraine.

Finally, some organisations since the 1990s specialised in the field of search for missing persons. Among others, they keep electronic databases of missing persons from all conflicts in the North Caucasus and beyond, which at present contain several thousand names and genetic profiles. Ante-mortem data are regularly compared with mortal remains of exhumed bodies, for example from mass graves, which already permitted hundreds of relatives to identify their loved-ones and to bid a last good-bye to them. The search for missing is an extremely sensitive and controversial issue, similar to other activities that deal with the causes and consequences of violent conflicts. However, the technical nature of their activities somehow keeps these organisations under the surface of political attention. Moreover, all involved stakeholders, the Russian Armed Forces and rebels alike, seem to understand that this work is important for everybody, irrespective of the person's political or ethnic affiliation.

As marginal and often technical they might seem, such civil society initiatives are extremely important: the right to know and the possibility to somehow let behind the violent circumstances

10 For security reasons, no organisation or private person should be mentioned here by name.

in which relatives were killed are crucial, since this lays the ground for reconciliation and post-conflict reconstruction. A member of the 'Mothers of Chechnya', who, in a cardboard box, personally carried the bones of her missing son to the laboratory of the Southern Federal District in Pyatigorsk to get the genetic analysis, once told me, "At least a bone of him I want to caress!" This mourning work would not only help her, she said, to overcome her personal trauma, but also strengthens the general will and the structures in society, which push for reconciliation and counteract conflict and violence in the future.

The Role of the Chairmanship in the OSCE Engagement in the South Caucasus

Tobias Privitelli¹

The OSCE Chairmanship can play a significant role in the conflict-related activities of the OSCE in the South Caucasus. The Chairmanship has, for instance, the prerogative to appoint a Special Representative for the region (SRSC) and a Personal Representative (PRCiO) on the conflict dealt with by the OSCE Minsk, i.e. the Nagorny Karabakh conflict. As a rule, the main focus of the Special Representative is Georgia: He or she co-chairs the Geneva International Discussions together with an EU and a UN representative and co-facilitates the meetings of the Incident Prevention and Response Mechanism (IPRM) in Ergneti (Georgia) jointly with the Head of the EU Monitoring Mission. The Personal Representative assists the co-chairmen of the OSCE Minsk Group in their efforts to achieve a peaceful settlement of the Nagorny Karabakh conflict. Both report to the OSCE Chairmanship.

The OSCE has a multi-faceted history of engagement in the South Caucasus and maintained field operations in all three countries for many years. Regrettably, this is no longer the case: The war of August 2008 led to the discontinuation of the OSCE Mission to Georgia. Since then, OSCE Chairmanships have tried to find a formula which would allow re-establishing an OSCE presence. The question of whether or not a renewed OSCE representation would be able to operate on the entire territory of Georgia is the major stumbling block in this debate. In Baku, the OSCE Office was first downgraded to an office of a Project Coordinator and then, in July 2015, ended its activities. As a consequence, Armenia remains the only country of the region with a full-fledged OSCE Office which implements programs in all three dimensions. Despite this reduced presence, the OSCE remains active in all three countries, be it by visits of high-ranking representatives (such as the CiO or the Secretary General), be it by programs and initiatives launched by various institutions

such as ODIHR² or the HCNM³ and also in regional contexts. Furthermore, the office of the Personal Representative is located in Tbilisi.

Since the war of 2008, Georgia has very much been in the focus of the OSCE Chairmanships: Finland, which chaired the OSCE in 2008, was intensively engaged in crisis diplomacy. In 2009, Greece elaborated creative formulas aimed at preventing the closure of the OSCE Mission to Georgia. Under the Kazakh Chairmanship, diverging views on the protracted conflicts, particularly on those in Georgia and Moldova, made it impossible to adopt an Action Plan at the Astana Summit of December 2010. As these examples show, by now the major difficulties for the OSCE Chairmanships in the Georgian context were (a) to find consensus language on the conflict and (b) to reach a formula acceptable for all stakeholders which would allow the re-establishment of an OSCE presence in Georgia. Unsurprisingly, after 2008 the OSCE participating States never reached a consensus on a Declaration or Decision on Georgia at any of the Ministerial Councils despite intense efforts by the Chairmanships.

Nevertheless, the OSCE Chairmanship has considerable room for manoeuvre in the Georgian context, in particular by giving fresh impetus to the Geneva International Discussions (GID). The Special Representative can launch initiatives related to the protracted conflicts in the region and, more specifically, implement projects accompanying the Geneva process. Ambassador Angelo Gnaedinger⁴, the Special Representative for the South Caucasus of the Swiss and Serbian Chairmanships, initiated various projects which emerged in the context of the Geneva Discussions. He engaged, for example,

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² OSCE Office for Democratic Institutions and Human Rights, ODIHR.

³ OSCE High Commissioner on National Minorities, HCNM.

⁴ Ambassador Gnaedinger has also contributed to this volume, see p. 5.

an independent expert to look into the investigations on the fate of three young South Ossetians missing since the war of 2008; funded the examination of the conditions of two churches in Abkhazia; launched an OSCE summer school in Vienna (with the participation of Georgian and Abkhaz art students); organized a joint exhibition of Georgian, Abkhaz and Swiss students in Basel; co-funded studies on the “trans-Inguri trade” and trade regulation in conflict contexts; supported the OSCE youth network in the South Caucasus and implemented a small humanitarian project in South Ossetia. The so-called info sessions in which external experts present relevant subjects to the participants of the Geneva Discussions are yet another platform which offers opportunities for the OSCE as well as to the EU and UN co-chairs to introduce subjects which they deem relevant for the process.

Since the regular budget of the OSCE attributes only limited resources to the OSCE engagement in the Geneva process, it is essential that the Chairmanship disposes of the necessary funds to (co-) finance projects ensuing from the discussions and to seize thereby opportunities to implement mutually agreed initiatives quickly. For the Chairmanship, the natural partner to implement such projects is the OSCE Conflict Prevention Centre (CPC), but Special Representative Gnaedinger also launched projects with international and local NGOs.

Compared to his EU and UN colleagues, the OSCE co-chair of the Geneva Discussions has, however, two structural disadvantages: The first is the lack of an OSCE presence on the ground; the second one is the fact that the mandate of the OSCE Special Representative usually ends with the one-year term of the Chairmanship which is a serious challenge to the continuity of the OSCE engagement in the process. In order to minimize the impact of the latter disadvantage, the Swiss Chairmanship agreed with the subsequent Serbian Chairmanship that its Special Representative, Angelo Gnaedinger, would be reappointed for a second term by the Serbian CiO. The lacking OSCE presence on the ground remains unsatisfactory, but SR Gnaedinger tried to intensify the OSCE engagement and visibility in Georgia with the various initiatives described above.

The OSCE Chairmanship is not directly involved in the mediation efforts regarding the Nagorno Karabakh conflict, but is being kept informed by the Personal Representative, Ambassador Andrzej Kasprzyk, and maintains regular contacts with the co-chairs of the OSCE Minsk Group. The Chairmanship also appoints the Head of the High-Level Planning Group (HLPG), a body established in 1994 which develops options for a plan of a multinational OSCE peacekeeping force for the area of the conflict dealt with by the OSCE Minsk Conference. The group is currently led by the Swiss Colonel Markus Widmer⁵. Besides that, Personal Representative Kasprzyk has a team of field assistants who conduct regular monitoring visits to the Line of Contact and the international border between Armenia and Azerbaijan; if vacancies occur, the Chairmanship can also propose the candidature of an officer of its armed forces for one of these positions.

5 Markus Widmer has also contributed to this volume, see p. 51.

The Work of the OSCE High-Level Planning Group

Markus Widmer¹

For more than 20 years, the OSCE's Minsk Group has been committed to negotiating a peaceful solution to the protracted conflict over Nagorny Karabakh ("the conflict dealt with by the OSCE Minsk Conference"). The High-Level Planning Group (HLPG) is the military cell within this process; it is directly subordinate to the OSCE Chairperson-in-Office (CiO) and develops planning options for a possible OSCE peacekeeping operation once negotiations have led to a Peace Agreement. In the meantime, these options are constantly updated and refined.

In 1994, the HLPG was established in Vienna with an open-ended mandate, which was issued on 23 March 1995. This mandate is supplemented by OSCE CiO directives. The HLPG is mandated to make recommendations to the CiO for a multinational OSCE peacekeeping force for the area of conflict dealt with by the OSCE Minsk Conference. Having a small group permanently working on this issue is important because its planning can be made use of without delay when a Peace Agreement is reached. Therefore, the HLPG works exclusively on this conflict, and on no other conflict in the OSCE area. Currently, the Group is composed of five military officers who are seconded by participating States and normally stay for a period of three to four years. These officers are from Ireland, the Russian Federation, Switzerland, and Turkey. An Austrian senior administrative assistant – an OSCE employee – supports the work of the HLPG. Three positions are currently vacant. In case of a Peace Agreement, the Group would be considerably enlarged. The Head is seconded by the participating State that chairs the OSCE. As a Swiss national, I carried out my function for the Swiss Chairmanship last year, and was appointed again by the Serbian CiO in 2015. This was based on the concept of two consecutive

Chairmanships and the Joint Workplan, which involved shared principles of cooperation. Both partners, Switzerland and Serbia, agreed to closely coordinate the appointments of the Special and Personal Representatives of the Chairperson-in-Office – for a period of two years – in order to provide as much continuity as possible.

The HLPG reports directly to the CiO; its most important partners are:

- **The Minsk Group Co-Chairs:** (the Minsk Group spearheads the OSCE's efforts to find a peaceful solution to the conflict): Ambassador Igor Popov from the Russian Federation; Ambassador James Warlick from the United States of America; and Ambassador Pierre Andrieu from France. These Ambassadors lead high-level negotiations with the Parties for a Peace Agreement and regularly inform the CiO and the Minsk Group about the status of the negotiations;
- **The Personal Representative of the Chairperson-in-Office on the conflict dealt with by the OSCE Minsk Conference (PRCiO):** Ambassador Andrzej Kasprzyk. Ambassador Kasprzyk has held this position since 1997 (however, acting PR since July 1996) and has built up an impressive network of high-level contacts and an intimate knowledge of the region. He supports the CiO in his efforts for a settlement of the conflict and for deciding the appropriate conditions with which to establish a future peacekeeping operation. Twice a month, as a confidence-building measure, the PRCiO and his team conduct monitorings on the border between Armenia and Azerbaijan, and on the line of contact in Nagorny Karabakh (about 180 km long and a few hundred meters wide). HLPG officers, by invitation of the PRCiO and with authorisation of the Parties, regularly attend these short monitorings on the line of contact – this is of invaluable importance for the Group;

¹ Colonel Markus Widmer, Head of the OSCE High-Level Planning Group since January 2014. For more information, see www.osce.org/hlpg

- The **Special Representative of the Chairperson-in-Office for the South Caucasus** (SRCiO): Swiss Ambassador Angelo Gnaedinger;
- The **OSCE Secretariat** and especially the **Conflict Prevention Centre** (CPC);
- **The Parties**: As the HLPG is a technical body composed of military experts, it is essential to build and maintain trustful relations with the Parties (and the OSCE participating States) and to be recognized as an unbiased and competent planning cell.

