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The EU's Strategy of Conflict Mediation in the Contested Regions
A Case study of Secessionist Conflicts in Georgia

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Signature

A handwritten signature in blue ink. The text "Leri khupenia" is written in a cursive style. Below it is a stylized signature that appears to be "L.kh" followed by a flourish.



MA Programme Euroculture Declaration

I, Leri Khupenia hereby declare that this thesis, entitled "The EU's Strategy of Conflict Mediation in Contested States", submitted as partial requirement for the MA Programme Euroculture, is my own original work and expressed in my own words. Any use made within this text of works of other authors in any form (e.g. ideas, figures, texts, tables, etc.) are properly acknowledged in the text as well as in the bibliography.

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I hereby also acknowledge that I was informed about the regulations pertaining to the assessment of the MA thesis Euroculture and about the general completion rules for the Master of Arts Programme Euroculture.

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Date 31.07.2020

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ABSTRACT

The contested regions are characterized by legal, territorial, and political complexity. The collapse of the Soviet Union was followed by the blood-shedding wars in the South Caucasus – Georgia was no exception. The secession of Abkhazia and South Ossetia from Georgia in the early 1990s created an unstable geopolitical environment in the shared neighborhood of the European Union and Russia. The conflicts were re-escalated in August 2008, when the armed troops of the Russian Federation entered the Tskhinvali region and engaged in full-scale military conflict with Georgia. In light of the five-day war, the European Union emerged as a leading international actor in the process of crisis management. The cease-fire agreement brokered by the French President Sarkozy was widely praised as a diplomatic success. Although, the post-war period showed that the Kremlin violated the agreement protocol by recognition of the independence of the separatist regions.

The thesis explores the EU conflict mediation efforts in the contested regions of Georgia. It presents the historical account of the secessionist conflicts from the international perspective and emphasizes the role of Russia as one of the main regional actors. The empirical analysis is focusing on the various mechanisms of the EU, such as the EUSR, EUMM, and NREP which have been utilized for the purpose of conflict mediation. The research finds that there are several factors which limit the EU's conflict mediation capacity and constrain the achievement of tangible results: a) low-level of internalization of the EU's policy in Georgia and de-facto entities, b) divergence within the Union on external governance policies, c) The 'near abroad' policy of Russia and strong leverage on the contested regions.

The research employs various theoretical tools that enable the assessment of the EU's conflict mediation efficiency in four stages: a) conflict mediation, b) conflict transformation, c) conflict management, d) conflict settlement. The thesis aims to contribute to the existing research in the area of EU-Georgian relations in the context. Furthermore, it intends to fill the research gap concerning the correlation between EU-Georgia and Russia in the context of regional politics.

Keywords

European Union, Georgia, Russia, Contested Regions, Abkhazia, South Ossetia, NREP.

Word Count: 31,000

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Acronyms

AA – Association Agreement
ABL – Administrative Border Line
ASSR – Autonomous Soviet Socialist Republic
CFE – Treaty on Conventional Armed Forces in Europe
CIS – Commonwealth of Independent States
CoE – Council of Europe
CST – Collective Security Treaty
CSFP – Common Foreign and Security Policy
CSDP – Common Security and Defense Policy
DRG – Democratic Republic of Georgia
DCFTA – Deep and Comprehensive Free Trade Area
EC – European Communities
ECHR – European Convention on Human Rights
EEAS – European External Action Service
EaP – Eastern Partnership
ENP – European Neighborhood Policy
ENPI – European Neighborhood Policy Instrument
ESDP – European Security and Defense Policy
EU – European Union
EUMM – European Union Monitoring Mission in Georgia
EUSR – European Union Special Representative
EUJUST Themis – European Union Rule of Law Mission to Georgia
FDI – Foreign Direct Investment
GA – General Assembly
GDP – Gross Domestic Product
GEL – Georgian Lari
GID – Geneva International Discussions
GSSR – Georgian Soviet Socialist Republic
HIV/AIDS – Human Immunodeficiency Virus Infection
JCJ – Joint Control Commission
IDP – Internally Displaced Person

MAP – Membership Action Plan
MFA – Ministry of Foreign Affairs
MoU – Memorandum of Understanding
NREP – Non-Recognition and Engagement Policy
OSCE – Organization for Security and Co-Operation in Europe
PACE – Parliamentary Assembly of the Council of Europe
PCA – Partnership and Cooperation Agreement
SC – Supreme Council
SSR – Soviet Socialist Republic
UK – United Kingdom
UN – United Nations
USA – United States of America
UNOMIG – United Nations Observer Mission to Georgia

"It is no secret that we had a military plan before 2008 and we acted accordingly. I gave permission (to the Council on the Foreign and Security Affairs) to draft the action plan on the protection of South Ossetia in case of Georgian aggression, between 2006-2007."¹

Vladimir Putin, the President of the Russian Federation

August 8, 2012

1. Introduction

After the declaration of independence in 1991, Georgia has gone through the phase of civil war and blood-shedding conflicts on ethnic grounds in South Ossetia (1991-1992) and Abkhazia (1992-1993).² The newly emerged state experienced a decade of poverty, territorial disintegration, and tumultuous economic problems. In the early 2000s', the Georgian political spectrum viewed the rise of the pro-European political group under the leadership of Mikheil Saakashvili.³ Saakashvili's active reforms put the country on the course of institutionalization, state-building, and the overall betterment of the social-economic conditions. In August 2008, Georgia was once again dragged into military conflict with Russia over the region of Tskhinvali/South Ossetia.⁴ This was the first time for almost three decades when the Russian Federation intervened and attacked the sovereign state on its soil.⁵ The five-day war in 2008 wreaked havoc into the economy and territorial integrity of Georgia and forced several thousands of people to flee their homes. As of 2020, the country has more than 250,000 internally displaced persons (IDPs) and more than 20% of the Georgian territory is under the occupation of Russia.⁶

¹ Maria Pimenova, "Putin Tells About the Preparation for the War Against Georgia" (Lenta, August 8, 2012), <https://lenta.ru/news/2012/08/08/putin/>.

² David S. Siroky, "Understanding Secessionist Conflict in the South Caucasus," ResearchGate, September 2, 2009, p.23,

https://www.researchgate.net/publication/228215515_Understanding_Secessionist_Conflict_in_the_South_Caucasus.

³ George Kandelaki, "Georgia's Rose Revolution: A Participant's Perspective" (United States Institute for Peace - USIP, July 2006), <https://www.usip.org/sites/default/files/sr167.pdf>, 6.

⁴ Svante E. Cornell, "Russia's War in Georgia: Causes and Implications for Georgia and the World" (ISDP, August 2008), https://www.silkroadstudies.org/resources/pdf/SilkRoadPapers/2008_08_PP_CornellPopjanevskiNillson_Russia-Georgia.pdf, 25.

⁵ Svante E. Cornell and S. Frederick Starr, "The Guns of August 2008," *Studies of Central Asia and the Caucasus*, 2015, pp. 3-4, <https://doi.org/10.4324/9781315699660>.

⁶ Jaan Bonstra and Laure Delcour, "A Broken Region: Evaluating EU Policies in the South Caucasus," *FRIDE*, no. 193 (January 2015): pp. 2-3, <https://doi.org/1989-2667>.

Georgia's territorial integrity is widely supported by the international community. After the war in 2008, the European Union has emerged as one of the major actors in the conflict resolution process in the breakaway entities of Georgia. The EU's conflict mediation efforts were well-illustrated in the successful negotiation of a six-point ceasefire agreement in 2008 between Russia and Georgia. The EU's posture as a leading conflict mediator in regions was further strengthened by deployment of the EU Monitoring Mission (EUMM) in conflict-affected areas, the appointment of the EU Special Representative in South Caucasus (EUSR), and chairmanship in the Geneva International Discussions (GID).⁷ Despite initial success, the efficiency of the EU's long-term conflict settlement strategy poses many questions. The secessionist conflicts remain stuck in the 'frozen' state, the Kremlin has not fulfilled any of its legal obligations outlined in the ceasefire agreement, 50 rounds of the GID failed to deliver positive change, and the cases of the '*creeping borderization*' in Georgia became a regular occurrence.⁸ Russia's power projection in Georgian breakaway regions is aligned with its grand strategy in the near-abroad.⁹ Since 2009, the Kremlin has heightened its leverage on secessionist states by recognition of their independence, financial instruments, and support of the state-building process. These factors shed the light on Russia's strategy to counter the conflict mediation efforts of Georgia and the EU.¹⁰

For the last ten years, the dynamics of the EU-Georgian institutional cooperation was characterized as mostly stable. The Georgian society's aspiration of deeper integration in the EU passed the tests of the post-war crisis and the change of the government in 2012.¹¹ The cooperation was significantly enhanced since 2009, after the launching of the Eastern Partnership (EaP), which gave a stage to 'more for more' strategy and prepared Georgia for the Association Agreement (AA) with the EU. In 2014, the EU and Georgia signed the AA and strengthened the economic ties by signing the DCFTA. The EU lifted the travel

⁷ European Union Delegation to Georgia, "EU ASSISTANCE TO PEOPLE AFFECTED BY CONFLICT IN GEORGIA – Overview.," October 2011, http://www.eeas.europa.eu/archives/delegations/georgia/documents/projects/conflictassistance_2011overview_en.pdf, 5-6.

⁸ Kornely Kakachia and Joseph Larsen, "Mitigating Russia's Borderization of Georgia," *GIP Policy Papers*, December 2017, pp. 10-12, <https://doi.org/978-9941-449-94-9>.

⁹ Eugene Rumer Julia Gurganus, "Russia's Global Ambitions in Perspective" (Carnegie Endowment for International Peace, February 2019), <https://carnegieendowment.org/2019/02/20/russia-s-global-ambitions-in-perspective-pub-78067>.

¹⁰ Bruno Coppieters, "Https://Www.iss.europa.eu/Content/Eu-and-Georgia-Time-Perspectives-Conflict-Resolution" (ISS Europe, December 1, 2007), <https://www.iss.europa.eu/sites/default/files/EUISSFiles/occ70.pdf>, 7-9.

¹¹ Thomas de Waal, "A Crucial Election in Georgia" (Carnegie Europe, September 2012), <https://carnegieeurope.eu/2012/09/11/crucial-election-in-georgia-pub-49281>.

restrictions for the Georgian citizens in Schengen zones through the Visa Liberalization Agreement.¹² The EU illustrated high efficiency in diplomatic, economic, and institutional partnerships with Georgia, however, these efforts did not bring much-anticipated immediate results in the conflict resolution process. In 2009, the EU introduced the Non-Recognition and Engagement Policy (NREP) – a novel approach, which remains as one of the fundamental mechanisms of conflict mediation in breakaway entities to this day.¹³ After the mutual agreement, the NREP was eventually adopted by the Georgian government and adjusted to the pledge of unilateral non-use of force against the de-facto authorities.¹⁴ The NREP is a unique policy of the EU and its primary purpose is to facilitate the dialogue and break the isolation in the secessionist states. It consists of two pillars:

- a) commitment to not recognizing the independence of Abkhazian and South Ossetian de-facto authorities;
- b) engagement with the breakaway regions through diplomatic mechanisms and economic tools.¹⁵ By its nature, the NREP is a Structural Foreign Policy (SFP) of the EU, which intends to achieve the conflict transformation, strengthening the dialogue between the confronting parties and establish the basis for the long-term reconciliation.¹⁶ The effectiveness of the NREP essentially depends on two factors: internalization of the policy in Georgia and breakaway regions and internal coherence of the EU in designing and implementing the process.

The research aims to address the frozen conflicts in Georgia through the prism of the EU's conflict mediation efficiency and explore the practical strengths and weaknesses of the NREP strategy. The study will argue that so far, the EU has made a limited impact on the conflict resolution process. In this regard, the following arguments will be tested: a) weak internalization of the EU's NREP in de-facto entities and Georgia, b) lack of coherence and divergence in designing and implementation of the policy between the EU member states c) Russian hard power and counter-strategy in contested states. The research comprises of five chapters. The first two chapters present the problem formulation, research questions, and

¹² European Commission, "EU-Georgia Association Agreement Fully Enters into Force," July 2016, https://ec.europa.eu/commission/presscorner/detail/en/IP_16_2369.

¹³ Sabine Fischer, "The EU's Non-Recognition and Engagement Policy towards Abkhazia and South Ossetia" (ISS Europe, December 2010), https://www.iss.europa.eu/sites/default/files/EUISSFiles/NREP_report.pdf, 5-7.

¹⁴ Svante E. Cornell and S. Frederick Starr, "The Guns of August 2008," *Studies of Central Asia and the Caucasus*, 2015, pp. 61, <https://doi.org/10.4324/9781315699660>.

¹⁵ Sabine Fischer, "The EU's Non-Recognition and Engagement Policy towards Abkhazia and South Ossetia" (ISS Europe, December 2010), https://www.iss.europa.eu/sites/default/files/EUISSFiles/NREP_report.pdf, 8-9.

¹⁶ *Ibid.*

choice of methodological and theoretical frameworks. Chapters 3&4 deliver an in-depth analysis of the empirical data. Chapter 5 is dedicated to the discussion and summary of the main findings.

2. Theory and Methodology

The chapter presents the choice of the research method and classification of the selected sources. It further commences with an exploration of the selected theoretical frameworks and applicability to the research. The prior research in the field and central concepts are discussed in the separate sub-chapter. The main research question is formulated at the end of the chapter.

2.1 Research Design

To achieve the desired depth of the analysis, the research employs the combination of descriptive and explanatory methods. The choice of this approach is based on the content and the nature of the empirical data. The research primarily deals with the past events which commence in the present time through the consequences and may directly or indirectly affect the future as well. The descriptive account of the research targets the historical events and background information about the key components and actors of the research, while the explanatory account enables to address the consequences of various events through the theoretical prism.¹⁷

The research addresses the concepts of ‘*conflict mediation*’ and ‘*conflict transformation*’; The applicability of these notions to the selected case should be perceived as an exploration of the EU’s efficiency in external governances, more precisely – conflict resolution beyond the borders. The research is focused on a single case – Georgia, however, it embodies two sub-cases of conflict secessionist regions – Abkhazia and South Ossetia. The Empirical analysis shows that the EU utilizes the same tools and mechanisms in both secessionist regions and the dynamics of the conflict mediation process are essentially identical, thus, the unification of these sub-cases under the same category of deductive analysis is feasible. One of the main objectives of the study is to explore the efficiency of the EU’s conflict mediation strategy through the analysis of the instruments such as NREP, EUMM, EUSR, ENPI. The main emphasis will be given to the EU NREP, which has been utilized by the EU for over a decade. To illustrate the results and the main findings, the research will apply the analytical framework developed by Julian Bergmann and Arne Niemann.¹⁸

¹⁷ Paul D. Leedy, *Practical Research: Planning and Design, 9th Edition* (Bellevue, WA.: Content Technologies Inc., 2011), <https://www.pearson.com/us/higher-education/product/Leedy-Practical-Research-Planning-and-Design-9th-Edition/9780137152421.html>, 27-29.

¹⁸ Julian Bergmann and Arne Niemann, “Mediating International Conflicts: The European Union as an Effective Peacemaker?,” *JCMS: Journal of Common Market Studies* 53, no. 5 (December 2015): pp. 957-975, <https://doi.org/10.1111/jcms.12254>, 961.

Thematic composition of the study combines various actors and events which are divided into the relevant variables. The EU, Georgia, and Russia can be identified as independent variables, due to their position and function in the research. The EU's conflict mediation strategy, particularly Non-Recognition and Engagement Policy – NREP is measured as a dependent variable which enables to address EU's actorness as a conflict mediator. Moreover, Russia's leverage on the contested regions and its counter-strategies (creeping borderization, recognition, passportization) is identified as a dependent variable.

The ontological and epistemological attributes of the research are linked to the understanding of the social reasoning behind the decisions of the actors and trace of the relevant historical events. Within the scope of the research, the ontological stance is based on the *constructivist* approach which assumes that the roles attributed to the actors are reshaped through the social interactions and independent occurrences that happen beyond the reach of these actors.¹⁹ The epistemological spectrum of the research is *interpretivism*, which is founded on the assumption that the scholarly analysis of the subjects and the events requires a comprehensive exploration of accumulated empirical data rather than a plain explanation of the events.²⁰ The explanatory account of the study is stimulated through the selected theoretical framework. Setting up the relevant theoretical account enables to approach to the findings of the research in a *deductive manner*.²¹ A *Case study* is the most suitable research design for the selected topic, as it answers the 'how' question in an explanatory manner and enables the in-depth analysis of the sub-units of the selected case.²² The case study method relies on actors, individuals, events, processes, and historical evidence which is an integral part of this research. It aims to investigate the complexity and nature of the case in question.²³ The study orients towards the textual analysis of data rather than quantitative, thus, it can be concluded that the research is expressed in *qualitative* terms.

¹⁹ Alan Bryman, *Social Research Methods - 5th Edition* (Oxford: OXFORD University Press, 2015), <https://global.oup.com/ukhe/product/social-research-methods-9780199689453?cc=ge&lang=en&>, p.32.

²⁰ Moses, Jonathon W. & Torbjørn L. Knutsen, 2007. Ways of Knowing: Competing Methodologies in Social and Political Research.,” *Journal of Peace Research* 46, no. 2 (2009): pp. 288-289, <https://doi.org/10.1177/00223433090460020810>, 24.

²¹ Alan Bryman, *Social Research Methods - 5th Edition* (Oxford: OXFORD University Press, 2015), <https://global.oup.com/ukhe/product/social-research-methods-9780199689453?cc=ge&lang=en&>, p.34.

²² Robert K. Yin, *Case Study Research: Design and Methods* (Thousand Oaks: Sage, 2009), 17.

²³ Alan Bryman, *Social Research Methods - 5th Edition* (Oxford: OXFORD University Press, 2015), <https://global.oup.com/ukhe/product/social-research-methods-9780199689453?cc=ge&lang=en&>, p.66.

2.2 Data Sampling and Limitations

The data collection of the study is distributed according to the following formulation:²⁴

- a) Document review
- b) Archival records
- c) Direct Observation
- d) Participant observation
- e) Physical Artefacts

Furthermore, to diversify the sampling pool of the empirical data the study will apply the technique of triangulation in the following manner:²⁵

- a) **Document review and analysis:** EU-Georgia Association Agreement, EU Georgia Deep and Comprehensive Free Trade Agreements, agreements and the reports of the European Commission, European External Action Service documents, European Council documents, European Parliament documents, Cease-fire documents, Treaties, Constitutions, and other legal documents.
- b) **Policy analysis:** Analysis of the relevant data concerning the EU conflict mediation mechanisms: NREP, EUMM, EUJUST Themis, EUSR, GID.

The secondary sources of the study will be collected in an iteratively.²⁶ For this purpose, scholarly articles, books, newspapers, and other relevant sources of information will be analyzed.

In the process of data collection and sampling, the study has outlined several points of limitations:

- a) The research concerns a sensitive topic which is a subject of various interpretations.
- b) The scope of the research is limited in the exploration of the EU's conflict mediation.
- c) The Research is conducted with respect to the guidelines of the Euroculture Joint Master's Degree Program, thus, certain limitations concerning the size, scope, selection of the number of the cases, time-frame, and presentation of research applications

²⁴ Robert K. Yin, *Case Study Research: Design and Methods* (Thousand Oaks: Sage, 2009), 12.

²⁵ Robert K. Yin, *Applications of Case Study Research* (London: SAGE, 2003), 11-12.

²⁶ Alan Bryman, *Social Research Methods - 5th Edition* (Oxford: OXFORD University Press, 2015), <https://global.oup.com/ukhe/product/social-research-methods-9780199689453?cc=ge&lang=en&>, 35.

2.3 Prior Research and the Concepts

The scholarly literature on the *EU's security actorness* can be generalized under two major categories: the first category addresses the idea of European integration through the peaceful means and soft power mechanisms (*Deutsch 1957, Haas 1964, Waever 1998*). From this scholarly perspective, the EU is characterized by the functionalist approach to the political sphere, where the member states of the Union share the common security concerns and structure the internal policies based on the mutual expectations of peaceful resolution. In such formation, a strong institutional hierarchy and economic cooperation serve as the axis for sustainable peacebuilding in Europe. This pattern of thinking has been further extended to the external dimension - the Europeanization beyond the borders (*Emmerson 204, Schimmelfennig 2004*). The second thinking is focused on the understanding of the role and impact of foreign and security issues on the European integration process (*Bono 2004, Hyde-Price 2004, Menon 2009*). From this perspective, the institutionalization of the EU's foreign policy is a product continuously enlarging and evolving security agenda in the post-Cold War era. The introduction of the neighborhood policy and deployment of the CSDP missions enabled the EU to transform itself into a regional actor that utilizes the soft power security mechanisms.²⁷ The EU's *sui generis* is essentially based on soft power measurements (*Waever 2000, Manners 2007, Brerthon&Vogler 2007*) which challenges the traditional institutional understanding of the regional security actors. The EU's soft power mechanisms provide the basis for the engagement in conflict mediation and conflict resolution on the external level (*Brerthon&Vogler 2007*). Furthermore, there is a solid account of scholarly literature that outlines the main characteristics of the conflicts in EU's neighborhood from the comparative perspective (*Diez & Tocci 2017*) and identifies the factors which shape the EU's internal decision-making on engaging or avoiding the particular conflict (*Popescu 2007*).

In its essence, Conflict mediation is a complex process that concerns the confrontation between the actors caused by political and ideological differences. The process is direct towards reducing the level of hostilities and reaching the peaceful order in there in a certain period of time.²⁸ To achieve the long-term consensus among the confronted parties, the conflict mediator requires to own a set of tools and mechanisms that will efficiently transform the rivalry into mutual compromise (*Bercovitch&Jackson 2009*). The scholarly literature

²⁷ Council of the European Union, "EU Cooperation on Security and Defence" (European Council, June 17, 2020), <https://www.consilium.europa.eu/en/policies/defence-security/>.

²⁸ Jacob Bercovitch and Patrick M Regan, "THE STRUCTURE OF INTERNATIONAL CONFLICT MANAGEMENT: AN ANALYSIS OF THE EFFECTS OF INTRACTABILITY AND MEDIATION," *International Journal of Peace Studies* 4, no. 1 (1999): pp. 1-19, 3-4.

differentiates five major approaches in conflict mediation: verbal, judicial, diplomatic, administrative, and militaristic. These approaches are in most cases interrelated and utilized in combined systems (*Bercovitch&Derouen 2004, Frazier&Dixon 2006, Greign&Diehl 2012*). In the context, the term ‘*mediation*’ is translated as the process of assisted negotiation.²⁹ It semantically fits with the selected research case, taking into account that Georgia as a sovereign state is independently engaged in conflict mediation with its breakaway regions and seeks external assistance from the EU. It must be underlined that the EU utilizes a set of policies that are used for addressing the issues beyond the borders through the CFSP and CSDP.³⁰ Moreover, the EU’s conflict mediator significantly depends on the capability to act, the capability to fund, and the capability to cooperate and coordinate.³¹ There is no single mechanism for assessment of the *conflict mediation success*. Although, some scholars (*Hopmann 2006, Frazier&Dixon 2009*) note that the outcome of the mediation is usually defined by relatable concepts such as justice, fairness, stability, consensus.³² The mediation success requires distinguishing of the mediation process itself and the outcome of this process, as two separate aspects of the conflict mediation.³³ In this regard, the process is understood as an interaction between the actors which takes place on the negotiation table, while outcome refers to the result of the mediation which can be achieved fully, to some degree or not at all.³⁴ The outcome of the mediation process plays a crucial role in the determination of participant satisfaction levels. If the participants are satisfied with both the mediation process and the outcome, it can be suggested that conflict mediation is successful.³⁵ Although, the satisfaction of the involved parties is also subjective and carries personal character. The observable indicator such as behavioral change of the involved parties delivers relatively measurable results. It can be observed by conflict transformation from violent to the non-violent, signing of the ceasefire agreement, or joining the negotiations.³⁶ Conflict mediation between the de-facto authorities and the original patron state is specifically challenging due to its complex nature. The conflict mediator is dealing

²⁹ Jacob, Bercovitch., *Mediation Success or Failure: A Search For the Elusive Criteria. Cardozo Journal of Conflict Resolution* , 7, (2006), pp. 289-302.

³⁰ Daniel C. Thomas., *Making EU Foreign Policy – National Preferences, European Norms and Common Policies*. (Basingstoke: Palgrave Macmillan., 2011), p.40

³¹ Whitman, R. & Wolff, S., *The European Neighborhood Policy in Perspective: Context, Implementation and Impact* . (Basingstoke: Palgrave Macmillan.,2012), p.37

³² Bercovitch, Jacob., *Mediation Success or Failure: A Search For the Elusive Criteria. Cardozo Journal of Conflict Resolution* , 7, (2006), pp.289-302.

³³ Ibid.

³⁴ Ibid.

³⁵ Ibid.

³⁶ Ibid.

with legal and political aspects of the confronting parties and offers its perspective of defining the statehood, recognition, peace, and the status quo.³⁷

There is a solid body of scholarly literature that addresses the concept of *de-facto states* or *contested states* (Caspersen 2012, Broers 2013, Berg&Pegg 2018). The topics gained popularity among the researchers in recent years, after the emergence of the contested states across the Post-Soviet space, namely: Abkhazia, South Ossetia, Nagorno-Karabakh, and Transnistria. A number of scholars trace the internal political and socio-economic processes within the de-facto states and examine the formation of the priorities of these entities (Caspersen 2012, Broers 2013). The scholars comprehensively studied the external relations of the contested states and their interactions with international and regional actors (Caspersen 2015, Comai 2017, Newman&Visoka 2018). The focus of this research is shifted towards the exploration engagement between the various actors and the contested regions from the prism of non-recognition. This particular approach, as well as the notion of recognition and non-recognition of de-facto states by regional powers, has been addressed by many prominent scholars (Berg&Toomla 2009, Coggins 2014, Relitz 2016, Toomla 2016). The common view on the nature of the de-facto states relies on isolation, socio-economic dependence on external actors, and lack of transparency.³⁸ The de-facto states are often characterized by unstable political leadership which exercises control over the claimed territory and fails to gain international recognition.³⁹ Moreover, the de-facto leadership is perceived as legitimate by its local population which contributes to the capacity-building and establishment of the basic state institutions.⁴⁰ Thus, it is possible to outline two main criteria of the de-facto state: political leadership which governs the territory and population which supports the regime in a durable period.⁴¹ The emergence of the de-facto states in the former Soviet republics is directly linked to the notion of *frozen conflicts*. According to Nodia (2004): “The frozen conflicts in this geographical area is a result of the ethnopolitical conflicts from the early 1990s. The secessionist forces gained permanent control over the claimed territories and separated from the internationally recognized patron state.”⁴² After almost 30 years, these

³⁷ Derrick V. Frazier, “Third-party intermediaries and negotiated settlements: 1946-2000”. *International Conflict Mediation: New Approaches and Findings*. (NYC: Routledge.,2009),p.52

³⁸ Caspersen, Nina. (2012), *Unrecognized States. The struggle for sovereignty in the modern international system*, Cambridge, Polity Press., p.3.

³⁹ Ibid.5.

⁴⁰ Kolstø, Pal. (2006), “The sustainability and Future of Unrecognized Quasi-States”, *Journal of Peace and Research*, Vol 43, No. 6, pp. 726-727.

⁴¹ Pegg, Scott. (1999). *International society and the de facto state*. Aldershot: Ashgate.p.23

⁴² Nodia, Ghia. (2004), “Europeanization and (not) Resolving Secessionist Conflicts”, *Journal on Ethnopolitics and Minority Issues in Europe*, Vol. 1, available at: <http://www.ecmi.de/jemie/download/1-2004Comment01.pdf>, p.33

conflicts remain unresolved, thus, they can not be attributed as a temporary phenomenon. The notion of '*frozen*' refer to the dynamics of the conflict resolution process.⁴³

The scholars outline the main characteristics of frozen conflicts:⁴⁴

- a) Armed hostilities between the separatist state and the internationally recognized patron state
- b) The confrontation resulted in a change of control of territory
- c) Confronted sides are divided by temporary border
- d) The separatist regime is seeking self-determination and international recognition
- e) External actors engaged in conflict mediation struggle to achieve conclusive resolution

2.4 Theoretical Framework

The European external governance theory serves as a primary theoretical framework of the research. It enables to explore the EU's rationale behind the choice of specific instruments and approaches in interaction with the third parties beyond the borders. Furthermore, the theoretical tool developed by Julian Bergmann and Arne Niemann enables to adjust the practical peculiarities of the conflict mediation process. The measurable determinants of the EU's conflict mediation efficiency will enable to illustrate the extent of success or constraint of the EU's efforts concerning the contested regions.

Governance can be explained as a mechanism for solving the collective problems which concern all participating actors within the society. It is a societal capacity of implementing the collective choices.⁴⁵ The efficiency of governance is measured by society's ability to effectively determine common goals, challenges, and opportunities. Furthermore, governance is not a voluntary act. It does not equal to the *government* by nature and requires a commitment beyond societal cooperation.⁴⁶ The governance is characterized by a hierarchical structure where each actor is assigned a specific role. It can be acquired by both the state and the non-state actors.⁴⁷ The *EU's governance* is determined by its capacity to govern efficiently. Effective governance is a precondition for deeper integration. The EU's

⁴³ Ibid.35.

⁴⁴ Ibid.36

⁴⁵ Peters, Guy. (2009). Governance approaches. In A. Wiener & T. Diez (Eds.), *European integration theory* (pp. 91-104). Oxford University Press.,p.91

⁴⁶ Lavenex, Sandra (2004). EU external governance in 'wider Europe'. *Journal of European Public Policy*, 11(4), 680-700. doi: 10.1080/1350176042000248098,p.682.

