



Federal Foreign Office



The 2009  
Berlin Roundtable  
on Diplomacy

# **Conflict in Post-Soviet Europe The South Caucasus: Are there Scenarios for Resolution?**



**5 - 8 October 2009  
Berlin**



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The articles compiled in this publication reflect the contributions to and aspects of the discussions that were held during the conference in October 2009. The views and opinions expressed therein are those of the respective authors only and do not necessarily represent the position of the Federal Foreign Office. Hence, content and form of the articles is subject to the authors only.

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## Preface

Ambassador Jutta Wolke



As part of the Foreign Service Academy of the Federal Foreign Office, Training for International Diplomats (TID) offers advanced training programmes for young diplomats from all over the world. Our philosophy is “diplomacy by networking”, the idea that forging a worldwide network of personal ties helps build trust and thereby benefits international cooperation. In the TID context we see reciprocity – in the sense of interaction and exchange on equal terms – as the key concept, fostering a cooperative approach to international affairs and the creation of a global network of contacts.

Since 1992 some 1400 diplomats from 132 countries have taken part in the Foreign Service Academy’s TID programmes. These are an enriching experience all round, offering new insights and food for thought to participants, organizers and speakers alike. Building relationships and mutual trust is just as important as expanding knowledge and sharing experience.

The Berlin Roundtable on Diplomacy was held from 5 to 8 October 2009 in cooperation with the University of Erfurt’s Willy Brandt School of Public Policy. This was a new venture for us in terms of both format and participants, for it brought leading experts from international organizations together with academics and civil society representatives from several different countries. MEP Elmar Brok, the keynote speaker on the opening day, analysed the threat to European stability posed by conflicts in the post-Soviet area. This was followed by a panel discussion between Peter Semneby, the EU Representative for the South Caucasus, Herbert Salber, the Director of the OSCE Conflict Prevention Centre, and Irakli Alasania, Georgia’s former Ambassador to the UN. Throughout the three-day conference recognized experts from the South Caucasus, Turkey and Russia engaged in lively and constructive debate.

While our Berlin Roundtable on Diplomacy was by no means a typical TID event, its basic objectives were the same as for our other programmes. Firstly, it aimed to forge ties between policy-makers and regional experts and thereby help them understand each other's perspectives. The cultural programme we laid on also enabled our international guests to get to know Germany better. Secondly, the Roundtable was about sharing information and expertise. True to the spirit of our Research and Academic Relations Initiative, it provided a forum for mutual learning and presenting conflict resolution research to an international audience. Finally, young diplomats mainly from Latin America and Eastern Europe attending our other TID programmes were invited to attend some of the sessions, where they learned not only about a major international conflict but also experienced at first hand a culture of constructive debate.

We have documented in this publication the most important results and insights to emerge from the Roundtable discussions.


As the conference took place right after publication of the Tagliavini Report on the August War in Georgia, the war itself and its consequences were a major topic of debate. Participants agreed that the events of 2008 had dimmed the prospects for resolving the conflicts. The picture elsewhere in the region, however, was seen as more encouraging. Participants were optimistic that ongoing diplomatic overtures between Turkey and Armenia could have a positive impact on the security of the entire region. Nimet Beriker, David Shahnazaryan and Leila Alieva provide a more detailed assessment of current developments in the region.

The Roundtable also focused strongly on the role of external actors, particularly international organizations, in the conflict in Georgia. Following the suspension of the OSCE and UN missions there, the EU faced increasing pressure to become actively engaged in the

peace process. The deployment of an EU Monitoring Mission (EUMM) in Georgia is a first notable step in this direction. Hence the articles assembled in Section III explore overarching security questions and the role of international organizations in the region. They include contributions from Pascal Heyman of the OSCE Conflict Prevention Centre as well as from Peter Semneby, EUMM head Hansjörg Haber and Dieter Boden, the former UN Special Representative for the Southern Caucasus. Fyodor Lukyanov discusses the so-called Medvedev proposal and ideas for reorganizing the Eurasian security landscape.

Following up the various scenarios analysed during the Roundtable, we also have articles offering an expert's view of conflict resolution mechanisms, negotiation processes, confidence-building measures and police training as well as changing perceptions of the issues at stake.

May I finally express my sincere thanks to all contributors to this publication, which I hope will provide its readers with many valuable insights.



Ambassador Jutta Wolke

## Monday, 5 October

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9:30-10:00	<b>Welcome Address</b> Hans-Dieter Lucas, Federal Foreign Office
10:00-11:00	<b>Keynote speech: Conflicts in the post-Soviet area – a continuing threat to European stability</b> Elmar Brok, Member of the European Parliament
11:00-11:15	<b>Introduction to the concept and working methods of the conference</b> Dieter Boden, Federal Foreign Office Dietmar Herz, Universität Erfurt
11:15-12:15	<b>Sources of conflict in the South Caucasus</b> Bruno Coppieters, Vrije Universiteit Brussels
13:30-15:30	<b>Conflict resolution and negotiation concepts after the August War</b> Walter Kaufmann, Heinrich Böll Foundation, Berlin Archil Gegeshidze, Georgian Foundation for Strategic and International Studies, Tbilisi
16:00-18:00	<b>Introduction: External actors – options for mediation</b> Dieter Boden, Federal Foreign Office  <b>Panel discussion:</b> <b>The role of the EU, OSCE and UN in the region</b> Panellists: Peter Semneby, EU Special Representative for the South Caucasus, Brussels Herbert Salber, Director of the OSCE Conflict Prevention Centre, Vienna Irakli Alasania, former Ambassador of Georgia to the UN Karsten D. Voigt, Coordinator of German-American Cooperation Fyodor Lukyanov, Editor of the Journal "Russia in Global Affairs", Moscow Chaired by Dieter Boden / Dietmar Herz

## Transfer to the European Academy Berlin

## Opening of the Conference, Europasaal, Federal Foreign Office, Berlin

20:00-21:30	<b>Supplementary programme:</b> <b>Fireside chat on post-election Germany</b> Guest speakers: Werner Weidenfeld, Ludwig-Maximilians-Universität München Patrik Schwarz, DIE ZEIT
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## Tuesday, 6 October

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9:30-12:00	<b>Debate on crisis scenario</b> Scenario I: Instability in Georgia, Options for Action Evaluation
13:00-14:30	<b>The role of Russia</b> Introductory presentation by Sergey Markedonov, Russian Institute for Military Analysis, Moscow Comments by Irakli Alasania, former Ambassador of Georgia to the UN Gevorg Ter-Gabrielyan, Country Director Armenia, Eurasian Partnership Foundation, Yerevan Leila Alieva, President of the Centre for National and International Studies, Baku
15:00-17:30	<b>Confidence building and the role of civil society as a key element for conflict resolution</b> Jonathan Cohen, Director of Programmes, Conciliation Resources, London Gevorg Ter-Gabrielyan, Country Director Armenia, Eurasian Partnership Foundation, Yerevan  <b>Confidence building in a conflict area</b> Hansjörg Haber, Head of EUMM Georgia

**Wednesday, 7 October**

9:00-11:00	<b>Principles of international law: Self-determination or territorial integrity?</b> Georg Nolte, Humboldt Universität Berlin Susanne Marianne Wasum-Rainer, Federal Foreign Office
11:00-12:00	<b>Problem perception, extremist rhetoric and the role of the media in reconciliation</b> George Khutsishvili, International Center for Conflict and Negotiation, Tbilisi
13:00-14:00	<b>“Conflict mapping” and conflict management: Considering individual aspects</b> Christopher Langton, International Institute for Strategic Studies, London Pascal Heyman, OSCE Conflict Prevention Centre, Vienna Hansjörg Haber, Head of EUMM, Georgia
14:00-16:00	<b>Conflict mapping for the South Caucasus (working groups)</b> Working group I: Political and structural factors Working group II: Economic situation and allocation of resources Working group III: Problem perceptions and soft factors
16:30-17:30	<b>Presentation and discussion of results (plenary)</b>

**Thursday, 8 October**

9:00-10:00	<b>Lessons learnt from history</b> <b>“Negotiating under fire”? Conflict management in the Middle East</b> Dietmar Herz, Universität Erfurt
	<b>Organizing negotiation processes. The Treaty of Versailles and the Dayton Agreement</b> Marie-Janine Calic, Ludwig-Maximilians-Universität München
10:30-12:30	<b>Discussion of negotiation scenario</b> Scenario II: Nagorno-Karabakh – How to identify solutions? Evaluation
13:30-14:00	<b>Concluding statement</b> Gernot Erler, then Minister of State at the Federal Foreign Office

**Reception****Friday, 9 October / Saturday, 10 October****Cultural Programme Thuringia****Conference Venues**

**Conference Opening Day (5 October)**  
 Federal Foreign Office, Europasaal  
 Werderscher Markt 1  
 10117 Berlin  
[www.diplo.de](http://www.diplo.de)

**Conference Venue (6-8 October)**  
 Europäische Akademie Berlin e.V.  
 Bismarckallee 46/48  
 14193 Berlin  
[www.eab-berlin.de](http://www.eab-berlin.de)

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## Contributors



**Dr. Leila Alieva** is Director of the Center for National and International Studies (CNIS) in Baku. She worked as advisor to the leading oil companies and was a member of Environmental Advisory Committee to the President of EBRD. Previously she was a member of the Board of the Open Society Institute in Baku, National Coordinator of the Human Development Report for UNDP, and Director of the Center for Strategic and International Studies in Baku. Between 1993 and 1995 she was a Fellow at Harvard University and the Woodrow Wilson Institute. From 1999 to 2001 Dr. Alieva was a research fellow at SAIS (John Hopkins University) and UC Berkeley, in 2005 of the NATO Defence College in Rome, and in 2007 at National Endowment for Democracy in Washington. She was the first elected Chair and is a Board Member of the National Committee on Azerbaijan's Integration in Europe, Baku.



**Prof. Dr. Nimet Beriker** is the founding faculty member of the Conflict Analysis and Resolution Programme in the Faculty of Arts and Social Sciences, at Sabanci University, Istanbul. Her research interests are on international negotiation, mediation, integrative agreements, content analysis, and social simulation techniques. Her publications appeared in "International Journal of Conflict Management", "Simulation and Gaming", "The Annals of the American Academy of Political and Social Science", "Journal of Social Psychology", "Security Dialogue" and "Foreign Policy". Professor Beriker offered numerous conflict resolution and negotiation trainings to non-governmental and state institutions, including the Ministry of Foreign Affairs and the Turkish General Staff. She received her Ph.D. in Conflict Analysis and Resolution from George Mason University. Prior to joining the faculty of Sabanci University in 1998, she worked in the International Relations department at Bilkent University, Ankara.

**Prof. Dr. Andreas Blätte** is Junior Professor for Political Sciences at the University of Duisburg-Essen. Between 2001 and 2009 he worked at the University of Erfurt in various positions: he was research assistant at the Chair of Comparative Politics and Deputy Director of the Erfurt School of Public Policy. Mr Blätte obtained his academic education in political sciences, economics and European law at the University of Munich and Aberystwyth (Wales).



**Amb. (ret.) Dr. Dieter Boden** joined the Federal Foreign Office in 1969. In the following years, he was posted to Moscow, Leningrad, Rome and Madagascar. In 1987 he served for the German Parliament as political counselor. Between 1988 and 2002 he held various positions, such as deputy chief negotiator for Germany at the negotiations for the Disarmament of Conventional Forces (CFE) in Vienna, Head of the Division on Nuclear Disarmament at the Federal Foreign Office Berlin, Head of the OSCE Mission in Georgia, Special Representative of the Secretary General of the United Nations in Georgia, Head of the UNOMIG Mission, Permanent Representative of Germany to the OSCE in Vienna. Dieter Boden obtained a doctoral degree in Slavic philology from Hamburg University in 1967. Since 2006 he lectures as adjunct professor at the University of Potsdam in the Department of International Relations. Dr. Dieter Boden is president of the German Pushkin Society and honorary doctor of the Tbilisi School of political studies.



**Jonathan Cohen** is Director of Programmes at Conciliation Resources London. He joined the organization in December 1997 and developed the Caucasus programme. Previously he was deputy director of the Foundation on Inter-Ethnic Relations in The Hague, working with the OSCE High Commissioner on National Minorities. Before that he worked for International Alert and the Peace Research Institute Oslo. He has been a board member of the DFID/CAF Partnerships in the Non-Profit Sector Programme for Russia; acted as a consultant to United Nations Volunteers, the Heinrich





Boell Foundation, the Berghof Foundation and taught at the London School of Economics. He has degrees from the universities of Bristol, London and Oxford. In 2006 he was awarded an OBE by the British government for services to conflict prevention and conflict resolution in the Caucasus.



**Amb. Hansjörg Haber** is Head of the EU Monitoring Mission (EUMM) in Georgia. He joined the Federal Foreign Office in 1982. During his career, he has served at the German embassies in Paris, Moscow, Manila, and Ankara. He was Desk Officer (1989-1992), Deputy Head (1996-1999), and Head (2002-2006) of the UN Division of the FFO. As Head of Division he was concerned with strategic planning and elaboration of Germany's role in UN peacekeeping, including UNOMIG, and UN policy in regional conflicts. Subsequently, Mr Haber was appointed German Ambassador in Beirut. Mr Haber received his academic education in Economics at the University of Munich.



**Prof. Dr. Dietmar Herz** holds the office as State Secretary for Justice within the Federal Government of Thuringia. Until 2009, he was Professor for comparative politics at Erfurt University and director of the Erfurt School of Public Policy (ESPP). He was lecturer in History and Politics within the Attachés training programme at the Federal Foreign Office of Germany. Dietmar Herz received his academic education from Ludwig-Maximilians-Universität München (LMU), Harvard University, University of Strasbourg and the London School of Economics. He was, amongst others, lecturer at LMU Munich and professor for political science at the University of Bonn. Furthermore, he was visiting Professor at the Hebrew University, Jerusalem, Vanderbilt University, Nashville, Tennessee and University of São Paulo, Brazil.

**Pascal Heyman** is Deputy Director of the OSCE Conflict Prevention Centre and Head of Policy Support Service since June 2008. Previous to that, he worked as a counselor and Deputy Permanent Representative of Belgium

to the OSCE in Vienna, including during the 2006 Belgian Chairmanship. Between 1997 and 2002 he served at the delegation of Belgium to NATO dealing with arms control, disarmament and non-proliferation, as well as PFP, NATO enlargement and NACC/EAPC. He joined the diplomatic service in 1991 and worked at the UN Department at the Ministry of Foreign Affairs and the delegation of Belgium to the EU (dealing with relations with Russia, the CIS and Eastern Europe, as well as with trade matters). From 1994 to 1997 he was attached to the Department for Transatlantic Security at the MFA, dealing with European security issues. From 1990 to 1991 he was assistant at the Chair of Public International Law at the Catholic University of Leuven. Pascal Heyman received his academic education in Public International Law at the University of Leuven and a masters in International Politics at the University of Antwerp.



**Prof. Dr. George Khutsishvili** is founding member and current director of the International Centre on Conflict and Negotiation (ICCN) Tbilisi. In 2009 he was appointed Chief Investigator for the Georgian Side within the Multi-track Dialogue for the Georgian-Abkhazian Conflict. Prof. Khutsishvili also lectures at the University of Georgia, Tbilisi. During his career, he consulted the USAID Mission in Georgia, USAID Caucasus, the UN Office Georgia, the European Centre for Conflict Prevention and the OSCE Mission in Georgia. From 1994 to 1995 he was working on the issue of ethnic conflict at the Center for International Security and Arms Control, Stanford University. Previous to that, he was Director of the Center for Conflict Analysis/Head of Department for Foreign Relations, State Committee for Human Rights and Ethnic Relations of the Republic of Georgia. Mr Khutsishvili obtained his PhD in Philosophy from Tbilisi State University. In 1982 he became Professor of Philosophy from Supreme Attestation Commission, Moscow.





**Christopher Langton** is Senior Fellow for Conflict and Defence Diplomacy at the International Institute for Strategic Studies (IISS) London. He joined the staff of the Institute in June 2001 after 32 years service in the British Army. He has experience from Northern Ireland and from service as a Military and Defence Attaché in Russia and the CIS, including the countries of the South Caucasus and Central Asia. He was Deputy Chief of UNOMIG. Colonel Langton is a Russian linguist. Before being appointed as Senior Fellow for Conflict & Defence Diplomacy he was Head of the Defence Analysis Department, Editor of The Military Balance and Research Fellow for Russia & Eurasia.



**Amb. Dr. Hans-Dieter Lucas** joined the Federal Foreign Office in 1985. He was affiliated in the Political Department of the Foreign Office, the German Embassy Moscow and the German Embassy Washington D.C. Between 1995 to 1998 he served as Head of the Personal Office of Foreign Minister (ret.) Hans-Dietrich Genscher. Subsequently, he was Chief speech writer of Foreign Minister (ret.) Dr. Klaus Kinkel (1998/99), Head of Press and Public Affairs (1999-2003) and Head of Division for Central-, Southeast-, Eastern Europe, Caucasus, Central Asia in the Federal Chancellery (2003-06). Since August 2006 Ambassador Lucas is Special Envoy for Eastern Europe, Caucasus, Central Asia at the Federal Foreign Office). Mr Lucas received his academic education in History, Political Science, Law, Theology in Bonn and Paris.



**Fyodor Lukyanov** is Editor-in-Chief of the Russia in Global Affairs journal and a Presidium member of the Russian Council on Foreign and Defense Policy. He is a regularly contributing international observer for Russia's major mass media. Fyodor Lukyanov graduated from Moscow State University 1991 as a Germanist. He worked as a correspondent, commentator and editor for Voice of Russia radio station; Sevodnya, Moskovskie Novosti, Vremya MN and Vremya Novostei newspapers.

**Prof. Dr. Georg Nolte** holds the Chair of Public Law, International Law, and European Law at Humboldt University Berlin and is a member of the UN's International Law Commission. After studying Law at the Free University of Berlin and the University of Geneva, he earned his doctorate in 1991 from the University of Heidelberg. Between 1991 and 1999 he worked at the Max Planck Institute for Comparative Public Law and International Law in Heidelberg, earning his post-doctorate in 1998, also from the University of Heidelberg. From 1999 to 2004 he held the Chair of Public Law and International Law at the University of Göttingen and from 2004 to 2008 the Chair of Public Law and International Law at the University of Munich. Since 2008 he teaches at Humboldt University Berlin. Georg Nolte was a visiting fellow at All Souls College, Oxford in 2003-2004 and a visiting professor at the University of Paris 2 (Panthéon-Assas) in 2004. From 2000 to 2007 he has been a member of the European Commission for Democracy through Law of the Council of Europe, the so-called Venice Commission.



**Dr. David Shahnazaryan** is a member of Headquarters of the Armenian Congress. Between 1991 and 1999 he was deputy in the Parliament of the Republic of Armenia; from 1994 to 1995 he served as Minister of National Security. From 1992 to 1995 he was Special Representative of the President of Armenia in Nagorno-Karabakh Conflict Negotiations. Mr Shahnazaryan is founder and Chairman of the Center for Legal and Political Studies "Concord" in Yerevan as well as founding member of the Board of "Armenian National Movement" Party. He furthermore is a member of the Leadership (Karabakh Committee) of Karabakh Movement. David Shahnazaryan obtained his education from Yerevan State University and the Academy of Sciences Moscow. He holds a Doctorate in Physics and Mathematics.



**Peter Semneby** served at the Swedish embassies in Germany, Ukraine, and the USSR. From 1997 to 2000 he was in charge of questions concerning European Security



and Defence Policy at the Swedish Ministry for Foreign Affairs and took part in establishing the CSCE mission to Georgia – then the only CSCE mission – in 1992/1993. In 2000, he again joined the OSCE to become the Head of the OSCE Mission to Latvia. His responsibilities included developing policies, legislation, and institutions for a range of sensitive issues related to the Russian-speaking minority, in particular citizenship issues and language legislation. From 2002 to 2005, Mr Semneby served as the Head of the OSCE Mission to Croatia where, among other duties, he worked on post-conflict rehabilitation and political requirements for EU membership including the return of refugees, minority rights, judicial reform, war crimes trials, police reform, media legislation, electoral legislation, and civil society development. In 2006 Mr Semneby was appointed as EU Special Representative for the South Caucasus. Mr Semneby received his academic education at Stockholm School of Economics, University of Uppsala, University of Stockholm, and the John F. Kennedy School of Government at Harvard University.



**Gevorg Ter-Gabrielyan** is Country Director for Armenia at the Eurasia Partnership Foundation. He joined the organisation in 2007 with over 18 years of experience in the private, public, and NGO sectors. He was previously Senior Policy Advisor and Eurasia Programme Manager for International Alert in London and the Deputy Director of the Center for Regional Research in Yerevan. He has taught courses in the fields of Politics and Philosophy with a focus on the Caucasus, former Soviet Union and the United States at Universities in Armenia, Russia and the US. Mr Ter-Gabrielyan holds a Ph.D. from Moscow State University in Turkic Linguistics, a Master's Degree in Society and Politics from Lancaster University, and a Master's Degree in Public Administration from Bowling Green State University. He writes and publishes widely in Russian, Armenian and English.

**Dr. Susanne Wasum-Rainer** studied law at the Universities of Mainz, Passau and Munich, Germany. Her PhD-thesis on dispute settlement procedures under the Law of the Sea Convention was published in 1984. She was Research Assistant at the German Institute for International and Security Affairs. Since 1986 she is working as a career diplomat for the German Foreign Office. After assignments at the United Nations department of the Foreign Office she was posted in Rabat (Morocco), Tel Aviv (Israel) and Geneva (Switzerland). She was Head of the General International Law Division. From 2006 until 2009 she was the Deputy Director General of the Department of Legal Affairs and since 01.12.2009 she is the Director General, Head of the Legal Department and the Legal Advisor of the Federal Government on International Law.



The high-ranking panel on the opening day of the conference (left to right): Herbert Salber, Peter Semneby, Irakli Alasania, Dietmar Herz and Dieter Boden (chairs), Karsten D. Voigt, Fyodor Lukyanov



## “Conflict in Post Soviet Countries/ The South Caucasus: Are there Scenarios For Resolution?”



**Introductory Remarks to the “Berlin Round-table on Diplomacy”. Speech given on October 5, 2009 by Ambassador Hans-Dieter Lucas (then Director for Eastern Europe, Caucasus, and Central Asia, German Federal Foreign Office, Berlin)**

It is important to note that this conference is not only an academic exercise. The military clash in Georgia in August 2008 has made it very clear that the conflicts in the South Caucasus region pose a considerable risk to security and stability in the region and in the EU. It has destabilized the entire region and strained the relationship of the West with Russia more than any other event since the end of the Cold War. However, even before August 2008, there were clear and important reasons for the EU’s strategic interest in stability and peace in the South Caucasus: its proximity to the European Union, its markets, and its importance for energy transfer from the Caspian region to Europe.

The reasons for the Georgian crisis in August 2008 are complex, as clearly shown by the September 2009 report of the International Independent Fact Finding Mission under the leadership of Ambassador Heidi Tagliavini. Initiated by Germany and commissioned in December 2008 by the EU Council, the report shows that all involved parties bear responsibility for the events of August 2008. Its findings also provide a better understanding of the complex, multi-layered nature of conflicts in the South Caucasus, which are the subject of this conference.

In August 2008 the EU reacted swiftly – French President Sarkozy in his capacity as Chairman of the EU Council negotiated the “Six-Point-Plan” providing for the immediate cessation of hostilities. On September 8 an implementation agreement was signed that led to the installation of the EU Monitoring Mission with over 200 monitors headed by the German diplomat Hansjörg Haber, which achieved a withdrawal of almost all Russian troops from the areas other than Abkhazia and South Ossetia until mid-October 2008. For the first time ever, the EU assumed major responsibilities regarding conflict management in the post-Soviet space.

Since then the situation has calmed down, but is still relatively volatile. The closure of the OSCE Mission in South Ossetia and of the UNOMIG in Abkhazia in spring 2009 further weakened the security architecture that was in place. Since July, the EUMM remains the only international presence on the ground, and regrettably still lacks access to South Ossetia and Abkhazia.

The Geneva Talks, a forum also agreed upon on September 8, 2008, brings together Georgians, Russians, Abkhaz, and South Ossetians on a bi-monthly basis under the Co-Chairs of the EU, the UN, and the OSCE. As a tangible result of the Geneva talks, “Incident Prevention and Response Mechanisms” were installed, where Georgians, Russians, Abkhaz and South Ossetians regularly meet to discuss security problems on the ground. The IPRMs proved to be very helpful in building confidence, improving communication, and reducing incidents. However, so far almost no tangible results were reached regarding humanitarian issues and refugees (IDPs). The great difficulties of the parties to accept pragmatic, status-neutral approaches have hampered substantial progress towards conflict resolution.

There are however, other parts of the region that are less troubled. The negotiation process between Turkey and Armenia to normalise their relations, facilitated from the outset by Swiss diplomacy, was highlighted publicly

The situation has calmed down, but is still relatively volatile.



for the first time when Turkish President Abdullah Gül in a surprising move travelled to Yerevan in September 2008 to watch a Turkish-Armenian soccer match together with his Armenian colleague Sargsyan.

One year later the governments of Turkey, Armenia, and Switzerland published two protocols on the establishment of diplomatic relations and on the development of bilateral relations. Turkish and Armenian Foreign Ministers plan to sign the protocols right before the return match between the two soccer teams on October 14, 2009 in Bursa, Turkey. In order to enter into force, the protocols have then to be ratified by the parliaments of both countries.

Normalisation of relations between Turkey and Armenia would constitute an important progress for stability and security in the region. However, the rapprochement between the two nations lacks emphatic support amongst the respective populations and at the time, Azerbaijan's worries and expectations could add further complications.

There is no official link between the normalisation of Turkish-Armenian relations and the resolution of the Nagorno-Karabakh conflict. However, the Turkish side has declared from the start of the negotiation process, that it considers the two processes to be parallel. The Turkish government has promised several times that Turkey will not open the border with Armenia until progress has been achieved regarding Nagorno-Karabakh. Resolution of this conflict has been very difficult to achieve, despite 16 years of negotiations.

The South Caucasian countries find themselves in complex transformation and modernization processes, which further complicates conflict resolution. The unsolved conflicts are a major impediment for progress in the region, as the parties are unable to focus on political reform and economic development. It is obvious that EU engagement must target areas beyond conflict management. Besides EU contributions to enhance stability and

security in the region, the EU policies therefore pursue two other important tracks: democratization and developing rule of law as well as strengthening the economy.

To this end the EU has developed various political and economic instruments: the European Neighbourhood Policy with its important financial instruments; the Black Sea Synergy, which aims at fostering regional cooperation around the Black Sea including Russia and Turkey; and the Eastern Partnership, a multilateral programme that offers perspective for visa liberalization, Free Trade Agreements, and ultimately association agreements. All of these policies have the common goal of facilitating the adoption of EU values and standards by means of economic integration and political association. Thus it is an attempt to help promote economic and social transformation in the South Caucasus. In financial terms, the EU is the biggest donor among member states. Germany is and will remain firmly committed to developing the South Caucasus nations into more stable, democratic, and prosperous societies. This certainly represents a huge challenge to the EU; it will require considerable engagement, attention, and strategic patience.

Germany is and will remain firmly committed to developing the South Caucasus nations.

## The Berlin Roundtable – A New Conference Format

Dietmar Herz



The underlying idea in planning the Berlin Roundtable on Diplomacy was to create an exchange forum for crisis management worldwide between scholars, representatives of the civil societies of the respective conflict countries, and practitioners in foreign and security policy. Hence, we assembled a variety of expertise on one region, facilitate the exchange of perspectives, and, ideally, widen the scope of policy options by those means.

The combination of practical and theoretical expertise – as the distinctive feature of the Berlin Roundtable concept – was already reflected within the twofold organisational team, comprised of both researchers from the Willy Brandt School at Erfurt University and staff from the Federal Foreign Office in Berlin. Hence, we were able to enrich the organisation process of the conference with theoretical ideas and findings:

We took academic literature on organising negotiation processes into account. Strictly speaking, negotiations are structured discussions between official representatives organized with the intention of reaching agreements on disputed issues within a framework deemed acceptable by their sending entities. This definition of negotiations is indeed very technocratic and, consequently, too narrow to adequately describe conflict negotiations. Peace talks in intractable ethnic conflicts are especially subject to public support, seeing as rising violence on the ground may create security problems that in effect spoil the prospect of negotiation by means of disturbed trust and public pressure. Conversely, a supportive civil society can protect negotiation from these spoiling effects. A successful conference on conflict resolution in the South Caucasus must therefore entail not only official representatives, but also participants from a wider spectrum of working environments. Such a format can not only contribute to the creation of mutual



trust but also help to improve the dialogue between potential negotiators and representatives of a respective civil society.



During the Berlin Roundtable on Diplomacy we brought together high representatives of the European Union, the OSCE, the German Federal Foreign Office and the UN. Additionally present were representatives of civil societies and think tanks that contribute to the public discourse in the South Caucasus, as well as, international academic experts on the region and scholars of conflict resolution. Starting with the idea that peace processes are in essence owned by the people themselves, we brought together those actors who work on these conflicts daily, in order to analyse them from different angles. Effectually, the Berlin Roundtable enhanced exchange and served in creating cross-country networks and ties to international partners.

Furthermore, in planning the conference, we considered Matthew Levitts thesis that focuses on prenegotiations as crucial to the organizing of negotiation processes. Pre-negotiation mainly entails the anticipation of potential crisis scenarios or spoiling effects and the development of appropriate response strategies. With this in mind, we applied methods of conflict mapping and scenario analysis using the expert knowledge of the conference participants. You may find a detailed outline of the methodology in Andreas Blätte's contribution (p. 31).

The Willy Brandt School at Erfurt University (formerly the Erfurt School of Public Policy) embraces a comprehensive approach in the teaching of Public Policy. Students not only learn theoretical concepts, but are also subsequently prepared to work in a host of international organisations. Their studies include dealing with institutional challenges and the complexity of organizing policy processes. Within this realm, we use simulation games as teaching methods. These also became the basic concept for the working group format during the Berlin Roundtable conference.

Recently, simulation games have grown in popularity as a teaching method at German universities. The so-called Model United Nations, which stages decision making processes in different UN bodies, is one well-known example. Earlier in 2009, the Willy Brandt School and Duisburg University organized a simulation conference for young diplomats from Poland, France, and Germany (Trilateral Seminar). This interlocking simulation of the EU General Affairs and External Relations Council, OSCE Council, and NATO-Russia Council focussed on an escalation scenario in Georgia and helped the participants to improve their skills in international negotiation, experience the complexity of decision making processes and learn about a major international conflict. There are, however, a number of ways to structure negotiation games depending on the respective 'target audience' and the seminar's goals. A classical simulation game was, however, inadequate for the Berlin Roundtable. It has been proven that professionals often find it difficult to participate actively in role-play simulations. The goal of this particular discussion was to develop innovative policy approaches to conflict management in the South Caucasus. Nevertheless, there were certain elements of simulation games that proved beneficial during the Berlin Roundtable in analysing an artificial, yet not unlikely scenario that would require action. Exploring these potential developments allowed the participants to think beyond the status quo. This could foster debates to be conducted in a less emotional and more objective manner, especially in conflicts such as those in the South Caucasus, which are highly charged with prejudices and the burden of past events (memories and narratives). Moreover, a future-oriented debate provides the opportunity to make progress during the discussions and, thus, leading to a more satisfying outcome. A similar approach to working group discussions was used in 2003 at the NATO ministerial meeting in Colorado Springs, during which the participants explored future developments of the alliance and the potential threats it might face. Another advantage of scenario analysis is

that it does not necessarily bind the participants to their respective backgrounds, e.g. national or institutional identities. During a similar conference organized by the George C. Marshall Centre for Security Studies, one participant negatively remarked that participants were somehow restrained being careful in giving political assessments, making the debate less productive. This participant suggested using simulation games to overcome this problem, which was a challenge that we undertook.

We looked to achieve an open, informal, and productive debate over the course of several days. In addition to the scenario analysis, we adapted and applied other methods used in academic tuition, such as 'teaching cases' which gives scholars the opportunity to address general concerns that had specific relevance to the South Caucasus (self-determination, organisation of negotiation processes, etc.). Additionally, examples from other conflicts, such as the Middle East and the Balkans, were used as role models for conflict resolution mechanisms as well as historical lessons. This allowed a broader discussion on problem definition, disregarding any particular regional component.

The Berlin Roundtable on Diplomacy was the first conference of its kind and a successful cooperation between the Federal Foreign Office and the Willy Brandt School. We not only generated constructive debates, but also created ties for further exchange. This approach could serve as the basis for a whole-of-the-region solution to the conflict; as a basis for understanding interdependencies and means to learn from each other. The Berlin Roundtable on Diplomacy is certainly a programme worth continuing. ■

#### Literature

- Levitt, Matthew (2008): *Negotiating under Fire. Preserving Peace Talks in the Face of Terror Attacks*, Plymouth: Rowman&Littlefield.
- Herz, Dietmar (2003): *Palästina: Gaza und Westbank*, München: Beck (esp. chpt. V)

## Conflict Mapping and Scenario Analysis – Combining Tools for Overcoming Impasse

### 1. Introduction

Since the early 1990s, the international community has been engaged in conflict resolution efforts in South Caucasus. However, none of the lingering conflicts has yet been solved. These conflicts appear to be intractable – conflict resolution and reconciliation are still distant aims. Instead, as proven by the Russian-Georgian war of 2008, risks of escalation are still high and the conflicts are by no means 'frozen'. It is clear that the challenges facing the regional actors as well as the international community are manifold. The post-Soviet legacy, aspects of energy security, big power interests, geopolitical considerations, and the ethnopolitical roots of the conflicts provide for a complex mix of conflict sources.

Scholars and practitioners have provided a number of analyses of the conflict. Indeed, the development of scholarship and expertise are indispensable for gaining an understanding of how conflict transformation might occur. However, a re-framing of the understanding of a conflict, an important element of conflict transformation, must be accomplished not only by international scholars, but by the regional actors. Developing shared views on the Caucasus conflicts was a fundamental aim of the Berlin Roundtable on Diplomacy. Considering the complexity of the situation in the South Caucasus, our aim was to provide a structure of the discussions that might bring about joint understandings of the sources of conflict and the potential for change. In order to facilitate such a structured approach, we utilized conflict mapping, multiple scenario analysis, and Delphi methods. We did not implement these techniques in their

Andreas Blätte,  
Marlen Heide



pure forms, but rather used them as a point of departure for developing workshops with the goal of producing out-of-the-box thinking. We will now describe these approaches briefly and subsequently outline the approach we actually took during the Berlin Roundtable.

## 2. Approaches to Conflict Assessment

The participants of the Berlin Roundtable on Diplomacy included experts and practitioners from the South Caucasus as well as international experts who were able to shed light on the conflict. We took conflict mapping as a point of departure, however, we were sceptical regarding an objective outlook of this approach. As an alternative, we considered the Delphi method as a source of ideas to develop workshops for the Berlin Roundtable on Diplomacy. Finally, multiple scenario analysis was the approach chosen, which combines ideas from conflict mapping and Delphi techniques.

### 2.1 Conflict Mapping

The basic techniques of conflict mapping involves examining an overview of the conflict and identifying key actors, third parties, and potential peace allies capable of effecting change. In complex conflicts with different levels of influence, conflict mapping may serve especially as a tool for identifying conflict parties, their motivation and goals, as well as dynamics that trigger escalation. The conflict mapping<sup>1</sup> and conflict assessment<sup>2</sup> methodology are very useful tools to systematically analyse and understand conflict. They served as a theoretical framework that inspired some of the preparation work for the conference and we found them useful as a guide for workshop discussions. Although we

<sup>1</sup> Wehr, Paul: Conflict Regulation, Boulder: Westview, 1979.

<sup>2</sup> Dessler, David 1994. „How to Sort Causes in the Study of Environmental Change and Violent Conflict,” in Græger/Smith (Eds.): Environment, Poverty, Conflict, Oslo: International Peace Research Institute, 1994.

did not adopt the objectivist outlook of the conflict mapping approach, we still considered it to be a structured approach for facilitating our discussions.