For the first time since long, on 13 November 2014, the HLPG, at the request of the Swiss Chairmanship, reported on its activities to the Permanent Council in a joint session with the Minsk Group Co-Chairs and with the PRCiO (so all the relevant elements were presented as one system).

According to its mandate² the HLPG has developed four planning options for a military peace-keeping operation. Updated on an annual basis, these options reflect different degrees of robustness and are aimed at supporting the Parties in case of a Peace Agreement. All the activities, visits, discussions, table-top exercises, internal workshops and studies of the HLPG are directed towards one goal: To be ready when there is a Peace Agreement.

While the OSCE has gathered substantial experience in unarmed civilian missions, a military peace-keeping operation would be the first for this organisation. The implementation of such an undertaking would require a consensus of all 57 participating States. With the establishment of the Special Monitoring Mission (SMM) in Ukraine in March 2014, the OSCE showed its flexibility in reacting to conflicts in its own area by putting up a large civilian (or rather: semi-peacekeeping) mission. As for the area of conflict dealt with by the OSCE Minsk Conference, the OSCE is the key player on the ground, as well.

In spite of all diplomatic efforts, there is still no Peace Agreement. Despite this, the HLPG con-

tinues to address different partners in and out of the OSCE in order to discuss and to clarify unresolved questions. In the absence of a concrete diplomatic solution to the conflict, it is the task of the HLPG to timely develop planning options in order to provide useful recommendations once there is a Peace Agreement. This is a permanent challenge.

The HLPG enjoyed strong support from both the Swiss and the Serbian Chairmanship in 2014-2015. If the partners see that the CiO attaches importance to the work of the HLPG, it can overcome the challenges more easily. I was part of the delegation of our Foreign Minister (and then also President of the Swiss Confederation) Didier Burkhalter during his CiO trip to the region in 2014 as well as of the delegation of the Serbian First Deputy Prime Minister and Minister of Foreign Affairs Ivica Dačić during his CiO visit to the South Caucasus in 2015. This considerably increased the visibility and the relevance of the Group both in Vienna and in the region.

In 2014 and 2015, the HLPG focused on the following four points:

1. Situational awareness: Being informed of the current situation on the ground and on the latest developments on the line of contact is crucial. Therefore, the HLPG participated in monitorings organised by the PRCiO and authorised by the Parties, as spending two days in the area is far more useful for a military planner than simply reading books and articles at the office in Vienna. The permanent support from the PRCiO and his collaborators enabled the HLPG to be much more present in the region and to clearly improve its understanding of the conflict.

In that perspective, a longer familiarisation visit to the area (not to be confused with short monitorings on the line of contact) in order to revalidate the current planning documents, particularly with regard to logistical infrastructure and transportation, would be important.

2. Synchronisation with the negotiation process: With regard to efficient and realistic planning, the HLPG has to be aware of the latest developments of ongoing negotiations and discussions. For that reason, the HLPG keeps close

² "... to make recommendations on, inter alia, the size and characteristics of the force, command and control, logistics, allocation of units and resources, rules of engagement and arrangements with contributing States"

contact with the Minsk Group Co-Chairs and the PRCiO.

3. State-of-the-art planning: In October 2014, the CiO endorsed the idea of a structured cooperation between the HLPG and the UN. The visit to New York in 2014 enabled the HLPG to thoroughly review its current planning options and to study UN methodologies and procedures in order to modernise these options and make them more realistic and relevant. The HLPG also briefed the High-level Independent Panel on UN Peace Operations during its visit to the OSCE in Vienna in February 2015 and will carefully follow the outcome of the Panel's report.

The HLPG will continue its cooperation with the UN, but will at the same time maintain and develop contacts with other important players in the field of peacekeeping.

4. Transparency: The Group clearly increased its information activities within the OSCE and it regularly briefs delegations of participating States, in particular their military advisers, but also Secretariat staff. Internal briefings are important, knowing that an effort of the whole OSCE would be needed for a successful future OSCE peacekeeping operation. Furthermore, such a military operation would only be carried out with the consent of the Parties and with a consensus among all 57 participating States. Therefore, trustful and transparent relations with all players involved are essential.

Participation in monitorings, visits to the region, permanent contacts with the Minsk Group Co-Chairs and the PRCiO, cooperation with the UN and a dialogue with other important players in the field of peacekeeping, and, above all, transparent and trustful relations with all partners, such were the priorities of the HLPG in 2014 and 2015. For there is one goal: To be ready should political will ask for its commitment and should the CiO call the Head of the HLPG to his office, declaring: "We have reached an Agreement, please proceed."

Contrasting the Mediation Perspectives of the Belgrade-Pristina Dialogue and the Geneva International Discussions

Jaba Devdariani¹

Mediating Ambiguity
November 2014

Executive Summary

The Geneva International Discussions (GID) are in their seventh year. The process is stagnating; the new rounds take place without expectation of any tangible progress. Still, the GID remain a valuable forum for communication for all participants and deploy formidable resources and tools on behalf of the process' co-chairs and co-facilitators.

This report contrasts the Belgrade-Pristina dialogue with the GID process, aiming to identify the key differences in the mediation approach, and to glean some hints for improving the process. Several fundamental models of conflict analysis and mediation theory are used to structure the discourse and illuminate the findings.

The article is based on 21 interviews conducted by the author from May to November 2014 with the participants of the Belgrade-Pristina technical talks, as well as with the past and present facilitators of the GID. These interviews were semi-structured, aiming to pinpoint the critical areas of divergence, as well as to observe the narratives that have formed around the two processes.

There are some key findings in terms of contrast between the two processes:

- In the Belgrade-Pristina context, the title itself tells us which conflict is being mediated. In the case of the GID, the object of negotiation is ambiguous.

- The GID are not taking place under clearly defined normative and institutional frameworks. In Kosovo, UNMIK² and EULEX³ provide both.
- The GID co-chairs work in a context where at least one of the participants (the Russian Federation) has a sizeable political influence on mediating organisations.
- The GID participants see no common interest or a pressing need in finding a solution on substantive matters. In the Belgrade-Pristina dialogue, the EU membership/approximation provided a significant "carrot" in the hands of the EU mediator.

All conflict analysis models suggest the ultimate importance of regular analysis of the conflict's context. In the case of the GID, regional politics pass through a period of high volatility on the Russia-EU relations axis, which is likely to persist in the medium term. The co-chairs must thus be ready to face unexpected developments beyond their control.

To allow themselves sufficient manoeuvring space for these challenges, the co-chairs should enhance the predictability of the GID process by striving to reduce some of its underlining ambiguities.

Preface

The Belgrade-Pristina dialogue (technical dialogue from March 2011 to May 2012, political dialogue since October 2012) and the Geneva International Discussions (since October 2008) are dealing with the aftermath of conflicts that – from their outset – have had many important similarities.

The conflicts addressed by the two mediation formats are rooted in the violent dissolution of multi-

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2 the UN Mission in Kosovo

3 the EU Rule of Law Mission

national, authoritarian states – Yugoslavia and the Soviet Union. Both conflicts were played out in the context of wider violent conflagrations – the Yugoslav wars of the 1990s, and the conflicts accompanying the dissolution of the USSR (South Ossetia, Abkhazia, Nagorny Karabakh, Transnistria). The “mother” states – Serbia and Russia – had been involved in efforts to contain the breakup of the political unions, through both political and violent (militias, use of the military) means. In both cases, nationalist mobilisation played an important role in triggering and sustaining violence.

These most recent negotiations, however, were established in very different political and international contexts. This research has been launched based on awareness of these dramatic differences. As a result, it does not take the “lessons learned” approach (even though some experiences may be transposable across the contexts) but tries to contrast the two processes, aiming to shed some light on potential ways forward.

1. Which Conflict is Mediated?

a) The Point of Departure

The literature on conflicts distinguishes several stages that form the conflict cycle. One of the simplest examples is given in Figure 1. This model is often criticised as being overly simplistic and linear – it implies steady progression from tensions to crisis, and onwards to settlement – while in reality,

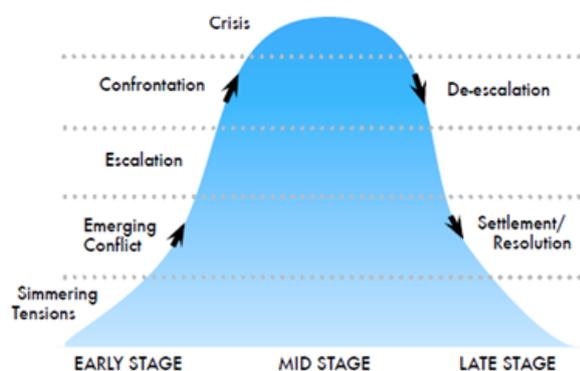


Figure 1: Stages of conflict. Adapted from Michael S. Lund 'Life history of a conflict' model (Lund, 1996:38)

conflicts develop in fits and starts, promising openings followed by incidents and descent to violence. However, even the simple model drives home a message – the external mediator’s intervention may occur at various stages of conflict. Such intervention thus has different objectives

and requires differing instruments. At the stage of escalation, for example, in parallel with diplomatic mediation efforts, the international community may deploy the tools of peace enforcement – a combination of diplomatic measures, economic sanctions and even military force. To de-escalate the crisis, peacemaking and peacekeeping mandates are often given by the UN or regional organisations, which allow the mediators to achieve ceasefire and to create mechanisms for the lasting settlement.

In both talks under our review, considerable time has passed since the first, original flare-up of violence. It is therefore important to trace the respective points of intervention chronologically.