⁴⁷ Peters, Guy. (2009). Governance approaches. In A. Wiener & T. Diez (Eds.), *European integration theory* (pp. 91-104). Oxford University Press.,p.94.

governance system is characterized by multiple levels: national, regional, and supranational levels.⁴⁸ The complexity of the political system and multilevel governance contributes to the strengthening of the sub-groups of the governance models such as democratic governance and good governance; although, such systems are characterized by multiple level veto mechanisms that significantly increase the value of negotiations, bargaining, and the consensus.⁴⁹

External governance is one of the main components of the EU's enlargement policy. It covers the legal and political approximation of the third countries with the EU's regulations.⁵⁰ The external governance is not limited to the specific state or non-state actors, it is relevant for the whole EU neighborhood to a certain degree.⁵¹ The fundamental principle of the EU's external governance is the willingness of the neighbor state to adopt the EU's institutional and legal norms on the domestic level. In this context, the EU *acquis communautaire* and rules, as well as the directives have crucial significance due to their function in the enlargement process.⁵² In regards to the territorial boundaries, *Article 49 of the Treaty of European Union* states that any European state which is committed to the EU's values and promotes them on the domestic and regional level can apply to become a member of the Union.⁵³ The perspective of future membership is the main driving force of the Europeanization process.⁵⁴ The EU's external governance comprise of various economic and socio-political instruments which enable the enhancement of the Europeanization process even when the membership is not expected in the foreseeable future. The external governance is embodied in the European Neighborhood Policy (ENP) – one of the main instruments of the EU's cooperation with Eastern and Southern partners. Furthermore, external governance can be explored through the cooperation between the EU and the third parties in specific policy areas or parts of the *acquis*.⁵⁵ The scholarly literature distinguishes two major forms of initiation of the external governance: external (Initiated by the EU) and internal (Interest

⁴⁸ Rosamond, Ben. (2009). *New Theories of European Integration*. In M. B. Cini, Nieves Pérez-Solórzano (Ed.), *European Union Politics* (3rd ed., pp. 104-122). New York: Oxford University Press.,p.108.

⁴⁹ Peters, Guy.(2009) *Governance approaches*. In A. Wiener & T. Diez (Eds.), *European integration theory* (pp. 91-104). Oxford University Press.,p.96.

⁵⁰ Lavenex, Sandra. (2004). EU external governance in 'wider Europe'. *Journal of European Public Policy*, 11(4), 680-700. doi: 10.1080/1350176042000248098,p.683

⁵¹ Ibid.684.

⁵² Ibid.685.

⁵³ EUR-Lex, "Consolidated Version of the Treaty on European Union Article 49" (European Union Law, July 2016), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12016M049>.

⁵⁴ Sandra Lavenex and Frank Schimmelfennig, "EU Rules beyond EU Borders: Theorizing External Governance in European Politics," *Journal of European Public Policy* 16, no. 6 (2009): pp. 791-812, <https://doi.org/10.1080/13501760903087696>, 791.

⁵⁵ Ibid.794

expressed by the third party).⁵⁶ Externally driven mechanisms follow the ‘*logic of consequences*’. According to this approach, the third parties seek to deepen their relations with the EU through the mechanism of conditionality which essentially compromises of the rewards and sanctions.⁵⁷

On the contrary, the ‘*logic of appropriateness*’ is driven by the interest in social learning. In this case, the third-party seeks to adopt certain rules and norms of the EU to change the domestic status quo.⁵⁸ The EU’s incentives serve as a source of motivation for the third parties. The policy of ‘stick and carrot’ enables the EU to practice its external governance on specific targets.⁵⁹ The third countries often seek for the membership as the most prioritized reward – a ‘golden carrot’. The ‘golden carrot’ enables the EU to show more persuasive character in negotiations and export of its norms, as long as other incentives such as Association agreement and visa liberalization are perceived to be comparably weaker.⁶⁰

The applicability of the EU’s external governance mechanisms to this study will be shown in all stages of empirical analysis. The evolution of the EU-Georgia partnership since launching the ENP in the early 2000s has undergone the different phases of social learning and institutional capacity-building. Moreover, the EU’s active engagement as a conflict mediator in breakaway regions of Georgia carries the component of security actorness which will be assessed through the supporting theoretical framework developed by Julian Bergmann and Arne Niemann.⁶¹

To assess the EU conflict mediation effectiveness in Abkhazia and South Ossetia, the first objective is to analyze the *EU’s NREP strategy* – an integral element of the external governance policy in Georgian breakaway regions; precisely, the study will identify the EU’s tools and mechanisms, which will enable to assess the progress in the conflict mediation process. As a second step, the analysis will address the conditions for the EU’s conflict mediation effectiveness from the external conflict perspective in an exploratory manner. The theoretical tool of Bergmann and Niemann refers to external conflict settlement as observable

⁵⁶ Schimmelfennig, Frank, & Sedelmeier, Ulrich (2004). Governance by conditionality: EU rule transfer to the candidate countries of Central and Eastern Europe. *Journal of European Public Policy*, 11(4), 661-679. doi: 10.1080/1350176042000248089.p.663.

⁵⁷ Ibid.

⁵⁸ Ibid.665.

⁵⁹ Thomas Diez, “Normative Power Europe and Conflict Transformation ,” *Paper for Presentation at the 2007 EUSA Conference, Montreal, 17-19 May 2007* , May 2017, <http://aei.pitt.edu/7798/1/diez-t-01a.pdf>, 3.

⁶⁰ Ibid.

⁶¹ Julian Bergmann and Arne Niemann, “Mediating International Conflicts: The European Union as an Effective Peacemaker?,” *JCMS: Journal of Common Market Studies* 53, no. 5 (December 2015): pp. 957-975, <https://doi.org/10.1111/jcms.12254>, 961.

behavioral change on the sides of disputants which can be found during the process or as an outcome.⁶² The analytical framework proposes the specific tool for measurement of the EU's conflict mediation progress. The scholars have compiled the scheme which encompasses value for five different levels of the conflict settlement; furthermore, based on the provided data and changes on dependent variables, it is possible to make overall assessments of conflict mediation efficiency from low to a high degree. The framework enables this study to deliver a visual representation of the empirical analysis of the EU's effectiveness in conflict mediation in Georgia. A high degree of conflict mediation effectiveness corresponds to the consensual agreement between the conflicting sides on all or major issues; a medium degree of effectiveness refers to solving of several major and minor issues between the conflicting sides; lastly, a low level of effectiveness indicates on no consensual agreement between the conflict sides and prolonging of the negotiations.⁶³

Level	Conflict Dynamics	Description of Behavioral Change of Confronting Parties
5	Full Settlement	Final settlement of all issues and causes of the conflict
4	Settlement of Major Issues	Partial settlement of the major issues of the conflict
3	Settlement of Minor Issues	Partial settlement of the minor issues of the conflict
2	Process Agreement	No agreement on the dispute, consensual readiness to further the negotiation process
1	Ceasefire Agreement	Agreement to stop the military action, consensual readiness to seek peaceful means of conflict resolution
0	No Agreement	Mediation does not result in any agreement

Figure 1. Theoretical Framework by Bergmann & Niemann⁶⁴

EU NREP Component	High Level	Medium Level	Low Level

⁶² Ibid.

⁶³ Ibid.

⁶⁴ Ibid.

Conflict Mediation			
Conflict Transformation			
Conflict Management			
Conflict Settlement			

Figure 2. The EU NREP Effectiveness Assessment Tool, Compiled by the Author

2.4.1 The EU’s External Governance – Institutional Capacity

The European Union represents one of the most successful political projects which is based on peaceful resolution of disputes on the inter-state level.⁶⁵ In the post-Cold War era, the idea of *Europe whole, free and at peace*, has gained significant value in a global sense. The EU’s involvement in crisis resolution and transformation in Bosnia, Kosovo, and South Caucasus demonstrated its capability as an international actor. However, the EU’s conflict mediation strategy deemed unsuccessful in the former Yugoslavia region which underlined the necessity for capacity building and designation of efficient mechanisms. In response to this failure, the EU implemented the Common Foreign and Security Policy (CFSP), the European Security Strategy (ESS), and the Common Security and Defense Policy (CSDP).

The objectives of the CSFP are formulated under the *Maastrich Treaty (1992)*. It is an integral part of the three-pillar system of the European Union – European Communities, Common Foreign and Security Policy and Justice and Home Affairs.⁶⁶ The CSFP is designated to strengthen democratization, rule of law, human rights, peace, security and cooperation beyond the borders.⁶⁷ The CSFP consists of various political, economic, and judicial mechanisms. The economic incentives are developed through the Rapid Reaction Mechanism (RRM) which enables the efficient allocation of funds in the conflict-affected areas.⁶⁸ To achieve the desired depth of impact, the CSDP has introduced the EU Special Representative (EUSR) mechanism which intends to observe and promote policy

⁶⁵ Nathalie Tocci, *The EU and Conflict Resolution: Promoting Peace in the Backyard* (London: Routledge, 2008), 7-8.

⁶⁶ Thierry Tardy, *CSDP in Action: What Contribution to International Security?* (Paris: EUISS, 2015), 40.

⁶⁷ EUR-Lex, “European Foreign and Security Policy” (European Union, August 6, 2019),

https://europa.eu/european-union/topics/foreign-security-policy_en.

⁶⁸ Ibid.

internalization in partner states. The EUSR office in partner state operates and diplomatic representation and informational hub. It enables the EU to receive first-hand information on the dynamics of the conflict transformation in partner state and support the implementation of its norms and values on the external level.⁶⁹ The European Security Strategy (ESS) and Common Security and Defense Policy (CSDP) respond to the EU's security and defense concerns. It represents the shared vision of the Union on security architecture and affairs with foreign actors.⁷⁰ One of the main objectives of this mechanism is to contribute to the securitization of the EU's neighborhood and strengthening the international order.⁷¹ Furthermore, the EU utilizes these frameworks for capacity building of the peace-keeping missions, monitoring and observer missions, and peace enforcement missions in conflict-affected regions.⁷² As a result of restructuring the foreign and security policy mechanisms and revision of the conflict mediation strategy, the EU significantly enhanced its capabilities in crisis management, conflict resolution, strategic planning, and conflict transformation.⁷³

The EU's vision of the peace preservation and restoration of the international order was reiterated in the *Lisbon Treaty (2009)*. The EU's role in conflict mediation and transformation process was clearly articulated in the Concept on Strengthening EU Mediation and Dialogue Capacities, which was implemented in 2009. According to the concept, the EU prioritizes the strengthening of the mediation capacities of involved parties, support of the crisis management and post-conflict rehabilitation, as well as the strengthening of the peace efforts.⁷⁴ The EU's conflict mediation strategy unifies various instruments such as:

Joint Statements – Expression of concerns on part of the European Council or the foreign ministers of the member states concerning the conflict situation.⁷⁵

⁶⁹ Cara M Davies, "Backseat Driving': European Institutions and Crisis Management in Moldova," *Romanian Journal of Political Science* 34, no. 2 (February 2011): pp. 130-153, 145-146.

⁷⁰ European External Actions Service, "Military and Civilian Missions and Operations" (EEAS, March 5, 2019), https://eeas.europa.eu/topics/military-and-civilian-missions-and-operations/430/military-and-civilian-missions-and-operations_en.

⁷¹ Council of the European Union, "European Security Strategy: A Secure Europe Better World" (European Communities, January 2009), <https://www.consilium.europa.eu/media/30823/qc7809568enc.pdf>, 20-22.

⁷² EUR-Lex, "European Foreign and Security Policy" (European Union, August 6, 2019), https://europa.eu/european-union/topics/foreign-security-policy_en.

⁷³ Nathalie Tocci, *The EU and Conflict Resolution: Promoting Peace in the Backyard* (London: Routledge, 2008), 9.

⁷⁴ European Parliament, "European Parliament Resolution of 20 January 2011 on an EU Strategy for the Black Sea" (European Parliament, January 20, 2011), <https://www.europarl.europa.eu/sides/getDoc.do?reference=P7-TA-2011-0025&type=TA&language=EN&redirect>.

⁷⁵ European External Actions Service, "European Instrument for Democracy and Human Rights (EIDHR)" (EEAS, January 25, 2017), [https://eeas.europa.eu/delegations/israel_en/19192/European%20Instrument%20for%20Democracy%20and%20Human%20Rights%20\(EIDHR\)%20ISRAEL%202016-2017](https://eeas.europa.eu/delegations/israel_en/19192/European%20Instrument%20for%20Democracy%20and%20Human%20Rights%20(EIDHR)%20ISRAEL%202016-2017).

Joint Actions – Joint operation actions and efforts of the member states which legally binding nature and fixed financial capacity.⁷⁶

Common Positions – Addressing the European Union’s approach to specific geostrategic or political issues.⁷⁷

Economic Sanctions – Joint financial approach of the member states towards the confronting parties by positive incentives or negative sticks.⁷⁸

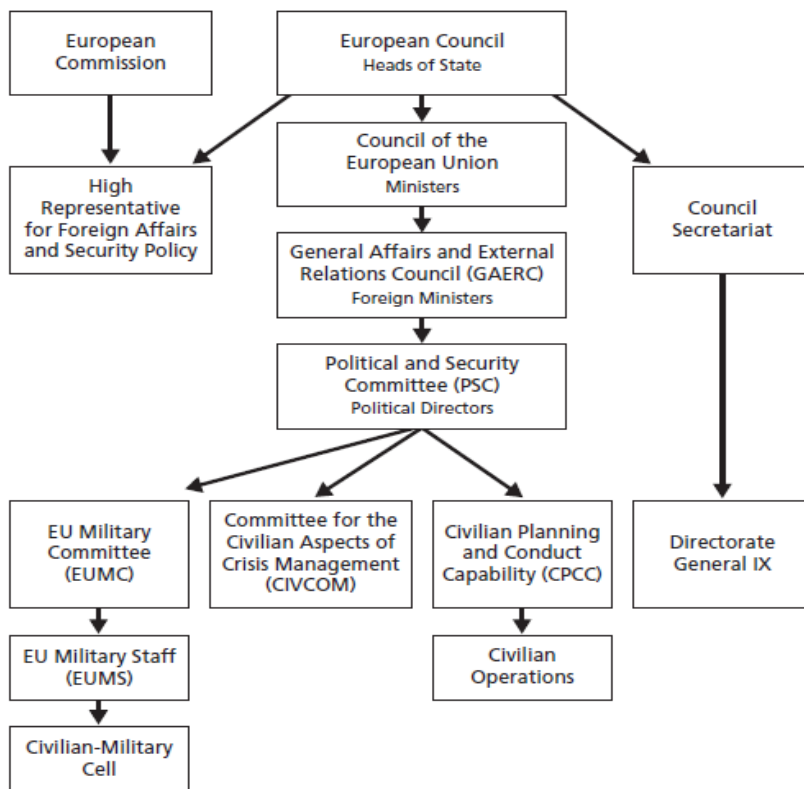


Figure 4. Organizational Structure of the ESDP⁷⁹

The EU’s conflict mediation instruments vary in nature, from political and military to diplomatic and financial. The conflicting parties often prefer to cooperate with the EU through financial and political instruments. In this term, conditionality and socialization instruments play a key role. The conditionality instrument is based on the principle of ‘stick and carrots’ which targets to achieve the desired level of domestic change in partner state through the allocation of financial incentives.⁸⁰ The efficiency of this policy primarily relies

⁷⁶ Ibid.

⁷⁷ Ibid.

⁷⁸ Ibid.

⁷⁹ Christopher S. Chivvis, “EU Civilian Conflict Management: The Record So Far” (Rand Corporation, March 2010), <https://www.jstor.org/stable/10.7249/mg945osd.8>.

⁸⁰ Frank Schimmelfennig and Ulrich Sedelmeier, “Governance by Conditionality: EU Rule Transfer to the Candidate Countries of Central and Eastern Europe,” *Journal of European Public Policy* 11, no. 4 (2004): pp. 661-679, <https://doi.org/10.1080/1350176042000248089>, 664-665.

on the readiness of the confronting parties to internalize the EU norms and values and in exchange enjoy the financial and security benefits offered by the Union.⁸¹ The policy is intended to achieve short-term objectives and alter the behavior of the confronting parties in the desired direction.⁸² The long-term objectives of the EU's conflict mediation strategy are consolidated under the socialization instrument. As Emerson (2004) notes: "the EU's conflict mediation strategy relies on the persuasion of the parties to the transformation of the existing societal norms, the approximation of the domestic judicial system to the EU standards, and the strengthening of the rule of law."⁸³ It must be noted that the instruments of conditionality and socialization are limited by factors such as lack of interest from confronting parties, evident differences between the EU's and domestic policies, and low level of internalization of the policies on the domestic level.⁸⁴

Research Question

Furthermore, the research aims to answer the following question:

How has the EU's conflict mediation strategy impacted the conflict settlement process in the contested regions of Georgia in 2008-2018?

⁸¹ Nathalie Tocci, "Conflict Resolution in the European Neighbourhood: The Role of the EU as a Framework and as an Actor," *European University Institute Press* 29 (December 2004), 4-5.

⁸² *Ibid.*9

⁸³ Robert M. Emerson, "Introduction," *The American Academy of Political and Social Science* 595, no. 1 (2004): pp. 8-13, <https://doi.org/10.1177/0002716204268031>, 12-13.

⁸⁴ *Ibid.*5-6

3. The Origins of the Secessionist Conflicts in Abkhazia and South Ossetia

The chapter presents the historical account of the secessionist conflicts in Abkhazia and South Ossetia – covering the period between the Soviet Union to the early 2000s. It reflects on the main factors which contributed to the escalation of the armed hostilities and the further developments which brought them into the ‘frozen’ state.

3.1 Abkhazia during the Soviet Era

Following the October revolution in 1917, the Red Army violently invaded Abkhazia and occupied it.⁸⁵ After several years of resistance, the same fate was shared by the Democratic Republic in Georgia which resulted in the establishment of the Soviet Socialist Republics of Georgia (SSRG) and Abkhazia (ASSR).⁸⁶ Although, the status of Abkhazia was changing over time due to institutional entrenchment, changing relations with Georgia, and differences in views among the Soviet political establishment. There were five major phases for Abkhazia during the Soviet era: 1917-1921 Abkhaz SSR, 1931-1945 incorporation into Georgian SSR, 1931-1945 so-called ‘Georgianization’, 1945-1980 institutional changes, 1980-1991 ethnic conflict.



Map 2. Territorial Losses of the Democratic Republic of Georgia under the USSR in 1921-1931⁸⁷

⁸⁵ Benedikt Harzl, *The Georgian-Abkhazian Conflict: Political Analysis* (Baden-Baden: Nomos, 2016), 43-44.

⁸⁶ *Ibid.* 46.

⁸⁷ Andrew Andersen, "Territorial Losses of Georgia during Sovietization," 2004, http://www.conflicts.rem33.com/images/Georgia/Lang_11.htm.

The period of the Abkhaz SSR was characterized by turbulent political and social changes within the Abkhaz society. The political establishment consisted of three major groups: pro-Georgian Social-Democrats (often referred to as ‘Mensheviks’), pro-Turkish Traditionalist, and pro-Russian Bolsheviks.⁸⁸ With support from Moscow, the Abkhaz Bolsheviks repressed the political opponents and created the ground for incorporation of the region into the Russian leadership. It must be emphasized that the initial agreement between the Abkhaz and Russian Bolsheviks relied on granting of the separate SSR status to Abkhazia, which was fulfilled in 1917; however, after the occupation of the Georgian Democratic Republic in 1921, the Bolsheviks changed it to the ‘Treaty Republic’ together with the newly established Soviet Socialist Republic of Georgia.⁸⁹ King (2012) notes: “the Bolsheviks perceived Tbilisi as a strategically important point and by strengthening their positions there, it would be easier to control the other small nations in Caucasus regions.”⁹⁰ The case of the changing status of Abkhazia can also be explained by the Bolshevik strategy of suppressing of the opponents such as Socialist –Mensheviks in smaller regions and making these territories effectively governable without recognition of separate identities.⁹¹ In the 1930s, there were several waves of territorial-administrative restructuring under Stalin’s leadership. He introduced the centralized social and economic policy in USSR which forced the smaller republic and regions to unify with bigger political centers. As a result, Abkhazian SSR was unified with Georgian SSR with a status of the autonomous region.⁹² The transformation of the administrative and political system caused significant changes in societal structure as well. The Georgian language became the official language in Abkhazia, the massive groups of ethnic Georgians (primarily – Megrelians, the Western Georgian population) migrated to Abkhazian regions and the number of mixed marriages surged rapidly. In a period of five years, the majority of the population in Abkhazia consisted of Georgians, Russian, Armenians, and Greeks, while the Abkhaz became the minority group.⁹³ The ethnic Abkhaz population was alarmed by this process and referred to it as ‘Georgianization’.

⁸⁸ Emil Souleimanov, *Understanding Ethnopolitical Conflict: Karabakh, South Ossetia, and Abkhazia Wars Reconsidered* (Houndmills, Basingstoke, Hampshire: Palgrave Macmillan, 2013), 114.

⁸⁹ Companjen Françoise, Marác László Károly., and Lia Versteegh, *Exploring the Caucasus in the 21st Century: Essays on Culture, History and Politics in a Dynamic Context* (Amsterdam: Pallas Publications, 2010), 190.

⁹⁰ Charles King, *The Ghost of Freedom: a History of the Caucasus* (New York: Oxford University Press, 2012), <http://georgica.tsu.edu.ge/files/06-History/Nationalism%20&%20Identity/King-2008.pdf>, 188.

⁹¹ *Ibid.* 189-190.

⁹² Frederik Coene, *Caucasus: an Introduction* (London: Taylor & Francis, 2011), 149

⁹³ Companjen Françoise, Marác László Károly., and Lia Versteegh, *Exploring the Caucasus in the 21st Century: Essays on Culture, History and Politics in a Dynamic Context* (Amsterdam: Pallas Publications, 2010), 190.

The introduction of Georgian language to Abkhaz schools and higher education institutions contributed to the wider debate on the origin of Abkhazians. On the one hand, the Georgian historians and scholars argued that Abkhaz were the Georgian tribe, who played a significant integral part in the development of the Georgian Kingdom. They spoke Georgian dialect and were culturally and politically linked with other Georgian regions. Furthermore, this Georgian tribe did not have any bloodline links with so-called ‘Apsny’ or the Abkhazian residents in XX C. who referred to themselves as the predecessors of Abkhazians but descended from Northern Caucasian tribe of Kabardeys, who migrated to the mountains of Western Georgia in XIX C.⁹⁴ With the growing influence of ethnic Georgians in the region, the Abkhazian intellectuals were seeking for the powerful patron. They perceived the strong ties with Moscow as the only effective mechanism for countering the ‘Georgianization’ process. The Soviet political establishment met these expectations and introduced strict control of political, administrative, and demographic dynamics in Abkhazia.⁹⁵ The ethnic Abkhaz were given significant preference on governing positions (70% of the minister positions and regional committees), the Abkhaz language was reintroduced at schools and academic institutions and the cultural identity of Abkhazs was widely recognized.⁹⁶ Nevertheless, the rapid demographic changes in Abkhazia did not allow the ethnic Abkhaz elites to feel safe about their future. Between the period of 1922-1989, the general population of Abkhazia increased from approximately 174,200 to 525,000.⁹⁷ In the same time period the proportion of the ethnic Abkhaz population decreased from 48% (89,800) to 17.8% (93,300) while Georgian population increased from 18.4% (32,000) to 45.7% (240,000). Furthermore, the ethnic Russian population surged from 5.9% (10,000) to 14.5% (75,000).⁹⁸ Georgian intellectuals and political elites were openly unsatisfied with Moscow’s policy of prioritization of ethnic Abkhaz on governing positions. They perceived it as a strategy of Russians to weaken the Georgian positions in the region and actively pushed the idea that ‘Kabardyan-descendent’ Abkhaz were the guests of this region.⁹⁹ This narrative was actively persuaded by the Georgian nationalist political groups in the late 1980s.

⁹⁴ Emil Souleimanov, *Understanding Ethnopolitical Conflict: Karabakh, South Ossetia, and Abkhazia Wars Reconsidered* (Houndmills, Basingstoke, Hampshire: Palgrave Macmillan, 2013), 116.

⁹⁵ Ibid.122

⁹⁶ Ibid.129-130

⁹⁷ George Hewitt, *Abkhazians* (New York: Routledge, 2015), 233-235.

⁹⁸ Ibid.

⁹⁹ Emil Souleimanov, *Understanding Ethnopolitical Conflict: Karabakh, South Ossetia, and Abkhazia Wars Reconsidered* (Houndmills, Basingstoke, Hampshire: Palgrave Macmillan, 2013), 129-130

"Historically, the 'Abkhaz nation' never ceased to exist. The (current) residents of this region are the North Caucasian tribes which have a right for self-determination only in Adighea (North Caucasus).

The justice must be served, Abkhazia must return to the ethnic Georgians."¹⁰⁰

Zviad Gamsakhurdia, the President of the Republic of Georgia

April 1989

3.1.1 Georgian Nationalism and Abkhaz Secessionism in the 1990s

Gorbachev's 'perestroika' policy brought the emergence of various organizations and movements in Georgia. One of the most powerful and widely popular nationalist movement was Zviad Gamsakhurdia's 'Society of St. Iliia the Righteous'.¹⁰¹ Hewitt (2015) notes: "the leaders of the nationalist movement were opposing the separatist sentiments of Abkhaz elites and implied on the illegitimacy of the autonomous status the Abkhazian region, as long as it never met the minimum requirement of the Soviet population threshold - one million people."¹⁰² In response to growing inter-ethnic tensions, the Abkhazian political elite called for the national forum in village Lykhny in 1989. The forum organized the petition on the restoration of the Abkhazian SSR. The petition was signed by 30,000 Abkhazians and 5,000 people from ethnic minorities (Russians, Armenians, Greeks, Georgians).¹⁰³ Nodia (1998) notes that the petition triggered massive public protest and manifestations in Tbilisi which simultaneously turned into the demonstrations for the declaration of independence.¹⁰⁴ The Georgian political establishment declared the Soviet regime and all of its institutions as forcedly imposed in 1921, after the violent overthrow of the government of the Democratic Republic of Georgia. Moreover, the creation of the Abkhazian SSR was also declared illegal.¹⁰⁵ The peaceful demonstrations in Tbilisi sparked the anger in the communist regime. On 9 April 1989, the Soviet troops intervened with the main prospect in Tbilisi, killed 19 demonstrators, and severely injured dozens.¹⁰⁶ In October 1990, Georgia held its first Presidential elections, where the main candidate – nationalist Zviad Gamsakhurdia won by a

¹⁰⁰ Zviad Gamsakhurdia Public Address, April 1989: *The Abkhaz Nation Doesn't Exist*, 2017, https://www.youtube.com/watch?v=Pe4QP3_u3WY.

¹⁰¹ Ibid.

¹⁰² George Hewitt, *Abkhazians* (New York: Routledge, 2015), 234.

¹⁰³ Ibid.

¹⁰⁴ Ghia Nodia, "The Conflict in Abkhazia: National Projects and Political Circumstances" (Vrije University, 1998), <http://poli.vub.ac.be/publi/Georgians/chp0201.html>.

¹⁰⁵ Ibid.

¹⁰⁶ Frederik Coene, *Caucasus: an Introduction* (London: Taylor & Francis, 2011), 150.

significant majority of the votes.¹⁰⁷ Gamsakhurdia's nationalist rhetoric was primarily based on the protection of the political and cultural rights of the ethnic Georgian population in autonomous regions of Abkhazia, South Ossetia and Adjara. In absence of the state-owned military forces, Gamsakhurdia sought help from the guerrilla forces and paramilitary groups.¹⁰⁸ The first wave of nationalist policies affected the ethnic minorities residing in the capital of Georgia – Tbilisi. Armenians, Azeris, Kurds, Greeks, Russians, and other minorities were alarmed by Gamsakhurdia's 'Georgianization' strategy.¹⁰⁹ They often referred to him as radical-nationalist or fascist and criticized his remarks such as 'Georgia for Georgians'.¹¹⁰

In March 1991, Secretary Gorbachov held the All-Union referendum of the Union treaty. The Georgian political elite refused to participate in it, declared it null and void, and publicly stated its aspiration for independence. Interestingly, a solid majority of the Abkhazian population voted in favor of the preservation of the Soviet Union which deepened the ethnic conflict.¹¹¹ In response to the Soviet referendum, in March 1991 Georgia held the independence referendum, and the following month, declared itself an independent unitary state.¹¹² It must be noted that almost 60% of the Abkhazian population supported the declaration of independence of Georgia in the referendum. This resulted in mutual engagement in peace negotiations. The Abkhaz politicians under the leadership of Ardzinba demanded a federative or confederative format for the solution of the administrative issues of Georgia. However, the Georgian side rejected the proposal in fear of angering the electorate

¹⁰⁷ Svante E. Cornell, *Small Nations and Great Powers: a Study of Ethnopolitical Conflict in the Caucasus* (London: Routledge Curzon, 2005),

https://is.muni.cz/el/1423/podzim2012/MVZ208/um/35586974/Small_Nations_and_Great_Powers__A_Study_of_Ethnopolitical_Conflict_in_the_Caucasus_.pdf, 162.

¹⁰⁸ Ibid. 162

¹⁰⁹ Magdalena Frichova, "Transitional Justice and Georgia's Conflicts: Breaking the Silence" (International Center for Transitional Justice, May 2009), <https://www.ictj.org/sites/default/files/ICTJ-Georgia-Breaking-Silence-2009-English.pdf>, 11-12.

¹¹⁰ Svante E. Cornell, *Small Nations and Great Powers: a Study of Ethnopolitical Conflict in the Caucasus* (London: Routledge Curzon, 2005), https://is.muni.cz/el/1423/podzim2012/MVZ208/um/35586974/Small_Nations_and_Great_Powers__A_Study_of_Ethnopolitical_Conflict_in_the_Caucasus_.pdf, 163.