The point of departure for Wehr's conflict map is a consideration of a conflict's history. It is necessary to analyse the actual and perceived roots of the dispute as well as the context or framework, in which a conflict takes place. By framework, Wehr refers to geopolitical, judicial, communication, etc. boundaries, in which the conflict is held. Furthermore, all conflict parties must be identified and a distinction must be made between primary conflict parties, secondary conflict parties (those who have an indirect impact on the course of the conflict), and interested third parties. Identifying conflict parties is an essential element of the conflict mapping process. If one considers that the process of the conflict is 'owned' by the actors involved, each party is partially contributing to the success or failure of the conflict resolution efforts. Therefore, any potential inhibitors and likewise facilitators to the peace process must be considered.

In the case of the South Caucasus, analysis do not yet comprehensively examine Turkey's new role in the region for instance. In a further step, the issues and interests of all parties involved are taken into account, whether based on fact or on value. Finally, conflict dynamics are taken into consideration including polarisation, spiralling, or stereotyping. It can be quite difficult to measure the impact of these qualitative factors, however, in the case of the South Caucasus, especially regarding disputes between Armenia and Azerbaijan, these factors have a tremendous impact on the course of the conflict. For example, negotiators in the Minsk Group have often voiced their concern that reconciliation and mediation efforts on the diplomatic level do not reflect the public discourse of both countries. On the contrary, the conflict parties are constantly depicted in a highly negative light throughout the media. For this reason, there is not always public support of political

Each party is partially contributing to success to conflict resolution efforts.

To overcome the peace process obstacles, it is necessary to have strong and open civil societies.

actions towards a peaceful settlement. In order to overcome the peace process obstacles, it is necessary to have strong and open civil societies.

Within the context of the Berlin Roundtable on Diplomacy we attempted to address such shortcomings and to initiate an open and constructive debate that identifies which changes in the conflict's structure need to be made in order to create favourable preconditions for conflict resolution. Wehr's conflict map eventually leads to identifying elements that may support a peaceful settlement. The participants of the Berlin Roundtable were asked to identify resolution possibilities within the framework of scenario analysis (vide: pt. 2 of this article).

Another approach that was considered was the multi-level analysis of conflict causes presented by Dessler. This method first lists the latent background causes, including reasons for conflict that are found in the socio-political structure, such as disenfranchisement or an economic plight of one party. Secondly, Dessler names mobilisation strategies, such as the framing of issues and exploitation of causes in order to achieve political goals. Certain factors can trigger an armed conflict and some catalysts influence its intensity and duration. It is important to note that although Dessler's approach only addresses different shades of the structure of conflicts, it still identifies the actual issues in a conflict such as background causes. In contrast to conflict parties in many ethno-political conflicts, who are concerned with historical or cultural patterns as background causes to current disputes, Dessler deals with measurable issues that have the potential to become a subject in conflict resolution efforts.

It is essential to address issues that are likely to be modified in order to achieve progress in conflict resolution. Cultural or ethnic background causes do not serve very well as a basis for such efforts. It is known that ethnic or cultural heterogeneity does not necessarily lead to disputes or even escalation amongst populations. Why

does ethnic diversity result in conflict in one case but not in another? The cause of armed conflict is not ethnic diversity, but rather ethnic politics. The injection of ethnic difference into political loyalties and the politicisation of ethnic identities are highly dangerous factors. Considering this, we tried to avoid historical or cultural overviews of the South Caucasus conflicts and instead focused on structural causes.

## 2.2 The Delphi Method

The Delphi method is a systematic, interactive forecasting method that relies on a panel of experts. The underlying assumption is that reality is "a name we give to our collection of tacit assumptions."<sup>3</sup> In this sense the Delphi method assembles a structured group of experts (as opposed to an unstructured group of individuals) in order to assess a political situation as accurately as possible in the sense that the assessment embodies a shared consensus regarding how to define a situation and the potential outcomes.

The Delphi method was developed in the early Cold War by the RAND Corporation in order to rectify the shortcomings of traditional forecasting methods. The initial Delphi technique was based on questionnaires that were circulated anonymously within a group of experts. The experts then had the opportunity to give feedback, address others' assessments, and then modify their assessment or forecasts. This initial Delphi method aimed at achieving a consensus among the experts after several rounds.

Additionally, a number of alternative Delphi models have been developed. One approach that specifically addresses the needs of policy analysts is the so-called 'Policy

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<sup>3</sup> Scheele, Sam: "Reality Construction as a Product of Delphi Interaction", in: Turoff, Murray / Linstone, Harold: *The Delphi Book*, New Jersey Science and Technology University 2002, via: <http://is.njit.edu/pubs/delphibook/>

Delphi' (Murray/Turoff 1975). This method attempts to generate the strongest possible opposing views on the potential solution of a policy issue. It abandons the idea of expertise outside of the political context. The underlying assumption is that in regards to issues of policy, there are no experts, rather advocates and referees. Thus, it is highly unlikely that any single analysis will necessarily lead to the consensual resolution of a conflict. This consideration is of utmost importance when facing complex challenges with multiple interests and perspectives, such as in governments or large organisations. The Policy Delphi is thus an "organised method for correlating views and information pertaining to a specific policy area and for allowing respondents representing such views and information the opportunity to react to and assess differing viewpoints."<sup>4</sup>

When preparing for the Berlin Roundtable on Diplomacy, we certainly did not and could not strive for a full-scale Policy Delphi. Our ambitions concerning consensus building or conflict resolution were modest. Nevertheless, we strove to assemble expert knowledge and to provide a platform for a constructive and balanced debate regarding further developments in the region. Considering the nature of the South Caucasus conflicts, the Delphi methods provided us with some important ideas concerning how to understand and structure the debate. We invited a number of 'representatives' of the relevant regional actors, i.e. EU, OSCE, UN, Russia, Georgia, Turkey, Armenia, and Azerbaijan. We also invited 'independent' experts, who are able to approach the South Caucasus conflicts from a more disinterested perspective. Naturally, all participants had somewhat differing views of the conflicts, which made the Policy Delphi method more suitable for the meeting. However, instead of questionnaires, we used

<sup>4</sup> Turoff, Murray: "The Policy Delphi", in: *ibid.*

face-to-face panel discussions as well as small working groups in an informal atmosphere. By borrowing the basic concepts of a Policy Delphi, we tried to produce a discourse that would allow participants to mutually challenge their assumptions in an unobtrusive manner. However, a more focused perspective was still required in order to give the debate a more specific outlook. Thus, we utilized a combination with conflict mapping and scenario analysis.

### 2.3 Multiple Scenario Analysis

Multiple scenario analysis is originally derived from management theory. It addresses the dilemma of strategic planners who must have some joint understanding of the future, while recognizing the inadequacy of predicting it. Using this approach, planners can consider a wider range of possible developments. Therefore multiple scenario analysis applied to conflict assessment is a tool that helps to better understand a conflict by exploring potential developments in the future. Scenarios may help to identify paths for conflict transformation and resolution. However, scenarios are not predictive tools, but rather thinking tools for developing shared understandings of a complex situation, identifying consensus and disagreements about assumptions, debating key uncertainties, and projecting potential futures.

We used multiple scenario analysis during the Berlin Roundtable on Diplomacy to identify likely developments, to exchange problem perceptions and assumptions, and to discuss strategies for coping with escalation as well as strategies for fostering conflict transformation. Identifying the key uncertainties was guided by analytical questions derived from conflict mapping. The diversity of the participants and the pluralism of their experiences and perspectives made debating our preferred approach. "Because assumptions are often invisible, it may be necessary to derive them by asking stakeholders to project future trends and events, then

The diversity of the participants made debating our preferred approach.



ask them why their predictions vary from those contributed by other experts.”<sup>5</sup>

We thought that multiple scenario analysis could also serve as a means to challenge the conventional perspectives of parties and thus develop a different stance on conflict resolution. For this reason we considered multiple scenario workshops to be worthwhile. It is important to note that most participants of the Berlin Roundtable on Diplomacy were not decision-makers, but rather observers or analysts in their respective countries. Thus, scenario analysis in this context served as a tool to exchange expertise and to forge an informed community that might contribute to developments by means of discourse.

Scenario analysis is considered to be a planning tool. In order to develop a coherent plan there needs to be a coherent analysis of the status quo, which takes into account what is known as well as the uncertainties. Combining scenario analysis with conflict mapping helped to analyse a conflict as complex as those in the South Caucasus. Conflict mapping helps to list and categorize different variables in a conflict structure. As a second step, scenario analysis then explores how these variables might interact under certain conditions. “Although a scenario’s boundary might be sometimes fuzzy, a detailed and realistic narrative can direct your attention to aspects that you would have otherwise overlooked.”<sup>6</sup>

### 3. The Berlin Roundtable on Diplomacy

During the Berlin Roundtable on Diplomacy, two workshops were conducted using elements of the Delphi method, conflict mapping, and multiple scenario analysis. The goal of the workshops was certainly neither con-

<sup>5</sup> Gilbert, Lee: Using Multiple Scenario Analysis to Map the Competitive Futurescape, in: *Competitive Intelligence*, 11(2), 2000.

<sup>6</sup> Schoemaker, Paul: *Scenario Analysis. A Tool for Strategic Thinking*, Mass.: MITSloane, 1995.

sensus building nor conflict negotiation. The workshops were rather designed to help widen the scope of policy options and identify methods of conflict resolution. Our goal was to gather expert knowledge and to produce a debate for further developments in the region from multiple perspectives. To that extent, it was important to structure the debate in a manner that stimulated the exchange of ideas on future developments, rather than backwards-oriented discussion (with a focus on cultural or ethno-political aspects). We made a deliberate effort to avoid such themes, as they might have resulted in deadlocks during the debate easily.

### 3.1 Debate on a Crisis Scenario: Instability in Georgia, Options for Action

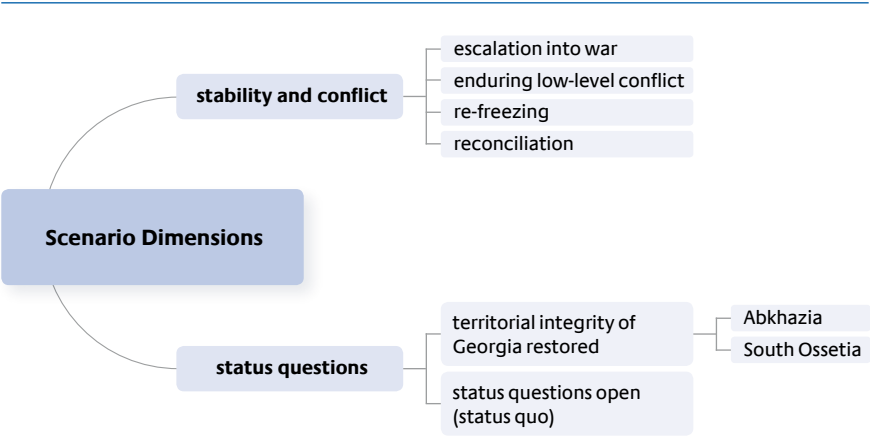
In the first workshop, we analysed the contested territorial integrity of Georgia. Our approach combined elements of the Policy Delphi and multiple scenario analysis technique. The goal of the discussion was to identify possible future scenarios, both positive and negative. To this end, we divided the workshop into several rounds. Initially, the participants discussed an assessment of the current situation as well as an identification of any potential facilitators and inhibitors of rapprochements and reconciliation. We provided the participants with a set of analytical questions to guide the discussion regarding future developments:

- What are the driving forces in this conflict?
- What are the certainties / uncertainties?
- What are the critical uncertainties?
- What is a likely chain of events?

In elaboration to these questions, participants were invited to sketch possible future scenarios in a second step. This included both positive and negative conflict transformation:







Overall, the situation was defined as tactically stable, however, strategically unstable. Although the participants agreed that there had been a ‘re-freezing’ of the conflict, they shared the perception that there existed a danger of small incidents leading to uncontrolled escalation and an undesired deterioration of the situation. Some of the critical uncertainties were the situation in Iran, global security questions (US-Russian relations, for instance), or the outcome of the national elections in Georgia. The potential inhibitors included dimensions of the scenarios that offered a potential for change – the impact of jihadism from the North Caucasus, Black Sea security, and the socio-economic situation in the break-away territories for instance. It was made clear during the discussion that Turkey has much potential as a future negotiator.

3.2 Nagorno-Karabakh: Negotiation Scenario Analysis

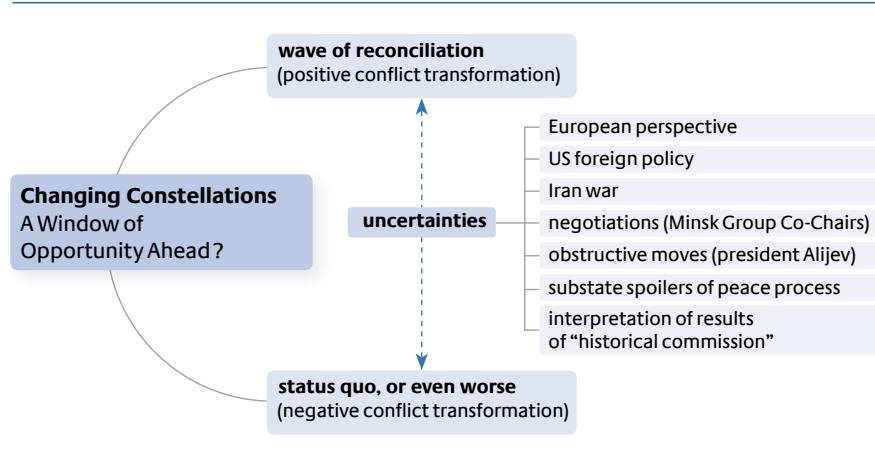
The second workshop, which dealt with the situation in Nagorno-Karabakh, utilized a combination of elements from the multiple scenario analysis and conflict mapping techniques. The first step was conflict mapping – not in an objectivist sense, but rather as a tool for foster-

ing the exchange of ideas regarding how problems can be defined. Distinguishing internal and external factors was the point of departure for two parallel working groups. Both working groups were asked to debate their respective topics separately, following a set of questions guiding the groups’ discussions. A plenary debate was then held, where the results of the working groups were integrated and pushed further by debating how negotiation processes need to be organised to reflect domestic and international factors. The separation of these aspects in the first stage allowed us to have a clear cut analysis of domestic and international factors during the second stage by identifying interdependencies:

Nagorno-Karabakh – Negotiation Scenario Analysis

<b>Working Group I:</b> Relevant domestic patterns <ul style="list-style-type: none"><li>Media and civil society</li><li>Reconciliation and change in problem perception (readiness for negotiation)</li><li>Bottom-up processes</li><li>Role of IDPs</li><li>Democratic reforms</li></ul>	<b>Working Group II:</b> International actors <ul style="list-style-type: none"><li>Turkey and the football diplomacy</li><li>Russia and the US</li><li>Strengthening the role of the EU</li><li>Support of international actors for negotiations</li><li>Shifting alliances</li></ul>
<b>How to organise negotiation processes:</b> <ul style="list-style-type: none"><li>Result-oriented negotiations (positive incentives)</li><li>Transparency of the process: necessities and dangers</li><li>What are “carrots and sticks”? Potential inhibitors of the negotiation process</li><li>Post-conflict settlement arrangements?</li><li>Perception of negotiation process: What to expect?</li></ul>	

After conflict mapping, we moved on to scenario analysis. After a separate assessment of the domestic and the international spheres (as two macro aspects of a conflict map), we debated scenarios of future developments in the conflict and identified potential inhibitors and facilitators of the ongoing “football diplomacy”:



#### 4. Conclusion

The goal of the Berlin Roundtable on Diplomacy was not to establish a peace plan that is ready for immediate implementation. Conflict resolution is as distant an aim as before, but our discussions stimulated out-of-the-box thinking and contributed to an exchange on common assumptions and perceptions. We successfully experimented with the Policy Delphi, conflict mapping and multiple scenario analysis techniques. However, time was limited and a more extensive format would have been more appropriate. The techniques we described, derived from innovative policy analysis and planning, allowed our debates to produce new perceptions and interaction patterns. We are encouraged to embark on further experiments of this kind and we recommend these tools for structuring dialogues that transcend the analysis of the status quo. ■

## Mapping Conflict

Christopher Langton

The aim of conflict mapping an ongoing conflict is to assess or measure the effects of key factors on that conflict in order to prepare reactions or solutions to conflict events. In ongoing conflict effects are event-driven. On the other hand the aim of mapping other conflicts, some of which may have ended, is to draw lessons from events in those conflicts that can be applied to the conflict that is the subject of the mapping exercise; and thus be used to manage or resolve it.

This short paper outlines a methodology for conflict mapping supported by graphic examples. Quite deliberately there is no attempt to apply the methodology to a specific conflict.

Conflict mapping is a methodology that can be used in conflict prevention, conflict management and conflict resolution. In the context of this article 'mapping' differs from tracking which is more akin to monitoring the day to day events and changes within one conflict or another. Mapping is defined as the determination of the taxonomy and architecture of a conflict. In particular how important is one factor or another? Or what effect does one factor have on another? Why do some factors exist in one conflict but not in another of the same type? Mapping allows factors to be weighed and, thus, construct strategies and responses as well as to challenge established practice. By mapping a number of conflicts comparisons can be made which enable decisions to be taken in before a conflict breaks out. Mapping conflict is important as a method of assessing change and enabling reaction to change. It can be argued that the unclear international reaction to the events of 2008 that preceded the conflict in Georgia in August that year was the result of a lack of flexibility in the international approach due to a failure to note the shifts in importance of certain factors. The international community had hardly changed its approach to either of the two



conflicts since they ended in the early '90's. Yet the parties to the conflict (Russia, Georgia, Abkhazia, and South Ossetia) had made significant changes which affected the context and conduct of the conflicts.

Lessons can be drawn from one conflict – although precise analogies are dangerous – and applied to another conflict. The weighting of each factor is an important aspect of this methodology. To note that a certain factor or factors are simply present in a conflict is not enough to allow objective analysis leading to a response. For example, the presence of crime in one conflict may be incidental; in another it may be a critical factor leading to the conclusion that requires a specific approach or that it should be accepted as part of the sociological make up of the country in question. There may be unintended consequences too in responding to sociological conditions including crime. They need to be taken into account.

As mentioned the context of a conflict can change; so can key factors such as personalities. Each shift or change should be examined to see if the approach should also change. For example, what was the effect on the Georgian conflicts of the change in leadership that took place in 2003?

### Factors Present

### Example

Factors Present															Example										
		Belarus	Moldova	- Transnistria	Ukraine	- Russia	Russian Federation	- Chechnya	- Karachevo-Cheke	- Kabardino-Balkar	- North Ossetia	Georgia	- Abkhazia	- South Ossetia	Azerbaijan	- Nagorno-Karabakh	Armenia	Turkmenistan	- Uzbekistan	- Kazakhstan	Kazakhstan	Kyrgyzstan	- Uzbekistan	- Tajikistan	Tajikistan
National	Territorial claim																								
	Nationalism																								
	Ethnic diversity																								
	Linguistic diversity																								
	Tribal diversity																								
Religion	Fundamentalism																								
	Clash of religions																								
Borders	Disputed																								
	Porous/Weak																								
Trafficking	SALW																								
	Drugs																								
	CBRN materials																								
	Human beings																								
Resources	Oil/Gas/pipelines																								
	Water																								
	Other																								
Socio-Economic	Poverty																								
	Unemployment																								
Governance	Authoritarian																								
	Militaristic																								
	Weak rule of law																								
	Corruption																								
	Election fraud																								
	Feudalism																								

Likelihood of factors leading to armed conflict:

☐ not applicable
 ☐ negligible
 ☐ possible
 ☐ probable
 ☐ ongoing conflict

### Basic Mapping Criteria

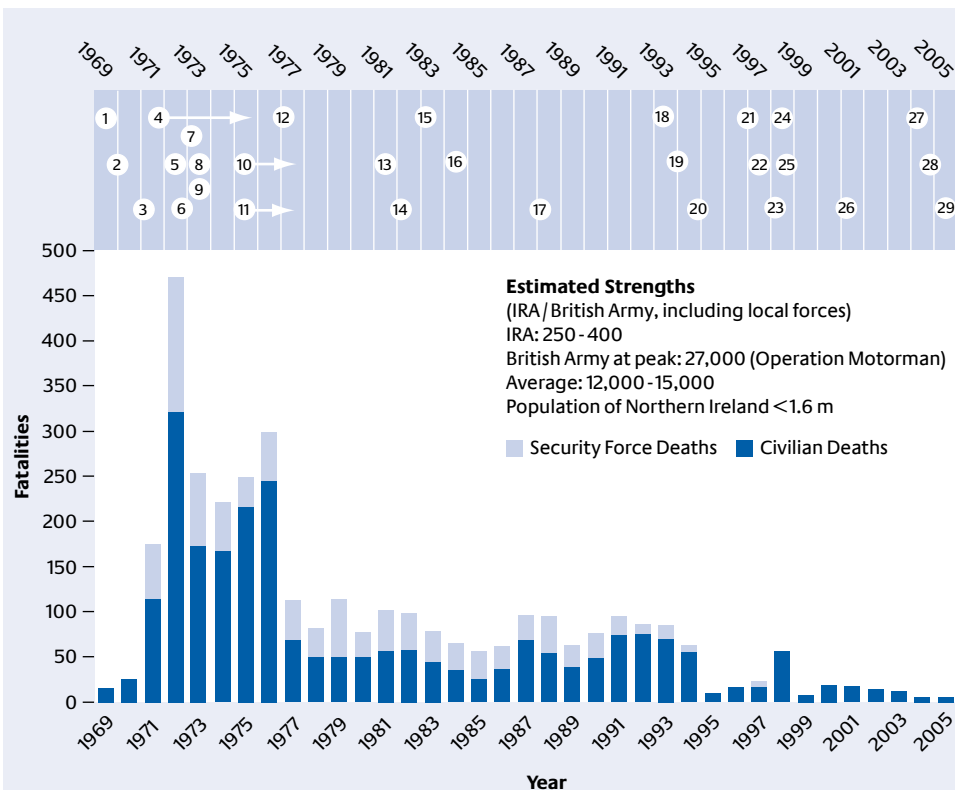
Selected criteria which may be described as common to all conflicts are:

- **Personalities** – When personalities change so should the assessment of their influence.
- **History** – History is a common denominator in all conflicts and must be weighed constantly with

another factor: “If you do not know where you have been, You do not know where you are, And you do not know where you are going...”

- **Level of violence**

### Components of Northern Ireland Conflict (1969-2005)

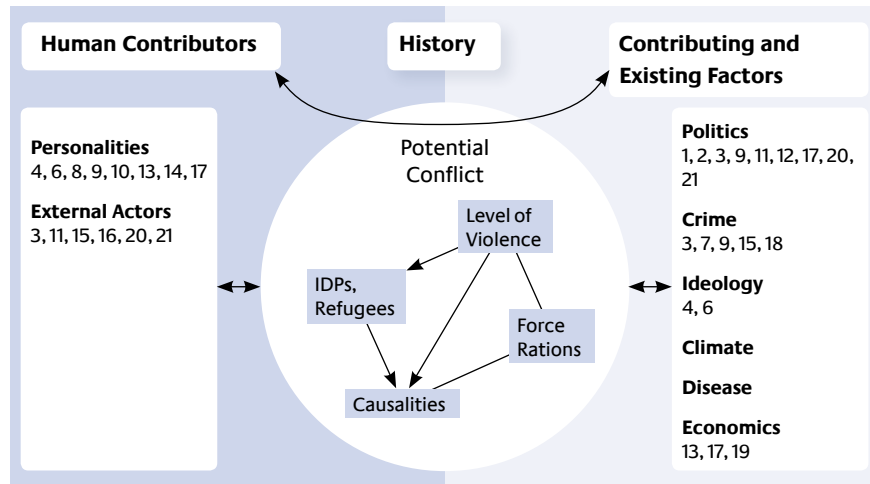


Source: The Military Balance 2006

- 1 Deployment of British Troops
- 2 IRA split, UDA formation
- 3 Special Powers Act
- 4 Internment
- 5 Operation Motorman (31 Jul 1972)
- 6 First IRA use of IEDs
- 7 Bloody Sunday (30 Jan 1973 – 13 demonstrators killed in clash with troops in Londonderry)
- 8 Bloody Friday (21 Jul 1973 – 22 IRA bombs in Belfast)
- 9 Introduction of direct rule from Westminster
- 10 Constitutional convention
- 11 IRA Truce
- 12 Start of mainland bombing campaign
- 13 IRA Hunger Strike (1981 – 10 Republican prisoners starve to death in Maze Prison. Death of hunger strike leader, Bobby Sands, sparks riots in many areas of Northern Ireland)
- 14 IRA buys arms from Libya
- 15 First IRA use of improvised mortars
- 16 Brighton bombing (1984 – IRA bombing of Conservative party conference that nearly killed PM Thatcher and Cabinet)
- 17 First IRA use of remote controlled bombs
- 18 First extensive use of sniper rifles
- 19 European Economic Area (EEC) comes into force
- 20 Army ends daily patrols in Belfast
- 21 London Docklands bombing
- 22 Independent International Commission on Decommissioning (IICD) created to oversee decommissioning of paramilitary weapons
- 23 Good Friday agreement
- 24 Omagh bomb (1998 – “Real IRA” bomb attack kills 29 – largest death toll in a single act since beginning of conflict)
- 25 Assembly assumes power for only 72 days; direct rule restored
- 26 IRA begins decommissioning arms
- 27 NI assembly elections
- 28 Northern Bank raid (Dec 2004 – £20 million stolen from Northern Bank, Belfast; linked to IRA groupings)
- 29 IRA ends armed campaign. Power sharing begins

- **Motivators/Inhibitors**
  - Politics
  - Economics
- **Beyond the Geographical Zone of Conflict**
  - Higher level politics and the international dimension.
  - In Northern Ireland the involvement of the US as a mediator was essential (Mitchel, US, IRA).
  - The Nature of Non-State Actors
  - Extra challenges to human security
  - Disease/Climate
  - Crime (already mentioned in the context of Northern Ireland)
  - The difficulty of dealing with ungoverned spaces and separatist regions
  - Trafficking and money laundering

#### Mapping potential conflict: Colombia/Venezuela



#### Timeline of events

- **August 11, 1987** – Corbeta Caldas Incident
- **1994** – Binational Commission of Frontiers signed.
- **1998** – Conservative President Andres Pastrana Arango's "Plan Colombia" adopted, collecting almost \$1billion USD in military aid from the United States.
- **1998** – Hugo Chavez elected as Venezuelan President. Keystones of "Bolivarian" platform include Socialist Revolution in Venezuela and foreign policy which encourages a counter-balance to American world power.
- **2002** – Coup d'Etat attempt on President Chavez by Pedro Carmona. Later granted political asylum in Bogota.
- **August 7, 2002** – Alvaro Uribe elected as Colombian President on a platform to repress rebel groups.
- **2004** – Rodrigo-Granda Affair
- **Jan/Feb 2008** – Chavez mediation with FARC results in release of 6 hostages.
- **March 2008** – Armed cross-border raid by Colombian forces into Ecuador, killing Raul Reyes, a senior FARC leader. Chavez mobilizes troops along border, closes Embassy in Bogota.
- **July 2008** – President Chavez encourages FARC to release hostages and end the war against the Colombian government. High profile hostage Ingrid Betancourt is released. Presidential visit by Uribe to Caracas.
- **December 2, 2008** – Three-day VenRus 2008 joint naval exercises begin.
- **January 17, 2009** – Caracas moves to re-establish normal diplomatic ties with Bogota and restores the position of Ambassador to Colombia, which had been withdrawn following the March 2008 raid on a FARC camp across the border in Ecuador.

- **January 24, 2009** – Presidents Uribe and Chavez meet to discuss various political, economic and social issues, agreeing to each invest \$100m USD into a trade fund in response to financial crisis.
- **February 16, 2009** – President Uribe publicly congratulates President Chavez on his “democratic victory” in a referendum in which he won the right to be re-elected indefinitely.
- **July 2009** – Plans announced to allow US troops to use Colombian military bases as part of anti-drug trafficking efforts.
- **July 27, 2009** – According to Colombian officials, the FARC obtained Swedish weapons that had been sold to Venezuela. Seized items included 84mm AT4 anti-tank rocket launchers manufactured by Saab Bofors Dynamics.
- **July 28, 2009** – President Chavez severs Venezuelan relations with Colombia, warning that all diplomatic staff will be withdrawn and trade relations “frozen.”
- **August 2009** – Bogota accuses Venezuela of supplying arms to FARC rebels and Chavez accuses Colombia of allowing its troops to cross common border.
- **August 5, 2009** – President Chavez reiterates his intention to reduce Colombian imports, announcing that the Colombian energy company Ecopetrol would also be prohibited from undertaking oil exploration in Venezuela’s Orinoco region.
- **September 14, 2009** – President Chavez confirms reports that Venezuela agreed to a deal to purchase \$2.2 billion USD of military equipment from Russia (including 92 T-72 main battle tanks and an unknown quantity of S-300 air defence systems).
- **November 2009** – United States and Colombia long term military base deal signed; Chavez orders 15 000 troops to Colombian border.

## Conclusion

In conclusion, the mapping of conflicts as distinctive from day-to-day tracking, monitoring and analysing is probably more important than it was. This is partly because of the globalized nature of our international society, the growth and spectrum of non-state activity and the difficulty of applying international law which was largely constructed at a different time and in a different context. ■



## Principles of International Law: Self-determination and Territorial Integrity – as Applied to the Cases of Abkhazia, Kosovo, and South Ossetia<sup>7</sup>

Georg Nolte



The right of peoples to self-determination and the international legal protection of territorial integrity are less strong in the situations of South Ossetia, Abkhazia and Kosovo than is sometimes assumed. Other principles and rules must be taken into account as well for an appropriate analysis of the international legal situation.

### 1. Self-determination

It is well known that the principle of self-determination of peoples was postulated by Lenin and Wilson. The idea captured the public imagination during and after the First World War, but it was not yet recognized as a principle of international law. The principle was only very selectively applied after the First World War, mainly to the disadvantage of the losing powers of Germany and Austria-Hungary. The UN-Charter formulates the principle of self-determination of peoples in its Articles 1 and 55. But the Charter originally did not understand self-determination to require even decolonization. Only after most of the decolonization process had taken place the principle of self-determination was generally recog-

<sup>7</sup> Paper presented on 5 October 2009 at “The 2009 Berlin Roundtable on Diplomacy” on “Conflict in Post-Soviet Europe – The South Caucasus: Are there Scenarios for Resolution?”



nized as having a legally binding force. Until today, the two most important legal sources of the principle of self-determination are contained in common Articles 1 of the two International Covenants on Human Rights of 1966, and in the so-called “Declaration on Friendly Relations between States” which was adopted by the UN General Assembly by consensus in 1970. These documents do not specify exactly what the principle of self-determination means, but they give at least some indications:

One of the most important questions is: What is a “people” that possesses the right of self-determination? One part of the answer is given by Article 27 of the International Covenant on Civil and Political Rights. Article 27 gives the members of “minorities” certain rights within an existing state. This means that not every group which distinguishes itself from the majority of a population in a State is already a “people” which possesses a right of self-determination. When the Supreme Court of Canada, for example, had to decide the question in 1994 whether the province of Quebec had the right to secede from Canada, it expressly left the question open whether the people living in Quebec were a “people” which possessed the right of self-determination, or whether they were merely a minority.

The question whether the Abkhaz and the Ossetian peoples are holders of the right to self-determination is addressed in the report of the **Independent International Fact-Finding Mission on the Conflict in Georgia** (Tagliavini Report).<sup>8</sup> The Tagliavini report somewhat lightly asserts that the Abkhaz and the Ossetian peoples are holders of the right to self-determination, and not merely a minority, because they have “objective

<sup>8</sup> Available at: <http://www.ceiig.ch/Report.html>; The Tagliavini report does not contain a conclusive statement of the law. Formally it is only the opinion of an independent Swiss diplomat which was formed with the help of a certain regional organisation with limited membership, the EU. Still, it carries considerable weight.

<sup>9</sup> Supra note 3, at pp. 144 and 146.

common characteristics such as a common language, culture and religion” and have “expressed the intention to form a political community of its own”.<sup>9</sup> But this assertion is of little consequence because the report at the same time explains that the right of self-determination does not imply a right of secession for the South-Ossetian and the Abkhaz peoples. The international legal basis for this conclusion can be found in the Declaration on Friendly Relations of 1970. This Declaration proclaims that the right of self-determination may not

“be construed (interpreted) as authorizing or encouraging any action that would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples and thus possessed of a Government representing the whole people belonging to the territory without distinction.”...

This means: as long as the government of a State “represents the whole people belonging to the territory without distinction” no group may invoke the right of self-determination in order to dismember the territorial integrity of a State. Only in cases like Apartheid South Africa, or occupied Palestine, where the Government does not represent the whole people, should the unrepresented group be considered to be a “people” entitled to self-determination in the sense of a right to secede.

The Tagliavini Report has confirmed the predominant interpretation of the right to self-determination as it has developed during the Cold War. According to this interpretation neither the South Ossetians, nor the Abkhaz, nor the Kosovars are a “people” which is entitled to self-determination in the sense of having a right to secede and to create their own state. They are simply not like the colonial peoples which had a right to become independent in their own states because they did not have a right to vote or were otherwise treated as second class citizens.

The right of self-determination does not imply a right of secession.

It is nevertheless a matter of dispute among international lawyers whether developments in the last twenty years have changed this interpretation of the right to self-determination. The most important judicial source for those colleagues who assert that the right of self-determination must be interpreted more broadly is probably the judgement of the Supreme Court of Canada in the Quebec case. There the Court said:

“It is clear that “a people” may include only a portion of the population of an existing state. The right to self-determination has developed largely as a human right, and is generally used in documents that simultaneously contain references to “nation” and “state”. The juxtaposition of these terms is indicative that the reference to “people” does not necessarily mean the entirety of a state’s population. To restrict the definition of the term to the population of existing states would render the granting of a right to self-determination largely duplicative, given the parallel emphasis within the majority of the source documents on the need to protect the territorial integrity of existing states, and would frustrate its remedial purpose (at para. 124).”

The judgement of the Canadian Supreme Court is representative of a current of thought which reinterprets the right of self-determination in the light of the increased importance of human rights after the end of the Cold War. However, while it is true that human rights have indeed gained in importance in recent years, the idea of human rights does not seem to justify wide-ranging conclusions which create the danger of encouraging violent secession attempts. Such attempts typically lead to ethnic conflict and human rights violations as we have seen not only in the former Yugoslavia and the Caucasus, but also in other regions of the world. And because most states share this point of view the tendency to more broadly interpret the right of self-determination to include more than a very narrow right of secession is not sufficiently strong to have changed the classical in-

terpretation of the right to self-determination. The right of self-determination therefore does not, as a general rule, support a right of secession for ethnic groups.

There should be an exception in extreme cases in which the government of a state is suppressing the people living in a part of the territory by a violent policy of ethnic cleansing or comparable massive human rights violations. But even if such a mistreatment of a part of the population has occurred, this fact cannot create a permanent right of secession which would continue to exist even long after the situation has calmed down. Cases like Biafra or Bosnia and Herzegovina demonstrate that there is a real possibility of reconciliation even after the most violent and abusive conflicts. The possibility of such reconciliation, or reintegration, would be discouraged by a continuing right of secession that would hang like a Sword of Damocles over all peacemaking efforts. According to this standard the peoples of South Ossetia and Abkhazia and Kosovo did not have a right to secede.

It was not necessarily to be expected that the Tagliavini Report adopts the narrow interpretation of the right to self-determination since after the declaration of independence by Kosovo and the following recognition of Kosovo by roughly sixty states there have been voices in the debate which interpreted the Kosovo case as a confirmation of a wider right to secession. But the circumstances of declaration of independence by South Ossetia and Abkhazia in 2008, and the quick recognition by Russia may have made the members of the Tagliavini mission understand the problematic implications of such a wide interpretation of the right to self-determination.