Belgrade-Pristina Dialogue

The Belgrade-Pristina dialogue was launched as a concluding chapter of an internationally supervised process, ongoing since 1999. The mediator – the EU – maintained leverage in the context of Serbia’s association with the EU, and Kosovo’s shared interest in the stabilisation of relations both with Serbia and the EU.

The Belgrade-Pristina dialogue was the result of an internationally supervised process. Its aim: lasting post-conflict stabilisation.

In many ways, international involvement in Kosovo follows a path charted by any conflict settlement and resolution textbook. The end of initial armed hostilities was clearly marked through a ceasefire agreement. The Military Technical Agreement between the International Security Force (KFOR) and the Governments of the Federal Republic of Yugoslavia (FRY) and the Republic of Serbia (the Kumanovo Agreement) was signed on 9 June 1999. The Agreement effectively stipulated a ceasefire and withdrawal of the FRY forces from Kosovo, as well as the deployment of the international security forces and civilian presence. On 10 June 1999, the UN Security Council passed its Resolution 1244 which placed Kosovo under international administration of the UN Mission in Kosovo (UNMIK) backed up by the NATO Kosovo Force (KFOR). The Resolution 1244 also set the roadmap for future settlement. The UN-led administration of Kosovo – and the engagement of the OSCE and, later, the EU in mediating the conflict – has been accepted ever since, both ex-

plicitly and implicitly, by the government in Belgrade.

The Belgrade-Pristina dialogue – framed in this context – was accepted by both sides as being aimed at lasting post-conflict stabilisation. The EU mediation was part of a long-term transition from peacekeeping (monitoring ceasefire or assisting implementation of the Agreement) to peacebuilding (putting in place measures to address the root causes of conflict).

The EU was the sole mediator and had an ability to expedite or to delay the participants' membership/closer integration with the EU. It applied this tool of direct leverage, drawing on wide popular support for closer association with the EU in both negotiating sides.

The question "which conflict is mediated?" thus had a clear answer in the eyes of all participants – the EU mediation addresses the aftermath of conflict between Serbia and Kosovo, while the legal status of the latter remains contested.

Both high-ranking Serbian officials and academic experts interviewed in the framework of this research agreed that the initiation of the Belgrade-Pristina talks, as well as the choice of the EU as the mediator, was largely influenced by the wider political context: Belgrade's signing of the Stabilisation and Association Agreement (SAA) with the EU in April 2008, as well as the planned Serbian application to EU membership (December 2009). Interlocutors in Serbia and Kosovo also agreed that throughout the talks, the EU maintained and used its leverage over various stages of ratification and entry into force of the SAA, which was finalised in September 2013.

Geneva International Discussions

The Geneva International Discussions were launched as a follow-up to a contested and only partially fulfilled ceasefire agreement.

In this sense, the mediation took place after the major escalation was contained through a ceasefire agreement under the aegis of EU presidency. The six-point "Protocole d'Accord," signed on 12 August 2008 by French President Nicolas Sarkozy – acting in his capacity of the EU presidency – with respectively the Russian President Dmitry Medvedev

and the Georgian President Mikheil Saakashvili, ended the hostilities in 2008. In terms of its content, the six-point accord is very similar to the Kumanovo Agreement. It postulates immediate ceasefire, non-use of force, withdrawal of the Russian and Georgian troops to ex ante positions, and opening of the international discussion on the modalities of security and stability in Abkhazia and South Ossetia.

However, in contrast to Kosovo, no consensual international security mechanisms were set up. Neither was there a roadmap for future resolution established, not through the UN Security Council, nor through a bilateral consensus. Different participants see the objectives of the Geneva International Discussions differently. Moreover, the participants disagree fundamentally about their respective roles – Russia claims to be in a mediator's role, while Georgia considers Russia its direct adversary and a party to the 2008 war. The haphazard way in which the protocol was negotiated and signed creates ample loopholes for each side to argue its case.

On the conflict resolution continuum, the mediation in the GID can be placed between peacemaking (making peace through negotiation) and peacekeeping (monitoring ceasefire). The effort is gravitating towards the peacemaking element, since a) the ceasefire agreement is not fully implemented or even acknowledged by all sides; b) there is no consensual security mechanism in place, and c) several actors claim to perceive existential threat from the military presence of the other(s), presenting the real threat of renewed conflagration.

Since the first round of the GID, the EU has shared the chairmanship of the mediation team with the UN and OSCE – the two organisations that operated in Georgia with a peacebuilding mandate before

The GID follow a contested and partial ceasefire. Consensual international mechanisms to back transition to peace-building are lacking.

2008. Notably, the two did not receive the updated mandate pertaining to post-2008 affairs or specifically regarding the GID. Their involvement in the Discussions is thus based on political mandates preceding the 2008 conflict. Those early mandates implied a presence in the field. However, after

2008, Russia withdrew its consent to the deployment of the OSCE Mission to Georgia and the UN Observer Mission in Georgia (UNOMIG) respectively⁴.

Inasmuch as Georgia strives for a closer association with the EU, and has to that effect signed the Association Agreement in November 2013, the EU has leverage over Georgia similar in nature, although weaker than the one it has enjoyed over Serbia. However, the EU has no comparable leverage over the representatives of Abkhazia, South Ossetia or the Russian Federation.

The question “which conflict is mediated?” has no clear answer in the eyes of the participants and the mediators. Georgia considers the GID a process of mediation with Russia, following the August 2008 war between the two countries. Abkhazia, South Ossetia and Russia consider the GID part of the negotiation regarding the conflict between Georgia on one hand, and Abkhazia and South Ossetia on the other, whereas the August 2008 events are just one significant escalation in a general context of conflict. The EU – legally and institutionally – seems to gravitate towards primarily mediating the Georgia-Russia conflict, while the UN and OSCE are more interested in Georgia-Abkhazia and Georgia-South Ossetia dynamics respectively.

Based on and subsequent to Russia’s recognition of South Ossetia and Abkhazia as independent states, Moscow has signed bilateral agreements allowing it to base its troops in both regions. Georgia and international organisations, including the EU, consider these deployments to be in contravention with the six-point agreement. Russia claims that its recognition has fundamentally altered the legal status of both Abkhazia and South Ossetia, thus rendering the commitments of the six-point agreement irrelevant in this particular area.

During the interviews, some representatives of international organisations who participated in the early rounds of the GID stated that the co-chairs have “internalised the impossibility of full implementation” of the ceasefire agreement even

4 The UN maintains rump presence in Abkhazia under the humanitarian banner of UNHCR, while the OSCE continues the implementation of some projects in South Ossetia, which are coordinated by officers in Vienna.

before the first meeting of the Discussions took place. One of the key reasons was that Russia recognised Abkhazia and South Ossetia as independent states on 26 August 2008. Interestingly, the French and Russian presidents, who met to clarify some aspects of the original document, made no reference to this fact on 8 September 2008.

The representatives of the co-chairs based in the field, who were interviewed by the author, are more likely to suggest that the ambiguity related to the objectives of the GID is often detrimental to the implementation of their mandate. Those officials who coordinate and attend the GID from the headquarters are more likely to suggest that, while at times inconvenient, the ambiguities related to the mandate do not impede the process or – at times – even support its facilitation. More importantly, most of these officials suggest that although it would have been better to have a clearer legal and operational framework, a revision of the mandate is no longer feasible politically, given the entrenched interests and positions of the participants.

2. What Objective for Mediation?

One of the most striking discoveries of the interviews with GID participants was the uncertainty surrounding the objective of the process that is now in its seventh year. Most of the interviewees have agreed that originally, the objective of the mediation had been defined as the implementation of the six-point agreement. More specifically, the GID was tasked in dealing with the modalities of security and stability arrangements and with the ways to address the plight of refugees and displaced persons. When presented with these facts regarding the GID, Belgrade-Pristina negotiation participants noted that it was substantially identical to the circumstances immediately following the Kumanovo Agreement and before the passing of the UNSC Resolution 1244.

However, in the GID context, it has soon become clear that the agreement cannot be fully implemented – i.e. the withdrawal of the Russian armed forces to ex ante positions was not a feasible option.

Mediators concede that the original, agreed upon objectives might not be attainable in the Geneva Discussions

This realisation has weakened the very foundation of the GID. It is due to the inherent power imbalances, and the perceived inability of the co-chairs to impose or to give tangible and credible incentives for implementation.

a) Dealing with Asymmetry

Most international negotiations deal with managing power asymmetry. It has been widely known that the weaker parties will seek to “borrow power”⁵ from stronger allies or international actors to improve their position. But apart from the simple considerations of the sides’ relative military and economic might, asymmetry includes mediators themselves. For the conflict sides to accept it, the mediating third party must be accepted as equidistant from all sides involved, hence symmetric relations between a mediator and the conflicting parties are considered a precondition for a successful mediation⁶.

Pfetsch and Landau⁷ provide a useful framework, offering the four dimensions of asymmetry – of power, in process, in mediation and in availability/application of instruments. We will use these dimensions to contrast the two mediation processes under our review.

Asymmetry of Power

Both the GID and Belgrade-Pristina talks are taking place in conditions of power asymmetry at many levels. The power can be broken down into the components of *resources* (economic, military, human), *capacities* (political acumen, ability to innovate and mobilise) and *relativity* (power of one side as relative to that of the other).

Kosovo, economically one of the most depressed areas of former Yugoslavia, was in a clear resource disadvantage against Serbia. However, it proved capable in mobilising its capacities (guerrilla warfare, smuggling, political alliances and diaspora abroad) to level the relative power between the two. The same can be said about Abkhazia, which in the 1990s was able to deny the Georgian government its military and human resource advantages with “borrowed power” from its ethnic kin in the North Caucasus as well as military establishment from Russia.

In the Geneva process, the participants have reached equilibrium of power, but it is the kind that favours static inertia, rather than one of forward motion

In the context of the Belgrade-Pristina dialogue, the Serbian participants noted that Kosovo was effectively “borrowing power” from the United States, which is perceived in Belgrade – rightly or wrongly – as Pristina’s key mentor and ally. According to the Serbian negotiators, US diplomats offered crucial support to the Kosovo negotiating team in the Belgrade-Pristina talks. While the Serbian side had initially protested such covert involvement, they noted that in reality the US involvement has also played a positive role in convincing Pristina to adopt a less radical stance on some symbolic issues in the wording of the agreements.

