

Chapter 2

Conflicts in Abkhazia and South Ossetia: Peace Efforts in 1991 - 2008

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1. Introduction

The present chapter analyses the conflicts in Georgia from a historical perspective, concentrating particularly on problems that began with the dissolution of the Soviet Union and the profound impact this dissolution had on the relations between the various nations and ethnic groups in Georgia.¹ The chapter stresses the role of perceptions – including historical narratives, threat perceptions and perceptions of national interests – and describes their transformation in the gradual deterioration of the relations between the conflicting actors.

Soviet Federalism

Soviet federal policies radically transformed the relations between nations. It formally recognised certain rights and granted administrative powers to national elites. This increased their self-awareness and political aspirations, particularly with regard to their political status. It also put the various nations in a hierarchical framework, which gave them unequal rights to administer themselves. Such policies thus increased the tensions between them, and the Soviet central leadership had to arbitrate all the conflicts that resulted from these contradictory policies, preventing any of them from being expressed openly or – even worse – turning violent.

Soviet federalism was largely regarded as an attempt to accommodate the demands of the various nations that inhabited the Russian empire without abandoning the firm control of the communist leadership over every level of authority.² The major nations were recognised as the “titular nation” of a particular territory. Their communist elites were given the privilege of administering them. A multi-tiered form of government thus combined political centralisation with partial administrative decentralisation.

The right to national self-determination was acknowledged according to a hierarchical pattern that ranked the various nationalities according to a number of criteria, such as population size and the leverage of the national elites within the Communist Party. Of the various types of constituent entities within its framework, Soviet federalism granted the highest status to the union republics. Their sovereignty and right to secession were vested in the Soviet

¹ The present analysis does go into the distinctions made in Soviet scholarship and law between nations, nationalities and national communities, but uses these terms interchangeably.

² On Soviet federalism and its consequences for ethnic conflicts see Robert J. Kaiser, *The Geography of Nationalism in Russia and the USSR* (Princeton, Princeton University Press, 1994); Valery Tishkov, *Ethnicity, Nationalism and Conflict in and after the Soviet Union* (London, Sage, 1997). Edmund Herzig, *The New Caucasus: Armenia, Azerbaijan and Georgia* (London and New York, Pinter, 1999); Svante Cornell, *Small Nations and Great Powers: A Study of Ethnopolitical Conflict in the Caucasus*, Richmond/Surrey, Curzon, 2001.

constitution, despite the fact that the one-party system excluded any form of power-sharing or the voicing of any national demands that went against Soviet rule. It gave the union republics substantial administrative powers, particularly in the fields of culture and education. The autonomous republics constituted the next level of administrative authority. They were all located within the union republics, to which they were subordinated. They had less power in the field of culture and education. The autonomous republics were formally not sovereign and thus could not secede. But they still had their own constitution and other attributes of partial statehood, such as an executive body led by a President and a Supreme Soviet (Council) with legislative powers. The autonomous regions were still lower in the federal hierarchy. They were likewise located on the territory of a union republic, but were not considered to have the characteristics of statehood.

In its own perspective, the Soviet Union achieved remarkable successes in ruling a huge empire that consisted of numerous nationalities and ethnic groups, and in keeping relative internal peace. However, it failed to change radically how the respective national elites and populations perceived their own national identities and interests. Moreover, the constitutional framework regulating their relations was not perceived as the result of a fair compromise, and not even as resulting from the objective of achieving a fair compromise. In other words, the Soviet Union failed to lay firm foundations for lasting peaceful coexistence among the numerous nationalities and ethnic groups that inhabited the empire. When the power of the centralised Communist party waned at the end of the 1980s under the double pressure of democratisation and nationalist mobilisation, there was no political framework that would have been strong enough to integrate the conflicting national demands.

It was in Georgia, where non-Georgian ethnic groups constituted about 30% of the population, that the Soviet authorities had the greatest difficulty in implementing these federal policies, especially when it came to relations between Georgians, Abkhaz and Ossetians. Moscow severely repressed expressions of nationalism. At the same time, it accommodated some of the demands of the local national elites with respect to status, culture, education and economic privileges. All of this was done in an arbitrary fashion. All three nations ended up being deeply dissatisfied with the arrangements made. Soviet power had been quite efficient in conflict prevention in the region – national conflicts never escalated to widespread violence – but not in conflict resolution.

Conflicts emerged on the different levels of the system of governance within Georgia. There was a conflict within Abkhazia and South Ossetia over the rights of the national communities

and over the question of whether and how sovereignty should be shared among them within these entities. There was a second conflict over the political status of the two territories. These two conflicts were closely interrelated, and involved both local communities and the central government.

The political disputes concerning the questions of self-government, political participation and territorial control were usually reinforced by historical arguments. This led to the construction of mutually exclusive histories of the Georgian, Abkhaz and Ossetian nations that were at the forefront of the nationalist mobilisations leading to armed conflicts in South Ossetia and Abkhazia in the 1990s.

First, there was the question of ancestral rights on the territories of Abkhazia and South Ossetia. Already in the wake of destalinisation in the 1950s, this was a major issue in the divergences between the national elites in Georgia. These positions – aiming at legitimising dominant or even exclusive authority over these territories – were instrumental in heightening national tensions, which escalated to open propaganda wars around 1990.

Second, the Georgian, Abkhaz and Ossetian national elites were all firmly convinced that the other communities had been instrumental in the oppression of their own national community, particularly in the period of Georgian independence and Soviet rule.

Tables below show the ethnic composition of Georgia as a whole as well as the ethnic compositions of Abkhazia and South Ossetia, according to the Soviet census conducted in 1989.

Ethnic composition of Georgia (the Georgian Soviet Socialist Republic) in 1989³

Georgians	3.787.393	70,13%
Armenians	437.211	8,10%
Russians	341.172	6,32%
Azerbaijanis	307.556	5,69%
Ossetians *	164.055	3,04%
Abkhaz **	95.853	1,77%

³ The last Soviet census (1989).

Others	267.601	4,95%
TOTAL	5.400.841	100%

* 98.822 Ossetians (i.e. 60% of all Ossetians living in the Georgian SSR), lived outside of the South-Ossetian Autonomous Oblast'.

** Only 2.586 Abkhaz (i.e. 2,7% of all Abkhaz living in the Georgian SSR), lived outside of the Abkhaz ASSR.

Ethnic composition of Abkhazia (the Abkhaz Autonomous Soviet Socialist Republic) in 1989⁴

Georgians	239.872	45,68%
Abkhaz	93.267	17,76%
Armenians	76.541	14,58%
Russians	74.913	14,27%
Greeks	14.664	2,80%
Others	25.804	4,91%
TOTAL	525.061	100%

Ethnic composition of South Ossetia (the South Ossetian Autonomous District) in 1989⁵

Ossetians	65.233	66,21%
Georgians	28.544	28,97%
Russians	2.128	2,16%
Armenians	984	1,00%
Jews	396	0,40%
Others	1.242	1,26%
TOTAL	98.527	100%

⁴ *Ibid.*

⁵ *Ibid.*

Mutually Exclusive Histories: Georgians and Abkhaz

In the opinion of Abkhaz historians their people are one of the most ancient living in the Caucasus, and have lived on the present territory of Abkhazia since at least the fifth century BC.⁶ The majority of its Georgian population, they say, migrated to this region relatively recently, as a consequence of a nationalistic policy of “georgianisation.”

Georgian historians, on the contrary, have been asserting that from ancient times Abkhazia was a region where the Georgian language was spoken and the population living there was of Georgian (Kartvelian) extraction.⁷ Some Georgian historians have defended the thesis that the original population was exclusively Georgian, while others were of the opinion that both Abkhaz and Georgians – or rather proto-Abkhaz and proto-Georgian tribes – inhabited this region since ancient times. There was thus no consensus among Georgian historians on the question of the indigenous character of the Abkhaz population, but a great convergence for the thesis that Georgians (or proto-Georgian tribes) had constituted the dominant cultural group in Abkhazia from time immemorial.

In 1810 Abkhazia was conquered by the Russian Empire. In 1864 the latter abolished local autonomies, and in 1883 Abkhazia was transformed into the Sukhumi district (*okrug*) ruled by the governor of Kutaisi. Revolts in the countryside were harshly repressed. After the Caucasian War, and in particular after the Russo-Turkish war of 1877-78 and the Abkhaz uprising, the czarist authorities forced more than half of the then Abkhaz population to flee to the Ottoman Empire. This emigration process is known as *Muhajirism* (from the Arabic word *Muhajir*, emigrant). They left behind a great deal of free land, which was – according to Abkhaz historians – occupied by settlers of various national origins, in particular Georgian (mainly Mingrelian), Armenian, Russian, and Greek.⁸

⁶ T.M. Shamba, A.Iu. Neproshin, “Abkhazia. Pravovye osnovy gosudarstvennosti i suvereniteta” [*Abkhazia. Legal foundations of statehood and sovereignty*], Moskva: In-Oktavo, 2004, pp. 14-24. See also O.Kh. Bgazhba, S.Z. Lakoba, “Istoria Abkhazii s drevnejshikh vremën do nashikh dnei” [*The history of Abkhazia from ancient times to the present day*], Sukhum: Alashara, 2007, pp. 51-98; V. Chiribka, “The origin of the Abkhazian people” and G. Shamba, “On the track of Abkhazia’s antiquity,” in G. Hewitt (ed.), “The Abkhazians,” Richmond, Surrey: Curzon, 1999, pp. 37-58.

⁷ E.g., I. Javakhishvili, “Kartveli eris istoria” [*History of the Georgian People*], vol. I, Tbilisi: Stalinis sakhelobis Tbilisis sakhelmtsipo universitetis gamomcemloba, 1960⁵, p. 427; N. Berdzenishvili, “Mtsire shenishvna didi sakitkhis gamo” [*A small note about a big question*], in Id., “Sakartvelos istoriis sakitkhebi” [*Issues of the Georgian history*], vol. 3, Tbilisi: Metsniereba, 1966, pp. 277-281 and “Aphkazetis shesakheb” [*About Abkhazia*], in *Ibid.*, pp. 287-288; M. Lortkipanidze, “Aphkazebi da Aphkazeti” [*The Abkhazians and Abkhazia*], Tbilisi: Ganatleba, 1990, p. 22.

⁸ *Istoriya Abkhazii (The History of Abkhazia)*. Lakoba S. Z. (ed.). Gudauda 1993, pp. 189, 205-217.

After the October revolution in Russia, the Bolshevik forces organised themselves in Abkhazia. They seized Sukhumi in April 1918 but managed to hold onto their power only for a few weeks before they were suppressed by Georgian Mensheviks. After the Soviet invasion of Georgia, Soviet rule was re-established in Abkhazia on 4 March 1921. On 28 March 1921 an enlarged meeting of the Caucasian bureau of the Communist Party decided to create the Abkhaz Soviet Socialist Republic as a Union Republic. Georgian historians see this decision as an unwarranted “gift” by the communists (Bolsheviks) to the Abkhaz for their pro-Bolshevik political sentiments and as a punishment for Georgia.

In terms of administrative structure, on 21 May 1918 the Revolutionary Committee of Georgia “recognised and welcomed the establishment of the Soviet Socialist Republic of Abkhazia.”⁹ But its independence from Georgia lasted only until December 1918, when a Union Treaty between Georgia and Abkhazia was ratified in Tbilisi. In compliance with the Union Treaty, the two governments decided to establish close military, political and financial-economic cooperation.¹⁰ In December 1922 Georgia, Armenia and Azerbaijan formed the Transcaucasian Soviet Socialist Federal Republic. Abkhazia joined it not as a constitutionally independent entity, but through Georgia.¹¹ In 1931, Abkhazia was turned into an Autonomous Republic within the Georgian Republic.¹² Abkhaz historians see this gradual process of downgrading the status of their republic primarily as a Georgian rather than a Soviet policy. Some of them also see it as a “gift” by the Soviet leader Iosif Stalin to Georgia, his native country.

In the late 1930s Lavrenti Beria, the leader of the Georgian Communist party, promoted the partially forced settlement of tens of thousands of Georgians (in particular, Mingrelians) to Abkhazia.¹³ According to Abkhaz historians, this was done not only for economic but also – or rather, mainly – for political reasons, as part of a policy of “georgianisation”. They refer, moreover, to the repressive measures against Abkhaz culture in the 1930s, 1940s and 1950s, such as the fact that the entire educational process took place only in the Georgian language,

⁹ “Declaration of the Revolutionary Committee of the Soviet Socialist Republic of Georgia – May 21st 1921,” in Tamaz Diasamidze, *Regional Conflicts in Georgia* (The Autonomous Oblast’ of South Ossetia, The Autonomous SSR of Abkhazia 1989-2008). Tbilisi 2008, p. 84.

¹⁰ “Union Treaty between the Soviet Socialist Republic of Georgia and the Soviet Socialist Republic of Abkhazia – December 16th 1921,” in: Tamaz Diasamidze... *op. cit.*, p 89.

¹¹ “Constitution of the Soviet Socialist Republic of Abkhazia – April 1st 1925,” in: Tamaz Diasamidze... *op. cit.*, p. 110.

¹² S. Lakoba, “History: 1917-1989,” in G. Hewitt... *op. cit.*, p. 94.

¹³ T.M. Shamba, A.Iu. Neproshin, *op. cit.*, p. 73.

even at primary school level, and that any broadcasting in Abkhaz was prohibited. The Abkhaz also resented the fact that many local toponyms were replaced by Georgian names.

After the death of Stalin in 1953, many of these discriminatory measures were abolished and in a number of primary schools the Abkhaz language became the language of education. The Abkhaz State University was opened in Sukhumi in 1978 (with Georgian, Russian and Abkhaz sectors) to serve the needs of higher education in western Georgia, and an Abkhaz television programme was introduced. The Abkhaz were granted substantial overrepresentation in the government and in the administration of the autonomous republic.

Nevertheless, the subordination of autonomous republics to union republics within the hierarchical structure of the Soviet Union left the Abkhaz elites in an inferior position where access to political and economic decision-making at the all-Union level was concerned. The new policies, aiming at accommodating the demands of the Abkhaz minority (about 18% of the whole of Abkhazia's population), were insufficient to satisfy their aspirations. Since the 1970s there were several unsuccessful appeals to the Soviet central leadership to upgrade the legal status of the republic to that of a union republic, on par with Georgia. Eventually, the Abkhaz nationalists constructed a political and cultural history of Abkhazia that was either separate from or opposed to the Georgian versions.

The Georgians likewise perceived Soviet federal policies as profoundly unjust, and the overrepresentation of Abkhaz in the state institutions of the republic went against their perception of what majority rule should be like (Georgians constituted about 46% of the total population of the republic).¹⁴ The Abkhaz refuted this demographic argument by stating that their minority position was due to repressive policies. The Abkhaz, who had constituted 55% of Abkhazia's population in 1897, believed that they had lost this majority position owing to forced emigration from the Russian empire and the resettlement of non-Abkhaz nationalities afterwards.¹⁵

¹⁴ In fact, both the Abkhaz and the Georgians enjoyed better positions at the expense of all the other nationalities. In 1990, 67% of the ministers of Abkhazia and 71% of regional communist party department heads were Abkhaz. In Georgia, in 1989, 89.3% of the administrative-managerial personnel were Georgian whereas the Georgians formed approx. 70% of the population of Georgia. Miminoshvili R., Pandzhikidze G, *Pravda ob Abkhazii*, Tbilisi, 1990, p.6, quoted in Slider Darrell, "Democratization in Georgia," in Dawisha Karen, Parrott Bruce (eds.), *Conflict, Cleavage and Change in Central Asia and the Caucasus*, Cambridge, 1997, p.170; Mirsky Georgiy I., *On Ruins of Empire, Ethnicity and Nationalism in the Former Soviet Union*, Westport, Greenwood Press, 1997, p.6.

¹⁵ For a graph of the demographic changes which occurred in Abkhazia since 1897, see <http://www.c-r.org/our-work/accord/georgia-abkhazia/graph2.php>.

Georgian dissident movements, which emerged in the second half of 1970s, strove for language and cultural policies that were in favour of the Georgian part of the population of Abkhazia and South Ossetia. They criticised the Soviet federal policies for having granted too many concessions to minorities. Such criticism was very much in line with the concerns of the Georgian public – which may help to explain the huge popularity of Georgian nationalist leaders, and first and foremost that of the former dissident and later President of Georgia, Zviad Gamsakhurdia.

Mutually Exclusive Histories: Georgians and Ossetians

The Ossetian view is that they have been living on both sides of the Caucasus mountain range as one of the most ancient nations of the region. The South Ossetians regard themselves as the southern branch of the Ossetian nation, a nation that is descended from ancient peoples, namely the Scythians, the Sarmathans and the Alans. South Ossetia, they claim, has been part of Ossetian territory from time immemorial, and the Ossetians joined Russia in the 18th century, earlier than Georgia and independently of it.¹⁶

Georgian historians do not deny Ossetian descent from the Alans, but claim that their homeland was north of the Caucasus Mountains and that the Ossetians only started to migrate south a few centuries ago.¹⁷ They settled on the estates of Georgian feudal lords, including Duke Machabeli. Instead of calling this region “South Ossetia”, Georgians would use the term *Samachablo* (estate of the Georgian Machabeli princes) or *Shida Kartli* (Inner Kartli). Even through the terminology used, the Georgians wanted to make the point that even though the Ossetians might constitute a majority on this territory, the region was Georgian in origin.

The positions of Georgian and Ossetian historians have also differed widely on other points, since the Soviet period. When Georgia declared its independence in 1918, the Ossetians refused to be divided by new international borders. They supported revolutionary Russia. In the view of Ossetian historians, this support was the only way for South Ossetians to unite

¹⁶ The Republic of South Ossetia (Documents, Chronicles, Concise Historical Information), Tskhinval, Yuznaya Alania, 2007, pp.50-52.

¹⁷ See Helen Krag and Lars Funk, *The North Caucasus, Minorities at a Crossroads*, Minority Rights Group International London, November 1994, pp. , <http://www.minorityrights.org/4055/reports/the-north-caucasus-minorities-at-a-crossroads.html> (accessed on 11 July 2009); Nikola Cvetkovski, *The Georgian – South Ossetian Conflict*. Dissertation under the supervision of Susanne Thorbek, Aalborg University, n.d., <http://www.caucasus.dk/publication5.htm> (accessed on 11 July 2009); Dennis Sammut and Nikola Cvetkovski, *The Georgia-South Ossetia Conflict*” VERTIC Confidence-Building Matters Papers No 6, Vertic London, March 1996; A. Totadze, “*The Ossets in Georgia: Myth and Reality*,” Tbilisi: Universal, 2008, pp. 13-23.

with North Ossetia.¹⁸ Clashes took place and the Georgians asserted their control over the territory using military force. Ossetian sources claim that five thousand Ossetians were killed in the fighting.¹⁹ The Georgians describe these dramatic events as a first attempt to dismember their young state, and the Ossetians as the first act of “genocide” against their nation.

Georgian historians regard Ossetian support to the Bolsheviks as an act of treason, which opened the doors to the Soviet invasion of 1921. In the Georgian view, as a sign of gratitude, Moscow granted the South Ossetians the status of an autonomous region (oblast’) in April 1922.

The South Ossetians complain about the repressive policies to which they were subjected by Georgia during Soviet times.²⁰ In their view, the creation of an autonomous entity was merely nominal. Ossetian toponyms were replaced by Georgian ones. In 1938, the latin-based alphabet that the Ossetians used was replaced by the Georgian alphabet (in 1954 the Georgian alphabet was replaced by the Russian cyrillic both in South Ossetia and Abkhazia) and Georgian was introduced as the language of instruction in schools.²¹

¹⁸ I. Kochieva, A. Margiev, “*Gruziia. Etnicheskie chistki v otnoshenii osetin*” [*Georgia. Ethnic cleansing in relation to the Ossetians*], Moskva: Evropa, 2005, p. 8. The Ossetian argument was that when North Ossetia opted to join Soviet Russia, South Ossetia should have been included in that arrangement.

