



Anna Steiner

## Enhanced Relations – Protracted Conflict(s)?

The EU's Non-Recognition and Engagement Policy (NREP)  
towards Abkhazia and South Ossetia in Georgia

**WISSENSCHAFTLICHE BEITRÄGE  
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## Foreword

Anna Steiner examines Georgia's breakaway regions in the context of EU policies – a highly topical, yet unresolved matter.

The author sheds light on the wider contexts of EU-Russian relations, the politico-normative framework of EU-Georgian relations, neighbourhood relations and finally, on applicable governance concepts. The accuracy of the author in dealing with protracted conflicts, resilience and conditionality on the ground makes the book an exciting reading.

A rich body of relevant policies, strategies, interviews and documentation, including formal road maps and non-papers, results in an excellent analysis of the various strands in policy development. Moreover, the description of the status of isolation, lack of statehood and legitimacy of governmental structures underpins the necessity of an engagement of the EU as a conflict manager.

The thesis offers a series of practical proposals by cautiously widening the horizon towards political solutions, while being realistic. This makes the book at hand a model for future diplomatic engagement.

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## Executive Summary

The central question of this thesis is whether and how the European Union's Non-Recognition and Engagement Policy (NREP) for Abkhazia and South Ossetia/Tskhinvali Region has been successful in increasing conflict management capabilities and governance in Georgia. Since the NREP's launch in 2009, relations between Georgia and the EU have become closer (Association Agreement and DCFTA, Visa Liberalisation).

Other than Georgian policies as well as U.S. policies, the EU does not use the term "occupied territories" when talking about Abkhazia and South Ossetia/Tskhinvali region. Thereby, the EU to a certain extent defines Sukhum/i and Tskhinval/i as counterparts of its non-recognition framework and differentiates between the diverging realities on the ground. The thesis examines how the NREP has been implemented in various EU tools and instruments, in line with the EU's comprehensive or integrated approach to conflict. It analyses to what extent the enhanced EU-Georgia relations have had or could have impact on resolving the protracted conflicts. Based on expert interviews, the implementation and success of the NREP is reviewed.

The NREP is a flexible policy that has not been designed to solve the protracted conflicts in Georgia but to nonetheless engage in the breakaway territories. With regard to this, the EU definitely has something to offer: In its programmes, the focus is on people's needs and skills development, thus contributing to resilience and stabilisation of the conflicts. In practice, EU engagement is limited in Abkhazia and could not be implemented in South Ossetia/Tskhinvali region. Enhanced relations with Georgia could have the potential to add a wide range of opportunities for the residents of the breakaway territories to the EU's engagement portfolio. These additional measures have not gained momentum yet for various reasons, including the territories' dependence on Russia and Russian passportisation, lack of confidence in Georgia and fear of stigmatisation at home.

However, the measures offered as part of and alongside other instruments of the EU's integrated approach to conflicts, and especially the ongoing dialogue with Georgia, Russia and the breakaway territories, have already contributed to stabilising the conflicts. Once Abkhazians would (be allowed/able to) take full use of the benefits offered, NREP together with enhanced EU-Georgia relations could have the potential to contribute to positive peace, making Abkhazia a role model not only for South Ossetia but also other areas of protracted conflicts within the European Union's Eastern Neighbourhood.

## Abbreviations and Acronyms

AA	Association Agreement
ABL	Administrative Border Line
ACF	Action Contre la Faim
CEPA	Comprehensive and Enhanced Partnership Agreement
COBERM	Confidence Building Early Response Mechanism
COREPER	Committee of Permanent Representatives
CIS	Commonwealth of Independent States
CPI	Corruption Perception Index
CSDP	Common Security and Defence Policy
CSO	Civil Society Organisation
DCFTA	Deep and Comprehensive Free Trade Area
DG	Directorate-General (European Commission)
DIPECHO	Disaster Preparedness ECHO Programme
DRG	Democratic Republic of Georgia (1918-1921)
DRC	Danish Regional Council
East StratCom	East Strategic Communication
EAEU	Eurasian Economic Union
EaP	Eastern Partnership
EC	European Commission
ECHO	European Civil Protection and Humanitarian Aid Operations
EEAS	European Union External Action Service
ENP	European Neighbourhood Policy
ENPARD	European Neighbourhood Programme for Agriculture and Rural Development
ENPI	European Neighbourhood Policy Instrument (2007-2013)
ENI	European Neighbourhood Instrument (2014-2020)
EIDHR	European Instrument for Democracy and Human Rights
ESS	European Security Strategy
EU	European Union
EUGS	European Union Global Strategy
EUISS	European Union Institute for Security Studies
EUMC	European Union Military Committee
EUMM	European Union Monitoring Mission to Georgia
EUSR	European Union Special Representative