The GID context, as we have mentioned earlier, is permeated by ambiguity as to which conflict is being addressed. In the Georgia-Abkhazia and Georgia-South Ossetia dynamics, certainly the smaller actors are “borrowing power” – including in its most crude, military form – from Russia. In the Russia-Georgia context, it has been Russia’s perception that Georgia “borrowed” the power of the US to balance Russia. In the GID format, US participants are present as a counterweight to the Russian ones. Russia, on its side, has insisted on involvement of the Abkhaz and South Ossetian participants, which was counter-balanced by Georgia’s insistence of engaging the representatives of displaced communities from both regions.

The interviewees concede that the Belgrade-Pristina format, but especially the international engage-

5 Zartman, William I. *The Structuralist Dilemma in Negotiation*. Research on Negotiation in Organizations, 6, 1997, 227–245: 238.

6 Pfetsch, Frank R. and Alice Landau. *Symmetry and Assymetry in International Negotiations*. International Negotiation, 2000, 21-42, 23.

7 Op. cit., 23.

ment that has led to this final effort, has managed to even out the original power imbalances. Interlocutors in Serbia and in Kosovo noted that certain disparities in the field of economic development now create incentives for finding technical solutions on issues such as car registrations, mutual recognition of educational diplomas, etc.

In the GID format, the sides have also used their power resources to reach a certain equilibrium of power, in which no side considers itself at a degree of disadvantage that would have prevailed without a mediated process. Some interlocutors noted that the current equilibrium at the GID resembles a state of static inertia, lacking the forward momentum to reach negotiated solutions. An analysis of other elements of asymmetry might explain the lack of incentives to move towards a settlement.

Asymmetry in Process – Striving for Equality

While the power imbalances remain important, in the actual process of negotiations each of the parties tries to deal on par with the other(s). Immaterial skills, such as coalition-building techniques, leadership capacities and negotiation skills all play a role. Importantly, procedural issues such as rules, regulations and agenda setting, as well as the choice of the normative frameworks, can be used by the weaker parties to challenge stronger counterparts, particularly by reducing the veto power of the stronger party⁸.

In the Belgrade-Pristina Dialogue, the Serbian participants noted that at times the EU mediators have intervened to balance the capacities of the negotiating sides by offering legal counselling to the less prepared Pristina representatives. The general perception has been that the Chief Mediator has managed to balance the differences in negotiating skills and styles in a fair manner. Importantly, there has been a consensus regarding the applicable normative framework – that of the European Union, represented by the chief negotiator him-

The three GID mediators may have diverging institutional constraints and interests, which are not being addressed explicitly.

self, and through political interventions of the high-ranking EU officials.

In analysing the interviews, one can discern the perception of the GID co-chairs to be that the key debates blocking progress at the current stage are indeed linked to the process, and to the attempts of the participants to address the perceived asymmetries in this regard.

The debate over the ‘format’ – i.e. the status of the Abkhaz and South Ossetian participants, as well as the way the meetings happen and their agenda – has gained in prominence as a neuralgic point in the discussions. This debate has a destructive property, since it scuttles the substantive negotiations through walkouts and suspension of work in a considerable way. The GID facilitators mention that they dedicate a significant part of their time and energy to ensure that the meetings take place and proceed smoothly.

In contrast, the Belgrade-Pristina participants noted that while the meetings were delayed several times – mainly due to periodic deterioration of the situation on the ground – the sides were brought

The Geneva process is deadlocked largely due to perceived asymmetries in process – participants are striving for equality

back to the discussion table, often with the support of high-ranking political actors, such as the EU high commissioner or the leaders of France or Germany.

While the debate about the format is particularly vocal – albeit barely productive – it conceals a deeper disagreement over the normative framework. Discussing the elements of a potential settlement from a humanitarian and human rights law perspective is seen as putting the Abkhazian, South Ossetian and, partially, Russian participants at a disadvantage. In their view, this framework is instrumentalised by the Georgian participants and their Western allies to pressure their opponents. In the Working Group II (discussing displaced persons and other humanitarian issues), these participants advocate for prioritising security matters, which are less normatively regulated in international law, but are largely a subject of inter-state agreements and political arrangements. Also, in

8 Op. cit., 29

the GID context, there is no normative framework to which all participants aspire. In the framework of the Belgrade-Pristina dialogue, references to the EU standards and regulations gave a starting point for the technical discussions and helped resolve differences.

(A)symmetry in Mediation – Equidistance of Mediators

External intervention transforms bilateral conflicts into trilateral relationships⁹. Thus, the process of mediation in itself creates additional manifestations of symmetry and asymmetry. References to the concept of neutrality in mediation are commonplace, but some researchers doubt whether it adequately reflects the interests and internal motivations of the mediators themselves¹⁰. Even more pertinently, while the classical mediation in a legal and business environment accents the neutrality and impartiality of mediators¹¹, handbooks on political conflict resolution point out that these ideals are often difficult to attain in interstate negotiations, since the third country-mediators and the international organisations have their own interests (prestige, budgets, employment), linked to those of the parties to the conflict.

The Belgrade-Pristina dialogue largely conforms to the classical triangle of mediation. The picture is much more complex in the GID format: not only are there more than two 'parties' (potentially) involved in conflict, but the mediators also form a three-member team. Furthermore, the interests of the three mediating organisations – while not diverging – might not be fully synchronised on each particular matter.

During the interviews, the existence of substantial differences among the mediators of the GID, as well as the potential impact of such differences, was often dismissed. Yet, while describing the mediation process and existing problems, the differences in interests were often mentioned. One of the key warnings of mediation practitioners is

to avoid “negotiating with oneself”, i.e. within one’s own team¹², as it creates an opening for the parties to manipulate the diverging interests of the mediators. It has been noted by several former members of the GID mediation teams that the participants are capable of affecting the mediators – typically through the role they play (or not) in the political decision-making bodies of these international organisations. Here too, the relative impact of various participants is not symmetric.

Symmetry of Instruments

To succeed in mediation, the third party must also possess instruments that are symmetric to the threat they are trying to avert¹³. The conflicts that followed the disintegration of Yugoslavia provide a clear example that the multilateral actors (UN, EU, and OSCE) were not able to pacify the situation, despite the political imperative and significant diplomatic resources applied. Key to bringing an end to the armed conflict was the symmetric military intervention of the US and NATO.

Many of the interviewed GID mediators have pointed out that the co-chairs and co-facilitators have a wide range of instruments at their disposal. It was also noted with disappointment that the GID participants often deprive themselves of the opportunity to use these instruments, due to a self-inflicted impasse. Whether or not the tools at the disposal of the co-chairs are adequate and symmetric is hard to determine. In the context of worsening EU-Russia relations, symmetric instruments might not even be available. Addressing these questions is beyond the scope of this article. They do, however, present a case for systemic analysis of the GID process through use of various comprehensive conflict analysis methods. Done by the team of mediators, such an analysis might help determine short-term objectives and pursue them using the adequate mix of available policy instruments.

3. How to Mediate?

To illustrate the typical approaches to mediation, we will rely on a simple, but widely used model by Dr. Leonard Riskin, who has identified the two

9 Op. cit., 35

10 Nauss Exon, Susan. *The Effects that Mediator Stypes Impose on neutrality and Impartiality Requirements of Mediation*. University of San Francisco Law Review, 2008, 577-620, 577.

11 Izumi, Carol L. and Homer C. La Rue. *Prohibiting “Good Faith” reports under the uniform mediation act: keeping te adjudication camel out of the mediation tent*. Journal of Dispute Resolution, 2003, 67.

12 Lt. General Lazaro Sumbeiywo. *To Be a Negotiator: Strategies and Tactics*. Bern/Zürich: Mediation Support Project (MSP), 2009.

13 Pfetsch and Landau, op. cit., 37

key types of mediation: facilitative and evaluative¹⁴. Dr. Riskin has placed these two approaches on the continuum from the narrow, position-based problem definition to the broad, or interest-based problem definition. Figure 2 illustrates the types of behaviour of the mediators associated with each style.

The “facilitative” mediators emphasise the interests of the parties, seek to encourage the parties’ own problem-solving by assisting them in understanding the other’s needs and interests. It is considered a “softer” approach¹⁵.

Those following the “evaluative” approach are concerned with fairness and application of standards, and in extreme cases might even advocate a particular settlement. This is a more “directive” or “muscular” approach aiming to guide the parties towards a solution¹⁶.

An additional, third style of mediation – first defined by Professors Bush and Folger – is “transformative mediation”, where the mediator focuses on the relationship between the parties through their conflict interactions, shifting the focus to communication and empathy¹⁷.

These styles are not mutually exclusive. A single mediation can witness a gradual change in the preferred styles of mediation, or various elements of the mediation might require varying styles.

The interviews conducted in the frames of this research seem to suggest that the dominant style of mediation in the Belgrade-Pristina dialogue was evaluative, with the EU negotiator having a clear vision of the potential overall outcome. However, while addressing the specific technical issues (car license registrations, educational diploma recognition, local elections) the style was shifting to facilitative, allowing the sides to bring their own

preferred solutions to the table and to negotiate them.

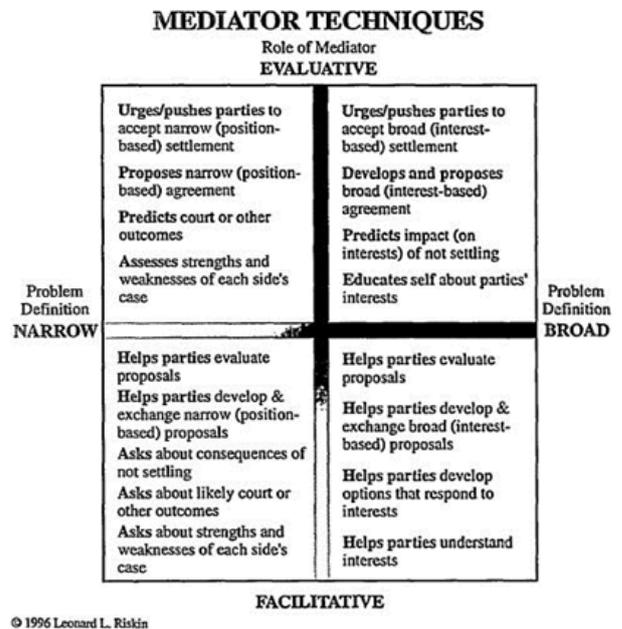


Figure 2: Riskin's Chart of Mediation Techniques

In the case of the GID, there has been a gradual transition from a more “evaluative” style in the very first rounds to a more “facilitative” approach. Moreover, the space for broader facilitative interventions – allowing the free exchange in interest-based proposals such as the freedom of movement or security arrangements – seems to be narrowing. Positions-based discussions – for example regarding the non-use of force – dominate the discussions. It has been noted by the respondents that the GID mediators look also for “transformative” approaches, encouraging dialogue and mutual understanding among the participants.