¹⁹ See Boris Chochiev, *Chronicle of events of the Georgian Aggression 1988-1992*, Tskhinvali, 1996 p.126. This narrative was used later by the South Ossetians to justify their secession from Georgia. Speaking after the second conflict in 1989-92, the south Ossetian leader, Ludwig Chibirov, said “this is the second time in one generation that we have been the victims of genocide by the Georgians; in that way our demand for independence should not be seen as idealism but as pragmatism.” From a conversation with Ludwig Chibirov, July 1995, quoted in Dennis Sammut “*Background to the Georgia-Ossetia conflict and future prospects for Georgian-Russian relations*,” LINKS reports, 11 August 2008 (www.links-london.org).

²⁰ Barbara A Andersen and Brian D. Silver, *Equality, Efficiency and Politics in Soviet Bilingual Education Policy 1934-1980*, *The American Political Science review*, Vol 78, Issue 4, 1984 pp 1019-1039.

²¹ *The Republic of South Ossetia (Documents, Chronicles, Concise Historical Information)*, Tskhinval, Yuznaya Alania, 2007, p.54.

South Ossetia breaks away²²

At the end of the 1980s, with the weakening of the Soviet Union, the question of unity with North Ossetia was posed once again, and in a more determined fashion, by South Ossetian leaders. In 1988 the Ossetian nationalist movement *Ademon Nykhas* (Popular Shrine) was founded (a similar movement was created in Abkhazia the same year). On 10 November 1989 the Regional Soviet (Council) of South Ossetia demanded that the Supreme Soviet of Georgia change the status of the Autonomous Region of South Ossetia to that of an Autonomous Republic within Georgia, which the Supreme Soviet of Georgia refused. On 23 November 1989, nationalist leader Zviad Gamsakhurdia organised a rally of about 20 000 – 30 000 Georgians in Tskhinvali in order “to protect the Georgian population”²³ in South Ossetia. The forces of the USSR Ministry of the Interior prevented the demonstrators from reaching the South Ossetian capital but there were violent skirmishes between the Georgian and Ossetian demonstrators.

Meanwhile, Georgia was preparing for its multiparty elections, and in August 1990 a law was approved by which only parties operating throughout the whole of Georgia were allowed to stand for election. South Ossetia’s Regional Soviet, seeing in this bill a trap designed to exclude their movement *Ademon Nykhas* from the elections, responded, on 20 September 1990, by adopting a resolution declaring South Ossetia’s sovereignty as a Soviet Democratic Republic within the USSR.

Gamsakhurdia’s previous diatribes against the Ossetians for being “ungrateful guests” of Georgia was now turned into a constitutional policy. On 11 December 1990 the Georgian Parliament, under President Zviad Gamsakhurdia, whose coalition had won the elections on 28 October 1990, abolished the autonomy of South Ossetia. In the same month Georgia set up a blockade of the territory that would last until June 1992. By that time, the Georgian and Ossetian paramilitary forces had fought fiercely, committing violence and atrocities against the civilian population. In April 1991 Soviet units were sent into South Ossetia, but the fighting between Georgian and Ossetian militias continued. This was even the case after Zviad Gamsakhurdia was ousted from power in January 1992 by a *coup d’état*, and Eduard

²² South Ossetian perspectives on their history and justification of their claim to independence are to be found on the official website of the Tskhinvali authorities <http://cominf.org/english/> (accessed on 9 February 2009).

There is also a special website accusing the Georgian authorities of a systematic policy of genocide of South Ossetia: <http://osgenocide.ru/> (accessed on 9 February 2009).

²³ S. Serrano, “*Géorgie. Sortie d’empire*,” Paris: CNRS Editions, 2007, p. 10.

Shevardnadze returned from Moscow to Georgia in March 1992, at the invitation of the coup leaders.

In the USSR referendum of 17 March 1991, the South Ossetian population of the region (like the non-Georgian population in Abkhazia) reportedly voted in favour of the preservation of the Soviet Union,²⁴ while on 31 March 1991 Georgia held a separate referendum on its own independence. On 19 January 1992, immediately after the disintegration of the Soviet Union, the South Ossetians participated in another referendum where the vast majority of voters declared themselves in favour of independence from Georgia and unification with Russia.²⁵ The Georgian Government refused to recognise the referendum, viewing it as illegal. Following the result of the referendum of 19 January, the South Ossetian *de facto* Parliament “solemnly proclaimed the independence of South Ossetia”²⁶ from Georgia on 29 May 1992. The “Parliament of the South Ossetian Republic” appealed to Russia several times, demanding that it should recognise the independence of the country and/or accept it into the Russian Federation, but Russia refused to accede to this request.

On 24 June 1992, at a meeting between Presidents Boris Yeltsin and Eduard Shevardnadze and the representatives of North and South Ossetia, a ceasefire agreement was signed and a peacekeeping force, composed of Russian, Georgian and Ossetian units, was set up.²⁷

²⁴ The exact results of the 1991 referendum in South Ossetia have never been published and the Soviet Central Commission for the Referendum did not include South Ossetia into its official Communiqué on the outcome of the referendum.

²⁵ A Political and Legal Assessment of the 1989-1992 Developments, Resolution of the Parliament of the Republic of South Ossetia, Tshhinval, 26 April 2006.

²⁶ “Declaration of Independence of the Republic of South Ossetia – May 29th 1992,” in: Tamaz Diasamidze... *op. cit.*, p. 120.

²⁷ The 1992 Sochi Agreement “on principles of settlement of the Georgian-Ossetian conflict” between The Republic of Georgia and the Russian Federation signed by Edward Shevardnadze and Boris Yeltsin on 24 June 1992. Newspaper “Svobodnya Gruzia” issue 82, 27 June 1992; informal English translation available on www.rrc.ge

Abkhazia breaks away²⁸

The Abkhaz national movement *Aidgylara* (Unity) was founded in 1988. On 18 March 1989, in a mass gathering at the village of Lykhny, more than 30'000 people demanded the restoration of the legal status that Abkhazia had had in 1921, as a Union Republic.

On 14 May 1989, the authorities in Tbilisi decided to turn the Georgian section of the Abkhaz State University into a branch of the State University of Tbilisi in Sukhumi. The creation of a separate branch of a Georgian university was perceived by the Abkhaz as an attempt to undermine their educational system and a way to replace “practical, reasonable and peaceful dialogue with wretched tricks.”²⁹ This gave rise to Abkhaz protest demonstrations which in July 1989 led to violent clashes in Sukhumi and Ochamchira, in which several persons died and many were wounded.

On 25 August 1990 the Abkhaz Supreme Soviet adopted the “Declaration of the State Sovereignty of the Abkhaz Soviet Socialist Republic,” in the absence of the Georgian deputies.³⁰ The purely declaratory nature of the document did not alter the political status of Abkhazia,³¹ but it did demonstrate the Abkhaz aspiration for Abkhazia to be regarded as a sovereign republic, which could conclude a new agreement on state/legal relations with Georgia. The following day the Presidium of the Georgian Supreme Soviet declared that decision null and void. On 17 March 1991 a referendum on the preservation of the Soviet Union was boycotted by the Georgian population, including in Abkhazia. But a large majority

²⁸ Darrell Slider, ‘Georgia’, in Glenn Eldon Curtis (ed.), *Armenia, Azerbaijan and Georgia: Country Studies* (Washington, DC, Library of Congress, 1995), 149-230; Jürgen Gerber *Georgien: Nationale Opposition und kommunistische Herrschaft seit 1956* (Baden-Baden, Nomos Verlag, 1997); Naira Gelaschwili, *Georgien: Ein Paradies in Trümmern* (Berlin, Aufbau Taschenbuch Verlag, 1993); Svetlana Chervonnaya, *Conflict in the Caucasus: Georgia, Abkhazia and the Russian Shadow* (London, Gothic Image, 1994); Jonathan Cohen (ed), *A Question of Sovereignty: The Georgia-Abkhazia Peace Process*, Accord: An International Review of Peace Initiatives, 7 (1999); For an Abkhaz view of the history of Georgian–Abkhaz relations see Stanislav Lakoba, *Ocherki politicheskoi istorii Abkhazii* (Sukhum, Alashara, 1990), and *Abkhazia. Posle dvukh okkupatsii*, (Gagra, Assotsiatsiya ‘Intelligentsia Abkhazii’, 1994).

²⁹ “Decree issued by the Presidium of the Supreme Council of the Abkhaz ASSR on the substantive exacerbation of the inter ethnic relations in the Abkhaz ASSR because of the unlawful attempt to establish a Sukhumi branch of the Tbilisi State University – July 15th 1989,” in: Tamaz Diasamidze... *op. cit.*, p. 3.

³⁰ The Declaration was denounced the day after by the Georgian Supreme Soviet, and resulted in numerous protest rallies and the blockade of the railway in Sukhumi. A week later, the deputies who were absent during the vote of the declaration met and rescinded it. Chumalov, *op. cit.* pp. 218-19.

³¹ Indeed, the Supreme Council of Abkhazia decreed that “before the resolution of this issue by the Supreme Council of the USSR and concluding the new union treaties, the current state-legal relations between Georgia and Abkhazia shall remain in force.” “Decree issued by the Supreme Council of the Abkhaz SSR on Legal Guarantees of Protection of the Statehood of Abkhazia” in: Tamaz Diasamidze... *op. cit.*, pp.29-31. Such declarations of sovereignty were far from extraordinary at that time: 28 other entities, including autonomous republics, autonomous oblasts, Transdnistria, Crimea and Gagauzia declared their sovereignty from December 1989 to September 1991. Walker Edward W., *Dissolution. Sovereignty and the Breakup of the Soviet Union*, Lanham, Rowman and Littlefield Publishers, 2003, p.96.

of Abkhazia's non-Georgian population (like in South Ossetia) participated in the referendum (52% of eligible voters), and 99% of them voted in favour.³² This meant that the war of laws had escalated to the question of a separation of Abkhazia from Georgia.

2. Peace efforts in Abkhazia

Escalation of tension in 1991 - 1992. The electoral law and power-sharing agreement

Negotiations between Tbilisi and Sukhumi aimed at resolving the growing tension in Abkhazia, largely over its political status, started already in 1991, that is before the formal dissolution of the weakening Soviet Union. The idea was to discuss the redistribution of power there. The first proposal put forward in March 1991 by the Abkhaz national forum, *Aidgylara* (Unity), concerned the reorganisation of the local Supreme Council (Soviet). It provided for the creation of a two-chamber parliament in Abkhazia, consisting of a Republican Council, based on the principle of equality of citizens' rights and formed along territorial lines on the one hand, and a Nationality Council, based on the principle of equality of nations' rights and formed along nationality lines, on the other.³³ The proposal was turned down by Georgian President Zviad Gamsakhurdia, who seemed to fear that the Abkhaz would enjoy a right of veto in the Nationality Council and that this model could set a precedent for other nationalities in Georgia.³⁴

Eventually, in July 1991, the two parties came back to a Soviet-type quota-based solution. For every district, the number of Abkhaz, Georgians and other national candidates to be elected had to be fixed by law. Twenty-eight seats were allocated to the Abkhaz, 26 to the Georgians and 11 to the remaining nationalities. Additional talks were held in the Georgian-Abkhaz Consent Commission (*soglasovatelnyi komitet*) to negotiate the parliament's procedure and the distribution of political mandates to the different nationalities. The Commission allocated the chairmanship of the Supreme Council to the Abkhaz and the vice-chairmanship to the Georgians, and vice-versa for the positions in the Council of Ministers.³⁵ If one takes into

³² Information of the Central State [Election] Commission of the Abkhaz ASSR. In: Tamaz Diasamidze... *op. cit.*, p. 54.

³³ Hewitt George B., "Abkhazia: a problem of identity and ownership," *Central Asia Survey*, 12(3), 1993, p.321.

³⁴ Interviews in Sukhumi on 6/11/07 and 05/05/08.

³⁵ Similarly, the Ministers, Chairmen of State Committees and other agencies under the jurisdiction of the Council of Ministers were to be appointed by two thirds of the votes, meaning that the Georgians and the Abkhaz had to agree on every appointment. "Temporary Law of the Abkhaz ASSR on Rules of Election and Appointment of Officials by the Supreme Council of the Abkhaz ASSR," 27 August 1991, in: Tamaz Diasamidze... *op. cit.*, pp. 71-72.

account the fact that before this reform the chairmanship of the Supreme Council already used to fall to an Abkhaz, that the Abkhaz already had more seats than the Georgians in the Supreme Council and that the last head of the Council of Ministers was Georgian, the agreements did not fundamentally change the balance of power. But the reforms had two advantages: they protected the Abkhaz against a removal of the quotas, and the Georgians against undesired constitutional changes. Indeed, according to the new law on amendments to the constitution, a two-thirds majority was necessary both to put constitutional issues on the agenda, and then to pass laws.³⁶ If enforced, this law would ensure that no unilateral change could be made without approval of the other nationality, which would probably not have been the case if the older law were in force.

President Gamsakhurdia may have thought that by reaching a compromise solution, and satisfying some of the Abkhaz grievances, Tbilisi would relieve the existing political tension in Abkhazia and prevent another open conflict from breaking out in Georgia (in addition to the one in South Ossetia). The problem was, however, that this compromise did not fully satisfy the aspirations of either the Abkhaz or the Georgian community (who frequently described the agreement as an “apartheid law”). Additionally, after the elections held on 25 September 1991, the group of 11 deputies to the local legislature who represented other nationalities split. Seven of them joined the Abkhaz faction and four – the Georgian, thus constituting a 35-member pro-Abkhaz majority in the 65-seat Supreme Council. According to the Georgian side, on certain occasions this majority adopted constitutional laws in contravention of the requirement for a two-thirds majority, stipulated in the new law on changes to the Constitution.³⁷ This led to new controversies.

In May 1992 (i.e. after the *coup d'état* in Tbilisi, which saw President Gamsakhurdia ousted from power and the election of Eduard Shevardnadze as Chairman of Georgia's newly established State Council in March), the disgruntled Georgian representatives left the local Supreme Council and the Government to establish parallel power structures. Two months later, the pro-Abkhaz deputies replaced the 1978 Constitution with a 1925 draft Constitution

³⁶ “Law of the Abkhaz ASSR on changes to the law of the Abkhaz ASSR on Public Referendum in the Abkhaz ASSR,” 27 August 1991, in: Tamaz Diasamidze... *op. cit.*, p.71.

³⁷ For example, on 23 July 1992, without the two-thirds majority required to make constitutional changes, the pro-Abkhaz deputies replaced the 1978 Constitution with a 1925 draft Constitution and proposed to work on a new Union treaty between Abkhazia and Georgia. They entrusted the Presidium to bring proposals to the session of the Supreme Council to “restore inter-state relations between Abkhazia and Georgia. [See: Tamaz Diasamidze... *op. cit.*, p.131].

and proposed that a new union treaty between Abkhazia and Georgia should be worked out.³⁸ The Georgian-Abkhaz talks on the status issue brought no tangible results. However, all these developments further contributed to the rise of tension in Abkhazia. The entry of Georgian troops into the territory of Abkhazia on 14 August 1992 disrupted political contacts between the two parties for quite some time.

The Outbreak of Armed Conflict and Peace Efforts up to 2008

The entry of the Georgian troops into Abkhazia on 14 August 1992, officially with the task of protecting the railway linking Russia with Armenia and Azerbaijan through Georgia's territory, resulted in armed hostilities. They lasted, with several short-lived armistices, until 14 May 1994.³⁹

In August 1992 the Georgian forces managed to establish their control over the eastern and western parts of Abkhazia (with the exception of the town of Tkvarcheli in the east), while the pro-Abkhaz formations controlled the central part (between the Rivers Gumista and Bzib, and including the town of Gudauta).

A first serious international attempt to negotiate a peaceful settlement in Abkhazia was made by the then President of the Russian Federation, Boris Yeltsin. This effort resulted in the peace agreement of 3 September 1992.⁴⁰ In addition to the Georgian, Abkhaz and Russian leaders, the agreement was signed by leaders of the North Caucasus republics of the Russian Federation. It provided, *inter alia*, for a ceasefire, the withdrawal from Abkhazia of illegal armed groups, and the reduction of Georgian forces to "the level necessary to fulfil the tasks of the agreement" (the protection of the railway and other installations). More significantly, the agreement included the only explicit recognition the Abkhaz side has ever given of Georgia's territorial integrity, and it appealed to the United Nations and the OSCE to contribute to the peace efforts in the area. A first UN peace mission visited the region already in mid-September 1992.⁴¹

³⁸ Decree issued by the Supreme Council of Abkhazia on Decree issued by the State council of Georgia "on Regulation of Problems on Formation and Operation of the Border zone of the Republic of Georgia," 3 June 1992, in: Tamaz Diasamidze... *op. cit.*, p.101.

³⁹ About the war see: Jurij Anchabadze, History: the modern period and Dodge Billingsley, Military aspects of the war: the turning point. In G. Hewitt... *op. cit.*, pp. 132-146 and 147-156.

⁴⁰ Final document of the Moscow Meeting, in: Tamaz Diasamidze... *op. cit.*, pp. 132-133.

⁴¹ Report of a UNPO Mission to Abkhazia, Georgia and the Northern Caucasus. November 1992. <http://www.unpo.org/downloads/AbkGeo1992Report.pdf>; accessed on 24.08.2009.

The ceasefire called under the 3 September 1992 Agreement did not last long, however, and in early October the pro-Abkhaz forces – supported by volunteers from the North Caucasus and other parts of the Russian Federation – launched an offensive across the Bzib River and seized the whole of the western part of Abkhazia, including the town of Gagra, up to the Georgian-Russian border along the Psou River. Many analysts regard the Abkhaz military success in October 1992 as being of strategic importance, since it allowed the Abkhaz side to overcome its inconvenient “sandwiched” position, encircled by the Georgian-controlled areas, and to secure direct, unhindered land communication with the Russian Federation.

The United Nations reacted to the large-scale hostilities of October 1992 by dispatching another high-ranking mission to Georgia and by establishing a UN “initial presence” in the area. The UN role in peace efforts in the region was further upgraded in May 1993 when the UN Secretary-General appointed his Special Envoy to Georgia. His tasks were to reach an agreement on the implementation of a ceasefire, assist the parties in reviving negotiations, and enlist the support of third countries in achieving those objectives in coordination with the Chairman-in-Office of the CSCE.⁴²

In the meantime, hostilities in Abkhazia continued, with particularly heavy fighting in and around Sukhumi, Tkvarcheli, Tamysh and along the Gumista River in March and July 1993. Only on 27 July 1993, the Russian mediation produced another ceasefire agreement (the so-called Sochi Agreement).⁴³ It also provided for the gradual demilitarisation of the conflict zone on both sides of the ceasefire line (basically following the course of the Gumista River); the return of refugees/IDPs; the establishment of monitoring groups and a joint commission for a peace settlement, composed of Georgian, Abkhaz and Russian and, if agreed upon, UN and OSCE representatives; the protection of the railway by special Georgian and Abkhaz forces; the deployment of international observers and a peacekeepers, and a Russian military contingent to maintain the ceasefire. It also provided for negotiations for the purpose of reaching an agreement on a comprehensive settlement of the conflict, under the aegis of the UN and with the assistance of the Russian Federation as facilitator.⁴⁴

⁴² Repertoire of the Practice of the Security Council 1993-95, Chapter 8: Situation in Georgia, available at: http://www.un.org/french/docs/cs/repertoire/93-95/93-95_chap08table.htm, accessed May 2009, p.4. Also: Hewitt George, *Abkhazia: a problem... op. cit.*

⁴³ Agreement on ceasefire and the mechanisms of its implementation in Abkhazia, in: Tamaz Diasamidze... *op. cit.*, p. 154.