¹¹¹ Emil Souleimanov, *Understanding Ethnopolitical Conflict: Karabakh, South Ossetia, and Abkhazia Wars Reconsidered* (Houndmills, Basingstoke, Hampshire: Palgrave Macmillan, 2013), 176

¹¹² Svante E. Cornell, *Small Nations and Great Powers: a Study of Ethnopolitical Conflict in the Caucasus* (London: Routledge Curzon, 2005), https://is.muni.cz/el/1423/podzim2012/MVZ208/um/35586974/Small_Nations_and_Great_Powers__A_Study_of_Ethnopolitical_Conflict_in_the_Caucasus_.pdf, 164.

which demanded the abolishment of the autonomies and unification of Georgian state.¹¹³ Furthermore, the political elite was concerned that granting the federal status to secessionist regions would result in a domino effect and cause the dissolution of Georgian territorial integrity.¹¹⁴ The disagreement resulted in breaking the diplomatic ties and significantly increased the risks of armed hostilities. The government of Gamsakhurdia was overthrown by a military coup in 1991 by paramilitary groups of Tengiz Kitovani and Jaba Ioseliani.¹¹⁵

In 1992, Eduard Shevardnadze came to power. Under his leadership, Georgia achieved the international recognition of the borders claimed by the central government which included Abkhazia, South Ossetia, and Adjara as integral parts within Georgia.¹¹⁶ This decision sparked the outrage among the Abkhaz political elites which in return, declared Abkhazia as a sovereign state. In August 1992, the Georgian paramilitary groups of Kitovani entered the Abkhazian soil. They justified it as a special operation against the pro-Gamsakhurdia forces hiding in Abkhazian village.¹¹⁷ The Abkhazian side declared this operation as the military intervention of Georgian troops in the Abkhazian state and responded by mobilization of troops.¹¹⁸ On 14 August 1992, the Georgian army units entered Abkhazian territory intending to defend the Abkhazian people from paramilitary groups and criminal gangs.¹¹⁹ This decision was supported by the UN monitoring mission which reported that the Georgian troops were fighting the criminal gangs in Abkhazia in consensual agreement with the political leadership of the Abkhazian government.¹²⁰ Georgian military forces rapidly strengthened their positions in capital – Sokhumi and surrounding villages. On September 3, 1992, the Russian political establishment demanded the signing of a cease-fire agreement between confronting parties.¹²¹ Georgian side fulfilled its obligation by the withdrawal of the troops from Abkhazia, however, the Russian and Abkhaz side refused to follow the

¹¹³ Tamaz Beradze, *A Historical-Geographic Review of Modern Abkhazia* (Konrad Adenauer Stiftung, n.d.), https://www.kas.de/c/document_library/get_file?uuid=9a93a8fa-c31b-f8de-82f4-b0442b45cacb&groupId=252038, 49-50.

¹¹⁴ Emil Souleimanov, *Understanding Ethnopolitical Conflict: Karabakh, South Ossetia, and Abkhazia Wars Reconsidered* (Houndmills, Basingstoke, Hampshire: Palgrave Macmillan, 2013), 177

¹¹⁵ Ibid.26

¹¹⁶ Julie J George, *Politics of Ethnic Separatism in Russia and Georgia* (Place of publication not identified: Palgrave Macmillan, 2016), <https://pestuge.iliauni.edu.ge/wp-content/uploads/2017/12/George-Julie-A.-The-Politics-of-Ethnic-Separatism-in-Russia-and-Georgia.pdf>, 139-140.

¹¹⁷ George Hewitt, *Abkhazians* (New York: Routledge, 2015), 135-136

¹¹⁸ Ibid.

¹¹⁹ Refworld United Nations High Commissioner for Refugees, “Chronology for Abkhazians in Georgia,” Refworld (The UNHCR, April 2004), <https://www.refworld.org/docid/469f388ca.html>.

¹²⁰ Ibid.

¹²¹ George Hewitt, *Abkhazians* (New York: Routledge, 2015), 139.

protocol.¹²² This caused the continuation of hostilities between the parties and increased military tensions in bordering villages. On July 27, 1993, the Russian side brokered another cease-fire agreement in Sochi; however, lack of trust between the confronting sides resulted in neglecting of implementation of the agreement in practice.¹²³ Renewed military confrontation in Abkhazia coincided with the civil war in Georgia. The supporters of former President Gamsakhurdia demanded the withdrawal of Shevardnadze from the leadership of the state. The chaotic situation and political fragmentation in Georgia altered the military advantage in favor of Abkhazian forces. On September 27, 1993, the Abkhaz forces captured the whole region of Abkhazia and restored their political control over it.¹²⁴ Shevardnadze requested to Moscow to accept Georgia in CIS and send the Russian troops for securing the Georgian-Abkhaz border.¹²⁵ As a result of the blood-shedding conflict, more than 250,000 (a significant majority of ethnic Georgians) were forced in exile and several thousand people were killed and heavily injured. On the one hand, Georgia lost its territory to secessionist powers but achieved the international recognition of Abkhazia as an internal part of its territory. On the other hand, the Abkhazian elite managed to defeat the Georgian troops with the help of Russian patrons which supplied them with weaponry and regularly engaged in fights.¹²⁶ Nevertheless, the Abkhazians lost the diplomatic battle for recognition which resulted in uncertainty about the legal status of the separatist power and creation of the ‘frozen conflict’.

3.1.2 The Post-Conflict Developments

In 1995, Eduard Shevardnadze was elected as the second President of Georgia. The country which suffered the ethnic-conflict and civil war was completely plunged into corruption and crime. Shevardnadze’s government failed to deliver an efficient restoration plan and deepened the already stagnating economy of the newly emerged state.¹²⁷ In the early 2000s, a young pro-Western politician Mikheil Saakashvili consolidated a strong political group under

¹²² David Matsaberidze, “The Confederation of the Mountain Peoples of the Caucasus and the Conflict Over Abkhazia,” *The Caucasus and Globalization* 6, no. 2 (March 2012): pp. 1-9, 5.

¹²³ Ibid.6-7

¹²⁴ Ibid.8

¹²⁵ Serge Schmemmann, “In Crushing Blow to Georgia, City Falls to Secessionists” (The New York Times, September 28, 1993), <https://www.nytimes.com/1993/09/28/world/in-crushing-blow-to-georgia-city-falls-to-secessionists.html>.

¹²⁶ Emil Souleimanov, *Understanding Ethnopolitical Conflict: Karabakh, South Ossetia, and Abkhazia Wars Reconsidered* (Houndmills, Basingstoke, Hampshire: Palgrave Macmillan, 2013), 159-160

¹²⁷ Nina Akhmeteli, “Eduard Shevardnadze: Controversial Legacy to Georgia” (BBC Europe, July 8, 2014), <https://www.bbc.com/news/world-europe-28205380>.

his leadership and formed the opposition bloc during the parliamentary elections. Saakashvili's party lost to the ruling coalition which sparked the protest among the citizens. Saakashvili declared the election results rigged and called for the peaceful anti-governmental demonstrations.¹²⁸ During the period of 14-23 November 2003, more than 200,000 people went in front of the Presidential building and demanded the resignation of Shevardnadze. The peaceful manifestations in Tbilisi were supported by the Western political elites and praised as 'the Rose Revolution'. On November 24, 2003, Shevardnadze resigned and called for the new elections, where Mikheil Saakashvili held the victory with 96% of votes.¹²⁹

The new government of Georgia actively engaged in institutional reforms and strengthening of the socio-economic condition of the country. According to Lynch (2006): "the active reforms concerned the judicial, police, and military sectors. Saakashvili was aiming to turn once a failed state into the progressive pro-European country."¹³⁰ Improved social welfare and economic attractiveness of Georgia was an integral element of the territorial reconciliation strategy. Saakashvili realized that the resolution of the Abkhazian conflict was impossible without dialogue with Russia.¹³¹ Although, he did not seek the Russian help in peace negotiations and reconciliation process but rather limiting of military and technical supplying of Abkhaz separatists with Russian weaponry.¹³² He suggested that Russia should not have been involved in the first phase of diplomatic negotiations but engage in it after the agreement on the reconciliation plan between Georgian and Abkhaz parties.¹³³ Saakashvili's peace plan was built on the formation of the federal states with a shared economy, constitution, election system, and governance, where the Abkhazian side would be considered the greatest autonomy with all components of the sovereign state.¹³⁴ However, the Abkhazian side rejected the peace plan and stressed that the independence status was non-negotiable.¹³⁵ Furthermore, they implied that the Abkhaz political elite and society would never consider

¹²⁸ George Kandelaki, "Georgia's Rose Revolution: A Participant's Perspective" (United States Institute for Peace - USIP, July 2006), <https://www.usip.org/sites/default/files/sr167.pdf>.

¹²⁹ Ibid.

¹³⁰ Dov Lynch, "European Union Institute for Security Studies" (European Union Institute for Security Studies - EU ISS, February 1, 2006), <https://www.iss.europa.eu/sites/default/files/EUISSFiles/cp086.pdf>, 32.

¹³¹ Voice of America, "Georgians Contemplate Future Five Years After Rose Revolution" (VOA, October 27, 2009), <https://www.voanews.com/archive/georgians-contemplate-future-five-years-after-rose-revolution>.

¹³² Jean-Christophe Peuch, "Georgia: Saakashvili Offers To Open Reunification Talks With Abkhazia, South Ossetia," RadioFreeEurope/RadioLiberty (Radio Free Europe / Radio Liberty, May 26, 2004), <https://www.rferl.org/a/1052980.html>.

¹³³ Ibid.

¹³⁴ Ibid.

¹³⁵ Ibid.

being part of Georgia.¹³⁶ Such a stubborn approach of the Abkhaz political establishment toward the reconciliation process in Georgia is primarily caused by their firm belief that Russia will not allow the Georgian side to incorporate Abkhazia into its federative structure. Russian role in Georgian-Abkhazia conflict is decisively important. This was evident during the August 2008 war. The Russian strategy towards Abkhazia dramatically changed after the declaration of independence of Kosovo in 2008. In response to the western political elites, the Kremlin issued the Presidential decree on the establishment of direct ties with de-facto states of Abkhazia and South Ossetia.¹³⁷ In the following months, the number of Russian troops on Abkhazian borders was increased from 150 to 550 without consent with the Georgian government.¹³⁸ In April 2008, the Russian soldiers destroyed a remotely piloted Georgian drone over Abkhazia which was followed by the armed confrontation between Georgian and Abkhaz forces in Kodori Valley.¹³⁹ The five-day war in August 2008, between Russia and Georgia, created an extremely tense atmosphere on the Georgian-Abkhazian border. The Abkhazian government mobilized heavy weaponry in Kodori Valley and opened the fire in direction of Georgian villages. This was followed by joint aerial attacks with Russian military forces in Western Georgian villages and bombing of the railroad.¹⁴⁰ Several Georgian villages were occupied by Russian troops and thousands of civilians were forced into exile.¹⁴¹ Cornell(2008) notes: “the six-point cease-fire agreement negotiated by French President Nicolas Sarkozy had an immeasurable impact on the post-conflict processes and pushed the Abkhaz and Russian forces to restore the status quo.”¹⁴² However, the military confrontations in August 2008 significantly damaged the ground for peaceful dialogue between the confronting parties. The six-point agreement obliged the Russian troops to withdraw their positions in Abkhazia and enable the restoration of diplomatic links between Sokhumi and

¹³⁶ Ibid.

¹³⁷ Unrepresented Nations & Peoples Organization, “Abkhazia: Russian Sanctions Lifted” (UNPO, March 2007), <https://unpo.org/article/7700>.

¹³⁸ John Pike, “Railroad Troops / Railway Forces (Zheleznodorozhniki),” Railroad Troops / Railway Forces (Global Security Org, May 2004), <https://www.globalsecurity.org/military/world/russia/railroad-troops.htm>.

¹³⁹ Mariam Kartvelishvili, “Tbilisi Fails to Put Blame on Moscow over Drone’ – Russian MFA” (Civil.Ge, May 2008), <https://civil.ge/archives/116459>.

¹⁴⁰ United Nations High Commissioner for Refugees, “Report of the Secretary-General on the Situation in Abkhazia, Georgia,” Refworld (UN Security Council, June 26, 2006), <https://www.refworld.org/docid/453785670.html>.

¹⁴¹ Zinaida Shevchuk, “Understanding Armed Conflicts: Evolving Nature of Conflicts in the South Caucasus” (University of Brno Press, July 20, 2014), <https://theses.cz/id/nafgi7/?lang=en>, 130-131.

¹⁴² Svante E Cornell, Johanna Popjanevski, and Niklas Nilsson, *Russia’s War in Georgia: Causes and Implications for Georgia and the World*, n.d., https://www.silkroadstudies.org/resources/pdf/SilkRoadPapers/2008_08_PP_CornellPopjanevskiNilsson_Russia-Georgia.pdf, 18-19.

Tbilisi. Ironically, the Kremlin recognized Abkhazia and South Ossetia as independent states and significantly deepened their dependence on Russia.¹⁴³

3.2 The Secessionism in South Ossetia in the early 1990s

The autonomous status of South Ossetia has been a concern for the Georgian government since the early 20th century. In 1920, the group of Bolsheviks in Ossetia captured the city of Tskhinvali and declared the autonomy of the Soviet Republic of South Ossetia.¹⁴⁴ National Guard of the Democratic Republic of Georgia immediately responded with fire and restored control over the territory. The Georgian government was afraid of the rise of secessionism in different regions after the recognition of the autonomy of Abkhaz SSR, thus, even the minor rhetoric about separation and self-determination became punishable. However, after the Soviet occupation of Georgia in 1921, the South Ossetian Bolsheviks were rewarded for their loyalty with the status of the autonomous district together with the right for self-determination. The constitution of the Georgian SSR in 1922 declared that the republic consisted of three autonomous regions: Adjara SSR, South Ossetian SSR, and Abkhaz SSR.¹⁴⁵ In contrast to Abkhaz SSR, the South Ossetian autonomy was heavily dependent on Tbilisi politically and economically. The Ossetians were deeply integrated within Georgian society and many of them resided in various regions of South-Eastern Georgian. In general, the relations between the two groups were harmonious. The political establishment in the autonomous district was often ethnic Ossetian and the education system was structured in the Ossetian language. Out of 100,000 inhabitants of the autonomous district, almost 35% were ethnic Georgians.¹⁴⁶ The turning point in relations between Georgians and Ossetians was the year of 1985 when the major infrastructure project – the Tunnel of Roki was built and enabled direct ground transportation between Russia and Ossetia. In 1989, the ethnic Ossetian separatist Alan Chochiev established the organization ‘Adamon Nikhas’ which demanded the

¹⁴³ Jim Nichol, “Russia-Georgia Conflict in August 2008: Context and Implications for the U.S. Interests” (Congressional Research Service, March 3, 2009), <https://fas.org/sgp/crs/row/RL34618.pdf>, 2-3.

¹⁴⁴ Arsene Saparov, “From Conflict to Autonomy: The Making of the South Ossetian Autonomous Region 1918-1922,” *Europe-Asia Studies* 62, no. 2 (January 2010): pp. 99-123, <https://www.jstor.org/stable/27752421>, 105-106.

¹⁴⁵ Yuriy Kukushkin and Oleg Chistyakov, “The Constitution of the USSR 1924 - Organic Law,” Chapter 4, MSU, February 1987, <http://www.hist.msu.ru/ER/Text/cnst1924.htm>.

¹⁴⁶ Thomas De Waal, *The Caucasus: an Introduction* (New York: Oxford University Press, 2019), 139-140.

complete secession of the autonomous district from Georgia and supported the Abkhaz people's aspiration for declaration of independence.¹⁴⁷

After the arrival of Gamsakhurdia in power, Tbilisi declared the Georgian language as official state language all over the territory of the unitary republic, including all three autonomous regions. Chochiev organized the public demonstrations in Tskhinvali where the protestors were demanding the declaration of Ossetian language as state language on the territory of the district. The demand was rejected by Georgian authorities. In response, the Ossetian side declared itself as an autonomous republic and triggered the tensions with Gamsakhurdia supporters. In November 1989, the pro-Georgian population in South Ossetia marched in the streets of Tskhinvali which was confronted by the Soviet army.¹⁴⁸ Intensified tensions between the parties resulted in hate speech based on ethnic and political grounds. In September 1990, the South Ossetian district declared the creation of the South Ossetian Soviet Democratic Republic. In response, the Georgian Supreme Council declared the decision as an illegal attempt of secessionism and a threat to the territorial integrity of Georgia.¹⁴⁹ The legal debate resulted in armed conflict between Georgian military groups and Ossetian and Russian police units in Tskhinvali in 1991. The ethnic Georgian population living in bordering villages was forced to flee.¹⁵⁰ South Ossetia was supported by the North Ossetian military groups and Russian paramilitary forces.

The political fragmentation in Tbilisi and blood-shedding civil war gave a lead to the secessionist power and as a result, South Ossetian separatist leadership declared independence on May 29, 1992.¹⁵¹ In June 1992, Georgian President Eduard Shevardnadze and Russian President Boris Yeltsin signed the cease-fire agreement of Dagomy.¹⁵² Georgian government lost its control over the strategically important Roki tunnel and the Java settlement. This meant increased economic and political dependence of South Ossetia on

¹⁴⁷ Alan Chochiev, "Adamon Nikhas - People's Council," Aranzeld.com (Araenzeld, March 1989), <http://aranzeld.com/chtivo/page,1,5,161-samoe-znamenitoe-pismo-kogda-libo-napisannoe-osetinami-ili-istoricheskij-dokument-pokazyvayushhij-propast-mezhdu-nami-i-nimi.html>.

¹⁴⁸ Thomas De Waal, *The Caucasus: an Introduction* (New York: Oxford University Press, 2019), 139-140.

¹⁴⁹ Supreme Council of the Republic of Georgia, "Legislative Order on Annulment of the Autonomous Status of the South Ossetia Region" (Parliament of Georgia, December 1990), <https://matsne.gov.ge/ka/document/view/1079618>.

¹⁵⁰ Human Rights Watch, "Violations of Humanitarian Law and Human Rights in the Georgia-South Ossetia Conflict" (HRW International, April 1992), <https://www.hrw.org/report/1992/04/01/bloodshed-caucasus/violations-humanitarian-law-and-human-rights-georgia-south>.

¹⁵¹ International Crisis Group, "Georgia: Avoiding War in South Ossetia" (ICG, November 26, 2004), <https://www.crisisgroup.org/europe-central-asia/caucasus/georgia/georgia-avoiding-war-south-ossetia>.

¹⁵² Ibid.

Russia. More than 1000 people were killed and more than 20,000 were forced in exile.¹⁵³ The following years of the conflict were relatively peaceful for both parties. The Ergneti market in Tskhinvali which was functioning largely illegally contributed to the restoration of people-to-people relations and the establishment of economic ties. Moreover, Georgian leadership was actively pursuing the idea of the creation of the South Ossetian autonomy within Georgia, which was supported by Ossetian president Chibirov. Nevertheless, after the interference of the Russian intelligence units, Chibirov was overthrown from the Presidential post and all diplomatic ties with Tbilisi were disrupted.¹⁵⁴

3.2.1 Developments in the 2000s

After the election of Mikheil Saakashvili as the third President of Georgia, the Georgian-Ossetian relations gained new momentum.¹⁵⁵ Saakashvili's initial peace plan in South Ossetia was largely unsuccessful due to the lack of flexibility on culturally sensitive topics. The South Ossetian leadership perceived his promises as attempts of assimilation of ethnic Ossetians with Georgians, rather than the readiness for peaceful coexistence.¹⁵⁶ Saakashvili offered generous social and economic packages to the South Ossetian population and tried to change their attitude towards the local government. Moreover, the Georgian troops were deployed in five villages bordering the South Ossetian region.¹⁵⁷ In response, the South Ossetian authorities under the leadership of Kokoity declared the state of emergence and portrayed the Georgian activities as militarization and increased aggression against Ossetian people. This was an alarm signal sent to the Kremlin who already had tensed relations with Saakashvili.¹⁵⁸ In response, Vladimir Putin sanctioned the authorization of military assistance to the South Ossetian regime as a preventive measure for the securitization of borders. Russian military equipment, arms supplies, and soldiers reached South Ossetia in a few months. The Kremlin legally justified this process as part of obligations taken under the Joint Controls Commission Agreement.¹⁵⁹ In Summer 2004, the political tensions escalated into minor conflict when the South Ossetian soldiers detained Georgian peacekeepers on their

¹⁵³ The Organization for Security and Co-Operation in Europe (OSCE), "The OSCE Original Mandate in Georgia" (OSCE, November 2016), <https://www.osce.org/georgia-closed/43386>.

¹⁵⁴ Svante E. Cornell and S. Frederick Starr, "The Guns of August 2008," *Studies of Central Asia and the Caucasus*, 2015, pp. 3-4, <https://doi.org/10.4324/9781315699660>, 52-53.

¹⁵⁵ International Crisis Group, "Georgia: Avoiding War in South Ossetia" (ICG, November 26, 2004), <https://www.crisisgroup.org/europe-central-asia/caucasus/georgia/georgia-avoiding-war-south-ossetia>.

¹⁵⁶ Ibid.

¹⁵⁷ Ibid.

¹⁵⁸ Ibid.

¹⁵⁹ Ibid.

borders and opened the fire in direction of Georgian checkpoints. At first, the Georgian government order the intervention in Tskhinvali, however, soon after the mobilization of additional military units in North Ossetia, Saakashvili withdraw the forces and declared the readiness for cease-fire negotiations.¹⁶⁰ After the signing of the Sochi ceasefire agreement in 2004, the Georgian government had several attempts of peace talks with South Ossetian leadership. The South Ossetian side refused to give up on its idea of independence which put the negotiations in deadlock.¹⁶¹ After the series of unsuccessful diplomatic approaches, the Georgian government decided to back the candidacy of Dmitri Sanakoev, as a leader of the South Ossetian government. As a result, the Presidential elections of South Ossetia in 2006 ended with the victory of two candidates, Kokoity in Tskhinvali and Sanakoev in Eredvi. In contrast to Kokoity, Dmitri Sanakoev was a pro-Georgian politician who actively supported the closer relations with Tbilisi.¹⁶² The results of the election brought even deeper division between the ethnic Ossetian and Georgian population. The Kremlin perceived the outcome of the Presidential elections in South Ossetia as a threat to its interests in the region. In response, Russia banned the import of wine, mineral waters, and fruits from Georgia and declared the economic embargo.¹⁶³ The official statement of the Kremlin explained the embargo due to violation of sanitary norms; however, this version was immediately dismissed by the Georgian side. This was followed by limiting of Russian diplomatic representation in Georgia and deporting of ethnic Georgians from Russia. In response, the Georgian side arrested the Russian security officers in Georgia with a charge of espionage.¹⁶⁴

Intensified relations were negatively impacted by the recognition of the independence of Kosovo in 2008. Putin publicly warned the West that recognition of the independence of Kosovo would have a domino effect on other separatist regions.¹⁶⁵ Recognition of Kosovan

¹⁶⁰ Petre Nebieridze, "Georgia from National Awakening to Rose Revolution: Delayed Transition in the Former Soviet Union" (Central European University Press, May 2012), http://www.etd.ceu.edu/2010/nebieridze_petre.pdf, 20-22.

¹⁶¹ International Crisis Group, "Georgia's South Ossetia Conflict: Make Haste Slowly" (ICG, June 7, 2007), <https://www.crisisgroup.org/europe-central-asia/caucasus/georgia/georgia-s-south-ossetia-conflict-make-haste-slowly>.

¹⁶² Koba Liklikadze, "Dimitry Sanakoev: South Ossetia Should Reunite with Georgia" (Radio Freedom - RF, November 6, 2006), <https://www.radiotavisupleba.ge/a/1549523.html>.

¹⁶³ Michael Mainville, "Georgia Arrests Russian Officers for Spying and Surrounds Army HQ," The Guardian (Guardian News and Media, September 27, 2006), <https://www.theguardian.com/world/2006/sep/28/russia.georgia>.

¹⁶⁴ Ibid.

¹⁶⁵ Svante E Cornell, Johanna Popjanevski, and Niklas Nilsson, *Russia's War in Georgia: Causes and Implications for Georgia and the World*, n.d., https://www.silkroadstudies.org/resources/pdf/SilkRoadPapers/2008_08_PP_CornellPopjanevskiNilsson_Russia-Georgia.pdf, 7-8.

independence was followed by the NATO Bucharest Summit in 2008 which on the one hand denied Georgia the chance to receive Membership Action Plan (MAP) and therefore, minimized the membership perspective in foreseeable future. On the other hand, the Joint Declaration of the Bucharest Summit stated that Georgia and Ukraine will inevitably become a member of NATO in the future.¹⁶⁶ This vague, yet alarming statement for Russia contributed to the escalation of tensions to the final point. In August 2008, the South Ossetian border patrol opened the fire in direction of the Georgian guard post which quickly escalated into full-scale military conflict.



Map 3. The Russo-Georgian War in 2008 - Navigation of Russian troops in Abkhazia and South Ossetia¹⁶⁷

The Kremlin mobilized heavily armored tanks and military units in Tskhinvali and transported the military vehicles through the Roki tunnel. Moreover, the air force was circulating and bombing the Georgian controlled city of Gori.¹⁶⁸ There were many cases of intervention in bordering Georgian villages, burning of homes, as well as murder and rape of

¹⁶⁶ Walter Zaryckyj, "Why the Bucharest Summit Still Matters Ten Years On" (Atlantic Council, May 4, 2018), <https://www.atlanticcouncil.org/blogs/ukrainealert/why-the-bucharest-summit-still-matters-ten-years-on/>.

¹⁶⁷ WikiMaps, "Navigation of Russian Troops in August 2008," 2008, https://en.wikipedia.org/wiki/File:2008_South_Ossetia_war_en.svg.

¹⁶⁸ Human Rights Watch, "Up In Flames" (Human Rights Watch International, January 23, 2009), <https://www.hrw.org/report/2009/01/23/flames/humanitarian-law-violations-and-civilian-victims-conflict-over-south>, 18-19.

innocent citizens.¹⁶⁹ The Russian military intervention in Georgian territory violated the *1975 Helsinki Final Act*, *UN charter*, and the *2002 NATO Russia-Rome Declaration* to respect the territorial sovereignty of other states.¹⁷⁰ Moreover, Russia violated the six-point cease-fire agreement negotiated by President Nikola Sarkozy, which obliged the Kremlin to fully withdraw its troops from the South Ossetian region and enable the confronting sides to follow the conflict transformation process.

"It is time we Georgians did not depend only on others, It is time we asked what Georgia will do for the world. Our steady course is towards European Integration.

It is time Europe finally saw and valued Georgia and took steps towards us."¹⁷¹

Mikheil Saakashvili, the President of Georgia

January 25, 2004.

3.3 The EU and Georgia: The Evolution of the Partnership

The chapter explores the EU-Georgian cooperation from its initial stages in the late 1990s (PCA) to the deployment of the EUMM in 2008. It portrays the process of the formation of the Georgian national security agenda and the EU's role in this context. The chapter commences with a discussion of the EU's external governance instruments such as the EUSR and EUMM, the coordination of the policies with other actors such as the OSCE and the UN and emphasizes the role of Russia as a counterbalancing regional power.

3.3.1 The National (In)Security of Georgia

After the collapse of the Soviet Union, the South Caucasian states plunged into the civil wars, economic recession, corruption, and political fragmentation. Georgia was the first one among its immediate neighbors to declare independence.¹⁷² The first President Zviad Gamsakhurdia failed to consolidate the nation around his nationalist ideas and significantly damaged already fragile relations with autonomous regions of Abkhazia and South Ossetia. Instead of institutionalization and implementation of rapid reforms, Gamsakhurdia's government engaged in political (and later on military) hostilities with internal opponents and cut all

¹⁶⁹ Ibid.

¹⁷⁰ Ibid.

¹⁷¹ BBC News, "Georgia Swears in New President" (BBC, January 25, 2004),

<https://web.archive.org/web/20040202044730/http://news.bbc.co.uk/2/hi/europe/3426977.stm>.

¹⁷² Supreme Council of the Republic of Georgia, "Act of Restoration of State Independence of Georgia"

(Legislative Herald of Georgia, April 9, 1991), <https://matsne.gov.ge/en/document/view/32362?publication=0>.

diplomatic ties with separatist leaders in autonomous regions.¹⁷³ Gamsakhurdia's nationalistic rhetoric was mixed with his fears of fragile territorial integrity. He believed that the compromise on the autonomous status with Abkhazian and South Ossetian leadership meant separation of these regions in a long-time perspective.¹⁷⁴ Gamsakhurdia's concerns materialized very soon, as Georgia lost in military confrontation to both Abkhazia and South Ossetia. Besides geopolitical factors, internal chaos, and Russian involvement, the root of Georgia's failure was the absence of functional security and defense institutions. This issue remained unresolved during Gamsakhurdia's successor - Shevardnadze's Presidency as well. Despite certain progress in stabilization of the hostile situations in the country and recognition of Georgian territories by the international community, Shevardnadze failed to deliver much-anticipated reforms and institution-building processes.¹⁷⁵

Kandelaki (2006) notes: "Mikheil Saakashvili – a pro-European, energetic leader with the visionary political character who came to power in 2003 after successful 'Rose Revolution' engaged in the active reformation process from the very beginning of his first term of Presidency."¹⁷⁶ Georgia had no experience in state-building; therefore, Saakashvili's government faced numerous challenges in the democratization process. In a short time, Georgia managed to achieve success in the fight against corruption and eradication bribery.¹⁷⁷ Moreover, Saakashvili's economic reforms significantly increased Georgia's attractiveness to foreigner investors and business circles, which resulted in a boost of foreign direct investments (FDI).¹⁷⁸ Judicial reforms and strengthening of the rule of law played a crucial role in the fight against organized crime. Finally, Saakashvili's Euro-Atlantic course enabled Georgia to reform its military, security, and defense sectors per NATO and the EU standards. It must be noted that civil society and international observers often criticized Saakashvili's authoritarian decisions and limitations of freedom of speech.¹⁷⁹ Moreover, many high-profile

¹⁷³ Julie J George, *Politics of Ethnic Separatism in Russia and Georgia* (Place of publication not identified: Palgrave Macmillan, 2016), <https://pestuge.iliauni.edu.ge/wp-content/uploads/2017/12/George-Julie-A.-The-Politics-of-Ethnic-Separatism-in-Russia-and-Georgia.pdf>, 95-96.