What is the relative rate of success of such interventions? According to the mediation theory, the key question is “party self-determination”, i.e. the ability of the parties to independently identify their interests, set positions and to advance them in the mediation format. The more “party self-determination” there is, the more a “facilitative” style can help in seeking the middle ground for achieving the solution. Whenever the interests diverge dramatically, more “evaluative” approaches – inching closer to arbitration – can deliver tangible results. In all cases, transformative mediation efforts can help exit eventual crises and deadlocks.

14 Riskin, Leonard L. *Understanding Mediator's Orientations, Strategies and Techniques: A Grid for the Perplexed*. Harvard: Negotiation Law Review, 1996, 17.

15 Nauss Exon, op. cit., 592

16 Nauss Exon, op. cit., 593

17 Bush, Robert A. Baruch and Joseph P. Folger. *The Promise of Mediation: Responding to Conflict through Empowerment and Recognition*. San Francisco, California, USA: Jossey-Bass, Inc. Publishers, 1994.

It would seem logical to use predominantly “evaluative” mediation in the GID process. But such an approach is perceived as counter-productive by the mediators, mainly because the parties are not perceiving themselves as equals (asymmetry of process), and also because many of them can directly impact the mediator institutions.

This perception seems to push the mediators into a facilitative mode. But, given the dramatic divergence of opinions among the participants, the reliance on a facilitative approach might lead the GID process into irrelevance. Thus, some “evaluative interventions” must be considered in order to break the deadlock, or to suggest new methodological frameworks to reach a substantive discussion.

Conclusion

As expected, the research showed a striking contrast in mediation circumstances between the Belgrade-Pristina dialogue and the Geneva International Discussions, even though the conflicts themselves show considerable similarities.

The fundamental divergence comes from the initial degree of the international attention to an involvement in the conflicts, as reflected in diplomatic, military and financial assets invested in stopping them and – importantly – in creating transitional institutions after the armed phase. Post-conflict transition in Kosovo took place in a relatively well-defined normative space – that of the European Union. While the developments on the ground have been disturbing at times, the deployed international mechanisms have managed transition within a well-defined framework towards specific objectives. In Kosovo, stabilisation – defined as a lower propensity for renewed full-scale hostilities – is largely achieved. The Belgrade Pristina Dialogue thus can be seen as a logical continuation in the process of conflict settlement.

GID mediation rapidly moved from an “evaluative” to a “facilitative” style and from negotiating interests to reconciling positions

the negotiating table, despite their dramatically diverging views. Its minimal de-facto objective is the maintenance of stability (defined negatively, as absence of hostilities). However, the current pattern of interaction is severely challenging the GID’s capacity to serve this role, at least without a major adaptation from the mediators’ side. The mediators must work to creatively define medium-term objectives, to reduce some of the underlying ambiguities, and to re-frame critical issues in order to give an additional impetus to the anemic process.

In the GID context, ‘stabilisation’ can only mean a ceasefire that is holding. However, more than one side feels (or claims to feel) insecure. The GID are an ingenious model, which has kept the sides at

Neither War Nor Peace in Georgia: Geneva Discussions Seen from a UN Angle

Antti Turunen¹

“La Genève Internationale” and the GID

Geneva is a well-known venue for many international discussions and peace processes related to countries like Syria, Yemen, Cyprus, the Great Lakes, etc. However, there is one platform called the Geneva International Discussions (GID), which has not gained worldwide media attention. This abbreviation refers to discussions that were established in 2008 in the aftermath of the armed conflict in Georgia. These discussions involve Georgia and Russia, as well as the breakaway territories Abkhazia and South Ossetia, which Russia and five other countries (Nicaragua, Venezuela, Nauru, Vanuatu and Tuvalu) recognized as independent states after the August 2008 events. The United States also participate in these discussions, co-chaired by the United Nations, the OSCE and the EU.

This format was created as a result of two documents agreed upon on 12 August and 8 September 2008, which led to the end of the hostilities involving Georgian, Russian and South Ossetian forces. The then French President Nicolas Sarkozy, representing the EU Presidency, and the Russian President Dmitri Medvedev brokered the deal.

The GID have continued their work, based on the very sketchy agenda formulated in the above-mentioned documents. The agenda is tackled in two working groups: the first one discussing security issues, including non-use of force, and the second one focusing on humanitarian questions, including the issue of internally displaced persons and refugees. In this article, I will provide an overview of the UN role in the Geneva process, including the significant role of the office of UN High Commissioner for Refugees in co-moderating the humanitarian working group in Geneva.

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The Specifics of the GID

The GID form a unique platform, co-chaired and facilitated jointly by three international organisations. The reason why this arrangement was considered to be optimal in this particular situation was that these organisations had already been involved in previous political and dialogue processes in Georgia. The UN had been in the country since soon after it became independent from the Soviet Union in 1991. Georgia became the 179th member of the United Nations on 31 July 1992. The Office of the United Nations in Georgia was established in early 1993. Since then, the country has been home to UN agencies, funds, and programs that work as a team to respond to national development needs and improve the economic and social conditions of people in Georgia.

The United Nations Observer Mission in Georgia (UNOMIG) was active in Abkhazia from 1993 to 2009, while the OSCE Mission was engaged in the whole of Georgia, with a focus on the conflict settlement process in South Ossetia. Meanwhile, the EU was becoming more and more engaged with Georgia through its Eastern partnership policies from the mid-2000s and, as mentioned above, the EU Presidency was active in brokering the 12 August ceasefire agreement. In this respect, it was considered quite natural to aim for ideal synergy in the implementation of the above-mentioned documents by involving three key international institutions, and not one sole, in guiding the GID.

Unlike in previous peace efforts in Georgia, it was considered important in October 2008, when the GID started, that the two separate tracks related to maintaining peace and stability in the region should be combined under one format this time.

As mentioned above, the GID format was established in a situation when Russia and five other members of the UN had recognized Abkhazia and South Ossetia as independent states. However, the dispute on their status could not be included

in the agenda of the GID. This added to the tensions in the first session in Geneva and the discussions could only start after reaching an understanding that the discussions take place on informal mode in two working groups, where everybody is represented in a personal capacity.

Historical Background

The difficult start of the GID can be seen as symptom of a deeper conflict, which has its roots in the unsettled internal disputes that emerged already during the final years of the Soviet era. Under the protection of the Soviet central authority, the Abkhaz and the South Ossetians enjoyed various degrees of autonomy as part of the Soviet Socialist Republic of Georgia. Abkhazia had the status of an autonomous Republic whereas South Ossetia was an autonomous region (oblast). When the Soviet Union collapsed in 1991, the newly independent Georgia entered into political turmoil and civil war, combined with the Abkhaz and South Ossetian claims for sovereignty or more autonomy from Tbilisi. This complex set of tensions led to two wars: first in South Ossetia from 1991 to 1992 and then in Abkhazia from 1992 to 1993. The aftermath of these separate conflicts was tackled in two distinct peace processes. There was a special arrangement for the conflict settlement in South Ossetia, in which the OSCE was involved. However, in this context I will focus on the UN led peace process in Abkhazia.

In Abkhazia, the UNOMIG mission observed the CIS (Russian) peacekeeping activities, and various attempts for the Abkhaz-Georgian political settlement took place in Geneva under the UN aegis. These Geneva discussions were chaired by the UN Special Representative with the participation of two official delegations, one from Tbilisi, the other from Sukhum/i. The discussions took place under equal representation of Georgia and Abkhazia. It is noteworthy that since its first engagement in 1993, the United Nations, through its former UNOMIG mission, made concerted efforts to bring the Georgian and Abkhaz sides together for substantive negotiations on a comprehensive settlement of the conflict.

In 1997, the Coordinating Council was established under the aegis of the UN, assisted by the Group of Friends of the UN Secretary-General (Germany, France, the Russian Federation, United Kingdom

and the United States), and the OSCE in an observer capacity. Meetings of the Coordinating Council took place in Geneva. The Council had three Working Groups: security, return of refugees and displaced persons, and social and economic issues. The negotiations resulted in a comprehensive program of Confidence Building Measures (CBMs). Between 1997 and 2001, three meetings in this program were held in Athens, Istanbul and Yalta. The Coordinating Council suspended its work in January 2001 due to serious disagreements on some incidents on the ground. It was resumed in May 2006, but suspended again in July 2006, following the conflict on the control of the Kodori Valley. In an effort to overcome the political stalemate, in February 2003, the UN Secretary-General convened a special high-level meeting of the Group of Friends of the Secretary-General in Geneva, involving the Georgian and Abkhaz high-level representatives, which resulted in new initiatives to move the peace process forward. The Geneva meeting recommended to the sides the establishment of three task forces on specific issues identified as priority areas for advancing the peace process: economic matters, the return of IDPs/refugees, and political and security matters. These efforts were complemented by the activities in the framework of the so-called Sochi working groups, established to implement agreements reached between the Presidents of Russia and Georgia in Sochi in March 2003 and to address, in particular, the issues of the return of refugees and internally displaced persons, rehabilitation of the railway communication and energy projects. Subsequent bi-annual meetings in the Geneva format provided a new impetus to the peace process and reaffirmed the "Geneva Process" as the new overarching mechanism, through which the international community assisted the sides in addressing priority issues, with the ultimate aim of facilitating meaningful negotiations between the Georgian and Abkhaz sides on a comprehensive political settlement of the conflict. This process also ceased to exist after the August 2008 war.

In June 2009, the political dispute over the control and status of Abkhazia and South Ossetia led to the withdrawal of the OSCE Mission from South Ossetia and the whole of Georgia. At the same time, the collapse of the UNOMIG mission's mandate led to the gradual establishment of a special political mission, currently known as the UN Repre-

sentative to the Geneva International Discussions (UNRGID).

Why do the GID Survive?