For these reasons the right of self-determination is not as strong as it is sometimes assumed. As a general rule, the right of self-determination does not give ethnic groups a right to secede. Possible exceptions are so narrow that they have little relevance for the question of the status of South Ossetia, Abkhazia, and Kosovo.

There is a real possibility of reconciliation even after the most violent and abusive conflicts.



## 2. Territorial Integrity

But does the principle of territorial integrity prevent South Ossetia, Abkhazia or Kosovo from seceding from Georgia and Serbia? This principle is also more limited than it is often assumed. The principle of the protection of the territorial integrity of a state is related to the principle of sovereignty, but it is younger and it has a special purpose. The principle of territorial integrity did not play a significant role until after the First World War. Until then states were often partitioned or parts of them were taken away by agreement or by war. It was only with the Covenant of the League of Nations that the principle of territorial integrity acquired a separate life of its own. Thus, when the UN Charter was written in 1945, the protection of the territorial integrity of States was included into the prohibition of the use of force between states. But the UN Charter did not mean to protect states from breaking up from within. The UN Charter does not prohibit violent attempts by groups within a state to secede. The State concerned has the right to deal with such violent attempts by enforcing its own laws, even by its own military, provided that human rights and international humanitarian law are respected. But neither the Kosovar, nor the Chechnyan, nor the Abkhaz fighters violated international law simply by trying to make their region secede. On the other hand, the principle of territorial integrity protects states against interferences by other states which are designed to lead to their break-up.

## 3. Five Points

Therefore, the principles of international law – self-determination and territorial integrity – are not as strong as is often assumed. They do not provide a ready-made answer to the question of the status of South Ossetia, Abkhazia, and Kosovo. But this does not mean that international law has little to say with respect to the situations in South Ossetia, Abkhazia, and Kosovo.<sup>10</sup> So what are the relevant rules of international law pertaining to

South Ossetia, Abkhazia, and Kosovo? Here I can only sketch the following five points:

- A distinction must be made between the general rules of international law, like the right to self-determination and the protection of territorial integrity on the one hand, and the pertinent decisions of the Security Council on the other. The same general rules of international law apply to all three situations, but the Security Council has passed different resolutions with respect to Abkhazia and South Ossetia on the one hand, and Kosovo on the other. While the Security Council has always clearly reaffirmed the sovereignty and territorial integrity of Georgia, the Council has been more ambiguous with respect to the status of Kosovo. There are good reasons to interpret Resolution 1244 in the sense that the Security Council only reaffirmed the status of Kosovo as an integral part of the FRY / Serbia for an intermediate period during which negotiations about the final status would be held.
- None of the three regions had a full-fledged right to secede in 2008, neither South Ossetia and Abkhazia as integral parts of Georgia, nor Kosovo as an integral part of Serbia. It is true that people living in South Ossetia, Abkhazia and Kosovo have, in different ways and at different times, been subjected to threats, abuse and human rights violations by the forces of the respective central government – in Kosovo more than in

<sup>10</sup> It is possible that certain elements of the international legal situation of South Ossetia, Abkhazia and Kosovo will be clarified in due course by the International Court of Justice. It is well known that proceedings have been brought by Georgia against Russia under the Convention for the Elimination of all Forms of Racial Discrimination and by Serbia in an application for an Advisory Opinion on the question of whether “the unilateral declaration of independence by the Provisional Institutions of Self-Government of Kosovo violates international law”. It is possible that the Court will render its opinion without addressing in detail the principles of international law discussed so far. It may also be that the exact international legal status of South Ossetia, Abkhazia, or Kosovo will not be addressed in these proceedings at all, nor the legality of the way how the current situation in those areas was brought about.

South Ossetia and Abkhazia – but such repression does not give rise to a continuing right of secession.

- General international law does not prohibit the inhabitants of all three regions to attempt to secede from the state concerned. Whether or not such an attempt is successful is a different question. Under general international law, a secession attempt is successful if the seceding entity establishes its consolidated control over the region concerned, and excludes the state concerned. It is clear that there was no remaining control by Georgia and Serbia of the three regions in 2008. The question is, however, whether the political forces of the inhabitants of the three regions established their “own” control, or whether the exclusion of Serbia or Georgia was merely achieved by an illegal foreign intervention or by massive human rights violations. There is room for debate whether the seceding entities South Ossetia and Abkhazia and Kosovo have established a sufficient degree of their own control over the region and the population concerned in order to establish a state. In the case of South Ossetia it is not clear whether there are South Ossetian forces of relevant strength to establish some degree of independent autonomous control over the territory. As the Tagliavini report has confirmed this is less doubtful in the case of Abkhazia. The same is true for Kosovo. Another relevant point in this context is the question of the refugees. There have been illegal expulsions of persons from all three regions, but it is perhaps only in Abkhazia where such a large part of the population was expelled that it is questionable whether “the” population of the region concerned has established its own control over the territory.
- As far as I can see, the foreign military involvement in the secession processes in the three regions as such did not amount to an illegal use of force. The presence of Russian peacekeeping troops in South Ossetia and Abkhazia was originally based on the consent of the government of Georgia, and in Abkhazia their pres-

ence was also backed up by Security Council resolutions. According to the Tagliavini Report the entering of additional Russian troops into South Ossetia in August 2008 appears to have been justified by the need to exercise the right of self-defence after Russian peacekeeping troops had come under attack in Zhinvali. This marks an important difference to the case of the Turkish Republic of Northern Cyprus. The presence of NATO and other troops in Kosovo is based on Security Council resolution 1244 (1999) and this presence is independent of the legality or illegality of the original military intervention by troops of NATO countries in March and April 1999. It is a different question whether violations of international humanitarian law have been committed or permitted during the military operations by Russian troops in Georgia in 2008, or by NATO troops in the Federal Republic of Yugoslavia in 1999. Such violations do not, as a general rule, affect the legal status of a territory.

- It is still another question, under which circumstances third states have the right to officially recognize seceding entities as states. The general rule is that recognition may not be extended prematurely, that is before the seceding entity has established consolidated control over the territory. It seems that the situation in Kosovo was more consolidated after years of peaceful negotiations had led to no result, while the recognition by Russia of South Ossetia and Abkhazia was given in the immediate aftermath of a situation of armed conflict.

#### 4. Concluding Remarks

The cases of South Ossetia, Abkhazia, and Kosovo have a legal and a political dimension. The political dimension raises many questions which have not been addressed in this paper: Is the declaration of independence by Kosovo a result of Western support? Are the secession attempts by South Ossetia and Abkhazia a Russian response to what has happened in the case of Kosovo? Are all

*It is still another question, under which circumstances third states have the right to officially recognize seceding entities as states.*

three cases just symptoms for the insecure relationship between Russia and the West? Do the West, or Russia, or both, apply double-standards in all three cases? Will Russia and the West again, like during the Cold War, begin to develop fundamentally different understandings of key concepts of international law for the purpose of fighting ideological battles?

By analysing the legal issues I have indirectly addressed the political dimensions of the three cases of South Ossetia, Abkhazia, and Kosovo. I have tried to show that international law does not have the function to merely translate political debates into a legal terminology. It is perfectly legitimate that political actors try to justify political positions by invoking the law. But the function of the law is to be neutral – and to break bigger political disputes into smaller pieces. ■

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## Principles of international law: Self-determination or territorial integrity

Susanne Wasum-Rainer



**Self-determination and territorial integrity are two principles of particular relevance to the conflicts we are considering at this Roundtable. Both principles are firmly entrenched in international customary law. Both principles are explicitly acknowledged in the Charter of the United Nations.**

In my presentation I would first like to look at the relationship between self-determination and territorial integrity, including what determines which of the two prevails when they are in conflict. I will then focus on secession and declarations of independence as a way of exercising self-determination. I will discuss in particular whether international law lays down any rules regarding secession. In the third part of my remarks I will talk briefly about the current conflicts in the South Caucasus and finally try to draw some conclusions from a diplomat's point of view.

### 1. Let me start with the relationship between the two principles I have just mentioned:

Territorial integrity is a fundamental aspect of state sovereignty. In the UN Charter the principle of the territorial integrity of any **state** is interwoven with another fundamental principle, the prohibition of the threat or use of force. At the same time the UN Charter upholds the principle of self-determination of peoples. Promoting such self-determination is stated to be one of the **purposes** of the United Nations (Art. 1 para. 2). Both principles are recognized in numerous international documents, notably the "Friendly Relations Declaration" adopted by the UN General Assembly in 1970 and the



Helsinki Final Act of 1975. According to both documents, these two principles have equal value and equal force. The Friendly Relations Declaration (resolution 2625 (XXV) of 24 October 1970) states that:

“By virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, **all peoples have the right freely to determine, without external interference, their political status** and to pursue their economic, social and cultural development, and every State has the duty to respect this right in accordance with the provisions of the Charter.”

The Final Act of the Conference on Security and Co-operation in Europe states with regard to the relationship between territorial integrity and self-determination:

“The participating States will respect the equal rights of peoples and their right to self-determination, acting at all times in conformity with the purposes and principles of the Charter of the United Nations and with the relevant norms of international law, including those relating to territorial integrity of States. By virtue of the principle of equal rights and self-determination of peoples, all peoples always have the right, in full freedom, to determine, when and as they wish, their internal and external political status, without external interference, and to pursue as they wish their political, economic, social and cultural development.”

The right of self-determination may be conceived as having two aspects, an internal and an external aspect.

Internal self-determination means enjoying a degree of autonomy within a larger entity, deciding – as a general rule – issues of local relevance at local level. The internal aspect of the right to self-determination does not impinge on the territorial integrity of the state concerned.

External self-determination means the right of a group freely to determine its own political and constitutional

status at international level. While most scholars agree that internal self-determination is an essential part of this whole concept, opinion is divided as to what precisely the external aspect of self-determination entails.

The key question is whether external self-determination includes the right to leave a larger constitutional entity altogether. Some experts take the view that, except in a colonial context, there is no such thing as a right to secession i.e. the right to leave a state by declaring independence as a new state. In support of their view, they cite the risk of undermining the stability of the international system should secession be deemed a legitimate course of action. Others argue that this view would in practice render also the internal right of self-determination meaningless, since any group denied the self-determination to which it is rightfully entitled under international law would be deprived of any remedy. This could easily result in the oppression of a minority by the majority.

It would obviously be going too far to concede to any group that differs in some way (ethnic or religious identity etc.) from the majority population the right to declare independence. Such a broad right of secession would certainly endanger international peace, since it would encourage groups of all kinds and sizes, whether or not enjoying autonomy and rights of participation, to break away from their original state to create a new one.

International law tends to a position mid-way between these two poles, neither totally excluding secession nor granting a broad right of secession to each and every group. In the interest of international stability, self-determination should normally be enjoyed and exercised within the existing framework of states. In exceptional cases, however, secession may be legitimate if it can be shown to be the sole remedy for a denial of internal self-determination that is severe and prolonged.

This is the approach spelled out in principle 5 of the Friendly Relations Declaration of 1970, which endorses

A broad right of secession would certainly endanger international peace.

the principle of territorial integrity provided the government of the state in question does not discriminate against any section of the population. The relevant paragraph 7 reads: “Nothing in the foregoing paragraphs shall be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent states **conducting themselves in compliance with the principle of equal rights and self-determination of peoples** as described above and thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed, or colour.”

This kind of **remedial right of secession** would not endanger international stability, as it would be exercised only in cases where the situation within a state has deteriorated to a point where it could be deemed a real threat to international peace and stability. Exercising the right of secession under such circumstances would in fact give the principle of self-determination substance and meaning. As I see it, the right to self-determination prevails and becomes a right of external self-determination under two conditions, which must be simultaneously present.

The first condition is an **exceptionally severe and prolonged denial by the state of internal self-determination to a group living within its borders**. This is not identical, but will often coincide with grave violations of human rights such as the right to life and freedom, but also the rights of association and assembly. This condition may be deemed present when the authorities of the state in which a certain group is living consistently and over a considerable period of time deny the group a say in matters that directly concern it by excluding it from any meaningful participation in deliberations at central level.

The second condition is that there exists no other way to resolve the resulting conflict. Since the right of external

A remedial right of secession would give the principle of self-determination substance and meaning.

self-determination may be invoked only in situations where internal self-determination is systematically denied, recourse to it is clearly a last resort, the **ultima ratio**.

In practice this means all other ways of remedying the situation must first be exhausted. These may include e.g. negotiations (direct or indirect, with the assistance of facilitators, mediators and so on), or recourse to relevant international organizations and bodies such as the United Nations. Only when all alternative routes to internal self-determination can be shown to be blocked does the route to external self-determination open up.

If the right of external self-determination is conceded under the rules I have just set out, however, it will not necessarily exist for the indefinite future. Conditions may change, repression may cease, the state in which the group in question is living may adopt a new constitution and so on. Whether or not the effect of such changes is to invalidate the group's right to external self-determination must be judged on the merits of each case, taking into account the severity of the situation prior to these changes.

## 2. I would now like to turn to the question of what rules international law lays down regarding declarations of independence.

As I see it, a declaration of independence – in effect the act of secession – is a matter of fact, not of law. International law has nothing to say about the legality of such a step. In other words, international law neither recognizes a right to secession nor prohibits the act of secession – except when such an act results from a violation of one of the fundamental principles of contemporary international law and perpetuates the effects of such a violation. The reason for this is that, systematically speaking, the principle of territorial integrity does not apply within a state and therefore has no bearing on any groups living within its borders.

International law neither recognizes a right to secession nor prohibits the act of secession.

Secession is, however, clearly a matter that falls within the jurisdiction of the **state**. So the legality of a declaration of independence is an issue that may well arise under **domestic** law.

In international practice, declarations of independence have been held to violate **international law** only if they are associated with some other violation.

This is notably the case when a declaration of independence has been brought about by the illegal use of force by another state or in violation of an international agreement. A case in point was Security Council Resolution 541 (1983) of 18 November 1983, in which the UN Security Council deemed the declaration of independence by the Turkish Cypriot authorities as “legally invalid” and called “for its withdrawal”.

International law makes a clear distinction between a change in the territorial status quo brought about by the illegal use of force by another state (in particular, an annexation), and a move by a section of the population of a state to secede from that state. An annexation is universally held to be contrary to international law; indeed, international law even prohibits other states from recognizing any status quo resulting from annexation.

So while international law prohibits annexation, it neither encourages nor forbids secession.

This does not mean, however, that international law has no relevance in this context. International law stipulates certain conditions that must be present before a new self-declared state may be recognized by other states. These conditions pertain notably to the existence of the three elements of statehood: a territory, a people, and effective government. It is precisely here, in the context of recognition, that international law is relevant.

### 3. Let us now look at some recent cases and begin with the situation in the Caucasus.

Regarding Georgia, Abkhazia and South Ossetia, **the Report by the “Independent International Fact-Finding Mission on the Conflict in Georgia” published on 1 October 2009 provides a comprehensive analysis of the conflict**. It confirms the legal arguments I have just outlined.

**Abkhazia** used to be an autonomous **republic** under the Soviet constitution, while **South Ossetia** had the status of an **autonomous region**. In both Abkhazia and South Ossetia civil strife erupted following the collapse and dissolution of the Soviet Union and Georgian independence. **The Georgian and Abkhaz** authorities concluded a ceasefire agreement on 14 May 1994 – the Moscow Agreement – which was implemented with the help of both a UN and a CIS observer mission. With respect to the conflict between **Georgia and South Ossetia**, the Sochi Agreement of 1992 paved the way for the establishment of a tripartite peacekeeping force under the auspices of the Joint Control Commission.

Before armed conflict broke out between Russia and Georgia in August 2008, the territorial integrity of Georgia was universally recognized, including by Russia. On 15 April 2008 the Security Council adopted Resolution 1808 on the situation in Georgia. In operative para. 1, the Security Council – “reaffirms the commitment of all Member States to the sovereignty, independence and territorial integrity of Georgia within its internationally recognized borders”. Six months later, however, Russia no longer felt bound by this commitment and had granted Abkhazia and South Ossetia diplomatic recognition.

In his statement of 26 August 2008 justifying this step, President Medvedev invoked the UN Charter, the Helsinki Final Act and the Friendly Relations Declaration of 1970. Along with many other countries, Germany condemned Russia’s decision to recognize Abkhazia and

South Ossetia. Let me quote here a G7 joint statement of 27 August 2008:

“We, the Foreign Ministers of Canada, France, Germany, Italy, Japan, the United States and the United Kingdom, condemn the action of our fellow G8 member. Russia’s recognition of the independence of South Ossetia and Abkhazia violates the territorial integrity and sovereignty of Georgia and is contrary to UN Security Council resolutions supported by Russia.”

I would now like to turn to **Nagorno Karabakh, another frozen conflict in the South Caucasus**: Nagorno Karabakh used to be an autonomous region within Azerbaijan with a majority Armenian population. In 1991, Nagorno Karabakh declared independence from Azerbaijan, triggering a war between Azerbaijan and Armenia. Following the 1994 ceasefire agreed by the two sides, Armenian troops have continued to occupy previously undisputed Azerbaijani territory. Although the territory of the former autonomous region remains under the control of Nagorno Karabakh’s de facto organs, this status quo is not internationally recognized. For several years now the OSCE’s so-called Minsk Group, represented by its three co-chairmen, has been trying to broker a diplomatic solution.

The Minsk Group’s three co-chairmen have identified a number of elements fundamental to any solution. These include the principle of the territorial integrity of Armenia and Azerbaijan as well as, for Nagorno Karabakh, status arrangements that, in line with the principle of self-determination, would grant it maximum self-government within Azerbaijan.

Let me lastly comment briefly on the case of Kosovo. The special nature of this case arises from the violent break-up of the former Yugoslavia, the massive violence and repression that took place in Kosovo in the period up to and including 1999, the extended period of international administration under Security Council Resolu-

tion 1244 (1999) and the UN-led process that “left no stone unturned” in order to find a negotiated solution to the question of Kosovo’s future status.

In the situation that had developed towards the end of 2007, the people of Kosovo were denied any meaningful exercise of their right to internal self-determination. As a last resort, they were therefore entitled to exercise this right by secession. In this interpretation, the emergence of the new state of Kosovo was fully in accordance with international law as it stands today. The preamble to Kosovo’s declaration of independence underlines that “Kosovo is a special case arising from Yugoslavia’s non-consensual break-up and is not a precedent for any other situation.”

Nevertheless, Serbia has sought an advisory opinion from the International Court of Justice – the hearing will begin on 1 December – concerning the legality of Kosovo’s declaration on independence under applicable rules of international law.

#### **4. As these various examples show, it is not always easy in practice to reconcile the principles of territorial integrity and external self-determination.**

It goes without saying, however, that these conflicts can be resolved only by peaceful means in accordance with the UN Charter. That is a cornerstone of German diplomacy. And it is equally obvious that the international community can hardly impose a solution, especially when there is no consensus among the five permanent members of the Security Council. Does international law offer any way out of this dilemma?

State practice provides a number of precedents that might serve as useful models on which the conflict parties could agree if they so wish. The status of Hong Kong under the Joint Declaration and the Basic Law, for example, might offer food for thought. Albeit formally part of China, Hong Kong has a separate identity and may in its own right maintain and develop economic and cultural

The people of Kosovo were denied any meaningful exercise of their right to internal self-determination.

relations and conclude relevant agreements with states. In other instances, the establishment of a federation might be a solution, as the example of Bosnia and Herzegovina shows. A further possibility might be to place the disputed territory, as an interim solution, under international control, as was the case with Timor Leste, which was administered for some years by UNTAET.

A final example I would cite here is that of the two German states, which co-existed side by side for forty years. Even though both became members of the UN, they maintained relations with each other which were not governed exclusively by international law.

At first glance these ideas might seem to hold little appeal for the various conflict parties, since they fall short of their stated goals: statehood on the one hand, territorial integrity on the other. I suggest we should consider the following points, however: What has a de facto entity to gain by declaring independence if it is obvious its claim to statehood will not be recognized by the overwhelming majority of states? Hong Kong is a member of the WTO, something Abkhazia or South Ossetia are unlikely ever to attain.

International lawyers and of course diplomats as well need creative thinking – and perhaps that is precisely what this Berlin Roundtable can provide. ■

What has a de-facto entity to gain by declaring independence if its claim to statehood will not be recognized?

## Zero-sum or Positive-sum? Games and Reality Construction in the Caucasus Conflicts

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### 1. Theorizing About the Caucasus Conflicts

Any known single theoretical framework is insufficient and incapable of explaining such complex social phenomena as the Caucasus conflicts. However, there is a need to develop and apply theories in order to at least attempt to understand and explain the developments of the past twenty years in the Caucasus. Without theories we find ourselves in a situation where the multitude of facts does not allow us to create any conclusions or predictions. However, a single theory is insufficient and no theory is unconstructive. What is a proper solution to analyzing the conflicts? Can several theories be applied?

Applying several theories simultaneously to one and the same fragment of reality may result in methodological eclecticism. Such theorizing may be interpreted merely as a tool for strengthening one's argument, advancing one's hidden goals, or using 'as if' theorizing as a means for participating in the conflicts as a supporter of a single side. Moreover, the Caucasus conflicts are notorious for this effect; those who think, write, or theorize about the conflicts are often categorized as supporters of a single side.

However, the idea above also implies a theoretical framework. Inadvertently, I ended up within the confines of theories that claim that there is an absence of 'objective truth' in the conflicts. Some of the theories, such as Marxism and critical theory, claim that any statement reflects the interests, in Marxist terms the 'class' interests, of those who express it, regardless if it is a self-conscious or 'unconscious' position. Other



frameworks, such as social constructivism<sup>11</sup>, assert that these statements, which reflect people's conscious or unconscious interests, actually do form the reality and shape it accordingly.

Be that as it may, I have found it practical to utilize more than one theoretical framework to analyze parts of the Caucasus conflicts. Scientific explaining also means predicting. An explanation's ambition is to declare that there is a certain regularity uncovered, which has worked in the past and will work in the future. Unfortunately, so far only very few regularities have been found empirically in social sciences that are backed by sound theory. One famous example is the law formulated by Kant, which dictates that democracies are far less likely to have conflicts with each other as compared to democracies with non-democracies.

One theoretical framework that could be applied to the Caucasus conflicts is a mixture of theories known as game theory, decision-making theory, or rational choice theory. This group should be amalgamated with Realpolitik or neo-realism in international relations in order for it to be applicable to the Caucasus conflicts. Realpolitik's main tenets are that states are the main actors in international relations, they behave in a situation of anarchy, and they maximize power. Balance of power sometimes has the effect of preventing war. Neo-realism claims that states are the main actors, however, they behave according to their mutual perceptions about each other rather than according to the 'real' power they have, because they cannot be absolutely certain about the power of other states. These theories alone are however, not enough to explain the conflicts in the

<sup>11</sup> In this essay, social constructivism is used as a generic term and it encompasses the cases of reality construction by society, politicians (political constructivism), and diplomats (diplomatic construction of reality). Some of its instruments are propaganda, national mythology building ('imagining communities', as Benedict Anderson would say), building enemy image, and mirroring the adversary.

Caucasus, because this situation concerns both states as well as specific non-state actors, such as non-recognized states. Thus Realpolitik theories must be combined with decision-making, game, or rational choice theories. Realpolitik is not a complete theory, because it rigidly declares that states are the only type of actor that is important. Decision-making or rational choice theory does not make such a rigid claim – it is irrelevant who or what is the actor. One behaves according to one's interests and one's decision is interdependent with the decision of the opposing actor.

The prisoner's dilemma has often been used as a metaphor in political theory. Game theories are highly relevant to the situation in the Caucasus and the prisoner's dilemma can be used well to describe a variety of the conflicts. Unfortunately, game theory has been absent in the literature as a means to analyze these conflicts.

Today's Armenian-Turkish 'game' bears a resemblance to the prisoner's dilemma. The two parties lack proper communication and their decisions are interdependent – if Turkey adopts the protocols and Armenia does not, Turkey loses, and vice versa. Some claim that if one side adopts the protocols and the other does not, the side that adopted the protocols will actually win, because it shows its good will. However, this idea is somewhat far-fetched. The situation is a simple stalemate: both sides have to adopt, but neither can do so before the other does, thus it is most likely that neither will adopt the protocols.

There is another crucially important element in the two theories of rational choice and Realpolitik that makes them applicable to the Caucasus conflicts. Both theories take place in an environment where there is insufficient coercive power to impose a third party's will on the players. There is no Hobbesian Leviathan either in the Caucasus or abroad that could literally force a solution to the conflicts.<sup>12</sup>

International organizations have been reluctant to intervene decisively in the Caucasus.

Some international powers have a strong influence in the Caucasus, namely the US, Russia, and the EU. Great international powers played a more decisive role in the Balkan conflicts, by redesigning their map, influencing their wars, and meddling in the conflicts. However, in the Caucasus, neither the US nor Europe intervened. Russia played a role and continues to intervene, but as another player rather than as an overarching rule-setter. Or, Russia behaves as a cruel “policeman” rather than as an impartial “judge.”

In international politics, international organizations are the distant analogue of governing bodies. However, in the Caucasus such organizations are less powerful than states and non-recognized states in terms of their capacity for immediate action. Their right to legitimate coercion is restricted by international treaties and there is a lack of desire, mandate, and capacity to use force. Occasionally such organizations can mandate a violent action, and occasionally great powers can also act violently, justified or not justified, without a mandate from an international organization. However, international organizations have been reluctant to intervene decisively in the Caucasus. Russia intervened in Summer 2008, but its actions were not sufficient to bring about a ‘new Caucasus order,’ thus its intervention remained limited to that of a selfish actor and, if anything, only added to the anarchy.

International relations worldwide are still more similar to anarchy than to the situation inside a stable state, although one may also find pockets of anarchy within a state. This situation is fully applicable to the Caucasus. Anarchy, the absence of an overarching rule, order, and legitimate enforcement are key aspects of the environment for rational choice games. Rational games occur in situations where brute force is the main enforcer and

<sup>12</sup> Conceptually, there is a huge difference between the policeman in the prisoners’ dilemma (who coerces the prisoners into a set of unfair options) versus a rule of law. See below.

they are about decision-making – regardless of whether these decisions are cooperative, fair, or rational. These decisions are not influenced by an overarching rule of law, and even if they are, this rule of law is incorporated into a rationality and interest calculation of a single actor or of all actors.

For example, if in the prisoner’s dilemma both players confess, they receive a reward that is calculable in advance (depending on the distribution of rewards and punishments). However, if there were a law and order that provided the prisoners with a fair trial regardless of their confession, this trial might theoretically disregard the confession.

A few words need to be said about the word ‘rational.’ Originating in its modern formulation from the theorizing of Max Weber, rationality, when this concept is used in rational choice theory, concerns making several assumptions: that actors are united and integral or at least they act as such; that their rationality is not absolute, but rather relative to their perceptions, knowledge, and understanding of the situations (gains and losses); that they are selfinterested; and that if other factors are equal, the actors will attempt to maximize their gains. In this assumption, even altruism is expressed as self-interest. A father who sacrifices his life for his son does not perform a purely altruistic action, because he is raised with the assumption that one’s children are more valuable than oneself. Or perhaps he sacrifices himself instinctively and following one’s instincts is sometimes rational. Or the above two statements are combined in the following manner – the father sacrifices his life, because he considers himself only to be a unit in the life of the clan or ethnicity and the young generation must survive for the sake of the clan or ethnicity.

As we can see here, the tenet about one integral actor is under duress – the father does not think as a self-interested individual, but rather as a part of a larger unit. However, he behaves individually, thus his thoughts

are not enough to declare that he is irrational, because that cannot be known for certain. In fact, this example is barely applicable to rational choice theory, because another condition in rational choice theory is that the results of the game should be known within a reasonable and realistic lifespan and easily discernible or identifiable. In the case of the father's contribution to the clan, this condition is absent – therefore we cannot know if his action did indeed contribute to the clan's well-being. However, within the father's assumptional framework there may not be a need for such proof. Perhaps he believes in the likelihood of the final result, which is likely based on his own experience, values, and myths, with which he was indoctrinated within his own culture and lifetime. A similar argument can be applied to the behavior of a terrorist or 'ethnic warrior' (an important actor category in the Caucasus wars).

## 2. Caucasus Games and Their Sums

Continuing with the analogy of anarchy, which is a war of everybody against everybody, one can modify this definition slightly to say that in the Caucasus there is a game of every possible unit against every possible unit. The units do not have to be individuals or states – they also include non-recognized states, guerillas, businesses, organizations, governments, citizens, clans, mafias, families, etc. For example, a 'state' can play against a family and a citizen can play against a guerrilla movement.

Certainly not everything that happens in the Caucasus can be explained by means of rational theory, even if viewed in an enlarged sense as proposed above. For instance, a mother sending her son to war and blessing him to kill as many enemies as possible (in Abkhazia in 1993, the enemies include earlier compatriots, fellow citizens, neighbors, friends, and colleagues) is irrational, given the very same reasons that I have provided above explaining the sacrifice of a father. However, if we take into account the peer and social pressures (demands of the society), her behavior may seem more rational.

Such theorizing helps to explain some events, such as the early victories of ethnic and guerrilla groups against larger entities. These larger entities cannot be completely understood as states, as they were so young. If one is playing a rational game and an opposing party is not, the first player is more likely to win in terms of maximizing gains. If one understands that the game being played is rational and the opposing party has not yet understood this, the answer is the same. Thus, those who were fighting the larger entities understood slightly earlier that they are playing this game in a state of anarchy. There is no overarching mediating power, they are in a situation where in order to win one must maximize gains, and they have to be integrated, i.e. play more or less as a united actor. Along with other reasons, this is why they won.

But is it at all valid to say that 'the game being played is rational'? Would it not be more sophisticated to say that 'when somebody plays a rational game, it becomes a rational game'? It is also known that in iterated situations, games have a tendency to become more rational over time – those who did not behave according to the imposed rules lost in the first rounds and thereby learn to play according to the rules when given a chance for more rounds. There is an Armenian joke about a man who was walking carelessly and fell into a deep hole. He tried to get out and did not succeed. After continued failed attempts to escape from his situation, he sat down to regain his breath and thought "I am gonna try once more. If I succeed in getting out, great, if not, I'll just go home."

In war one usually perceives oneself having a rigid choice – to fight or likely to be killed. One can also try to run away, but the costs can be high. The rational choice is often not between fighting or going home. It is only in an Armenian joke that one can go home if one is in a hole. In reality, one must obviously get out of the hole first.

Thus, we are left again with social constructivist theories – a rational choice game becomes such if people think that it is a rational choice game. Theoretically, one can turn around and go home from a conflict situation. However, in the given circumstances this may not be rational. Leon Trotsky once used the great slogan, “no peace, no war, and the army goes home.” However, the situation became socially constructed into continuing the First World War.

### **3. Constructing Conflict Realities in the Caucasus: From 19th Century Wars and Relocations to the Chechen Conflict**

To understand the Caucasus conflicts, the First World War or perhaps the Russian-Caucasus war of the 19th century are fairly good starting points. It was then that the unethical concept of total war introduced the idea that all means are acceptable to destroy the enemy. This resulted in the genocide and relocations found in modern conflicts. For this reason, many Caucasus nations happened to be in Turkey, the Armenians supported the Russian army in its war against the Ottomans, and the Armenian Genocide took place. During the 20th century both the Soviet Union and Ataturk’s Turkey attempted to turn the situation into a *fait accompli*, however, they were mostly unsuccessful. With the collapse of the Soviet Union, the Caucasus ethnicities rebelled, in Turkey the Kurdish movement erupted and evolved, and now we see a further reawakening of ethnicities within Turkey.

It can be quite informative to examine Turkey in this respect. According to Turkey’s constitution, certain nationalities were prohibited from any role in public life, in particular Muslim nationalities. For example, they were prohibited from having schools in any language other than Turkish. However, over the last several years many nationalities have awoken and, except the Kurds, expressed a non-violent desire to revive their cultures. Again, except for the Kurds, these nationalities are not

making any territorial claims, because they are satisfied with life within Turkey’s borders and, except for those who experienced genocide and ethnic cleansing, they consider themselves guests who came to the Ottoman Empire after escaping from the Russian Caucasus. However, aware of what has happened in the Caucasus over the last twenty years, Turkey requires very wise policies to keep these nationalist movements in check, accompanied by democratization and liberalization. Turkey is a further enigma in the study of political science. It is commonly assumed that an inclination towards the West is more democratic than the Islamic movement, however, in Turkey, Ataturk’s heritage (alliance with the West) was associated with brutality, the crushing of internal freedoms, and coup d’états, whereas the current mild Islamic party in power holds broad national support, is more democratic, and is trying to put an end to the cycle of coup d’états. In a way, the wearing of a headscarf is a symbol of democracy in Turkey. Perhaps the Iranian revolution took place for a similar reason; the Shah’s government disregarded the nation’s desires. Thus, the Iranian revolution was also based on popular will. If the government of Iran continues to adhere to the popular will and if their institutional structure allows for flexible accommodation of these changes, then Iran may survive without large-scale upheavals. However, in the case of the Soviet Union this was impossible and it is going to be difficult in the case of Iran as well. Perhaps this process of changing the rules of the game will be better managed in Turkey.

As can be seen in all of these cases, popular rule is less advanced than previous ruling. On the surface, the populace wants to return to more traditional values. This should be examined in broad terms in order to understand the tendencies in the Caucasus. This is similar to what occurred with the Chechens after the first Chechen war. The war began because Chechnya was becoming an increasingly independent political entity – it was even recognized by two or three states, just as today Abkhazia

and South Ossetia are recognized by Nicaragua and two other states. The result of the first Russian-Chechen war, a ruthless and disastrous conflict, was the conclusion of the Khasavvyurt ceasefire with Chechnya by Russian General Lebed. While General Lebed pursued the idea of changing the rules of the game (a war of all against all in the Caucasus), his successors had other aims concerning Chechnya.

Former Russian President and current Prime Minister Vladimir Putin built the new type of post-Yeltsin Russia, which had to be governed in a centralized manner with oligarchs fully subdued to the power and security nomenclature – he had no interest in losing more territory of the Russian Federation. Thus, Russia isolated Chechnya during the ceasefire period. Chechnya was thereby unable to develop fully functional governing systems. Islamic Sharia rule was adopted and kidnapping became one of the major trades. Left with almost no international assistance, war-torn Chechnya was degenerating into a black hole of anarchy. The September 11, 2001 terrorist attack greatly helped Putin's approach. In this game of war of all against all, labeling one's enemies as terrorists is a widespread public relations tactic. Several terrorist actions occurred within Russia's borders, although it is unknown if they were masterminded by joint networks of Chechens with Russian security forces or if they were purely Chechen actions, which is less likely.

After September 11th the Western world became more susceptible to the Russian claim that terrorists, rather than freedom fighters, are causing problems in Chechnya. Then Chechen commander Basaev began his march into Dagestan, which was a perfect pretext for Russia to start the second Chechen war. Thus, the ceasefire was used by both sides only to reorganize for another war. After several years of ruthless fighting, Chechnya today has no claim to independence. However, today's Chechnya, as well as other major parts of the North Caucasus, are still quite lawless areas and the tendencies of Islamization and Wahhabism are growing. Demo-

graphic studies show, as it is usual with Muslim areas, a fast growth of the population. There are rampant corruption and dysfunctional state organs. General instability grows.

In terms of our aim to explain the Caucasus as a meeting point of two approaches, zero-sum games and reality construction, two major lessons can be drawn from the story of Chechnya. The first lesson is that if ten years ago there were four non-recognized states in the Caucasus, now there are three. Additionally, one of these is not as well-accepted as non-recognized (Nagorno-Karabakh), whereas the other two are even recognized by Russia and a few other states (Abkhazia and South Ossetia). Chechnya's bid for independence was ruined. The Chechen independence fighters were declared to be terrorists; as such, they became in many instances terrorists. Terror became a legitimate way of waging war. This was a major success for Russia's ruthless Realpolitik. The romantic overtones of a small people's heroic fight for independence ceased and were erased from mainstream Western discourse – the West essentially stopped criticizing Russia for its actions in the North Caucasus. The same public relations model was applied to other non-recognized territories, e.g. the claims that they breed terrorists, they are illegal areas where trafficking flourishes, they are narcotics corridors, etc., i.e. they are black holes on the map that must be removed. Similar to Chechen rulers, the rulers of these territories, at least at the rhetorical level, are often declared to be criminals. This remains however, merely war rhetoric because what can be considered a crime versus a non-crime in the fight of all against all is not known.