⁴⁴ *Ibid.*

Following the Sochi Agreement the UN Security Council, in Resolution 858 of 24 August 1993, established a United Nations Observer Mission in Georgia (UNOMIG) comprising up to 88 military observers, with support staff, in order to verify compliance with the Agreement. The first small group of UN observers arrived in the conflict zone at the end of August 1993.⁴⁵

After Georgian heavy weapons had been removed from the conflict zone in accordance with the Sochi Agreement, the pro-Abkhaz forces broke the ceasefire and on 16 September 1993 launched a massive attack on Sukhumi and a number of other locations on the Georgian side of the ceasefire line. Simultaneously, supporters of ousted President Zviad Gamsakhurdia renewed the insurrection in the province of Mingrelia (in the western part of Georgia, bordering on Abkhazia)⁴⁶, thus entrapping the government troops between two lines of fire. They were defeated within two weeks, and most of the territory of Abkhazia was seized by pro-Abkhaz forces. The only exception was the Kodori Valley, where fighting continued until spring 1994, when the next ceasefire was agreed upon in the Declaration on Measures for a Political Settlement of the Georgian-Abkhaz conflict of 4 April 1994 and, later formalised in the Agreement on a Ceasefire and Separation of Forces of 14 May 1994. Both documents were signed in Moscow under Russian and UN mediation.⁴⁷

The Moscow Agreement provided, *inter alia*, for a ceasefire, and the deployment of international observers and a peacekeeping force of the Commonwealth of Independent States (CIS PKF). The separation of forces was reinforced by the establishment of Security Zones and Restricted Weapons Zones on both sides of the ceasefire line, which at that time basically went along the Inguri River, coinciding with the Georgian-Abkhaz administrative boundary.

Under the Moscow Agreement, the CIS PKF - in practice an entirely Russian force - was deployed in the conflict zone in June 1994. This deployment was *post factum* endorsed by the UN Security Council, while a few Member States raised doubts about the suitability of entrusting such a role to a neighbouring power with its own vital interests in the area.

⁴⁵ <http://www.un.org/Depts/dpko/missions/unomig/background.html>; accessed on 24.08.2009.

⁴⁶ George Khutsishvili, Intervention in Transcaucasus. "Perspective", vol. IV Nr 3 (February/March 1994), <http://www.bu.edu/iscip/vol4/Khutsishvili.html>; accessed on 24.08.2009.

⁴⁷ Quadripartite agreement on voluntary return of refugees and displaced persons, in Tamaz Diasamidze... *op. cit.*, pp. 172-174; Declaration on measures for a political settlement of the Georgian-Abkhaz conflict, in Tamaz Diasamidze... *op. cit.*, p. 175; Agreement on a ceasefire and separation of forces. in Tamaz Diasamidze... *op. cit.*, pp. 179-181.

The UN Security Council, in Resolution 937 of 21 July 1994, also extended UNOMIG's mandate and expanded it to 136 military observers with appropriate civilian support staff.⁴⁸ The above developments were followed by an agreement between the UN Secretary-General, Mr Boutros-Boutros Ghali, and the Chairman of the Council of Heads of State of the CIS, President Boris Yeltsin, on cooperation between UNOMIG and CIS PKF.⁴⁹

The above arrangements reinforced the observation of the ceasefire and laid the foundations for a peace process. The 1992 - 1994 conflict in Abkhazia, however, with the involvement of North Caucasian and Russian volunteers, and the Georgian defeat, caused thousands of casualties on both sides and deepened the existing animosities. Some 300 000 people⁵⁰, including almost the entire Georgian population of about 250 000, had to flee from Abkhazia.⁵¹ For the Georgians this was a time of national tragedy. The population displaced from Abkhazia took over hotels, schools and virtually all empty buildings in Tbilisi. Georgia, already reeling from the events of the previous five years, plunged further into chaos and frustration.

One of most controversial and diversely interpreted subjects concerning the 1992 - 1994 Georgian-Abkhaz armed conflict and its aftermath was Russia's role in the conflict and the responsibility for it. There is agreement among Georgian, Abkhaz and Russian scholars on the inconsistent nature of Russia's involvement. It is widely believed that the political crisis in Moscow – leading to the forcible dissolution of the Parliament by President Yeltsin in October 1993 – ruled out any well-designed, balanced intervention by Russia at its southern border.⁵²

It seemed that significant elements of the Russian political establishment wanted to uphold the principle of territorial integrity of new post-Soviet states, including those in the Caucasus, but this was not a consensual view, and particularly not the main concern of the Russian military or the local commanders stationed in Abkhazia, who actively supported the Abkhaz

⁴⁸ <http://daccessdds.un.org/doc/UNDOC/GEN/N94/298/25/PDF/N9429825.pdf?OpenElement>; accessed on 24.08.2009.

⁴⁹ http://untreaty.un.org/unts/120001_144071/9/3/00006986.pdf; accessed on 24.08.2009.

⁵⁰ <http://daccessdds.un.org/doc/UNDOC/GEN/N94/055/27/PDF/N9405527.pdf?OpenElement>; accessed on 24.08.2009.

⁵¹ "Resolution 896 (1994) adopted by the UN Security Council – January 31st 1994," in: Tamaz Diasamidze...*op. cit.*, pp. 168-169.

⁵² Bruno Coppieters, *Locating Georgian Security*. In Bruno Coppieteres, Robert Legvold (ed.), *Statehood and Security, Georgia after the Rose Revolution*. The MIT Press, Cambridge, London 2005, p. 373.

side.⁵³ Divisions between the various factions within the Russian Government further explain why at some points both sides, Georgians and Abkhaz, were receiving substantial Russian support.

Russia's precise role in the 1992 - 1994 armed conflict in Abkhazia is still not easy to judge, but Russian support for the Abkhaz side at some crucial moments undoubtedly created a major obstacle to the establishment of friendly relations between Moscow and Tbilisi. Georgian public opinion has even ascribed to Russia the main responsibility for the conflict in Abkhazia, and also for its own military defeat.

International efforts to mediate between the two parties to the conflict continued practically unabated, both during the above-mentioned period of armed confrontation in Abkhazia and afterwards. Many of these efforts were made under the aegis of the United Nations. The Group of Friends of Georgia, created in December 1993⁵⁴ and comprising France, Germany, the Russian Federation, United Kingdom and United States, supported the UN peace efforts. This was particularly the case after July 1997, when the group was formally included in the UN-sponsored Georgian-Abkhaz peace process and in this connection it was renamed as the Group of Friends of the UN Secretary-General.⁵⁵

An important and in many respects crucial role was played by the Russian Federation, in its capacity as a facilitator of the UN-sponsored peace efforts, as a member of the Group of Friends, and independently (with varying degree of coordination or consultation with the UN).

Direct Georgian-Abkhaz contacts constituted a third channel for peace efforts. A positive role in this regard was played by the Bilateral Georgian-Abkhaz Coordination Commission for Practical Issues, set up in August 1997.⁵⁶

These three channels of communication and discussion fora were generally complementary though there was a certain amount of competition between their respective activities.

⁵³ Alexei Zverev, *Ethnic Conflicts in the Caucasus 1988-1994. Contested Borders in the Caucasus*. VUBPRESS Brussels 1996, pp. 51 and next.

⁵⁴ <http://www.state.gov/r/pa/ei/bgn/5253.htm>; accessed on 25.09.2009.

⁵⁵ <http://www.un.org/News/Press/docs/1997/19970731.SC6405.html>; accessed on 25.08.2009. See also: Susan Stewart, *The Role of the United Nations in the Georgian-Abkhazian Conflict*. http://www.ecmi.de/jemie/download/Stewart_SC_final.pdf; accessed on 25.08.2009.

⁵⁶ *Ibid.* Also: Annex to the Program of Action on Confidence-building between the Georgian and Abkhaz Sides, http://www.rrc.ge/law/oqm_2001_03_15_e.htm?lawid=1455&lng_3=en; accessed on 25.08.2009.

Diplomatic initiatives by individual states further complemented the overall peace efforts in the region; first among these were Germany, France, Great Britain and the United States.

In addition to official channels, the following also took a meaningful, though only supportive role in the overall peace efforts in the context of the Georgian-Abkhaz conflict: international and local non-governmental organisations (NGOs), research centres, universities as well as specialised press and publications. This second-track diplomacy could be regarded as an important and even indispensable component, particularly in confidence-building and in articulating ideas from academic circles, but also in reflecting grass-roots sentiment, visions and aspirations. In this context, also to be mentioned were the contributions made by the so-called Schlaining process, launched by the British NGO Conciliation Resources⁵⁷ and the Berghof Center for Constructive Conflict Management⁵⁸, as well as by the Free University of Brussels⁵⁹ and the University of California, Irvine⁶⁰. Many of these peace-oriented activities were materially supported by the Friedrich Ebert⁶¹ and the Heinrich Böll⁶² Foundations. The *Abkhaskiy Meridian*⁶³, an independent monthly published in Tbilisi but available also in Sukhumi, could be mentioned as one of the most important and brightest regular publications, generating interesting ideas and contributing to the peace efforts and Georgian-Abkhaz reconciliation. On the Abkhaz side, the *Nuzhnaya Gazeta*⁶⁴, *Ekho Abkazi*⁶⁵ and *Chegemskaya Pravda*⁶⁶ newspapers occasionally played similar roles.

These peace efforts were aimed not only at a cessation of hostilities, and later at the prevention of their resumption but, first and foremost, at reaching a comprehensive settlement of the conflict. Such a settlement should include agreements on the political status of Abkhazia, the return of refugees/IDPs, security issues and economic reconstruction. As far as international peace activities in the context of the conflict in Abkhazia are concerned, they

⁵⁷ <http://www.c-r.org/our-work/caucasus/schlaining.php>

⁵⁸ http://www.berghof-center.org/std_page.php?LANG=e&id=13

⁵⁹ <http://poli.vub.ac.be/>

⁶⁰ <http://www.uci.edu/>

⁶¹ <http://www.fes.de/>

⁶² <http://www.boell.de/service/home.html>

⁶³ Published with support of Friedrich Ebert Foundation and the Embassy of Switzerland in Tbilisi. At: http://www.fes.ge/index.php?option=com_content&view=category&layout=blog&id=35&Itemid=13; accessed on 25.08.2009.

⁶⁴ http://www.abkhazianews.narod.ru/news_Digest1_NG.htm; accessed on 25.08.2009.

⁶⁵ <http://www.era-abkhazia.org/news/smi/eho.php>

⁶⁶ <http://era-abkhazia.org/news/smi/true.php>

underwent a certain evolution and remained distinguishable for certain periods of time, at least in terms of negotiating strategies and tactics.

In general, it could be said that until mid-1997 peace efforts concentrated mainly on the political status of Abkhazia and the return of refugees/IDPs. The status question was always regarded as key to a future comprehensive peaceful settlement in Abkhazia, though it proved to be a very complex and challenging task. Nor was the return of refugees/IDPs a simple issue. In addition to its obvious humanitarian and economic dimensions, it had strong political and security aspects, since the return of Georgian refugees/IDPs *en masse* to Abkhazia would again seriously alter its ethnic composition and, eventually, its power structure, thus challenging the Abkhaz aspirations for a leading role in the territory. These two issues, however, were largely interconnected and therefore, during that period, they were frequently negotiated *de facto* in one package. It was no coincidence that important framework documents on these two matters were adopted together on 4 April 1994 in Moscow, namely, a Declaration on Measures for a Political Settlement of the Georgian-Abkhaz Conflict and a Quadripartite Agreement on the Voluntary Return of Refugees.

Regrettably, the strenuous efforts in this regard by both the United Nations and the Russian Federation failed to bring a breakthrough. Only a few more than 300 Georgian refugees/IDPs returned to Abkhazia in 1994 - 1995 in accordance with the Quadripartite Agreement.⁶⁷ Further orderly UNHCR-sponsored return of refugees/IDPs was largely hampered by the prevailing insecurity in the area, the undefined political status of Abkhazia and the unresolved Georgian-Abkhaz dispute over the pace of the return. At that time, the Abkhaz side was ready to consider the repatriation of up to 200 people a week (i.e. 800 a month)⁶⁸, while the Georgians regarded this figure as too modest⁶⁹, arguing that at such a pace the whole return process for some 250 000 Georgian refugees/IDPs, if continued, would take at least 25 years, a time span hardly acceptable to their public opinion or, in particular, to the destitute refugee/IDP community.

In the meantime, there was a gradual process of spontaneous return to the Gali district of Abkhazia (which before the 1992 - 1994 armed conflict had been predominantly a Georgian-

⁶⁷ <http://daccessdds.un.org/doc/UNDOC/GEN/N95/003/95/IMG/N9500395.pdf?OpenElement>; accessed on 25.08.2009.

⁶⁸ <http://daccessdds.un.org/doc/UNDOC/GEN/N95/130/12/IMG/N9513012.pdf?OpenElement> and <http://daccessdds.un.org/doc/UNDOC/GEN/N95/231/93/IMG/N9523193.pdf?OpenElement>; accessed on 25.08.2009.

⁶⁹ <http://daccessdds.un.org/doc/UNDOC/GEN/N95/231/93/IMG/N9523193.pdf?OpenElement>; accessed on 25.09.2009.

populated area) .⁷⁰ Spontaneous return later turned out to be the only kind possible and, therefore, could be regarded as more effective (in the year 2000, the returnee population in the Gali district was estimated at 40 000, i.e. about half of those who had lived there prior to the 1992 - 1994 conflict).⁷¹ Nevertheless, it also suffered from serious problems, such as lawlessness and insecurity, lack of a clear legal status, difficulties with teaching children in their native Georgian language, etc., and other setbacks (as a result of the renewed hostilities in May 1998, and the destruction of houses, some 30'000 – 40'000 returnees left the Gali district for the Georgian side of the ceasefire line for a second time). (See Chapter 7 “International Humanitarian Law and Human Rights Law”).

The issue of the status of Abkhazia proved to be even more difficult when it came to finding a mutually acceptable solution. In general, the Georgian side was ready to offer and discuss a great degree of autonomy for Abkhazia within the state of Georgia (a federal arrangement), while the Abkhaz insisted on a model of confederation, which would put both entities (Georgia and Abkhazia) on an equal footing in terms of international law, and give both of them a right to secession.⁷² (See Chapter 3 “Related Legal Issues”).

In the years 1993 - 1997, there were a number of initiatives, contributed largely by Russian diplomacy, aimed at reconciling these two different approaches. Draft concepts of a “union state,” a “common state” and suchlike were put on the negotiating table. On two different occasions, in 1995⁷³ and 1997⁷⁴, the parties even accepted the respective draft agreements at a working level, but subsequently either one side or the other (in July 1995 the Abkhaz and in June-August 1997 the Georgians) changed its mind and withdrew its earlier consent. One of the most difficult issues for the parties proved to be not only the very concept of a future arrangement (federation or confederation) or its denomination, but also or mainly the right to secession. The Abkhaz insisted on such a right, arguing that it would constitute the most viable guarantee that their rights and positions within the agreed state arrangement would not be disregarded in the future. The Georgians, on the contrary, seemed to see serious potential

⁷⁰ *Ibid.*

⁷¹ <http://www.unhcr.org/3e2c05c37.html>; accessed on 25.08.2009.

⁷² Wojciech Górecki, *Abchaskie elity wobec niepodległości* (The Abkhaz elites towards the independence), *Studia i Materiały* nr 103, Polski Instytut Spraw Międzynarodowych (The Polish Institute of International Affairs), Warszawa 1996.

⁷³ Protocol on Georgian-Abkhaz conflict settlement (draft), in Tamaz Diasamidze... *op. cit.*, p. 230-231.

⁷⁴ Georgian, Abkhaz Presidents Agree to Talks. Radio Free Europe / Radio Liberty (RFERL) Newslines 5.08.1997, <http://www.rferl.org/content/article/1141465.html>, accessed on 25.08.2009.

risks to themselves deriving from their acceptance of the right to secession.⁷⁵ They argued that such a provision in a future state arrangement might lead to one of the two following and unwanted scenarios: (a) the Abkhaz authorities might misuse such a right, even if unprovoked by the Georgian side, and already in the not-too-distant future might legally separate from Georgia; or (b) Abkhazia might formally remain within a common state structure for some time, but an Abkhaz “sword of Damocles” – separation – would hang over the Georgian “neck” any time Moscow was not fully satisfied with Tbilisi’s foreign policy posture.

President Shevardnadze tried to address this dilemma in September 1995 by proposing an extension of the Russian military presence on Georgian territory for an additional 25 years, reportedly in exchange for Moscow’s support of Tbilisi’s policy of reintegration in the country.⁷⁶ Eventually, the level of Moscow’s support most probably did not satisfy Tbilisi’s expectations, as the Georgian Parliament did not ratify the September 1995 Agreement on the Russian military bases. Instead, Eduard Shevardnadze’s government began to demand the withdrawal from Georgia of the four Russian military bases (one of these bases, Bombora, was located in Abkhazia, near the town of Gudauta) as well as Russian border guards. A formal agreement on the commencement of withdrawal of the Russian military bases from Georgia was reached at the OSCE Istanbul Summit in 1999, within the CFE framework.⁷⁷

As for the UN-sponsored Georgian-Abkhaz peace process, in the first half of 1997 the UNSG Special Envoy for Georgia was replaced by the UNSG Special Representative (SRSG), and this change was accompanied by a change in the peace strategy.⁷⁸ Aware that the earlier attempts to resolve the status issue had been unsuccessful, the SRSG proposed instead that the parties involved in the peace process should concentrate their efforts on practical issues, namely on the return of refugees/IDPs, the improvement of security conditions along the ceasefire line and economic rehabilitation. The Russian Federation’s experience with the negotiation and signing of the Khasavyurt Accord on Chechnya in August 1996, with a five-year postponement of a decision on political status, may also have had some influence on the SRSG’s new approach to the Georgian-Abkhaz peace negotiations.

⁷⁵ See e.g.: Ghia Nodia, Georgian perspectives, and Liana Kvarchelia, An Abkhaz perspective, in: A question of sovereignty. The Georgia-Abkhazia peace process. “Accord”, September 1999, <http://www.c-r.org/our-work/accord/georgia-abkhazia/contents.php>; accessed on 25.08.2009.

⁷⁶ Agreement signed on 15.09.1995 by President Shevardnadze and Russian Prime Minister Chernomyrdin.

⁷⁷ Georgia, Russia Agree on Closure of Two Russian Bases. RFERL Newline, 22.11.1999, <http://www.rferl.org/content/article/1142039.html>; accessed on 17.08.2009

⁷⁸ <http://www.un.org/News/Press/docs/1997/Sc6366.doc.htm>; accessed on 25.08.2009 and <http://daccessdds.un.org/doc/UNDOC/GEN/N97/198/17/IMG/N9719817.pdf?OpenElement>; accessed on 25.08.2009.

Eventually, the SRSG succeeded in reinvigorating the UN's role in the peace process and in establishing a well-developed negotiating mechanism which included high-level plenary meetings in Geneva, periodic sessions of the Coordinating Council alternating in Tbilisi and Sukhumi, and three almost permanently functioning Working Groups dealing with the return of refugees/IDPs, security issues and economic and social issues, respectively. The work of the above mechanism was supposed to be complemented and facilitated by broad-ranging activities aimed at mutual confidence-building, with the participation by grass-root representatives of Georgian and Abkhaz society. Three UN-organised conferences on confidence-building between the Georgian and Abkhaz sides were held – in October 1998 (Athens)⁷⁹, June 1999 (Istanbul)⁸⁰ and March 2001 (Yalta)⁸¹ – which adopted special documents and programmes. This peace mechanism, later named the first Geneva Process, had added political weight since, from its very inception, the Group of Friends of the UN Secretary-General actively participated in its work (formally with observer status), in addition to the two parties to the conflict, the UN and the OSCE, with the Russian Federation as facilitator.