¹⁷⁴ Ibid.

¹⁷⁵ Nina Akhmeteli, "Eduard Shevardnadze: Controversial Legacy to Georgia" (BBC Europe, July 8, 2014), <https://www.bbc.com/news/world-europe-28205380>.

¹⁷⁶ George Kandelaki, "Georgia's Rose Revolution: A Participant's Perspective" (United States Institute for Peace - USIP, July 2006), <https://www.usip.org/sites/default/files/sr167.pdf>.

¹⁷⁷ Thomas De Waal, "Georgia's Choices: Charting a Future in Uncertain Times" (Carnegie Endowment for International Peace, 2011), https://carnegieendowment.org/files/georgias_choices.pdf, 12-13.

¹⁷⁸ Ibid. 12-13

¹⁷⁹ International Crisis Group, "Georgia: Sliding towards Authoritarianism?" (ICG, December 20, 2007), <https://www.crisisgroup.org/europe-central-asia/caucasus/georgia/georgia-sliding-towards-authoritarianism>.

experts and politicians in the West often described him as a spontaneous and explosive person and blamed him for lack of coherence in relations with Russia and separatist regions.

The August 2008 war significantly shook the Georgian economy, border security, and prospects of European integration. In the post-war period, the government prioritized the reform of the defense and security sector and designated the new security concept of Georgia.¹⁸⁰ The National Security Concept of Georgia is a strategic document that outlines the priorities of geostrategic, institutional, and socio-political spheres of the country. The initial document has been developed in 2010 and undergone several phases of revision. The security policy planning and implementation of the national security concept in Georgia was prerogative of the National Security Council of Georgia and the State Security and Crisis Management Council until 2017.¹⁸¹ After the Constitutional changes in 2018, the government of Georgia became the responsible authority for structuring and implementation of the security agenda of the country.¹⁸²

The National Security Concept of Georgia addresses the economic, political, security, military, and judicial challenges of the state. In the context of this study, the emphasis is given to the component of breakaway regions. Russia is listed as the number one threat to the national security interests of Georgia in the document. The Russian occupation of Georgian territories of Abkhazia and South Ossetia is considered as major hindering factors for the Euro-Atlantic aspirations of the country.¹⁸³

¹⁸⁰ Ministry of Defense of Georgia, “National Security Concept of Georgia” (Ministry of Defense of Georgia, April 2018), <https://mod.gov.ge/ge/page/70/saqartvelos-erovnuli-usafrtxoebis-koncefcia>, 3.

¹⁸¹ Ibid.6-7

¹⁸² Ibid.

¹⁸³ Ministry of Defense of Georgia, “National Security Concept of Georgia” (Ministry of Defense of Georgia, April 2018), <https://mod.gov.ge/ge/page/70/saqartvelos-erovnuli-usafrtxoebis-koncefcia>, 29.

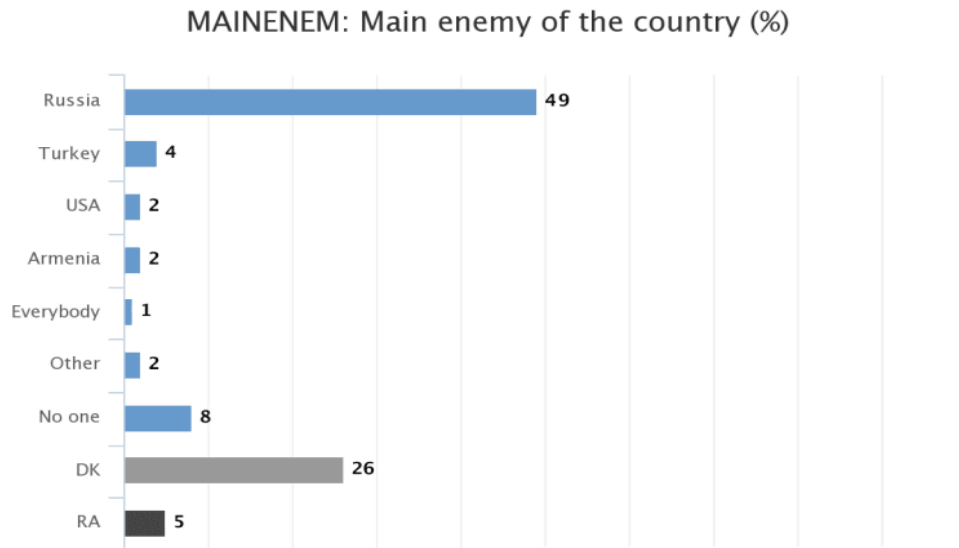


Figure 3. Survey on Security Perceptions in Georgia 2020.¹⁸⁴

Moreover, Russia is considered an unreliable trade partner for Georgia, and the priority is given to diversification of export destinations by deeper integration to the EU and Asian markets.¹⁸⁵ The most severe threat to the security environment of Georgia is caused by the Russian strategy of ‘creeping borderization’ and recognition of Abkhazia and South Ossetia as independent states. Furthermore, neglecting the six-point cease-fire agreement and supplying of the separatist regions with weaponry and military increases the risks of continuous violent clashes on the borders of contested regions. Finally, the Georgian security concept identifies Russian involvement as a major hindering factor for efficient implementation and internalization of the EU NREP in Abkhazia and South Ossetia.¹⁸⁶

3.3.2 In Search for the Cooperation Frameworks: From PCA to the ENP

The European Union’s initial partnership with Georgia is dated back to the early 1990s. At that time, Georgia was dealing with secessionism, civil conflicts, corruption, and economic recession. The EU’s incentives carried primarily economic character which contributed to the

¹⁸⁴ Lasha Kamushadze, “GDP and Monetary Policy in 2017 - GEOSTAT” (Civil.Ge, February 7, 2020), <https://civil.ge/archives/337512>.

¹⁸⁵ Ibid.25

¹⁸⁶ Ibid.30-32

rehabilitation of the newly emerged state in South Caucasus.¹⁸⁷ According to Simao (2008): “the main objective of the Georgian government was to strengthen ties with regional security actors, primarily the United States and NATO. In this sense, the EU had a secondary role due to its normative nature of foreign policies.”¹⁸⁸ The EU was unprepared for full-scale engagement in a process that took place in former Soviet Union territories in the early 1990s. On the one hand, the foreign and security policies lacked coherence and efficient mechanisms for addressing the regional threats, on the other hand, the member states were concerned over the underdeveloped approach towards Russia.¹⁸⁹ As a result, for much of the 1990s, the EU-Georgian cooperation remained marginal.¹⁹⁰ The first institutional mechanism of the EU which addressed the conflict resolution process in the South Caucasus region was the European Commission’s 1995 document ‘Towards the European Union Strategy for Relations with Transcaucasian Republics’.¹⁹¹ The document concerned the secessionist conflicts in Abkhazia, South Ossetia, and Nagorno-Karabakh regions and implied the importance of finding peaceful means of resolution. Furthermore, the European Union signed the Partnership and Cooperation Acts (PCA) with three South Caucasian states – Armenia, Azerbaijan, and Georgia which symbolized its support for democratization processes in the region.¹⁹² Despite limited engagement, the EU was one of the international actors which condemned the secessionist conflicts in Georgia and recognized the territorial integrity of the country in its official borders which included Abkhazia and South Ossetia.¹⁹³ This factor enabled the Georgian government to attain the international value to its domestic conflict and significantly limit the separatist region’s aspirations for independence. The PCA served as a platform for humanitarian and diplomatic activities of the EU in Georgia and its breakaway regions. Moreover, it contributed to the confidence-building process and shaped the pro-Western political orientation of the fragile democracy. Since the early 2000s, the EU became more active in the region and gained an important role in the conflict mediation process. In

¹⁸⁷ Cara M Davies, “Backseat Driving’: European Institutions and Crisis Management in Moldova,” *Romanian Journal of Political Science* 34, no. 2 (February 2011): pp. 130-153, 147.

¹⁸⁸ Licina Simao and Maria Raquel Freire, “South Caucasus and the ENP” (Tbilisi State University Press, June 2008), <http://georgica.tsu.edu.ge/files/04-Foreign%20Affairs/Simao%20&%20Freire-2008.pdf>, 32-33.

¹⁸⁹ Dov Lynch, “European Union Institute for Security Studies” (European Union Institute for Security Studies - EU ISS, February 1, 2006), <https://www.iss.europa.eu/sites/default/files/EUISSFiles/cp086.pdf>, 98-99.

¹⁹⁰ Licina Simao and Maria Raquel Freire, *The EU in Georgia: Building the Security?* (Tbilisi: Tbilisi State University Press, 2013), 75-76.

¹⁹¹ European Commission, “IP/95/532 - TOWARDS A EUROPEAN UNION STRATEGY FOR RELATIONS WITH THE TRANSCAUCASIANREPUBLICS” (European Commission, May 31, 1995), https://ec.europa.eu/commission/presscorner/detail/en/IP_95_532.

¹⁹² Ibid.

¹⁹³ Vladimir Dordevic, “Regional Conflicts in the Western Balkans and the Caucasus Revisited: Comparison of Kosovo to South Ossetia and Abkhazia,” *Regional Conflicts in the Western Balkans and Caucasus* 12, no. 19 (April 2010): pp. 22-44, <https://journals.muni.cz/cepsr/article/view/4466/3529>, 12-13.

2001, the EU joined the Control Commission of the Organization for Security and Co-Operation in Europe (OSCE) in South Ossetia.¹⁹⁴ Later on, the EU's delegation visited the capital of Abkhazia, Sokhumi to negotiate to resume political dialogue between de-facto authorities and the Georgian government.¹⁹⁵ Despite active diplomatic mediation, the EU did not manage to achieve the desired results due to incoherent policies and mechanisms. The Union required a much-anticipated neighborhood policy that would unify the most efficient instruments and mechanisms for addressing the geopolitical issues beyond its borders.¹⁹⁶ For this purpose, the European Union went through several stages of development and implementation of a new foreign policy instrument – the European Neighborhood Policy (ENP).

Initial negotiations on a new EU strategy for the neighborhood took place during the 2002 Copenhagen European Council.¹⁹⁷ A year later, the European Commission sent the proposal to the European Council and the European Parliament concerning the framework: Wider Europe – Neighborhood which addressed the EU's relations with Eastern and Southern neighbors.¹⁹⁸ In 2004, the European Commission presented the strategy paper of the European Neighborhood Policy (ENP) which was implemented the same year.¹⁹⁹ In 2006, the European Commission introduced an additional package of mechanisms and instruments for the strengthening of the ENP which was agreed with the European Council and the European Parliament.²⁰⁰

The ENP was launched in 2004. It enabled deeper cooperation between the EU and the neighbors in South and East: Armenia, Azerbaijan, Algeria, Belarus, Egypt, Georgia, Israel,

¹⁹⁴ Ingo Peters and Jan Bittner, "EU-US Risk Policy in the European Neighborhood: The Cases of Moldova and Georgia" (Center for Transnational Relations at Free University of Berlin, March 28, 2008),

https://www.polsoz.fu-berlin.de/en/polwiss/forschung/international/atasp/publikationen/4_artikel_papiere/8/index.html.

¹⁹⁵ Syuzanna Vasilyan, "'Moral Power' as Objectification of the 'Civilian'/'Normative' 'EUology': the European Union as a Conflict-Dealer in the South Caucasus," *Journal of International Relations and Development* 17, no. 3 (2013): pp. 397-424, <https://doi.org/10.1057/jird.2013.10>, 409.

¹⁹⁶ Madalina Dobrescu and Tobias Schumacher, "The Politics of Flexibility: Exploring the Contested Statehood–EU Actorness Nexus in Georgia," *Geopolitics* 25, no. 2 (May 2018): pp. 407-427, <https://doi.org/10.1080/14650045.2018.1552944>, 420-422.

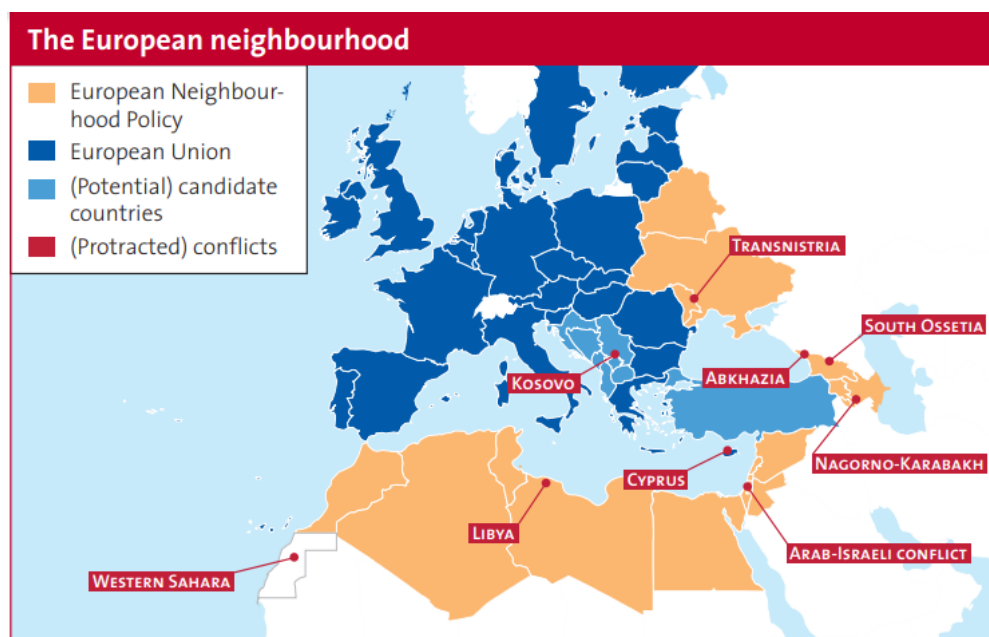
¹⁹⁷ Council of the European Union, "COPENHAGEN EUROPEAN COUNCIL 12 AND 13 DECEMBER 2002" (Council of the European Union, January 29, 2003), <https://www.consilium.europa.eu/media/20906/73842.pdf>.

¹⁹⁸ Commission of the European Communities, "Wider Europe — Neighbourhood: A New Framework for Relations with Our Eastern and Southern Neighbours" (European External Service - EEAS, March 11, 2003), http://eeas.europa.eu/archives/docs/enp/pdf/pdf/com03_104_en.pdf.

¹⁹⁹ Ibid.

²⁰⁰ Commission of the European Communities, "ON STRENGTHENING THE EUROPEAN NEIGHBOURHOOD POLICY" (EUR-Lex, December 4, 2006), <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2006:0726:FIN:EN:PDF>.

Jordan, Lebanon, Libya, Moldova, Morocco, Palestine, Syria, Tunisia, Ukraine.²⁰¹ The ENP reinforced and strengthened the existing cooperation between the EU and the neighbors which were implemented through the PCA's.²⁰² The instrument was introduced after the EU's eastern enlargement in 2004 and aimed to export the EU's norms and values beyond its borders.²⁰³ The ENP significantly increased the EU's flexibility of cooperation with neighbors without offering the membership.



Map 4. The ENP and the Secessionist States²⁰⁴

On the one hand, it enables the EU to promote the democratic principles and rule of law and on the other hand, the neighbor states are targeting compliance with the EU regulations without the evident perspective of membership on a sight.²⁰⁵ It must be noted that such an approach carries certain limitations for the efficiency of the instrument. In the long-term, the neighbor states show less interest in continuity of merely institutional cooperation and a strive to negotiate the ‘golden carrot’ – accession to the Union.²⁰⁶ Considering the large pool

²⁰¹ European External Action Service, “European Neighbourhood Policy (ENP)” (European External Service - EEAS, July 2020), https://eeas.europa.eu/diplomatic-network/european-neighbourhood-policy-enp_en.

²⁰² Jean F Crombois, “European Consortium for Political Research Standing Group on the European Union Fourth Pan-European Conference on EU Politics,” *EU Eastern Partnership and Geopolitics*, May 2008, https://www.researchgate.net/publication/239533669_European_Consortium_for_Political_Research_Standing_Group_on_the_European_Union_Fourth_Pan-European_Conference_on_EU_Politics.

²⁰³ Judith Kelley, “New Wine in Old Wineskins: Promoting Political Reforms through the New European Neighbourhood Policy,” *Journal of Common Market Studies* 44, no. 1 (March 2006): pp. 29-55, <https://doi.org/https://doi.org/10.1111/j.1468-5965.2006.00613.x>, 30.

²⁰⁴ Valentin Misteli, “EU FOREIGN POLICY: STILL IN THE MAKING” (CSS Analysis in Security Policy, June 2011), <https://ethz.ch/content/dam/ethz/special-interest/gess/cis/center-for-securities-studies/pdfs/CSS-Analysis-96-EN.pdf>, 2.

²⁰⁵ Ibid.

²⁰⁶ Ibid.

of countries which joined the ENP format, the EU introduced the individual Action Plans (AP) which was tailored to domestic policies and urgent needs of the neighbor state.²⁰⁷ In the case of Georgia, the AP was primarily focused on institutional cooperation, confidence-building, and the EU's financial assistance in exchange for positive changes. One of the main components was strengthening justice freedom, security, and border management. Moreover, the EU urged Georgia to engage in deeper regional cooperation with neighboring Armenia and Azerbaijan and take an active role in the diversification of the energy corridors.²⁰⁸

3.3.3 Deeper Engagement: EUJUST Themis, EUSR, EUMM

The EU-Georgian cooperation in the framework of the ENP played a crucial role in the enhancement of the democratization process, institutional capacity-building, and strengthening of the Euro-Atlantic course of the country. In response to Georgia's security concerns, the EU introduced the specialized rule of law-oriented mission – EUJUST Themis which significantly strengthened Georgia's judiciary systems and fight on organized crime.²⁰⁹ The main objective of the EUJUST Themis was ensuring stability in the region and support of Georgia's democratic transition process.²¹⁰ Moreover, by sending the specialized mission to the partner state, the EU reiterated its support towards the democratic reforms in Georgia and engaged in civilian security and crisis management process beyond the borders, which was essentially a new challenge for the Union. The mission focused on four major tasks in Georgia: a) Transfer of know-how in judicial reforms and assistance to the relevant authorities in drafting of the new legal norms and criminal justice reform strategy; b) Coordination and support of compliance of Georgian anti-corruption norms and policies with the EU standards; c) Support and planning of new legislation and judiciary norms; d) Strengthening of regional and international cooperation in the field of criminal justice and

²⁰⁷ Steffan Wolf and Richard Whitman, "CONFLICT RESOLUTION AS A POLICY GOAL UNDER ENP IN THE SOUTHERN NEIGHBOURHOOD" (University of Nottingham, November 2008), <http://www.stefanwolff.com/files/ENP.pdf>, 7-8.

²⁰⁸ Transparency International Georgia, "GEORGIA'S POWER SECTOR: ENERGY CROSSROADS IN UNCERTAIN TRANSITION" (Transparency International Georgia, 2012), <https://www.transparency.ge/sites/default/files/GEORGIA%27S%20POWER%20SECTOR%20-%20ENG.pdf>.

²⁰⁹ The Embassy of Georgia in the United States of America, "Chronology of Major Events of Georgia- EU Cooperation," June 2018, <https://georgiaembassyusa.org/wp-content/uploads/2018/01/Chronology-of-Major-Events-in-Georgia-EU-Cooperation.pdf>.

²¹⁰ EUR-Lex, "Council Joint Action 2004/523/CFSP of 28 June 2004 on the European Union Rule of Law Mission in Georgia, EUJUST THEMIS" (EUR-Lex, July 2005), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32004E0523>.

human rights.²¹¹ The mission staff was experts in the field of criminal justice and penitentiary systems. The experts from the EUJUST Themis were placed on key positions within the Ministry of Justice of Georgia, the Ministry of Internal Affairs, The Supreme Court of Georgia, and other governmental bodies and actively participated in consultations and decision-making processes concerning the judiciary and penitentiary reforms.²¹² After several years of coordinated working and supervision of the criminal justice reforms in Georgia, the mission completed its objectives by the adoption of the ‘Joint Strategy for Criminal Justice Reform’ in Georgia and addressing the immediate civilian security and development issues in the country.²¹³

According to Grevi (2007): “The political significance of the unresolved conflicts in Georgia was high and the risk of the re-escalation of tensions was persistent, therefore, the EU implemented the EU Special Representative (EUSR) to South Caucasus as a counter-measure.”²¹⁴ The instrument is an integral component of the EU’s CSFP and functions on behalf of the High Representative of the Union for Foreign and Security Policy and the President of the European Commission.²¹⁵ The EUSR is a diplomatic instrument that combines four components of the CSFP: the EU’s policy-making, diplomatic initiatives, cooperation with third parties, and coordination with international organizations.²¹⁶ Moreover, the EUSR’s in charge of monitoring the conflict dynamics in neighbor states, gathering the information from first-hand sources, and active engagement in political dialogue and conflict transformation.²¹⁷ The main objectives of the EUSR in Georgia address the issues of economic development, strengthening of rule of law and human rights, peaceful reconciliation, and restoration of territorial integrity, facilitation of dialogue between the confronting parties and safe return of IDPs.²¹⁸ Initially, the EUSR in Georgia faced numerous

²¹¹ The Embassy of Georgia in the United States of America, “Chronology of Major Events of Georgia- EU Cooperation,” June 2018, <https://georgiaembassyusa.org/wp-content/uploads/2018/01/Chronology-of-Major-Events-in-Georgia-EU-Cooperation.pdf>.

²¹² Ibid.

²¹³ Agnieszka Nowak, “Civilian Crisis Management: The EU Way” (European Union Institute for Security Studies - Chaillot Paper, June 2006), https://www.iss.europa.eu/sites/default/files/EUISSFiles/cp090_0.pdf, 92.

²¹⁴ Giovanni Grevi, “PIONEERING FOREIGN POLICY: THE EU SPECIAL REPRESENTATIVES” (European Union Institute for Security Studies, October 1, 2007), <https://www.iss.europa.eu/sites/default/files/EUISSFiles/chai106.pdf>, 9.

²¹⁵ European External Actions Service, “EU Special Representatives” (EEAS, November 2019), https://eeas.europa.eu/headquarters/headquarters-homepage_en/3606/EU%20Special%20Representatives.

²¹⁶ Giovanni Grevi, “PIONEERING FOREIGN POLICY: THE EU SPECIAL REPRESENTATIVES” (European Union Institute for Security Studies, October 1, 2007), <https://www.iss.europa.eu/sites/default/files/EUISSFiles/chai106.pdf>, 11.

²¹⁷ Ibid.14

²¹⁸ Ibid.52-53

challenges in the implementation of its mandate. On the one hand, the Georgian government was looking for the mechanisms that would deliver an immediate resolution of the conflicts, on the other hand, the de-facto authorities of the breakaway regions refused to cooperate with the EUSR office and enable the implementation of various instruments in the regions.²¹⁹

Nevertheless, the EUSR played a vital role in the initiation of the EU-Abkhazian communication and improvement of the socio-economic situation in borderline districts such as Gali, through the financial instruments and humanitarian programs.²²⁰ In 2006, the EU appointed Swedish diplomat Peter Semneby as a new EUSR in South Caucasus.²²¹ Semneby's agenda as a new EUSR was primarily oriented towards the settlement of the conflicts and direct dialogue with de-facto authorities.²²² Over the next three years, the EUSR contributed to social, medical, and educational programs in breakaway regions, restoration of personal links between the civilians on different sides of administrative borderline (ABL), strengthening of the rule of law, and information campaigns on the EU and EUSR. The EUSR was one of the major participants in the development of the EU's non-recognition and engagement policy (EU NREP) which became the main instrument of the Union's conflict mediation strategy towards the contested states in South Caucasus.²²³

One of the main challenges for the EU in the conflict mediation process is the maintenance of peace and order on the ABL in contested regions. In this regard, the Union developed the specialized civilian monitoring mission under the CSDP framework, which consists of 200 experts, observers, and monitors.²²⁴ The European Union Monitoring Mission in Georgia (EUMM Georgia) was launched in October 2008. The monitoring mission corresponded to diplomatic measures of the six-point cease-fire agreement negotiated by the EU and signed by Georgian and Russian officials after the war in August 2008.²²⁵ The mission mandate addresses the stabilization of the security environment on the ABL's, contribution towards

²¹⁹ Ibid.55-56

²²⁰ Ibid.57-58

²²¹ Giovanni Grevi, Damien Helly, and Daniel Keohane, "European Security and Defense Policy: The First 10 Years" (European Union Institute for Security Studies - EU ISS, December 2009), https://www.iss.europa.eu/sites/default/files/EUISSFiles/ESDP_10-web_0.pdf, 342-343.

²²² Ibid.344

²²³ Ibid.435

²²⁴ Council of the European Union, "Council Joint Action 2008/736/CFSP of 15 September 2008 on the European Union Monitoring Mission in Georgia, EUMM Georgia" (EUR-Lex Publications Office of the European Union, September 25, 2008), <https://op.europa.eu/en/publication-detail/-/publication/0babfe13-406a-4fa3-b3a9-3b7aa0fe5236/language-en>, 27-28.

²²⁵ Ibid.

the peaceful resolution of the conflicts, and confidence-building between the confronting parties.²²⁶ Moreover, the monitoring mission identified two main objectives: long-term stability in the region and the implementation of the six-point ceasefire agreement and reducing the risks of conflict reescalation.²²⁷ The monitoring mission outlined four components for efficient implementation of its agenda: stabilization, normalization, confidence-building, exchange of the information. According to Merlingen (2009): "The monitoring mission is divided into groups of experts in the fields of human rights, human security, humanitarian issues, and conflict mediation; Furthermore, the monitors actively observe the situation on the ABLs and movement of the Russian troops in these areas. Reporting of the humanitarian situation in villages and movement of military infrastructure."²²⁸ It must be noted that despite legal rights to operate within the territories controlled by the de-facto authorities of Abkhazia and South Ossetia, the mission's activities are conducted only in Tbilisi controlled territories.²²⁹ This can be considered as one of the main hindering factors for the efficient implementation of the mission's objectives. Furthermore, there were facts of kidnapping and harassment of the monitors by the separatist forces.²³⁰ Nevertheless, the EUMM remains the only active international monitoring mission deployed near the contested regions of Georgia and plays a crucial role in the implementation of the EU's conflict mediation strategy.

3.3.4 The More for More Strategy: Eastern Partnership

The EU-Georgian cooperation under the ENP framework achieved some of its important objectives. However, cultural, political, and social-economic differences between the Southern and Eastern neighborhoods, as well as different needs and domestic challenges underlined the necessity for more specific, region-tied platforms for cooperation. In May 2009, the European Union launched the Eastern Partnership (EaP) platform in Prague, Czech

²²⁶ Ibid.

²²⁷ Ibid.

²²⁸ Michael Merlingen and Rasa Ostrauskaite, *EU Peacebuilding in Georgia: Limits and Achievements* (Brussels: Centre for the Law of the EU External Relations, 2009), <https://www.peacepalacelibrary.nl/ebooks/files/335882102.pdf>, 24-25.

²²⁹ Giovanni Grevi, Damien Helly, and Daniel Keohane, "European Security and Defense Policy: The First 10 Years" (European Union Institute for Security Studies - EU ISS, December 2009), https://www.iss.europa.eu/sites/default/files/EUISSFiles/ESDP_10-web_0.pdf, 382.

²³⁰ Mamuka Khelashvili, "South Ossetian De-Facto Authorities Detain EUMM Monitors" (Qartli Info, October 2019), <https://www.qartli.ge/ge/akhali-ambebi/article/13013-de-faqto-samkhreth-osethis-kgb-m-evrokavshiris-misiis-tsevrebimcire-khnith-daakava>.

Republic.²³¹ The six neighboring states in the East: Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine were invited to join the initiative.



Map 5. Six Member States of the Eastern Partnership Initiative²³²

Popescu (2009) notes that the mechanism aims to address the specific needs and ambitions of six former Soviet states on internal and external dimensions.²³³ The EaP declaration underlined that the main objective of the platform was to enhance multilateral partnerships, strengthen the rule of law, support democratization, and institutionalization processes and prepare the ground for the future enlargement of the EU.²³⁴ The masterminds behind the EaP project were the Polish foreign Minister Sikorski and Swedish Foreign Minister Carl Bildt who had active consultations with the state officials from the Baltic states and Georgian

²³¹ Council of the European Union, “European Security Strategy: A Secure Europe Better World” (European Communities, January 2009), <https://www.consilium.europa.eu/media/30823/qc7809568enc.pdf>, 6.

²³² Martin Banks, “EPP Calls for More Engagement with Eastern Partnership Countries” (EU Political Report, June 2020), <https://www.eupoliticalreport.eu/epp-calls-for-more-engagement-with-eastern-partnership-countries/>.

²³³ Nicu Popescu and Andrew Wilson, “The Limits of Enlargement-Lite: European and Russian Power in the Troubled Neighbourhood” (European Council on Foreign Relations, June 2009), https://www.ecfr.eu/page/-/ECFR14_The_Limits_of_EnlargementLite_European_and_Russian_Power_in_the_Troubled_Neighbourhood.pdf, 14-15.

²³⁴ Commission of the European Communities, “Implementation of the European Neighbourhood Policy in 2008 Progress Report Georgia” (Commission of the European Communities, April 2009), http://eeas.europa.eu/archives/docs/enp/pdf/pdf/progress2009/sec09_513_en.pdf, 5-6.