The second lesson was that Putin used the Chechen war and particularly the terrorist attack on the Beslan school as a pretext to change the system of governance in all of Russia and to change the map of the North Caucasus; since then local governors and presidents of federal republics were appointed by Putin rather than elected. As for the North Caucasus, a Southern Federal District was

Illegal areas are black holes on the map that must be removed.



created, which is much bigger than the North Caucasus, with the capital in Rostov.<sup>13</sup> Thus, many elements of sovereignty were taken away from the federal entities, but in particular from the North Caucasus republics.

#### 4. Georgia and its Modern Conflicts

Georgian President Mikheil Saakashvili's rise to power was immediately followed by a successful raid on Adjara; Adjara's ruler Aslan Abashidze, who had developed criminal ties with Russia and was feeling independent, was forced to run away. Adjara was conquered by the Georgian central government and any elements of separatism there, which did not have an identity component but were rather the result of economic interest of the chieftain Abashidze, were crushed forever. While many people who live in Adjara are Muslims, this entity did not have any popular movement for secession such as in Abkhazia or Karabakh. This successful campaign made Saakashvili think that a similar sweeping operation was possible in South Ossetia. The situation was however, different here. On the one hand South Ossetians lived intermixed with Georgians; since the first conflict, thanks particularly to the Ergneti market, they developed close ties with their short-term adversaries. On the other hand the conflict that took place in the early 1990s had brought about a situation where secession was formally declared by South Ossetia. It was even supported by the very structure of the negotiation unit, the Joint Coordination Committee (JCC) under the auspices of OSCE, comprised of four sides, Georgia, Russia, South Ossetia, and North Ossetia.

This inclusion of a non-recognized entity and a federal republic, a part of another state, into the negotiation mechanism was highly unusual for international practice and particularly for OSCE, which is very state-centric. The composition of the negotiation unit

<sup>13</sup> Recently President Medvedev issued a decree creating a new, smaller unit: North Caucasus region, thus starting to change Putin's North Caucasus policies.

demonstrated that Russia played a significant role in the entire conflict; three out of the four sides in this conflict were allies, although on the surface the idea was that two states and their two entities are negotiating their conflicting issues. South Ossetia was a very different situation than Adjara in that it had created non-recognized state structures, it was included as a negotiating party in this quadripartite system; also because of its proximity to Russia, the existence of its ethnic kin across the separation line, as well as other factors. Saakashvili successfully destroyed the Ergneti market on the territory of Georgia proper. This was a major black market for fuel exchange throughout the Caucasus, but also a vehicle for cooperation between Georgians and South Ossetians. It was destroyed under the pretext of fighting crime, corruption, and illegality. Russia used a similar claim in its fight against Chechnya and Saakashvili himself used a similar claim successfully against Adjara. However, the military attack on South Ossetia proper in the summer of 2004 was unsuccessful. The overall result was a further deepening of the divide between South Ossetia and Georgia, further escalation of support by Russia to South Ossetia, and the further drive of Georgia towards NATO and the West.

While making a bid to join NATO, Saakashvili simultaneously continued to change the shape and structure of the conflicts. For South Ossetia, he supported the creation of another government, that of Dmitry Sanakoev, which, while within Georgian territory, contested the legitimacy of the South Ossetian separatist government. From the social construction perspective of this conflict, did any of these governments represent the will of the people they claimed to rule and if yes, which government was more legitimate?

Instead of answering this question, one can analyze Saakashvili's next actions. A similar government already existed in the context of Georgian-Abkhaz conflict. It comprised those Georgians who left Abkhazia during the 1993 war as displaced people and were working in

Abkhazia before the war in any of the state structures. These included not only members of parliament and the ministers of the Soviet-era autonomous republic of Abkhazia, but also employees of the fire department or the emergency medical hospital. In the era of former Georgian President Eduard Shevardnadze, this entity, known in Georgia as the 'Legitimate Abkhaz Government' and internationally as the 'Government-in-Exile', was in charge of the affairs of displaced people and enjoyed several privileges. For instance, the head of its parliament was simultaneously an official deputy head of the Georgian parliament and his position was secured, i.e. he did not face the danger of removal from office due to new elections for the Georgian parliament. Saakashvili changed this, removed the position, and forced the government-in-exile to relocate to the territory of Abkhazia, specifically to the Kodori highlands, which were not occupied by the Abkhaz, because they were difficult to access by both sides. He declared the creation of the new geopolitical entity of 'Upper Abkhazia'.

Two governments of South Ossetia and two governments of Abkhazia thereby came into being, although the second ones, created by Saakashvili, were much weaker than the governments actually in charge of the territories, and were understandably labeled as 'puppets' by the secessionists.

Abkhazia's degree of sovereignty after the war with Georgia was in some ways similar to that of South Ossetia and in some ways even stronger. In the period of 1992 to 2004, South Ossetians claimed independence and accused the first Georgian independent government of Zviad Gamsakhurdia of attempting to commit genocide. At the level of day-to-day life, South Ossetians were partially integrated in one political economy with Georgians. Moreover, the Georgian populated villages deep inside the territory of South Ossetia were kept intact. In Abkhazia the remaining Georgians lived mainly in the Gali region, immediately adjacent to the ceasefire line. They were forced to move back and forth, and they

were subject to coercion by the Abkhaz authorities. For instance, in 1998 at the time of the deterioration of the conflict situation, several tens of thousands of the Gali inhabitants were forced to leave. Afterwards they were again allowed to return. These inhabitants were not well integrated into Abkhazia. Meanwhile, the Abkhaz, Russians, and Armenians who lived further Northwest in Abkhazia had hardly any interactions with Georgia after the war.

Just as in the case of South Ossetia, the negotiations system included Abkhazia, which was again a diplomatic victory for the non-recognized state as well as probably for Russia, which was instrumental in setting up these systems after the wars of the 1990s. Unlike the situation with South Ossetia, the UN served as the main mediator between Georgia and Abkhazia. Again it was unusual to have an interstate organization officially negotiating between a state and its breakaway region. On the one hand, this placed serious pressure on Abkhazia to abandon its bid for independence and on the other hand, this offered some form of recognition of Abkhazia's status. The UN group charged with negotiations was first called the 'Friends of Georgia', however, this title was fiercely contested by both Abkhazia and Russia; as a result the group was renamed the 'Friends of the Secretary General', a sarcastic and empty title with the main goal of neutralizing the controversy. However, the Group of Friends could e.g. hold a meeting in the UN headquarters without participation of the Abkhaz, because they are not a UN member state; the result of this was that the Friends either did not have a side to negotiate with or Russia became that side whether on purpose or by default.

Similarly, in the official parlance of the OSCE, the Karabakh conflict was referred to as 'the conflict being dealt with by the OSCE Minsk Group', because if it were labeled the 'Karabakh conflict' or 'the conflict between Karabakh and Azerbaijan', Azerbaijan would surely have complained and if it were labeled the 'Armenian-

Abkhazia enjoyed some elements of sovereignty even in the eyes of Georgia.

Azerbaijani conflict', Armenia would surely have complained.

With the status of an autonomous republic during the Soviet period, which was a higher level of autonomy in the Soviet system as compared to the status of autonomous regions (which included Nagorno-Karabakh and South Ossetia), Abkhazia enjoyed some elements of sovereignty even in the eyes of Georgia. For instance, during the Shevardnadze government Georgian politicians agreed to meet with Abkhaz politicians for informal dialogue meetings, arguing that as an autonomous republic inside of Georgia, Abkhazia would have a parliament; thus, the status of an Abkhaz parliamentarian is not as illegitimate and as illegal as e.g. the status of an Abkhaz president. This was to some degree an informal acceptance of Abkhazia's legitimacy.

### 5. The Karabakh Conflict

In order to complete the analysis of how the rational game is intertwined with the construction of reality, the case of Karabakh should also be examined. In the early years of the conflict, Armenia and Azerbaijan agreed to an official mediation by the OSCE. Perhaps both parties agreed to this, because the UN comprised many Muslim states. Armenia declared that it was not a side in the conflict and was only supporting its kin's struggle, but as a recognized state it accepted being a negotiating party. At this point the issue of the Karabakhi authorities' participation in negotiations became difficult. Azerbaijan was fiercely against any Karabakhi participation, arguing that both Karabakhi Armenians and Karabakhi Azerbaijanis should be included in the respective delegations of Armenia and Azerbaijan.<sup>14</sup> For Azerbaijan the key was to present the conflict as an interstate war, as this would provide an opportunity to argue that Armenia occupied the territory of Azerbaijan. These

diplomatic battles began in 1992 and continued even during open war. The diplomacy began even before the Armenian forces freed a major part of the territory of Karabakh proper from the Azerbaijani army and even occupied substantial parts of Azerbaijan bordering Nagorno-Karabakh.

The Armenian government during the first presidency had no united policy concerning Karabakh. On the one hand, Karabakh declared independence and on the other hand, Armenia did not recognize it. Although Armenia accepted the OSCE format, Armenia belatedly tried to include Karabakh as a negotiating side. This approach was partially successful. Karabakhi Armenians had their own army as well as established institutions, endowments, and other characteristics of statehood, albeit unrecognized, and perhaps due to this, the Karabakhi Armenian representatives sometimes had higher status during negotiations than the Karabakhi Azerbaijanis. For instance, Karabakhi Azerbaijanis would sit behind the first row at the negotiating table, while the Karabakhi Armenians would sit around the table in the first row.

Moreover, when the ceasefire agreement was finally negotiated and implemented in 1994, the Karabakhi Armenian military commander-in-chief signed the agreement alongside Armenia and Azerbaijan. This appeared to be a diplomatic victory and a final confirmation of the fact that Karabakh is a side in the negotiations. However, soon after with Karabakhi President Kocharyan as prime minister in Armenia and then president of Armenia proper, he personally as well as in unison with the international community removed from the agenda the issue of the representation of the Karabakhi authorities at the negotiations. This was the proper strategy if Armenia was planning to declare unification with Karabakh. However, because Armenia never took this course of action, this slightly lowered and limited its capacity to maneuver diplomatically. Nevertheless, the Minsk Co-Chairmen usually visit Karabakh during their trips

<sup>14</sup> Even this idea is controversial, because Karabakhi Armenians, the inhabitants of Karabakh, are officially citizens of Azerbaijan who have unilaterally revoked their citizenship.

to the region. Their trips usually comprise three stops: Yerevan, Baku and Stepanakert; thus, the shuttling process does include Karabakhi Armenian authorities as a side in the conflict.

In general, 'recognition' as a post-Second World War concept, has become a key to explaining the Caucasus situation. Recognition was haphazardly applied to all post-Soviet states, thus, for example, the intrastate conflict of Karabakh became an interstate conflict. Recognition is what the non-recognized states hope for, at least on the surface. The entire discourse of recognition was rejuvenated by the story of Kosovo. However, insofar as the perception is zero-sum, recognition is just another tool in the palette of propaganda wars and zero-sum game building; whether or not Abkhazia and South Ossetia are recognized, the proof that they are states lies with the degree and extent of sovereignty that Russia provides to them. It is highly unlikely that this sovereignty will be significant. Similarly, Armenia seems to have missed the opportunity to make Karabakh a recognized entity, thus it is going to remain an entity with an unknown status for years to come.

When Russia significantly increased its cooperation after 2004 with Abkhazia, South Ossetia, and Transdnistria (another self-declared statelet, breakaway region of Moldova) and sponsored their attempt to create a union of non-recognized states, Karabakh did not join, nor was it invited. At the same time, Karabakh continued to hold elections and legitimize its status as a state, even if not recognized, accompanied by independent observers from various parliaments, mainly from the Russian Duma. There was also a small but symbolically important presence of election observers from the US and UK (mostly academics and NGOs).

Until 2000 civil society contact between Armenians and Azerbaijanis took place on quite a large scale. However, since 2000 the Azerbaijani government began to actively discourage visits of Armenians to Azerbaijan and vice versa for workshops and conferences. Special public

groups would pressure, intimidate, and even threaten Azerbaijanis who traveled to Armenia, especially those who visited Karabakh, condemning them as 'traitors'. The reason for this was that Azerbaijan continued to escalate the zero-sum game around the NK conflict. It probably decided that the longer the status quo continues, the deeper the idea that Karabakh does not belong to Azerbaijan becomes indoctrinated and entrenched in global discourse. The anti-Armenian propaganda in Azerbaijan internally affected the media, history books, and every possible discourse. In Armenia there was much anti-Azerbaijani propaganda as well, however, this was less uncompromising, since Armenia saw itself as the victor of the war and Azerbaijan did not. For instance, one can easily find articles in Armenian media that simply use the word 'Azerbaijanis' with no further description. However, in the Azerbaijani media the expression 'Armenian aggressors' has become so widespread that the use of this cliché is not even counted as an indication of media bias in the media studies.

Similar to Georgia, Azerbaijan established its own structures of the Karabakh government in exile and created a public organization that claims to represent those who were ousted from Armenia proper as a precursor to a future Azerbaijani geopolitical entity in Armenia, the 'Giokcha-Zangezur Republic'. This war of names requires significant effort from both sides; after occupying the territories outside of Karabakh's borders, Armenia renamed them with Armenian names – Kelbajar became Karvatjar, Lachin became Berddzor, etc. However, these new names are generally ignored and the old names are still used. Azerbaijan renamed Stepanakert to Khankendi, bringing back its pre-Soviet name, and continues to fight against every case when Stepanakert is used instead of Khankendi. An issue of National Geographic that used the name Khankendi was condemned in Armenia. A tour guide book of Lonely Planet that identified Karabakh as a separate entity alongside Georgia, Armenia, and Azerbaijan was condemned by Baku.

A similar war of names is taking place between Georgia and Abkhazia as well as Georgia and South Ossetia. Georgians officially refer to South Ossetia as the 'Tshkhinvali region'. The capital of Abkhazia is 'Sukhumi' for Georgians and 'Sukhum' for the Abkhaz. Strangely, Russians use the Georgian version.

One of the most abused words is 'genocide'. In their propaganda of the Karabakh war, Armenian nationalists used the fact of the Armenian Genocide in the Ottoman Empire to unite the Armenian cause against Turks and against Azerbaijanis. The Sumgait pogroms at an early stage of conflict in 1988 were used to accuse Azerbaijan of preparing a genocide against Armenians. The phrase 'ethnic cleansing' was coined by a journalist in the context of the Yugoslav wars and became widely used in the Caucasus context.

In the early years of conflict the Armenians tended to merge Azerbaijan and Turkey into one adversary due to their shared 'Turkicness'; the fact that Turkey did not open its borders with Armenia and thus became a de facto ally of Azerbaijan in this war did not help the situation. This was perceived as a clear act of war against Armenia. The slogan 'one nation-two states' did not help either. The ideas of 'Pan-Turkism' from the beginning of the 20th century were quoted and circulated to help explain the Turkey-Azerbaijan alliance. Fortunately, Turkish policies were not unequivocally confrontational all the way through. For instance, while not establishing diplomatic relations with Armenia, Turkey however, created a generally easy visa access system that allows Armenians to enter Turkey. 'Pan-Turkism' is quite out of fashion today and is absent even from the Armenian nationalist discourse. On the other hand, Azerbaijanis labeled Armenians as the aggressors and invoked the Armenian nationalist concept of 'Armenia from sea to sea' as a proof of the aggressive inclination of Armenia. The events in Khojalu, an area in Karabakh where several hundreds of Azerbaijani civilians were killed during the war, were labeled by Azerbaijan as genocide.

## 6. Building Democracy as a Solution to the Zero-sum Game

As has been shown in this paper, the parties involved in the Caucasus conflicts are usually playing a zero-sum game. In order for them to do this successfully they are forced to construct an enemy image of the adversary. This enemy image becomes a mirror image; they adopt the worst insinuations or repeat the worst actions of the other side. In many cases the insinuations are far fetched and unjustified. The application of international law or any other overarching power is absent and /or inapplicable, which was demonstrated most clearly by the August 2008 Russian-Georgian war. The greatest losses will be reached if one side is playing a zero-sum game while the opposing side is not. The result of such a situation is that sides start mimicking each others' arguments and formulations in order to become similar to each other. The rhetoric of accusations and enemy image building sometimes transfers into reality, e.g. the Russian claim that the Chechen movement was a terrorist movement rather than a bid for independence created the reality of terrorism that followed these claims.

Sometimes the social construction of reality wins and sometimes it does not. For instance, it was proven that there was no genocide of the South Ossetians during the Georgian attack in August 2008. However, the South Ossetians and Russians do not feel ashamed – they claim that they were unfairly attacked and thus they felt as if it was a genocide.

Most of the time neither side wins – Sukhum or Sukhumi, is still an open question. In the peace documents, NGOs write Sukhum /i and Stepanakert /Khankendi. However, the competition between spellings continues as long as the zero-sum game is a possibility.

To move from a zero-sum game to a more cooperative game, such as the prisoner's dilemma, would already represent a serious step forward. However, in order to achieve this, all sides have to ensure that some of the

The rhetoric of accusations and enemy image building sometimes transfers into reality.



circumstances are in place. For instance, they should not have any perceived choice to revert to the zero-sum game in the foreseeable future. This could happen if e.g. the war option was simply declared impossible henceforth. The other condition is that the parties involved should feel strong enough to afford a possible perceived loss, e.g. if Turkey and Armenia do not simultaneously attempt ratification of the protocols, each side should still try to ratify the protocols independent of its adversary. Another condition is that all sides should cease to be perceived as a united actor each, and moreover the parties should cease building alliances with the intention to polarize all actors, including international actors. For instance, if Russia indeed would support the outright independence of Abkhazia and South Ossetia, rather than merely swallow them and if Georgia relaxed its bid to join NATO, we would have a more complex, multipolar, or multilateral situation, which would be more beneficial and disaster-proof as compared to further polarization and the current zero-sum game. Similarly, Turkey's decision to attempt a rapprochement with Armenia was probably one of the most courageous steps of the new Turkish government, which is due significantly to the increasing democratization in Turkey. It also demonstrated that despite the memory of the genocide, the Armenian nation is not a united uniform entity. Armenia also includes a pragmatic population, both inside the country as well as among the Diaspora, who distinguish the issue of recognizing the genocide from the need to have positive neighborly relations with Turkey.

Thus, if the Caucasus truly wants to move away from socially constructing the zero-sum game, it must build democracy. A more democratized entity has a greater plurality of internal discourse, a stronger feeling of security, and a lowered intention to continue a zero-sum game. However, as Immanuel Kant wrote centuries ago, interdependence makes democracy in one entity dependent on its level in the other entity. The solution

to the Caucasus conflicts lies in building democracy in the entire region simultaneously and interdependently, based on one united strategy. ■

## Confidence building and the role of civil society as a key element for conflict resolution

Jonathan Cohen



### Civil Society Engagement

Can civil society play a role in conflict resolution? Experience suggests that in many contexts civil society has certainly contributed to the attainment of peace.<sup>15</sup> I would argue that meaningful and sustainable peace is not possible if it is simply the preserve of elites – political leaders are responsible for negotiating and signing agreements, but agreements are not worth the paper they are written on, and will not last, if they are not acceptable to societies. In the South Caucasus rather than preparing societies for the compromises inherent in mutually acceptable peace, leaders have often entrenched communities against one another by ratcheting up levels of antagonism and enmity. As a result it is questionable whether leaders will be prepared to sign agreements that they do not think they will be able to sell to their populations because there is not necessarily

<sup>15</sup> *Owning the process: public participation in peacemaking*, ed Catherine Barnes, Accord: an international review of peace initiatives, issue 13, 2002, Conciliation Resources, London, also *Civil Society and Peace Negotiations: Why, Whether and How They Could Be Involved*, Anthony Wanis-St. John with Thania Paffenholz and Darren Kew. Background paper for International Mediators' Retreat, June 2006 Oslo Forum: Centre for Humanitarian Dialogue, Geneva, Switzerland, and Norwegian Ministry of Foreign Affairs.

Some elements of civil society are far from civil.

a receptivity to the compromises involved. And for the leaders the key issue is whether or not steps in the peace process might jeopardize their position in power.

Often the lack of clarity about the options involved is a key obstacle. In this regard it is often in civil society that people are trying to debate, understand and shape these options and bring them into the public domain. Thus while not a panacea – indeed some elements of civil society are far from civil – the development of civic groupings are a part of the evolution of societies that can talk to themselves and ask hard questions as a means to identify common and shared visions, goals and solutions.

Peace processes are undoubtedly complex and will always follow their own dynamic – no two are alike. But when peace processes are stuck, notwithstanding the efforts of patient and painstaking negotiations, often with the assistance of mediators, a broader perspective of how to get beyond intransigence is needed. There is a need to take a holistic approach and reflect on wider political and social changes that can give peace some traction in violent contexts. Peace processes are not just about the geo-political entanglements of states and their supporters, although inevitably political leaders must attend to the contexts in which they operate both regionally and nationally, but about the aspirations of people who have been the victims of conflicts. Therefore finding ways that permits their voices to be heard and included is critical. In this regard creating spaces for civic engagement and finding paths to bridge divides, not just between leaders but also between societies, is crucial. Civil societies' contributions can be manifold – reaching out to society at large, finding ways to include marginalized groups, engaging with political actors – both those pushing for change and those who might be actual or potential spoilers, and crossing divides.

An important element of the engagement of civil society groupings in peacebuilding and conflict transformation work is in the realm of confidence building. In this

presentation I would like to concentrate not on the role of civil society writ large, but on the way in which confidence building is crucial to the creation of contexts in which peace processes can prosper. Confidence building is an inherent part of creating the right context for negotiations and peace processes to be successful. But I think confidence building is often misconstrued. Let me start with some reflections on what confidence building is:

- Confidence building is about changing relations and behaviour and in this way creating a new context for resolving a conflict. Confidence building measures (CBMs) need to be about steps that can give your opponent confidence in you as a reliable, accountable and trustworthy interlocutor. It can be argued that confidence building is less effective when it is about mutual benefit since such measures can become intertwined with self-interest whereas CBMs should be about the interest of the other so that they can come to redefine how they see you;
- Gestures of political will that signal positive intent can be a significant contribution to confidence building – we should not underestimate the power of symbolism to shift perceptions and change the way opponents see one another because symbolic acts can demonstrate that a party is prepared to take seriously the interests and concerns of its current or erstwhile opponent / enemy. This feeds in to the deep felt need for acknowledgement – addressing grievances so that people and communities can get out of negative spirals that colour their perceptions of those with whom they have been engaged in conflicts is critical. But symbolism also needs substance, which I will come to later;
- Effective confidence building is about demonstrating a commitment to seeing the other side receive a dividend and in doing so the credibility of the demonstrator is enhanced and there is greater confidence that current and future commitments will be fulfilled,

thereby creating a positive or beneficial spiral in relations. Thus confidence building is about honouring agreements so that deeds and not just words can be taken seriously and reshape relationships.

Experience of CBMs in the hands of Caucasian governments and societies is often misconstrued:

- Confidence building is not about demanding something from the other side or expecting them to give you what you want, it is about demanding something from yourself and your own community. To rephrase John F. Kennedy: “think not of what your opponent can do for you but of what you can do for your opponent.” In this way new avenues of discourse can be opened and relations reframed such that over time new opportunities may arise.
- Too often political and official interlocutors in the Caucasus think that CBMs are about outside actors giving them something on a plate, or opponents changing their behaviour and aspirations rather than constructing strategies and patterns of behaviour that can convince the other side that there is a benefit to reconstructing relationships that have been damaged by war – indeed there is a tendency to hide behind delusions that wars were the fault of others and one’s own community was not responsible for what happened and therefore it is not necessary to change one’s own attitudes and behaviour.

Positive intentions can all too easily reflect how one side wants the other to perceive it or how one side wants the other to respond to a gesture rather than judging what is actually in the interest of the other. There is much scope for misjudging the mood of the other in designing CBMs. Perhaps the hardest thing is to genuinely stand in the shoes of the other. It is possible to think that you are doing so but to deceive yourself and nonetheless remain in the space of your own self-interest. This is one of the reasons that genuine confidence building has to be sensitive to considerations of what the other wants and

needs and not whether this will actually benefit one’s own side. This does not mean, however, that a party should relinquish values and goals that are important to it – this verges on capitulation, which will not benefit the building of mutual respect. An effective way to rebuild relations is to cultivate mutual respect and create shared interests so that the parties are not motivated to undermine one another. If a party is more intent on a positional rather than a mutual benefit it will be less likely to build confidence.

Measures that are selfless, that are solely in the interest of the other, can also be received in a sceptical light, especially if they are seen as potentially damaging to oneself. The other will ask why a party is willing to damage its own interests and will not trust such a step. Therefore the challenge is to find measures that can be perceived as being in the interest of the other but not against the interest of oneself. This is not easy and leaves a narrow space for manoeuvre. As this space expands through the development of trustworthiness and accountability then it is possible for the measures to be more expansive – measures can be undertaken at this subsequent phase that would have been rejected if offered at the outset.

Reframing these approaches is an important element of making confidence building a meaningful tool at the disposal of peacebuilding – be it in the hands of government or civil society.

CBMs can be divided in two – military and civilian. This presentation focuses on civilian CBMs since military CBMs are rarely the domain in which civil society operates. UNOMIG and the OSCE Mission made efforts to engage the parties in military CBMs in Abkhazia and South Ossetia respectively. Their efforts underline how military and security CBMs are critical components of the political dimension, for instance in the process of attempting to negotiate a non-resumption of hostilities document between the Georgians and Abkhaz in 2005. Measures to ensure that mechanisms are in place to in-



investigate violations of ceasefire agreements post August 2008 are another example of steps to enhance security that if undertaken could contribute to confidence. Processes such as these highlight how CBMs are about both officials and civil society actors, and can be facilitated by insiders as well as outsiders.

From a political perspective one can identify two key, inter-related and yet radically different aims for implementing CBMs:

- To contribute to creating an environment that would be conducive to an enhanced **negotiations process**; and
- To contribute to a more deep-rooted and extensive process of **conflict transformation**.

These are inter-related and can be mutually reinforcing, but they are also radically different. I contend that an excessive focus on the former, an emphasis on the narrow dynamics of a negotiations process, can constrain if not be detrimental to efforts to achieve the latter, that is a transformation of the conflict generating longer term stability, sustainable peace. Experience in many conflicts suggests that without a more holistic understanding of what peace means elite-level negotiations, in isolation from other significant processes of change that inevitably mean a greater degree of societal and public participation, will have a circumscribed chance of leading to sustained peace: they are an essential but limited stage. To work for the longer term it is essential to think of conflict transformation and the role of civil society.

In doing so some significant issues for CBMs to address include:

- **Reduce Misperception:** governments, opinion makers and the public on the respective sides of conflict divides often base their opinions on wrong, inaccurate or partly untrue information. This creates misperceptions on which decisions that can create negative spirals of interaction are based. Civic actors have been

involved in many initiatives to exchange information – a good example was the newspaper Panorama, edited for several years by one Georgian, one Abkhaz and one British journalist and disseminated in hard copy as well as by internet.

- **Combat stereotypes and imagery that contradicts reconciliation:** the protracted nature of many conflicts and the entrenched divisions, as frequently observed in the Georgian-Abkhaz context, mean that communities that feel they know each other, or knew each other, well, have become very detached from if not alien to one another. Younger generations that have no knowledge of the other all too often do not share common languages and are subject to very different information spaces. The easy and often prejudicial rhetoric of the mainstream media and politicians – often ignoring the fact that their articles and speeches designed to bolster positions or authority within one's own community will be heard across the divide – means that antagonisms are further entrenched. This was the case before August 2008 and remains so now – the frequent reference by Georgian leaders to corrupt and criminal elites in Abkhazia and South Ossetia are not conducive to an environment of engagement with these same elites or the communities they represent. The efforts of the Georgian TV production company Studio Re to make films, either with Abkhaz colleagues or about Abkhazia, have challenged audiences to reflect on their assumptions and stereotypes, providing glimpses of environments that have become all too “foreign”.

- **Build trust:** there have been very few interactions between officials or social institutions across the divide over the past fifteen years. There are some contacts between NGOs, often working through international partners – such as Conciliation Resources, International Alert, Heinrich Boell Foundation, the University of California (Irvine), the Berghof Foundation and Kvinna til Kvinna. Such contacts have done a

Prejudicial rhetoric means that antagonisms are further entrenched.

great deal to create relationships that can be critical and yet respectful but officials have been limited to the infrequent meetings of working groups in the formal negotiations process or occasional participation in civil society processes. What has been lacking has been the opportunity to build trust and mutual respect through working on common challenges.

- **Dialogue and joint analysis:** the parties need to talk things through and understand the strategic thinking of the other – not only issues connected with the conflict but also far broader issues of bilateral relations as well as global challenges. A process of joint analysis can help sides break out of the mutual mental blockades that appear increasingly necessary for bolstering the parties' own positions as a result of the conflict. Effective dialogue processes can play an important role in providing space for creative problem solving. Such track 1.5 (officials taking part in informal capacities) or track 2 (civil society) processes can offer much, but they do not deliver peace, but a critical role is to support track 1 (official negotiation) processes, and when these are flawed, as has been the case in the Caucasus, the impact of other tracks will be diminished. The Schlaining process – a series of twenty informal meetings between Georgian and Abkhaz politicians, officials and civic actors from 2000 to 2007 provided an opportunity for all critical issues in the peace process to be rigorously examined. It also provided a space for key actors to develop relationships. These contacts and debates fed into the formal process as well as generating documents such as a concept note produced in 2003 by a group of Georgians (including the current speaker of Parliament) liaising with the National Security Council and outlining the most far reaching suggestions for resolving the conflict, several of which were taken up by President Saakashvili in his March 2008 proposals.

- **Break taboos:** for example travelling across lines of hostilities. This needs close cooperation with state

authorities, but it is often better left to civic actors because when undertaken by state actors it becomes caught up in formal processes and often has little follow-up. An example of the latter has been two trips between Baku-Stepanakert-Yerevan sponsored by the Armenian and Azeri governments in 2007 and 2009, both of which had momentary social resonance that then faded away, losing the opportunity to have a significant positive impact and in fact leading to scepticism about the real intent of the authorities towards the peace process.

- **Importance of single community work:** changing the way people think and behave is critical to confidence building. However, before one can think of engagement with the other perhaps the most critical element of confidence building is the internal dialogue that has to prepare one's own side for engagement across a divide that has been shorn by violence. All too often the failure to undertake adequate self-analysis undermines measures that are intended to manifest good will but in the end play on antagonisms. At the same time recognizing the need for interlocutors on the other side to address issues within their own community and giving them the space to do so can be a powerful message. It can also contribute to them becoming more skilled, confident and therefore effective interlocutors. If a mutually acceptable outcome is desired it is necessary to have effective interlocutors from the other side, whereas the desire to engage with weak and ineffective interlocutors comprehensively goes against the spirit of CBMs, let alone the prospect of a sustainable resolution. In regard to civil society work it can also be a way to promote the creation of constituencies that are more oriented to pluralism and tolerance, which can thus be more receptive to the aspirations and concerns of the other side as well as be better placed to scrutinize the governance in all sphere, not just in relation to the peace process, of their own authorities. In this light providing space for



single community work is an important component of recalibrating and later rebuilding relationships.

In implementing initiatives to address the abovementioned issues there are several challenges. One that has already been mentioned is timing: for a CBM to be effective it is necessary to consider at what point in a process to deploy it, whether the other side is receptive and if not what this will mean for the idea / measure. A good example of the timing not being conducive was the above mentioned presentation by President Saakashvili in March 2008. Coming a few days before the NATO Bucharest summit the proposals, which on several fronts were a positive departure from earlier ones, were perceived by the Abkhaz as being aimed at an international audience to gain political advantage, and not as a set of measures to help redefine Georgian-Abkhaz relations.



While objective CBMs aim to create empathy, understanding and linkages, tremendous patience is required. The relations that require rebuilding have been shattered by violence and often long periods of hostilities and antagonistic perceptions. In the face of this, efforts to reconnect these severed sinews through CBMs are not always conducive to the pressures that politicians face as a result of electoral cycles or the pledges made to populations in order to garner votes or consolidate support (keeping in mind that internal political dispensations can be very fragile in the aftermath of violent conflict when CBMs are undertaken). A party seeking to employ CBMs as a means to transform relations needs to consider how it will sell this strategy and the ensuing measures to different audiences: interlocutors across the divide with whom there is a desire to transform relations; actors within one's own political community-opponents and supporters, politically active and passive sections of society; those with direct influence, those with constituencies that have circles of influence, those who have the courage to cross lines and potentially face rebuke in their own communities, those who are obstructive and exert a veto – all are relevant players and

can support or obstruct nascent measures. None of these constituencies are monolithic, on the contrary there will be factions and internal divisions, even among supporters, let alone among opponents.

Frustrations that CBMs present a soft approach that fails to address concerns such as security, sovereignty or the need for redress among displaced peoples is another challenge. Parties to a conflict might see CBMs as a means to delay addressing the hard issues or their central demands and it is important that this concern is taken seriously: CBMs can facilitate a more constructive and productive process of dealing with hard issues, they should contribute to creating an environment in which it is more conducive to get to the nub of the problem. But it has to be recognized that parties are threatened if they feel that there is no scope to move on big issues.

This can challenge politicians to demand premature linkages and a rush to premature joint engagement, which can undermine the longer-term prospects for this to occur. It is sometimes necessary to be prepared to see efforts pursued separately or in parallel in order to prepare the conditions for joint initiatives to be undertaken. But confidence building must not be reduced to the nuts and bolts of specific “projects”: these are a means to contribute to the end, which is changed behaviour and changed attitudes. But, projects supported by local, national or international NGOs are often the way in which CBMs are undertaken. It is important to find ways to create supportive linkages and channels of communications between civil society led CBMs and governmental strategies that might be more or less receptive to such undertakings. It is also important to recognize that the implementation of CBMs is a serious business. Every single detail needs to be addressed thoroughly and even then the chance of something going wrong is above average. Sound organization; adequate funding; proper security arrangements; a strategy for working with the respective authorities and being conscious of the relationship between transparency and confidentiality;

and clever media management, need to be part of the planning and implementation of CBMs.

### Political Context of Confidence Building

There is an inherently political context to confidence building – this is not an endeavour that can be divorced from politics. Confidence building is about reshaping relationships that have been damaged if not destroyed by violence. It is often framed as being about people to people contact and one hears officials say that it is important to “keep the politics out”. But it is naïve to think that such contacts occur outside political contexts. The people who are contacting each other, be they civil society representatives or representatives of any sectoral interest (e.g. farmers, business people) are often those who have lost family members and livelihoods; they are individuals and families with grief, grievances and aspirations. Utilising them as pawns in a political game can be both disrespectful as well as politically incautious. Therefore designing confidence building requires attention to individual, community and political motivations and influence.

Observing the experience of the Georgian-Abkhaz conflict one can see that confidence building has long been marginalized from the political level of conflict resolution processes. Notwithstanding the efforts of the UN to engage the parties in measures that could build trust, such as the Yalta, Istanbul and Athens CBM meetings, or an organization like Conciliation Resources organising over 25 meetings between Georgian and Abkhaz politicians and officials, the political context has long been characterised by mutually undermining actions by the parties that have been driven by efforts to unilaterally achieve one’s own objectives without an adequate response to the needs and fears of the other. What we have witnessed for many years is governments taking the notion of confidence building out of cold storage from time to time when it appears that it could be a useful tactic, but there has been no strategic commitment to

confidence building as a sustained policy to change relations and behaviour, rather it has been used as a catch phrase, a means to curry favour with internationals but not to alter one’s own behaviour. One has to ask how effective confidence building can be when states engage as part of the power play of seeking to attain their desired end and not a mutually acceptable outcome?