The global experience on mediation shows that the average lifetime of peace processes has been about five years. In that sense the GID, although not formally in that category, have already proven to be successful, marking now seven years of continued deliberations. In my view, there are several elements, which can explain this situation:

- 1. Deniability.** One of the factors underpinning the GID's sustainability is that each "side" can claim that nothing is agreed until everything is agreed. Nobody has to yield on their basic positions, unless there are major breakthroughs on all the key issues. Until that moment, the GID can be seen by all participants as an effort to explore and consider possible avenues for securing peace and stability in the region. Therefore, I would say that the GID are not about negotiation on a peace deal, but preliminary talks on related current issues. Under such circumstances, any attempt by one participant to claim a deal on one issue can be denied by another participant unless other basic demands of the first participant have not been met.
- 2. Flexibility in arrangements.** As mentioned above, the dispute on status, which is not on the agenda, is implicitly part of the discussion on any issue in the GID. However, this has not stopped the GID to discuss flexible non-political ways to tackle day-to-day questions on the security and humanitarian situation on the ground, avoiding the breakup of the process. The establishment of two Incident Prevention and Response Mechanisms (IPRM) (one for the Abkhaz and the other for the South Ossetian theatre) highlights this pragmatic approach.
- 3. Possibility for evolution.** The GID represent a very elementary agenda related to tackling the aftermath of a conflict. For some participants, the document signed in August 2008 represents a plan for evolution, while for others it is a cease-fire agreement, setting up clear goals for immediate action. The September 2008 document refers to implementing measures, highlighting few key tasks for the Geneva discussions. Neither of these documents outlines any further steps beyond

discussion phase, but this evolution is not excluded either. One can see that the GID have already evolved since October 2008 and many other issues, besides the core security and IDP/refugee questions, have been tackled in this framework. These include missing persons, cultural heritage, and education, freedom of movement and travel documents, and water and gas.

- 4. Lack of alternatives.** The Co-Chairs of the GID have reiterated time and again that, in the current circumstances, it is hard to imagine that the international community could agree on a new format to replace the GID. On the contrary, it seems that the key international actors support the Geneva format, despite its perceived deficiencies. I think that, over time, the participants have also realized this and support the continuation of talks, while reminding each other that the continuation is conditional to visible progress on some issues.
- 5. Possibility for sideline contacts.** In the course of the process, the participants have slowly understood that the above-mentioned status questions, albeit not forgotten, should not stop development of informal communication, including between Tbilisi representatives and the participants from Sukhumi/i and Tskhinvali. These contacts are not structured and apparently are more about cautious exploration of possibilities than aiming at any particular goal. However, this development should be welcomed, as it is a significant step forward compared to the situation at the beginning of the process. In this connection, it is important to mention the parallel bilateral high-level contacts that exist between Moscow and Tbilisi. Although these regular contacts do not have anything to do with the GID as such, one can note that they have had a certain positive impact on the atmosphere in Geneva.

Challenges

As I have explained earlier, most deliberations within the GID take place in a very fragile environment and there are many risks and challenges to the process. In this connection, I would like to highlight some of the key ones:

- **Frustration.** Seven years of discussions on the same set of issues with little chance for breakthrough understandably causes frustration on

several levels. First of all, participants often express their concern that unless some small steps forward are taken, the GID might collapse. In addition, capitals often express their frustration calling into question the sense of spending money in sending their participants to Geneva unless there is progress to report. Likewise, the headquarters of international organisations, although understanding the difficulties in the setup, urge for at least some minimal indications on possibilities to take steps forward in order to justify their representatives' presence in the talks. However, so far, each round has resulted in common understanding of the value of the continuation of the GID.

- **Outside events.** Although the situation on the ground is currently very calm and relatively stable without any serious security-related incidents causing casualties on any side, there are no guarantees that this satisfactory state of affairs will continue. The GID framework is based on voluntary measures that participants have agreed to follow, like the setting up of two IPRMs and hotline arrangements between law enforcement authorities on the ground, in addition to the role of the EU Monitoring Mission, which operates on the Georgia-controlled territory. Nevertheless, as long as there is no negotiated settlement of the conflict, including solid implementing measures, the situation can always change because of an incident, even a small one, that is not properly handled or brings old memories of atrocities and mistrust to the surface.
- **Geopolitical and regional implications.** It is obvious that the GID do not take place in a vacuum. International and regional events naturally form the backdrop of the discussions. The current geopolitical strife between the Russian Federation and the West since the crisis in Ukraine has not enhanced the building of trust between participants around the table. There have been speculations that the GID might be so badly affected by this crisis that it would be impossible to continue. However, the worst-case scenario did not materialize; instead, what has happened was that there were more grounds to continue and intensify the dialogue on the security situation on the ground. The newly signed agreements, on the one hand, between Russia and the Abkhaz authorities in November 2014 and, on the other

hand, between Russia and South Ossetian authorities in March 2015, were brought to the Geneva table, resulting in open and frank discussion on the implications of a new type of "integration". Although there was no agreement on the substance, the debate went to the core issues, questions were raised and answers given, which cleared the air somewhat, at least concerning perceived or imminent threats to security on the ground. In that sense, the GID proved its usefulness as a platform to clarify political implications of new steps perceived to be linked to wider developments in Eastern Europe.

Opportunities

Despite significant challenges to the GID, there are also opportunities that could facilitate progress in the talks. Here are some avenues that might provide such possibilities, in my view:

- **Best practices.** As mentioned before, the GID have been able to establish certain best practices, like IPRMs and hotline communication. It is remarkable, that even though the Gali IPRM, chaired by the UN, has not been able to convene for three years because of various political and organisational issues, the best practices are implemented in good faith, for instance in cases of medical evacuation across the line of control between Georgia proper and the Abkhaz-controlled territory. This raises hope that over time such arrangements could become models for further interaction on other areas across the dividing line. The above-mentioned positive development in terms of increased informal contacts in the GID framework can be seen as a chance to start opening informal channels of communication on a wider range of issues, especially between Tbilisi and its breakaway territories. What has emerged so far is still very fragile and embryonic, but if the political situation allowed these contacts to develop further, that might open up ways to tackle day-to-day issues of the local population affected by the conflict, like health care, freedom of movement, education, trading of goods or the fight against crime. A number of these kinds of questions would call for attention, but there are obvious complications related to the status issues and lack of trust and political will that prevent such exercise. However, this is something that I wish the participants of the GID would start to consider,

because settlement of the conflict is difficult to foresee unless the needs of the local population are fed into the process one way or the other. All this is possible if the key stakeholders show willingness to start a dialogue, leaving aside, for a while, the political status questions.

- **Diversification of the process.** A related issue concerns the management of these possible avenues in meeting specific needs of the population. First, the GID are not meant to run concrete field-based projects. For that purpose the UN alone, within its Country Team, has about 300 staff in total in the country, working for 11 agencies, and spending about 30 to 35 million US dollars per year for humanitarian and development activities. A number of UN specialized agencies and programs, like UNHCR, UNDP and UNICEF, have also more than two decades of experience in working in Abkhazia. They are the ones that, in cooperation with other donors, carry out concrete humanitarian projects on the ground. This access is valuable for all donors, because it allows international experts to better understand the specific needs of the population and manage their efforts accordingly in good coordination with each actor. Whereas, in South Ossetia, so far only the International Committee of the Red Cross (ICRC) has been able to maintain presence and carry out projects in accordance with their mandate. The difference in the level of access of international community in Abkhazia and South Ossetia impacts the possibilities to address specific needs of the respective populations. Consequently, in my view, the Geneva process should address these concrete issues, for instance, in specific subgroups rather than in meetings for all participants. The other issue, which calls for more consideration, is the division of labour between the GID and field operations. As mentioned earlier, the GID are facing emerging needs to tackle some concrete questions that the participants have brought up in the course of the process. Obviously, the GID do not have the tools to address long-term program needs, but it could be used in a more systematic way as an informal clearinghouse, where current issues of interest can be brought up and listed for appropriate follow-up by the competent field organisations. Ideally, there should also be feedback about possible follow-up activities, which has already become a standard

feature in the GID. In this way, the GID and field activities can re-enforce each other and build trust among participants to the effect that their particular concerns are duly tackled.

- **Understanding the narratives of each side.** One of the questions that the GID have not touched yet is related to the narratives of the conflict. This becomes important the more participants attempt to open up channels for tackling issues through common understanding. In general, conflict settlement should include a discussion on the narratives of the conflict, because the better one participant understands the story and perceived history of the conflict, the better are the chances that at least some points of dispute could be clarified and some misperceptions dispelled. This is a huge challenge and calls for the involvement of political elites and civil societies, but at the same time it could represent new opportunities for dialogue, if properly managed. Some international non-governmental organisations have already been working on these issues. While the GID process is still far away from that kind of deliberation, it could become an initiator or facilitator of such a process.

Conclusion

In conclusion, I would note that, although progress in the GID has been slow, the process is indispensable as it is the only platform to handle various issues related to the conflict in Georgia. The experience of the past years in the talks shows that participants appreciate the fact that there is international attention to their situation through the GID. The platform can be criticized in that it is more focused on maintaining the status quo than trying to evolve to a genuine peace process. At the same time, one can argue that in the current international environment and in the volatile circumstances in the Caucasus region, the prospects for major political breakthroughs in the Georgian conflict are not realistic. Furthermore, in my view, it is better to maintain this platform in order to tackle any existing and emerging problems related to the status quo rather than ignore or by-pass them and thus potentially allow relapse to a downward spiral towards hostilities. Depending on political developments in the region, which would allow mobilisation of trust and common understanding between participants, the GID could reach a stage where it becomes necessary to design a

comprehensive peace process. This does not seem possible any time soon, but the GID can, if things developed in the right direction, provide useful building blocks for such a process.

Ultimately, the participants are the owners of the GID, the UN and other organisations are there to facilitate the process. For its part, the UN is ready to provide its support in this endeavour, drawing from its abundant expertise elsewhere, and will stay committed to the process, which is essential to peace and stability in the region.

The EUMM's Work in Georgia

Kęstutis Jankauskas¹

Summary

The EUMM (European Union Monitoring Mission in Georgia) is an unarmed civilian monitoring mission. The Mission was deployed following the EU-mediated Six Point Agreement, which ended the 2008 August war and represents the EU's commitment to security in Georgia. The Mission monitors and provides information on the security situation with a special focus on the situation along the Administrative Boundary Lines (ABLs).