All the same, the impressive peace mechanism of the Geneva Process in reality produced quite modest results. Confidence-building was negatively affected by the continued anti-Abkhaz (and occasionally anti-Russian) partisan and terrorist activities along the ceasefire line, particularly in the Gali district, since there were strong suspicions that these activities were clandestinely sponsored by some official Georgian agencies.⁸²

In January 1996 the CIS Council of Heads of State adopted a document introducing restrictions on contacts and cooperation between the CIS member states (including the Russian Federation) and Abkhazia.⁸³ These restrictions, though understandable in terms of international law, caused a further deterioration in the already very low living standards in Abkhazia, thus reinforcing the anti-Georgian sentiments still alive since the 1992 - 1994

⁷⁹ <http://daccessdds.un.org/doc/UNDOC/GEN/N98/307/32/IMG/N9830732.pdf?OpenElement>; accessed on 25.08.2009.

⁸⁰ <http://daccessdds.un.org/doc/UNDOC/GEN/N99/212/47/IMG/N9921247.pdf?OpenElement>; accessed on 25.08.2009.

⁸¹ <http://daccessdds.un.org/doc/UNDOC/GEN/N01/347/97/IMG/N0134797.pdf?OpenElement>; accessed on 25.08.2009.

⁸² Besik Kurtanidze, *Guerrillas Keep on Fighting*. Slavic and East European Collections at UC Berkeley. Army and Society in Georgia. June 1998. <http://www.lib.berkeley.edu/doemoff/slavic/pdfs/army698.pdf>; accessed on 25.08.2009.

⁸³ CIS Summit Tightens Screws on Abkhazia. RFERL Newsline 22.01.1996, <http://www.rferl.org/content/article/1141092.html>; accessed on 25.08.2009.

armed conflict, as it was widely believed that the restrictions were being imposed at Georgia's initiative.

Later, in May 1998, the eruption of active hostilities in the Gali region resulted not only in dozens of deaths but also in the widespread destruction of property (including hundreds of the UNHCR-renovated houses) and in an exodus (estimated at 30'000 – 40'000 people) from the Abkhaz-controlled territory of the majority of Georgians who had spontaneously returned to the other side of the ceasefire line. In certain important domains, therefore, the peace process practically reversed in late spring of 1998. A large proportion of the IDPs, who had fled after the events of May 1998, returned to the Gali region in 1999 with Abkhaz consent, but the overall situation there remained complex for a number of years.⁸⁴

The economic rehabilitation envisaged for the conflict zone was regarded as a serious stimulus to the overall peace efforts and an important element of the Geneva Process. In this context, a UNDP-led Needs Assessment Mission (NAM) visited Abkhazia in February 1998⁸⁵ and issued a report with recommendations for an international assistance programme in various economic fields, amounting to almost USD 200 million.⁸⁶ The Georgian Government, however, which seemed to regard economic rehabilitation in the Abkhaz-controlled territories as its trump card in the peace negotiations, preferred to discuss such rehabilitation in a package with other issues (status and the return of refugees/IDPs). Under these circumstances – the absence of talks on the status issue and no clear prospects for an orderly return – the Georgian side was in no hurry to give its blessing to the implementation of the NAM's recommendations. The May 1998 events in Gali then had a serious negative, delaying effect on the entire peace process.⁸⁷

One of main lessons drawn by the UN from the experience of 1998 seemed to be that it was very difficult to progress on the peace process and to solve particular problems without addressing the political status. A clear understanding emerged, therefore, that it was necessary to return to discussions on that matter. Bearing in mind, however, that numerous unsuccessful

⁸⁴ "The Blood-Dimmed Tide Is Loose ...". RFERL, "Caucasus Report" 13, 26.05.1998, <http://www.rferl.org/content/article/1342037.html>; accessed on 25.08.2009; <http://daccessdds.un.org/doc/UNDOC/GEN/N98/164/04/PDF/N9816404.pdf?OpenElement>; accessed on 25.08.2009; <http://daccessdds.un.org/doc/UNDOC/GEN/N98/307/32/IMG/N9830732.pdf?OpenElement>; accessed on 25.08.2009.

⁸⁵ <http://daccessdds.un.org/doc/UNDOC/GEN/N98/122/08/IMG/N9812208.pdf?OpenElement>; accessed on 25.08.2009.

⁸⁶ <http://www.unpo.org/content/view/712/236/>; accessed on 25.08.2005.

⁸⁷ S. Neil MacFarlane, The role of the UN, in: A question of sovereignty... *op. cit.*

attempts to bring the parties to a compromise on that issue had been undertaken in previous years, it was decided that a draft on the most contentious aspects of the status issue should be worked out and proposed to the parties by international actors. As a result, in Resolution 1255 of 30 July 1999 the UN Security Council supported “the intention of the Secretary-General and his Special Representative, in close cooperation with the Russian Federation, in its capacity as facilitator, the OSCE and the Group of Friends of the Secretary-General, to continue to submit proposals for the consideration of the parties on the distribution of constitutional competences between Tbilisi and Sukhumi as part of a comprehensive settlement.”⁸⁸

The work initiated by the above UNSC Resolution resulted at the end of 2001 in the adoption by the Group of Friends of the document entitled “Basic Principles for the Distribution of Competences between Tbilisi and Sukhumi,” known as the Boden paper after the new SRSO, who took over this function in late 1999.⁸⁹ The Boden paper, supported by the UN Security Council⁹⁰, considered Abkhazia to be a sovereign entity within the State of Georgia. Consequently, it did not support Sukhumi’s position that Abkhazia and Georgia were equal subjects under international law and, subsequently, its claims to the right to secession. It also ruled out the possibility of unilateral changes to a future federal agreement. The further parameters of the distribution of competences between Tbilisi and Sukhumi, within a federal agreement, were left for future negotiations between the two parties. Such an arrangement was supposed to be the subject of international guarantees, with the Russian Federation as one of guarantors.

In theory, if accepted by the parties, the Boden paper could have brought about a breakthrough in the negotiations on the status issue. But even at the time of its adoption, chances that it would play such a role were slim. Anticipating that the expected document would be based on the principles of the relevant UN Security Council resolutions, which clearly supported Georgia’s territorial integrity, Sukhumi declared its independence in October 1999⁹¹ and subsequently refused, repeatedly, to receive the Boden paper for

⁸⁸ <http://daccessdds.un.org/doc/UNDOC/GEN/N99/223/74/PDF/N9922374.pdf?OpenElement>; accessed on 25.08.2009.

⁸⁹ <http://daccessdds.un.org/doc/UNDOC/GEN/N02/220/44/IMG/N0222044.pdf?OpenElement>; accessed on 25.08.2009.

⁹⁰ <http://daccessdds.un.org/doc/UNDOC/GEN/N02/238/65/PDF/N0223865.pdf?OpenElement>; accessed on 25.08.2009.

⁹¹ Act on the National Independence of the Republic of Abkhazia, in: Tamaz Diasamidze... *op. cit.*, pp. 351-352.

consideration.⁹² In addition, from January 2001 the Abkhaz side virtually suspended its participation in the UN-sponsored Coordinating Council's mechanism, thus seriously weakening the whole peace process.⁹³ The impasse looming in the peace process contributed to the rising tension in the conflict zone, which culminated in hostilities in the Kodori Valley in October 2001.⁹⁴ The October fighting cost the lives of nine UNOMIG staff when the Mission's patrol helicopter was shot down by a ground-to-air missile.⁹⁵

Despite all these odds, serious and largely successful efforts to stabilise the situation on the ground and to reinvigorate the Georgian-Abkhaz peace process were made in the period between mid-2002 and mid-2006 by a new SRSG, actively supported by the Group of Friends. A special pre-emptive security arrangement was put in place for the Kodori Valley (with a high-ranking international military team on stand-by), and the implementation of recommendations put forward in 2002 by the Security Assessment Mission for the Gali region (SAM)⁹⁶ gradually helped to improve the overall security situation in the conflict zone. These recommendations included, *inter alia*, the deployment of UN civilian police, international training of local police officers, and economic rehabilitation programmes, implemented mainly by UNOMIG and UNDP and funded largely by the European Commission as well as by other donor countries such as Switzerland, the Netherlands, Finland, Italy, Norway. Confidence-building measures included the UN-sponsored joint study visits by high-ranking representatives of the two sides to Bosnia-Herzegovina, Kosovo, Switzerland and Italy (South Tyrol) as well as the facilitation of the crossing of the ceasefire line by local people through the main Inguri Bridge (in a bus specially provided by UNOMIG).

The greatest achievement of that period, however, was probably the resumption of the official peace dialogue and cooperation between the two parties within the framework of the so-called second Geneva Process commenced in February 2003, with the full and active participation and guidance of the Group of Friends. In addition to regular plenary sessions with the participation of the UN, the Group of Friends and the two parties, this process also included

⁹² In early 2006, also the Russian Federation started questioning the usefulness of the Boden paper for the Georgian-Abkhaz peace process, though not its principles, including Georgia's territorial integrity, which Moscow openly put in doubt only in August 2008.

⁹³ Georgian-Abkhaz Talks Resume under Auspices of UN. RFERL Newline 16.05.2006, <http://www.rferl.org/content/article/1143634.html>; accessed on 25.08.2009.

⁹⁴ Situation in Abkhazia Remains Tense. RFERL Newline 29.10.2001, <http://www.rferl.org/content/article/1142514.html>; accessed on 25.08.2009.

⁹⁵ <http://daccessdds.un.org/doc/UNDOC/GEN/N01/600/84/PDF/N0160084.pdf?OpenElement>; accessed on 25.08.2009.

⁹⁶ <http://daccessdds.un.org/doc/UNDOC/GEN/N03/318/04/IMG/N0331804.pdf?OpenElement>; accessed on 25.08.2009.

activities by three Task Forces dealing with the return of refugees/IDPs, economic rehabilitation and security and political issues.⁹⁷ The work of the third Task Force created a forum for the elaboration of concepts going far beyond local security problems, and touching upon issues to do with regional security and the international security guarantees for a future agreement on a comprehensive settlement. The meetings and deliberations on international security guarantees, in turn, created a promising platform for discussions at a later stage on political issues, including status. In 2005 a package of documents on the non-use of force and the return of refugees/IDPs was prepared for signing by the two parties at the highest level.⁹⁸ In May 2006 the UN-led Coordinating Council (established in November 1997, but dormant since January 2001) also resumed its work.⁹⁹

The second Geneva Process was complemented by the so-called Sochi Process, agreed between President Eduard Shevardnadze and President Vladimir Putin at their meeting in Sochi in March 2003.¹⁰⁰ This mechanism dealt mainly with the rehabilitation of the railway (going from Sochi in the Russian Federation through Sukhumi and Zugdidi in Georgia to Erevan and Baku, in Armenia and Azerbaijan respectively), cooperation in the energy sector and the return of refugees/IDPs. UN representatives actively participated in most events of the Sochi Process, particularly those relating to the return of refugees/IDPs.¹⁰¹ The return strategy, prepared jointly with the UNHCR, was aimed *inter alia* at improving legal, security and economic conditions for the returnees, particularly in the Gali district, and identifying and registering those IDPs on the Georgian side of the ceasefire line who were willing to return to their permanent home on the Abkhaz side.¹⁰²

Regretfully, the positive momentum the peace process had gained in the period between mid-2002 and mid-2006 was not fully utilised and kept alive later on. In July 2006, pro-Georgian structures of the so-called Autonomous Republic of Abkhazia in exile moved their headquarters from Tbilisi to the Georgian-administered upper Kodori Valley, which

⁹⁷ *Ibid.*

⁹⁸ <http://daccessdds.un.org/doc/UNDOC/GEN/N06/205/97/PDF/N0620597.pdf?OpenElement>; accessed on 25.08.2009.

⁹⁹ Georgian-Abkhaz Talks Resume... *op. cit.*

¹⁰⁰ Concluding statement of the meeting between Vladimir Putin – President of the Russian Federation and Eduard Shevardnadze – President of Georgia. 6-7 March 2003, in: Tamaz Diasamidze... *op. cit.*, pp. 459-460.

¹⁰¹ See e.g. <http://daccessdds.un.org/doc/UNDOC/GEN/N04/444/70/PDF/N0444470.pdf?OpenElement>; accessed on 25.08.2009.

¹⁰² See e.g. <http://daccessdds.un.org/doc/UNDOC/GEN/N05/557/24/PDF/N0555724.pdf?OpenElement>; accessed on 25.08.2009.

constituted a part of the former Autonomous Republic of Abkhazia within Georgia. Sukhumi protested at the move and partly suspended its participation in the peace mechanisms.

The Georgian decision to install the alternative pro-Georgian authorities in the upper Kodori Valley was criticised by some analysts who believed that such a step could adversely affect the Georgian-Abkhaz peace process. Other analysts put Tbilisi's move in the context of the ongoing international controversies over the future recognition of Kosovo and Moscow's warnings of its possible recognition of Abkhazia and South Ossetia. In other words, they regarded the installation of the pro-Georgian administration in Kodori as a preventive move aimed at making Russia's recognition of Abkhazia more difficult, and therefore less feasible. Regardless of which of the above two assessments was more correct, it does not seem that the presence of the alternative administration and the Georgian security forces in the upper Kodori Valley really warranted the suspension by the Abkhaz side of its participation in most of the peace mechanisms. They seemed to serve more as a convenient excuse than a valid reason for Sukhumi's decision to considerably limit its participation in the peace process.

The virtual impasse in the peace process after mid-2006 coincided with Tbilisi's demands to alter the existing negotiating format and to replace the Russian-staffed CIS PKF with an international peacekeeping force with police functions.¹⁰³ However, after a period of relative calm, the overall situation in the conflict zone began to deteriorate speedily in spring 2008, in both the security and political spheres.¹⁰⁴

The peace initiatives undertaken by President Mikheil Saakashvili in March¹⁰⁵ and May 2008¹⁰⁶, together with the high-level bilateral Georgian-Abkhaz talks in Sukhumi (May 2008)¹⁰⁷ and Stockholm (June 2008)¹⁰⁸, could be regarded as attempts to stop and reverse the

¹⁰³ It was stated by President Mikheil Saakashvili in his address at UN General Assembly on 22.09.2006. See: "Civil Georgia", 22.09.2006, <http://www.civil.ge/eng/article.php?id=13622&search=international%20peacekeeping>; accessed on 25.08.2009.

¹⁰⁴ Liz Fuller, Analysis: Bluster, Bathos Permeate Georgia's War Of Words Against Russia, Abkhazia. RFERL "Caucasus Report", 15.05.2008, <http://www.rferl.org/content/article/1347801.html>; accessed on 25.08.2009.

¹⁰⁵ The Georgian initiative of 28 March 2008 included proposals of unlimited autonomy of Abkhazia and wide federalism, supported by international guarantees; broad Abkhaz political representation in the official structures of Georgia, including a new post of Vice-President to be occupied by an Abkhaz; the Abkhaz right to veto legislation and decisions related to the constitutional status of Abkhazia, and to issues related to Abkhaz culture, language and ethnicity; the establishment of jointly controlled free economic zones in the Gali and Ochamchira districts; and the gradual merger of law enforcement and customs services. (UNSG report of 23 July 2008, S/2008/219, para18). The initiative was rejected by the Abkhaz side.

¹⁰⁶ Liz Fuller, Will Abkhazia, Georgia Resume Talks? RFERL "Caucasus Report", 23.05.2008, <http://www.rferl.org/content/article/1347803.html>; accessed on 25.08.2009.

¹⁰⁷ *Ibid.*

above-mentioned dangerous trend.¹⁰⁹ Visits and peace overtures by a number of Western diplomats to the region in the spring and summer of 2008 seemed to have similar objectives¹¹⁰, including those of the High Representative for the Common Foreign and Security Policy of the EU, Javier Solana, the US Secretary of State, Condoleezza Rice and the Foreign Minister of Germany, Frank-Walter Steinmeier (July 2008), as did the meeting of the Group of Friends in Berlin (June 2008)¹¹¹.

On 23 June 2008, Georgian President Saakashvili sent a letter to Russian President Medvedev with peace proposals on Abkhazia. In the first phase, the Georgian peace initiative envisaged, *inter alia*, the following:

- establishment of a free economic zone in the Gali and Ochamchira districts of Abkhazia, a joint Georgian-Abkhaz administration and joint law enforcement agencies there as well as the return of refugees/IDPs to these two districts;
- withdrawal of the CIS Peacekeeping Force from its then locations and its redeployment along the Kodori River;
- re-opening of the Moscow-Tbilisi-Yerevan railway communications (through Abkhazia);
- re-opening of sea communications between Sukhumi (Abkhazia) and Trabzon (Turkey) and possibly other communication lines;
- a relevant agreement(s) could be the subject of international guarantees, with participation of the Russian Federation.
- An agreement on the non-use of force and the return of refugees/IDPs to other parts of Abkhazia could be concluded at a later stage, among other agreements.¹¹²

¹⁰⁸ Secret Abkhaz-Georgian Talks in Sweden. "Civil Georgia", 20.06.2008, <http://www.civilgeorgia.ge/eng/article.php?id=18588>; accessed on 25.08.2009. Also: Senior MP on Meeting with Abkhaz Officials. "Civil Georgia", 27.06.2008, <http://www.civil.ge/eng/article.php?id=18630&search=Stockholm>; accessed on 25.08.2009.

¹⁰⁹ Liz Fuller, Analysis: Domestic Pressure On Abkhaz President Intensifies. RFERL "Caucasus Report", 6.06.2008, <http://www.rferl.org/content/article/1347815.html>; accessed on 25.08.2009.

¹¹⁰ <http://daccessdds.un.org/doc/UNDOC/GEN/N08/427/22/PDF/N0842722.pdf?OpenElement>; accessed on 25.08.2009.

¹¹¹ Spiegel Reports on Three-Stage Abkhaz Plan. "Civil Georgia", [http://www.civil.ge/eng/article.php?id=18708&search=Berlin Friend](http://www.civil.ge/eng/article.php?id=18708&search=Berlin+Friend); accessed on 25.08.2009.

¹¹² Letter of President Mikheil Saakashvili to President Dmitry Medvedev of 23.06.2008, provided by courtesy of the Georgian authorities to the IIFMCG.

In his response of 1 July 2008, President Medvedev did not support the Georgian peace initiative in general. Instead, he expressed the opinion that the Abkhaz side should be a main Georgian partner in peace discussions on Abkhazia and that primarily the release of tension and confidence-building between the two parties would lead to the resumption of the Georgian-Abkhaz peace process, disrupted in July 2006. In this context, the Russian President recommended that an agreement be signed between Tbilisi and Sukhumi “on the non-use of force and the withdrawal of Georgian armed forces from the upper Kodori Valley”.¹¹³

In view of the dramatically deteriorating situation in the region and the protracted impasse in the UN-sponsored peace process, in summer 2008 the UN Secretary-General appointed a former high-ranking UN official, to undertake an assessment of the process and to explore the possibility of reviving it.¹¹⁴ Although sorely needed, this initiative proved to be too late and was unable to prevent the forthcoming crisis.

3. Peace efforts in South Ossetia

General remarks

The Georgian and Ossetian sides have a different and even contradictory political and historical understanding of what constitutes the basis of the conflict between them.

The Georgian position was often articulated in two ways, namely that South Ossetia was a Russian-created problem aimed at dismembering Georgia and maintaining a Russian foothold in the country;¹¹⁵ and later, especially after 2003, that South Ossetia was a criminal problem – a piece of land run by a criminal clan that was using it for smuggling and other illegal activities – and that South Ossetians would welcome the opportunity to be liberated from this situation.¹¹⁶

¹¹³ Letter of President Dmitry Medvedev to President Mikheil Saakashvili of 01.07.2008, provided by courtesy of the Georgian authorities to the IIFFMCG.

¹¹⁴ <http://www.un.org/apps/news/story.asp?NewsID=27259&Cr=Georgia&Cr1>; accessed on 25.08.2009.