President Mikheil Saakashvili.²³⁵ One of the main advantages of the EaP was its flexibility in setting the goals and priorities individually with participating states. This policy enables both the EU and the Eastern neighbors to outline the action plan following foreign policy interests and domestic needs.²³⁶ The strengthening of civil society, good governance, and rule of law are some of the main priorities of the EaP. Every two years, the participating states are gathering at the EaP summit which gives the assessment of the progress and discusses the possibility to reward the neighbors with prospects of Visa Liberalization, Association Agreements and Deep and Comprehensive Free Trade Agreements.²³⁷

The EaP is essentially a complementary initiative to the ENP. It enables the EU to fill the institutional gaps and connect the missing links of the ENP. The EaP Civil Society Forum is one of such mechanisms, which is dedicated specifically to the development of the NGOs and Civil Society Organizations in Eastern neighbor states.²³⁸ The EaP uses a two-dimensional approach for achieving its objectives with partner states: strengthening of the partnership in the context of political association with the EU and approximation of the economic policies for the integration into the EU's internal market.²³⁹ although, the EaP has no practical tools and instruments for conflict resolution. Its soft power mechanisms and financial instruments are certainly attractive for the Eastern neighbor states but the same does not apply to the contested regions.²⁴⁰ One of the major initiatives of the EaP concerning the security capacity building was the Integrated Border Management mechanism; however, its primary focus was shifted more towards the interstate context rather than internal ABL areas.²⁴¹ Furthermore, there is a significant contrast in declared objectives and mandate between the EaP and other EU instruments such as EUSR and EUMM. The EaP agenda does not include any specific agreement on the conflict resolution strategy in contested regions; it does not outline the necessary capacities for engagement in conflict mediation; it prioritizes the cooperation in the fields which does not confront the interests of the important regional actors such as Russia.

²³⁵ Council of the European Union, "Council Joint Action 2008/736/CFSP of 15 September 2008 on the European Union Monitoring Mission in Georgia, EUMM Georgia" (EUR-Lex Publications Office of the European Union, September 25, 2008), <https://op.europa.eu/en/publication-detail/-/publication/0babfe13-406a-4fa3-b3a9-3b7aa0fe5236/language-en>, 4-5.

²³⁶ Ibid.5-6

²³⁷ Ibid.7

²³⁸ Ibid.7-8

²³⁹ Council of the European Union, "European Security Strategy: A Secure Europe Better World" (European Communities, January 2009), <https://www.consilium.europa.eu/media/30823/qc7809568enc.pdf>, 8.

²⁴⁰ Jos Boonstra and Neil Melvin, "Challenging South Caucasus Security Deficit" (FRIDE, April 2011), https://www.files.ethz.ch/isn/131015/WP108_South_Caucasus_Eng.pdf, 8-9.

²⁴¹ Ibid.9

These factors underline the EaP's limited capacity or even inability to enhance the EU's role as a conflict mediator, however, it must be emphasized that the platform plays a crucial role in coherent institutional development and democratization in Eastern neighbors states, including Georgia.

One of the major objectives of the EaP is to project the EU's resilience policy in partner states. The concept corresponds to the ability of the states and societies to implement the reforms and effectively withstand the external and internal challenges.²⁴² Furthermore, the OECD has outlined that resilience is a vital component of the states to face the external interventions and changes in three dimensions: effectiveness, capacity, and legitimacy.²⁴³ The concept is an integral part of the EU's external governance, especially regarding the conflict-affected states. In the context of the EU-Georgian partnership under the EaP framework, the objective of the resilience policy is to prepare the Georgian political elites and the society for adaptation and survival in a radically changing environment.²⁴⁴ The resilience policy offers different paths of partnership, in the case of Georgia, the EU is targeting the spheres where it can achieve evident progress.²⁴⁵ It must be noted that the EU is facing certain limitations in the enhancement of resilience; for example, in the case of Georgia, the membership prospect could lead to more active reforms, strengthening of the judicial and economic sectors, well as regional cooperation. However, this could signal a threat to Russia and lead to the re-escalation of hostilities. In the framework of the EaP, the EU's capacity to address the security-related resilience in Georgia is significantly limited. This can be explained by the internal dispute on the protracted conflict in Georgia and the EU's soft power approach which refrains from addressing the political context of the frozen conflicts. The efficiency of the EU's resilience objectives in Georgia relies on the Union's capability to design the policies which will address the needs of the conflicting parties and withstand the overwhelming pressure from Russia.

²⁴² European Union External Action Service, "Shared Vision, Common Action: A Stronger Europe" (EEAS, June 2016), https://eeas.europa.eu/archives/docs/top_stories/pdf/eugs_review_web.pdf, 23-24.

²⁴³ OECD, "Concepts and Dilemmas of State Building in Fragile Situations From Fragility to Resilience" (OECD iLibrary, April 17, 2009), https://www.oecd-ilibrary.org/development/concepts-and-dilemmas-of-state-building-in-fragile-situations_journal_dev-v9-art27-en, 17-18.

²⁴⁴ Mark Duffield, "Challenging Environments: Danger, Resilience and the Aid Industry," *Security Dialogue* 43, no. 5 (October 2012): pp. 475-492, <https://www.jstor.org/stable/26301932?seq=1>, 482-483.

²⁴⁵ European Union External Action Service, "Shared Vision, Common Action: A Stronger Europe" (EEAS, June 2016), https://eeas.europa.eu/archives/docs/top_stories/pdf/eugs_review_web.pdf, 25.

3.3.5 Georgia's Aspirations and Perceptions on European Integration

After the declaration of independence in 1991, Georgia experienced a decade of systematic corruption, nepotism, politically captive judiciaries, shadow economy, organized crime, and political fragmentation. The grievances of ordinary citizens were the least concern for political elites and oligarchs who exploited the state structure for personal benefits.²⁴⁶ After the Rose Revolution in 2003, the country engaged in rapid democratization and institution-building process. The pro-Western government of Saakashvili managed to make a positive impact on many occasions, especially fight against corruption. Between 2004 and 2012 Georgia managed to improve its corruption index from 134th to 51st place out of 180 countries.²⁴⁷ Moreover, Saakashvili's strict, yet efficient Police reforms enabled the country to eradicate long-rooted tradition of organized crime and armed gangs.²⁴⁸ The average salaries of Police officers, militaries, security guards, and border security officers were increased multiple times.²⁴⁹ The Police and Army became the second and the third most respected and trusted institutions after the Orthodox Church for the last decade.²⁵⁰ Simplification of bureaucratic mechanisms and services, as well as reform of taxation policy, made Georgia increasingly attractive for foreign business and financial circles.²⁵¹

Several waves of institutional and economic reforms can be perceived as the practical materialization of the country's Euro-Atlantic aspirations. As a result of consistent and devoted approximation to the EU norms and standards, Georgia cemented its status as the front-runner among the EaP states and exemplary aspirant in ENP.²⁵² As Lavenex (2004) notes: "the fundamental principle of the European external governance is the willingness of the third country to adopt the EU's institutional and legal norms on the domestic level."²⁵³

²⁴⁶ Daniel Hamilton and Stefan Meister, *The Eastern Question Russia, the West, and Europe's Grey Zone* (German Council on Foreign Relations, 2016), https://www.bosch-stiftung.de/sites/default/files/publications/pdf_import/The_Eastern_Question.pdf, 4-5.

²⁴⁷ Ibid.6

²⁴⁸ Matthew Devlin, "SEIZING THE REFORM MOMENT: REBUILDING GEORGIA'S POLICE, 2004-2006" (Princeton University Press, October 2010), https://successfulesocieties.princeton.edu/sites/successfulesocieties/files/Policy_Note_ID126.pdf, 6.

²⁴⁹ Ibid.8

²⁵⁰ Ibid.6

²⁵¹ Jaba Devdariani, "Georgia: Coping With Success" (Open Government Partnership, April 4, 2017), <https://www.opengovpartnership.org/stories/georgia-coping-with-success/>.

²⁵² Lika Melkadze, "EU Officials Praise Georgia as Frontrunner of Eastern Partnership" (Agenda, January 30, 2017), <https://agenda.ge/en/news/2017/183>.

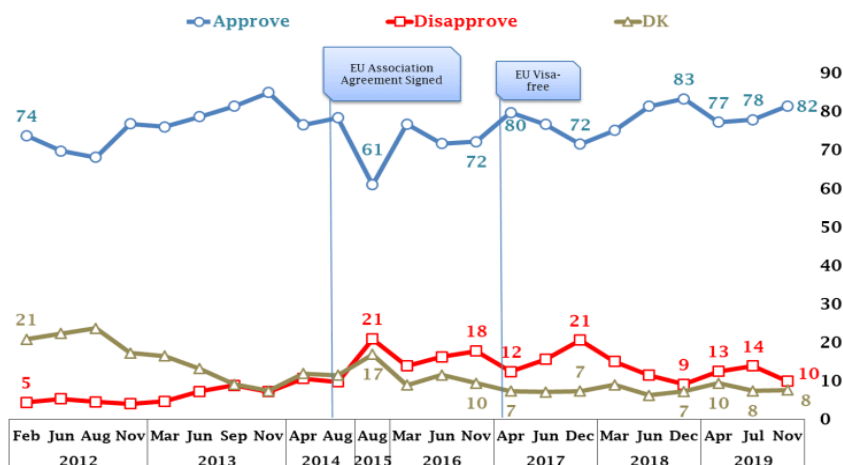
²⁵³ Lavenex, Sandra. (2004). EU external governance in 'wider Europe'. *Journal of European Public Policy*, 11(4), 680-700. doi: 10.1080/1350176042000248098.p.683

The 2016 EU Global Strategy acknowledged Georgia as a role model for the ENP countries and regional partners in a successful and stable democratization process.²⁵⁴ Moreover, the EU reaffirmed its willingness to support Georgia in the implementation of the Association Agreement Action Plan and the completion of necessary reforms for utilization of the DCFTA benefits.²⁵⁵ The EU’s financial assistance to Georgia for 2017-2020 has been set at almost €500 million which is allocated through the incentive-based approach for economic market development, good governance, energy projects, environmental and climate change, civil society development.²⁵⁶ In 2014, Georgia signed the Framework Participation Agreement (HPA) which further enhanced bilateral partnerships in the security sector. Georgian side contributed to the deployment of 150 staff to the EUFOR RCA operation in the Central African Republic. Furthermore, Georgia participates in EU Military Training Mission in the Central African Republic and Mali.²⁵⁷

The Georgian society remains highly consistent with the Euro-Atlantic integration course. The public surveys and polls indicated that for the last ten years, more than 75% of the population supports deeper integration in Euro-Atlantic structures.²⁵⁸

EU membership support

Do you approve or disapprove of Georgian government’s stated goal to join the EU?



²⁵⁴ European External Actions Service, “The European Union in a Changing Global Environment A More Connected, Contested and Complex World” (EEAS, November 2016), [EEAShttp://eeas.europa.eu/archives/docs/docs/strategic_review/eu-strategic-review_executive_summary_en.pdf](http://eeas.europa.eu/archives/docs/docs/strategic_review/eu-strategic-review_executive_summary_en.pdf).

²⁵⁵ Ibid.

²⁵⁶ Ibid.

²⁵⁷ Ibid.

²⁵⁸ Mark D Aspinwall and Gerald Schneider, “Same Menu, Separate Tables: The Institutionalist Turn in Political Science and the Study of European Integration” (European Journal of Political Research, 38, 2, May 2000), https://kops.uni-konstanz.de/bitstream/handle/123456789/4020/aspinwall_schneider_ejpr_2000.pdf?sequence=1, 20-22.

Figure 5. NDI Poll: EU Membership Support in Georgia 2012-2019 ²⁵⁹

Although, it is important to note that Georgian people’s perception of the EU’s role and capabilities are often mismatching the official framework of EU-Georgian cooperation. Despite informational campaigns and opening of the EU centers in several regions of Georgia, the majority of the population remains uninformed about the EU’s role in Georgia and especially institutional architecture and bureaucratic mechanisms of the Union.²⁶⁰ The majority of Georgian citizens perceive the EU as a security and stability guarantor. The European integration process is often interpreted as ‘territorial integrity’, ‘economic benefits’, ‘stability’ ‘prosperity’ and ‘security’.²⁶¹

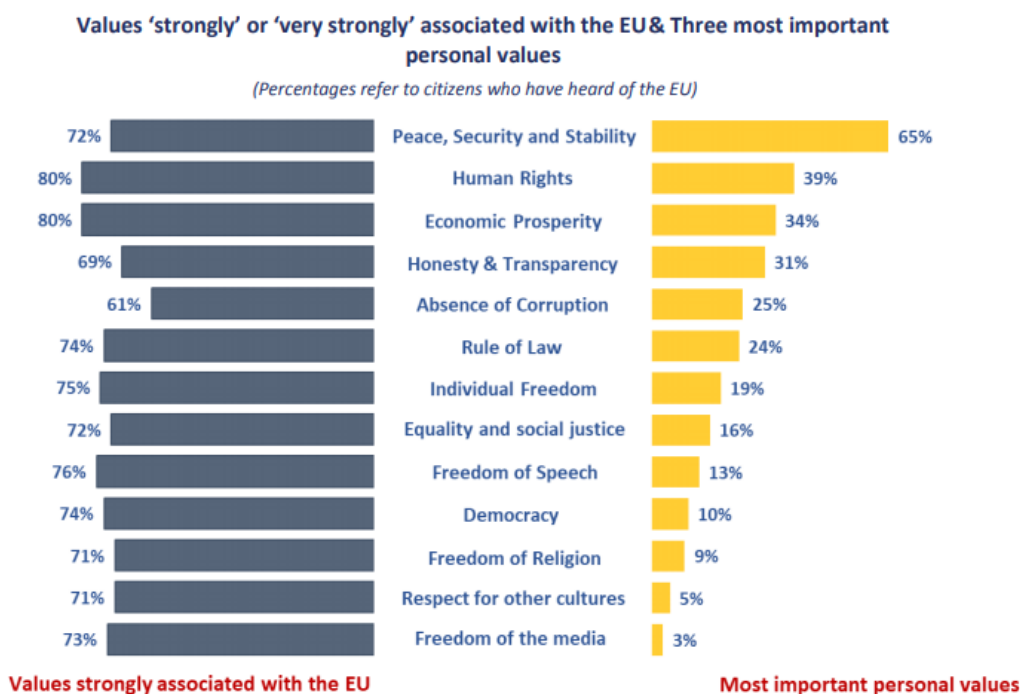


Figure 6. The Most Common Values Associated with the EU - Georgia in 2019.²⁶²

In parallel, there are several political parties, governmental organizations, social media groups, and outlets (mostly, associated with Russia) working on the inheritance of anti-EU sentiments among the Georgian population. The most widespread propagandist topics are associated with LGBTQ rights, multiculturalism, fight against the traditional values and

²⁵⁹ National Democratic Institute (NDI), “NDI Poll: EU Support in Georgia” (Agenda.Ge, January 28, 2019), <https://agenda.ge/en/news/2019/261>.

²⁶⁰ Europe Foundation, “Georgian Public’s Knowledge of and Attitudes towards the EU in Georgia 2019 Survey Report” (Europe Foundation Georgia, March 2019), <http://www.epfound.ge/wp-content/uploads/2019/09/EU-2019-Final-ENG.pdf>, 4-5.

²⁶¹ Ibid.9

²⁶² EU Neighbours East, “ANNUAL SURVEY REPORT: REGIONAL OVERVIEW” (EU Neighbours East, June 2019).

religious views.²⁶³ Interestingly, these groups often imply on the EU's inability in conflict mediation with secessionist states and call for direct dialogue with de-facto authorities and Russia. Even though their public approval ranking is relatively low, these groups possess greater threat from a long-term perspective, considering the foreseeable perspective of Georgia's accession to the EU and the dynamics of the conflict resolution process. Exaggerated perceptions on the EU's security actorness and Georgia's membership perspectives should not be attributed to the EU's policy in Georgia. It is rather incoherent communication of the Georgian government(s) and political parties over the years that associate themselves with the EU for political benefits and make unfounded promises to the society on behalf of the Western partners. Such an environment could pose a certain degree of political and societal pressure on the EU and limit its risk-taking ability and political maneuvers concerning the contested regions. In light of Russia's continuous aggression on Georgian borders and the government's limited capability to find the resolution to the conflicts internally, the EU together with NATO and the US will remain the most reliable and desired partner for Georgia society in foreseeable future.

3.3.6 EU Policy Coordination with other Actors: the OSCE and the UN

The secessionist conflicts in Georgia attracted the attention of several international actors, more precisely the OSCE and the UN. Both organizations played a key role in the settlement of the conflicts in the 1990s. At that time, the EU's role was very marginal and limited to financial support for the rehabilitation of Georgia and humanitarian aid to conflict-affected regions.²⁶⁴ After the war in August 2008, the EU took a central position in the conflict mediation process and invited both the OSCE and the UN to chair the Geneva International Discussions (GID) to achieve the desired degree of international involvement in diplomatic communications between the confronted parties.²⁶⁵ According to Peters (2009): "the European external governance is not limited to the specific state or non-state actors or the fields of cooperation."²⁶⁶ In the context of Georgian contested regions, the EU's external

²⁶³ Tamar Kintsurashvili, "Anti-Western Propaganda in Georgia" (Myth Detector Georgia, September 2016), http://www.mythdetector.ge/sites/default/files/2017-07/Antidasavluri-ENG-web_%282%29.pdf, 26-28.

²⁶⁴ Teona Giuashvili, "Geneva International Discussions – Negotiating the Possible," *Security and Human Rights* 27, no. 2 (May 2016): pp. 380-402, https://brill.com/downloadpdf/journals/shrs/27/3-4/article-p381_381.pdf, 382.

²⁶⁵ Ibid. 382

²⁶⁶ Peters, Guy. (2009) Governance approaches. In A. Wiener & T. Diez (Eds.), *European integration theory* (pp. 91-104). Oxford University Press., p.96.

governance is practiced through the coordination of the policies with other regional actors. The OSCE and the UN already had extensive experience of engagement in mediation at the Geneva Peace Process. Since the early 1990s the UN, the OSCE, and Russia were facilitators of negotiations on Abkhazian conflict, while the OSCE, Germany, France, the US, the UK had observer status.²⁶⁷ Moreover, the OSCE initiated the Joint Control Commission which was negotiating the South Ossetian conflict with Georgia, Russia, South Ossetia, and the EU Commission as an observer.²⁶⁸

The OSCE deployed its mission in Georgia in 1992. The main objective of the mission was to facilitate peaceful negotiation between the confronting parties, on the one hand, Georgia and Abkhazia and on the other hand, Georgia and South Ossetia.²⁶⁹ Furthermore, the OSCE observers were gathering information in conflict-affected regions, reporting the human rights situation, and movement of the military facilities.²⁷⁰ The OSCE Border Monitoring Operation (BMO) was in charge of observing and report on movement across the Georgian-Russian border, including the territories of Chechnya, Ingushya, and Dagestan.²⁷¹ Considering Russia's role in the OSCE, the mission was significantly limited in engagement with separatist regions. After the recognition of South Ossetian independence, Russia requested the OSCE to move its headquarter to Tskhinvali, however, the proposal was rejected. In response, Russia refused to vote for extending the OSCE's Mandate to Georgia.²⁷² In June 2009, the OSCE finished its operation in Georgia. Despite a positive contribution towards the observing and reporting of the situation on the borders and facilitation of dialogue in the diplomatic dimension, the organization did not manage to find suitable mechanisms and platforms to achieve consensus between Georgia, contested regions, and Russia.²⁷³

The United Nation involvement in protracted conflicts of Georgia dates back to 1993.²⁷⁴ The Union Nations Mission to Georgia (UNOMIG) was granted the Mandate to operate on the borders of the confronting parties, report the humanitarian situation, and support the CIS

²⁶⁷ International Crisis Group, "Abkhazia and South Ossetia: Time to Talk Trade" (ICG, May 2018), <https://www.crisisgroup.org/europe-central-asia/caucasus/georgia/249-abkhazia-and-south-ossetia-time-talk-trade>

²⁶⁸ Ibid.

²⁶⁹ Teona Giuashvili, "Geneva International Discussions – Negotiating the Possible," *Security and Human Rights* 27, no. 2 (May 2016): pp. 380-402, https://brill.com/downloadpdf/journals/shrs/27/3-4/article-p381_381.pdf,384.

²⁷⁰ Ibid.

²⁷¹ Ibid.385

²⁷² Ibid.

²⁷³ Ibid.386

²⁷⁴ Walter Feichtinger, *Failed Prevention - The Case of Georgia* (Vienna: Austrian National Defense Academy - Bundesheer, n.d.), https://www.bundesheer.at/pdf_pool/publikationen/pfp_rssc_georgia_prevention.pdf, 151.

peacekeeping forces (CIPKE).²⁷⁵ The main objective of the UNOMIG was to enhance the dialogue between the confronting parties, provide humanitarian aid to conflict-affected villages and assist the return process of refugees and IDPs.²⁷⁶ The UNOMIG was cooperating with the Coordinating Council of Abkhazia in the fields of economic and social problems, refugees and IDPs, peaceful dialogue, and reconciliation.²⁷⁷ Later on, the OSCE and Russia also joined the format as facilitators. The UN Security Council and the UNOMIG publicly supported Georgia's interest for territorial integrity and peaceful resolution of the conflict.²⁷⁸ To some degree, this factor constrained the mission's efficiency in negotiation with separatist forces. In 1999, Abkhazia declared independence and the objectives of the missions became practically unachievable.²⁷⁹ The UN once again engaged in the conflict mediation process in Georgia after the war in 2008. It joined the GID format which was proposed by the EU after signing the six-point ceasefire agreement. Similarly to the OSCE, Russia played a crucial role in deciding the UNOMIG's fate in Georgia. A year after the August war, the Kremlin used its position in UN Security Council and voted the extension of the UNOMIG Mandate in Abkhazia.²⁸⁰ To this day, the EUMM remains the only active mission on the ground in Georgia which is actively engaged in conflict mediation and transformation process on ABLs.

²⁷⁵ Ibid.153

²⁷⁶ Ibid.

²⁷⁷ Ibid.154

²⁷⁸ Ibid.157

²⁷⁹ Ibid.158

²⁸⁰ Ibid.

"The collapse of the Soviet Union was a genuine tragedy."²⁸¹

Vladimir Putin, the President of the Russian Federation

April 25, 2005.

3.4 Russia's Foreign Policy in Shared Neighborhood

The image of Russia in Georgia's national discourse has always been associated with imperialism and occupation. The nationalist movement of the first President of Georgia Zviad Gamsakhurdia portrayed Russia as the main enemy of sovereignty and independence of the newly emerged state.²⁸² Moreover, the conflicts in Abkhazia and South Ossetia intensified the hatred towards Russia due to the direct and indirect involvement of the Kremlin on the side of the separatist powers. The pro-Gamsakhurdia ruling elite was often branded their opponents as 'Russian informants' and enemies of the society to delegitimize their actions in the eyes of the Georgian people.²⁸³ Gamsakhurdia's radical criticism towards Russia certainly carried the elements of fairness, however, the ultra-nationalistic policies did more harm than good for the fragile and fragmented state during the initial years of independence. Moreover, the anti-Russian course wasn't favored by the western political establishment either.²⁸⁴ The US leaders were concerned with Gamsakhurdia's isolationist tendencies and desire to form the Transcaucasian political group together with Chechens, Ingush, and other Caucasian nations.²⁸⁵ Few years after his election, Gamsakhurdia was overthrown by the military coup, organized by Tengiz Sigua and Jaba Ioseliani – the leaders of the paramilitary group 'Mkhedrioni'.²⁸⁶ It must be noted that the rebels had strong links with the Kremlin and a large portion of the weaponry and equipment was supplied from the Russian army bases in North

²⁸¹ NBC News, "Soviet Collapse a Genuine Tragedy" (The Associated Press, April 25, 2005), http://www.nbcnews.com/id/7632057/ns/world_news/t/putin-soviet-collapse-genuine-tragedy/#.Xx2f-dIzbIV.

²⁸² Tigran Mkrtychyan and Vahram Petrosyan, "INTEGRATION OF TRANSCAUCASIA: CONTINUED FAILURE AND HOPE" (European Stability Initiative, 2015), https://esiweb.org/pdf/esi_turkey_tpq_vol8_no1_mkrtychyan_petrosyan.pdf, 4-6.

²⁸³ Ibid.

²⁸⁴ Manana Sikharulidze, "Archive: Georgia Becomes the CIS Member" (Georgian Journal, January 2012), <https://www.georgianjournal.ge/society/7560-georgia-becomes-the-cis-member.html>.

²⁸⁵ Tigran Mkrtychyan and Vahram Petrosyan, "INTEGRATION OF TRANSCAUCASIA: CONTINUED FAILURE AND HOPE" (European Stability Initiative, 2015), https://esiweb.org/pdf/esi_turkey_tpq_vol8_no1_mkrtychyan_petrosyan.pdf, 4-6.

²⁸⁶ Immigration and Refugee Board of Canada, "Georgia: Information on the Mhedriony (Mkhedrioni) and Their Activities" (Refworld, March 1994), <https://www.refworld.org/docid/3ae6ac6a14.html>.

Caucasus.²⁸⁷ Gamsakhurdia was replaced by the Kremlin's favorite – former Soviet Foreign Minister Eduard Ambrosevich Shevardnadze.²⁸⁸ On the one hand, Shevardnadze had strong links with the political establishment in the Kremlin but on the other hand, he was widely praised as one of the major figures in the dissolution of the Soviet Union and ally to Western democratic leaders.²⁸⁹

The foreign strategy of the Russian Federation after the collapse of the Soviet Union was primarily based on strengthening its influence over the 'near abroad'. This geopolitical term refers to the former Soviet republics which comprise the geostrategic area of interest of the Kremlin. Consequently, Georgia as well as all other CIS states were envisioned as 'Russia's backyard'. Russia often exerts its military influence near abroad, especially if there is a higher chance of collision of geopolitical interests with the US and other international actors. This approach is often justified with the necessity of protection of Russians abroad, sovereignty of neighbors, and maintaining stability in the region.²⁹⁰ Moreover, for the former Soviet republic, peace with Russia meant the agreement on the rules of the political game offered by the Kremlin. Soon after the arrival of Eduard Shevardnadze, Georgia joined the CIS as a part of the normalization process of relations with Russia. This was further extended by joining the Collective Security Treaty (CST) – military alliance under Russian patronage, which practically meant the reinforcement of total control on the Georgian political environment by the Kremlin.²⁹¹ Considering the geopolitical and logistical importance of Georgia, Russia was carefully but rapidly exerting its strategy of complete dominance in the face of western political powers. In 1995, Shevardnadze and Yeltsin signed the bilateral agreement on the deployment of Russian military bases in several regions of Georgia. As Cornell (2015) notes: "Russia effectively took control of five strategic points near the borderlines in Georgia and cemented its political and military control over the country."²⁹² Georgia was frozen in time and its state-building process was limited to a great extent. Despite the presence of international actors such as the UNOMIG, and the OSCE, the country

²⁸⁷ Ibid.

²⁸⁸ Nina Akhmeteli, "Eduard Shevardnadze: Controversial Legacy to Georgia" (BBC Europe, July 8, 2014), <https://www.bbc.com/news/world-europe-28205380>.

²⁸⁹ Ibid.

²⁹⁰ Robert D Blackwill, Rodric Braithwaite, and Akihiko Tanaka, "Engaging Russia" (The Trilateral Commission, January 1995), <http://trilateral.org/file/46>, 46-47.

²⁹¹ Manana Sikharulidze, "Archive: Georgia Becomes the CIS Member" (Georgian Journal, January 2012), <https://www.georgianjournal.ge/society/7560-georgia-becomes-the-cis-member.html>.

²⁹² Svante E. Cornell and S. Frederick Starr, "The Guns of August 2008," *Studies of Central Asia and the Caucasus*, 2015, pp. 3-4, <https://doi.org/10.4324/9781315699660>, 30-32.

still lacked much-needed partner for institutionalization, democratization, and support of the reforms.

In the late 1990s, Shevardnadze's government made the first steps towards the pro-Western course. During 1996-2000, Georgia signed the Partnership and Cooperation Agreement (PCA) with the EU and became a member of the Council of Europe.²⁹³ Furthermore, the US significantly increased its financial assistance to the country and persuaded the Georgian government to withdraw from the CST.²⁹⁴ Such circumstances negatively affected the Georgian-Russian relations and decreased the chances of restoring of Georgian territorial integrity with the Kremlin's assistance. On the contrary, Shevardnadze was seeking alternative ways to establish the functional national army and border guard to protect the country from separatist forces, paramilitary groups, and potential aggression from Russia. In 2002, the government of the U.S. allocated USD70 million for equipment, training of the Georgian army, and restructuring of the governing bodies. With increased political pressure from the Kremlin and growing risks of armed hostilities, the Georgian government finally selected its pro-Western course and declared the Euro-Atlantic aspirations.²⁹⁵

In the early 2000s, Saakashvili brought fresh hopes for the normalization of Georgian-Russian relations.²⁹⁶ Saakashvili was looking for direct dialogue with the leaders of separatist regions concerning his peace plan. He declared readiness to grant Abkhazia and South Ossetia greater autonomy status and form the federal republic of Georgia.²⁹⁷ On the one hand, Saakashvili was well-aware that without diplomacy with Russia his plan would never materialize but on the other hand, he never considered the Kremlin as a participant of the negotiations.²⁹⁸ The first meeting of Saakashvili and Putin proceeded in Moscow, in 2004. The Russian leader was assertive in his objectives concerning Georgia. According to Asmus (2010), Putin requested Saakashvili to grant high political positions to his protégés and to

²⁹³ Council of Europe, "Georgia Joins the Council of Europe" (ReliefWeb, April 27, 1999), <https://reliefweb.int/report/georgia/georgia-joins-council-europe-0>.