By providing objective information on the security situation and through its 24/7 presence and quick response to developments on the ground, the Mission directly and effectively contributes to defusing tensions – preventing possible escalation which could result from emotional responses to events, the presentation of distorted information, or other means of information warfare. In addition to regular monitoring, a set of instruments such as the hotline, the Incident Prevention and Response Mechanism (IPRM), and Memoranda of Understanding with the Ministries of Defence and Internal Affairs of Georgia help the Mission to ensure that there is no return to hostilities. The Mission applies the principle of 'operational impartiality' in all its activities.

The EUMM's Deployment and Mandate

On 15 September 2008, the Council of the European Union adopted Council Joint Action 2008/736/CFSP on the European Union Monitoring Mission in Georgia, EUMM Georgia². The document stipulated that the Mission should be operational no later than 1 October 2008. On that day, 200 EU observers began their patrolling activities. From strategic planning to implementation, the EUMM

was, and remains, the fastest CSDP (Common Security and Defence Policy) mission deployment in the EU's history.

The EUMM is not the first CSDP/CFSP (Common Foreign and Security Policy) mission deployed to Georgia by the EU. In 2004-2005 the EU deployed a relatively small-scale rule of law mission EUJUST THEMIS. In 2005, after the OSCE Border Monitoring Mission was closed down, the EU established a small Border Support Team in Georgia under the EU Special Representative for the South Caucasus. This team was on the ground before, during, and after the war in August 2008 and thus provided valuable support in setting up the EUMM from administrative, technical, and political points of view.

The Mission's mandate covers the whole territory of Georgia within its internationally recognised borders; but the Mission so far has had no access to the breakaway regions of Abkhazia and South Ossetia. The mandate has remained unchanged since the Mission was established in 2008 and covers four pillars: stabilisation, normalisation, confidence-building and informing EU policy. The Mission's priorities are (i) to ensure that there is no return to hostilities; (ii) to facilitate the resumption of a safe and normal life for the local communities living on both sides of the ABLs with Abkhazia and South Ossetia; (iii) to build confidence among the conflict parties; and (iv) to inform EU policy in Georgia and the wider region.

Since 2009, when the UN and OSCE missions in Georgia were discontinued, the EUMM has been the largest international presence on the ground.

The EUMM in Operation

The EUMM is an unarmed civilian monitoring mission with a diverse range of expertise represented by monitors with military, police and civilian backgrounds. The Mission has Field Offices in Mtskheta, Gori and Zugdidi and patrols the

1 Ambassador Kęstutis Jankauskas was appointed as Head of EUMM Georgia on 19 December, 2014. Ambassador Jankauskas is from Lithuania and has more than 20 years of experience in the Lithuanian diplomatic service.

2 Council Joint Action 2008/736/CFSP. Official Journal of the European Union. 15 September 2008. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:248:0026:0031:EN:PDF>

entirety of the Tbilisi-Administered Territory (TAT) with special focus on the ABLs with Abkhazia and South Ossetia. The EUMM has approximately 300 staff members out of which 200 are international staff, seconded by 24 out of the 28 European Union Member States. The current budget is EUR 18,300,000³.

Monitoring on the ground is the EUMM's most visible activity. Day and night, EUMM patrols observe, gather and analyse information on the ground with regard to specific incidents: the freedom of movement for those living in the adjacent areas, detentions, unexploded ordnance and the remnants of war; 'borderisation', meaning the installation of barriers, infrastructure and signs along the ABLs; disruption of the supply of basic utilities; and access to land, buildings or religious sites. The EUMM's work on the ground is well appreciated by the local population – feedback received indicating that the local population feels more secure when the EUMM is present.

EUMM patrols focus on different areas of interest. Compliance teams mostly monitor issues related to the stabilisation aspect of the mandate and adherence to the Six Point Agreement, in particular the commitments unilaterally undertaken by the Georgian Government. These commitments include two Memoranda of Understanding with the Ministry of Internal Affairs and the Ministry of Defence, which outline a commitment to adhere to certain restrictions on the equipment used and activities performed by the Georgian police and military in the areas adjacent to the ABL. These commitments ensure a degree of transparency and allow the Mission to report on any activity that might lead to an escalation of tensions. This commitment has not yet been reciprocated.

The ABL and Human Security teams focus and report on both the stabilisation and the normalisation aspects of the mandate and to a great extent on issues specific to the living conditions of the people in the conflict-affected areas. Currently, their focus is predominantly on issues related to 'borderisation' and restrictions on freedom of movement.

In the spirit of a comprehensive approach to the conflict-related issues, the Mission works closely with the European Union Delegation in Georgia and the EU Special Representative for South Caucasus and the crisis in Georgia. EUMM also cooperates closely with other international organisations, in particular the UN and the OSCE as well as other international governmental and non-governmental organisations on the ground.

The Mission's Main Instruments: the Hotline and the IPRM

This summer saw increased tensions as a result of the ongoing 'borderisation' activities along the ABL. These events are another reminder that the security situation remains fragile, but also showed that security actors on the ground remained committed to dialogue via both the hotline and at the IPRM meetings to ensure that there was no serious escalation of the situation. The use of these instruments has shown that all security actors trust and accept the EUMM's facilitation in defusing tensions on the ground and all view the Mission's findings as reliable.

The hotline is a communication channel for the security actors on both sides of the ABL – used to facilitate the exchange of information between the parties, thereby helping to clarify the situation and avoid further tensions or misunderstandings whenever an incident or other security related issue occurs.

Meetings of the IPRM, co-facilitated by the Head of Mission and the Special Representative of the OSCE Chairperson-in-Office for the South Caucasus, take place every month in the South Ossetian theatre. They have proven useful, leading to the exchange of information about specific incidents or events, early notification of particular activities such as military training, the release of detainees and co-operation in ensuring the safety of agricultural works.

Through its presence and providing objective information on the security situation, the Mission directly and effectively contributes to defusing tensions and to preventing possible escalation. The EUMM prepares daily, weekly, monthly and special reports, which are valued for their timeliness, accuracy and impartiality. The Mission provides an overview of the security developments

³ "EUMM Georgia - Facts and Figures." European Union External Action. 2015. http://www.eumm.eu/en/about_eumm/facts_and_figures.

on the ground during the Geneva International Discussions, which is deemed reliable by all participants. All of these reports are necessarily classified but relevant information is shared on a regular basis with other diplomats, international organisations and civil society, through briefings and information sharing meetings, including at Field Office level.

As a final note, given the fragility of the situation at a time when wounds of the conflict still remain fresh, it is worth imagining how Georgia post-2008 would look without the EUMM's presence on the ground providing quick response, impartial monitoring and reliable information in order to defuse tensions.

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		<ul style="list-style-type: none"> • Genocide Prevention and Cambodian Civil Society • A Reflection from the United States: Advancing Genocide Prevention Through a High-Level Task Force • The construction of a global architecture for the prevention of genocide and mass atrocities • The regional fora: a contribution to genocide prevention from a decentralized perspective
48	La situation des femmes dans le monde arabe (01/2010)	<ul style="list-style-type: none"> • « La situation des femmes dans le monde arabe » • La violence domestique à l'égard des femmes dans la société palestinienne • Les femmes dans les professions de la santé en Jordanie • « Dernier voyage à Marrakech » ou Comment moraliser le genre dans une chronique judiciaire • « Féminisme d'État Tunisien »: 50 ans plus tard, la situation des Tunisiennes • La longue marche des femmes marocaines. De Akhawât as-safâ' à la Caravane des droits • Le parcours militant d'une femme kurde de Syrie. De la cause kurde à la défense des droits des femmes • Les représentations des femmes dans le discours nationaliste palestinien autour de la commémoration du cinquantenaire de la Nakba • Représentations de la place des femmes musulmanes dans l'Islam en Suisse romande
49	Swiss Science Diplomacy (02/2010)	<ul style="list-style-type: none"> • Genèse et première croissance du réseau des conseillers scientifiques suisses (1958-1990) • Le réseau suisse des conseillers scientifiques et technologiques de 1990 à la création de swissnex • Gedanken eines Zeitzeugen zum Start des Wissenschaftsrates von 1958 • Douze années japonaises: 1986-1998 • La nouvelle diplomatie scientifique de la Suisse et le modèle swissnex: l'exemple de Boston après 10 ans • La Suisse scientifique dans le monde du 21ème siècle: maintenir le cap ! • Science Diplomacy Networks
50	Dealing with the Past (03/2010)	<ul style="list-style-type: none"> • A Conceptual Framework for Dealing with the Past • A normative conception of Transitional Justice • The right to know: a key factor in combating impunity • Rule of law and international, national justice mechanisms • Reparation programs: Patterns, Tendencies, and Challenges • The role of Security Sector Reform in Dealing with the Past • Dealing with the Past in peace mediation • Pursuing Peace in an Era of International Justice • Transitional Justice and Conflict Transformation in Conversation • Reflection on the role of the victims during transitional justice processes in Latin America • Archives against Amnesia • Business in armed conflict zones: how to avoid complicity and comply with international standards • Masculinity and Transitional Justice: An Exploratory Essay • The application of Forensic anthropology to the investigation into cases of political violence • Dealing with the past: The forensic-led approach to the missing persons issue in Kosovo • A Holistic Approach to Dealing with the Past in the Balkans • West and Central Africa : an African voice on Dealing with the Past • Dealing with the Past in DRC: the path followed? • Challenges in implementing the peace agreement in Nepal: Dealing with the Impasse • Switzerland, the Third Reich, Apartheid, Remembrance and Historical Research. Certainties, Questions, Controversies and Work on the Past
51	Un Kosovo unitaire divisé (01/2011)	<ul style="list-style-type: none"> • Définitions constitutionnelles du Kosovo • Les prérogatives de l'Etat au Kosovo dans la pratique • Approche • Environnement humain au Nord du Kosovo • Grille d'analyse, hypothèses et concepts • Géographie • Populations : descriptions et chiffres • La division au quotidien