EU HRVP	High Representative of the Union for Foreign Affairs and Security Policy
FAO	Food and Agriculture Organization of the United Nations
GID	Geneva International Discussions
IDP	Internally Displaced Person
IfS	Instrument for Stability (2007-2013)
IcSP	Instrument contributing to Stability and Peace (2014-2020)
IIFFMCG	Independent Internat. Fact-Finding Mission on the Conflict in Georgia
IPRM	Incident Prevention and Response Mechanism
LoOT	(Georgian) Law on Occupied Territories
NGO	Non-Governmental Organisation
NIS	Newly Independent States
NREP	Non-Recognition and Engagement Policy
ODIHR	Office for Democratic Institutions and Human Rights
OSCE	Organisation for Security and Cooperation in Europe
PCA	Partnership and Cooperation Agreement
PESCO	Permanent Structured Cooperation
PSC	Political and Security Committee
TACI	Technical Assistance to the Commonwealth of Independent States
UN	United Nations
UNDP	United Nations Development Programme
U.S.	United States of America
USSR	Union of Soviet Socialist Republics

## Introduction

Being located on an important energy transit route for energy exports to the EU, the South Caucasus is a strategically important part of the European Union's Eastern Neighbourhood (cf. Fischer 2010b: 4). The region has previously been part of a geopolitical game between Moscow and the West during the Cold War. After the collapse of the Soviet Union, the independent states of Armenia, Azerbaijan and Georgia have been influenced by regional key players – e.g. Turkey and Iran – as well as international actors – Russia, the United States and the European Union. The European Union has developed close political, societal and economic relations with the three states, especially with Georgia, with which it signed an Association Agreement in 2014 that introduces a preferential trade regime – the Deep and Comprehensive Free Trade Area (DCFTA).

However, protracted conflicts<sup>1</sup> with and over *de facto* independent entities such as Nagorno Karabakh (disputed over between Armenia and Azerbaijan) or Abkhazia and South Ossetia/Tskhinvali region in Georgia, that have been recognised by Russia after the 2008 Georgian-Russian war, endanger the region's sustainable and peaceful development. The Russian recognition of the independence of both Abkhazia and South Ossetia has made them “partially recognised” states but isolated on an international stage. The international community (except for Russia, Nauru, Nicaragua, Venezuela, Syria and the *de facto* entities themselves) regard Abkhazia and South Ossetia/Tskhinvali region integral parts of Georgia.

Fischer (2010:4) describes Abkhazia, South Ossetia and Nagorno Karabakh as “‘white spots’ on the map of the [European Union's] Eastern Neighbourhood” (Fischer 2010b: 4). The lack of statehood and legitimacy isolates the *de facto* entities from the international community, which thus stands in contrast with the EU's interest to increase its engagement with the region. This contrast is most prevalent in Georgia, a country closely associated with the EU, where two *de facto* independent states have emerged.

In order to strengthen its role in conflict resolution, the European Union approved a Non-Recognition and Engagement Policy (NREP) towards Abkhazia and South Ossetia in December 2009 that

„[...] aims at opening a political and legal space in which the EU can interact with the separatist regions without compromising its adherence to Georgia's territorial integrity” (Fischer 2010b: 1).

Since the NREP is based on a non-paper that has never been published, the only publicly available document setting out the policy in more detail is an EU Institute

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1 The wording “protracted conflicts” will be used throughout this thesis. Often referred to as “frozen conflicts”, this term has proven to be inappropriate and hypocritical, since neither the situation, nor the danger of a new escalation is frozen or put on hold (cf. Morar 2010: 10-18).

for Security Studies (EUISS) report by Sabine Fischer (= Fischer 2010b) published in 2010 (cf. de Waal 2017). Therefore, the public profile of the NREP is relatively low (cf. *ibidem*). Furthermore, a public political debate about the NREP has not taken place. While the two pillars of the policy – non-recognition and engagement – have been reaffirmed by the EU on various occasions, the NREP itself has neither been widely discussed, nor officially revised<sup>2</sup>.

This – alongside the lack of academic discussion dealing with the NREP<sup>3</sup> – is surprising, especially as over the 10 years following the 2008 war and Russian recognition of Abkhazia and South Ossetia, the relations between Georgia and the EU have significantly deepened. This is evidenced by the Association Agreement and DCFTA and the Visa Liberalisation, which became effective in March 2017.

The present thesis aims to close this gap by giving a brief overview of EU-Georgia relations and describing if and in how far the NREP has developed within the same time frame. In this context, analysis of how the NREP has been integrated in the EU's political and economic tools will be discussed. Designed as one component of the EU's comprehensive conflict resolution strategy in Georgia, the aim of this thesis is to detect whether the EU's NREP for South Ossetia and Abkhazia has been successful in increasing conflict management capabilities and governance in Georgia.