¹¹⁵ In his annual Address to the Nation on 15 March 2007 President Saakashvili said that the terms Georgian-Ossetian and Georgian-Abkhaz conflicts had been “created by silly and unaware people.” He went on to say that the Georgian-Ossetian conflict does not exist at all, and is one more fabrication of imperialist ideologists (Civil Georgia, 15 March 2007, Item 14796). Generally for the Georgian position see Осетинский вопрос (The Ossetian Question), Ред. Бакрадзе А., Татишвили Л. Тбилиси 1994.

¹¹⁶ The Georgian Parliament stated in its Resolution of 11 October 2005 that “clanish dictatorships have been established on the territories of Abkhazia and the former South Ossetian Autonomous Oblast’ aimed at strengthening personal power and obtaining illicit income” (www.rrc.ge/law/dadg_2005_10_11_e.htm). Speaking at a GUAM summit in Baku on 19 June 2007 President Saakashvili said there was no problem in

Although the two views are somewhat contradictory they were occasionally presented to foreigners by Tbilisi as an explanation for the situation of South Ossetia. They also seemed to reflect the approach to the resolution of the conflict taken by the Georgian leadership, especially after November 2003.¹¹⁷

On the Ossetian side, the conflict was always presented as an ethnic one, with the Ossetian nation being the aggrieved party. Connecting the events of 1918 - 1921 with those of 1989 - 1992, Ludwig Chibirov, a leader of South Ossetia from 1993 to 2001, said “this is the second time in one generation that we have been the victims of genocide by the Georgians; in that way our demand for independence should not be seen as idealism but as pragmatism.”¹¹⁸ The South Ossetian *de facto* Parliament similarly adopted a resolution in November 2006 asking the international community to recognise the atrocities of 1920 and 1989-1992 as genocide against the Ossetian nation and to recognise Georgia as morally and legally responsible for crimes against humanity.¹¹⁹

Over the years the competing narratives had become more acute whenever trust between the sides hit a low point, but became less important when mutual trust improved.

Phase One: Re-establishing Trust (1992 - 1999)

The 24 June 1992 Sochi Agreement on Principles of a Settlement of the Georgian-Ossetian Conflict provided, *inter alia*, for an immediate ceasefire. It also provided for the withdrawal of armed formations from the conflict zone and the establishment of Joint Peacekeeping Forces (JPKF) under the supervision of a Joint Control Commission (JCC) consisting of representatives of the parties to the conflict, the Republic of North Ossetia and the Russian Federation. The Agreement envisaged further talks on the economic rehabilitation of the conflict zone and on the return of refugees/IDPs. It also provided for the freedom of

relations between the Georgian and the Ossetian peoples, but problems persisted with the Tskhinvali-based authorities, who, as he put it, had a criminal past (Civil Georgia, 19 June 2007).

¹¹⁷ Criticism of South Ossetia as a haven for criminal activity started emerging in the last years of the Shevardnadze administration. Speaking on Rustavi 2 TV on 2 December 2002, Georgian State Security Minister Valeri Khaburdzania said that Tskhinvali was the centre for the smuggling of stolen cars from Georgia into Russia and that his Ministry had information that the region was to become the new centre for extortion and kidnappings after Pankisi had been cleared. (See BBC Monitoring, 3 December 2002).

¹¹⁸ From a conversation with Ludwig Chibirov, July 1995, quoted in “Background to the Georgia-Ossetia conflict and future prospects for Georgian-Russian relations,” LINKS reports, 11 August 2008 (<http://www.links-london.org/documents/ReportontheGeorgiaOssetiaConflictandfutureofGeorgianRussianRelations.pdf>; accessed 13.08.2009). For the Ossetian point of view see e.g. Марк Блиев, Южная Осетия в коллизиях российско-грузинских отношении (South Ossetia in the clashes of Russian-Georgian relations). Moscow 2006.

¹¹⁹ www.kavkaz-uzel.ru/articles/102862 (in Russian; accessed on 13.08.2009)

movement of the local population and goods.¹²⁰ The JPKF was formed a little later and consisted of a Georgian, Russian and Ossetian battalion. The JPKF *modus operandi* was described in another joint paper, adopted in June 1994, and gave a commanding role to the Russian military.¹²¹

The Sochi Agreement was regarded by many analysts as a success for Georgian leader Shevardnadze, not only because it halted the fighting and created a mechanism for resolving the conflict politically, but also because it meant that the Georgian central authorities could now focus on a larger and potentially more serious problem in Abkhazia, and on stabilising Georgia, still reeling from civil strife.

The Ossetians also clearly needed a breathing space. Problems in the Caucasus after the collapse of the USSR were not confined to the south of the mountain range. Clashes erupted in the Prigorodny region of North Ossetia in the Russian Federation which had a large Ingush population,¹²² partly as a result of an Ossetian policy of relocating refugees/IDPs from South Ossetia and other parts of Georgia to that region.

Chechnya declared itself independent in November 1991, and in December 1994 Moscow undertook attempts to reassert their control over the territory by military means. This impacted directly on events in neighbouring North Ossetia.

The mechanisms envisaged by the Sochi Agreement – the JCC and the JPKF – stabilised the situation on the ground in South Ossetia from 1992 onwards, although initial efforts aimed primarily to stop the violence. By 1994 some steps had been taken to address and to solve other core problems of the conflict.

On 31 October 1994 the four-sided Joint Control Commission noted with satisfaction that the JCC had been successful in implementing a number of provisions of the Sochi Agreement. It also agreed that now the implementation of the Agreement “must be transformed into a permanent mechanism that will contribute in a planned and coordinated manner to the solution of different aspects of the settlement of the conflict: political, military

¹²⁰ Дипломатический вестник МИД РФ. 1992. (Diplomatic Herald MFA RF) № 13-14. с.31.

¹²¹ http://www.mid.ru/BRP_4.NSF/0/2bd92ad3afa09703c3256ea90022457f?OpenDocument (in Russian; accessed on 13.08.2009).

¹²² The Ingush-Ossetian inter-ethnic conflict started in 1989 and developed into a brief ethnic war in autumn 1992 between local Ingush and Ossetian paramilitary units. According to Helsinki Human Rights Watch, a campaign of ethnic cleansing was orchestrated by Ossetian militants during the events of October and November 1992, resulting in the death of more than 600 Ingush civilians and the expulsion of approximately 60 000 Ingush inhabitants from the Prigorodny region.

(peacekeeping), economic, humanitarian and others.”¹²³ One tangible way in which this was done was through a CSCE/OSCE-led effort to open discussions on a constitutional arrangement on the basis on the distribution of powers; however, the discussions on this moved very slowly and were eventually set aside.

Meeting again in Vladikavkaz a year later, on 30 October 1995, the four sides and the OSCE agreed to step up the negotiating process and appointed Experts’ Groups in a number of areas, including on the status issue.¹²⁴

On 16 May 1996, under the aegis of the OSCE, the sides agreed on what is perhaps the most optimistic document ever to come out of the conflict resolution process: the Memorandum on Measures of Providing Safety and Strengthening of Mutual Confidence Between the Sides in the Georgian-Ossetian Conflict. In this Memorandum the sides renounced the use force as a means of resolving the conflict, as well as political, economic or any other forms of pressure on one other; granted an amnesty to those who had participated in the 1989 - 1992 hostilities but committed no war crimes; agreed to an investigation of war crimes and envisaged punishment for those found guilty; agreed to the step-by-step removal of checkpoints and a reduction in the number of peacekeeping forces in the conflict zone, and agreed to support civil society initiatives. They also agreed to continue the negotiations aimed at a comprehensive political settlement of the conflict.¹²⁵

This progress in the negotiations enabled three formal meetings to take place between President Eduard Shevardnadze and the South Ossetian leader Ludwig Chibirov between 1996 and 1998.

The statements issued after the meetings noted with satisfaction the emerging positive inroads toward a comprehensive settlement of the conflict (including joint economic projects).¹²⁶

¹²³ <http://www.caucasica.org/docs/detail.php?ID=1330&PHPSESSID=85ce24d286e083a2941a5edb041f4078> (in Russian; accessed on 13.08.2009).

¹²⁴ <http://sojcc.ru/soglashenia/165.html> (in Russian; accessed on 13.08.2009).

¹²⁵ http://sojcc.ru/eng_news/271.html (accessed on 13.08.2009).

¹²⁶ <http://sojcc.ru/soglashenia/95.html> (in Russian; accessed on 13.08.2009). See also: “Statement on the results of the meeting between E. Shevardnadze and L. Chibirov,” “Свободная Грузия” (Svobodnaya Gruziya, Independent Georgia, Georgian newspaper), Issue 210, 15 November 1997 (translation from Russian) and also: “Meeting between E. Shevardnadze and L. Chibirov,” “Свободная Грузия,” Issue 158, 23 June 1998 (translation from Russian).

These three meetings, held over a period of less than two years, showed the progress that had been made not only in mitigating the conflict but in healing the wounds caused by the armed confrontation, but also in laying the foundations for a comprehensive settlement.

Building on the momentum of the three summit meetings, an “Experts’ Group consisting of the plenipotentiary delegations of the sides, within the framework of the negotiating process on a comprehensive settlement of the Georgian-Ossetian conflict” met for the first time in Vladikavkaz on 16-17 February 1999.¹²⁷ This group was initially seen as being the forum where the principles for a final political solution could be worked out before being submitted for the final approval of the political leaderships of the two sides. Ten meetings of the group took place between 1999 and 2003. The first three were held in the region itself and the fourth meeting, held on 10-13 July 2000, took place in Baden in Austria on the initiative of the Austrian Chairman-in-Office of the OSCE.¹²⁸

The negotiations that followed the 1996 Memorandum proceeded at a time when there was a new sense of optimism in Georgia. They also coincided with what can perhaps be described as Russia’s time of greatest closeness to the West since the dissolution of the USSR. Georgian-Russian relations were also developing and personal relations between Presidents Yeltsin and Shevardnadze were good.

Many experts regard the period from 1996 to 1999 as having been particularly conducive to major progress in the peace process. An element of trust had by then been restored, after the 1989 - 1992 conflict; there were elements of a shared vision of how to take the process forward, and there was a good local and international political context in which to operate.

Perhaps the two sides failed to seize the moment, or at least to seize it firmly enough. In any case, the mood began to change significantly in 1999, as can be seen from a statement issued by the South Ossetian side on 24 September 1999. The South Ossetian *de facto* authorities stated that “the settlement of the conflict can never be the internal affair of Georgia, and any declaration to the contrary is likely to disrupt the negotiation process.” The statement continued: “... despite the official opinion by Tbilisi about an imminent settlement, the facts point towards a change of attitude by the Georgian party to the problem.” The South Ossetian side further stated that Georgia was “economically oppressing South Ossetia” by blocking the

¹²⁷ OSCE Newsletter, Vol. 6, No 2/3 (http://www.osce.org/publications/sg/1999/02/14247_314_en.pdf; accessed on 13.08.2009).

¹²⁸ Annual Report 2000 on OSCE Activities (http://www.osce.org/publications/sg/2005/05/14111_280_en.pdf; accessed on 13.08.2009).

transit of goods intended for the economic rehabilitation of the territory. The statement complained that the schedule for electricity supply had been breached in terms of both volume and timing. The statement further added that the South Ossetian authorities considered that the agreements on economic rehabilitation adopted in January and June 1999 had not been implemented successfully.¹²⁹

This criticism from South Ossetia coincided with the increasing internal unpopularity of Ludwig Chibirov, its leader since 1993. There was no evidence to suggest that Chibirov's unpopularity was directly connected to his constructive stance in the negotiations with the Georgian side. But his weakening political position, probably due to the continued social and economic hardships, and his eventual defeat in the *de facto* presidential elections in South Ossetia in December 2001, seemed to have a markedly negative effect on the Georgian-Ossetian peace process.

Economic Issues Emerge as Crucial Elements in the Conflict Resolution Process

Once the fighting had stopped after the Sochi Agreement in June 1992, economic issues merged as quite central to the conflict resolution process. They can be summarised in three categories: demands by the South Ossetian side for compensation for the material damage done during the 1989 - 1992 crisis and for the economic rehabilitation of the conflict zone; economic development, including infrastructural development; and issues relating to the transit of goods from the Russian Federation through South Ossetian territory to Georgia, and vice versa.¹³⁰

The Ossetian side regularly raised the issue of compensation for the damage they claimed they had suffered as a result of the 1989-1992 crisis, amounting to billions of roubles.¹³¹

¹²⁹ South Ossetia Accuses Georgian Leadership of Sabotaging Talks. RFERL Newline 27.09.1999. <http://www.rferl.org/content/article/1142000.html>

¹³⁰ Sochi Agreement. See Дипломатический вестник МИД РФ. 1992... *op. cit.* English translation: Tamaz Diasamidze, *Regional Conflicts in Georgia (The Autonomous Oblast of South Ossetia, The Autonomous SSR of Abkhazia 1989-2008)*. Tbilisi 2008. pp. 110-111. Article of the June 1992 Sochi Agreement stated that: "the parties shall immediately start negotiations on the economic restoration of the regions located in the conflict zone and the creation of proper conditions for the return of refugees; the parties deem it inadmissible to apply economic sanctions or blockades or any other impediments to the free movement of commodities, services or people, and commit themselves to providing humanitarian assistance to the affected population."

¹³¹ On March 2006 the Ossetian side estimated the total damages (and its subsequent claim on Georgia) at 56.1 billion rubles (i.e. over USD 118 billion). <http://www.kavkaz-uzel.ru/articles/92083> (in Russian, accessed on 13.08.2009).

Ossetian politicians frequently chastised Russia and particularly Georgia for not providing the financial assistance they had promised for the economic rehabilitation of the conflict zone.¹³²

Given the state of the Georgian economy in this period there was little hope that Georgia could provide either compensation or the substantial post-conflict reconstruction assistance the Ossetians were expecting. The Georgian side, however, was in discussion with foreign governments and international organisations in an effort to secure funding for post-conflict reconstruction, on the understanding that this assistance would be channelled through the Georgian Government.

The Ossetians also argued that because their economy had been destroyed by the conflict they could not pay for the electricity they received from Tbilisi. There were also other issues connected with the electricity supply. For example, Tskhinvali was receiving only about one hour's electricity supply from Georgia every day. Some remote parts of Georgia were in a similar situation, and even in Tbilisi the electricity supply was irregular, with power cuts a daily occurrence. Like other parts of the former Soviet Union, South Ossetia was suffering the consequences of the collapse of the command economy, and with little or no new investment there except in agriculture.

The other area of contention between the Georgians and Ossetians in the economic sphere was connected with the flow of goods between Russia and Georgia through the Roki tunnel and South Ossetian-controlled territory, over which the Georgian authorities had no control.

Up until 1995-1996, the peacekeeping forces' checkpoints kept the sides separated and there was very little trade, although some smuggling into Georgia was already going on. After 1996 this situation changed quite radically and trade between the two sides began to flourish.

The OSCE and the Georgian-Ossetian Conflict Resolution Process

By the end of 1992 the CSCE had embarked on some ambitious tasks by launching "Missions of Long Duration," including what later came to be known as the OSCE Mission to Georgia. A CSCE Rapporteur Mission was sent to Georgia on 17 - 22 May 1992, shortly after the country joined the organisation. By the end of 1992 the CSCE had embarked on some

¹³² Under the Georgian-Russian Intergovernmental Agreement on the economic rehabilitation of the zone of the Georgian-Ossetian Conflict of 14 September 1993, the Georgian side was to cover 2/3 and the Russian side 1/3 of the costs. See *Дипломатический вестник МИД РФ. 1993. (Diplomatic Herald MFA RF) № 23-24. с. 44.* English translation: Tamaz Diasamidze... *op. cit.*, p. 158. In 2002 Georgia and Russia concluded another agreement in which the sides agreed better coordination was needed, including an intergovernmental body on implementation (Annex 2 to JCC Protocol 2, 3 July 2001).

ambitious tasks by launching Missions of Long Duration, including what later came to be known as the OSCE Mission to Georgia. The decision to establish the Mission was taken at the 17th CSCE Council of Senior Officials meeting in November 1992.¹³³ The Mission's mandate was agreed a month later,¹³⁴ when it was decided that the objective of the Mission would be "to promote negotiations between the conflicting parties in Georgia (...) aimed at reaching a political settlement."¹³⁵

The Mission¹³⁶ began its work in December 1992 and, significantly, within a short time secured the support of both sides in the Georgian-Ossetian conflict, a Memorandum of Understanding having been signed with the Georgian Government in January 1993, while a Memorandum of Understanding with the South Ossetian leadership was agreed by an exchange of letters in March 1993.

From the beginning the OSCE Mission to Georgia had to cope with two factors that affected its work. The first was that from 1992 onwards, the CSCE/OSCE had consistently supported the territorial integrity of Georgia in all its official documents. The Mission was called Mission to Georgia and was established in Tbilisi. This did not endear it to the South Ossetian side, which often seemed to suspect that the Mission was biased. Despite this, however, over the years the CSCE/OSCE managed to gain a measure of trust from the Ossetian side as well. The second factor was that the CSCE/OSCE came to the process after the Sochi Agreement had been signed. Although the Sochi Agreement does not state this clearly, it was understood – and subsequently incorporated into documents agreed by the sides – that the Russian Federation was the main facilitator of the peace process. The JCC mechanism provided for a four-sided arrangement in which the Russian Federation was the main facilitator. However, the CSCE/OSCE was welcomed to the process, and by 1994 its position had also been formalised within the framework of the JCC.

¹³³ OSCE CSO Meeting journal 2, Annex 2, 6 November 1992.

¹³⁴ With regard to the Georgian-Ossetian conflict the mandate given by the CSCE Council required the mission "to facilitate the creation of a broader political framework, in which a political settlement can be achieved on the basis of CSCE principles and commitments; intensify discussions with all parties to the conflict, including through the organisation of round tables, in order to identify and seek to eliminate sources of tension; in pursuit of the monitoring role concerning the Joint Peacekeeping Forces, establish appropriate forms of contact with the military commanders of the forces, gather information on the military situation, investigate violations of the existing ceasefire and call the local commander's attention to possible political implications of specific military actions; be actively involved in the reconvened Joint Control Commission." CSCE CSO Meeting journal 3, Annex 1, 13 December 1992.

¹³⁵ *Ibidem.*

¹³⁶ <http://www.osce.org/georgia>.

The Mission made a substantial contribution to improving the dialogue between the sides, building trust, narrowing differences and, in fact, bringing the sides close to an agreement. Its presence was a sign that the international community was interested in the establishment of peace in the area. The Mission complemented and in some ways balanced the Russian role in the Georgian-Ossetian peace process.

The European Union and the Georgian-Ossetian Conflict Resolution Process

The EU began to engage with Georgia soon after 1992. A delegation of the European Commission opened in Tbilisi in 1995, long before such missions were established in either Armenia or Azerbaijan. At that time the EU's main work was humanitarian, providing much-needed assistance to Georgia at this very difficult stage in its modern history. The EC also sought to provide low-key political support and encouragement to Georgia's fledgling democracy.¹³⁷ Up to 1997, however, the EU's involvement in the Georgian-Ossetian conflict was mainly through its support for NGO confidence-building programmes.

As progress was registered in the negotiations between the Georgian and the South Ossetian sides after 1995, the European Union sought to support this process by offering assistance for post-conflict economic rehabilitation. A delegation of the European Commission visited Tskhinvali in the spring of 1997 for a meeting with South Ossetian leader Ludwig Chibirov. In July 1997 the EC commissioned a small fact-finding project to identify possible areas of assistance. The South Ossetian side engaged positively in the process. One consideration that was always an issue was that EU projects in South Ossetia had to be part of a package of support for Georgia, which meant: *first*, that the Georgians had to agree that part of the money would be spent in South Ossetia; and *secondly*, that the Ossetians had to agree that monies spent on the territory they controlled would come from budget lines intended for Georgia. It can fairly be said that despite considerable posturing on all sides, pragmatism generally prevailed right up to the August 2008 crisis, and language acceptable to both sides was eventually agreed, based on an understanding that money was to be allocated to both sides of the conflict divide.¹³⁸

¹³⁷ http://www.delgeo.ec.europa.eu/en/about_us/about_us.html#therole%20of%20the%20Delegation (accessed on 13.08.2009).