²⁹⁴ Jim Nichol, "Russia-Georgia Conflict in August 2008: Context and Implications for the U.S. Interests" (Congressional Research Service, March 3, 2009), <https://fas.org/sgp/crs/row/RL34618.pdf>, 3-4.

²⁹⁵ NATO, "Statement by President of Georgia Eduard Shevardnadze at the EAPC Summit" (NATO Prague Summit 2002, November 22, 2002), <https://www.nato.int/docu/speech/2002/s021122h.htm>.

²⁹⁶ Svante E. Cornell and S. Frederick Starr, "The Guns of August 2008," *Studies of Central Asia and the Caucasus*, 2015, pp. 3-4, <https://doi.org/10.4324/9781315699660>, 30-32.

²⁹⁷ Irma Guledani, "Saakashvili: Georgia's Reunification Plan Is in Force" (Civil.Ge, December 12, 2008), <https://old.civil.ge/eng/article.php?id=20121>.

²⁹⁸ Ibid.

extend the Mandate of the Russian military bases in Georgia for another ten years.²⁹⁹ The outcome of the meeting meant Russia's interest to maintain and gradually increase its influence on Georgia and draw the country back to the degrading state. Putin's requests were rejected by the Georgian President and on the contrary, Saakashvili declared the Russian troops as occupiers and accelerated the process of their withdrawal from Georgian regions.³⁰⁰ Moreover, Saakashvili significantly extended NATO-Georgian partnership by strengthening institutional cooperation, deployment of large army units in NATO missions, and increasing the military budget by multiple times.³⁰¹ The Kremlin's concerns over the increased presence and political influence of the EU and NATO in its backyard did not fade away easily. In winter 2006, two major Russian gas pipelines in Georgia have been exploded; consequently, the whole Georgian population was left for freezing, however, the Kremlin refused to take responsibility for the act.³⁰² This was followed by the economic embargo when Russia banned Georgian mineral water, wine, fruits, and vegetables on the Russian market due to the violation of the sanitary standards.³⁰³ As a result, Georgia was left with severe energy deficit and massive market imbalance. The final step before reaching the peak point of escalation was the cutting off diplomatic ties. The Russian diplomatic representation in Georgia stopped issuing Russian visas, halved its staff, and requested the deportation of ethnic Georgians from Russia.³⁰⁴

During the Security Summit in Munich, Germany in 2007, President Vladimir Putin publicly implied the Kremlin's concerns regarding NATO's enlargement policy and the potential recognition of Kosovo as incompatible with Russian interests.³⁰⁵ The Western political elites failed to precisely assess the potential risks of Russian resurgence concerning Kosovan independence. President Putin used the declaration of Kosovo's independence as a precedent for the recognition of separatist regions in Georgia. Moreover, the Declaration of the NATO

²⁹⁹ Ronald D. Asmus, *A Little War That Shook the World: Georgia, Russia, and the Future of the West* (New York: Palgrave Macmillan, 2010), 70-72.

³⁰⁰ Theresa Freese, "Russia's Troop Withdrawal from Georgia: The Start of a New Friendship?," Refworld (EurasiaNet, August 10, 2005), <https://www.refworld.org/docid/46a4851c1e.html>.

³⁰¹ Lionel Beehner et al., "Analyzing the Russian Way of War: Evidence from the 2008 Conflict with Georgia" (Modern War Institute, March 19, 2018), <https://mwi.usma.edu/analyzing-russian-way-war-evidence-2008-conflict-georgia/>.

³⁰² The Kremlin, "Transcript of the Press Conference of President Vladimir Putin for the Russian and Foreign Media" (The Kremlin Press Center, January 2006), <http://en.kremlin.ru/events/president/transcripts/page/345>.

³⁰³ Thea Morrison, "A Chronology of Russian Embargoes on Georgia" (Georgia Today, June 24, 2019), <http://georgiatoday.ge/news/16199/A-Chronology-of-Russian-Embargoes-on-Georgia>.

³⁰⁴ Mikheil Kiguradze, "Russia Stops Issuing Visas to Georgian Citizens" (Civil.Ge, February 20, 2006), <https://civil.ge/archives/109932>.

³⁰⁵ Levan Turmanidze, "Russia Suspends Participation In CFE Treaty" (Radio Free Europe, December 2007), <https://www.rferl.org/a/1079256.html>.

Bucharest Summit (2008) was an alarming signal for the Kremlin that someday, NATO ships and military bases would appear in Russia's near abroad. The promise of eventual NATO membership wasn't enough for Saakashvili's government to protect the country from Russian military aggression. The German and French leaders chose not to aggravate already intensified relations between Georgia and Russia and refused to grant Georgia, the Membership Action Plan (MAP).³⁰⁶ Ironically, the decision taken by intimidation over Russia was used by the Kremlin for justification of its aggression during the war in August 2008.

³⁰⁶ Anil Dawar, "Putin Warns NATO Over Expansion" (The Guardian, April 4, 2008), <https://www.theguardian.com/world/2008/apr/04/nato.russia>.

"Europe has to be fair. Europe should not hesitate to step out
Of the ideological framework to put across the message of peace in Russo-Georgian conflict."³⁰⁷

Nicolas Sarkozy, the President of the Republic of France

October 21, 2008.

4. The EU' Conflict Mediation Strategy: Strengths and Limitations

The chapter presents the empirical analysis of the EU's conflict mediation strategy in the breakaway entities of Georgia. It addresses the certain political, economic and diplomatic instruments utilized by the EU and provides the critical assessment of the NREP as a central mechanism of engagement with contested regions. The chapter outlines the major constraints and hindering factors that limit the capacity of the EU as a conflict mediator and provides the answer to the central question of the research.

4.1 Economic Instruments: the AA and the DCFTA

One of the fundamental components of the idea of 'Europe whole, free and peace' is the EU's efficient neighborhood policy. Strengthening the economic, political, and institutional partnership with neighbors enables the Union to implement its objective in a stable environment. In recent years, the political instruments such as the ENPI and the EaP contributed to bridging the gaps between the vulnerabilities and capabilities of the EU-Eastern Neighbors cooperation. Moreover, The 'More for More' strategy outlined the priorities and interests of individual states in partnership with the EU. Over the years, the frontrunners of the EaP: Georgia, Ukraine, and Moldova achieved significant progress in institutional capacity building and approximation with the EU norms and values.³⁰⁸ In such circumstances, the EU utilizes the mechanism of the Association Agreements (AA) and the Deep and Comprehensive Free Trade Agreements (DCFTA) with partner states which enables the enhancement of the political, economic, and institutional cooperation on the bilateral level. The EU and Georgia signed the AA and the DCFTA in June 2014 and went in force in July 2016.³⁰⁹ The agreements come with the mutually agreed national Action Plan

³⁰⁷ Civil Ge, "Sarkozy on Russo-Georgian War," October 21, 2008, <https://old.civil.ge/eng/article.php?id=19799>.

³⁰⁸ EU Neighbours East, "Statistics for the Eastern Partnership (STEP)," EU Neighbours (EU Neighbours East, June 2019), <https://www.euneighbours.eu/en/east/stay-informed/projects/statistics-eastern-partnership-step>.

³⁰⁹ EUR-Lex, "ASSOCIATION AGREEMENT between the European Union and the European Atomic Energy Community and Their Member States, of the One Part, and Georgia, of the Other Part" (Eur-Lex, August 30, 2014), [https://eur-lex.europa.eu/legal-content/en/TXT/PDF/?uri=CELEX:22014A0830\(02\)](https://eur-lex.europa.eu/legal-content/en/TXT/PDF/?uri=CELEX:22014A0830(02)).

(AP) which helps partner states to implement the reforms in specific areas in a relatively short time. In the case of Georgia, the AP targeted the adoption of the EU regulations related to trade and distribution of the goods and services, food safety, public procurement, energy market.³¹⁰ The DCFTA enables the partner states to trade with the EU under non-tariff barriers and enjoy the removed duties on imported goods.³¹¹ As Lavenex (2004) notes: “ the European external governance addresses the process of approximation of the third countries with the EU norms and rules.”³¹² In the context of the DCFTA, the Georgian government strives to achieve certain progress in the economic sector and adopt the EU’s norms to sustain the stable growth of the country.

Since 2014, the EU has become the main trading partner of Georgia with an average of 23-27% of total exports, followed by Russia – 12-15%.³¹³ In 2018, the EU exports to Georgia reached €2 billion, while Georgian exports weighed at €0.6 billion – 0.1% of total imports of the EU.³¹⁴

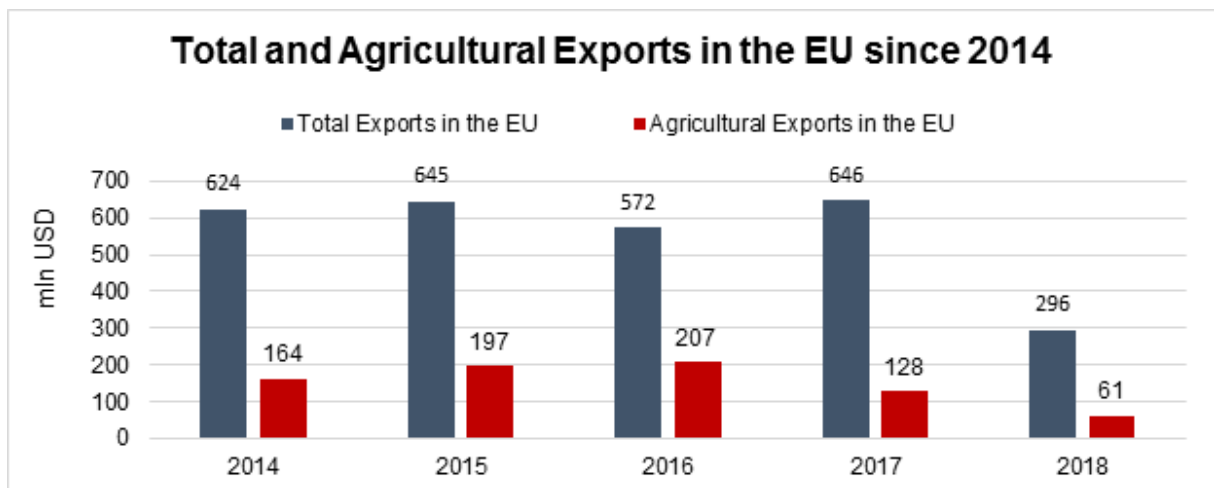


Figure 7. Total Agricultural Exports in the EU from Georgia 2014-2018³¹⁵

³¹⁰ Amat Adarov and Peter Havlik, “Benefits and Costs of DCFTA: Evaluation of the Impact on Georgia, Moldova and Ukraine ”(Bertelsmann Stiftung , December 2016), <https://wiiw.ac.at/benefits-and-costs-of-dcfta-evaluation-of-the-impact-on-georgia-moldova-and-ukraine-dlp-4111.pdf>, 2-3.

³¹¹ Ibid.4

³¹² Lavenex, Sandra. (2004). EU external governance in 'wider Europe'. *Journal of European Public Policy*, 11(4), 680-700. doi: 10.1080/1350176042000248098,p.683

³¹³ European Commission, “European Union, Trade in Goods with Georgia” (European Commission, May 8, 2020), https://webgate.ec.europa.eu/isdb_results/factsheets/country/details_georgia_en.pdf, 3-4.

³¹⁴ Ibid.

³¹⁵ Nino Kakulia, “Great Expectations: Does the DCFTA Really Boost Georgia’s Economic & Export Potential?” (Georgia Today, July 9, 2018), <http://georgiatoday.ge/news/11191/Great-Expectations%3A-Does-the-DCFTA-Really-Boost-Georgia%E2%80%99s-Economic-%26-Export-Potential%3F->

Georgia's consistency and efficiency in the implementation of the EU rules and laws related to the AA and the DCFTA positively impact the overall course of the bilateral cooperation; although, for the developing state with a fragile economy, which primarily depends on the import of goods, the EU regulations could bring certain harms and blockages in various sectors. More precisely, under the DCFTA, Georgia takes the responsibility to fundamentally restructure its economic and social landscape. The new regulations corresponding to the EU standards will forcefully expel the SME's and manufacturers from the domestic market if they fail to adapt to the new economic environment. This painful process poses a risk of financial damage and even economic recessions in the short-term.³¹⁶ Thus, the Georgian government and society must overcome the initial barriers of readjustment of the economic sector and target the long-term objectives when the DCFTA comes in full force.

The AA and the DCFTA contribute to the EU's attractiveness for the partners and opens the doors for wider cooperation and active engagement. Nevertheless, there is a major component of the agreements – 'territorial clause'. Emerson (2018) outlines this factor as a major constraint of the mechanism.³¹⁷ The contracting parties of the agreements are Georgia, the European Union and the European Atomic Energy Community (including the member states). The sides agree on the legal content of the AA and the DCFTA, the duties, and responsibilities outlined under the agreements, the dates for the implementation and ratification of the relevant documents, and the national action plan for the adoption of the key legal norms.³¹⁸ The European Union recognizes the territorial integrity of Georgia, including its secessionist regions of Abkhazia and South Ossetia, however, due to the current instability on the borders, the Union refused to exert the application of the agreements to these territories. In this regard, the contracting parties agreed to include the 'territorial clause' in *Title IV, Article 429, Paragraph 2* of the AA which limits the application of the AA and the DCFTA components to the territories where the Georgian government exercises the effective

³¹⁶ Ibid.8-9

³¹⁷ Michael Emerson and Tamara Kovziridze, *Deepening EU-Georgian Relations: What, Why, and How?* (London: Rowman&Littlefield International, 2018), http://www.dcfta.gov.ge/public/filemanager/publications/Georgia_Hanbook_2nd%20ed.pdf, 17-19.

³¹⁸ United Nations Development Program in Georgia, "Action Plan of the Parliament of Georgia for the Implementation of the EU-Georgia Association Agreement 2019-2020 Action Plan of the Parliament of Georgia for the Implementation of the EU-Georgia Association Agreement 2019-2020" (UNDP Georgia, April 30, 2019), https://www.ge.undp.org/content/dam/georgia/docs/publications/DG/UNDP_GE_DG_Parliament%20action%20plan%202019-20_implementation%20of%20EU-GEO%20AA_eng.pdf.

control.³¹⁹ Moreover, the clause can be repealed if the Georgian government ensures full control over the secessionist regions.³²⁰ Strengthening and diversification of the economic sectors and energy security are one of the main objectives of Georgia which will on the one hand, stabilize the internal socio-economic situation and on the other hand, significantly increase the attractiveness for the de-facto authorities. To this day, the Georgian markets remain the main source of agriculture and food products for Abkhazia and South Ossetia. The same applies to medicine and healthcare services.³²¹ The efficient implementation of the AA and the DCFTA agreements will increase the capacity for deeper regional integration and contribute to economic reconciliation.

In 2018, the Georgian government introduced the economic program ‘A Step for the Better Future’ which aims to strengthen the economic ties with the de-facto authorities and enhance people-to-people relations.³²² However, the success of such initiatives significantly relies on the willingness of the separatist regions for deeper engagement and internalization of the policies proposed by the EU and Georgia. In recent years, Abkhazia and South Ossetia showed very little interest in multilateral institutional and economic cooperation.³²³ The de-facto authorities often imply on the EU and Georgia’s willingness to restore the territorial integrity of Georgia by peaceful means. Moreover, the agreements reaffirm the mutual commitment to the NREP strategy which frightens the secessionist authorities. Considering the low willingness and inconsistent dynamics of engagement in the economic programs of Abkhazia and South Ossetia, it can be said that in a short-term perspective, the EU’s economic instruments are characterized by limited efficiency in the conflict transformation process. Assessment of the EU-Georgian cooperation in the context of the AA and the DCFTA through the prism of the external governance implies the ‘*logic of consequences*’. According to Schimmelfennig (2004): “the third parties seek to deepen the relations with the EU through the mechanism of conditionality which is driven through the rewards and

³¹⁹ Michael Emerson and Tamara Kovziridze, *Deepening EU-Georgian Relations: What, Why, and How?* (London: Rowman&Littlefield International, 2018),

http://www.dcfta.gov.ge/public/filemanager/publications/Georgia_Hanbook_2nd%20ed.pdf, 17-19.

³²⁰ Ibid. 18-19

³²¹ Office of the State Minister of Georgia for Reconciliation and Civic Equality, “A Step to a Better Future - Peace Initiative” (Office of the State Minister of Georgia for Reconciliation and Civic Equality, February 2018), https://smr.gov.ge/uploads/prev/Concept_EN_0eaaac2e.pdf, 4-5.

³²² Ibid.

³²³ Giorgi Chikovani, “Interview with Aslan Bzhania, De-Facto Leader of Abkhazia” (Georgian Journal, March 24, 2020), <https://www.georgianjournal.ge/politics/36493-interview-with-aslan-bzhania-de-facto-leader-of-abkhazia.html>.

sanctions.”³²⁴ The ‘golden carrot’ of the Association Agreement is the free movement of people, deeper engagement in the economic sector, and potential of membership which directly complies with the aspirations of the Georgian government.

4.1.1 Diplomacy Instruments: Cease-fire Agreement and the Geneva International Discussions

The war in August 2008 has been one of the biggest tests for the EU’s crisis response capabilities and execution of the post-conflict reconciliation strategies. As Gross (2011) notes, a month before the conflict, the EU and Georgia agreed on the establishment of the Civilian Planning and Conduct Capability (Civcom) mechanism which comprises financial, judicial, logistical, and procurement experts for the civilian crisis management.³²⁵ The mission played a crucial role in the mobilization of humanitarian aid, equipment, and vehicles during the conflict.³²⁶ The Civcom is a two-pillar mechanism and delivers the expertise on civilian and military matters.³²⁷ It subordinates the policies with two political bodies in Brussels: the Political and Security Committee and the EU Military Committee.³²⁸ The mechanism significantly increased the EU’s capacity in addressing the first-hand needs of Georgia right after the conflict and minimized the bureaucracy-related constrains.

The French Presidency of the EU in 2008 played a decisive role in the diplomatic success of the EU concerning the suspending of the armed hostilities and convincing the confronting parties to sign the cease-fire agreement. On August 12, 2008, French President Nicolas Sarkozy invited the Russian and Georgian leaders to sign the six-point cease-fire agreement.³²⁹ The parties agreed on the following postulates:

1. No recourse to the use of force;
2. A lasting cessation of hostilities;

³²⁴³²⁴ Schimmelfennig, Frank, & Sedelmeier, Ulrich (2004). Governance by conditionality: EU rule transfer to the candidate countries of Central and Eastern Europe. *Journal of European Public Policy*, 11(4), 661-679. doi: 10.1080/1350176042000248089,p.665.

³²⁵ Eva Gross and Ana E. Juncos, *EU Conflict Prevention and Crisis Management : Roles, Institutions, and Policies* (London: Routledge/UACES Contemporary European Studies, 2011), 139-140.

³²⁶ Ibid.140-141

³²⁷ Ibid.

³²⁸ EUR-Lex, “COUNCIL DECISION 2011/518/CFSP of 25 August 2011 Appointing the European Union Special Representative for the South Caucasus and the Crisis in Georgia” (Journal of the European Union, August 27, 2011).

³²⁹³²⁹ Marcel H. Van Harpen, *Putin's Propaganda Machine: Soft Power and Russian Foreign Policy* (London: Rowman&Littlefield International, 2016), 12-13.

3. Unfettered access for humanitarian providers;
4. Georgian forces to be withdrawn to the initial positions on the ABLs;
5. Russian forces to be withdrawn and returned to the initial positions before the conflict;
6. Participation in international discussions on security and peaceful reconciliation for Abkhazia and South Ossetia regions;³³⁰

On September 8, 2008, Nicolas Sarkozy introduced an additional document which contained further measures for effective implementation of the agreement:

- a) Establishment of the Geneva International Discussions (GID) for ensuring security and stability in the region;
- b) The EU to be granted a role of the conflict mediator;
- c) Addressing the peaceful and secure return/reintegration of the refugees and IDPs;
- d) Establishment of two workgroups dedicated to security issues and IDPs;

The document officially provisioned the EU's role as a conflict mediator and outlined four major objectives:

- a) Monitoring of the commitment of the parties to the GID resolutions;
- b) De-escalation of the tensions in conflict zones and normalization of the relations between Georgia and de-facto authorities, as well as Georgia and Russia;
- c) Prevention of further armed hostilities;
- d) Active contribution to the confidence-building and conflict transformation process;³³¹

The French Presidency of the EU and the Sarkozy's policy with Russia brought diplomatic success to the EU and saved Georgia from losing larger territories.³³² Vladimir Putin's strategic interests in the energy sector with France and Germany, as well as personal ties with the leaders of both countries, created a good ground for negotiation of the cease-fire agreement.³³³ However, Sarkozy's diplomatic success was overshadowed by the Kremlin's recognition of the independence of the secessionist states. In response, the EU hardened its

³³⁰ The Government of Georgia, "Six Point Peace Plan" (The Government of Georgia, August 12, 2008), <https://smr.gov.ge/uploads/prev/9bbbc7.pdf>.

³³¹ Office of the State Minister of Georgia for Reconciliation and Civic Equality, "Geneva International Discussions," <https://smr.gov.ge/en/page/26/geneva-international-discussions>, July 2020, <https://smr.gov.ge/en/page/26/geneva-international-discussions>.

³³² Marcel H. Van Harpen, *Putin's Propaganda Machine: Soft Power and Russian Foreign Policy* (London: Rowman&Littlefield International, 2016), 12-13.

³³³ Ibid.13

rhetoric and condemned Russia's disproportional use of force in Georgia and illegal recognition of the separatist states.³³⁴

In September 2008, Nicolas Sarkozy invited Dimitry Medvedev to Paris to discuss the implementation of the cease-fire agreement. The sides negotiated the 'Sarkozy-Medvedev Plan' and agreed on the withdrawal of the Russian troops from the occupied territories in one month.³³⁵ However, Russia never materialized its promises in practice. The Kremlin insisted that Sarkozy signed separate documents with Russian and Georgian leaders, thus there was no Russian-Georgian agreement and implied on the vagueness of the cease-fire agreement text.³³⁶ Furthermore, the Russian side claimed that there were differences in Russian, French, and English versions of the texts. The Kremlin interpreted the stability in the conflict-affected regions as its prerogative to protect Abkhazia and South Ossetia.³³⁷ Consequently, Russian troops remain deployed in both regions to this day, and EU monitors and humanitarian missions are not allowed to enter the regions.³³⁸ Furthermore, the Kremlin justified its decision by growing threats from Georgia and the movement of the military groups near the Abkhazian and South Ossetia borders.

In 2008, the Georgian government and the relevant authorities - the Ministry of Defense and the Ministry of Internal Affairs signed the Memorandum of Understanding (MoU) with the head of the EUMM. According to Fischer (2009), the EUMM was granted a right for unrestricted inspection of the movement and deployment of Georgian troops and military personal all over the country's territory.³³⁹ Moreover, Georgia agreed to withdraw heavy armaments and military units in the areas near to the ABLs and granted the EUMM a right to conducted unannounced inspections on the ABLs.³⁴⁰ The short-lived glory of Sarkozy's diplomatic success due to the Kremlin's neglecting of the six-point cease-fire agreement turned the EU's post-war measurements into unilateral gesture. Georgia remains devoted to the arrangements under the cease-fire agreement; however, in absence of the same

³³⁴ Ibid.14

³³⁵ Eva Gross and Ana E. Juncos, *EU Conflict Prevention and Crisis Management : Roles, Institutions, and Policies* (London: Routledge/UACES Contemporary European Studies, 2011), 139-140.

³³⁶ Jaba Devdariani, "Conflicting Realities in Russia and the EU's Shared Neighborhood" (Carnegie Europe, March 15, 2018), <https://carnegie.ru/commentary/75800>.

³³⁷ Ibid.

³³⁸ Ibid.

³³⁹ Sabine Fischer and Giovanni Grevi, *'EUMM Georgia' in European Security and Defence Policy: The First Ten Years 1999-2009*, (Brussels: ISS, 2009),

https://www.iss.europa.eu/sites/default/files/EUISSFiles/ESDP_10-web_0.pdf, 383-384.

³⁴⁰ Ibid.384

commitment from the secessionist states it is difficult to achieve any notable results. The EUMM's criticism towards the de-facto authorities and the Kremlin is often ignored and in recent years, the parties have shown very little interest to internalize the adjustments on the domestic level.

After 50 rounds of diplomatic negotiations mediated by the EU at the GID, the parties have not reached any tangible results.³⁴¹ Despite limited success, the GID remains the most effective format where the EU has the opportunity to directly negotiate with the de-facto authorities and attempt to influence their views and interests. The peace mechanism was established under the provisions of the six-point cease-fire agreement in 2008. The Council of the European Union assigned the EUSR as a chair of the GID and invited the UN and the OSCE representatives as co-chairs of the process.³⁴² Despite the EU's efforts to persuade the conflicting parties in the peaceful transformation of the conflict, the Union faced several constraints. The EU's commitment to the NREP strategy puts its neutrality under the question and consequently limits its reliability for de-facto authorities and Russia.³⁴³ The member states are often divergent in their positions towards the recognition and/or non-recognition of the contested states. Furthermore, the contrast in individual relations with Russia deepens the lack of cohesion of the common strategy. Finally, the EU is rather passive in addressing the political aspects of the secessionist conflicts which leave several issues on the hold.

The Georgian government's main objective on the GID platform has internalized the conflict and underline the Russian fault in hindering of the reconciliation process. On the contrary, the Kremlin and the de-facto authorities imply the right for self-determination and legitimization of the sovereignty of the breakaway entities.³⁴⁴ The structural division and tensed atmosphere at the GID resulted in limited (or none) success during the 50 rounds of negotiations. The EU is forced to take the role of the facilitator of the negotiations rather than the conflict mediator.

³⁴¹ Office of the State Minister of Georgia for Reconciliation and Civic Equality, "THE 50TH ROUND OF THE GENEVA INTERNATIONAL DISCUSSIONS WAS HELD ON DECEMBER 10-11" (SMR.Gov.Ge, December 13, 2019), <https://smr.gov.ge/en/news/read/1764/the-50th-round-of-the-geneva-international-discussions-was-held-on-december-10-11>.

³⁴² EUR-Lex, "COUNCIL JOINT ACTION 2008/760/CFSP of 25 September 2008 Appointing the European Union Special Representative for the Crisis in Georgia" (Journal of the European Union, September 27, 2008), <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:259:0016:0018:EN:PDF>.

³⁴³ Michael Merlingen and Rasa Ostrauskaitė, "EU PEACEBUILDING IN GEORGIA: LIMITS AND ACHIEVEMENTS," *CLEER*, no. 35 (December 2009): pp. 1-32, https://ghum.kuleuven.be/ggs/publications/working_papers/2009/35MerlingenOstrauskaite, 16-18.

³⁴⁴ Council of Europe Parliamentary Assembly, "Resolution 1683 (2009) The War between Georgia and Russia: One Year After" (CoE Assembly, September 29, 2009), <https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17774&lang=en>.

All three mediators of the GID - the EU, the UN, and the OSCE propose various solutions for decreasing the tensions and harmonization of the demands of the confronting parties. The EU's negotiation strategy in the GID is one of the main causes of the limited success of the platform. Instead of bargaining with the 'threats and promises' with the confronting parties, the EU takes a passive neutral position and mirrors the preferences and power of the confronting parties.³⁴⁵ Russia's involvement in the GID plays a crucial role in the limitation of the EU's mediation depth and restricts its capacity to manipulate the parties to achieve the consensus.³⁴⁶ Furthermore, one of the major limitations of the format is exclusions of the civil society from the process. The NGOs, international organizations, and the observer missions play a crucial role in gathering the information and facilitation of the people-to-people relations, thus, the absence of this component in the GID severely limits its practical impact on the conflict transformation process. It must be emphasized that in light of limited access to separatist regions, GID remains an important mechanism for direct contact with de-facto authorities; nevertheless, a decade of fruitless negotiations and absence of tangible progress overshadows the universal objectives of the mechanism.

Another major limitation of the EU's efficiency in conflict mediation is the internal divergence. The EU is ultimately divided into its recognition policies. As Simao (2016) notes: "the member states pursue their interests and policies when it comes to the recognition of new states such as Kosovo."³⁴⁷ Uncompromising national interests negatively affective the cohesive strategy of external action and create barriers to the EU's actorness. There is a relatively positive picture when it comes to the EU's policy with contested states. The Union managed to improve its posture concerning the engagement with the contested states through the agreement to engage with de-facto authorities without recognition of their sovereignty.³⁴⁸ However, the effectiveness of the NREP in the conflict mediation process is significantly limited when the member states are unable to formulate a single position on certain aspects of the process. The internal division is often caused by the decision-making bureaucracy of the EU – the agreement on institutional measurements does not always comply with the EU

³⁴⁵ Elene Panchulidze, *Limits of Co-Mediation: The EU's Effectiveness in the Geneva International Discussions*. (Brugge: College of Europe, 2020), http://aei.pitt.edu/102659/1/edp_3_2020_panchulidze.pdf, 18-20.

³⁴⁶ Ibid.22

³⁴⁷ Licina Simao and Remi Piet, *Security in Shared Neighbourhoods Foreign Policy of Russia, Turkey and the EU* (New York: Palgrave Macmillan, 2016), 107-108.