In the above context the political effectiveness is limited, but confidence building work has been alive and kicking in a myriad of civil society initiatives. Partnerships between local, national and international NGOs are a form of accompaniment that can provide long-term support. Their efforts to undertake joint research and analysis initiatives, study tours, dialogue meetings among marginalized constituencies, sectoral groups – such as business people – or bringing civic and political actors together, media partnerships to produce films, radio programmes, books and newspapers, can add a creative dynamism to environments that sometimes remain traumatized by war long after the fact. Such initiatives have touched many spheres, including trade, education, youth, gender, displacement and refugees, cultural heritage and dealing with the past. And communities have engaged in confidence building through their own endeavours, not only at the instigation of outside actors or organized civil society: divided families have transformed their efforts to reconnect into wider social processes; people engaging in trade have done so with a profit motive but also conscious that in markets such as Sadakhlo or Ergneti peoples were able to meet across divides and maintain connections and common interests.

While all these varied efforts have not achieved the global goal of transforming the conflicts and have struggled to assert influence over the political discourse, they have created or sustained cross conflict relationships of mutual respect and a willingness to cooperate that even now have survived the hostilities of August 2008. These are relationships that one day will be the social glue on which transformed societies can be built. Indeed, when

Partnerships between local, national and international NGOs can provide long-term support.

accusations are made that these civil society confidence-building efforts failed the appropriate response is in fact that these relationships did not fail but official diplomacy and an approach to conflict settlement, not resolution, driven by geo-politics and positional military confrontation did fail.

Post-August 2008 we are now presented with a new and tougher reality and a very different time frame for resolving the conflicts. Therefore while confidence building can help to create the atmosphere for change, without the will and courage to undertake realistic and thorough assessments as to why the August war occurred, this change will only be surface-deep.

What can reconciliation and rebuilding trust mean in the new context? The notion of CBMs needs to be reinvigorated but we need to get beyond simplistic ideas. For instance, there has long been an argument that an economically vibrant Georgia will act as a magnet for Abkhazia – impelling the population there to feel that its interests can best be met within Georgia. This may or may not be the case, although pre-August 2008 it was unlikely and post-August it is an even more fanciful notion. However, the argument for mutual economic interest as a core driver for CBMs can be put in context by the experience of the Inguri Hydro Electric Plant. Despite the unresolved conflict the plant continued to operate through very difficult times from the immediate post-war (1992/93) period because both sides received significant, indeed crucial, benefits. This continued operation did not, however, serve to change relations between the parties or make a different outcome of the conflict more likely. Perhaps the reason for this was that the economic interest was not linked to politics or a wider process. Therefore while some individual relations were changed or sustained (in a positive sense) the operating process does not bring greater understanding to the sides more generally even if it did meet some of their economic interests. This continues to be the case – the energy is still needed by both sides but the operation

of the plant is still open to speculation and it is very rare that the joint dividends are represented as a result of joint endeavours. This suggests that there is scope for building on joint economic interest but CBMs are about changing peoples understanding of one another not just about producing short-term benefit, and different strategies are required to do the former and the latter.

### Concluding thoughts

- Peace is not possible if it is simply the preserve of elites.
- Civil societies in the region remain fragile and certainly will not “bring peace” but at the same time without the efforts of civic actors to challenge taboos, broaden horizons and cross boundaries to engage with the perceived enemy (despite the risks this entails in terms of being accused of betraying national interest back home) there is little hope that new relationships can be forged.
- When governments try to take control of such initiatives they generally lead nowhere – governments are often perceived as being far from sincere when they do this: they might be seeking political gain from donors, allies or electorates (all legitimate objectives) but they are not necessarily seeking to change behaviour and attitudes which is core to the sustained commitment to work on CBMs for the long-term.
- It is clear that the alienation between peoples, the lack of awareness of the lives of others, is intensifying. The majority of people living on the ground in Abkhazia and South Ossetia cannot envisage how they can live within a Georgian state any longer: talk of reconciliation can easily be perceived as preaching a pernicious and alien religion at the present time and the ‘international community’ needs to be very wary about how it engages so that new divides are not further entrenched.

- If confidence building is seen only in the light of the provision of technical skills or good will of citizens then it will be a crop sown on very infertile land – technical capacity has to go hand in hand with a willingness of state strategy to be based upon the notion that confidence and mutual respect are an integral part of a conflict transformation processes.
- Conflict transformation is a far from monolithic task – it demands creative and multifaceted approaches working at different levels of society and empowering a range of actors to take responsibility for what change could look like in their own societies. Governments and politicians need to engage with what civil society has to offer – not to control it but to harness the creativity; and civil society needs to both scrutinize government and hold it to account but be prepared to work in tandem with it to define meaningful responses to problems that are often intractable.
- My concerns about CBMs being undertaken in isolation should not diminish the utility of initiatives that promote cooperation. On the contrary, cooperation is an essential component to changing patterns of behaviour and attitudes. But if it is not accompanied by significant changes in other domains of support and strategy (defence/security/military assistance; economic and structural reform support; political support) then its success will be considerably diminished because the improved relations will only operate on a very narrow frame and will very easily be supplanted by other attitudes and patterns of behaviour that undermine notions of reconciliation. ■

## “A Georgian Conundrum: Ten Versions on the August 2008 War”

George Khutsishvili



### What Happened in August 2008? Ten Versions

Reintegration of Abkhazia and South Ossetia and reconciliation with the populations had long been on Georgia's agenda before the five-day war broke out with Russia in August 2008. For many years there has been great frustration with the protracted and ineffective peace process.<sup>16</sup> Then why did the Georgian leadership decide on such an unlikely and apparently senseless act as attacking Tskhinvali and declaring the city “liberated” when the result was still unclear? Russia's 58th Army in North Ossetia had just performed large-scale exercises and the Roki Tunnel, a lifeline connecting Russia with South Ossetia, was under Russian control. Several interpretations developed in the Georgian and external political discourse with regard to the events of August 7 and 8. These were discussed with different degrees of intensity and credibility, but all deserve to be mentioned, as they create a spectrum of the imaginable. The list begins with the more conservative analyses and continues on to more unlikely and shocking interpretations.

- The war was the result of an ‘inadequate and incompetent management’ in response to Russian provocation (polite interpretation supported by a benevolent segment of Georgians);
- The war was the inevitable outcome of Russia's previous actions (the interpretation officially supported by Georgia);

<sup>16</sup> Cf. Khutsishvili, George. The Abkhazia and South Ossetia Cases: Spoilers in a nearly collapsed peace process. In Edward Newman and Oliver Richmond (eds), *Challenges to Peacebuilding: Managing Spoilers During Conflict Resolution*. Tokyo-New York-Paris: UNU Press, 2006, pp. 282-300.

- The catastrophe was caused by wishful thinking and groupthink – it lost the sense of proportion and reality on the Georgian side (proposed by Western and Georgian experts);
- It was a failed trade-off – there was an alleged agreement, by which South Ossetia was promised its legitimacy if Georgia gave up Abkhazia, yet Georgians were cheated again (short-lived interpretation);
- The US military was involved in the Russian invasion (conspiracy theory supported by anti-American segment of Georgian society);
- The war was provoked by entities in East Europe and post-Soviet space – Georgia was encouraged to confront Russia and was promised EU support (another conspiracy theory);
- The war was a laundering of mismanaged defense funds (interpretation held by some Georgian economic experts);
- The war was used as a tool for activation of international aid as a result of the collapsing economy and world financial crisis (interpretation held by some Georgian economic experts);
- The war was an attempt to instigate a global/East-West military confrontation or at least a recurrence of the Cold War where Georgia would play a pivotal role (conspiracy theory);
- Saakashvili consciously played a Russian game – he masterminded his own defeat and played into Putin's hands (another conspiracy theory).

**Each interpretation will now be discussed in detail.**

- As a result of an intricate Russian trap<sup>17</sup> (Putin's domashnie zagotovki), Georgian leadership responded to armed assaults of Ossetian militia on Georgian-populated villages in South Ossetia as part of a desperate attempt to intimidate separatists and protect the

Georgian villagers. There were indications that the Russian peacekeepers would not interfere.<sup>18</sup> Most evidence suggests that such an operation did not actually require entering and occupying Tskhinvali with the entire Georgian military.<sup>19</sup> The Georgian army was unable to occupy or hold positions in the town<sup>20</sup> and the entire operation was doomed due to poor management, which was clear even before the heavily equipped Russian 58th Army entered the territory on August 8.

- The second version excuses the Georgian government from any fault or mismanagement and does not consider the war to have been a military failure for Georgia. This is the official story given by the Georgian leadership and its mass media since August 2008. According to this interpretation, the whole chain of events was inevitable, the casus belli was instigated by Russia, the Russian army had already 'invaded' by August 7, and Georgia was forced to respond to the external military aggression by protecting the country's sovereignty from an overwhelmingly stronger aggressor.
- Less discussed at the time, however, now considered more probable, is the interpretation, which claims

<sup>17</sup> In retrospect, Russian TV's broadcast of Putin's words were perceived in Georgia as a threat that had materialized in the August war.

<sup>18</sup> Head of the CIS Peacekeeping Forces General Kulakhmetov reacted on August 6 to the growing tension with a statement that the PKF would not interfere if a conflict broke out. This was interpreted by some analysts as a sign of a deal achieved between Georgian and PKF, however, spurious.

<sup>19</sup> According to the State Minister Temuri Yakobashvili, Tskhinvali was a gate to the Georgian-populated villages, and without taking and withholding it the task of creating a protective shield would fail. This argument is dismissed by both military and civilian experts (cf. the Tagliavini Commission Report as well as Independent Experts Club research "Crisis in Georgia, 2008: Pre-conditions, Reality, Perspectives". Tbilisi: Friedrich Ebert Stiftung, 2008).

<sup>20</sup> In the evening of August 7, Saakashvili announced that Georgians controlled the whole of Tskhinvali and most part of South Ossetia was under the Georgian army's control. However, historical facts deny these statements.



that Saakashvili and his team had already decided upon war by the summer of 2008. The Georgian army was well trained and equipped, the newly elected parliament was dominated and controlled by the ruling party and would support Saakashvili's decisions, the critics and political opposition were sidelined, the population was frustrated by the international community's inability to resolve the conflict, and the government-controlled media was able to broadcast the desired coverage. All the components were available for a unique opportunity to aggressively restore the country's territorial integrity, including the 'dead season' of August and the Beijing Olympic Games to serve as global diversions. There were however, obstacles as well. The US and the EU had given categorical warnings to Georgia against any such actions, however, Georgia considered this obstacle manageable. Georgia was tempted to take advantage of such a rare constellation of favorable circumstances. The loss of the sense of reality resulted from non-transparency and a closed-door practice of strategic decision-making by a small group of loyalists clearly suffering from groupthink.<sup>21</sup>

- As the dramatic events of August 7-8 unfolded, this interpretation considers what Saakashvili was counting on in terms of a trade-off or trump that could be used at the right moment. As variants of a possible trade-off gained publicity, people even considered a return to Russia's sphere of influence, but more often wondered if Russia is abandoning South Ossetia in exchange for

<sup>21</sup> Cf. Wikipedia on the phenomenon psychologists refer to as "groupthink". As a result of the closed-circuit wishful thinking and disregard for external opinion, a distorted world outlook formed and Georgian press swelled in pre-August years with quoting War Hawks in high places e.g. "We now have the army with which we can reach Moscow"; "Russia is in agony"; "Isn't it time to declare war on Russia?"; "Russia's demolition already started in Northern Caucasus", etc. After the defeat in August, one of the same officials confessed to foreign journalists they couldn't believe "Russia would go that far in its response".

Abkhazia. This short-lived interpretation was soon dismissed after the days of the conflict.

- This interpretation maintains that despite the official warnings by the Bush cabinet, some War Hawks in Washington and in NATO circles may have encouraged Georgia to wage war against Russia. This interpretation, which can be classified as a conspiracy theory, claims that the war was used to test new weapons and to probe Russia's preparation for war and capacity for swift military action.
- Some Georgian analysts have offered the following interpretation of the strong continuous support of Georgia against Russia by Lithuania, Estonia, Latvia, Poland, and Ukraine (in descending order of strength). In post-Soviet Eastern Europe, Russia has been perceived as a formidable actor trying to reassert its old sphere of influence, which in itself rules out an open confrontation. In an attempt to undermine Russia's strength, the vulnerable, post-Communist states encouraged Georgia's actions. Supporting Georgia in that way would highlight the Eastern European state internationally as a more rational player and even allow the state to serve as a benevolent mediator to a more resolute and reckless partner. Hence, the Eastern European states issued no friendly warning to Saakashvili's action in August 2008; they only provided encouragement even despite the desperate situation.
- This interpretation claims that the war was a large-scale money laundering operation. The Georgian leadership knew about the mismanaged oversized military budget (over one billion dollars in the first half of 2008) and decided to write it off in a battle that had no chances for success, but could raise international sympathy. NATO no longer had to be cheated about the Georgian army standards and this would avoid any investigation into the purchases of outdated and damaged equipment.

Eastern European states issued no friendly warning to Saakashvili's action in August 2008.

- Economic stagnation and threats to stability of budgetary and national currency in light of the rampant global financial crisis caused Georgia to seek large amounts of foreign aid quickly. After the August war, Georgia received 4.5 billion dollar in recovery aid, which helped Georgia avoid bankruptcy. Some analysts argue that this tool will be tried repeatedly in the future.
- This interpretation identifies a global plot that attempted to instigate an East-West confrontation, Third World War, or at least a relapse of the Cold War. A confrontation of the US and Russian navies in the Black Sea would result in a situation resembling the Cuban Missile Crisis of 1962, with unpredictable consequences. This version dwells on a psychological picture of Georgian leaders, who are irresponsible, adventurous, and possessed by global ambitions.
- A final conspiracy theory purports that there has been a hidden rapport between Saakashvili and Putin. For years, under the disguise of militant rhetoric, Saakashvili has been playing into Moscow's hands, transferring control over strategic objects and energy sources in Georgia to Russian state-controlled companies, and finally had to participate in finalizing the Russian plan of annexation of Abkhazia and South Ossetia, along with curbing the NATO expansion to the Russian borders.

These versions have been considered at different times with different degrees of credibility; some of them are mutually exclusive and a few interpretations have already been dismissed by experts. Out of the ten versions, the third interpretation seems most probable in its entirety. In order to consider a hidden factor in the behavior of Saakashvili (a factor that might explain otherwise inexplicable moves and provide coherency), one must analyze a broad spectrum of issues shaping the current fragile reality and the foreseeable prospect.

### On the Internal Political Situation in Georgia

After the 'rose revolution' of November 2003, there was renewed hope for the solution of long unresolved conflicts and the development of new global markets. For Russia the change of power in Georgia contained both the risk of a further Western influence as well as the advantage of beginning negotiations with new leaders unmarred with Shevardnadze's unpopular image as a 'destroyer of the empire'. In the breakaway regions of South Ossetia and Abkhazia, cautious expectations emerged about speaking to new leaders 'unstained with blood of war.' Saakashvili reacted with enthusiasm to these claims, calling himself "a guarantor of the interests of Russian business in Georgia" and "President of Ossetians and Abkhaz in service of their security and development." However, in the summer of 2004, a sudden change of tone occurred for no apparent reason; a power operation was launched, which aggravated the quiet situation in South Ossetia, and Russia was declared to be the top foreign enemy of Georgia.

Years passed, and there are no longer great expectations for the color revolutions as 'beacons of democracy.' Georgia's government is a closed, self-centered power conglomerate that largely neglects its society's concerns and reactions. The government is attempting to build an inconsistent state system based on the domination of power structures and an imbalance between the branches of government. The parliament is weak, the courts and mass media are not independent, and the president has excessive power. This is essentially a "team rule" characterized by groupthink that has already been detrimental in a number of critical situations.<sup>22</sup> Leaders who left 'the team' were immediately labeled as traitors, however, 'the team' continues to maintain the image of a virtual unity by means of its president.

After the 'rose revolution' of November 2003, there was renewed hope for the solution.

<sup>22</sup> It suffices to mention the catastrophic aggravation of government opposition confrontation during the mass protests of November 2007 that caused mass repressions and snap presidential elections and the manner, by which decisions were made in the days of the August war.

In a way, there is a fertile ground in Georgia for political experiments if one considers its past and the legacy of public consciousness. Double standards, imperial domination, and the artificial election system of the Soviet Union deepened Georgian society's perception of the futility of any public activity, the inevitability of authoritarian power, and a general distrust for any sort of a liberal rule. Polls have shown that, despite an urge to find a solution to the Abkhazia problem, a unitary state has always been the preferred model for Georgia, and federalism was never considered. There has been no public consensus demonstrated for any concrete schemes for reunification.

The most disturbing manifestation of the post-revolutionary power phenomenon in Georgia is the decrease of confidence that the society has in the Georgian government and the perceived negligence of the government in regards to this issue. There seems to be little understanding of the potential danger of dividing the Georgian society. Georgians have suffered through many decades of totalitarian rule, have not had experience with democracy, and are generally unprepared for self-organizing to defend their rights, ensure fair elections, or utilize public protesting to promote necessary changes. Approval ratings are sinking and emigration levels are rising.<sup>23</sup> The weakness and disorganization of the political opposition alone fail to explain the deceptive stabilization that President Saakashvili's team was able to create after the politically tumultuous spring and summer of 2009. Other factors that contributed to this were wide-spread frustration and nihilism, enhanced by the apocalyptic pictures propagated by the government-controlled television broadcasting.

<sup>23</sup> In early 1990s almost a million Georgians settled abroad, mostly in Russia, as there was a smaller language barrier there and the conditions were familiar and adaptable. Currently, it is not the actual number of immigrants that is of concern, but rather the wide-spread frustration.

### Georgia and the Breakaway Regions

A source of confidence for Georgians is their historical ownership of the territories of Abkhazia and South Ossetia.<sup>24</sup> Damaged national pride and the defeated small nation syndrome prevented the wider public from encouraging civil society groups to maintain the opportunities of public diplomacy and from properly utilizing the rare cases of restored trust. Russian interference was blamed for what happened between the populations (allegedly, relations with Abkhazia and South Ossetia would have easily been restored if Russia had not supported the separatists) and the only perceived solution was greater pressure on Russia from the international community and the accelerated process of Georgia's admittance to NATO. Since 2003 very little attention was devoted to building relations or at least maintaining communication with the breakaway provinces; relations have gradually deteriorated and the walls between the populations grew. Russia's recognition of the territories further solidified these barriers.

Both the elite and the public in the breakaway regions hold the opinion that Georgia has not acted properly for the reconciliation offer to be taken seriously. Georgia has not officially acknowledged in the entire post-Soviet period any share of responsibility or expression of regret for the nationalistic policies that caused casualties, alienated Ossetians from Georgians, and caused the Georgian-Abkhaz war in 1992. Despite the legitimacy of Georgian concern and the humanitarian crisis of 1993, Georgia could have offered more to the separatist populations. This would have increased credibility and helped to build confidence between the conflict parties, regardless of the possible Russian resistance to the process.

<sup>24</sup> Georgia considers Abkhazia and South Ossetia (Georgians use the terms of 'Samachablo principdom' for the center and Shida Kartli for the region) as integral parts of the historically formed Georgian state.

Gamsakhurdia, Shevardnadze, and Saakashvili were very different as leaders, but they all acted in accordance with certain radical groups in Georgian society by not compromising with separatists. A more diverse public that was tolerant to peace-building efforts gradually lost its confidence. By the summer of 2008, the population was tired of the sluggish peace process and desired a forced solution.

#### **Georgian-Russian Relations after August – a Continuous Crisis**

As a result of the August 2008 war, relations between Russia and Georgia have deteriorated further and reached a point of almost complete alienation; diplomatic relations with Russia have been broken, any economic or cultural communications have become scarce, and the chances of renewed hostilities remain high. The post-war developments have had regional implications by slowing down the integration of Georgia into the Euro-Atlantic space, which corresponds with Russia's aspirations to halt the expansion of NATO to the post-Soviet area.

The Tagliavini Commission Report highlights the responsibility of all sides involved in the conflict. "The shelling of Tskhinvali by the Georgian armed forces during the night of 7 to 8 August 2008 marked the beginning of the large-scale armed conflict in Georgia".<sup>25</sup> The report stresses here that Russia had originally created tension and during the August confrontation extended military action to greater parts of the country outside the acknowledged conflict zones. As the report continues, "consequently, it must be concluded that the Russian military action outside South Ossetia was essentially conducted in violation of international law".<sup>26</sup> Although

The population was tired of the sluggish peace process and desired a forced solution.

<sup>25</sup> Report of the Independent International Fact-Finding Mission on the Conflict in Georgia, September 2009, Volume I, p. 11.

<sup>26</sup> Ibid, p. 25.

the report is otherwise comprehensive and balanced, it does not pay enough attention to the cornerstone issue of the Russian justification of its strategy, which blames Georgia for the events of August: the international concept known as the responsibility of the state to protect its citizens or shortly, the Responsibility to Protect.<sup>27</sup> This concept refers only to the responsibility of a state to protect its citizens within its own borders. The same concept had been manipulated by Russia in pre-war years by distributing Russian passports in territories officially recognized by Russia as belonging to a different state. Russia then considered the Russian passport owners to be Russian citizens and thereby interfered in the domestic affairs of the third party state. This was done under the pretense of protecting Russian citizens, but was actually used to fulfill geopolitical goals.

The prospects of resolving the Georgian conundrum remain unclear. The Georgian leadership portrays itself before the Georgian people as possessing leverage to pursue a tough line towards Russia, while there is no more active external support to it. A simple reasoning reveals a simple truth: all the processes that might reduce tensions and threats, lead to trust-building, normalise relations and create a chance of restoration of integrity in future are sacrificed to the political well-being of current leaders who cannot communicate with each other, and the societies are compelled to reconcile with that. ■

<sup>27</sup> See the UN General Assembly Output Document of 2005, the materials of the International Coalition for the Responsibility to Protect (R2P), and clarifications made by the initiator of R2P Dr. Gareth Evans, former Chair of the International Crisis Group (ISG).

## The Role of the OSCE in GEORGIA: Limits and Achievements

Pascal Heyman



The purpose of this article is to describe and analyze all peace-related activities of the OSCE in Georgia.

The article consists of 4 parts.

- The first part is a short chronological description of the evolution of the OSCE role in Georgia – Restoring peace: The role of the OSCE on the ground.
- The second part – Exploring the frail grounds of peace(building) in Georgia – brings into focus the tensions emanating from the stalling negotiating formats as well as inquires into the epistemic changes – both domestic (Rose Revolution) and international (the Kosovo factor and NATO enlargement).
- The third part – When peace (building) efforts falter – addresses the August 2008 war and its impact on OSCE activities in Georgia.
- The fourth – and concluding – part examines the Geneva Discussions and identifies possible ways of enhancing the effects of peace building (including in the context of the Corfu Process).

### 1. Restoring Peace:

#### The Role of the OSCE on the Ground

#### Peacekeeping Operation

The Georgian-Ossetian armed confrontation ended on 24 June 1992 when Georgia and Russia signed the Sochi Ceasefire Agreement, which foresaw the setting up of a Joint Control Commission (JCC) entrusted with monitoring the cease-fire. A tripartite JCC (Georgia, Russia and North Ossetia of the Russian Federation) decided to deploy on 14 July 1992 a Joint Peacekeeping Force (JPKF) consisting of three battalions of up to 500 servicemen each. In 1994, the JCC was transformed into





a quadripartite body, comprising additionally the South Ossetian participants. It redefined the principles of the JPKF operation by creating a position of JPKF Commander – from the Russian Army and subordinated to JCC decisions – and by defining a reduced geographical area of responsibility of the JPKF. In practice, South Ossetian soldiers have always manned the North Ossetian battalion of the JPKF.

### **OSCE Mission to Georgia**

The OSCE Mission to Georgia was established in December 1992 to assist with the settlement of the Georgian-Ossetian conflict and to monitor the activities of a joint peacekeeping force deployed in the post-conflict area. Politico-military activities constituted the core of the Mission mandate. The implementation of these activities changed a first time in 1994 when conflict resolution mechanisms were established with the participation of the Mission (see part 2). The mandate of the OSCE Mission was further altered in 1997, when the Mission set up an OSCE Field Office in Tskhinvali, in the zone of the Georgian-Ossetian conflict. This permanent and multi-dimensional presence in the conflict area allowed the Mission to promote (i) the collection and destruction of small arms, (ii) co-operation between the law-enforcement structures of the sides, and (iii) the emergence of civil society activities.

The profile of the Mission changed considerably in December 1999, when it established a Border Monitoring Operation to observe and report on movements across the border between Georgia and the Chechen (from December 1999), Ingush (from December 2001), and Dagestan (from December 2002) Republics of the Russian Federation. This operation helped prevent a spill over of the Chechen conflict into Georgia and reduce tension between the Russian Federation and Georgia. The Border Monitoring Operation was run in isolated mountainous areas where civilian monitors could only be rotated and supplied by helicopters. It was run in all

seasons over a period of four years. Following the closure of the Border Monitoring Operation on 31 December 2004, the Mission used its experience and expertise on border related issues to launch extensive assistance to the Georgian border police. The Mission provided expertise to assist in the institutional reforms of the border structures and in particular in its transformation from a conscript department of the Defense Ministry to a professional contracted service within the Interior Ministry. It also conducted extensive border police training.

Not all OSCE participating States agreed that assisting the Georgian Border Police was in line with the Mission's mandate. The latter did not specifically task the Mission to address border related issues. On the other hand, it clearly entrusted the Mission to "assist in the development of legal and democratic institutions and processes". As the matter remained an open and at times controversial question, the border related activities of the Mission were in the last years supported through extra-budgetary contributions. A major achievement of the Mission in the field of borders was to promote co-operation between the Georgian Border Police and partner border management agencies of some of the neighboring countries.

The expansion of the Mission's mandate to include activities in the second (Economic and Environmental) and third (Human) dimensions of security was decided in 1994. Implementation, however, was a gradual process influenced by domestic developments, a trend in the OSCE to move resources increasingly from the Balkans towards the east, as well as in consideration of the priorities set by successive OSCE chairmanships.

### **The Silent Success Story: Economic Rehabilitation Programme**

The last major change in the mandate of the Mission was a launch by the Belgian OSCE Chairmanship in 2006 of a large economic-rehabilitation programme (the ERP) in the zone of conflict. The ERP was meant to reverse a pro-

cess of division on the ground. Experts and companies from both sides jointly implemented projects of mutual interest in the fields of infrastructure rehabilitation and economic development. Progress and obstacles were discussed in a steering committee, which comprised representatives of the parties and facilitators, and the donors. Worth some €7.8 million, the ERP was a major tool for building confidence and for trying to foster a climate favorable to political dialogue. It was designed in co-operation with the parties and facilitators, following a revival of hostilities in the summer of 2004. Putting an end to this re-ignition of violence and creating positive dynamics is one the most remarkable achievements of the Mission.

## **2. Exploring the Frail Grounds of Peace (building) in Georgia**

### **Stalling Negotiation Frameworks: the Joint Control Commission (JCC) and Political Talks**

Dialogue between the parties took place within two quadripartite mechanisms: the JCC (administering the status quo) and the Groups of Political Experts (political talks). The OSCE participated in the two negotiation frameworks, but only with the status of an observer.

#### **Political talks**

The Groups of Political Experts finalized in Baden (Austria) in 2000 a draft “intermediary document”, which envisaged an autonomous status of South Ossetia within Georgia in exchange for Russia being the guarantor of the temporary status. However, Georgia requested involving additional guarantors and the “Baden paper” remained a draft. The political experts continued to meet until 2003 but the South Ossetian side refused reopening the “Baden paper” and the Russian side suggested shifting the discussions to confidence building measures. After Baden, political topics disappeared from the negotiations. This also coincided with (i) Georgian State governance losing its strength, (ii) the Russian-Georgian

relations deteriorating (including over the Pankisi issue), (iii) smuggling activities flourishing in the zone of conflict, (iv) changes in the South Ossetian leadership, and (v) Ossetians acquiring Russian passports.

### **JCC: Administration of the status quo**

The JCC was composed of Georgian, South Ossetian, Russian and North Ossetian representatives. Whilst the JCC mainly focused on supervising the JPKF operation and on sharing police checkpoints, it also explored activities in the fields of joint policing, collection of small arms, and of rehabilitation and repatriation. The OSCE Mission contributed to these activities, mainly with financial support from the EU.

The talks in the framework of the JCC proved increasingly difficult. As time passed, Tbilisi found itself increasingly discontented with the negotiating structure, which Georgia considered to be a Russian-dominated format. The last meeting of the JCC, after a break of more than one year, was held in October 2007, hosted by the OSCE in Tbilisi. Following this meeting, dialogue between the sides became almost impossible. Georgia continued to insist on a rebalanced negotiating framework with an upgraded participation of the European Union. Tbilisi proposed to replace the JCC by a new 2+2+2 format, which would comprise Georgia and Russia, (2), the Temporary Administrative Unit of South Ossetia led by Dimitri Sanakoev and the Tskhinvali authorities (for details, see next page) (2), as well as the OSCE and the EU (2).

### **Growing insecurity: lack of arms control mechanisms**

According to the JCC protocols, heavy weapons were forbidden within the areas of responsibilities of the JPKF, except for the peacekeepers themselves. However, there were no restrictions imposed on the police forces, neither in terms of manning, nor in terms of equipment. As a result, the parties gradually reintroduced security forces and military equipment under the cover of special

Tbilisi found itself increasingly discontented with the negotiating structure.

police and/or militia units. Several proposals were put forward both within the JCC and the OSCE framework for introducing arms control measures. In particular, several OSCE participating States including Georgia supported an increase of the number of unarmed OSCE Military Officers and an expansion of the OSCE monitoring of, if not the Roki tunnel, at least the Didi Guphta bridge, with a view to ensuring international control of an alleged flow of weapons into South Ossetia from the north. On its part, the Russian Federation called for the signing of an agreement on the non-use of force within the JCC. Such a legally binding commitment not to resort to force was deemed necessary in view of the modernization of the Georgian army, which Tskhinvali perceived as a threat. However, no consensus could be reached on either proposal.

#### **Epistemic Changes: New Georgian Leadership and Intervening Factors of Kosovo and NATO Enlargement**

- The New Georgian Leadership – Challenging the Status Quo

In the wake of the Rose Revolution and a prompt reintegration of Ajara into Georgia, Georgian President Saakashvili pledged to seek a similar solution for South Ossetia. In June 2004, tensions began to rise as the Georgian authorities strengthened their efforts against smuggling in the region. Following a short eruption of armed conflict and after the 2004 ceasefire, Georgia kept the initiative by combining peaceful proposals with vigorous statements in various international forums. The Georgian leadership was anxious to challenge an unacceptable status quo.

The OSCE served as one forum where the Georgian leadership articulated their proposals for the wider international audience. On 6 December 2005, the OSCE Ministerial Council in Ljubljana unanimously adopted a statement supporting the Georgian peace plan. In September 2006, Georgia also presented to the interna-

The Georgian leadership was anxious to challenge an unacceptable status quo.

tional community ideas on “basic Principles for Resolution of Conflicts on the Territory of Georgia”, focusing on the need to change the formats of negotiations. In April 2007, Prime Minister Noghaideli presented to the OSCE Georgian ideas for a memorandum on the “Agreement of Further Activities aimed at the final settlement of the Conflict in the Tskhinvali region”.

The pressure was mounting. Georgia (i) threatened to withdraw from agreements on Russian peacekeeping operations on Georgian territory (resolution by Georgian parliament in February 2006), (ii) made obstacles to the movement of Russian servicemen throughout Georgia, and (iii) rejected further participation in formal JCC sessions.

Irritated by growing pressure, Russia (i) suspended all direct links with Georgia, (ii) increased the number of Russians working as officials of the South Ossetian “government”, and (iii) started the construction of direct gas and electricity lines to Tskhinvali, bypassing Georgian villages. Likewise, the South Ossetian side combined its “presidential” elections in November 2006 with a new referendum on its “independence”.

- The Kosovo Factor

With uncertainty surrounding the Kosovo status settlement and potential impact on Abkhazia in particular, Georgia adopted a more assertive approach vis-à-vis the conflict resolution process and increased its anti-Russian rhetoric.

In November 2006, after President Putin had drawn a parallel between Kosovo and the conflict in Georgia, Tbilisi backed up parallel elections in areas of South Ossetia under its control, which resulted in the emergence of an ‘alternative’ (pro-Georgian) South Ossetian leader, Dimitri Sanakoev. The latter echoed Georgian peaceful initiatives, stigmatized the Tskhinvali authorities, and promoted self-governance as a step towards a status of autonomy of South Ossetia within Georgia. Russia condemned the creation by Georgia of “an artificial inter-

locutor for itself” and predicted a revival of hostilities. In the meantime, it did not offer any new counter initiative for putting back on track the negotiation process but kept urging for (i) reviving JCC activities, (ii) proceeding with an unconditional commitment of non-use of force, and (iii) working out, within the bounds of the JCC, a three stage plan (demilitarization, rehabilitation, political resolution).

- NATO enlargement

Talks over the possibility to grant Georgia NATO Membership Action Plan status contributed to complicate dialogue both amongst the JCC actors and within the OSCE framework.

### **3. When Peace (building) Efforts Falter**

The year 2008 was marked by a number of extraordinary events. Early presidential and legislative elections, held in a very polarized political environment, resulted in a long parliamentary recess and several Cabinet reshuffles. In the course of 2008, Russia took a number of steps to strengthen its relations with the de facto authorities in South Ossetia and Abkhazia, including the un-coordinated lifting of CIS economic sanctions.

#### **August 2008 Conflict**

The lack of constructive dialogue and efficient use of existing security mechanisms contributed to the gradual deterioration of relations between Georgia and Russia and between Georgia and the two entities, and culminated in August 2008 in a five-day full-scale war, with Russia, over control of South Ossetia. As a result of the conflict, around 30,000 South Ossetians were displaced to Russia, and 130,000 Georgians were displaced into Georgia proper. Most of them returned, but not the ethnic Georgians from South Ossetia (around 30,000).

On 26 August 2008, Russia recognized South Ossetia and Abkhazia as independent States and signed with them, on 17 September 2008, Treaties on Friendship, Co-operation and Mutual Assistance. The Treaties foresaw the

establishment in South Ossetia and Abkhazia of Russian military bases manned by approximately 3,600 Russian servicemen each.

#### **OSCE unarmed Military Monitoring Officers**

Two of the eight OSCE monitors, as well as the Head of the OSCE Tskhinvali Field Office, witnessed the hostilities in Tskhinvali on 7 and 8 August 2008. They were evacuated to Tbilisi on 8 August 2008. On 19 August 2008, the OSCE participating States took the decision to immediately deploy an additional 20 Military Monitoring Officers to the areas adjacent to South Ossetia. In late August/beginning September 2008 (which is a good month before the deployment of the EU Monitoring Mission), they began monitoring patrols in areas adjacent to South Ossetia, with a view to observing and reporting on the implementation of the Sarkozy-Medvedev agreements and observing the general security situation. Despite clear provisions to this effect in the Sarkozy-Medvedev agreements, Moscow and Tskhinvali refused to grant the OSCE Military Monitoring Officers access to South Ossetia.

The mandate of the sixteen-year-old OSCE Mission to Georgia expired on 31 December 2008, and no consensus was reached amongst the 56 OSCE participating States on any new formula for maintaining an OSCE presence in the region. The twenty-eight OSCE Military Monitoring Officers were allowed to continue their monitoring activities until 30 June 2009, a date that coincided with the completion of the administrative closure of the OSCE Mission to Georgia.

### **4. Conclusions**

The involvement of the OSCE in peace building, conflict management and conflict resolution in Georgia since the 1990s shows both the strengths and limitations of its capacity to act as a force for peace. Both strengths and limitations can be attributed to the broad membership in the OSCE and the decision-making by consensus.

**The OSCE and its Mission in Georgia were accepted by the sides to the conflict as an honest broker.**

Whenever there was political will and consensus among the comprehensive community of participating States to move forward on specific issues (e.g. Border Monitoring, Economic Rehabilitation, initial deployment of Military Monitoring Officers), the OSCE and its Mission in Georgia were accepted by the sides to the conflict as an honest broker and could therefore constructively contribute to move certain issues related to the settlement process forward.