¹³⁸ Georgia: Avoiding war in South Ossetia. International Crisis Group, Europe Report Nr 159. Tbilisi/Brussels 26 November 2004, p. 19-20.

Initially, the European Union was perceived largely as an important source of financial support by both sides in the conflict. As its involvement increased, however, the EU was requested to become more directly and broadly involved in the conflict resolution process.

In July 1999 the JCC agreed that the European Commission could attend JCC meetings as an observer during discussions on economic issues.¹³⁹ This in fact gave the EC a seat around the negotiating table, and while formally not changing the format of the negotiations, it certainly influenced their dynamics. Eventually a Steering Committee was also established to oversee the economic rehabilitation programme. The EC was a full member of the Steering Committee,¹⁴⁰ and later used its presence to leverage the inclusion of other, mainly Western, donor countries in the Committee, a move that was warmly welcomed by the Georgian side and acquiesced to by both the Russians and the Ossetians. The EC tried to use its presence in the JCC to engage in some of the more problematic issues. In 2002, a joint EC-OSCE proposal suggested the setting up of a joint Georgian-Ossetian Trade Control Centre at Didi Gupta. This proposal remained on the table for some time and re-emerged in different guises but was never actually implemented.¹⁴¹

Second-track Initiatives

The work of the OSCE and EU throughout this period was complemented by a number of innovative engagements by international NGOs. In the period 1994 - 2000, important, ground-breaking work was done by the British organisations VERTIC and LINKS. A number of high-profile meetings were held at which politicians from the two sides met, often for the first time, outside the framework of the JCC.¹⁴²

In January 1997 the process facilitated the visit of the Speaker of the South Ossetian *de facto* Parliament, Kosta Dzugaev, to Tbilisi, where he met with President Shevardnadze and Speaker of Parliament Zurab Zhvania, and had separate meetings with all the political factions in the Georgian Parliament. This remained the highest level visit by a South Ossetian leader

¹³⁹ Annex 4 to protocol 10 of the JCC session of 23 July 1999; www.rrc.ge/law/Skkprot10dan4_1999_07_23_e.htm; accessed on 13.08.2009.

¹⁴⁰ See e.g. <http://www.civil.ge/eng/article.php?id=14668> and <http://www.undp.org/ge/Projects/Osetibrief.pdf>; both accessed on 14.08.2009.

¹⁴¹ Generally on European Commission assistance in Abkhazia and South Ossetia see: <http://www.delgeo.ec.europa.eu/en/programmes/rehabilitation.html>; accessed on 14.08.2009. See also UN OCHA Georgia, "South Ossetia Briefing Note," January 2004.

¹⁴² <http://www.links-london.org/>.

to Tbilisi since the 1991 - 1992 hostilities.¹⁴³ During this period, the South Ossetian side also engaged positively with other initiatives spearheaded by the Norwegian Refugee Council¹⁴⁴ and the Mercy Corps Conflict Management Group (which has close ties to Harvard University).¹⁴⁵

Apart from their merit in building trust between the sides, these initiatives helped to increase the capacity of the South Ossetian side in managing their negotiations with the Georgian side and to improve their understanding of the international experience of conflict resolution. South Ossetian officials were hosted in Boston and London and were introduced to conflict resolution processes under way in Northern Ireland, and constitutional processes and devolution of power in Scotland.

After 1999, second-track initiatives ran into difficulties, since on the one hand the Georgian side seemed to be seeking to centralise all peace initiatives concerning South Ossetia, and on the other there seemed to be a growing belief on the Ossetian side that all communications with Tbilisi could be channelled through Moscow.

Phase Two: the Process “Put to Sleep” (2000 - 2003)

The popularity of South Ossetian leader Ludwig Chibirov plummeted in 1999. In November 1999 South Ossetia saw the first anti-government demonstrations calling for his resignation, citing the catastrophic economic situation, and in particular the absence of energy supplies. In the *de facto* presidential elections held in South Ossetia in December 2001 Chibirov came third in the first round and was eventually replaced by Eduard Kokoity, an Ossetian businessman based in Moscow.¹⁴⁶

The conflict resolution process began to deteriorate after 1999. Not only there were no further meetings between the leaders of the two sides, but the level of the delegations was also

¹⁴³ South Ossetian Leader in Tbilisi. RFERL Newslines 16.01.1997 (<http://www.rferl.org/content/article/1141329.html>; accessed on 14.08.2009). See also: Georgian Parliament Speaker in South Ossetia. RFERL Newslines 21.01.1997. (<http://www.rferl.org/content/article/1141332.html>).

¹⁴⁴ <http://www.nrc.no>.

¹⁴⁵ <http://www.mercycorps.org/countries/unitedstates/10703>.

¹⁴⁶ In the second round of the *de facto* presidential elections 22 109 voters, or 63% of the registered electorate participated in the poll. Eduard Kokoity got the support of 12 171 voters, or 55%; his rival in the second round, Parliamentary Chairman Stanislav Kochiev got 9 009 votes or 40,7%. The Georgian population of South Ossetia boycotted the election. (See report of Black Sea Press, 7 December 2001). Eduard Kokoity was little known in Georgia, let alone in the rest of the world. When he was elected he was 38 years old. During Soviet times he was Secretary of the Tskhinvali branch of Komsomol and champion of Georgia for wrestling. He claimed to have fought during the 1991 - 1992 hostilities (Black Sea Press, 7 December 2001).

gradually downgraded. Meetings of the JCC, meanwhile, focused primarily on economic issues.

Superficially, the conflict resolution process appeared to continue. The Experts' Groups held at least ten meetings between 1999 and 2003. In the first four there were attempts to push forward some principles on which a future political agreement could be based, but a final text was never agreed although some drafts did emerge with some parts of their texts agreed and some not.¹⁴⁷ Even these efforts were later abandoned. From a certain point on, the Georgian-Ossetian peace process became strictly a conflict management process, with a political solution postponed indefinitely. According to some analysts, the sides put the conflict resolution process "to sleep."

Ergneti Market – Smuggling as a “Confidence-Building Measure”

By 1996 - 1998 the security situation in the South Ossetia conflict zone had gradually stabilised, and most of the checkpoints separating the two sides were dismantled. The Georgian markets were suddenly flooded with Russian goods brought in through South Ossetia, on which no customs duties had been paid - depriving the beleaguered Georgian economy of an important source of income. Meanwhile, the Ossetians began making money by charging a transit tax at their side of the Roki tunnel. Most of this illegal trading centred around the Ergneti market, an area on the administrative border between South Ossetia and the rest of Georgia that had developed spontaneously into a trading place between the Georgians and the Ossetians. In its heyday, around 3 000 people would gather there daily to conduct business.

In effect, Georgia's grey economy became even greyer, and various people with connections to the local authorities, and some possibly also to the peace process, became embroiled in these lucrative smuggling operations.¹⁴⁸ Any attempt by the Georgian Government to control the smuggling was usually condemned by the Ossetian side as being part of a policy to strangle their economy, and a contravention of the Sochi Agreement.¹⁴⁹

In practical terms, the Ergneti market blossomed into a spontaneous quasi-free economic zone, where the Ossetians sold smuggled goods to Georgians who could buy them without

¹⁴⁷ See Agreement (Declaration) on basic principles of political and legal relations between the sides in Georgian-Ossetian conflict. Draft. Status as of 12.07. 2000. In: Tamaz Diasamidze... *op. cit.*, pp. 364-365.

¹⁴⁸ For a discussion of the officials on both the Georgian and Ossetian sides implicated in the illegal operation of the Ergneti market see *Georgia: Avoiding war... op. cit.*, pp. 10-11.

¹⁴⁹ *Ibidem*, p. 11.

paying customs duty. Smuggling was reportedly also going on in the opposite direction, from Georgia to Russia, but its impact on the much larger Russian economy was insignificant by comparison. The question remains whether the Georgian leadership, being sensitive to Ossetian hardship, accepted the Ergneti market as part of the peace process, or whether it tolerated it for other reasons. At any rate, for a number of years the Georgian authorities remained largely passive in response towards the problem.¹⁵⁰

The fact that the two communities were no longer separated and could now resume contacts with each other, including trading, was undoubtedly a positive phenomenon and was frequently hailed as a sign of the success of the peace process. All the same, the Ergneti market may also have had negative consequences for the conflict resolution process:

- Some local officials may have developed an interest in the Ergneti smuggling operation, giving them a vested interest in maintaining the political and legal status quo. Safeguarding Ergneti as “a symbol of Georgian-Ossetian friendship,” but also as a source of illegal income, could have become their top priority;
- It allowed the political opposition to President Shevardnadze to articulate the view that the Georgian-Ossetian peace process was not a process at all but a smuggling operation that needed to be dealt with by the police. This seemed to reflect the approach of at least part of the Saakashvili government after it came to power in 2004;
- It seemed to disappoint at least some of the international community, and to weaken considerably its enthusiasm for supporting a conflict resolution process.¹⁵¹

Ergneti eventually became a self-inflicted problem. Many Ossetians who had no other means of income became dependent on the smuggling operation for their livelihood. When the Georgians eventually closed down Ergneti market in June 2004 this was not perceived by the Ossetian leadership as either a police or an anti-smuggling operation, nor was it widely welcomed by the Ossetian population, as the new Georgian leadership might have expected.

¹⁵⁰ Alexandre Kukhianidze, Aleko Kupatiadze, Roman Gorsiridze, *Smuggling through Abkhazia and the Tskhinvali Region of Georgia*. Tbilisi 2004. Research report for the American University's Transnational Crime and Corruption Centre.
http://www.conflicts.rem33.com/images/Georgia/crim_geor_kukhian_kupatad.pdf; accessed on 14.08.2009.

¹⁵¹ *Georgia: Avoiding war... op. cit.*, p. 11.

Instead, it was perceived as yet another unfriendly act by a belligerent Georgian Government harming the South Ossetian people.¹⁵²

In its report in November 2004 the International Crisis Group, while agreeing that “the Ergneti market generally had a negative effect on Georgia’s legal, political and economic environment,” argued that “it provided at least three benefits. Although much of the proceeds apparently went to elites among the local authorities, law enforcement and ‘business community,’ average citizens also gained livelihoods from the trade in a context of overall high South Ossetian unemployment and poor economic development. Prices on basic goods such as bread were artificially low, because there was no tax. Most importantly, perhaps, the market was a means for average Georgians and Ossetians to meet, build contacts and identify common interests after the war years.”¹⁵³ The report mentioned that similarly, in northern Bosnia-Herzegovina, along a main road linking Croat, Bosnian and Serb settlements, the “Arizona market” had since 1996 been a unique meeting place facilitating reconciliation – and that even here there was no tax system to regulate trading until 2000.¹⁵⁴

However, notwithstanding the general improvement in the security situation in the conflict zone and by June 2004 the flourishing trade, the continuing ambiguity surrounding the political status of South Ossetia meant that the Georgian-Ossetian conflict was still far from resolved.

Phase Three: Mistakes and Misperceptions (2004 - 2008)

After the Rose Revolution of November 2003, Georgian-Ossetian relations experienced a radical shake-up. Initially, the new Prime Minister, Zurab Zhvania, took the overall lead in the negotiations with Tskhinvali. In 2004 - 2005 the Georgian leadership intimated a desire to move to resolve the conflict with South Ossetia and indicated that it expected both the Ossetians and the Russian facilitators to contribute to these efforts as well. Georgia’s negotiating position was that, provided Georgia’s territorial integrity was respected (i.e. as long as South Ossetia accepted that it was part of Georgia), everything else was negotiable.¹⁵⁵

¹⁵² Georgia Maintains Pressure on South Ossetian Leadership. RFERL Caucasus Report, vol. 7, nr 25, 25.06.2004.

¹⁵³ *Georgia: Avoiding war... op. cit.*, p. 10-11.

¹⁵⁴ *Ibidem*, p. 11.

¹⁵⁵ Gela Bezhuashvili, the Head of the Georgian Security Council, said prior to a meeting of the JCC in Moscow on 13 July 2004, “the end result of the settlement of this conflict will be restoration of Georgia’s territorial integrity” (See BBC monitoring, 13 July 2004 – Interview of Bezhuashvili on Imedi TV on the same day, ref BBCMNf00200040713e07d001md); on the other hand, speaking on the same day, another Georgian official, State Minister Giorgi Khaindrava stated that “we are ready to give South Ossetia as much sovereignty as

From 2004 right up to the August 2008 armed confrontation, however, Georgian policy did not seem to be very consistent. On the one hand the Georgian leaders proposed several peace plans, seeking international endorsement and support for their acceptance and eventual implementation; they promised to resolve the conflict by peaceful means only, and offered generous assistance to the Ossetian population in an effort to win hearts and minds.¹⁵⁶ At the same time, they also appeared to be trying to apply a certain amount of psychological and even military pressure (like in August 2004) on the South Ossetians. These developments were often seen as spurring the anti-Georgian resolve of the Ossetian side.

For the first six months of 2004 the Georgian leadership was focused on events in Adjara, an autonomous entity which, while never claiming independence like Abkhazia and South Ossetia, and being much more closely integrated into the Georgian state, was still *de facto* out of Tbilisi's control during most of the period of Eduard Shevardnadze's presidency. On 6 May 2004, the Adjaran leader Aslan Abashidze fled to Moscow after a stand-off of several months with the central Government in Tbilisi. The Georgian Government, and indeed most Georgians, perceived the changes in Adjara as the start of the process of restoring Georgia's territorial integrity. These events may also have had an impact on Ossetian perceptions of Georgia's new strategy: on numerous occasions the Ossetian leaders accused Tbilisi of trying to repeat "the Adjara scenario" in South Ossetia.¹⁵⁷

A "Carrot and Stick" Approach

Things began to heat up towards the middle of 2004 when, on 31 May, Georgian Interior Ministry troops set up road blocks around Tskhinvali, ostensibly to prevent smuggling, and the Ergneti market – once seen as the ultimate confidence-building measure– disappeared overnight.¹⁵⁸

North Ossetia has in Russia. South Ossetia was a district once. We are ready to go further, to let it be an autonomous republic, with all the rights that that entails." (See BBC Monitoring on 13 July 2004, Interview of Khaindrava with Ekho Moskvyy Radio, reference BBCSUP0020040713e07d003ux).

¹⁵⁶ Offers were also made to the South Ossetian leader. In an interview with the Russian station NTV Mir on 3 June 2004 President Saakashvili not only offered Eduard Kokoity immunity but said "I think he could become one of the most important leaders of Georgia, and not just stay a kind of besieged field commander in a little enclave" (See BBC Monitoring, 3 June 2004, reference BBCMNF00240603e063004ed).

¹⁵⁷ In May 2004, the Georgian youth movement "Kmara" that had acted as the shock troops of the Rose Revolution in the run up to the resignation of President Shevardnadze. It was also very active in Adjara prior to the ousting of Aslan Abashidze, and announced its intentions to focus its attention on South Ossetia, provoking a sharp rebuke from Eduard Kokoity. (See Prime News, 24 May 2004 [ref: primene0020040524e05o00006]).

¹⁵⁸ Грузия проводит политику экономической блокады Южной Осетии (Georgia Conducts Policy of Economic Blockade against South Ossetia) <http://www.kavkaz-uzel.ru/articles/56279> (in Russian; accessed on 14.08.2009).

This show of force triggered protests by both Moscow and Tskhinvali, and prompted a demand by the Commander of the JPKF for the removal of the new road blocks. On 1 June 2004 the Russian Foreign Ministry issued a strongly-worded statement warning that Tbilisi's "provocative steps" might lead to "extremely negative consequences." The Russian Foreign Ministry said that Georgia's central Government would be held responsible in the event of any further deterioration of the situation or "bloodshed" in the region.¹⁵⁹ The negative Ossetian reaction to the Georgian show of force was dismissed by Tbilisi as a reaction to the Georgian attempt to eradicate smuggling.¹⁶⁰

In a pattern that was to be seen throughout 2004 - 2008, Georgia's tightening of the noose around Tskhinvali was accompanied by a parallel process aimed at win over the Ossetians. On the same day as the stand-off with the Ossetian leadership and the JPKF, President Saakashvili proposed a package which included the payment of pensions to South Ossetia's residents out of Georgia's state budget, a free emergency ambulance service, and free agricultural fertilisers for Ossetian farmers. Georgia also began radio broadcasts in Ossetian for two hours a day.¹⁶¹

Small incidents continued throughout June, and on 7 July 2004 the Georgian peacekeeping contingent seized nine trucks belonging to Russian peacekeepers, loaded with arms and munitions. The Georgians alleged that the Russians were arming the Ossetian secessionists, while the peacekeepers insisted that the supplies were for their own use. The following day Ossetian militias ambushed fifty Georgian members of the peacekeeping battalion. Russian TV channels showed the Georgian soldiers kneeling in the Ossetian capital, Tskhinvali. They were released a day later.

On 10 July President Saakashvili, speaking at a parade for new officers at the Military Academy in Tbilisi, said Georgia "will regain control over Tskhinvali very soon (...) nothing

¹⁵⁹ Сообщение для печати о ситуации вокруг Южной Осетии (Press Release on the Situation around South Ossetia) Ref. nr. 1236-01-06-2004, 1.06.2004. (http://www.mid.ru/brp_4.nsf/0/E389EB4B3E33A4EFC3256EA6005C1C61; in Russian; accessed on 14.08.2009).

¹⁶⁰ Tbilisi Reinforces Checkpoints at Ossetian Conflict Zone. Civil Georgia, 31 May 2004, <http://www.civil.ge/eng/article.php?id=7033&search=>; accessed on 26.08.2009.

¹⁶¹ On 30 June 2004 Georgia's influential Minister of Security (later Interior Minister), Vano Merabishvili, called for a change of government strategy towards South Ossetia. He said that Georgia must show the international community that it supports peace policy in South Ossetia, whilst making it clear that it would not tolerate the actions of Ossetian leader, Eduard Kokoity (see report on Prime News, 30 June 2004, reference primene0020040630e06u0002).

can obstruct this process." "However," he added, "we should be ready for everything."¹⁶² Meanwhile, there were shoot-outs practically every night, involving Georgian, Ossetian and Russian peacekeepers. Both sides interfered with traffic along the road from the Roki tunnel to Tskhinvali.

Urgent meetings of the JCC were held on 14 July 2004¹⁶³ and again on 30 July¹⁶⁴ in an effort to defuse the crisis, but without much success, and incidents became more serious in August when the sides started using mortars and light artillery.

A ceasefire was agreed at an extraordinary meeting of the JCC on 13 August 2004 and the corresponding agreement was countersigned by Georgian Prime Minister Zurab Zhvania and *de facto* South Ossetian leader Eduard Kokoity.¹⁶⁵ Although skirmishes continued throughout August, this was an example of how the JCC, despite its limitations, still had the potential to be a practical, if not necessarily efficient, conflict-management mechanism. The events of the summer of 2004, however, poisoned the atmosphere between the Georgian and Ossetian sides and destroyed much of the confidence-building work that had been done with great effort and patience in the previous decade.¹⁶⁶ Altogether, several dozen Georgian and Ossetian soldiers, policemen and civilians died in the clashes, as well as several Russian peacekeepers.

The events of summer 2004 were the first example of the Georgian “carrot and stick” strategy: on the one hand trying to win the sympathy of the Ossetians, while pressuring Eduard Kokoity’s leadership. The Ossetians claimed that Eduard Kokoity was open to meeting “with the young President Saakashvili” after his election in 2004, but these

¹⁶² *Saakashvili Vows to Gain Control over South Ossetia “Soon”*. Civil Georgia, 10 July 2004 , <http://www.civil.ge/eng/article.php?id=7377&search=>; accessed on 26.08.2009.