³⁴⁸ Ibid.107-108

foreign policy priorities which are shaped by the most powerful member states.³⁴⁹ The differences in the state positions of the member states overshadow the points of agreement, thus, the EU struggles to find the unilateral consensus on common foreign policy strategy.³⁵⁰

In the context of Georgia, The EU's engagement with contested states created divergence among the old member states (France, Germany, Austria, Netherlands, Italy) and the new member states (Poland, Czech Republic, Estonia, Latvia, Lithuania, Romania). France and Germany prioritize the normalized approach based on the conditionality mechanism which eliminates the risks of overlapping the Russian interests in the near abroad. In such circumstances, the EU's conflict mediation role is limited to the facilitation of dialogue and de-escalation of tensions on the ABLs.³⁵¹ On the contrary, Poland, the Czech Republic, and the Baltic states push for active engagement of the EU both on the ground and in the context of the GID.³⁵² According to Rosamond (2009): "the European external governance is determined by its capability to govern efficiently. In this context, the member states are expected to achieve the consensus on multiple levels: national, regional, and supranational."³⁵³

The divergence in attitudes and positions towards Russia was visible during the conflict in August 2008. The leaders of Poland, Latvia, Lithuania, Estonia, and the Czech Republic arrived in Georgia and took the place next to the Georgian President Mikheil Saakashvili on the main avenue of the capital, Tbilisi.³⁵⁴ The Polish President Lech Kaczynski and the Foreign Minister Radoslaw Sikorski called for the establishment of the EU force to assure the stability and peace in the Caucasus region.³⁵⁵ Once again, the old member states rejected the initiative and called for the diplomatic solution of the process. The French President Sarkozy took advantage of his close relations with Vladimir Putin and brokered the cease-fire

³⁴⁹ Michael Merlingen and Rasa Ostrauskaitė, "EU PEACEBUILDING IN GEORGIA: LIMITS AND ACHIEVEMENTS," *CLEER*, no. 35 (December 2009): pp. 1-32, 22-24.

https://ghum.kuleuven.be/ggs/publications/working_papers/2009/35MerlingenOstrauskaite, 16-18.

³⁵⁰ Licina Simao and Remi Piet, *Security in Shared Neighbourhoods Foreign Policy of Russia, Turkey and the EU* (New York: Palgrave Macmillan, 2016), 110.

³⁵¹ *Ibid.* 109

³⁵² *Ibid.*

³⁵³ Rosamond, Ben. (2009). *New Theories of European Integration*. In M. B. Cini, Nieves Pérez-Solórzano (Ed.), *European Union Politics* (3rd ed., pp. 104-122). New York: Oxford University Press., p.108.

³⁵⁴ *Ibid.*

³⁵⁵ Jim Nichol, "Russia-Georgia Conflict in August 2008: Context and Implications for the U.S. Interests" (Congressional Research Service, March 3, 2009), <https://fas.org/sgp/crs/row/RL34618.pdf>, 18-19.

agreement.³⁵⁶ The EU has been internally divergent on key policies in the past and has not achieved significant progress in this regard to this day. In such circumstances, it is difficult to expect any fundamental progress in the foreseeable future concerning the GID process or in engagement with the de-facto authorities.

4.1.2 The EU's Policy of Engagement without Recognition: Practical Aspects

In 2009, the Swedish diplomat and the EU Special Representative in South Caucasus, Peter Semneby designed the strategy of the Non-Recognition and Engagement Policy (NREP) with breakaway regions in Georgia.³⁵⁷ Semneby's initiative was positively assessed in Brussels and consequently, in December 2009, the Political and Security Committee of the Council of the European Union adopted the NREP on the official level.³⁵⁸ The NREP is a complementary mechanism to the EU's diverse political and economic mechanisms which are utilized in Georgia. The strategy is built on two pillars – Non-Recognition and Engagement, which means that the EU is pursuing the dialogue with de-facto authorities and in parallel, remain committed to the territorial integrity of Georgia.³⁵⁹ Interestingly, the NREP is a non-documented policy and its objectives are synchronized with the dynamics of the conflict transformation process.³⁶⁰

There are three main actors of the policy: the EUSR, the EEAS, and the EU Delegation in Georgia. All of them actively participate in shaping the policy and outlining their priorities. Furthermore, the EU has underlined the importance of the NREP on many occasions, including the Association Agreements with Georgia.³⁶¹ The financial instruments are considered as the main mechanism of the NREP concerning Abkhazia and South Ossetia. Between 2008-2017 the EU allocated more than €40 million in Abkhazia, mainly through the

³⁵⁶ Ibid.20

³⁵⁷ European Parliament, "PC.DEL/126/11 / Statement by the EUSR for the South Caucasus Peter Semneby OSCE Permanent Council, Vienna"(European Parliament, February 10, 2011), https://www.europarl.europa.eu/meetdocs/2009_2014/documents/dsca/dv/dsca_20110315_10/dsca_20110315_10en.pdf.

³⁵⁸ Thomas De Waal, "Enhancing the EU's Engagement With Separatist Territories" (Carnegie Europe, January 17, 2017),3. https://carnegieendowment.org/files/DeWaal_EU_Engagement_with_Separatist_Territories.pdf.

³⁵⁹ Ibid.4

³⁶⁰ Ibid.

³⁶¹ European External Action Service, "EU-Georgia Relations - Factsheet" (June 10, 2020), https://eeas.europa.eu/sites/eeas/files/eap_factsheet_georgia_en.pdf, 2.

UN and Red Cross.³⁶² Due to the indirect engagement, lack of transparency, and extreme corruption of the de-facto authorities, the EU's profile and awareness about its activities in contested regions remain significantly low.³⁶³ Furthermore, in the last five years, Abkhazia has increasingly dependent on Russian subsidies. Between 2013-2018, 75% of the Abkhaz budget consisted of Russian financial support.³⁶⁴ In 2017, the total amount of the Abkhazian budget amounted to RUB 10.2 billion (approx.. €150 million); more than half of it came from the Russian subsidies – RUB 5.3 billion Russian (approx. €70 million).³⁶⁵

The Kremlin's efforts to strengthen the economic leverage on the de-facto authorities efficiently serve a counter-strategy to the NREP financial mechanisms. The EU's inability to challenge Russian in the financial aspect significantly limits its role and engagement scope in the contested states. Furthermore, the NREP lacks the essential incentives which will contribute towards the people-to-people relations, facilitation of economic cooperation, and restoration of trade, free movement, educational programs. The de-facto authorities often imply on the mixed signals of the EU's NREP strategy and show very low trust levels. Both Abkhaz and the South Ossetian society refuse to subordinate their state-building objectives with the EU's interests. Moreover, they perceive the EU as subjective and not being neutral.³⁶⁶ The NREP has shown very limited efficiency concerning the issues of the refugees and IDPs. The initial objective of the strategy was to achieve a peaceful and secure return of these groups to their homes. However, from a realistic point of view, this goal will not be achieved in the foreseeable future. It must be emphasized that the practice of collective non-recognition of the EU member states in regarding the contested regions of Georgia plays a crucial role in shaping the political opinion globally and strengthening the Georgian sovereignty. Moreover, the engagement with the contested states, even in a limited capacity and incoherent character contributes to the stabilization of the conflict dynamics and de-escalation of the confrontation. However, the complexity of the frozen conflicts in Georgia and politically subtle demands of the confronting parties lay-out the weaknesses of the NREP

³⁶² Thomas De Waal, "Enhancing the EU's Engagement With Separatist Territories" (Carnegie Europe, January 17, 2017),5. https://carnegiendowment.org/files/DeWaal_EU_Engagement_with_Seperatist_Territories.pdf.

³⁶³ Ibid.6

³⁶⁴ Office of the State Minister of Georgia for Reconciliation and Civic Equality, "A Step to a Better Future - Peace Initiative" (Office of the State Minister of Georgia for Reconciliation and Civic Equality, February 2018), https://smr.gov.ge/uploads/prev/Concept_EN_0eaaac2e.pdf, 38.

³⁶⁵ Ibid.39

³⁶⁶ Asida Shakryl, "Perceptions of the EU in Abkhazia and Prospects for the EU–Abkhazia Engagement" (Coinciliation Resources, August 2012), https://rc-services-assets.s3.eu-west-1.amazonaws.com/s3fs-public/PPP_2012analysis1_EN_0.pdf, 4-5.

and underline the necessity for essentially differentiated and carefully calibrated approach which will target the specific areas of the separatist conflicts.

4.2 Russia's Leverage on the Contested Regions

The Russian Federation perceives the EU's political interests in the shared neighborhood as a threat to national interests. Throughout the last few decades, the Kremlin put significant financial, political, and at sometimes even military efforts to counterbalance the EU's growing presence in the near abroad. The chapter presents the analysis of Russia's strategy concerning the contested regions and its geopolitical vision in the shared neighborhood.

4.2.1 Political Mechanisms: Passportization and Recognition

The war in August 2008 brought drastic geopolitical changes in the region. On August 26, 2008, President of Russian Federation Dimitry Medvedev signed the state *decrees* #1260 and 1261 which sanctioned the recognition of the sovereignty and independence of Abkhazia and South Ossetia regions.³⁶⁷ An unprecedented event, the Kremlin loudly proclaimed its geostrategic interest in these regions and declared the readiness to defend its compatriots from Euro-Atlantic expansionism.³⁶⁸ Vladimir Putin's voiced the possibility of such scenario as early as January 2006, while addressing the issue of Kosovan status and Turkish recognition of Northern Cyprus, Putin emphasized on the necessity of universal agreement on the status of contested states, furthermore, he underlined that recognition of such entities will cause the domino effect and eventually lead to the recognition of Abkhazia and South Ossetia.³⁶⁹ Putin's statement was further extended by the Foreign Minister of Russia Gregory Karasin, who stated that recognition of Kosovo by the West would create the legal precedent in international law and consequently cause the projection of the same processes in Abkhazia and South Ossetia regions.³⁷⁰ A year later, newly appointed Foreign Minister of Russia, Sergey Lavrov paid an official visit to North Ossetia, Lavrov publicly promised the political elites and local population that the Kremlin would take all possible efforts to enable all

³⁶⁷ The Kremlin, "Russian Presidential Decree 1260 and 1261 on Recognition of Abkhazia and South Ossetia" (Wikimedia, August 26, 2008),

https://commons.wikimedia.org/wiki/File:Decree_recognising_Abkhazian_independence.png.

³⁶⁸ Russian Federal Agency for CIS Affairs, "Support for Compatriots Abroad" (Russian Federal Agency for CIS Affairs, June 2020), <http://rs.gov.ru/en/activities/5>.

³⁶⁹³⁶⁹ The Kremlin, "Press Conference for Russian and Foreign Press Officials" (The Kremlin, January 31, 2006), <http://kremlin.ru/events/president/transcripts/23412>.

³⁷⁰ Pavel Baev, "The Kosovo Precedent in Russia's Georgia Policy" (PONARS Eurasia, March 2008), https://www.ponarseurasia.org/sites/default/files/policy-memos-pdf/pepm_005.pdf, 2-3.

Ossetian people (referring to South Ossetians as well) to live together in peace.³⁷¹ In January 2008, Vladimir Putin publicly addressed the processes on preparation for recognition of Kosovo and underlined that this event will imminently cause the repercussions globally and lead to recognition of contested regions not only in Balkans but in South Caucasus as well.³⁷² The clearest message on this topics was articulated by the First Vice-Prime Minister of Russia Boris Ivanov at the Munich Security Conference in 2008, Ivanov claimed that Russia would wait to the US and the EU to recognize the Kosovan independence and create the legal precedent, this event would automatically open Pandora's box and result in recognition of Abkhazia and South Ossetia.³⁷³

Considering the global criticism towards Russia for its actions in 2008, as well as condemnation of recognition of the secessionist states, the Kremlin needed strong arguments to justify its actions, It is no surprise that President Medvedev portrayed Georgian side as the aggressor and war criminals, furthermore, he repeatedly underlined on the impossibility of peaceful coexistence of Georgians, Abkhaz, Ossetians and implied on several attempts of genocide in recent history by the Georgian political elites.³⁷⁴ Russia achieved its revenge for recognition of Kosovo and ironically, repeated the same rhetoric of genocide and war crimes but in the case of Georgia, there were no factual proofs of the genocide of Abkhaz and Ossetian people.

Another big achievement of Russia by recognizing the separatist entities was prolonging its military control in these territories, According to the six-point cease-fire agreement and later on, Medvedev-Sarkozy Plan, Russian troops were obliged to withdraw and relocate to the North Caucasus by the end of September 2008, The Kremlin was well-aware that Saakashvili would not negotiate the possibility to prolong the mandate of Russian 'peacekeepers' in separatist regions which would eventually lead to change in the balance of political influence in favor of Georgia and the west. Interestingly, in July 2009 the Foreign Minister Lavrov stated that Russia did not intend to recognize the de-facto entities even after the war, Lavrov explained that Russia was ready to follow the Medvedev-Sarkozy Plan but Georgian

³⁷¹ Artem Gavrilov, "The Kremlin Supports the Unification of the North and South Ossetia" (Kavkazskiy Uzel, August 14, 2007), <https://www.kavkaz-uzel.eu/articles/121062/>.

³⁷² Ibid.

³⁷³ Anna Sever, "Russia Doesn't Recommend the EU to Recognize the Kosovan Independence" (DW- Deutsche Welle, February 10, 2008), <https://cutt.ly/Yp8dJfX>

³⁷⁴ The Kremlin, "Statement by President of Russia Dmitry Medvedev on Recognition of Abkhazia and South Ossetia" (The Kremlin, August 26, 2008), <http://en.kremlin.ru/events/president/transcripts/1222>.

President Saakashvili requested to make changes to the document by refusing to discuss the status of the regions and recognize Russia as a part of the conflict.³⁷⁵ He recalled this statement several times on various occasions and emphasized that Russia was forced into making such a decision which was triggered by blood-thirsty Saakashvili.³⁷⁶ The security dimension of the decision was later highlighted by President Medvedev, who explained that if Russia would neglect Abkhazia and South Ossetia in 2008, NATO and the Western political powers would drag Georgia and these regions into military alliances and dislocate their armory near to Russia borders, Such scenario would put Russia's relations with the West into the deadlock and cause the military confrontations of the global scale.³⁷⁷ Security concerns were further discussed by Vladimir Putin who implied on potential deployment of the US and NATO missile shields in Georgia and the Black Sea region, Putin explained that Russia follows its foreign and security policy and the attempts of interception by the third parties would lead to the logical consequences.³⁷⁸

Before the world witnessed the Kremlin's actions towards the contested states in 2008, other pieces of the puzzle were conjoined years earlier. The instrument of 'Passportization' (Rus:Passportizatsiya) - granting citizenship to the residents of various post-Soviet regions, represents one of the key components of Russia's near abroad policy. Passportization was initially introduced in Abkhazia and South Ossetia (as well as Transnistria and Nagorno-Karabakh) since 2002 and became a widespread process in 2008.³⁷⁹ The Passportization instrument is a geostrategic response to the identity crisis and the new geopolitical environment in which Russia found itself after the collapse of the Soviet Union. More than 25 million Russians and Russian speakers were left outside of the federal borders without a functional legal framework for naturalization.³⁸⁰ As a first step, Russia introduced the dual citizenship option for ethnic Russians and Russian-speakers residing outside of the federal borders. This initiative was rejected by the countries with the largest Russian population due to fears over sovereignty and territorial integrity.³⁸¹ Later on, the Kremlin introduced

³⁷⁵ Ibid.

³⁷⁶ Ibid.

³⁷⁷ Ibid.

³⁷⁸ Mariam Jakeli, "Putin Offers Alternative 'Historic Facts' on How Georgia 'Occupied' Tskhinvali, Abkhazia Regions" (Agenda.Ge, July 10, 2019), <https://agenda.ge/en/news/2019/1860>.

³⁷⁹ Franziska Smolnik, *Secessionist Rule PROTRACTED CONFLICT AND CONFIGURATIONS OF NON-STATE AUTHORITY* (The University of Chicago press, 2016), 109-110.

³⁸⁰ Oxana Shevel, "The Politics of Citizenship Policy in Post-Soviet Russia," *Post-Soviet Affairs* 28, no. 1 (May 16, 2013): pp. 111-147, <https://doi.org/https://doi.org/10.2747/1060-586X.28.1.111>, 124-126.

³⁸¹ Ibid.27

simplified naturalization regulations for citizens of the Post-Soviet states which later on served as a basis of the new policy –‘protection of Russian compatriots abroad’,³⁸²



Map 6. Russia's Near Abroad - the Post-Soviet States with Largest Concentration of Russian Speakers³⁸³

In July 2008, a month before the war, more than 80% of the South Ossetian population had already received Russian passports.³⁸⁴ On the one hand, the Kremlin effectively manipulates with the factor of international isolation in contested states and offers the residents a window to the outer world; on the other hand, collective naturalization enables the Russian political elite to inherit the legal aspect in ‘protection of compatriots’ in case of confrontation and armed hostilities.³⁸⁵ It must be underlined that the instrument effectively outweighs the EU’s Visa Liberalization instrument which was granted to Georgia under the AA provision in 2014.³⁸⁶ The inhabitants of the separatist regions holding the Russian passports are relatively free to travel internationally per visa regulations between Russia and the country of destination. Thus, it is fair to conclude that the Kremlin’s strategy towards the contested

³⁸² Independent International Fact-Finding Mission on the Conflict in Georgia, “Conflict in Georgia 2008” (Council of Europe, September 2009), https://www.echr.coe.int/Documents/HUDOC_38263_08_Annexes_ENG.pdf, 127-128.

³⁸³ Ricky Gandhi, “The October Revolution: 100 Years Later” (American Security Project, October 13, 2017), <https://www.americansecurityproject.org/the-october-revolution-100-years-later/>.

³⁸⁴ Franziska Smolnik, *Secessionist Rule PROTRACTED CONFLICT AND CONFIGURATIONS OF NON-STATE AUTHORITY* (The University of Chicago press, 2016), 112.

³⁸⁵ The Kremlin, “Interview given by Dmitry Medvedev to Television Channels Channel One, Russia, NTV” (The Kremlin, August 31, 2008), <http://en.kremlin.ru/events/president/transcripts/48301>.

³⁸⁶ European Commission, “Visa Liberalisation with Moldova, Ukraine and Georgia” (Migration and Home Affairs - European Commission, June 2020), https://ec.europa.eu/home-affairs/what-we-do/policies/international-affairs/eastern-partnership/visa-liberalisation-moldova-ukraine-and-georgia_en.

states is multi-layered is complex rather than a holistic response to ‘the Western expansionism’.

4.2.2 Hard Power Tools: Creeping Borderization

After the war in 2008, Russia completed multiple geopolitical maneuvers to achieve complete control over the breakaway entities. As a first step, Russia used the veto power at the UN Security Council in June 2009 and blocked the extension of the Mandate of the UN observer mission in Georgia.³⁸⁷ As a result, the Kremlin monopolized the domestic political agenda in contested states and halted the main source of financial instruments and engagement channels of the Georgian government and the Western political elites. Furthermore, Russia persuaded the de-facto authorities to sign the agreements (valid for 49 years, renewable for 15 year period) which granted the Russian troops the official Mandate to operate and protect the de-facto borders. As a result, Russia deployed the civilian and military units on the borders of the breakaway regions, fully equipped in Russian armor and weaponry, and practically extended its borders to the ABLs between separatist entities and Georgia.³⁸⁸ The military component included the construction of several bases for 2000 soldiers in strategic points of both regions and the establishment of the naval base in Sokhumi, Abkhazia.³⁸⁹

The economic policy towards the contested states is based on blocking of alternative sources of financial income, limitation of trade and business contacts with Georgia, and increased dependence on Russian goods and financial incentives. In 2010, Russia and Abkhazia signed the bilateral agreement on socio-economic cooperation and custom-free trade.³⁹⁰ In exchange for financial assistance, Russia freely exploits natural resources from the Black Sea coast and mountainous regions in Abkhazia. Between 2009 and 2015, approximately 95% of foreign direct investments in Abkhazia were originated from Russia.³⁹¹ Furthermore, between 2015 and 2020 the Kremlin’s budgetary contribution to Abkhazia reached 55%, and more than

³⁸⁷ United Nations Security Council, “SC/9681 - Security Council Fails to Adopt Resolution Extending Mandate of Georgia Mission for 2 Weeks, as Russian Federation Votes against Text” (United Nations, June 15, 2009), <https://www.un.org/press/en/2009/sc9681.doc.htm>.

³⁸⁸ Thomas Ambrosio and William A. Lange, “The Architecture of Annexation? Russia's Bilateral Agreements with South Ossetia and Abkhazia,” *Nationalities Papers* 44, no. 5 (September 2016): pp. 673-693, <https://doi.org/https://doi.org/10.1080/00905992.2016.1203300>, 680-681.

³⁸⁹ Ibid.

³⁹⁰ Andre W. Gerrits and Max Bader, “Russian Patronage over Abkhazia and South Ossetia: Implications for Conflict Resolution,” *East European Politics* 32, no. 3 (July 19, 2016): pp. 297-313, <https://doi.org/https://doi.org/10.1080/21599165.2016.1166104>, 301-302.

³⁹¹ Ibid.302

80% of consumer goods in Abkhazia were imported from Russia.³⁹² Interestingly, Putin’s generous economic incentives towards the separatist regions caused the outrage among the Russian nationalists, who organized the street protests against ‘feeding of the Caucasus’.³⁹³ As a result of prolonged economic and intergovernmental linkage with Abkhazia and South Ossetia, the Kremlin has established unilateral dependence which represents an immense challenge for the EU and Georgia in the conflict mediation process.

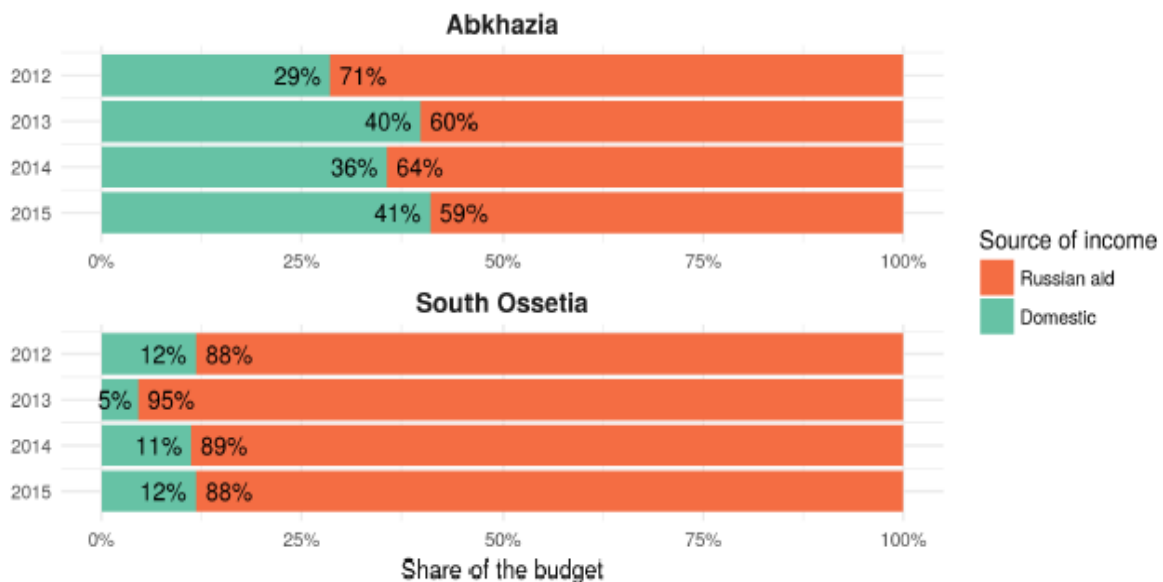


Figure 9. Russian Share in Budget of Abkhazia and South Ossetia in 2012-2016³⁹⁴

Besides the economic and security leverage on contested states, the Kremlin actively exercises its hard power tactics against Georgia through the ‘creeping borderization’ mechanism. The instrument is utilized to achieve physical control on the wider territorial segment on Georgian administered territories near the ABL. The Russian troops are illegally moving the border fences, signs, and the block-posts and expand their control on Georgian territories. The act is extremely provocative and poses the threat of re-escalation of armed hostilities between the Russian troops and Georgian armed forces.

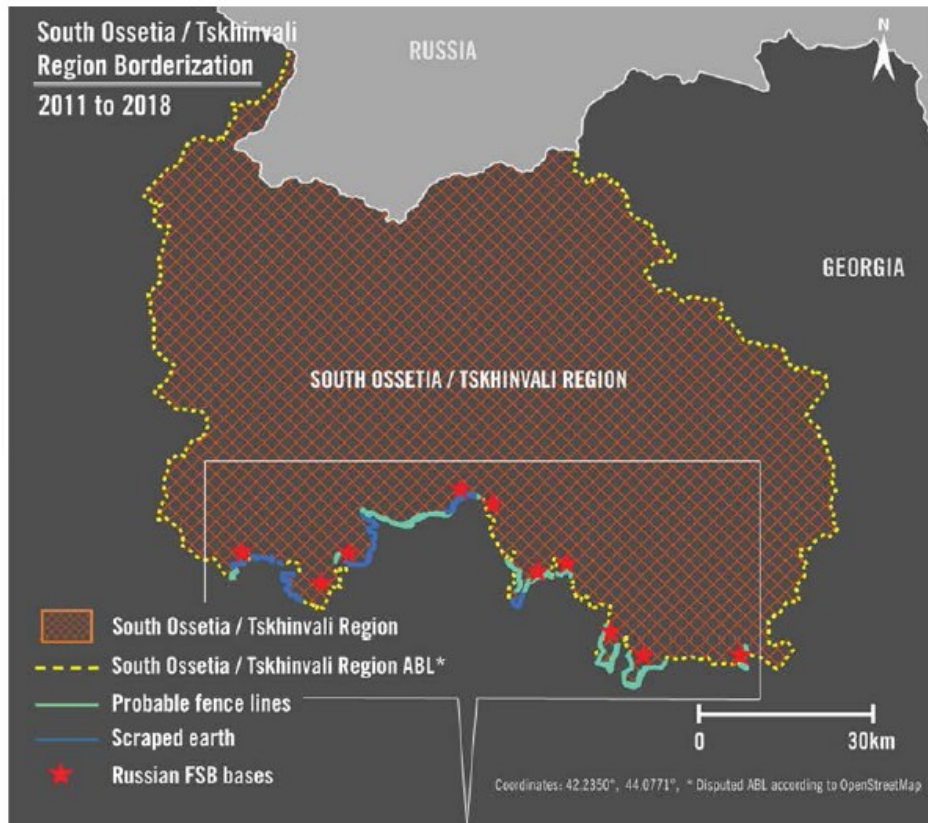
In 2018, the EUMM published the report on ‘creeping borderization’ which presented a detailed picture of Russia’s vile strategy: between 2008-2018, more than 60km of security

³⁹²President of the Republic of Abkhazia, “[Http://Presidentofabkhazia.org/En/respublika_abkhazia/Economy/](http://Presidentofabkhazia.org/En/respublika_abkhazia/Economy/),” Economy of the Republic of Abkhazia (Presidential Administration of the Republic of Abkhazia, June 2020), http://presidentofabkhazia.org/en/respublika_abkhazia/economy/.

³⁹³ Gerard Toal, *Near Abroad: Putin, the West and the Contest over Ukraine and the Caucasus*, 1st ed. (London: Palgrave Macmillan, 2017), 284.

³⁹⁴ Compiled from Andre W. Gerrits and Max Bader, “Russian Patronage over Abkhazia and South Ossetia: Implications for Conflict Resolution,” *East European Politics* 32, no. 3 (July 19, 2016): pp. 297-313, <https://doi.org/https://doi.org/10.1080/21599165.2016.1166104>, 301-302.

fences have been stretched near the South Ossetian ABL, 20km of security and surveillance equipment has been installed, more than 200 border signs have been attached beyond the Georgian ABL and up to 20 Russian border guard bases and controlled crossing points have emerged. As a result, more than 10 Georgian villages and small settlements have been occupied and dozens of people were left behind the Russian fences.³⁹⁵



Map 7. Creeping Borderization in South Ossetia 2011-2018.³⁹⁶

In Abkhazia, more than 30km of fences have been stretched, up to 25km of surveillance equipment has been installed and 20 new Russian border guard bases have emerged.³⁹⁷ The Georgian authorities and the EU condemn the borderization process as an illegal act under international law. The official Tbilisi recognizes the ABLs as the dividing lines between Georgian administered territories and permanently occupied regions. There were multiple cases of illegal detention and kidnapping of Georgian citizens near the ABLs, in most cases

³⁹⁵ The European Union Monitoring Mission in Georgia, “The EUMM Monitor Issue #7” (The EUMM, October 2018), https://eumm.eu/data/file/6486/The_EUMM_Monitor_issue_7_ENG.pdf, 8-9.

³⁹⁶ Amnesty International, “GEORGIA: BEHIND BARBED WIRE: HUMAN RIGHTS TOLL OF ‘BORDERIZATION’ IN GEORGIA” (Amnesty Org, July 3, 2019), <https://www.amnesty.org/en/documents/eur56/0581/2019/en/>.

³⁹⁷ Ibid.

by the Russian border guards.³⁹⁸ The victims are abused mentally and physically and forced to pay the fine of the amount of RUB 2,000-15,000 (€30-230).³⁹⁹ The villages near the ABLs are one of the poorest and socially unprivileged settlements where people struggle to cover the basic expenses. The creeping borderization has a negative impact not only on human rights and socio-economic conditions of the residents in nearby villages but for Georgia as a whole, due to the unstable security environment and decreased trust and attractiveness from foreign investors.

³⁹⁸ Ibid.

³⁹⁹ Human Rights Watch, “Living in Limbo Rights of Ethnic Georgians Returnees to the Gali District of Abkhazia” (HRW, July 15, 2011), <https://www.hrw.org/report/2011/07/15/living-limbo/rights-ethnic-georgians-returnees-gali-district-abkhazia>.

“While I think that our response to the outbreak of war in Georgia was successful, I can not say the same for our ability to prevent the conflict in the first place.

Having established the parameters within which the EU engages with the separatist entities in Georgia, the engagement should increase through more far-reaching measures.”⁴⁰⁰

Peter Semneby

The EU Special Representative in South Caucasus

February 10, 2011

4.3 The Dynamics of the Conflict Mediation Process

The chapter presents the analytical assessment of the EU’s conflict mediation efforts from the practical perspective. It will proceed with a discussion on the political stances of the de-facto authorities concerning the EU’s NREP strategy and further analyze the factors which limit the capacity of the EU-Georgian partnership in the context of the conflict settlement. The chapter outlines the major determinants of the (in)efficiency of the EU’s conflict mediation strategy and enables to apply the main findings to the selected theoretical tools.