51	Un Kosovo unitaire divisé (01/2011)	<ul style="list-style-type: none"> • Economie • Niveaux de vie • Perceptions • Institutions • Trois niveaux de blocages • Etat de droit : quel droit ? • Institutions locales • Efficacité des institutions ? • Les institutions vues par les citoyens • Organisations internationales • MINUK, OSCE, KFOR • EULEX • ICO / EUSR • Le facilitateur de l'UE pour le Nord du Kosovo • Stratégies et discours • Absence de dialogue – politique du fait accompli • Discours inachevés • Stratégie de Belgrade • Stratégie de Pristina • Du partage à la partition ? • Implications d'une partition pour le Kosovo • Dialogue et coopération régionale
52	Religion in Conflict Transformation (02/2011)	<ul style="list-style-type: none"> • Religion in Conflict Transformation in a Nutshell • When Religions and Worldviews Meet: Swiss Experiences and Contributions • Introduction to the Conference "When Religions and Worldviews Meet" • Competing Political Science Perspectives on the Role of Religion in Conflict • Transforming Conflicts with Religious Dimensions: Using the Cultural-Linguistic Model • Culture-sensitive Process Design: Overcoming Ethical and Methodological Dilemmas • Transforming Religious-Political Conflicts: Decoding-Recoding Positions and Goals • Creating Shifts: Using Arts in Conflicts with Religious Dimensions • Diapraxis: Towards Joint Ownership and Co-citizenship interviewed by Damiano A Sguaitamatti • Diapraxis in Different Contexts: a Brief Discussion with Rasmussen • Bridging Worlds: Culturally Balanced Co-Mediation • Connecting Evangelical Christians and Conservative Muslims • Tajikistan: Diapraxis between the Secular Government and Political Islamic Actors • Swiss Egyptian NGO Dialogue as an Example of "Dialogue through Practice" (Diapraxis) • Communities Defeat Terrorism—Counter-Terrorism Defeats Communities, The Experience of an Islamic Center in London after 9/11
53	« Révoltes arabes : regards croisés sur le Moyen-Orient » (01/2012)	<ul style="list-style-type: none"> • Révoltes arabes : Regards croisés sur le Moyen-Orient • La position géopolitique de l'Asie antérieure • Les révoltes arabes : réflexions et perspectives après un an de mobilisation • Printemps arabe et droit public • Le cas syrien • The Arab Gulf Monarchies: A Region spared by the 'Arab Spring'? • La France dans le piège du printemps arabe
54	Tenth Anniversary of the International Criminal Court: the Challenges of Complementarity (02/2012)	<ul style="list-style-type: none"> • Ten Years after the Birth of the International Criminal Court, the Challenges of Complementarity • We built the greatest Monument. Our Monument is not made of Stone. It is the Verdict itself. • Looking Toward a Universal International Criminal Court: a Comprehensive Approach • What does complementarity commit us to? • Justice and Peace, the Role of the ICC • Towards a Stronger Commitment by the UN Security Council to the International Criminal Court • Where do we stand on universal jurisdiction? Proposed points for further reflexion and debate • Challenges in prosecuting under universal jurisdiction • Commissions of Inquiry : Lessons Learned and Good Practices • Towards the Creation of a New Political Community • The Fate of the Truth and Reconciliation Commission in the Federal Republic of Yugoslavia-Serbia

		<ul style="list-style-type: none"> • When Politics Hinder Truth: Reflecting on the Legacy of the Commission for Truth and Friendship • On Writing History and Forging Identity • Colombia and the Victims of Violence and Armed Conflict • Historical Memory as a Means of Community Resistance • How We Perceive the Past : Bosnia and Herzegovina, 17 Years On • Regional Approach to Healing the Wounds of the Past • Challenges in Dealing with the Past in Kosovo : From Territorial Administration to Supervised Independence and Beyond • Setting up Mechanisms for Transitional Justice in Burundi : Between Hope and Fear • « My Papa Is There » • Transitional Justice Mechanisms to Address Impunity in Nepal • Nepal: Better no Truth Commission than a Truth Commission Manipulated • Spain and the Basque Conflict : From one Model of Transition to Another • Moving to a new Social Truth • Peace and Coexistence • EUSKAL MEMORIA : Recovering the Memories of a Rejected People • France and the Resolution of the Basque Conflict • Democracy and the Past
55	<p>L'eau – ça ne coule pas toujours de source Complexité des enjeux et diversité des situations (01/2013)</p>	<ul style="list-style-type: none"> • L'Eau douce est au centre du développement de l'humanité, la Suisse est concernée • Empreinte hydrique: la Suisse et la crise globale de l'eau • S'engager sur le front de la crise globale de l'eau au service des plus pauvres: un défi que doivent relever les entrepreneurs des Greentec suisses • Le partenariat innovant de la Haute Ecole de l'Arc Jurassien dans l'acquisition des données pour l'eau et l'agriculture : les nouvelles technologies participatives au service du développement • Se laver les mains avec du savon, une des clés de la santé publique mondiale • De l'or bleu en Asie Centrale • Ukraine: quand la décentralisation passe par l'eau • Noël à Mindanao • La contribution de la coopération économique du SECO au défi de la Gestion des réseaux d'eau urbains • Diplomatie de l'eau: l'exemple du Moyen-Orient • Le centime de l'eau: la solidarité de toute une ville !
56	<p>La diplomatie suisse en action pour protéger des intérêts étrangers (01/2014)</p>	<ul style="list-style-type: none"> • Swiss Diplomacy in Action: Protective Power Mandates • Aperçu historique sur la représentation des intérêts étrangers par la Suisse et sur les activités de Walter Stucki en France • Du mandat suisse de puissance protectrice des Etats-Unis en Iran • Le mandat suisse de puissance protectrice Russie-Géorgie : négociations avec la Russie et établissement de la section des intérêts géorgiens à Moscou • Questions et réponses lors du débat du 15 décembre 2011 • Documents et photographies
57	<p>Switzerland and Internet governance: Issues, actors, and challenges (02/2014)</p>	<ul style="list-style-type: none"> • The evolution of Internet governance • WHY is Internet governance important for Switzerland? • What are the Internet governance issues? • What are the seven Internet governance baskets? • WHO are the main players? • HOW is Internet governance debated? • WHERE is Internet governance currently debated? • Foreseeable scenarios • Recommendations
58	<p>Bei Not und Krise im Ausland Konsularischer Schutz und Krisenmanagement der Schweiz im 21. Jahrhundert En cas de détresse et de crise à l'étranger La protection consulaire et la gestion des crises de la Suisse au 21^{ème} siècle (03/2014)</p>	<ul style="list-style-type: none"> • „Plane Gut. Reise gut“ <i>Der konsularische Schutz der Schweiz</i> • « Départ réfléchi. Voyage réussi » <i>La protection consulaire de la Suisse</i> • Das Krisenmanagement-Zentrum des EDA – Heute und in Zukunft • Le Centre de gestion des crises du DFAE – Aujourd'hui et demain • « Responsable moi ? » <i>La perception de la notion de responsabilité individuelle chez le citoyen suisse se rendant à l'étranger</i> • « Un indien averti en vaut deux » <i>Le point sur l'aventure psychologique des voyageurs</i>

<p>58</p>	<p>Bei Not und Krise im Ausland Konsularischer Schutz und Krisenmanagement der Schweiz im 21. Jahrhundert</p> <p>En cas de détresse et de crise à l'étranger La protection consulaire et la gestion des crises de la Suisse au 21^{ème} siècle</p> <p>(03/2014)</p>	<ul style="list-style-type: none"> • „Ich denke immer wieder daran!“ • <i>Langfristige Verarbeitung von schwerwiegenden Ereignissen</i> • Abseits der Normalrouten <i>Reisealltag eines Afrikakorrespondenten</i> • Konfrontiert mit dem Ungewissen • <i>Zwischen institutioneller Pflicht und Eigenverantwortung am Beispiel einer Mitarbeiterin von Mission 21 in der Republik Südsudan</i> • Das kollektive Gedenken zur Bewältigung von Katastrophen • <i>Luxor – 1997</i> • Drei Tage, die eine Ewigkeit waren • <i>Halifax – 1998</i> • SR 111 • <i>Thailand – 2004</i> • Tsunami im indischen Ozean / Tsunami dans l'océan indien • Rückblick vom damaligen Missionschef der Schweizer Botschaft in Bangkok • Rückschau eines Detachierten der Schweizer Botschaft zur Situation im Unglücksgebiet in Thailand • Détachement pour la coordination des interventions dans la zone de Phuket • Learning by doing an der Tsunami-Hotline • <i>Liban – 2006</i> • « Evacuez ! » • Guerre Hezbollah / Israël • <i>Haiti - 2010</i> • Im Kriseneinsatz nach dem Erdbeben in Haiti • À la recherche de concitoyens • Evakuierung von Kindern • <i>Fukushima - 2011</i> • Erdbeben, Tsunami, nukleare Verstrahlung • <i>Organisation der Verwaltung / Organisation administrative</i> • Das Krisenmanagement des EDA im Zeitraum 2002 bis 2006 • Das Krisenmanagement des EDA, die Entwicklung bis 2010 • Création du Centre de gestion des crises • <i>Multiplication des crises et des défis</i> • Die Konsularische Direktion • <i>Konsequente Weiterführung eines Erfolgsmodells</i> • <i>Umsetzungsinstrumente / Instruments de mise en oeuvre</i> • Im Büro fühle ich mich am sichersten • <i>Reisehinweise des EDA</i> • Es ist wahrscheinlich, dass das Unwahrscheinliche geschieht • <i>Die Entwicklung der Hotline und Helpline EDA</i> • Missions KEP : un témoignage Synergies d'actions • <i>Collaboration entre l'Aide humanitaire et le Centre de gestion des crise (KMZ)</i> • Zusammenarbeit in Krisen, eine Notwendigkeit • <i>Zusammenarbeit des Eidgenössischen Departements für auswärtige Angelegenheiten mit dem Bundesamt für Bevölkerungsschutz</i> • Protection consulaire : le dynamisme indispensable d'une institution millénaire
<p>59</p>	<p>Réflexions autour du pétrole au Moyen-Orient</p> <p>(01/2015)</p>	<ul style="list-style-type: none"> • A Middle Eastern "Rubik's Cube": Solution Problems • Reflections on the First Stage of the Arab Spring • What the Drop in oil prices holds for the Middle East, Russia and beyond? • Pétrole - Moyen-Orient, Irak et Kurdistan irakien : état des lieux et évolution • Petrole et geopolitique au Kurdistan irakien • Vers une indépendance kurde en Irak ? Le Kurdistan et l'évolution de ses relations avec la Turquie • Rente, fédéralisme et transition en Irak : démocratie ou nouvel ordre autoritaire ? • Le Moyen-Orient au cœur des enjeux énergétiques de la Chine • Avec le négoce des matières premières, la Suisse joue sa réputation