However, when relations between OSCE participating States became tense due to developments such as NATO's enlargement, a more self-asserting Russian foreign policy and the Kosovo question, a lack of joint political will and consensus developed among participating States, resulting in differing perceptions about the role of the OSCE and its Mission in the settlement process, and consequently in a blockade of movement on any settlement-related issues (e.g. the opposition by the Russian Federation to allow for an increase of 8 to 16 MMOs in South Ossetia prior to the August 2008 conflict).

The OSCE as an organization can only be as effective as its 56 participating States allow it to be. One could argue that the OSCE today has lost its role as the central forum for conflict prevention and resolution in relation to the Georgia-Ossetian conflict. However, at the same time none of the other international actors, that meanwhile became involved, has been able to fill the gap and the unique role that the OSCE and its Mission played in Georgia between December 1992 and December 2008.

**Geneva Discussions**

The Medvedev-Sarkozy agreement of 12 August 2008 – that put an end to the war – foresaw the opening of international talks on security and stability arrangements in /for South Ossetia and Abkhazia. The Geneva process, which started in October 2008, remains the only forum where all parties to the conflict are represented, and the only established forum where representatives of

Abkhazia and South Ossetia have access to the wider international community beyond the Russian Federation. However, the Geneva Discussions remain dependent on considerations over the status of South Ossetia and Abkhazia. As a result the representatives of the parties participate in their individual capacity.

The Geneva Discussions are jointly co-chaired by three lead international organizations – the OSCE, UN and the EU, and take place in two parallel working groups. The first one deals with security and stability, the second one with humanitarian issues, including refugees/IDPs. The Geneva Discussions remain the only international negotiating forum where three international organizations share the role of facilitator. A joint co-chairmanship has proven a successful endeavor – legitimate, transparent, flexible and cost-effective – accepted by all stakeholders and appreciated by the co-facilitators themselves. Although it may appear that a joint co-chairmanship was brought about because of pragmatic calculations and implemented in the form of sub-contracting, in fact it proved more of a common action – jointly conceived and jointly implemented. The decision to bring in additional actors with specialized expertise in particular for humanitarian issues – EC and UNHCR – proved useful, even if necessitating additional co-ordination.

**The Geneva meetings allow for a regular review of the security situation on the ground.**

In the absence of any field presence and the apparent lack of political will to find a status-neutral formula which would provide for a continued OSCE engagement on the ground, the OSCE has taken the lead within the Geneva framework on the issue of water and gas supply, and has contributed to the issue of missing persons and detainees.

There is a 'natural division of labor' with the OSCE in the lead on issues related to the South Ossetian theatre and the UN in the lead on issues related to Abkhazia, whilst the EU, as the main international presence on Tbilisi-



controlled territory, remains a key interlocutor with Tbilisi.

With 16 months of operation and nine rounds of the Geneva discussions over, deliverables are few and limited in the short-term. Despite this, the tangible outcomes are by no means insignificant – the agreement on Incident Prevention and Response Mechanisms, renewed gas supply to Tskhinvali and two joint visits of the Co-Chairs to Akhlagori. With no more permanent and structured mechanisms in place for dialogue between the parties to the conflict, the continuation of the talks in the framework of Geneva appears to be the only viable option for now. The OSCE's contribution to both the Geneva Discussions and to the work of the incident prevention and response mechanism dealing with Georgian-Ossetian issues would be significantly upgraded if the concept of an OSCE Team, inspired by a UN model, were to be agreed by the relevant actors.

#### **Broader Implications – The Corfu Process**

The search for ways to enhance the OSCE capacity in the area of early warning, conflict prevention and conflict management has become part of the on-going discussion on the future of European security within the framework of the so-called “Corfu Process,” named after the meeting of Foreign Ministers from OSCE participating States in the summer of 2009 at the island of Corfu. During the “Corfu-Meetings” in the second half of 2009, it was noted that the existing OSCE toolbox for conflict prevention and conflict management has not been used to its full potential in times of crisis, as proven by the Georgian conflict in August 2008. Indeed, the way in which OSCE mechanisms and procedures for addressing (emerging) conflicts were designed over time, means that they can only be effective if participating States show political will to activate and use them in a co-operative spirit. Ways to enhance the OSCE's ability to move from early warning to early action need to be addressed. Moreover, some of the tools that are available

may need to be updated to be able to correspond to the needs of participating States in the current security environment. Hence, the need to re-examine and possibly strengthen the OSCE mechanisms and procedures has been widely recognized and is a topic for further debate during the “Corfu Process” in 2010. At the same time, this debate will take place against the backdrop of a number of protracted conflicts in the OSCE area, which will thus remain in the focus of attention. ■

## **Perspectives of a New Eurasian Security Architecture**

**Fyodor Lukyanov**



The Russia-Georgia War of August 2008 was a major landmark not only for the Caucasus, but also for the entire post-Soviet space. For the past twenty years, this region as a whole has been a zone of instability. However, from 1991 to 2008, post-Soviet countries observed legal and informal agreements that prohibited challenging the territorial status quo established in the region at the breakup of the USSR. This was the only way to avoid disastrous inter-state conflicts, as none of the post-Soviet countries could firmly assert that its borders are absolute for historical, ethnic and psychological reasons.

These agreements were strictly followed during the early fragility of the newly independent states; these agreements could have been broken or infringed upon if any of these countries desired. Once the general political situation in the post-Soviet space became relatively stable, there emerged a destructive impulse aimed at undermining the status quo.

This was due primarily to the following three reasons.

**Firstly**, the former Soviet republics completed the initial stage of building their statehood; in other words, they

Sudden escalation was also the result of a new decisive stage of the process of restructuring European security.

established themselves as sovereign countries with varying levels of stability. The next stage began, which involved the consolidation and finalizing of the statehood. Therefore, the issues arose of restoring territorial integrity within their internationally recognized borders and of formulating their national identity, which in most cases stemmed from nationalist ideologies.

**Secondly**, external players, who had shown little interest in the post-Soviet space while it had been a zone of chaos and instability, now had serious interest in the region. The issue of the geopolitical orientation of the newly independent states received much attention, especially as many regions of the former Soviet Union had recovered after the 1991 collapse and begun to seek to restore its influence and sphere of interest in the region.

**Thirdly**, it became clear that the general vector of global development was directed towards a revision of the existing balance of power and existing institutions; this manifested itself in various forms at both the global and regional levels.

The 2008 Russia-Georgia War was triggered by a combination of different factors. Some of the primary factors include the desire of the Georgian leadership to complete the process of state-building on a nationalist basis, the desire of Russian leadership to demonstrate its will to protect the zone of Russia's interests, US attempts to consolidate its strategic positions in the post-Soviet space in particular through NATO's enlargement, and finally the precedent of revising European borders in circumvention of the principles of international law (Kosovo case).

To summarize, it can be said that the sudden escalation was also the result of a new decisive stage of the process of restructuring European security. Further headlines for development are to be defined in the next few years. Due to the dramatic experience of the last twenty years, Russia has become more sensitive regarding the fragility of the status quo. This is partly due to the fear of unpre-

dictable development in the security field and partly due to the willingness to change the (from a Russian point of view) unsatisfactory situation created by collapse of the Soviet Union. Why did the attempt to build a European security system based on existing European and Euro-Atlantic institutions, which seemed to be natural after the end of the Cold War, fail to produce the desired results?

**Firstly**, the quick expansion of NATO and the EU, which aimed at becoming universal and agenda-setting European structures, undermined the real authority of the OSCE, which became obsolete in the European area that was structured according to NATO and the EU.

**Secondly**, Russia has never found a niche for itself in the new European system after the end of the Cold War. Therefore, Russia's attempted to preserve prerequisites for the creation of its own system.

**Thirdly**, NATO has been experiencing an identity crisis since the end of the ideological confrontation and its attempts to go beyond its Euro-Atlantic area of responsibility will most likely fail. Therefore, the alliance consistently seeks to consolidate its role as a universal European security system, which provides for its maximum enlargement. Without this, NATO's meaning and purpose would be unclear.

**Fourthly**, the EU has never been a strong and unified actor on the world stage and its economic and demographic might and soft power potential are in stark contrast to its geopolitical influence. The main obstacle is the formation of a pan-European political identity. This has become obvious against the backdrop of an increasing number of external challenges facing the EU. The EU foreign policy still has the limitations of its traditional model, i.e. the gradual extension of the EU legal and legislative frameworks to adjacent territories and the creation of a "predictability belt" along the EU borders. As neighboring countries adapt to the European model, the further enlargement of the EU is a logical result.

Russia has never found a niche for itself in the new European system after the end of the Cold War.

However, the EU will require much time to process the previous enlargements. In addition, both the EU and NATO have exhausted their potential for “light” expansion. Both organizations have entered an area of open rivalry and they will inevitably meet opposition from Russia.

These factors are creating a zone of imbalance and tension in Europe. The situation is aggravated by the fact that not a single country in the former Soviet Union, including Russia, can absolutely declare that its borders are historically justified, natural and therefore inviolable. In the early 1990s the Soviet Union disintegrated in a relatively peaceful and quiet manner. However, it is too early to assume that the challenges created by the breakup of the USSR have been overcome. In addition to the weakness of many of the new states, there is a problem of divided nations, of which Russia is the largest.

The proposal to build a new European security architecture, which Russian President Dmitry Medvedev recommended in Berlin in June 2008, followed up in November in Evian and specified in a draft treaty in November 2009, was Moscow’s first attempt in 20 years to formulate a coherent vision on European security. Between the conception and drafting of this idea, there occurred an interesting evolution that reflects a general change of mood in Russian foreign policy.

Despite the growing tensions between Russia and the West throughout the 2000s, one of Putin’s main goals was Russian integration in international institutions in order to become co-author of the global rules of the game. However, Putin’s successor Dmitry Medvedev clearly renounced the desire to integrate Russia into the global system, despite some softening of rhetoric in relations with the West. One highly indicative event is the transformation of Russia’s approach to WTO membership. The WTO is now a lesser priority for Moscow and a new element has recently emerged in the accession negotiations. The question is not whether Russia would

benefit from joining the WTO (the discussion of this issue continued for many years), but whether the organization itself has any prospects for the future. A source at the APEC Secretariat quoted Medvedev as saying at the APEC summit in November 2009 that it was no problem for Russia to conduct the policy of trade liberalization; however, now that the Doha Round negotiations have stalled, Moscow will again rethink whether or not it should join the WTO.

One of the most characteristic aspect of Russia’s new approach was the June 2009 decision to halt negotiations on joining the WTO and to focus instead on a joint bid through a customs union with Kazakhstan and Belarus. This decision caused mixed reactions in Russia and the rest of the world; in addition, the final format of the proposed integration has never been made clear. However, the political significance of such a measure was clear from the very start – it was an attempt to take practical steps to create a “pole” of one’s own, a center of attraction in a multipolar system, which could compete with neighboring “poles” – a “Europe of concentric circles” and China, each of which is actively spreading its influence in the post-Soviet space. This can be seen as a reflection of how Russian elites now view global trends towards multipolarity, which means that the global environment will be structured by the emergence of poles of economic gravitation.

In this context, the idea of a European Security Treaty, as it was described in the prepared draft, differs fundamentally from the previously discussed formats. It is not an integration initiative, but rather a proposal to sign a traditional multilateral pact on security principles.

Since Dmitry Medvedev presented this idea, two major crises have taken place in Europe – the war in the Caucasus in August 2008 and the gas conflict between Russia and Ukraine in January 2009. These developments served as further proof of the dysfunction of existing institutions in both the military-political field and in

the sphere of energy security. For example, the OSCE was simply removed from the context of the Georgian war and Ukraine's membership in the Energy Charter Treaty did not help to solve the problem of gas transit to Europe.

The Russia-Georgia War of 2008 changed much in terms of the situation on the field as well as the general climate of European and Eurasian politics.

**Firstly**, Moscow's decision to recognize Abkhazia and South Ossetia, regardless of the consequences, is irreversible for the foreseeable future. If Russia wishes to be a great power, it cannot go back on its word, regardless of the material or political costs that could be involved in its support for the two new states.

These costs, however, have not yet been great. International players do not have available resources today to exert strong pressure on Russia. Naturally, Georgia will continue to pull every string possible (the UN, the OSCE, the Council of Europe and the WTO), but it is unlikely that Georgia can now inflict serious political damage on Russia. In addition, there has been a considerable decrease of the interest of the leading players in the situation in Georgia. The main events on the international agenda now take place in other regions where the threats of conflict are far more serious.

In regard to the breakaway regions, Russia can only expect more trouble, including problems that may affect its international positions. In Abkhazia there is a potential for the growth of national consciousness and in South Ossetia the corruptness and ineffectiveness of the local leadership may further aggravate the situation.

**Secondly**, the incumbent Georgian government has lost its international prospects. After losing the war, Mikheil Saakashvili concentrated his efforts on restoring the legitimacy of his argument that the military operation in South Ossetia was a forced response to Russia's invasion. However, the EU report in September 2009 did

not confirm this opinion. As a result, under its current government, Tbilisi can only expect limited economic and political assistance from the West in amounts required to demonstrate token support. In other words, while President Saakashvili remains in office until 2013, Georgia's chances for progress, including on the issue of the lost territories, will most likely make little headway.

**Thirdly**, the EU is becoming a leading external force in the South Caucasus. The OSCE will most likely not regain its reputation as an effective mediator. This organization demonstrated its incapacity on the eve of the war and remained inactive during the hot phase of the conflict. The Council of Europe is also not a key player. Developments in the region are unfolding in the sphere of power politics and the Council of Europe's humanitarian and legal instruments play a subordinate role.

The UN should have been the leading international force, but its activities are limited by the need to achieve consensus solutions among all its member countries. The EU's September 2009 report was written in a pronouncedly dissociated manner, which allowed the EU to claim the status of a neutral mediator. Through the efforts of French President Nicolas Sarkozy, the EU gained a diplomatic foothold in the conflict region a year ago and the Europeans do not want to lose it now, especially as the EU does not have more important foreign policy initiatives beyond maintaining peace in the South Caucasus. In the future Moscow may soften its position on the activities of EU observers. In particular, the admission of observers to Abkhazia and South Ossetia may eventually be permitted.

However, there do exist some procedural niceties. Russia insists that this issue be discussed with the authorities of the two republics, which would imply an indirect recognition of their legitimacy. The problem of formal status hinders the work of international organizations. Currently neither Russia nor Georgia are ready to look for neutral wordings that would help them smooth things

The OSCE will most likely not regain its reputation as an effective mediator.

over. The EU currently has better chances to achieve progress than any other organization.

**Fourthly**, there are two individual players that can exert influence on the situation in the South Caucasus – the United States and Turkey. The US policy in 2003-2008 served as a powerful catalyst for conflicts in Georgia and the outcome of the August 2008 war was an unpleasant defeat for Washington. The new US administration has reduced activity in the post-Soviet space, limiting itself mainly to token support, for example Vice President Joseph Biden's visit to Tbilisi. US Secretary of State Hillary Clinton's claim that the US will seek to prevent the recognition of South Ossetia and Abkhazia by other countries indicates Washington's inability to actually influence regional developments.

This does not mean that the United States has crossed the South Caucasus off the list of its priorities. On the contrary, the US is simply exploring new approaches. Some analysts have suggested that Georgia, once they have solved the problems of Abkhazia and South Ossetia, may be of special strategic interest to America in the future, specifically concerning missile defense. The United States has stepped aside and allowed the EU to become involved.

The changes caused by the war of 2008 have opened up new opportunities for Turkey. Turkey's enhanced role in the Caucasus is not frowned upon by the international community. Turkey is not hostile to Europe or the US, although Russia traditionally advocates the resolution of regional problems by the countries of the region without the active involvement of external parties. Furthermore, Russian-Turkish relations are additionally on the rise.

Yet how far do Turkey's ambitions extend and can they challenge Moscow's claims to the role of the leader of major actors in Caucasian politics? The boundaries of Russia's tolerance will be shown by the development of Turkey's relations with Armenia and related Turkish-Az-

erbajani contacts as well as what policy Turkey pursues regarding Abkhazia, with which Turkey shares a close ethnicity and history.

On the whole, the situation in Georgia can be described as tactically stable but strategically uncertain. The 2008 war defused tensions that had been mounting for years, however, in the long term it has not solved any of the issues that caused these tensions.

Obviously the conflict will not be resolved until a full-scale political settlement is reached. What are the chances of this being achieved in the long term?

As in other cases of territorial disputes, the key here to unblocking international efforts lies in finding neutral wordings that do not run counter to the views of the involved parties. For example, Russia's objections to the presence of UN and OSCE observers in the conflict zone are formal; Russia insists that the names of their missions should not refer to the two territories as parts of Georgia. Naturally, Tbilisi demands the opposite. This also concerns the status of Abkhaz and South Ossetian representatives at negotiations – severe conflicts arise over seating arrangements at the negotiation table and how the participants should be named. The dispute concerns the notion of sovereignty, which is at the very core of international relations. Therefore achieving a compromise on this issue is extremely difficult; on the other hand, progress in this dispute would signify meaningful steps forward in the larger conflict.

The first signs of progress have already appeared. Parties to the negotiations in Geneva have begun to work out procedures, while the UN Secretary General gave a neutral title to his regular review report delivered in May 2009 – "Report of the Secretary General pursuant to Security Council resolutions 1808 (2008), 1839 (2008), and 1866 (2009)." Such a compromise on rhetoric helps to increase transparency and strengthen stability in the region. However, later, at Georgia's request, the UN General Assembly adopted a resolution on September





Georgian politicians will continue to recognize the country's integrity.

9 regarding refugees and displaced persons in Georgia, which named Abkhazia as part of Georgia.

The prospects of a political solution also require some attention. Georgia's present position is that all Georgian politicians will continue to recognize the country's integrity and will never abandon the goal of regaining Abkhazia and the Tskhinvali region. Georgia's partners share this position, which was confirmed in public by US Vice President Joseph Biden, who declared that the US will never recognize Abkhazia and South Ossetia. In Europe border issues are resolved within the framework of the EU; a condition for EU membership is the settlement of disputes with neighbors. However, the EU's large-scale expansion in the 2000s has brought about several border problems. Cyprus joined the EU as a divided state, Estonia still has no border treaty with Russia, and the president of Romania has officially declared that he does not recognize the border of Moldova brought into existence by the Molotov-Ribbentrop pact. Interstate conflicts are resolved in a broad integration context, where benefits from the adoption of common rules outweigh national ambitions.

In the former Soviet Union, there is also difficulty settling some individual conflicts. "Classical" methods are highly unlikely, such as the formal annexation of Abkhazia and South Ossetia by Russia or a military revenge by Georgia. The first scenario would trigger a full-scale international crisis as was the case in 2008. The second scenario would be possible only in the event of a sharp aggravation of the situation, whereby Georgia would receive actual military and political support from NATO and the US.

Only in a more general context are changes in the South Caucasus actually possible. However, the European model still remains a distant goal for the post-Soviet region, which is at a different stage of historical development. In addition the situation is influenced by the presence of Russia as the former (and potentially future)

center of gravity. In these conditions of acute competition, Russia has so far been unable to assert its right to a political and economic reintegration of the CIS, yet it has enough power to counteract prospects for the integration of its former provinces into other projects.

After the ethnic conflicts in Georgia, Azerbaijan and Moldova were "frozen" in the first half of the 1990s and the settlement of their conflicts became a diplomatic routine. The status quo was acceptable to all parties. Countries that were faced with separatist movements built foundations for their own statehood. Former provinces that declared their independence survived only by relying on external patrons. Russia utilized its influence on its neighbors, while Europe and the United States were satisfied to see that there was no bloodshed in the post-Soviet region.

In the summer of 2008, the Russia-Georgia War ushered in a new stage, the prerequisites for which had been created by the recognition of Kosovo half a year earlier. This actually shattered the taboo against violating the Soviet administrative borders. Simultaneously the overall balance of power began to change rapidly in neighboring regions.

For example, in order to become a universal player, Turkey had to improve its relations with Armenia. Thus began a historic rapprochement between the two countries. In order for it to continue, progress must be achieved in the Nagorno-Karabakh conflict – the "frozenness" of the conflict is currently a major obstacle. Thus an indication of progress is not a return of Nagorno-Karabakh to Azerbaijan, but rather other measures that can politically resolve the conflict based on reality rather than on formal status. For example, US diplomat Matthew Bryza, head of the Caucasus region with the US State Department, made a controversial statement last autumn. He urged Armenia to resolve as soon as possible the issue of returning seven districts around Nagorno-Karabakh to Azerbaijan, which would

be a major step towards resolving the conflict. The future of Nagorno-Karabakh outside Azerbaijan could become a political reality.

The situation of Transnistria is changing as well. The younger generation of Moldovan politicians was only born in the unified Moldavian Soviet Socialist Republic and their lives and public activities take place in the divided country. The idea of regaining Transnistria is hardly as important to them as it was to former President Vladimir Voronin, who came from that region. The priority of the incumbent Moldovan leadership is European integration, which can be easily seen in the name of the ruling coalition (Alliance for European Integration). Moldova is a unique case, as it has two possibilities (at least theoretically) of joining Europe – either by joining the EU or by reunifying with Romania. However, in both cases the Transnistrian conflict is an obstacle – either a political-legal obstacle (for joining the EU) or a cultural-psychological obstacle (for reunifying with Romania).

Obviously, the leaders of a country would never declare that they are ready to renounce what belongs to them, even if they are unable to exercise their right to it in practice. However, unlike Azerbaijan, for which the Nagorno-Karabakh conflict is an emotional issue, Moldova faces a rational choice – either the borders of the Moldavian SSR or European integration. Moldovan Communists chose the first option. The slogans of Moldovan Democrats suggest that they prefer the second option. In this case, the future of Transnistria will be a subject for negotiations not between Russia and Moldova, but rather between Russia and Ukraine, which had formal jurisdiction over the present territory of Transnistria and its capital Tiraspol before 1940.

Serbia faced the same issue of priorities and it actually decided in favor of giving up Kosovo and joining the EU, although the battle of rhetoric continues. Sooner or later, this same issue will face Georgia. A revanchist

agenda would be incompatible with any integration project, whereas recognizing the loss of territory could allow Georgia to become a close partner of the West in the Caucasus.

However, this scenario will not solve the issue of the future of the new states, which would immediately become a scene of bitter rivalry between external powers. Russia would find it difficult to uphold its exclusive rights to Tiraspol or Sukhumi. However, this could be the next round of the post-Soviet evolution. The future of the post-Soviet region in terms of security and socio-economic development will depend heavily on global evolution. Changes in global trends are clearly recognizable in US policy, which now is much less concerned about Western parts of CIS and more interested in Central Asia, the Middle East, and the Far East.

In certain spheres Russia can certainly ensure an “added value” in the security field. Serious threats are growing in Central Eurasia and it is not coincidental that the US administration is increasingly shifting its attention to that region. Unlike Europe, where the issue of a collective security system and methods to settle regional conflicts have always been on the agenda, no such approach has taken place in South, East, or Central Asia. The danger of crises in Afghanistan, Pakistan and Iran has gone far beyond regional frameworks. Resolving these threats requires institutional interaction between global powers, especially as the security of Europe and Eurasia is closely intertwined. These issues include energy problems, drug trafficking, the growth of fundamentalist sentiments and in the longer term possible border conflicts over resources.

Russia will continue its efforts to re-launch integration projects along its borders. In January 2009 several senior Russian officials, including first Vice Prime Minister Igor Shuvalov and Kremlin Chief of Staff Sergei Naryshkin, stated that Moscow will take serious initiative to re-vitalize the CIS and transform it into an instrument

The future of the post-Soviet region will depend heavily on global evolution.

of economic consolidation. This is obviously not the first attempt to do this, but taking into account the Russian “multipolar” horizon, more consistent measures will now be employed to implement this vision. To put it simply, Russia has no chance to become a major global pole without restoring economic influence to its neighboring states.

In terms of security, Russia will be eager to strengthen the CSTO, especially because a proper security organization in Central Asia may be desperately required in the coming years when the coalition forces leave Afghanistan. Development in the Western part of the CIS will depend on the aims of NATO, which should be formulated in the alliance’s new strategic concept. NATO’s goal to obtain a global dimension is not very viable, because of the obvious unwillingness of major European powers to take risks too far away from Europe. If NATO returns to its original sphere of responsibility and organizes the regional security, this will require an agreement with Russia on principles of interaction in order to avoid collisions, such as the Russia-Georgia War of 2008. Certain trade-offs are required – Russia’s role in Central Eurasia would also match NATO’s interest in mutually accepted agreements in common neighboring regions. Primitive bargaining in a 19th century manner is of course impossible, however, a coordination of interest based on mutual understanding could be achieved.

Security concerns of countries such as Georgia, Ukraine, and Moldova can only be addressed in a broader framework as part of a “big deal” between Russia and Western powers. Such a deal seemed almost impossible several years ago as rivalry and mistrust grew. There is currently still a lack of trust, however, new challenges and opportunities will be created by global changes that may weaken the “poles” of Russia and the EU and that allow the US to consider the future of its global leadership. ■

## The Role of International Organizations and the EU in Conflict Management

Dieter Boden



The role of international organizations in conflict settlement in the South Caucasus has a long and complicated history, which began after the collapse of the Soviet Union. The first organization was the OSCE, whose mediation efforts in the Nagorno-Karabakh and Ossetian conflicts began in 1992. On December 13, 1992 the first OSCE field mission opened in Georgia. In the same year an OSCE conference convened in Minsk in an attempt to arrange a ceasefire in Nagorno-Karabakh, which however, was first achieved in 1994.

In August 1992 Abkhazia was shattered by war, which ended over one year later with a UN-brokered ceasefire. As a result, the UN established an Observer Mission in Georgia (UNOMIG), which received its mandate on July 21, 1994. In both cases, Georgia was the host country that invited these international missions. To this day there is no international peace force or field mission operating in the contested area of Nagorno-Karabakh. Since 1997 the peace effort has remained in the hands of the so-called Minsk Group, whose co-chairmen from France, Russia, and the US use a kind of shuttle diplomacy in search of conflict resolution.

The EU became involved much later in conflict resolution in the South Caucasus. During the 1990s, the EU did not desire direct involvement in settlement or peace-keeping mechanisms and instead focused on economic rehabilitation and humanitarian aid. South Ossetia became the preferred field for such activities. With partnership and cooperation agreements entering into force with all three South Caucasus states in 1999, the EU began to take a more proactive stance. However, it was first with the adoption of the new EU security doctrine on December 7, 2003 that the EU changed its approach



into a comprehensive political strategy for the South Caucasus. Conflict settlement then became an integral part of the EU's peace efforts. This was reflected in the mandate of the EU Special Representative for the South Caucasus who began in 2003 and in the concepts of the 2004 New Neighbourship.

From the start of their engagement, international organizations were mandated with a variety of different tasks including monitoring ceasefire lines, conflict management and prevention, conflict rehabilitation, and promoting settlement of the underlying political issues. Of particular importance was the effort to encourage confidence building between the belligerent parties. To this end, cooperation with the civil societies was imperative. For Georgia, maintaining its territorial integrity was the political baseline for all these activities. The situation was different regarding Nagorno-Karabakh due to a different structure of the peace effort; there was no permanent international component to provide peace-keeping, conflict management, or confidence building.

#### **Achievements and Deficits**

After more than 15 years of activity by international organizations in the South Caucasus, the results appear to be mixed. In light of the 2008 Russia-Georgia war, there is a frequent tendency to view the international work in a negative light; this is however, not justified. The OSCE, the UN, and the EU worked hard to sustain peace in the South Caucasus. They unanimously rejected any attempt to resort to military force. The EU's Tagliavini Report of September 30, 2009 illuminates the reasons why international organizations were unable to prevent the hostilities that broke out in Georgia on August 7-8, 2008.

Despite the war, the organizations achieved numerous results in the promotion of peace. Under extremely volatile ceasefire conditions throughout the South Caucasus, international organizations basically succeeded in securing peace for one and a half decades;

this was enough breathing space for the deployment of a multifaceted peace effort that in many cases allowed for post-conflict rehabilitation and confidence building. Furthermore, the organizations laid some groundwork for tackling the most complicated issues concerning the future political status of the separated entities.

With regard to the Ossetian conflict, the peace effort developed well regardless of some setbacks. In 1999-2000 there was reasonable hope that a political settlement could be made on the basis of the so-called Baden document developed under the auspices of the OSCE. There had been a sharp decline of resentments that lingered from the past war with Georgia under their late president Gamsakhurdia. Unfortunately, some of the key political actors failed to seize the historical opportunity at hand.

Abkhazia was a more complicated case. Due to the deeply rooted historical conflict and the recurrence of incidents along ceasefire lines, confidence building between the Abkhaz and Georgians was in its primary stages. However, international organizations attempted to resolve Abkhazia's status issue. In 2001 the UN produced a framework paper for a political settlement, beginning with a debate that had tangible positive results. In an increasingly precarious security situation, particularly in the Kodori valley, the Abkhaz, discreetly backed by Russia, finally succeeded in rejecting any involvement in the proposals of the paper.

#### **The EU's Increased Role**

The war in August 2008 was a disaster for conflict resolution in the South Caucasus. This applies first of all to the conflicts on Georgian territory; the peace effort in Nagorno-Karabakh remained virtually unaffected. In Georgia, the existing negotiating mechanisms completely broke down. The main reason for this was the departure of Russian emissaries, who had contributed to the international peace effort. Since then, Russia has become an active party to the conflicts by denouncing

**The war in August 2008 was a disaster for conflict resolution in the South Caucasus.**

Georgian territorial integrity and promoting the independence of Abkhazia and South Ossetia.

An immediate consequence of the war was the weakening of the position of international actors such as the OSCE and the UN. It was at Russia's request that both the OSCE Mission in Georgia and UNOMIG mandates were terminated. In their stead, the EU became the main international actor in conflict resolution efforts. EU mediation led to the ceasefire, namely the agreements of August 12 and September 8, 2008. The rapid deployment of an EU Monitoring Mission (EUMM) in Georgia established the preconditions for Russian withdrawal from the zones adjacent to South Ossetia and Abkhazia. As co-chair, together with the UN and the OSCE, the EU occupied a prominent role in the newly established Geneva peace talks. Today this is the only international forum for the negotiation of conflict-related issues in Georgia.

#### **Perspectives**

The international community cannot afford to ignore the conflicts of the South Caucasus. What began as a regional inter-state conflict between Armenia and Azerbaijan or as intra-state conflicts within Georgia, has developed broad international dimensions. Paradoxically the August 2008 war accelerated this process. A weakened Georgian state with poor relations with neighboring Russia will not be able to cope with this situation. In this dilemma, much will depend on strong contributions by international organizations. This also applies to Nagorno-Karabakh, where the Minsk Group's brokering effort lacks a valid alternative.

The long-term stability of Georgia and of the whole South Caucasus is at stake. A determined, well-coordinated, and sustained effort is necessary to stabilize the volatile security situation that exists after the August 2008 war and in the long term, a settlement must be reached.

What began as a regional inter-state conflict has developed broad international dimensions.

This challenge is particularly relevant for the EU. The EU has the strategic vision and the necessary tools at hand – e.g. Geneva peace talks, the EUMM, and the European Special Representative for the South Caucasus Border Support Team. Efforts must continue to re-establish UN and OSCE presences in Georgia. Their mandates should encompass the capacity to monitor security in Abkhazia and South Ossetia as well as to promote the democratic process in Georgia and strengthen good governance, democratic institutions, and the rule of law. In sum, this could contribute to making Georgia an attractive state for its entire population, including the inhabitants of Abkhazia and South Ossetia.

However, the main effort must come from the South Caucasus states themselves. Peace processes will remain stalemated unless the regional states assume ownership of these peace processes. International organizations such as the EU can support processes aimed at a policy of engagement towards separatist entities and their populations, but the initiative must be taken by regional actors.

In this context, the instrument of confidence building measures is of paramount importance. Unfortunately, it has not always received the attention it deserves. In the span of just 20 years, four major armed conflicts have taken place in the South Caucasus with lasting effects on the populations. A political solution will be impossible without the rebuilding of confidence among those who were exposed to suffering. In the South Caucasus, international organizations can facilitate the conflict resolution and act as sponsors of the confidence building processes. ■



Peter Semneby



## The EU and the South Caucasus: Where are We Today?

### Introduction

The European Union has never been as engaged in the South Caucasus as it is today. In May this year, we will be celebrating the one-year anniversary of the launch of the Eastern Partnership (EaP). This Partnership clearly demonstrates the strategic importance of the South Caucasus for the EU and signals our increased level of ambition in the region. This step reflects the deep interest we have in a stable, secure, and prosperous Eastern neighbourhood. The Eastern Partnership will give us better possibilities to understand the aspirations of each of our Eastern neighbours and will improve our possibilities to encourage regional cooperation between the countries.

By means of this new partnership the EU will seek to substantially upgrade its contractual relationship with each of its partners. We do so while recognising that our Eastern partners do not possess identical objectives in their relationships with the EU. However, they are clear in their aspiration to move closer to us by means of reform. The main vehicle will now be negotiations on Association Agreements. The watchwords are inclusiveness, differentiation and conditionality.

The EaP is at the core of the challenges faced in the region. It is recognised that since the latest round of enlargement, the interdependence of the EU and the Eastern neighbourhood is greater than ever before.

It was also in large part because of this interdependence that the EU took action during the Georgian crisis in August 2008. This was a decisive moment for the EU's crisis-management and conflict resolution engagement in the South Caucasus: we brokered ceasefire agreements,

deployed 200 civilian monitors in record time, launched talks among the parties, and initiated a highly successful donors' conference. That said, we are continuing to deal with the consequences of the conflict, and the situation remains fragile and volatile.

### Turkey-Armenia

The most significant development in the region during last year were concrete steps towards normalised relations between Turkey and Armenia. The EU has welcomed and supported these historic steps. The protocols on the establishment of diplomatic relations and on the development of bilateral relations were signed in Zurich on October 10, 2009. The last-minute complications demonstrate that although remarkable progress has already been achieved, the process is highly delicate and could still easily derail. It is vitally important for us to continue supporting the process in order to maintain the positive momentum.

The EU hopes that the protocols can be ratified in the Armenian and Turkish parliaments in a timely manner so that implementation can begin. The EU attaches great importance to rapid implementation without preconditions of the two protocols, as it is our conviction that the normalisation of relations and the opening of borders will result in greater stability and prosperity for the region. We support the process politically and are ready to offer technical support for the implementation, in particular concerning the opening of the border.

At the same time, I am under no illusion that this will be an easy task given the counter-pressures both on the domestic front and internationally in both Turkey and Armenia.

In Yerevan, in addition to resistance and criticism voiced by the opposition, including prominent former officials, strong opinions against normalisation have been voiced by parts of the influential Armenian Diaspora, most notably from the United States. Although the Armenian government possesses a sizeable majority in the Parlia-

ment, it faces a multitude of political challenges that undermines its ability to move on controversial issues.

In Ankara, there is strong parliamentary opposition, but the normalisation process is also unpopular with large sections of the Turkish public. There is concern that in adopting the protocols Turkey is abandoning its long-standing ally, Azerbaijan. However, Foreign Minister Davutoglu has stressed in Parliament that normalisation was a priority in Turkey's foreign policy that would bring greater stability and security on its eastern borders and would have a positive impact on the negotiations regarding Nagorno-Karabakh. The normalisation with Armenia would allow Turkey to play a role in the South Caucasus that is commensurate with its size, proximity, and historical role.

The reaction in Azerbaijan has been predictably negative, and many regard these protocols as a betrayal by Ankara. Baku believes that opening the border between Armenia and Turkey is likely to reinforce Yerevan's position in the negotiations over the resolution of the Nagorno-Karabakh conflict and to reduce incentives for Armenia to liberate the occupied territories surrounding the entity. President Aliyev has said that Azerbaijan could be forced to search for 'new strategic options.'

The EU has sent messages that it believes the process is not against the interests of Azerbaijan and that ultimately a region with open borders will be to the benefit of all. It is important that we continue to work with Azerbaijan to reassure the leadership of the continued EU commitment to Azerbaijan.