4.3.1 The Situation in Contested Regions

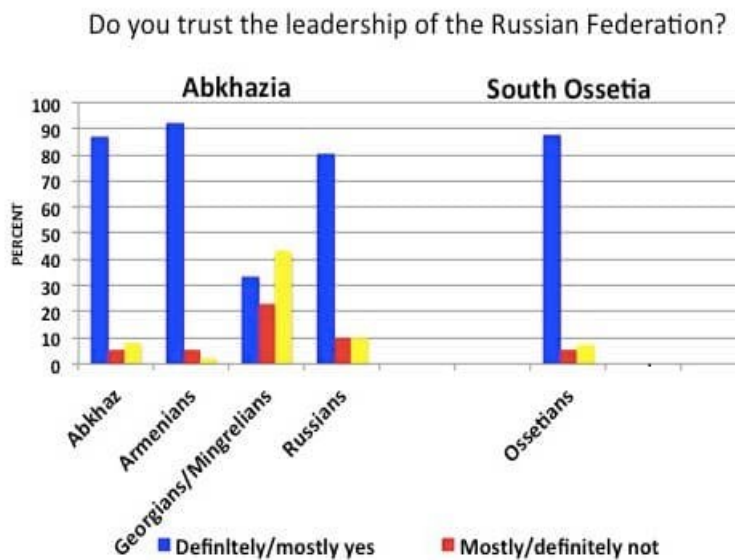
The ambitions of the de-facto authorities to become independent from Georgia do not automatically nullify their dependence on Russia, which is often observed in Abkhazia. Caspersen (2009) notes that both regions are acting as puppet states that are strongly linked to their patron – Russia, which recognizes their sovereignty and provides the financial, security, and technical means for state-building.⁴⁰¹ For the breakaway entities, their patron state is both blessing and a curse. On the one hand, Russia plays a vital role in the securitization of Abkhazia and South Ossetia against third parties and grants their citizens with Russian passports; on the other hand, the de-facto authorities are severely limited in terms of

⁴⁰⁰ European Parliament, “PC.DEL/126/11 / Statement by the EUSR for the South Caucasus Peter Semneby OSCE Permanent Council, Vienna” (European Parliament, February 10, 2011), https://www.europarl.europa.eu/meetdocs/2009_2014/documents/dsca/dv/dsca_20110315_10/dsca_20110315_10en.pdf.

⁴⁰¹ Nina Caspersen, “Playing the Recognition Game: External Actors and De Facto States,” *International Spectator* 44, no. 4 (November 2009): pp. 47-60, <https://doi.org/https://doi.org/10.1080/03932720903351146>, 52-53.

engagement with the international community and the scope of recognition on a global scale.⁴⁰²

After the war in 2008, the de-facto authorities engaged in institution-building under the supervision of the Kremlin. The Abkhazian governance bodies and economic system is relatively organized and diversified than South Ossetian. This is primarily reasoned by the natural resources and tourism potential of Abkhazia.⁴⁰³ South Ossetia heavily relies on informal markets and illegal trade with Georgia. Both regions are severely affected by corruption, infrastructural problems, demographic issues, and organized crime.⁴⁰⁴ According to Hammerberg and Grono (2017): "due to the international isolation, the European legal space does not expand to these territories as it does to other regions of Georgia based on the membership in the Council of Europe."⁴⁰⁵ In recent years, there were numerous cases of hate crime, kidnapping, physical and mental abuse, and murder in the district of Gali, Abkhazia which is mainly populated with ethnic Georgians.⁴⁰⁶



⁴⁰² Alexander Cooley and Lincoln A. Mitchell, "Engagement without Recognition: A New Strategy toward Abkhazia and Eurasia's Unrecognized States," *The Washington Quarterly* 33, no. 4 (May 2010): pp. 59-73, <https://doi.org/https://doi.org/10.1080/0163660X.2010.516183>, 66-67.

⁴⁰³ The Ministry of Foreign Affairs of Republic of Abkhazia, "Structure of the Ministry" (MFA Apsny, June 2020), <http://mfaapsny.org/en/about/>

⁴⁰⁴ International Crisis Group, "South Ossetia: The Burden of Recognition" (ICG, June 7, 2010), <https://www.crisisgroup.org/europe-central-asia/caucasus/south-ossetia-burden-recognition>.

⁴⁰⁵ Thomas Hammarberg and Magdalena Grono, "Human Rights in Abkhazia Today" (Olof Palme Peace Center, July 2017), <https://www.palmecenter.se/wp-content/uploads/2017/07/Human-Rights-in-Abkhazia-Today-report-by-Thomas-Hammarberg-and-Magdalena-Grono.pdf>, 18-19.

⁴⁰⁶ Thomas Hammarberg and Magdalena Grono, "Human Rights in Abkhazia Today" (Olof Palme Center, July 2017), <https://www.palmecenter.se/wp-content/uploads/2017/07/Human-Rights-in-Abkhazia-Today-report-by-Thomas-Hammarberg-and-Magdalena-Grono.pdf>, 10-11.

Figure 10. Public Survey on Support of RF in Abkhazia and South Ossetia in 2014.⁴⁰⁷

Furthermore, the de-facto authorities prohibited the teaching of the Georgian language in schools of Gali and introduced the Russian language.⁴⁰⁸ The public healthcare system is non-functional in both separatist regions and most cases, the inhabitants of breakaway entities are seeking medical help in Georgia for free.⁴⁰⁹ The ethnic Georgians of Gali district are forced to apply for the Abkhaz and/or Russian passports which leaves them without legal rights to cross the Georgian ABL. Furthermore, ‘Passportization’ is the only valid measure to acquire private property in breakaway regions.⁴¹⁰ The media and television are completely monopolized by Russia which leaves no room for competition for local outlets. The news sources are heavily pro-Russian and serve as a propaganda mechanism for inheriting of anti-Georgian sentiments.⁴¹¹ Civil society and NGOs are extremely censored and controlled by the local authorities. The opposition leaders and independent activists are often persecuted, jailed, poisoned, or murdered in suspicious circumstances.⁴¹² In recent years, there were multiple cases of illegal detaining, torture, and murder of Georgian citizens by the Russian border guards. The murder of Giga Otkhзорia (on Abkhazian border) and Archil Tatumashvili (in South Ossetian prison) brought the attention of the international community which the de-facto authorities and Russia for their criminal actions.⁴¹³

As the Kremlin and the de-facto authorities refuse to take responsibility for provoking the armed conflict in 2008, the Georgian government and the EU are limited in measurements to seek a peaceful resolution. With growing economic, security and institutional dependence of the separatist regions on Russia, it becomes practically inevitable to avoid Russia’s involvement in the resolution process. The Kremlin rejects to recognize the term ‘occupation’ in regards to its actions in contested states and implies that it does not exercise effective

⁴⁰⁷ Gerard Toal, “How People in South Ossetia, Abkhazia and Transnistria Feel about Annexation by Russia” (Washington Post, March 20, 2014), <https://www.washingtonpost.com/news/monkey-cage/wp/2014/03/20/how-people-in-south-ossetia-abkhazia-and-transnistria-feel-about-annexation-by-russia/>.

⁴⁰⁸ Ibid.36-37

⁴⁰⁹ Ibid.43-44

⁴¹⁰ Ibid.63-64

⁴¹¹ Ibid.28

⁴¹² Ibid.31-32

⁴¹³ Council of the European Union, “Joint Press Release Following the 4th Association Council Meeting between the European Union and Georgia” (European Council, February 5, 2018), <https://www.consilium.europa.eu/en/press/press-releases/2018/02/05/joint-press-release-following-the-4th-association-council-meeting-between-the-european-union-and-georgia/>.

control in these entities.⁴¹⁴ Interestingly, the EU refuses to use the term ‘occupation’ and explains it by legal inaccuracy in the description of the multilateral conflict.⁴¹⁵ The Abkhaz opposition leaders such as Irakliy Khintbaa often call for more proactive involvement of Georgia and the EU in the internalization of the frozen conflicts and direct political confrontation with Russia. Fischer (2010) explains that the EU’s soft tools in conflict transformation must be directed towards the transformation of the Abkhaz society and institutional modernization.⁴¹⁶ Furthermore, the EU must shift its focus from a zero-sum game with Russia towards the de-isolation of the breakaway entities. The awareness of the Abkhaz society about the EU’s engagement is extremely low and in contrast, the propaganda on Russian integration is widespread. The EU’s NREP strategy and economic incentives are portrayed as a ‘Trojan Horse’ manipulated by the Georgian government. The main fears of Abkhaz people draw on ethnic assimilation, erasing of identity components, militarist revenge, and similar threats to their existence as a nation. Thus, informational war is one of the main flanks where both the EU and Georgia fail to show much-needed efficiency. Without effective communication mechanisms and re-establishment of people-to-people links, the EU’s conflict mediation actress remains severely limited.

4.3.2 Incoherence of the Georgian Strategy on the Contested Regions

Since 2009, the Georgian government has joined the EU NREP strategy and adopted the additional document called ‘Strategy on Occupied Territories: Engagement Through the Cooperation’.⁴¹⁷ The strategies are similar in all major components and share the vision of peaceful reconciliation and de-escalation of tensions, however, the Georgian government is actively using the term ‘occupation’ which does not comply with the EU’s approach. From the legal perspective, the term underlines the fact that Georgia is dealing explicitly with Russia rather than the de-facto authorities of Abkhazia and South Ossetia. Such formulation

⁴¹⁴ Andrey Shatalov, “‘Occupied Territories’ Term Inapplicable to Abkhazia, South Ossetia - Foreign Ministry” (International Information Group, June 9, 2012), <https://interfax.com/newsroom/top-stories/56085/>.

⁴¹⁵ European Parliament, “European Parliament Resolution of 14 June 2018 on Georgian Occupied Territories 10 Years after the Russian Invasion (2018/2741(RSP))” (European Parliament, June 14, 2018), https://www.europarl.europa.eu/doceo/document/TA-8-2018-0266_EN.html.

⁴¹⁶ Irakliy Khintbaa, “The EU and the Conflicts in the Eastern Neighborhood: The Case of Abkhazia” (Heinrich Boell Foundation, September 23, 2010), <https://www.boell.de/en/navigation/europe-transatlantic-eu-conflicts-abkhazia-10215.html>.

⁴¹⁷ Sabine Fischer, “The EU’s Non-Recognition and Engagement Policy towards Abkhazia and South Ossetia - Seminar Reports” (Institute for Security Studies, December 2, 2010), https://www.iss.europa.eu/sites/default/files/EUISSFiles/NREP_report.pdf, 3-4.

goes against the EU's agenda of direct engagement with contested regions and conflict mediation in four consecutive steps.⁴¹⁸ In recent years, the Georgian government has repeatedly refused to discuss the legal and territorial status of the separatist regions which is mainly caused by the fear of 'creeping recognition'.⁴¹⁹ In the context of EU-Georgian relations, the term can be interpreted as an implementation of innovative engagement mechanisms which could lead to increased cooperation between de-facto authorities and the international community, resulting in wider recognition of the sovereignty of breakaway entities.⁴²⁰ As a preventive measure, the Georgian government adopted the Law on Occupied territories which regulates the interaction of international actors and individuals with separatist entities.⁴²¹ According to De Waal (2017): "the international organizations and NGOs are obliged to request authorization from the Georgian government and deliver a detailed report on their planned activities in contested regions."⁴²² Consequently, out of the fears of the 'creeping recognition', the Georgian government is limiting the efficiency EU NREP strategy, as well as its operational capacity.⁴²³

In 2018, the Georgian government adopted another strategy document 'A Step to the Better Future' which is oriented on relatively soft tools of engagement. The Georgian government aims to enhance the economic cooperation with contested regions, educational exchange programs for students, to re-establish the communication between people and support the free movement on both sides of the ABLs.⁴²⁴ The EU positively assessed the strategy and express the readiness to facilitate the successful implementation of the main objectives.⁴²⁵ In light of economic recession in breakaway entities, caused by decreased financial incentives from Russia, the official Tbilisi aims to strengthen its posture as a reliable partner in trade, however, the formalization of the illegal trade and markets poses certain threats and

⁴¹⁸ Thomas De Waal, "Enhancing the EU's Engagement With Separatist Territories" (Carnegie Europe, January 17, 2017),3-4. https://carnegieendowment.org/files/DeWaal_EU_Engagement_with_Seperatist_Territories.pdf.

⁴¹⁹ Sabine Fischer, "The EU's Non-Recognition and Engagement Policy towards Abkhazia and South Ossetia - Seminar Reports" (Institute for Security Studies, December 2, 2010), https://www.iss.europa.eu/sites/default/files/EUISSFiles/NREP_report.pdf, 3-4.

⁴²⁰ Ibid.4

⁴²¹ Ibid.4

⁴²² Thomas De Waal, "Enhancing the EU's Engagement With Separatist Territories" (Carnegie Europe, January 17, 2017),5. https://carnegieendowment.org/files/DeWaal_EU_Engagement_with_Seperatist_Territories.pdf.

⁴²³ Ibid.

⁴²⁴ OC Media, "Georgia Takes Russia to ECHR over 'Rights Violations on Occupied Territories'" (OC MEDIA, August 24, 2018), <https://oc-media.org/georgia-takes-russia-to-echr-over-rights-violations-on-occupied-territories/>.

⁴²⁵ Delegation of the European Union in Georgia, "Statement by the Spokesperson on the "A Step to a Better Future' Peace Initiative by the Georgian Government" (European External Area Service – EEAS ,April 4, 2018), https://eeas.europa.eu/delegations/georgia/42446/node/42446_fi.

challenges.⁴²⁶ Alternatively, the Georgian government has launched the state programs in educational, healthcare, and cultural sectors for the residents of Abkhazia and South Ossetia. The annual budget for medical treatment equals GEL2 million (€600,000), more than GEL500,000 (€150,000) is spent on the funding of higher education, and up to GEL150,000 (€45,000) is spent on the cultural projects.⁴²⁷ Furthermore, the Georgian government effectively contributes to the prevention of the HIV/AIDS epidemic in Abkhazia.⁴²⁸

The energy sector is also a mutually interesting and profitable area for the confronting parties. The Georgian government and the Abkhaz de-facto authorities jointly utilize the Enguri Hydroelectric power station which is the major energy security provider for both sides.⁴²⁹ It must be noted that the cooperation in security and defense sector remains virtually impossible. In such circumstances, a closer economic partnership between Tbilisi and de-facto authorities is vital for the achievement of several components of the EU's conflict mediation strategy. The DCFTA opens the doors for advanced EU-Georgian partnerships in the economic sector and could play a crucial role in the conflict settlement process. The trade links can contribute to the normalization of dialogue between the parties and enhance the interest for deeper engagement with the EU.

4.3.3 Low Profile of the EU in the Contested Regions

The efficiency of the EU's conflict mediation strategy significantly depends on the perceptions of the breakaway entities about nature and the role of the Union as an international actor. The analysis of the attitudes of Abkhaz society makes it evident that there is no consensus on the EU's image and extremely low awareness about its activities. Furthermore, for some reason, the EU is perceived as a weaker regional actor than the US.⁴³⁰ Ironically, there is a contradicting popular belief that the EU is supporting Georgia with arms and weaponry for the renewal of hostilities, which makes the Union side of the conflict.⁴³¹ A very small number of progressive thinkers and civil society activists support the idea that te

⁴²⁶ Thomas De Waal, "Enhancing the EU's Engagement With Separatist Territories" (Carnegie Europe, January 17, 2017),6. https://carnegiendowment.org/files/DeWaal_EU_Engagement_with_Seperatist_Territories.pdf.

⁴²⁷ Ibid.

⁴²⁸ European Centre for Disease Prevention and Control, "HIV/AIDS Surveillance in Europe 2019 - 2018 Data" (ECDC, November 28, 2019), <https://www.ecdc.europa.eu/en/publications-data/hiv-aids-surveillance-europe-2019-2018-data>.

⁴²⁹ Ibid.

⁴³⁰ Asida Shakryl, "Perceptions of the EU in Abkhazia and Prospects for the EU–Abkhazia Engagement" (Coinciliation Resources, August 2012), https://rc-services-assets.s3.eu-west-1.amazonaws.com/s3fs-public/PPP_2012analysis1_EN_0.pdf, 8.

⁴³¹ Ibid.9

Europeanization and democratization of Georgia are beneficial for Abkhazia as well.⁴³² The de-facto authorities often refer to the EU as a regional geopolitical competitor to Russia, due to its active cooperation with Georgia. Moreover, the Abkhaz opposition leaders support the idea of a differentiated approach with multiple regional powers within the breakaway region. They see the EU as a reliable economic competitor and to some degree alternative to the Kremlin.⁴³³

One of the main factors which force the de-facto authorities to turn their heads towards the West is their aspirations of sovereignty. In Sokhumi, the political elite realizes that with wider cooperation with the EU it is impossible to seek legitimation of the territorial status. Furthermore, globalization has its effects on the worldviews of Abkhaz youth which increasingly favors the Western educational spaces and culture rather than the Russian.⁴³⁴ Moreover, the NREP strategy in its essence is considered as illegitimate by the Abkhaz political leaders. They accuse the EU of double standards in their recognition policies. The legal precedent of Kosovo is often used as an argument to push the EU to grant the secessionist states of Georgia the same privilege.⁴³⁵ International isolation intensifies the fears of Abkhaz and South Ossetian people over their future as nations. Complete exclusion from the regional political processes and the platforms such as the ENP and the EaP minimize their chances to withstand the recognition ambitions on a global scale. The red lines of the de-facto authorities with the EU are drawn on the negotiation of the status. From their perspective, as long as the EU remains committed to its non-recognition policy and supports Georgian territorial integrity on the international level, it can not be assumed as a neutral actor. Moreover, despite the debate on deeper engagement with the EU in economic and institutional sectors, the pro-Russian trend remains significantly more powerful, thus, the political agenda is shaped through this prism. The Abkhaz public does not seek the restoration of borders with the Georgian side and considers the EU's efforts in this regard as fruitless.⁴³⁶

The EU's efficiency as a conflict mediator significantly relies on its financial capabilities. In response to the war in 2008, the EU allocated more than 8 million Euros in support of civilian

⁴³² Ibid.

⁴³³ Ibid.10

⁴³⁴ Ibid.

⁴³⁵ Ibid.11

⁴³⁶ Liana Kvarchelia, "Conflicts and External Relations in Abkhazia" (Caucasus Dialogues , September 2019), <https://www.international-alert.org/ar/blog/conflicts-and-external-relations-english-1>.

protection, humanitarian aid, and infrastructural rehabilitation.⁴³⁷ In total, between 2005-2010, the EU allocated more than 18 million Euros for improvement of the socio-economic situation in villages near to the ABLs.⁴³⁸ Besides, the EU introduced specialized programs for social reintegration and economic empowerment of the IDPs which was financed with more than 30 million Euros in 2008-2009.⁴³⁹ The EU was made the largest donation towards the housing and food supplies for the IDPs after the war in 2008. More than 100 million Euros have been contributed in this sphere through the ENPI in 2008-2010.⁴⁴⁰ The EU-World Bank economic incentive contributed 500 million Euros from 2008 to 2012 for the rehabilitation of Georgian regions and conflict-affected villages.⁴⁴¹ The EUMM was granted the annual budget of 40 million Euros for support of the humanitarian programs on the ground.⁴⁴² Nevertheless, the Russian recognition of the breakaway entities significantly limited the EU's capabilities to use the financial instruments efficiently. The separatist regions anticipate the respect for sovereignty and self-proclaimed independence from the EU. Moreover, they refuse to engage in deeper cooperation and get fooled by the 'financial carrots'.⁴⁴³ In regards to general perceptions among the separatist entities, the EU's main challenge is to reshape its image from the 'Trojan Horse' of Georgia to the neutral regional actor without neglecting the values and objectives of the NREP strategy. This could enhance the interest of Abkhaz and South Ossetian society towards the soft power tools and mechanisms of the EU and create the fundament for constructive dialogue between the confronting parties.

⁴³⁷ European Commission, "EU Assistance Fact Sheet: Georgia" (ReliefWeb, October 22, 2008), <https://reliefweb.int/report/georgia/eu-assistance-fact-sheet-georgia>.

⁴³⁸ Ibid.

⁴³⁹ Ibid.

⁴⁴⁰ Ibid.

⁴⁴¹ Steffan Wolff and Richard Whitman, "CONFLICT RESOLUTION AS A POLICY GOAL UNDER ENP IN THE SOUTHERN NEIGHBOURHOOD" (University of Nottingham, November 2008), <http://www.stefanwolff.com/files/ENP.pdf>, 7-8.

⁴⁴² Ibid.9

⁴⁴³ Liana Kvarchelia, "Conflicts and External Relations in Abkhazia" (Caucasus Dialogues , September 2019), <https://www.international-alert.org/ar/blog/conflicts-and-external-relations-english-1>.

5. Discussion and the Final Remarks

In the scope of this research, the number of policy documents, relevant scholarly literature, and the practical insights of the experts has been presented and explored. The comprehensive analysis enabled to outline of the strengths and challenges of the EU's conflict mediation strategy in contested regions which is essentially a part of the EU external governance. Furthermore, the research identified key factors that directly impact the EU's conflict mediation capacity in a certain way and create the barriers and limitations on multiple levels. The research has established that the EU's conflict mediation strategy in protracted conflicts has limited capacity and the Union has failed to achieve significant success in the conflict transformation process. These assertions are based on the following arguments:

1. The de-facto authorities and the Georgian government show a low level of compliance and internalization (for different reasons) of the EU NREP strategy which limits its overall impact.

The EU's external governance is built on its capability to exert the norms and values through soft power mechanisms. The analysis of the EU-Georgian cooperation from the early 1990s to the mid-2010s shows that the Union has played a vital role in democratization, institutionalization, and economic development of the country. Georgia has shown praiseworthy consistency in reforms and approximation process, in return, the EU has signed the Association Agreements, the DCFTA, and the Visa Liberalization agreements which contribute to the strengthening of the European course. Moreover, the reports of the European External Service and European Commission show that the EU has allocated hundreds of million Euros throughout the last decade through the economic instruments and incentives, in support of IDPs, infrastructural rehabilitation, social and educational programs, food and safety. Despite various challenges, the partnership can be regarded as successful and both parties publicly imply the necessity for deeper and stronger cooperation. One of the rare cases where the EU and Georgia's visions avert from one another is the legal status of contested regions during the protracted conflicts. The EU NREP is a multi-component strategy that requires the readiness of the confronting parties to follow the EU's guidelines on conflict transformation.

The EU identifies the de-facto authorities as a side of the conflict and works towards the facilitation of dialogue between Georgia and these entities. For this purpose, the EU established the GID under the provision of the six-point cease-fire agreement of August 2008. The EU (or to be precise, old members of the Union) refuse to recognize the Russian occupation in these regions and focus on the de-escalation process. On the contrary, the Georgian government point the arrows toward the Kremlin and puts forward the accusations for provoking the military conflict. The expert interviews helped to establish that the incompatibility between the EU NREP and the Georgian narrative has two consequences: a) the Georgian political elites are anxious about the potential recognition of 'de-facto sovereignty' of the contested regions, b) the efficiency of the EU NREP is limited in practical aspect. Moreover, the low-awareness about the EU in contested regions causes the division in opinion among the population and raises the skepticism among the political elites, which portray the EU as the 'Trojan Horse' of Georgia. As a result, the EU NREP strategy does not achieve the anticipated impact on the conflict transformation process.

2. The EU member states are united in non-recognition of the contested regions but divided on the strategy of engagement and approach towards Russia.

The analysis of empirical data shows that the EU played a crucial role in the de-escalation of tensions in 2008 and the leadership of French President Sarkozy brought the confronting parties on negotiation table to sign the cease-fire agreement. The expert interviews confirmed this opinion and further extended that if not the EU's active measurements during the war in August, Georgia could risk losing even more territories. Several factors contributed to the initial success of the EU in conflict de-escalation 1. The Presidency of France in 2008 and Sarkozy's good relations with Russia enabled the EU to engage with Russia over the security matters and efficiently overcome the institutional formalities; 2. The EU Civcom served as a base for rapid reaction to the conflict in terms of humanitarian, food, and financial assistance in conflict-affected areas. 3. In contrast to the US, Poland, and the Baltic States, France and Germany rejected Georgia's request for MAP at NATO Bucharest Summit but emerged as leading peacemakers after the war. Nevertheless, the EU's diplomatic success was overshadowed after several weeks, when Russia recognized the independence of secessionist regions. The internal divergence in the Union is caused by the individual interests and concerns of the member states. As the analysis of the empirical data showed, the old member

states avoid the confrontation with the Kremlin due to the energy security concerns and fragile political status-quo. New member states follow the narrative of the US and push for more aggressive and direct engagement in competition with Russia. This factor was evident in the EU's stance on the territorial clauses in the AA and DCFTA documents. Internal division affects not only the EU's neighborhood policy and mechanisms such as the NREP but also its overall posture as a conflict mediator at the GID and other international platforms. Instead of engagement in political debates and actualization of complex issues, the EU stands as a neutral dialogue facilitator and projects the power and interests of the confronting parties. This fact demonstrates to succeed on the external level the EU must attain the capability to outweigh Russia's influence on the regional scale. To achieve this stance, the Union requires a cohesive strategy in approach towards the Kremlin and to strengthen the legal and political frameworks on issues such as unstable security and recessing economy in the contested regions.

3. Russia's domination in political, economic, and security sectors in contested regions limits the efficiency of the EU's socio-economic and political mechanisms and incentives.

The analysis of the financial reports from the EEAS and the European Commission showed that the EU has been one of the main donors in Georgia and its separatist regions towards the improvement of socio-economic and humanitarian conditions. The ENPI and other financial instruments were critical for the provision of housing and food supplies for tens of thousands of IDPs. Financial mechanisms are key components of the EU's external governance and its 'carrots and sticks' policy. However, the qualitative content analysis of the expert interviews indicates that residents of the breakaway regions are characterized by low-awareness about the EU's activities and the objectives of the NREP strategy. Furthermore, the Russian-controlled media and television in breakaway entities actively pushes the anti-Western ideas and portrays the EU defender of Georgian interests and a threat to domestic security. Despite the EU's solid financial contributions towards Georgia and the contested states, the empirical analysis shows that Russia is unrivaled in terms of financial contributions towards the de-facto authorities. The Kremlin is responsible for infrastructural projects, pensions, support of business, and allocation of more than half of the budgetary pool in the contested regions. Because the EU has shown limited engagement in political aspects of the protracted conflicts, being outmaneuvered in financial dimensions makes the Union's strategy almost obsolete.

The Kremlin perceives the common neighborhood with the EU as it's near abroad, thus, it actively exercises the financial instruments and hard power to counter the EU's external governance mechanisms such as the EaP, the AA, and the DCFTA. The current stance, the EU NREP does not address the Russian factor which means that a big piece of the puzzle in conflict mediation is still missing.

The NREP strategy in its essence does not offer sufficient capacity to resolve the secessionist conflicts in Georgia but provides solid ground for engagement with de-facto authorities and facilitates multiparty dialogue. Despite Russia's economic dominance, the EU's financial mechanisms are more targeted and address the needs of ordinary people which can further contribute to the reconciliation process. The Georgian government's concerns over the 'creeping recognition' remain a substantial issue for the EU, thus, the Union must seek for the reevaluation of the legal and contextual status of the confronting parties and enhance the compliance of the strategies. The comprehensive analysis of empirical data and expert interviews enables the research to assess the impact of the EU's conflict mediation strategy in accordance with the theoretical framework developed by Begmann&Niemann.

Level	Conflict Dynamics	Description of Behavioral Change of Confronting Parties
5	Full Settlement	Final settlement of all issues and causes of the conflict
4	Settlement of Major Issues	Partial settlement of the major issues of the conflict
3	Settlement of Minor Issues	Partial settlement of the minor issues of the conflict
2	Process Agreement	No agreement on the dispute, consensual readiness to further the negotiation process
1	Ceasefire Agreement	Agreement to stop the military action, consensual readiness to seek peaceful means of conflict resolution
0	No Agreement	Mediation does not result in any agreement

The EU's conflict mediation strategy corresponds to four phases of the conflict resolution process. The immediate response of the EU during the war in 2008 and initial diplomatic success which was followed by the establishment of the GID can be interpreted as the EU's high-level engagement in the conflict mediation process. The EU's financial incentives and facilitation of the dialogue through the GID in the face of various challenges can be attributed as a medium level efficiency in the conflict transformation process. Considering that the EU NREP strategy has achieved some of its objectives but generally refrain to address the political context of the conflict, struggles to achieve the desired depth of internalization in Georgian and contested regions and does not correspond to acute demands of the confronting parties, the EU's conflict management capacity shall be assessed at a medium level. In light of 'creeping borderization', threats of the re-escalation of the armed hostilities, unilateral operation of the EUMM on Georgian borders, severe human rights situation in breakaway entities, and growing influence of Russia on de-facto authorities, the EU's conflict settlement capacity shall be assessed as a low level.

EU NREP Component	High Level	Medium Level	Low Level
Conflict Mediation	X		
Conflict Transformation		X	
Conflict Management		X	
Conflict Settlement			X

The political elites in Brussels and Tbilisi agree that in current terms, the partnership has no alternative and despite shortcoming, the NREP strategy ensures the international recognition of Georgia's territorial integrity, as well as limitation of aspirations of contested regions. The ongoing geopolitical trends in the region imply on the difficulty to expect significant changes in foreseeable future, however, once the de-facto authorities show more interest in deeper engagement with Georgia through the DCFTA and AA opportunities, the EU will be more flexible to exercise the NREP to higher extent which might eventually lead to progress in conflict transformation and full settlement.

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