¹⁶³ Protocol nr 33 of the Special Meeting of the Joint Control Commission (JCC) on Georgian-Ossetian Conflict Resolution. Tamaz Diasamidze... *op. cit.*, pp. 499-500.

¹⁶⁴ Several Wounded in Clash between Georgian and Ossetian Forces... but Negotiations Continue Unimpeded. RFERL Newline 2.08.2004 (<http://www.rferl.org/content/article/1143212.html>; accessed on 14.08.2009). See also Protocol nr 35 of the co-chairmen meeting of the Joint Control Commission (JCC) on Georgian-Ossetian Conflict Resolution. Tamaz Diasamidze... *op. cit.*, pp. 502.

¹⁶⁵ Protocol nr 36 of extraordinary meeting of the Joint Control Commission (JCC) on Georgian-Ossetian Conflict Resolution. Tamaz Diasamidze... *op. cit.*, pp. 505.

¹⁶⁶ In an article published on 17 February 2007, the Georgian newspaper 24 Saati referred to the events in August 2004 and admitted that “these events seriously shook the trust of the pro Georgian part of the Ossetian public in the Georgian state, made the anti Georgian part more radical and strengthened Eduard Kokoity’s government” (See BBC Monitoring on 19 February 2007 (reference BBCSUP00200070219e32j00xe).

approaches were snubbed.¹⁶⁷ Eduard Kokoity and Mikheil Saakashvili never met, although there were three meetings in 2004 - 2005 between the former and Zurab Zhvania.

Addressing the UN General Assembly session in New York on 21 September 2004, Ossetian President Saakashvili proposed a new “stage by stage settlement plan” for the South Ossetian and Abkhaz conflicts. He outlined three steps which he said were “designed to speed resolutions” of these conflicts: confidence-building and the return of refugees/IDPs; demilitarisation of the conflict areas; and offering the breakaway regions the “broadest form of autonomy” with international guarantees.¹⁶⁸

However, President Saakashvili also said that the breakaway regions in Georgia were “black holes that breed crime, drug trafficking, arms trading and, most notably, terrorism.” “These lawless zones have the potential to affect European security as long as they remain unresolved (...). [The international community] can no longer afford to ignore the security risks that emanate from these black holes and smugglers’ safe havens,” he added.¹⁶⁹

On 5 November 2004 Zurab Zhvania and Eduard Kokoity held talks in Sochi, first in the presence of representatives of Russia, North Ossetia and the OSCE, and later in a tête-à-tête. The result was a common understanding that promised to give a new beginning to the peace process.¹⁷⁰

At the beginning of 2005 the Georgian President launched another peace initiative, which could be regarded as a more developed, refined version of his September 2004 “settlement plan.” It was widely perceived as the most detailed and comprehensive proposal yet for resolving the conflict in South Ossetia. It was first presented by President Saakashvili in his address to the Parliamentary Assembly of the Council of Europe in Strasbourg on 26 January 2005. The proposal provided, *inter alia*, for a broad autonomy for South Ossetia – “even broader, in fact, than that accorded to the Republic of North Ossetia” by the Russian Federation – as well as a role in Georgia’s central parliamentary, judicial and government structures.¹⁷¹ It envisaged talks on the establishment of free economic zones as well as special rights in the spheres of education and culture. Addressing the “wrongs of the past,” it

¹⁶⁷ Южная Осетия готова к переговорам (South Ossetia Ready for Negotiations), <http://www.kavkaz-uzel.ru/articles/47933> (in Russian; accessed on 14.08.2009).

¹⁶⁸ <http://www.un.org/webcast/ga/59/statements/geoeng040921.pdf> (accessed on 14.08.2009).

¹⁶⁹ *Ibidem*.

¹⁷⁰ Georgia Pledges again to Withdraw Excess Troops from South Ossetia... but Fails to Resolve Status Issue. RFERL Newslines 8.11.2004. <http://www.rferl.org/content/article/1143278.html>; accessed on 14.08.2009.

¹⁷¹ <http://www.coe.int/T/E/Com/Files/PA-Sessions/janv-2005/saakashvili.pdf>; accessed on 14.08.2009.

proposed a special law on property restitution for victims of the 1990 - 1992 conflict, one special commission to deal with unresolved property disputes and another to deal with allegations of crimes against the population. The proposal was to be implemented within a transitional 3-year conflict-resolution period with international assistance and guarantees.¹⁷²

On 10 July 2005 the Georgian Government hosted a large international conference on the South Ossetia issue in Batumi. In his opening address to the conference, President Saakashvili described the above proposal for South Ossetia as a “dream list,” which gave Tskhinvali everything it desired except independence. The South Ossetians rejected the peace proposal and refused to attend the Batumi meeting, their main reason being the fact that neither the North Ossetians nor the Russians had been invited. There followed another hot summer of skirmishes, kidnappings and killings, with each side blaming the other for starting.¹⁷³

On 11 October the Georgian Parliament issued a resolution instructing the Georgian Government to take measures to prepare for the withdrawal of Russian peace-keepers from the conflict zones in South Ossetia, “if the performance of the peacekeeping forces did not improve before February 2006.”¹⁷⁴

On 27 October 2005, at a Special Meeting of the OSCE Permanent Council in Vienna, new Prime Minister Zurab Nogaideli presented an Action Plan outlining the objectives of the Georgian authorities for the coming fifteen months and the steps to arrive at a comprehensive solution to the conflict. The United States and the EU welcomed this Action Plan, which envisaged radical changes to the conflict-resolution and conflict-management mechanism, including the JCC format. It proposed, *inter alia*, a new framework for the conflict settlement process with the participation of the OSCE, EU, US and Russian Federation.¹⁷⁵ This Georgian proposal was immediately dismissed by both the Russian and the Ossetian sides, which

¹⁷² *Ibidem*.

¹⁷³ Georgia Again Offers South Ossetia “Broad Autonomy.” in: Absence of South Ossetian Leaders. RFERL Newline 11.07.2005. <http://www.rferl.org/content/article/1143435.html>; accessed on 14.08.2009. See also: Глава Грузии готов конституционно предоставить Южной Осетии полную автономию (The Georgian Leader is Ready to Grant South Ossetia Full-scale Autonomy). <http://www.kavkaz-uzel.ru/articles/78481> (in Russian; accessed on 14.08.2009).

¹⁷⁴ Georgian Parliament Issues Ultimatum to Russian Peacekeepers... which Russian Ministers Condemn as Counterproductive. RFERL Newline 12.10.2005. <http://www.rferl.org/content/article/1143498.html>; accessed on 14.08.2009.

¹⁷⁵ http://www.osce.org/documents/pc/2005/10/16791_en.pdf; accessed on 14.08.2009.

insisted that the JCC mechanism was the only one that would be effective in resolving the conflict.¹⁷⁶

While Tbilisi was busy advocating its new peace plans, the Ossetians retained the earlier proposals (the so-called three-stage peace plan: confidence-building, demilitarisation of the conflict zone and discussions on the political status of South Ossetia) presented by President Saakashvili at the UN in September 2004 and again at the Parliamentary Assembly of the Council of Europe (PACE) in January 2005.¹⁷⁷ At the JCC meeting in Moscow on 24-25 October, both the Russian and South Ossetian sides expressed their support for this conflict resolution plan.¹⁷⁸ Commenting on that meeting of the JCC, Russian Special Envoy Valery Kenyakin said on 26 October that, despite heated debates, there seems to be "an agreement" on a "three-stage scheme." Kenyakin's description matches, but does not directly refer to the peace plan proposed by President Saakashvili at the PACE, which South Ossetia had rejected at the time and the Russian Federation had refrained from supporting.¹⁷⁹

Referring to these peace talks, including the last JCC session, the Georgian Minister for Conflict Resolution, Giorgi Khaindrava, said on 28 October 2005 that they were marked by "a breakthrough, at least on paper."¹⁸⁰ Khaindrava's optimism was short-lived. At the next JCC meeting held in Ljubljana on 16 November, the Russians, clearly concerned by the Georgian attempt to change the JCC format, announced without warning that they were proposing another meeting of the JCC with the participation of the Presidents of Russia, Georgia and North and South Ossetia.¹⁸¹ Ambassador Valery Kenyakin said that such a meeting "would give a new impetus to the negotiating process." The Georgian side rejected the proposal and, reportedly, also the idea of a direct meeting between President Saakashvili

¹⁷⁶ Russia, South Ossetia Dismissive of New Georgian Peace Initiative. RFERL Newsline 1.11.2005. <http://www.rferl.org/content/article/1143511.html>; accessed on 14.08.2009.

¹⁷⁷ *Ibidem*.

¹⁷⁸ Protocol nr 45 of the Meeting of the Joint Control Commission (JCC) on Georgian-Ossetian Conflict Resolution. Tamaz Diasamidze... *op. cit.*, pp. 534-535.

¹⁷⁹ Россия видит три этапа урегулирования грузино-осетинского конфликта (Russia Envisages Three-stage Scheme of the Settlement of Georgian-Ossetian Conflict). <http://www.regnum.ru/news/534206.html> (in Russian; accessed on 14.08.2009).

¹⁸⁰ <http://www.civil.ge/eng/article.php?id=11069>; accessed on 14.08.2009.

¹⁸¹ South Ossetia Talks Inconclusive; South Ossetian Leader Rejects Georgian Demands, Peace Proposal. RFERL Newsline 18.11.2005. <http://www.rferl.org/content/article/1143522.html>; accessed on 14.08.2009.

and Eduard Kokoity. Instead, the Georgians offered the latter a meeting with Zurab Nogaideli, which Eduard Kokoity rejected.¹⁸²

After 2004 the Georgians preferred to see NGOs as being helpful in articulating their political and constitutional package on South Ossetia rather than as channels for alternative lines of communication with the Ossetian side. The Ossetians, on the other hand – especially in the aftermath of the “colour revolutions” – were rather suspicious of NGOs, and were at all events opposed to any activities that they perceived as being in competition with the JCC format.

In December 2005 Georgia and South Ossetia each pushed ahead with their own different visions of conflict settlement, the Georgian side presenting its views at the OSCE Ministerial Council in Ljubljana.¹⁸³

The South Ossetian side articulated its position in a new proposal entitled “The initiative of the President of South Ossetia on the peaceful resolution of the Georgian-Ossetian conflict,” set out in a letter to the Heads of State of the OSCE on 12 December. The proposal had many similarities with the Georgian proposal presented previously, and entailed a three-stage plan: (a) demilitarisation, confidence-building and security guarantees; (b) social and economic rehabilitation and (c) political settlement. The devil was in the detail, however, not least because the Ossetians saw the plan as spanning a long time, possibly even decades, where the third stage was concerned. The Georgians had a much shorter time frame, spanning months rather than years.¹⁸⁴

In 2006 Georgia took steps on another issue connected with the conflict: the return of all IDPs/refugees. Georgia committed itself to passing a law on property restitution in 1999 while joining the Council of Europe. In May 2006 a draft law was presented to Parliament on “compensation, restitution and the restoration of rights for the victims of the Georgian-

¹⁸² Protocol nr 46 of the Meeting of the Joint Control Commission (JCC) on Georgian-Ossetian Conflict Resolution. Tamaz Diasamidze... *op. cit.*, pp. 540-541. See also: Встреча президента Южной Осетии и премьер-министра Грузии не состоится (There will be no Meeting of the President of South Ossetia and the Prime Minister of Georgia). <http://www.kavkaz-uzel.ru/articles/85146> (in Russian, accessed on 17.08.2009).

¹⁸³ Глава МИД Грузии считает, что формат миротворческих сил нуждается в серьезной трансформации (According to head of Georgian MFA, format of peacekeeping forces should be radically transformed). <http://www.kavkaz-uzel.ru/articles/85098> (in Russian, accessed on 17.08.2009).

¹⁸⁴ Предложения Кокойты по урегулированию конфликта в Южной Осетии совпадают с планом Тбилиси, уверен премьер Грузии (Georgian Prime Minister believes Eduard Kokoity's proposals on resolution of the conflict in South Ossetia coincide with Tbilisi's plan. <http://www.kavkaz-uzel.ru/articles/86519> (in Russian, accessed on 17.08.2009).

Ossetian conflict”. It recognised the right of all IDPs/refugees to return to their houses if they wished and could prove their ownership of the property.¹⁸⁵

Official Georgian sources claim that about 60 000 ethnic Ossetians were forced to leave South Ossetia and other parts of Georgia as a result of the 1989 - 1992 conflict – most of them taking refuge in North Ossetia. Some 10 000 ethnic Georgians left South Ossetia. The proposed law envisaged the creation of an 18-member tripartite commission to hear the appeals submitted by victims of the conflict. Six seats on the commission, to be based in Tbilisi, were to be occupied by representatives of international organisations. These members of the commission were then to select six members from each side (Georgian and South Ossetian) on the basis of an open competition.¹⁸⁶ The South Ossetian side described the document as “one more PR campaign” by the Georgian authorities, which would fail to bring relief to the refugees/IDPs.¹⁸⁷ The law was adopted by the Georgian Parliament on 30 December 2006, but the South Ossetian side never really engaged with it, and it remained largely a symbolic Georgian gesture.¹⁸⁸

Both sides continued to up the stakes in 2006. The Georgian Parliament adopted a resolution on 15 February instructing the government to replace the Russian peacekeepers in South Ossetia with “an effective international peacekeeping operation”¹⁸⁹ – this despite a warning on 9 February by the US Ambassador to the OSCE that the withdrawal of the Joint Peacekeeping Forces in South Ossetia “may be destabilizing.”¹⁹⁰

A sense that a line was being drawn was also felt in South Ossetia.

On 26 April 2006 the *de facto* “Parliament of the Republic of South Ossetia” adopted two resolutions: the “Declaration on the genocide of the South Ossetians in 1989 - 1992” and the Resolution “on the political and legal assessment of the 1989 - 1992 developments.” The two

¹⁸⁵ Georgia Proposes Draft Law on S. Ossetia Restitution. <http://www.civil.ge/eng/article.php?id=12596>; accessed on 17.08.2009.

¹⁸⁶ *Ibidem*.

¹⁸⁷ S.Ossetia Rejects Tbilisi’s Draft Law on Restitution. <http://www.civil.ge/eng/article.php?id=12387>; accessed on 17.08.2009.

¹⁸⁸ В Грузии принят закон о реституции (Law on Restitution adopted in Georgia). <http://www.kavkaz-uzel.ru/articles/106239> (in Russian, accessed on 17.08.2009).

¹⁸⁹ On 11 October 2005 the Georgian Parliament also adopted another resolution “Regarding the current situation in the conflict regions on the territory of Georgia” which assessed negatively the role of Russian peacekeepers in Abkhazia and South Ossetia, warning that unless the situation improved by February 2006 it will ask for an end to these operations.

¹⁹⁰ As Deadline Looms, Georgia Changes Tone on South Ossetian Peacekeepers. <http://www.eurasianet.org/departments/insight/articles/eav021006a.shtml>; accessed on 17.08.2009.

resolutions were meant to serve as a reminder of the events in 1989 - 1992, and in so doing to justify South Ossetian intransigence. The first resolution requested the international community to recognise the atrocities of 1989 - 1992 as genocide against the Ossetian nation and to recognise Georgia as “morally, legally and financially responsible for crimes against humanity.” It requested Georgia “to take the necessary measures to create proper conditions for the refugees’ rights and property restitution with full compensation for the moral and material damage.” The second resolution called for the recognition of the “international legal personality of the Republic of South Ossetia” and the application of “all lawful measures to prevent provocation on the part of Georgia aimed at destabilising the situation in South Ossetia and at raising the incessant blockade.”¹⁹¹

In the summer of 2006 events took a turn for the worst. On 9 July the “ Secretary of the National Security Council of South Ossetia” was killed when a bomb went off as he was opening his garage door.¹⁹² A few days later two teenagers died and four other civilians were injured in a bomb explosion in Tskhinvali.¹⁹³ On 18 July the Georgian Parliament passed a resolution calling on the Government to launch procedures to suspend Russian peacekeeping operations in Abkhazia and South Ossetia immediately.¹⁹⁴ In September, clashes took place in the South Ossetian conflict zone, resulting in deaths on both sides.¹⁹⁵

The North Ossetian Connection

Some international experts believe that much of the Georgian analysis of the conflict in South Ossetia, in particular since 2006, has underestimated the extent, role and complexity of the engagement of the political leadership and the people of North Ossetia in the Georgian-Ossetian conflict.

Whatever the role of the North Ossetians during the conflict in 1989 - 1992, there is no doubt that it was one of active support for the South Ossetians. However, after the signing of the 1992 Sochi Agreement, North Ossetia sought, in most instances, to play a constructive role in

¹⁹¹ Южная Осетия просит призвать к ответственности Грузию за геноцид (South Ossetia requests Georgia be held responsible for genocide). <http://www.kavkaz-uzel.ru/articles/95997>; accessed on 17.08.2009.

¹⁹² South Ossetian Official Killed by Bomb. <http://www.rferl.org/content/article/1143669.html>; accessed on 17.08.2009.

¹⁹³ Two Killed by Blast in South Ossetia. <http://www.rferl.org/content/article/1143673.html>; accessed on 17.08.2009.

¹⁹⁴ Georgian Parliament Calls for Expulsion of Russian Peacekeepers. <http://www.rferl.org/content/article/1143676.html>; accessed on 17.08.2009.

¹⁹⁵ One Georgian Serviceman Killed, Two Wounded in South Ossetia. <http://www.rferl.org/content/article/1143712.html>; accessed on 17.08.2009.

both managing and resolving the conflict.¹⁹⁶ It acted more as a restraining hand than an instigator vis-à-vis the successive South Ossetian leaderships. In recent years, however, the Georgian narrative of the conflict has given little space to North Ossetia. But systematic attempts to erode the role of Vladikavkaz in the conflict resolution process may have proved a short-sighted approach for in effect, Tbilisi thereby strengthened the maximalist positions of the South Ossetian leadership.

Establishment of an Alternative Administration in South Ossetia

On 24 October 2006 the “Salvation Union of Ossetians,” a newly established organisation which clearly had the backing of Tbilisi, announced that it would hold alternative presidential elections and a referendum in South Ossetia in November, parallel to those organised by the Tskhinvali authorities. The new initiative was spearheaded by Dmitry Sanakoyev, an Ossetian who had served as “Defence Minister”, “Deputy Prime Minister” and, for a short time, “Prime Minister of South Ossetia” under “President” Chibirov between 1996 and 2001.¹⁹⁷

On 12 November 2006 competing elections were held in both the Tskhinvali-controlled areas of South Ossetia and the Georgian-controlled areas. As expected, Eduard Kokoity emerged as the winner in the Tskhinvali-controlled areas, with 98.1% of the votes, while Dmitry Sanakoyev was victorious in the Georgian-controlled areas, with 94% of the votes.¹⁹⁸

In order to give credibility and legitimacy to Dmitry Sanakoyev, the Georgian Government moved to create a temporary unit to which it assigned the administration of all the territory that had been part of the former South Ossetian Autonomous Oblast’ under Tbilisi’s control,¹⁹⁹ subsequently making him head of this administration.

¹⁹⁶ In April 2002 both Georgia and South Ossetia welcomed the offer of North Ossetian President Alexander Dzasokhov to mediate actively in the conflict resolution process (see Prime News, 14 April 2002). One of South Ossetia’s most prominent nationalist exponents, Alan Chochiev, was arrested in Vladikavkaz on 14 October 2003 after sharply criticising Dzasokhov for taking a pro Tbilisi stand in the negotiations on South Ossetia (see Prime News 24 October 2003).