#### **Stability – The Conflicts**

It is clear that the unresolved conflicts in the South Caucasus are the most important obstacles to the region's stability, security, and prosperity. The EU has a direct interest in cooperating closely with partners to promote settlement of the conflicts, because the conflicts remain volatile in their current protracted state. The August

2008 war in Georgia demonstrated that the conflicts have the potential to negatively affect the EU's own security by impacting energy supplies, trade routes, etc. The conflicts also undermine our efforts to promote political reform and economic development in the Eastern neighbourhood. Closed borders between Georgia and Russia, Armenia and Azerbaijan, and Armenia and Turkey hamper the full potential of the region.

#### **Nagorno-Karabakh**

2009 saw an increase in efforts to mediate the Nagorno-Karabakh conflict. On July 10, Presidents Obama, Medvedev, and Sarkozy issued a declaration in L'Aquila that for the first time established the main elements of the "Basic Principles." Additionally, the presidents of Armenia and Azerbaijan met six times during 2009.

While it is the EU's position to make no formal or informal link between the Turkish-Armenian normalisation and Nagorno-Karabakh, it would be unwise to ignore the influence the two conflicts have on each other. While the two processes have their own rationales, there is a need to ensure a mutually positive dynamic. This gives us another reason why we should redouble our support for the settlement efforts of the OSCE Minsk Group.

Though not part of the Minsk Group, the EU can make an important contribution to the resolution of this conflict. The EU stands ready to step up its engagement in support of the settlement process within the framework of supporting the work of the OSCE Minsk Group.

Together with the European Commission, I have begun to engage with civil society actors to explore a broad range of projects supporting people-to-people contacts, media development, and public awareness in Armenia and Azerbaijan, including Nagorno-Karabakh. These projects build on the EU's vast experience from peace-building in many other parts of the world. We are in a unique position to make a contribution.

*It would be unwise to ignore the influence the two conflicts have on each other.*

There is a particular need to work with the populations of the two countries. Currently there is a division between the highest levels, who are responsible for the negotiations and the populations of the two countries, who are still very much entrenched in their positions, relying on old stereotypes of the enemy. Without a shift in perspectives in these societies, it will be exceedingly difficult for the leaders to sell an eventual peace to their respective constituencies. The more time passes, the more difficult it will become.

#### **Georgia-Russia and Abkhazia/South Ossetia**

In Georgia the overall security situation has stabilised significantly since 2008, however, the situation remains fragile, especially along the administrative boundary lines. Incidents continue to occur, as demonstrated by the killing of Georgian police, naval incidents in the Black Sea, aerial intrusions, explosions on the railway and on the electricity grid, and the detention of civilians near the administrative boundaries. A small incident can rapidly escalate into armed confrontation. The EU must therefore remain vigilant and actively engaged, in particular by means of the EUMM.

Georgia's relations with Russia remain tense. Diplomatic relations are severed and hostile statements continue to be made. One glimmer of hope is the opening of the Verkhny Lars crossing point between Georgia and Russia on the Georgian military highway; the crossing is expected to open on 1 March 2010. This is the only passage between the two countries besides crossings into Abkhazia and South Ossetia. We would welcome an opening of the border as this would facilitate contacts. It would also have positive implications for regional trade beyond Georgia's borders, notably for Armenia.

However, the continued presence of Russian forces in areas where forces had not been present prior to the August 2008 war, in particular in Akhgori, Upper Kodori, and Perevi makes the prospect of normalisation in the short to medium term unlikely. The EU has to continue

**We would welcome an opening of the border as this would facilitate contacts.**

to press upon the parties the importance of implementing the commitments they made in the Six Point Plan and subsequently implementing modalities.

The Georgian government has endorsed a strategy for the territories and is currently working on an action plan. Several EU member states have provided ad hoc bilateral expertise to this important process, however, the EU could play a more active role in this field. The EU's engagement and direct support is important in order to contribute to a strategy that is conducive to the resolution of these complex conflicts and is also aligned with EU policy concerning breakaway regions. The EU can make a contribution to conflict resolution at all the levels where the conflicts have been played out: the inter-community level, the inter-state level, and the strategic level.

While we should all remain unequivocally committed to the question of principle – respect for Georgia's territorial integrity – we should also be flexible and pragmatic in practice, namely by promoting contacts with the people of the breakaway regions. The EU needs to further develop the parameters for our own engagement with the separatist entities. We have a strategic interest in engagement within the limits of our non-recognition policy.

October 2009 saw the one-year anniversary of the deployment of the EU Monitoring Mission to Georgia. The renewal of the mission's mandate for another year was an important signal regarding the EU's continued commitment to the stabilisation of the region. Now we must look into the future and consider how the EUMM can best implement its country-wide mandate, in particular given that Russia vetoed the continued existence of the UNOMIG and the OSCE mission, leaving the EUMM as the main international presence on the ground that is able to monitor the implementation of the six point ceasefire plan and the subsequent implementation measures.

The lack of access to Abkhazia and South Ossetia remains one of the main challenges to the mission; this leaves us with little information about what takes place within the separatist entities, and we are unable to secure the return of IDPs to their homes. The EU continues to bring up this issue to their Russian partners at the Geneva talks and elsewhere.

### **Democracy in the Region**

The process of consolidating democratic governance and advancing respect for human rights and rule of law in the South Caucasus continues to proceed on an uneven trajectory. Inadequate political pluralism and freedom of the press, a generally weak rule of law, and the lack of political dialogue continue to give cause for concern, with varying degrees, in Azerbaijan, Armenia, and Georgia. In my engagement with the leaderships of the countries, I reiterate that the governments should do all they can to continue to strengthen democracy by reforming state institutions and by continuing constructive dialogue with the opposition.

### **Armenia**

A recurring theme in Armenia's domestic political scene has been a series of missed opportunities to overcome the consequences of the state of emergency in March 2008, including opportunities to enhance political dialogue and strengthen democratic institutions. This is highly paradoxical, as Armenia is making diligent progress on many other parts of the agenda defined in its mutual commitments with the EU.

While pluralism and rule of law have been reinforced by amendments to the constitution, in practice the separation of powers still favours the executive branch. Corruption represents a serious challenge to the democratization of Armenia. Civilian authorities maintain effective control over the security forces, but impunity for human rights violations committed by members of the security forces is a matter of concern. The aftermath of the 2008

Corruption represents a serious challenge to the democratization of Armenia.

presidential elections highlighted the shortcomings in the implementation of Armenia's international human rights obligations.

The aftermath of the political violence on March 1-2, 2008 continues to be a burden. In response to concerns voiced by the Council of Europe (CoE) Parliamentary Assembly, the EU, and other international organizations, a partial amnesty was proposed by the President and adopted by the National Assembly on June 19, 2009. Yet there are still several persons in detention linked to political activities. By not releasing these political prisoners, the authorities miss an opportunity to resolve this issue.

An ad hoc Parliamentary Commission was mandated in June 2008 to investigate the events of March 2008 and their causes and to assess the legality and proportionality of police actions. The Commission concluded in September 2009 that isolated instances of disproportionate use of force by the police took place in the aftermath of the 2008 elections and urged the authorities to increase efforts to identify and prosecute the individuals responsible for the ten deaths. The report was criticized by the opposition as biased and unsatisfactory; they claim that it has not contributed to decreasing tension. A broad-based Fact-Finding Group, with the task of collecting facts to be submitted to the ad hoc Parliamentary Commission, was dissolved after internal rivalries in June 2009, thereby depriving the non-parliamentary opposition and other experts a role in the investigations.

The first municipal elections in Yerevan on May 31, 2009 represented another missed opportunity to restore trust in Armenia's polarized society.

### **Azerbaijan**

In Azerbaijan there has been limited or no progress on democratic reforms in 2009. Changes to the constitution adopted by referendum in March 2009 have further reinforced the positions of the President and the ruling party. There continue to be restrictions on freedom of

assembly. Amendments to several key laws have raised further concerns. The long-awaited law on political parties has yet not been submitted to the Parliament.

While there has been some improvement regarding human rights, Azerbaijan has shown only limited willingness to discuss general human rights questions with EU interlocutors or to address specific cases.



The Azerbaijani authorities have taken some steps to address human rights concerns, at least at the declaratory level. The government has adopted several 'state concepts' on human rights related issues including reform of the judiciary branch, independence of the media, and combating corruption, however, most of the content of these documents has not actually been put into practice. Restrictive amendments to the law on NGOs were eventually not adopted, after numerous EU interventions.

Freedom of the press remains constrained, although a number of independent sources of information exist. These media outlets provide nuanced and cautious independent information and some have a large audience. Two journalists remain in jail on charges widely believed to be spurious. Draft amendments to the criminal code providing for the decriminalization of libel have been submitted to the Parliament, but have not yet been discussed.

There are several individual cases of concern. The arrest and imprisonment of the young bloggers and civil society activists, Emin Milli and Adnan Hajizade, in early July 2009 remains today a case for concern that we are following closely. In October 2009, five journalists were sentenced on charges of defamation, one of whom was imprisoned. On the positive side, several cases against human rights defenders and civil society personalities ended with light charges or even acquittals throughout 2009.

## Georgia

In Georgia the protracted street protests by the opposition during the spring and summer of 2009 have been translated into a fragile political dialogue between the ruling party, the United National Movement, and the main representatives of non-parliamentary opposition parties. Both the government and the opposition learned the limits of their actions – the opposition learned the limits of utilizing street protest as a political instrument and the government understood the limits of its monopoly for the use of force.

The dialogue between the ruling party and the non-parliamentary opposition is still frail in many aspects, therefore continued EU and international engagement and support remains necessary. It is important that this dialogue yields concrete results on a consensual basis in outstanding issues such as constitutional and election code reform, freedom of the press, independence of the judiciary branch, and issues pertaining to law enforcement and human rights. At the moment all major political stakeholders in Georgia are contributing either directly or indirectly to the reform of the Election Code, however, consensus seems elusive.

Despite the improvements in Georgia, the EU must continue its engagement and in particular remind the government that it must deliver on its promises. Moreover, we need to keep an open and frank dialogue with the government to ensure that Georgia follows a European trajectory; the recent Liberty Act contains elements that may push Georgia away from a European model and towards a more libertarian economic system.

## Energy

Much of the international attention to the South Caucasus continues to be focused on energy issues. From a European perspective, the key is to what extent the political and economic conditions will be in place to ensure the transit of future energy resources, in

Both the government and the opposition learned the limits of their actions.



It is essential for the EU to continue its focused interest on the energy issues of the South Caucasus.

particular gas, via the South Caucasus to European markets. This requires signing contracts with suppliers, including Central Asia, building infrastructure and ensuring conditions for transit, in particular through Turkey. Important steps in this direction were taken at the Southern Corridor Summit in Prague on May 8, 2009 and with the signing of an inter-governmental agreement on the Nabucco pipeline in July. However, some subsequent steps taken by Azerbaijan and Turkey seem to call these commitments into question. Therefore, it is essential for the EU to continue its focused interest on the energy issues of the South Caucasus.

There are several pre-conditions for the southern energy corridor to move forward. An agreement with Turkey over gas transit conditions is a key requirement. Another important aspect is the availability of gas from Central Asia. Turkmenistan has indicated interest on several occasions, however, there is still uncertainty about Turkmenistan's readiness, bilateral problems with Azerbaijan, the size of its reserves, and the conditions for constructing a trans-Caspian pipeline.

#### Future Perspectives

Looking ahead, the EU should continue to extend its full support to the rapprochement between Armenia and Turkey. At the same time, we need to continue to focus our attention on Nagorno-Karabakh, as the resolution of this conflict is of key importance for the region as a whole.

The situation in Georgia has improved somewhat but remains fragile and calls for continued broad engagement from the EU. It is imperative that we remain vigilant and impress upon the parties the importance of abiding by their commitments. We also need to establish the parameters, within which we can engage with the separatist entities, while continuing to respect Georgia's territorial integrity.

The democratic reform agenda has proceeded with difficulty in the three countries. However, I remain hopeful that the Eastern Partnership will provide an incentive in itself and a framework, in which the three countries can move towards a consolidation of their democracies. ■

## The Role of EUMM in Conflict Management: Obstacles and Perspectives

Hansjörg Haber<sup>28</sup>



EUMM, the European Union Monitoring Mission in Georgia, was mandated by the Council of the European Union as a joint action on September 15, 2008. This was approximately one month after the Six Point Plan was concluded on August 12 as an end to hostilities and one week after the signing of the Implementing Measures Agreement on September 8. Although EUMM is basically a contribution to the implementation of the Six Point Plan, it is first mentioned in the Implementing Measures Agreement, not in the original agreement of August 12. On August 26, two weeks after the conclusion of the Six Point Plan, Russia formally recognized the breakaway regions of Abkhazia and South Ossetia as independent states. Moscow thereby attempted to unilaterally change the legal situation underlying the Six Points Plan, creating, according to its own terminology, "new realities" in the South Caucasus.

This action created the largest obstacle so far to the implementation of EUMM's mandate. Russia formally recognized the legality of the breakaway states before the European Council agreed upon the mandate for EUMM on the basis of the EU's longstanding legal position,

<sup>28</sup> Head of Mission, EUMM. Views expressed are those of the author and do not necessarily reflect EU positions. This article is based on the situation as it presented itself in mid-December 2009.

which fundamentally insists on Georgia's territorial integrity. One of the consequences of this fundamental disagreement between the EU and Russia is that EUMM cannot implement its mandate in Abkhazia and South Ossetia. Another important implication is that Russia no longer recognizes its obligation to implement the fifth point of the Six Point Plan – the retreat of Russian Armed Forces to the lines held previous to the outbreak of conflict within the administrative boundary lines of Abkhazia and South Ossetia.

It is true that EUMM was less affected by the unilateral Russian recognition of the breakaway regions than the other two international missions that have already been present for over a decade when EUMM was deployed at the end of September 2008. By July 2009, less than one year after the outbreak of hostilities, both the UN (UNOMIG) and the OSCE missions in Georgia were terminated. The only way of preventing a Russian veto in the UNOMIG and the refusal of Russian consent in the OSCE mission, which was required to extend their mandates, would have been to “split them into two,” establishing separate missions in Abkhazia and South Ossetia respectively and thus conceding an element of recognition to the two entities. As Russia is one of just three states in the UN and the only member state of the OSCE that recognizes the legitimacy of the two breakaway regions, this would have run counter to the legal positions of the overwhelming majority of member states of both organizations. Russia, armed with its veto power in the UN Security Council and the consensus requirement in the OSCE, was in a position to block, but not to prevail. But Russia has no such veto power with regard to EUMM. This is incidentally why it was the right decision to establish EUMM as an EU mission and why the implementation of the Six Point Plan was not entrusted, as had occasionally been suggested, to the OSCE and/or the UN. As non-recognition of the breakaway regions is based on a consensus in the EU, but not on a full consensus in the UN or the OSCE, the EU was able to voice its legal

position much more unambiguously than the other two organizations.

The denial of access to Abkhazia and South Ossetia was a public relations problem for EUMM. Both the government of Georgia and Georgian public opinion expected EUMM, by virtue of the Six Point Plan and sufficient diplomatic pressure, to obtain the access that had been denied to Georgian authorities since 1993 in the case of Abkhazia and since 1992 in large parts of South Ossetia. From the outset it was unlikely that EUMM would be granted access to these regions. Faced with these expectations, EUMM conducted what it called a “knocking on the door” policy by actually driving to the checkpoints along the administrative boundary lines and asking to be allowed to pass; however, access was never granted. Given the poor discipline of many border guards at the time, this was a risky endeavor and precautions had to be taken. However, in the long run the most convincing argument for Georgian public opinion was that EUMM, as a civilian unarmed mission, simply did not have the option to force its way through. At the same time, EUMM could point to the firm and unwavering EU policy of non-recognition. The “new realities on the ground” alleged by Russia were thus contrasted with the unchanged “old realities in the sphere of international law.” Over time, Georgian public opinion has, albeit with some hesitations and not without exceptions, come to accept the firm non-recognition policy of the EU as a sufficient response to the denial of access to Abkhazia and South Ossetia.

This lack of access to Abkhazia and South Ossetia also had important consequences for the implementation of EUMM's mandate. This mandate, as detailed in the Joint Action of September 15, 2008, comprised the four elements of stabilization, normalization, confidence building, and reporting. Stabilization is understood as compliance of all regular and irregular armed forces with the Six Point Plan and the Implementing Measures. Normalization is interpreted as relating chiefly to

The denial of access to Abkhazia and South Ossetia was a public relations problem for EUMM.

the situation of internally displaced persons, i.e. their return to their previous places of residence. Confidence building is essential for all parties to the conflict. Finally, reporting should be used in order to provide the EU with a durable political solution for Georgia. It is immediately clear that at least stabilization and confidence building require access to the entire territory of Georgia. This is especially true for stabilization, as the implementation of three of the six points contained in the Six Points Plan require access to the entire territory (non-use of force, definite cessation of hostilities and the aforementioned retreat of Russian Armed Forces to the lines held previous to the outbreak of the conflict). All of these tasks, as far as EUMM's presence on the ground is concerned, had to be carried out unilaterally, i.e. in those parts of the territory of Georgia that were under the control of the government and thus accessible to EUMM.

Stabilization turned out to be less of a challenge than many had expected. A pessimistic assessment of the situation after the deployment of EUMM could have concluded that all participants in the conflict, Russia, Georgia, and the breakaway regions, had for differing reasons an interest in proving that EUMM, as an unarmed civilian mission with a limited number of monitors, was too weak to effectively fulfill its mandate. However, this did not happen.

It is true that incidents occurred in the vicinity of the administrative boundary lines. Thirteen Georgian police officers have been killed since the end of hostilities. However, six of these casualties occurred before EUMM's deployment and the other seven casualties occurred at increasingly longer time intervals; the most recent of which was in April 2009. EUMM itself was attacked on June 21, 2009, when a roadside mine killed the driver of a patrol ambulance car. However, despite the casualties, these remained isolated incidents. There continues to be what is commonly called "happy shootings" along the administrative boundary line, but so far these have not resulted in injuries or casualties. Explosive devices

have been found in the areas adjacent to the administrative boundary lines, however, with the exception of the aforementioned police officers, none of these attacks inflicted casualties.

The state of affairs has been relatively stable since the start of EUMM's presence. Although EUMM plays a role in the current status quo, there are many factors that attribute to it. It can only be concluded that none of the participants to the conflict have an interest in restarting the conflict, which in itself is a reason for optimism. This contrasts starkly with the perceptions of both Georgian and Russian officials as expressed to EUMM in the first weeks of its presence on the ground. At that stage, both sides expected that the adversary intended on resuming armed conflict in the near future. The fact that this has not occurred constitutes an element of stability in itself and is moreover an indication of a certain, if begrudging, confidence in the adversary. However, the situation is not completely symmetrical. The continued accusations by high-ranking Russian officials who claim that Georgia is rearming with hostile intentions and who further suspect Tbilisi of supporting al-Qaeda are not contributing to further stabilization.

In its efforts to support stabilization, EUMM concluded two memoranda of understanding with the Georgian authorities. The first memorandum was endorsed by the Ministry of Interior Affairs on October 10, 2008, very shortly after the deployment of EUMM and just two days after the withdrawal of the Russian Armed Forces from territories then still occupied outside Abkhazia and South Ossetia (the so-called Adjacent Areas). This memorandum called for only police and no armed forces to be deployed to the Adjacent Areas and creates transparency for EUMM with respect to the number and deployment of police forces in these areas. It also establishes a liaison mechanism, including in the event of incidents, between EUMM and the Ministry. The second memorandum, endorsed by the Ministry of Defense on January 26, 2009, established restrictions for the armed

The Georgian government can hardly be expected to negotiate an agreement on armed forces.

forces of Georgia in the vicinity of Abkhazia and South Ossetia. More specifically, according to this agreement the Georgian armed forces may not deploy units greater than battalion strength and no more than five pieces of artillery between 60-120 mm caliber to regions near the administrative boundary lines. The breadth of these regions in the Abkhaz theater is 15 km, while in the South Ossetian theater is narrower and defined by a special map.

The problem with the border area of South Ossetia is the Akhagori valley, where Russian troops are stationed a mere 40 kilometers from Tbilisi. The line that was eventually agreed upon ensures that the Georgian artillery can reach vital Russian positions only at an extreme range, thus rendering a surprise attack useless. This was a unilateral concession by the Georgian government. The current agreement allows the Georgian Ministry of Defense to terminate the agreement every three months when it is up for renewal. Regrettably, there has not yet been any comparable restriction for the Russian armed forces or the armed forces of the de facto entities and it is unlikely that they will introduce one of their own accord. A symmetrical arrangement on the other side could indeed only be unilateral in nature, because the Georgian government can hardly be expected to negotiate an agreement on armed forces who Georgia considers to be illegally occupying the territory, nor can EUMM do so given the legal position of the EU. Nevertheless, the memorandum of understanding between EUMM and the Georgian Ministry of Defense has been made available to the Russian side.

This unilateralism enables EUMM to issue the government of Georgia a “clean bill of health” as long as the memorandum of understanding is in force and implemented. In the event of an incident along the administrative boundary line, which has a potential of escalation, EUMM could certify that Georgia did not have the necessary forces in the necessary positions to conduct a surprise attack on the administrative boundary line. In

this sense the memorandum has a certain effect on the other side of the administrative boundary line where no such provision is in force. It is thus an example of unilateralism with a bilateral effect and this is probably why the Georgian government has so far chosen not to terminate its validity. It is also illustrative of the fact that EUMM, even without access to the de facto entities, can somehow have an effect beyond the administrative boundary line.

Given all of this, it can be considered that EUMM has made some considerable progress on the stabilization component of its mandate. However, stabilization is not enough. Conflict research has clearly demonstrated that most armed conflicts that erupt are not “new” conflicts, but merely old conflicts that are temporarily frozen; the history of the conflicts around Abkhazia and South Ossetia since the early 1990s are an illustration of this finding. Identifying and developing a dynamic element, which can contribute to the conflict’s solution, is a task far beyond the capacities and even the mandate of EUMM. However, EUMM is able to offer its contribution to identifying and developing this element.

Normalization, another component of EUMM’s mandate, is focused on the situation of the internally displaced persons. The Georgian government should be commended for their accommodation of the so-called second caseload of internally displaced persons, i.e. those displaced from the 2008 war. Some 30,000 people have been resettled by a programme that was carried out with amazing speed. Despite its shortcomings, this resettlement is far greater than what this and former Georgian governments have done to alleviate the fate of the far numerous first caseload, i.e. those displaced by the Abkhazia war in 1992-1993. EUMM observes and reports regarding both caseloads, however, when it comes to practical measures, as EUMM lacks executive elements in its mandate, it has to refer to UNHCR, UNDP, and the European Delegation.

Confidence building is perhaps the most difficult component of the EUMM mandate. EUMM began developing concepts for confidence building soon after it took up its patrols, but the task was then treated in the second round of the Geneva talks. On February 18, a paper on two so-called Incident Prevention and Response Mechanisms was agreed upon in this framework, one for the Abkhazian theater and one for the South Ossetian theater. The paper was negotiated under conditions of irreconcilable positions concerning recognition of the two entities. It therefore contained a number of formula compromises and left open questions concerning the status of these entities.

The Abkhaz side refused to participate in the mechanism before the question of the extension of the UN-OMIG's mandate was settled – the deadline for this was June 15. But once the mechanism had begun its work, it convened regularly and without procedural delays. Over time, a considerable volume of useful information was exchanged. However, it became clear that the Abkhaz side considered incident prevention a task of transitory importance, given their cooperation with the Russian FSB in organizing a border regime that would eventually eliminate incidents even without cooperation by the Georgian authorities. For the Abkhaz it is fairly obvious that at least part of the mechanism's importance was contained in its character as an interface with the international community (in addition to the Geneva talks), since the UN forum was no longer available to demonstrate Abkhazia's self-proclaimed statehood with the end of the UNOMIG mandate. This of course is a reason for the Georgian government to cautiously approach the mechanism. However, due to this background, the mechanism has so far been working reasonably well. While there is still no real trust between the parties to the conflict, a habit of regular contact is developing that may in due course produce real results.

In the South Ossetian theater, the mechanism was applied much earlier on April 23, 2009. But even this was

already two months after the agreement in Geneva and thus indicative of the difficulties ahead. Much more than the Abkhaz, the South Ossetians insisted on procedural issues reflecting status problems, such as the chairmanship of the meeting. This issue is still not settled and EUMM and the OSCE exercise a tenuous provisional co-facilitatorship. South Ossetia claimed that the compromise proposals for the chairmanship ran counter to the EU legal position and were therefore unacceptable. Another problem of the mechanism is that South Ossetians continue to use it as a forum for dealing with past incidents, in particular a case of three young South Ossetians who disappeared after the end of hostilities. While it is legitimate to raise such cases as an attempt to prevent their recurrence, the South Ossetians clearly showed a tendency to monopolize the agenda in favour of this one incident. As of mid-December 2009, the South Ossetians have even suspended their participation in the mechanism, citing the reason to be the lack of progress on the case of the three missing South Ossetians.

The EU is only one of the actors dealing with the aftermath of armed conflict in Georgia. The UN and the OSCE, although their missions on the ground were terminated by the end of July 2009, continue to act as co-chairs of the Geneva talks and, in this framework, to liaise with the parties currently in Georgia. The Incident Prevention and Response Mechanism in the Abkhaz theater operates under the auspices of the UN, while the OSCE acts as co-facilitator of the South Ossetian mechanism although its mandate to do so is disputed by the South Ossetian participants. With the EU also acting as a co-chair in Geneva, the Geneva talks are the political "roof" for EUMM's work on the ground. In principle it would be desirable to restrict political and status issues to Geneva, because a "depoliticized" EUMM would certainly have greater success with confidence building. However, as the Incident Prevention and Response Mechanism in the South Ossetian theater demonstrates, this is not possible under the present circumstances. While even the man-

The South Ossetians clearly showed a tendency to monopolize the agenda in favour of this one incident.



date of the Geneva talks as contained in point 6 of the Six Points Plan does not extend to status issues (this was originally intended, but not realized), the questions of status are constantly raised. Not only do they determine the format of the Geneva talks, but they also pervade almost the entire agenda, including the current main topic of the first working group regarding the non-use of force.

But even the EU is not a completely unified actor, at least not institutionally. Apart from EUMM, there are the mandates of Ambassador Pierre Morel for the Geneva talks and of the Special Representative for the South Caucasus, Ambassador Peter Semneby. There is the Commission with its delegation in Tbilisi (since December 1, the European Delegation) and additionally there are twenty-seven member states, fifteen of which have diplomatic representation in Tbilisi.

However, the counterparts on the other sides of the Administrative Boundary Lines are not unified actors either. Despite the apparent similarity of their cases from a legal standpoint, Abkhazia is a much more consolidated entity than South Ossetia and more willing to conform to certain standards of diplomatic behavior. Russia is also not acting uniformly, rather the foreign policy establishment, the armed forces and the FSB all play their own role.

In this light, it remains a constant challenge for EU actors to develop, adapt, and harmonize their policies in this changing environment. Clearly, non-recognition of the breakaway regions and the non-use of force against the administrative boundary lines are two important cornerstones of any EU policy. It follows logically that, departing from its legal position, the EU must help Georgia to try to regain the breakaway regions by means of a peaceful competition for the hearts and minds of their populations. With the various actors involved and a wide choice of policies, the EU is well equipped to assist Georgia in doing this. However, it is primarily the

Abkhazia is a much more willing to conform to certain standards of diplomatic behavior.

responsibility of Georgia to organize this process. Both on the EU side and on the Georgian side, there is currently an intensive process of reflection, which provides one with reasons to be moderately optimistic. EUMM will have to flexibly adapt the implementation of its mandate to this changing environment. ■

## Turkey's Role in the South Caucasus

Nimet Beriker

Conflicts in the South Caucasus became an important policy issue for the West, as pressing energy concerns and new investment opportunities necessitated the formulation of creative policy options in the region. Caspian oil reserves are one of the major resources that could be an alternative to EU's energy dependency on Russia. The security and stability of the South Caucasus, namely of the regions between Europe and the oil-rich Caspian region, has become a crucial challenge in the realization of new pipeline projects. Two major conflicts jeopardize the security and stability of the region. The Georgia-Russia conflict concerning Georgia's dispute with South Ossetia and Abkhazia reached its peak in 2008. The Armenia-Azerbaijan conflict over Nagorno-Karabakh is the second hotspot that threatens the regional security and stability. Turkey is the only NATO country that neighbours all regional conflicting parties and it offers a vast amount of land for new pipeline routes. Therefore, a close look at Turkey's role in the South Caucasus could offer clues about the future developments in the region.

### The New Turkish Foreign Policy

Turkey's foreign policy strategy utilizes two principles. "Zero problems with the neighbours" is an approach that envisions normalization and improvement of the



relationships with neighbouring countries in the South Caucasus region, including Russia, Azerbaijan, Georgia, and Armenia. “Strategic depth”, on the other hand, addresses Turkey’s capacity for political, economic, and cultural influence in the former Ottoman regions, i.e. in the Balkans, the South Caucasus, and the Middle East.<sup>29</sup> Acting as a mediator in international disputes and building new functional interdependencies in the region are two tangible diplomatic instruments employed by Turkish decision-makers to achieve these goals.

Since 2002 the AKP government has been engaged in numerous peace-making efforts. Turkey has been an active peace broker between Palestine and Israel, Hamas and El-Fatah, Syria and Israel, Pakistan and Israel, Afghanistan and Pakistan, the EU and Iran, the US and Iran, as well as for various parties in the Caucasian conflicts. During the 2003 war in Iraq the Turkish government mediated between Iraqi Shiites and Sunnis concerning their conflict in forming a broad-based government. Similarly, the government acted as a facilitator between Lebanon and Israel after the war in 2006 and later among different political sects in Lebanon.

Turkey’s role as a mediator in international affairs has been a smart foreign policy shift in many ways. Firstly, in the polarized post-9/11 international environment, especially following the Iraqi invasion, diplomatic leverage of the US and the EU failed to deal successfully with pressing issues in the Middle East. Turkey saw the opportunity to fill this gap. Secondly, by offering media-

**Turkey’s role as a mediator in international affairs has been a smart foreign policy shift in many ways.**

<sup>29</sup> More on Turkish Foreign Policy: Bülent Aras *The Davutoğlu’s Era in Turkish Foreign Policy*, Insight Turkey Vol. 11, No. 3 (2009) pp. 127-142; Diba Nigar Göksel “Turkey’s Policy towards the Caucasus” in *Caucasus Neighborhood: Turkey and the South Caucasus*. Caucasus Institute, Yerevan: (2008) Cengiz Çandar “Turkey’s Soft Power Strategy: A New Vision for a Multi-Polar World” Seta Policy Brief, No. 38, December 2009; E. Fuat Keyman, “Turkish Foreign Policy in the Era of Global Turmoil: Seta Policy Brief, No. 39, December 2009; Tigran Torosyan “The Return of Turkey: Ankara in the South Caucasus after the Russian-Georgian War” *Russia in Global Affairs*. Vol. 7, No. 3 (2009) pp. 120-129.

tion services elsewhere Turkey generated new political leverages for itself. Turkey also hopes to consolidate US support for a number of issues, including Turkey’s membership negotiations with the EU, regarding the issue of Cyprus, and throughout its struggle with Kurdish insurgencies. Similarly, Turkey used this new policy to demonstrate to the EU that it is an asset to the global community. Thirdly, increasing international recognition and credibility of the AKP government helped the government gain an upper hand in its political struggle with the secular domestic political opposition parties and institutions, including the Turkish Army. Lastly, an active international presence increased Turkey’s credibility in the Islamic world – however, it also raised questions about Turkey’s possible neo-Ottoman aspirations.

In addition to mediating regional conflicts, another aspect of Turkey’s constructive engagement in regional conflicts took the form of building new relationship networks and crafting new functional interdependencies in the region. Investment in alternative energy pipeline projects is a concrete policy project developed with this understanding.

### **Energy Routes and Turkey**

Turkey is a key player in energy diplomacy. Turkey’s geography offers alternative routes for energy pipelines, which could provide Europe with gas from energy-rich regions such as Central Asia, the Caucasus, and the Middle East. Due to their concerns about energy dependence on Russia, the EU and the US are constantly searching for new alternative supply sources. The Nabucco pipeline is a major project of such energy diversification. On July 13, 2009 EU governments and Turkey signed an agreement on the legal framework for the Nabucco gas pipeline. This prospective gas pipeline would connect the Caspian region, the Middle East, and Egypt to Austria and eventually to the Central and Western European gas markets by means of a pipeline that travels through Turkey, Bulgaria, Romania, and Hungary.

Similarly, in October 2009 a *modus operandi* was set to be signed between Turkey, Russia and Italy, allowing Russia to use Turkish territorial waters in the Black Sea in order to construct the South Stream pipeline, which originates in Russia, runs through the Black Sea, and ends in Southern Europe. This pipeline provides Russia with a clear path to reach Bulgaria while avoiding Ukrainian waters and it aims at protecting Russia's 25 percent share in the European gas market. As part of this deal, Turkey and Russia signed another agreement on the Samsun-Ceyhan petroleum pipeline, a 1.5 billion dollar project that envisions an alternative route for Russia's and Kazakhstan's oil. Similarly, a trilateral meeting is being considered between Israel, Russia and Turkey concerning a natural gas pipeline project, Blue Stream II.

Blue Stream's current capacity is 16 billion cubic meters per year. Russia and Turkey also agreed to extend contracts on natural gas imports for 20 years. Turkey itself is a major importer of natural gas from Russia – nearly 70 percent of Turkey's gas imports are from Russia.<sup>30</sup> Turkey already hosts a number of various pipeline projects. The Baku–Tbilisi–Ceyhan (BTC) crude oil pipeline constitutes an important leg of the East–West energy corridor, providing Turkey with greater geopolitical importance. Operational since 2005, the BTC pipeline begins at the Caspian sea, traverses Georgia, and ends in Ceyhan, a port on the Southeast Mediterranean coast of Turkey. The BTE (Baku–Tbilisi–Erzurum) pipeline is another similar initiative backed by the EU and the US.

Turkey has adopted an independent foreign policy on energy issues and diversifies its policy options through

<sup>30</sup> For additional information on Turkey's pipeline politics, please see, Sedat Laçiner, "Turkey's Pipeline Politics" <http://www.usak.org.tr/EN/makale.asp?id=999>, retrieved on January 3, 2010. "Turkey courts Russia on energy after Nabucco deal," <http://www.songazetesi.com/turkey-courts-russia-on-energy-after-nabucco-deal-i1567.html> retrieved on January 3, 2010. F. William Engdahl "War, Oil and Gas Pipelines: Turkey is Washington's Geopolitical Pivot" <http://www.globalresearch.ca/index.php?context=va&aid=13171> retrieved on January 3, 2010.

multiple engagements. This orientation is very much in line with the aforementioned foreign policy principle on creating new interdependencies and policy networks. Turkey is seeking to increase its role as an energy corridor and claims that the Nabucco and South Stream pipelines are complementary projects, not rivals. This assertion holds credence given the new security configuration in the Caucasus.

### Turkey in the Caucasus and New Political Processes

Political dynamics are changing in the Caucasus.<sup>31</sup> Although traces of "super power" competition can still be found at different interaction levels, the new framework has created opportunities for international cooperation. A key event that changed the status quo in the region was the Armenian-Turkish rapprochement, triggered by the Russian-Georgian conflict. For many years the EU and the US sought to end Armenia's political isolation in the region and, due to the Georgian crisis, considered Armenia as an alternative energy route for the Nabucco project.

Following the peace talks mediated by the US and Switzerland as well as the "football diplomacy," Turkish and Armenian representatives signed a protocol on October 10, 2009, which set a timetable to normalize relations. This effort was also supported by Russia, France, and the EU. In return for this initiative, Turkey expects the US and the Minsk group to mediate the settlement of the Nagorno-Karabakh conflict between Azerbaijan and Armenia. Unhappy with its role in this deal, Azerbaijan signed a gas protocol with Russia for long-term supplies of Central Asian gas to Russia at market prices, a

Turkey is seeking to increase its role as an energy corridor.