¹⁹⁷ Group Announces ‘Alternative Polls’ in S. Ossetia. <http://www.civil.ge/eng/article.php?id=13936&search=Salvation%20Union%20of%20South%20Ossetia;> accessed on 17.08.2009.

¹⁹⁸ South Ossetia Leader Reflected to Second Term. <http://www.rferl.org/content/article/1143755.html>; accessed on 17.08.2009.

¹⁹⁹ Throughout 1992-2008 parts of the territory of the former South Ossetian Autonomous Oblast’ remained under Georgian administration, including the Georgian enclaves of Artsevi and Eredvi to the east of Tskhinvali, Tamarasheni/Kurta on the outskirts of Tskhinvali and Avnevi and Avalasheni/Nedleti in the Znauri district to the west. Also under Georgian administration was a large part of the district of Akhlagori (Leningori).

The Georgian Parliament passed a resolution on 8 May 2007 setting up the Temporary Administrative Unit,²⁰⁰ and Dmitry Sanakoyev, as its head. He addressed the Georgian Parliament on 11 May, saying that the Ossetian people's future "was only in a democratic and stable Georgia."²⁰¹

The reaction of the Kokoity administration to the new "claimant" to the Ossetian voice was, as expected, critical and hostile. Apart from posing a direct threat to its legitimacy, the emergence of the Sanakoyev administration raised the spectre of an Ossetian "civil war" and, according to at least one source, aroused fears that this would be used as an excuse for external intervention to help impose Tbilisi's rule over the region.²⁰²

Eduard Kokoity, speaking on Ossetian TV the following day, said that measures were needed to remove Dmitry Sanakoyev from the territory of the Republic of South Ossetia and warned that he would not resume talks with the Georgian Government until Tbilisi renounced further contact with the latter.²⁰³ In response Tbilisi threatened that it might be forced to "neutralise" separatist forces in the region.²⁰⁴

Deteriorating Situation in 2007 - 2008

From the summer of 2007, the situation in South Ossetia grew increasingly tense. The conflict resolution process was at a standstill; the conflict management process barely operational, and trust between the sides was at its lowest ever, without dialogue between the sides or any second-track lines of communication.

In its June 2007 report, "*Georgia's South Ossetia Conflict: make haste slowly*," the International Crisis Group stated that:

"The confidence which existed at the community level in the zone of conflict before 2004 has been destroyed. There were some positive trends in the aftermath of that year's crisis but the security situation remains volatile. Repeated small

²⁰⁰ South Ossetian Leader Suspends Contacts with Tbilisi. <http://www.rferl.org/content/article/1143867.html>; accessed on 17.08.2009. See also: Georgian President Appoints Head of South Ossetian Provisional Administration. <http://www.rferl.org/content/article/1143869.html>; accessed on 17.08.2009.

²⁰¹ Санакоев выступил в парламенте Грузии как глава временной администрации Южной Осетии (Sanakoyev addressed the Georgian Parliament as Head of the South Ossetian Provisional Administration. <http://www.kavkaz-uzel.ru/articles/114017>; accessed on 17.08.2009.

²⁰² Georgia's South Ossetia Conflict: Make Haste Slowly, Europe Report Nr 183. Tbilisi/Brussels 7 June 2007, p. 6.

²⁰³ *Ibidem*, p. 8.

²⁰⁴ *Ibidem*.

incidents could easily trigger a larger confrontation. Crimes, detentions, shootings and exchanges of fire have become routine. Killings, kidnappings, shelling, mine explosions and other ceasefire violations also occur, as do direct confrontations between armed personnel, especially in the warmer months. With the rise in tension after Sanakoyev's appointment, there is a risk of a new escalation this summer."²⁰⁵

In April 2008 the Russian President upped the ante by tasking the Russian Government with establishing formal contacts with institutions in Abkhazia and South Ossetia, one of a series of measures aimed at boosting relations with the two entities. The move stopped short of international recognition, but it nonetheless sparked widespread condemnation in the West.²⁰⁶

As summer approached, the tension in South Ossetia increased dramatically. On 3 July a convoy with Dimitry Sanakoyev on board was attacked. He was unhurt but three Georgian policemen were killed.²⁰⁷ In July 2008, Georgian forces occupied the Sarabuki Heights, which overlooked the Georgian and Ossetian by-pass roads and thus in effect controlled access to and from Tskhinvali. The Ossetians made several attempts to dislodge the Georgians from the heights, but failed. Georgian snipers reportedly shot and killed several Ossetian fighters,²⁰⁸ and incidents of shelling from both sides further intensified in early August 2008.

Peace Efforts by the OSCE and the European Union

Right up until it was shut down in June 2009, the OSCE Mission to Georgia was engaged in what was described as a "multi-dimensional approach to helping create a more favourable context for peaceful resolution" of the Georgian-Ossetian conflict. Apart from the political process, this included an economic rehabilitation programme which the OSCE described as "a unique initiative helping pave the way for peaceful resolution."²⁰⁹ In November 2005 the Mission had launched a needs-assessment study – this was followed by a specially convened

²⁰⁵ *Ibid.*, p. 14.

²⁰⁶ Putin Tasks Government with Providing Further Assistance to Abkhazia, South Ossetia. <http://www.rferl.org/content/article/1144094.html>; accessed on 17.08.2009.

²⁰⁷ В Южной Осетии обстрелян кортеж главы временной администрации Санакоева (In South Ossetia Target Fire Hits Convoy of Provisional Administration Head Sanakoyev). <http://www.kavkaz-uzel.ru/articles/138688> (in Russian, accessed on 17.08.2009).

²⁰⁸ Состояние раненого в Южной Осетии стабильное (Wounded casualty in South Ossetia in stable condition). <http://www.kavkaz-uzel.ru/articles/139786> (in Russian, accessed on 17.08.2009).

²⁰⁹ The OSCE Mission to Georgia brochure, OSCE Vienna, 25 February 2008, www.osce.org/item/29837.html.

donors' conference in Brussels in June 2006 where some eight million euros were pledged for the implementation of projects agreed upon by the sides.²¹⁰

The biggest contributor to the package was the European Union, through the European Commission and individual contributions from its member states. In addition to the economic rehabilitation programmes in Abkhazia and South Ossetia, the EC's activities included humanitarian assistance, confidence-building, democratisation and human rights projects.²¹¹

Most of the funding was for the economic rehabilitation programme. Between 1998 and 2007 the EC spent 7.7 million euros on projects such as the rehabilitation of the drinking water supply network, the rehabilitation of schools and the establishment of three agricultural co-operatives (1998 - 2001); the rehabilitation of the Gori-Tskhinvali rail link, the Tskhinvali gas and electricity network (2001 - 2002), and other water and gas projects in Tskhinvali and other parts of the territory (2003 - 2007).²¹²

The EC also funded a number of smaller projects and, more significantly, also contributed 140 000 euros to the work of the Joint Control Commission.²¹³

From the time the EC joined the JCC process (1999) the European Union became far more involved in the Georgian-Ossetian conflict resolution process. In 2003 the European Union appointed its first Special Representative to the South Caucasus. His mandate referred in general terms to "preventing and assisting in the resolution of conflicts, promoting the return of refugees and internally displaced persons"²¹⁴. After the appointment in February 2006 of Peter Semneby as EU Special Representative to the South Caucasus this was further reinforced with a mandate to "contribute to the settlement of the conflicts and to facilitate the implementation of such settlement in close co-ordination with (...) the conflict resolution mechanism for South Ossetia"²¹⁵.

The European Union's involvement in the conflict settlement process now became two-pronged: the European Commission continued with its role as a provider of economic

²¹⁰ EU Statement on Donors Conference on South Ossetia, Georgia.
http://www.osce.org/documents/pc/2006/06/19557_en.pdf; accessed on 17.08.2009.

²¹¹ From the website of the EC Delegation to Georgia
www.delgeo.ec.europa.eu/en/programmes/rehabilitation.html.

²¹² *Ibidem*.

²¹³ *Ibidem*.

²¹⁴ Council of the European Union, Joint Action 2003/496/CFSP (OJ L 169, 8 July 2003) as last amended by Joint Action 2005/100/CFSP (OJ L31, 4 February 2005).

²¹⁵ Council of the European Union, Joint Action 2006/121/CFSP (OJ L49/14, 21 February 2006).

rehabilitation assistance, while the EUSR began to engage more widely in the conflict resolution issues, including by exploring new formats for dialogue between the sides.

This needed to be, and largely was, a finely-balanced operation. Broadly speaking, the European Commission was committed to the JCC format, which it was partly funding. The EUSR, having tried and failed to be allowed to share the EC seat on the JCC, sought to create other spaces for Georgian-Ossetian engagement.

In response to his expanded mandate the EUSR organised a fact-finding mission to Abkhazia and South Ossetia in January 2007. This set in motion a number of initiatives, including the expansion of the role of the EU Border Monitoring Mission which was also to play a liaison role with the authorities of Abkhazia and South Ossetia.²¹⁶

Much of the EU's effort after 2004 was targeted at reducing tension, trying to prevent the escalation of violence, and confidence-building. The European Union's activities were welcomed by all the sides involved in peace efforts in the Georgian-Ossetian zone of conflict, but its engagement would have been far more meaningful and effective if it had operated within the proper framework of a peace process. No such framework existed, however, especially after 1999.

4. Observations

1/ According to the international and regional organisations and external actors involved in the mediation of the Georgian-Abkhaz and the Georgian-Ossetian conflicts, the right of internal self-determination of the various peoples in Georgia would have to be achieved through constitutional reform. The self-governance of Abkhazia and South Ossetia within a federal Georgia was the key objective to be achieved. In the negotiations on the political status of these two entities, the parties had a wide choice of variants of federalism.²¹⁷

The Georgian Government has spoken in favour of a so-called asymmetrical federalism, in which some constituent states would enjoy more powers than others. Under this model,

²¹⁶ <http://register.consilium.europa.eu/pdf/en/08/st10/st10601.en08.pdf>; accessed on 17.08.2009.

²¹⁷ Externally, a federation is an indivisible sovereign state, in line with the principle of territorial integrity, and internally, sovereignty is shared between the federal government and the constituent entities, in line with the principle of self-determination. Each level of government has its specific competencies in law-making and executive power. The constituent entities are not subordinated to the federal level of governance, as both derive their power directly from the constitution. Constitutional reforms require the involvement of both levels.

Abkhazia would have received a higher level of self-government than South Ossetia. This approach has been justified by Tbilisi on the grounds of differences in the ancestral rights of these two titular nations and the fact that the Ossetians have a homeland outside Georgia – the North Ossetian Republic in the Russian Federation.

The model of federation, however, raised serious concerns among the Abkhaz and the Ossetians. A federation is expressly designed to protect minorities through their over-representation in state structures and by giving them veto powers at the different levels of governance. But such guarantees do not suspend the application of majority rule. If integrated into the functioning of a federation, the authorities of Abkhazia and South Ossetia would frequently be in danger of being outvoted on a number of important issues to which their power of veto did not apply. Moreover, the existing models of a federation did not adequately meet their security concerns. In principle, constituent states are not allowed to have autonomous security policies. They cannot have a defence system capable of protecting them from the central government in the event of a violent conflict. Nor can they be integrated into the functioning of international security organisations, which as a rule require full sovereignty as a basis for participation. They may receive guarantees from external actors or international security organisations, but there has been little experience of the practical implementation of such security mechanisms in federations.

For this reason, in Abkhazia and South Ossetia there was a strong preference – if independence should prove impossible to achieve – for a confederation.²¹⁸ The confederative model is based on a treaty between sovereign states, and their union does not deprive them of their sovereignty. The government of a “union of states” has minimal powers, while the constituent states have a veto on all fundamental policy issues. Their sovereignty is recognised internationally, which in principle gives them the right to secede. This combination of a weak federal government and sovereign powers for the member states made this model unappealing to the Georgian authorities and attractive to the Abkhaz leadership – up until 1999, when Abkhazia declared its independence. The fact that there is no functioning

²¹⁸ The concept of confederation has a more important place in political science literature than in contemporary reality. In the history of confederations it is conspicuous that the most eminent examples are all cases in which confederative episodes ultimately gave way to more integrated federations or unitary states. The four classic cases were the Swiss Confederation, from late medieval times until 1798 and again from 1815 to 1848, the United Provinces of the Netherlands from 1579 to 1795, the German Bund from 1815 to 1866 and the United States Confederation from 1781 to 1789. Thus none of these confederations survived the third quarter of the nineteenth century, an international context where centralised statehood became a question of survival. See Xiaokun Song, “Confederalism – A Review of Recent Literature,” in B. Coppieters, D. Darchiashvili and N. Akaba (eds), *Federal Practice – Exploring Alternatives for Georgia and Abkhazia* (Brussels: VUB Press, 2000), pp. 181-193, <http://poli.vub.ac.be>.

confederative union of states in the contemporary world added to Georgian scepticism. In their view, such a model would not halt unilateral steps towards Abkhaz and South Ossetian independence but would only serve the purpose of legitimising such a move. They were also afraid that, even if secession did not materialise immediately, the constituent states could be used as convenient leverage by an outside power for intervening in Georgia's internal affairs.

2/ For a number of years, the Ossetian conflict seemed to be perceived by Tbilisi and the international community as less urgent and less important than that in Abkhazia. On several occasions the windows of opportunity in the Georgian-Ossetian peace process seemed to open and close without being fully exploited. On the Georgian side, both during the Shevardnadze administration and, even more so, under that of Mikheil Saakashvili, there had also been a general feeling that the conflict in South Ossetia was easier to solve than that in Abkhazia. This may have been one of reasons why Tbilisi's diplomatic efforts in the field of conflict resolution in 2004 - 2007, in contrast to the previous period, concentrated predominantly on South Ossetia.

3/ The conflicts in Abkhazia and in South Ossetia, though confined to relatively small territories, have proved to be complex with both internal and external aspects. The internal aspects of the two conflicts seem to have, *inter alia*, historical, political, demographic and economic roots. The external aspects are connected with developments outside the Georgian-Abkhaz and Georgian-Ossetian conflict zones and with interests of great and neighbouring powers, in particular those of the Russian Federation. Russia, having traditionally strong links with the region and vast political, economic and security interests there, was given the role of facilitator in the Georgian-Abkhaz and the Georgian-Ossetian negotiation processes, and that of a provider of peacekeeping forces. This formula, while fully understandable in terms of "real politics," seriously affected the existing political equilibrium in the region, as it meant in practice that these two conflicts could be settled not only when the interests of the Georgian, the Abkhaz and the Ossetians were duly reconciled, but also those of Moscow. In a situation of worsening Russian-Georgian relations, it became more and more difficult to find an acceptable compromise within the above "triangles."

4/ In the view of many Georgians, the Russian policy, especially since 2004 onwards might lend credence to the Georgian Government's claim that Russia was not an honest broker. Its policy included the legalisation of links with the breakaway territories, the granting of Russian passports to their populations, and declarations about using the Kosovo precedent as a basis for the recognition of South Ossetia and Abkhazia. The Russian peacekeepers were

also regarded as being largely a protective ring behind which secessionist entities were developing their institutions. At times of tension in the area Moscow has made it clear, particularly since 2006, that it would not stand idly by in the event of Georgian military action in the breakaway entities.²¹⁹ The above may help to explain why many of the Georgian efforts in 2004 - 2008 were directed at changing the format of both the negotiation and the peacekeeping arrangements.

5/ Notwithstanding the real or perceived interests of the third parties, one of the weaknesses of the peace processes in 1992 - 2006 seemed to be the fact that the Georgian, Abkhaz and South Ossetian sides concentrated heavily on the external aspects and players without paying sufficient attention to building mutual trust and promoting reconciliation, and without putting enough effort into these important processes. In 2006 - 2008 the Georgians did put stronger emphasis on bilateral cooperation and talks with Tskhinvali and Sukhumi, but the way in which they chose to do this – by decreasing Moscow’s political role in the peace negotiations and that of the Russian peacekeepers on the ground – was not appealing to the Abkhaz and Ossetian sides, who regarded the Russian Federation as their main security guarantor. On the other side, the Abkhaz and Ossetian demands in this period for Georgian guarantees of the non-use of force and other unilateral concessions (the withdrawal of the Georgian security forces from the upper Kodori Valley, etc.), as preconditions for any resumption of the peace process, could hardly be regarded as constructive either, especially in the context of public calls by some Abkhaz leaders for the forcible seizure (“liberation”) of the Georgian-administered upper Kodori Valley. As far as the Georgian-Abkhaz peace talks were concerned, in previous years (up to mid-July 2006), security and the non-use of force had always been discussed as part of a larger package, and were usually linked with Abkhaz consent for, and cooperation on, the return of the refugees/IDPs.

6/ Opportunities for a peace settlement in Abkhazia and South Ossetia seemed better before 1999 than after. The clear hardening of the Abkhaz and South Ossetian positions in the respective peace negotiations, noticeable since 2000, combined with the worsening of Georgian-Russian relations after 1999 and weakened Western persuasive power vis-à-vis Moscow, gradually narrowed the space for a political compromise. Where the conflict in Abkhazia was concerned, a new opportunity may have appeared in 2005, when new leaderships, not responsible for the 1992 - 1994 armed confrontation, came to power in both Sukhumi (in January 2005 Sergei Bagapsh replaced Vladislav Ardzinba as *de facto* President)

²¹⁹ See statement of Russian Defence Minister Sergei Ivanov (Civil Georgia, 8 October 2006, item 13822).

and in Tbilisi (in early 2004, Eduard Shevardnadze was replaced by Mikheil Saakashvili). Unfortunately, the new Georgian leadership did not seem to have either the determination or skill necessary to exploit that opportunity and reverse the process of Abkhazia's drifting away.

7/ For a number of years the peace efforts, including those undertaken by the three parties and the international community, had a positive effect on regional peace and stability. There were also periods of Georgian-Abkhaz and Georgian-Ossetian *rapprochement* and the building of trust and mutual ties. Simultaneously with the process of Georgian-Abkhaz and Georgian-Ossetian *détente* and normalisation, another process was also going on: that of the gradual tightening of links between these two territories and the Russian Federation. This second process, more visible after 1999 and accelerated in spring 2008, generally appeared stronger than the first. Described by the Georgians on a number of occasions as the "creeping Russian annexation of Abkhazia and South Ossetia," this tightening of links may have increased Georgian frustration at the stalled peace processes and protracted failure to arrive at a comprehensive settlement.

8/ The establishment of alternative South Ossetian and Abkhaz administrations in the breakaway regions in 2006 was regarded by many as the most controversial Georgian move in the conflict resolution process. It was probably motivated by a few considerations. The strongest may have been related to the ongoing controversies over Kosovo, and Moscow's warnings that it would recognise Abkhazia and South Ossetia if Kosovo's independence was recognised by the Western powers. For considerable parts of the territories of South Ossetia and Abkhazia to be under the formal control of pro-Georgian administrations may, therefore, have been regarded by the Georgian leadership as a preventive measure, aimed at making Russian recognition of the two separatist provinces more difficult, and therefore less feasible.

9/ Decisions on Kosovo's independence and its international recognition, together with the Bucharest NATO summit of 2-3 April 2008, with its promise of Georgia's future NATO membership, complicated the international context in which events were unfolding. The decision by the Russian Federation to withdraw the 1996 CIS restrictions on Abkhazia (March 2008) and to authorise direct relations with the Abkhaz and South Ossetian sides, in a number of fields (April 2008), added another dimension to an already complex situation in the area

10/ The virtually passive and non-innovative approach to the peace processes adopted by the international community present in the area, in particular the UN (since mid-July 2006), was not enough to prevent the forthcoming crisis. Thus a series of mistakes, misperceptions and missed opportunities on all sides accumulated to a point where the danger of an explosion of violence became real. Unlike in the early 1990s, what was about to happen in August 2008 was no longer a localised conflict in a remote part of the world but a short, bitter armed confrontation between two states, fought in the battlefield but also on live television, and carrying major international implications.