<sup>31</sup> On changing geopolitical conditions; Vladimir Radyuhin "New Security Configuration in the Caucasus" <http://www.eurasiacritic.com/articles/new-security-configuration-caucasus> Retrieved on January 3, 2010; F. William Engdahl "War, Oil and Gas Pipelines: Turkey is Washington's Geopolitical Pivot" <http://www.globalresearch.ca/index.php?context=va&aid=13171> retrieved on January 3, 2010; Borut Grgic "Merkel win opens Caucasus options" [http://www.acus.org/new\\_atlanticist/merkel-win-opens-caucuses-options](http://www.acus.org/new_atlanticist/merkel-win-opens-caucuses-options) retrieved on January 3, 2010.

development which was considered as a warning to the architects of the Nabucco project, as Azerbaijan was seen as the key gas supplier of the Nabucco pipeline. The Turkish-Armenian rapprochement also produced an environment suitable for Russia-US collaboration. Armenia's isolation in the region increases the cost of trade for Russia. Similarly, Azerbaijan is an important partner of Russia, as it is a major gas supplier in the region; Turkey's considerable influence on Azerbaijan is a key issue here. Also in the interest of Russia are the normalization of Turkish-Armenian relations and solving the issue of Nagorno-Karabakh.

Turkey's constructive involvement in the affairs of Georgia dates back to March 2004; tension between Adjarian authorities and Georgian officials arose when Adjarians prevented Georgian President Mikhail Saakashvili from entering the independent region of Adjara. Turkey sent two officials to Tbilisi and Batumi as an attempt to ease the tension between the parties. When the tension between these conflicting parties continued to increase, Turkish Foreign Minister Abdullah Gül assured Georgian Prime Minister Zvania that Ankara was prepared to help the parties reduce the tension.<sup>32</sup>

Turkey's assistance was also sought in the Georgia-Abkhazia dispute. In June 2005, President of the Abkhaz parliament Nugzar Ashuba visited the Turkish Ambassador in Tbilisi, Ertan Gongor, asking for assistance in their troubled relations with Georgia. Ambassador Gongor said that Turkey was ready to mediate the differences between the Georgian government and Abkhazia, but that they would have to first observe the development of other mediation efforts taking place under the auspices of the UN.<sup>33</sup> Following the Georgia-Russia crisis in Au-

<sup>32</sup> Turkish Daily News, "Turkey calls for calm in troubled Georgia," <http://www.turkishdailynews.com.tr/article.php?enewsid=36313> Retrieved on May 5, 2004.

<sup>33</sup> Radikal, "Abhazya'da rol arayışı" ("Searching for a role in Abkhaz conflict"), <http://www.radikal.com.tr/haber.php?haberno=154504> Retrieved on June 1st., 2005.

gust 2008, Ankara initiated the Caucasian Stability and Cooperation Platform<sup>34</sup> with the involvement of Russia, Armenia, Azerbaijan, Georgia, and Turkey. The aim of this initiative was to create an additional venue where the pressing issues of the region could be addressed, such as energy security, regional peace and stability, and economic cooperation. The platform was established as a complementary mechanism to the Minsk group.

### In Conclusion

Turkey has served as a smart regional actor equipped with upgraded foreign policy instruments. The South Caucasus conflicts are of direct interest to Turkey. By deploying multiple foreign policy instruments and by crafting new functional interdependencies, Turkey has been able to create new relationship networks and political processes in the region. A flexible, adaptive, and agile foreign policy style has increased Turkey's political leverage and has made it a critical player in the attempt to achieve security and stability in the South Caucasus. ■

<sup>34</sup> Muha rrem Ekşi "From the Process of Caucasus Cooperation and Stability Platform to the Normalization of Turkish-Armenian Relations" [http://www.bilgesam.org/en/index.php?option=com\\_content&view=article&id=209:from-the-process-of-caucasus-cooperation-and-stability-platform-to-the-normalization-of-turkish-armenian-relations&catid=86:analizler-kafkaslar&Itemid=145](http://www.bilgesam.org/en/index.php?option=com_content&view=article&id=209:from-the-process-of-caucasus-cooperation-and-stability-platform-to-the-normalization-of-turkish-armenian-relations&catid=86:analizler-kafkaslar&Itemid=145) Retrieved on January 3, 2010.



## Prospects for Normalization of Armenian-Turkish Relations and Settlement of the Nagorno-Karabakh Conflict

David Shahnazaryan



Armenia's foreign policy is strongly influenced by its domestic policy, which has the aim of restricting democratic freedoms and violating human rights. This policy culminated in the corrupt presidential election in February 2008, the subsequent human rights violations on March 1 during the protests, the arrests of opposition activists, and Armenia's deteriorating international position.

Uncovering the truth about the events of March 1, bringing the responsible parties to justice, and immediately releasing the political prisoners could have helped the regime overcome the deepening political crisis, gain some amount of domestic legitimacy and strengthen Armenia's international standing. However, instead of mitigating the political confrontation at home, Armenian authorities chose to seek legitimacy beyond the country's borders. As a result they made unprecedented concessions both in the process of normalizing relations with Turkey and the Nagorno-Karabakh peace process.

### The Normalization of Armenian-Turkish Relations

The political force I represent supported the normalization of relations between Armenia and Turkey from the very outset and made the first steps in that direction in 1992. Since then we have considered the normalization of Armenian-Turkish relations to be an important political problem, rather than an ideological problem. Regarding the two protocols presented on August 31, 2009, we find it unacceptable to include a provision on the establishment of an intergovernmental sub-commission of Armenian and Turkish historians.



There are several reasons why we are against such a committee. Firstly, the existence of such a provision gives reason to say that the current policy is contingent on history, which in our opinion is unacceptable. Secondly, as an intergovernmental body the proposed sub-commission would dominate the entire spectrum of Armenian-Turkish relations. Thirdly, the sub-commission would not promote Turkish-Armenian reconciliation. Instead it would hinder the process, because at any moment each side could refer to it and interrupt other processes. Fourthly, establishing such a sub-commission could potentially call into question the facts of the Armenian Genocide and delay its international recognition.

Incidentally, Turkey has already succeeded, as this process was damaged after Serzh Sargsyan agreed to the establishment of the sub-commission in return for Turkey's promise to open the borders. Nonetheless, the Turkish parliament will not ratify these two protocols unless a tangible breakthrough is made in the Nagorno-Karabakh peace process.

From the start the Armenian National Congress expressed its concerns over a provision on the mandatory ratification of both protocols by Armenian and Turkish parliaments, because it gave Turkey the opportunity to link the issue of ratification with the resolution of the Nagorno-Karabakh conflict. Additionally, it would press Turkey to become involved in the Nagorno-Karabakh conflict settlement process as a full player. It is conceivable that after the protocols are signed, the Armenian-Turkish reconciliation process could transform into a new Armenian-Turkish conflict, full of accusations and insults by officials.

We also think that assigning the OSCE Minsk Group co-chairing countries and Switzerland to mediate between Turkey and Armenia is incorrect, because it implies that this process is regarded as conflict resolution, rather than as a process for the establishment of normal relations between two countries.

The Armenian-Turkish reconciliation process could transform into a new Armenian-Turkish conflict.

We are confident that even if Turkey becomes a full player in the Nagorno-Karabakh peace process, the border with Armenia will not be opened until the conflict is resolved.

### Nagorno-Karabakh

Recent developments have occurred in the direction of a settlement of the Nagorno-Karabakh conflict. The process was officially launched on July 10, 2009 by a joint statement by Presidents Obama, Medvedev, and Sarkozy at the G-8 L'Aquila Summit.

The Armenian National Congress has stated repeatedly that it supports a compromise-based peaceful solution to the conflict. However, six of the main principles of the Madrid Document, unveiled by Presidents Obama, Medvedev and Sarkozy in their joint statement, clearly insist that Armenia makes unilateral concessions.

In our assessment, the proposed conflict settlement plan does not provide the people of Nagorno-Karabakh with the opportunity to exercise their right to self-determination, it does not arrange for an overland link between Armenia and Nagorno-Karabakh and finally it does not guarantee international security for Nagorno-Karabakh. This conclusion is justified as follows.

Firstly, in the provision on the future determination of the final legal status of Nagorno-Karabakh, the original word 'referendum' was replaced by 'expression of will.' Another major concern is that no timetable is in place for this process. The Armenian National Congress believes that the document should have specified the following issues:

- Who is to organize the referendum? The UN, OSCE, Azerbaijan, or Nagorno-Karabakh?
- When will the referendum take place?
- In what territory will it be held?
- Who may participate?
- How are the questions going to be formulated on the ballot?



- What legally binding consequences will the referendum have?

Secondly, the status of the Lachin corridor, which links Armenia with Nagorno-Karabakh, is still uncertain. In particular it is not clear when the corridor's status will be determined, how wide the corridor will be and who will control it. These are very important issues, which were omitted at this stage of talks with the permission of Armenian authorities.

The Armenian National Congress believes that the Lachin corridor status issue should have already been resolved at this stage of the settlement process. However, if the Madrid Document leaves open the solution of this issue, then the Lachin corridor should be placed until then under the control of Nagorno-Karabakh.

Thirdly, Armenian authorities also made many concessions regarding the right of internally displaced persons and refugees to return to their former places of residence. If this referred earlier to only internally displaced people from the regions surrounding Nagorno-Karabakh, now refugees from Nagorno-Karabakh proper are added to this list. It should be noted that the return of internally displaced person and refugees to their former places of residence is extremely dangerous in the first stage of the settlement. Therefore, this provision would be a serious blunder in terms of the implementation of the settlement process.

Fourthly, Armenian authorities made an impermissible concession regarding the issue of international security guarantees. A related provision of the Madrid Document promises 'international security guarantees that would include a peacekeeping operation.' What is implied by a 'peacekeeping operation'? Are these international political guarantees of the OSCE Minsk Group co-chairing countries, or of the OSCE, the UN, or the EU? There is no way to ascertain that this clause ensures Nagorno-Karabakh's security by means of an international peacekeeping force.

According to some sources, the United States and Russia have agreed that international peacekeepers should be replaced in the conflict zone by international monitors; the force that can be expected would be a team of EU monitors, such as the EUMM in Georgia.

Obviously the US-Russian agreement is the outcome of their decade-long disagreements over the composition and strength of the peacekeeping force. Nonetheless, one should keep in mind that a withdrawal of troops from the zone of conflict without deployment of international peacekeeping forces would be extremely dangerous.

Apart from the international political guarantees, Nagorno-Karabakh and its people must also receive international military guarantees in the form of deployment of an international peacekeeping force.

Regarding the national composition of international peace troops, we believe that it must be composed of peacekeeping forces from countries with no direct interest in the region, e.g. Scandinavian, Western, or Eastern European nations. The peacekeeping force should not be composed of troops from co-chairing countries or countries that are neighbors of the conflicting parties.

Russia has taken up the key role in mediating the settlement of the conflict. However, Russia has always sought a solution that would result in a situation compatible with its regional interests. Otherwise Russia will try to maintain the current status quo. Therefore, we currently can say that no tangible progress is expected in the Turkish-Armenian reconciliation or Nagorno-Karabakh conflict settlement.

Simultaneously we should not ignore the fact that the solution depends to a great extent on future developments in US-Russian relations. Consequently, significant progress in their relations may spark swift developments in both the Nagorno-Karabakh and the Armenian-Turkish normalization processes. ■

**Nagorno-Karabakh must also receive international military guarantees.**

Leila Alieva



## Mapping the South Caucasus Conflicts: Factors of New Dynamics in the Region

The last two years were marked by a sharp shift in the status quo of the South Caucasus security. The conflicts that erupted with perestroika at the end of the 1980s after passing the stage of active warfare have been “conserved” or “frozen” since 1993-1994. The term “frozen” in relation to conflicts in the Georgian regions of South Ossetia and Abkhazia and the Azerbaijani-Armenian conflict over Nagorno-Karabakh caused a justified criticism, as the continued state of “no peace, no war” was widely perceived as a serious threat to security, prone to being ignited even by an accidental exchange of fire. However, the regional balance of power was conducive for the 15 years of ceasefire, supported without peacekeeping forces in Nagorno-Karabakh. In South Ossetia and Abkhazia the situation since the ceasefire agreements was under control of the CIS peacekeeping forces, OSCE missions, and the UNOMIG. However, the ceasefires in Georgia and Azerbaijan were not free of controversy due to the lack of progress in the actual resolution of the conflicts. The situation changed in August 2008, when the open war between Russia and Georgia led to the occupation of Abkhazia and South Ossetia, followed by Moscow’s official recognition of the independence of the autonomous republics. In turn, the change of the security balance in the region prompted the progress in Turkish-Armenian rapprochement, which if accompanied by the resolution of the Armenian-Azerbaijan conflict, may contribute to long term peace in the region.

### The Nature and Causes of the Status Quo

It is a widely shared opinion that South Caucasus conflicts developed as a result of the Soviet “nationality policies”, leading to the prominence of ethno-territorial

divisions and the elite’s emancipation. The oppressive and manipulative Soviet approach to the historical grievances enhanced the nationalist sentiments during the periods of political gaps and in the context of political struggle in the post-Soviet period. Once the conflicts were perceived as threats that undermine regional security and the domestic resources for warfare were exhausted, the ceasefire agreements were eventually signed in 1992-1993 in Georgia and in 1994 in Azerbaijan. The region has experienced highly devastating consequences of the wars, including ethnic cleansing and extensive flow of refugees and IDPs from the neighboring republics, breakaways regions and occupied territories, economic declines, interruption of trade and transportation links, humanitarian emergencies, political instability, and stagnation of development.

Stability was reached by integrating the South Caucasus states in European multilateral institutions, first and foremost OSCE, which has taken an active role in resolving the conflicts. However, since then no significant progress has been achieved in conflict resolution; these unresolved conflicts represent an obstacle to the full-fledged development of the region and its integration in the European and Euro-Atlantic structures.

At the macro level, involvement of third party actors, e.g. Iran, Russia, Turkey, the US, has complicated the situation and affected the conflict’s dynamics. Russia directly (militarily, economically and politically) supported secessionist movements in both Georgia and Azerbaijan and was seen as manipulating the minority issues to weaken “insurgent” republics as a way of preserving Russian influence in the region. Fearing a strong, secular and pro-Western Azerbaijan, Iran developed trade and economic relations with Nagorno-Karabakh and Armenia, while Turkey, sharing security perceptions with Azerbaijan, joined it in closing borders with Armenia. Under the influence of the Armenian lobby, the US Congress in an unbalanced act adopted sanctions against the democratically elected government of Azerbaijan in

1993. Thus, many observers concluded that the resolution of the conflicts are complicated by the competing and ambitious interests of outside powers.

The domestic factors that contributed to the stalemate include a lack of democratic and conflict resolution institutions, the irreconcilable positions of the political elite of the breakaway regions inspired by third party support, lack of public discussions of the alternative options and insufficient involvement in dialogue with minority groups by the states' leadership.

The involvement of third parties in some cases went as far as to qualify secessionist conflicts as interstate conflicts, such as in the cases of Armenia's support for the Azerbaijani autonomous region of Nagorno-Karabakh and of Russia's support for Abkhazia and South Ossetia, which resulted in open war with Georgia in 2008. In both cases, the involvement resulted in the establishment of factual control of the third parties over the breakaway regions.

The clash of interests of regional and extra-regional powers were reconciled and set on "the civilized" course with the establishment of the institute of co-chairmen under the auspices of the OSCE Minsk group. Since its creation in the early 1990's, the long process of official negotiations between the governments of Armenia and Azerbaijan began, along with the participation of the Nagorno-Karabakh Armenian community as the concerned party. Lack of progress can be attributed to various reasons, most importantly the institutional constraints of the consensus-based OSCE, of which both Azerbaijan and Armenia were members. Each state based its claim on fundamental principles, which appeared to contradict each other in the context of conflict resolution; Armenia argued the principle of self-determination of nations, while Azerbaijan argued the principle of territorial integrity.

From a political perspective, the co-chairmanship of the US, France and Russia was rather unbalanced. In

The involvement of third parties in some cases went as far as to qualify secessionist conflicts as interstate conflicts.

the opinion of some analysts, Russia could not serve as a mediator, as it was in fact a party to the conflict as a security and military ally of Armenia. Furthermore, the Armenian lobby has been historically a significant political factor in both the US and France. At the same time, the same experts acknowledged that the "key to the Karabakh conflict was in Russia", thus the selection of the mediators took into account the real interests and influence of the candidate-states. This bias of the member states of the co-chairmanship was made particularly clear on March 14, 2008 during a United Nations vote for a resolution that would recognize Karabakh as part of Azerbaijan, when all three co-chairman states, France, the US and Russia, voted against the resolution. (The UN adopted this resolution nevertheless – L.A)

Due to its institutional and political constraints, the OSCE conflict resolution mechanism had an ambiguous effect on the negotiation process. On the one hand, it helped to preserve peace by offering the conflicting parties a forum for civilized discussion regarding the settlement of the conflict. On the other hand, it did not lead to any major breakthrough due to the mediators' inability to prioritize one of the basic principles – territorial integrity or self-determination – and thus contributed to the stalemate of the negotiation process.

Another external factor that contributed to the "no peace, no war" situation was that the level of regional stability achieved appeared to be sufficient for the third party actors to realize their major interests. The unresolved conflicts and absence of control over some parts of its territories did not prevent Azerbaijan from making the "contract of the century" in 1994, which met the energy interests of Europe and the US and, also to the interest of Georgia, created major alternative transportation routes such as Baku-Tbilisi-Ceyhan. Similarly, the achieved level of internal stability allowed Azerbaijan and Georgia to transform from "consumers" into "producers of international security" by participating in peacekeeping operations in Kosovo, Afghanistan and Iraq.

The mutual compromises were associated with a higher risk of provoking protest mobilization.

The domestic factors were no less important in preventing a breakthrough in negotiations. In the case of the Nagorno-Karabakh conflict, Azerbaijan's resistance to reconcile the military "status quo" was legally justified, as Nagorno-Karabakh was legally a territory of Azerbaijan, while Armenia's refusal to accept the legal grounds was based on military gains and de facto control of Nagorno-Karabakh and the seven regions beyond it. The mutual compromises were associated with a higher risk of provoking protest mobilization, due to the questioned legitimacy of authority that resulted from the systematically manipulated elections, despite the seemingly firm power of the leaders of Azerbaijan and Armenia.

Most importantly, the continued status quo in all cases of conflict was not conducive for greater confidence building between the autonomies and the capitals, but rather promoted greater disintegration of the states by allowing the autonomies to develop new dependencies on external actors. In the case of Azerbaijan, Nagorno-Karabakh's economy, finances, and politics were merging consistently with that of Armenia. In the case of Georgia, Russia's distribution of Russian citizenship to the populations of Abkhazia and South Ossetia and the lifting of the trade embargo with Abkhazia immediately before the war in 2008 led to a greater alienation of the elite and representatives of communities from Tbilisi. The Georgian authorities blamed the Russian/CIS peacekeepers for conserving the conflict and creating conditions for the alienation to occur.

Despite its significantly drained population, Nagorno-Karabakh tried to establish all the attributes and institutions of an independent entity, taking advantage of the "no peace, no war" situation, while Baku was boosting its military budget using the flow of petrodollars in an attempt to change the conflict's balance in its favor.

Another characteristic of the conflicts was an insufficient involvement of the EU, the US and the UN; the external pressure placed on the conflict parties to make

compromises was of little to no intensity in comparison to the conflicts in the Balkans. This can be attributed mainly to the fact that the South Caucasus is on the periphery of the European borders and interests.

Thus, two factors contributed to the increasing importance of a military solution as an alternative to peaceful negotiations: a lack of progress in the conflict resolution process and the precedent of the violation of interstate borders without serious consequences for third parties, as in the case of Nagorno-Karabakh. This factor was strengthened by the legitimization of military gains as the bargaining tool in the Minsk negotiation process, where the withdrawal of Armenian troops from the occupied territories was traded for Azerbaijani compromises on the status of Nagorno-Karabakh. The weak reaction by the international community and the inefficiency of the four UN resolutions regarding Armenia's 15 year occupation of Nagorno-Karabakh and seven other regions of Azerbaijan allowed Russia to feel undeterred to overtly cross Georgia's borders and establish military control over Abkhazia and South Ossetia in 2008.

The legal and political factors were complemented by an economic factor. Unresolved conflict justified Azerbaijan's petrodollars being used for increased and rapid military spending, while the significant US military aid to Georgia created the impression of Georgia's military self-sufficiency.

#### **Russia-Georgia War in August 2008: "Unfreezing the Conflict"**

The regional developments in 2004-2005 – velvet revolutions in Georgia and Ukraine – raised Russia's concerns regarding its influence in the South Caucasus, as the new political forces soon declared integration in NATO and the EU. Georgia's new leader Micheil Saakashvili's strategy was that of unfreezing the conflicts, firstly by decreasing the role and participation of Russia, while promoting greater involvement of the EU and the US in security issues.



This change of the habitual political status quo in the South Caucasus, effected by Georgia's rose revolution, has also had a positive impact on conflict resolution. The successful re-integration of the Republic of Adjara by the replacement of the pro-Moscow authoritarian leader Abashidze inspired Saakashvili to try to find a similar solution in the cases of Abkhazia and South Ossetia. However, this appeared to be a more difficult task due to the higher nationalistic sentiments and more violent history of post-Soviet relations in these zones of conflict.

The authors of the locally produced independent report<sup>41</sup> suggest that Russia's resort to its traditional support for "breakaway regions" as a means to preserve Russian influence was a manifestation of "neo-imperialist" ambition, expressed in reaction to the changes in Georgia's political situation and Saakashvili's rise to power. With the outbreak of war in August 2008, Russia's previously covert support for the secessionist movements transformed into an open violation of Georgia's state borders. Regarding the reasons behind the military confrontation, Nino Burjanadze, leader of the opposition party Democratic Movement-United Georgia, said to the Associated Press that "it was absolutely obvious that Russia was trying to provoke Georgia in the military confrontation."<sup>42</sup>

Various sources blame different parties for starting the military actions. Tbilisi officially blames Russia for starting the war, while others accuse Georgia for its "large-scale shelling of Tskhinvali by Tbilisi" in the night of the August 7, 2008. Although independent reports by local and international experts stressed the importance of the sequence of military actions, they nevertheless did acknowledge that the main casus belli was the preceding political aggravation of bilateral Russian-Georgian

<sup>41</sup> Crisis in Georgia, 2008: Preconditions, Reality, Perspectives. (Ed. By Soso Tsiscarishvili) Independent Experts' Club. Tbilisi, 2009.

<sup>42</sup> "Georgia: uneasy peace a year after war with Russia", 7news, 2009, <http://www.wsvn.com/news/articles/world/MI127712/>

relations. As a matter of fact, the EU fact-finding mission labeled the beginning of Georgia's shelling of Tskhinvali "only a culminating point of a long period of increasing tensions, provocations, and incidents"<sup>43</sup> and the result of deterioration of the security situation in the zone of the South Ossetia conflict since mid-June 2008.

Among other factors that contributed to the outbreak of war in 2008, local experts stress the role of Georgia's strategic miscalculations of the situation, Russia's and the West's intentions; its own military capacity, lack of diplomatic efforts by Georgia to develop a dialogue with Russia, and the reluctance of the West to become involved in the region.

Overall, both objective and subjective factors shaping Russian-Georgian relations made the open clash in August inevitable.

What did the war change in the region and beyond?

Most importantly, it expanded the perception of regional security threats, unveiled the high level of insecurity that characterizes the current regional stability and status quo, and demonstrated the vulnerability of the legal borders and fragility of the ceasefires.

It also alarmed observers, primarily in Europe and the US, who assumed that the level of dialogue with Russia was a sufficient deterring factor in Moscow's military behavior in the region.

Despite the military intrusion, Russia failed to replace the regime of Saakashvili, who Russia perceived to be an American puppet. Russia failed to prevent Georgia's devotion to NATO and EU integration as well as the EU's and NATO's interest in Georgia's integration.

At the same time, it again became obvious that although united by common security objectives in the GUAM organization, each of the four member states preferred

Russia failed to prevent Georgia's devotion to NATO and EU integration.

<sup>43</sup> Report by the Independent International Fact Finding Mission on the Conflict in Georgia, September, 2009. Volume 1, p.12.

to resolve their security problems through bilateral relations with Russia, rather than by means of a concerted and common multilateral strategy.

Although the war undermined the security of Georgian seaports and oil terminals, the EU confirmed its commitment to alternative gas supply options, such as the Nabucco gas pipeline, allowing Europe to avoid gas dependency on Russia.

With EU chairman Nicholas Sarkozy's direct mediation during the Russia-Georgia war, EU involvement was unprecedented, however, it was limited to political and economic aid that included a mission of observers, a fact-finding commission and significant aid to recover from the aftermath of war. Locally, this was a disappointment as Georgia expected stricter measures or sanctions against Russia.

For the most part, the war and the subsequent actions had little effect on the regional security situation, however, it nevertheless resulted in an intensification of Azerbaijani-Armenian negotiations and Turkish-Armenian rapprochement.

#### **Armenian-Turkish Rapprochement: Will it Lead to Peace in the South Caucasus?**

One of the most obvious effects of the Russia-Georgia war was that it alarmed the regional actors, primarily Turkey, which helped to accelerate the mechanisms for regional stabilization. On August 11, 2008 Turkish Prime Minister Recep Tayyip Erdoğan announced the initiative of Alliance for the Caucasus, including Russia, Georgia, as well as Turkey. The initiative was publicized on August 13 along with the Caucasus Stability and Cooperation Platform, a regional cooperation framework that would bring together Azerbaijan, Georgia, Armenia, Turkey, and Russia in Moscow and the following day in Tbilisi.

After the Georgia-Russia war, Turkish President Abdullah Gül formally accepted the invitation of Armenia's leader to watch a soccer game on September 6, 2008 in

Yerevan. This began the series of high level meetings that was dubbed "football diplomacy". These intense and difficult diplomatic activities resulted in the signing of Turkish-Armenian protocols on October 10, 2009 in Geneva, which was assessed as the second most significant event in the region since the collapse of the Soviet Union.

Turkish-Armenian rapprochement in 2008-2009 took place against the background of shifting relations and alliances that were formed after the Cold War. By this time, the region had been divided into alliances according to their security orientations, strengthened by energy transportation routes. Pro-Western Turkey, Georgia, and Azerbaijan were on the one side of the Caucasus, while Russia, Armenia, and Iran were on the other. Although this division was based on the genuine common interests of the parties, it contradicted the model of a "united" South Caucasus desired by many Western observers. The new security situation that was shaped by the Georgia-Russia war created conditions for the start of a new trend in regional relations.

At the same time, Turkish-Armenian rapprochement is another example of how, in addition to the momentum of the security situation, the changes of the domestic political status quo may help to untie the geo-political Gordian knot of the South Caucasus.

As a matter of fact, rapprochement coincided with the change of political power in Armenia – the winner of the 2008 presidential election was the pragmatic Serzh Sargsyan, who initiated the "football diplomacy" by inviting the Turkish Prime-Minister to a soccer game in Yerevan in July 2008. Although the external sources of this progress are obvious – fifteen years of Armenia's isolation from the economy of the region on the one hand and the shift in the security situation after the Russia-Georgia war on the other hand – the political context was prepared by the new AKP stance towards domestic reform in Turkey, with several goals including moving forward in the EU-Turkish integration talks.

According to some experts<sup>44</sup>, the general liberalization as a result of AKP's reform processes created conditions in Turkish society conducive to a greater acceptance of Turkish-Armenian rapprochement. On the other hand, it would be naïve to disregard the role of external pressure on Turkey and Armenia.

The two Turkish-Armenian protocols (firstly, the establishment of diplomatic relations and secondly, the development of bilateral relations) addressed for the first time the main points of disagreement and the most controversial issues between the two states; the protocols represent the basis for bilateral relations, where the parties can begin diplomatic relations without preconditions, recognize state borders and agree to establish a commission of historians to research the events of 1915.

However, the ratification of the Turkish-Armenian protocols remains a challenging task in both Turkey and in Armenia for several reasons.

Firstly, the reason for the closing of the Turkish-Armenian borders is not yet resolved, namely Armenia's occupation of Azerbaijan's Kelbajar region (beyond the Nagorno-Karabakh autonomy).

Secondly, due to the first reason, Turkish public opinion remains divided and due to its great influence on the decision-making process, as compared with the power of public opinion in authoritarian Armenia or Azerbaijan, it may be a serious challenge to ratify these protocols in parliament, despite the ruling party majority.

Thirdly, Turkey's closest ally in the region, Azerbaijan, has sent direct messages that the alliance may be damaged if Turkey's rapprochement with Armenia does not consider Azerbaijan's interests as well. Specifically, this

The ratification of the Turkish-Armenian protocols remains a challenging task.

<sup>44</sup> The idea was expressed at the conference "The European South Caucasus? EU soft power and challenges to the peace, democracy and development in the South Caucasus". CIDOB, Barcelona, 06.10.2009. [http://www.cidob.org/en/activities/europe/a\\_european\\_south\\_caucasus\\_eu\\_soft\\_power\\_and\\_challenges\\_to\\_democracy\\_peace\\_and\\_development\\_in\\_the\\_south\\_caucasus](http://www.cidob.org/en/activities/europe/a_european_south_caucasus_eu_soft_power_and_challenges_to_democracy_peace_and_development_in_the_south_caucasus)

concerns the major security threat caused by Armenia's occupation of Azerbaijani territory and the fact that this issue is not addressed by the Turkish-Armenian protocols. In August-September 2009, complications arose in Azerbaijani-Turkish relations due to Turkey's lack of coordination of diplomacy with Azerbaijan as well as a general fear that Turkish-Armenian rapprochement will weaken Azerbaijan's position on the issue of Karabakh.

Fourthly, although Armenia's leader has a firm grip on power and, as proven by the 2008 presidential elections, would not hesitate in suppressing nationalist opposition, the radical forces both inside and outside the country may have serious reactions, as was the case in 1999 when Armenia and Azerbaijan were close to signing a peace agreement.<sup>45</sup> There is, however, a difference between the current situation and the situation in 1999. The current internal influence of the radical branches of the Armenian Diaspora, such as ARE, on Armenian politics is less significant than in the times of Robert Kocharian; today, the divisions among opposition are deeper and the Karabakh Armenians do not see overwhelmingly this change as a direct threat to their interests. Today the interests of Russia, who holds "the key" to conflict resolution in the region, do not seem to contradict the trend of improvement of Turkish-Armenian relations. Serzh Sargsyan's diplomatic efforts during his tour of the West, in an attempt to bolster the Armenian Diaspora's opinion of the rapprochement with Turkey, had the additional effect of strengthening the support of the host countries, the US and European nations, for Turkish-Armenian rapprochement.

The contradictions between the supporters and opponents of this rapprochement reflect the common debate of the effectiveness of "sanctions versus integration". The initiators and most active proponents of the

The interests of Russia do not seem to contradict the trend of improvement of Turkish-Armenian relations.

<sup>45</sup> On October 27, 1999 the prime minister and 7 more high ranking officials were killed in the Armenian parliament by the group of armed men.

Turkish-Armenian rapprochement assert its eventual and inevitable positive effect on the regional security as a whole. They suggest that resolving the historical Turkish-Armenian enmity and establishing full-fledged bilateral relations, most importantly economic relations, would significantly change the regional dynamics by means of a more comprehensive integration and would promote resolution of the Armenian-Azerbaijani conflict over Nagorno-Karabakh. It would also boost Turkey's influence in regional affairs by making it a more non-partisan actor and allowing it to play greater role in conflict resolution; rapprochement would also weaken Armenia's traditional dependency on Russia, which would allow Armenia to have more balanced regional relations. Ultimately, it would lead to the desired Baltic-style cooperation of all three South Caucasus states without lines of division and opposing alliances.

According to this view, in order to achieve this Turkey should separate its narrowly defined national interests from those of Azerbaijan. This is naturally in the interest of Armenia, which has been trying for more than a decade to escape its economic isolation without conceding the Karabakh issue. However, for Azerbaijan, this will weaken the effect of the economic sanctions it uses to counteract the bargaining power of Armenia's military pressure.

The opponents of the rapprochement have a similarly convincing logic. They suggest that abandoning the economic sanctions will strengthen Armenia's intransigence in regional behavior, especially in the actual and potential conflict areas. From this point of view, opening Turkish-Armenian borders and resuming economic relations may be perceived by Armenia as a successful escape from responsibility, if not a reward, for the violation and non-recognition of Azerbaijan's borders and will remove one of the last incentives to compromise on the issue of Nagorno-Karabakh and become more responsible in relations to its immediate neighbors. In addition, it should not be forgotten that Turkish sanc-

tions were imposed in 1993 also to balance the military support of Russia and US political support and aid to Armenia, which left Azerbaijan, having managed to force the withdrawal of Soviet troops, without a military ally or economic aid.

With all of its complexities, the rapprochement involves an obvious diversity of impacts on the interests of various states and actors, as well as short-term and long-term implications. The absence of economic relations between Armenia and its rich and powerful neighbors has served as a signal of the close interdependency between the states in the region and as a reminder that the states are independent subjects and not satellites of other powers. Indeed, because all economic and trade relations in the Soviet Union were centralized and mediated by Moscow, the dependent republics were not aware of the degree, to which their economic survival was directly dependent on one another. The command economy separated the economic and political sides of relations; thus, resource-poor Armenia was ensured, regardless of the state of affairs between it and its neighbour, that Moscow would always require Azerbaijan to supply oil and gas to its partner state. In this regard, post-Soviet Armenia's attempt to bypass political relations with its neighbors, expecting Brussels, Washington, or Moscow to require Azerbaijan and Turkey to cooperate regardless of Armenia's stance on the Karabakh conflict, was a continuation of the satellite type of mentality, rather than that of an independent subject involved in international relations.<sup>46</sup>

Another potential threat emanating from the improvement of Turkish-Armenian relations, assuming there is not any substantial progress in Armenian-Azerbaijani relations, is an increase of the probability of a military confrontation over the Nagorno-Karabakh conflict. Opening the borders and establishing economic rela-

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<sup>46</sup> Leila Alieva "Imperial Legacy: Economics and Conflict", in *Security Dialogue*, 1996, Oslo.

tions with Turkey would weaken the effect of a trade embargo and, in the event of Armenia's intransigence in negotiations, narrow down the range of Azerbaijan's peaceful options, prompting it to resort to military pressure.

Finally, by separating the Nagorno-Karabakh issue from Turkish-Armenian relations, the interested actors and mediators allow the conflict to become a hostage to the regional powers' continuous manipulation.

Thus, the successful impact of the Turkish-Armenian problems on the overall prospects of peace in the region (both short-term and long-term) are dependent on how it affects the progress of the Nagorno-Karabakh issue. This is also important for the prospects of Armenia's integration in regional energy and transportation projects, which are not possible until resolution of the Nagorno-Karabakh issue.

### Conclusion

The recent developments in the South Caucasus demonstrated the complexity of the long-term conflicts and the misleading stability in the region.

In terms of security and external sources of new dynamics, the developments in 2008-2009 created a unique momentum of concurrence of the major parties' interests for transforming the ceasefires, or "no peace, no war" situations, into more sustainable and long-lasting peace agreements.

At the same time, the events in the region demonstrated the importance of domestic political development as the driving force behind the critical changes in the prolonged status quo, which have an inevitable impact on the dynamic of the regional conflicts.

The limits of the recently emerged shift in geopolitics of the South Caucasus will be determined by the degree of domestic changes in the region's states, which in turn will shape the openness of societies to inclusive and

compromising policies, which lower the costs of the risk-taking political decisions that can lead to a breakthrough in the stalemates and deadlocks of conflict resolution.

These events also proved that the absence of EU borders limits the incentive of the EU and its capacity to become involved, thus leaving the nations in a state of security limbo vis-à-vis the ambitious interests of the regional powers. However, in 2008 an actual threat of war caused an unprecedented, as compared to the Nagorno-Karabakh conflict, involvement of the EU in the conflict in Georgia.

The region's problems and contradictions cannot be solved in isolation, as the South Caucasus' history, geography and politics predetermined its closely intertwined nature. A comprehensive approach may be developed by the EU's greater involvement in the region and the South Caucasus states' greater integration in European multilateral institutions, which would promote both peace and democratic reform. ■

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