Based on expert interviews, the implementation and success of the NREP will be reviewed. This includes recommendations for a future EU approach towards the *de facto* states Abkhazia and South Ossetia/Tskhinvali region that will complete the work.

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- 2 The EUISS Report by Sabine Fischer (2010b) was published as Seminar report after a meeting on 1-2 December 2010 between the EUSR for the South Caucasus and the EUISS. It contains, besides an assessment of its implementation, recommendations, for example that “the NREP should focus primarily on de-isolation and transformation” (cf. *ibidem*: 6). Thus, the evolution of the policy within the first year can be tracked.
  - 3 Besides publications in 2009-2011, for example “Engagement without Recognition” by Cooley and Mitchell (2010), few recent articles could be found, among them Thomas de Waal's analyses “Enhancing the EU's Engagement With Separatist Territories” (2017) and “Uncertain Ground” (2018).

## (Non-)Recognition of States in the International System

Statehood in International Law is based on the Montevideo Convention on the Rights and Duties of States of 1933<sup>4</sup> that provide four fundamental requirements, namely “a permanent population, a defined territory, a government and the capacity to enter into relations with the other States” (Art. 1, Montevideo Convention 1933). Whether the fulfilment of the criteria is satisfactory for being a State (declaratory theory) or whether only external recognition makes an entity a State (constitutive theory) is a heavily discussed legal debate.

When applying only the Montevideo Convention to Abkhazia and South Ossetia/Tskhinvali in Georgia, it might be argued they do fulfil the criteria since they do have a permanent population, a defined (yet disputed) territory, a (de facto) government and have entered relations with the outside world. However, these external relations are primarily limited to Russia, one of five countries worldwide that recognises their independence. The Russian Federation also provides them with military support and security guarantees. Moreover, the largest share of the entities’ budgets’ come from Russia. This huge dependence on Russia certainly stands in contrast to the entities’ proclaimed independence. If the constitutive theory is applied, it might be argued that they do have partial recognition (by Russia, Nauru, Nicaragua, Venezuela and Syria) – but the open question of how many recognitions are necessary to be regarded a State remains.

In practice, mixtures of both the constitutive and declaratory theories are used. The international community organised itself in a membership system – the United Nations – that any new State may apply to together with a formal letter stating it accepts the obligations under the UN Charter. In short, the Security Council then considers the application, where at least nine of the fifteen members must affirm it – provided that none of the five permanent members (China, France, the Russian Federation, the United Kingdom and the United States) has voted against it. The recommendation of the Security Council is presented to the General Assembly for consideration, after which a two-thirds majority vote by the Assembly is needed for the final admission at a set date (cf. UN: n. d.).

This system of state recognition was established following the Second World War. After the post-Cold War era and the dissolution of the Soviet Union and Yugoslavia, it has been challenged again. History has shown that in addition to the legal theory on statehood criteria, political dialogue is crucial:

“The post-Cold War practice confirms that new states do not emerge automatically upon meeting the statehood criteria. In order to emerge as a state, an entity needs to

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4 The Montevideo Convention on the Rights and Duties of States was adopted by the 7<sup>th</sup> International Conference of American States. The legal norms and principles codified in it have become customary international law and thus apply to all subjects of international law (cf. Harris 2004: 99).



overcome the hurdle of a competing claim to territorial integrity. This is achieved (or not) in a political process” (Vidmar 2013: 137).

Where this process fails (or fails to take place), unrecognised entities evolve. They are defined as territories that, often through warfare, have achieved *de facto* independence, but lack international recognition as independent states (cf. Caspersen/Stansfield 2011: 1-2). By not fitting into the international system, they challenge the principle of territorial integrity of established states, even though they do not try to undermine the system or create new forms of statehood, but rather claim their own place in the system (cf. *ibidem*).

Following Caspersen and Stansfield (cf. *ibidem*: 5-6), unrecognised states are defined based upon three criteria:

Firstly, they have achieved *de facto* independence, which means control over (most of) their territory including a capital city and key regions for at least two years. This distinguishes them from other separatist movements.

Secondly, they have demonstrated their will for *de jure* independence through a formal declaration of independence or the holding of a referendum.

Thirdly, they have not gained (full) international recognition. Even if they have been recognised by some states and thus are “partially recognised states”, they lack being full members of the international system of sovereign states.

Abkhazia and South Ossetia are two examples of such *de facto*, partially recognised entities. The majority of the world’s governments consider them integral parts of Georgia. This status dates back to the international recognition of Georgia, which declared its independence from the Soviet Union on April 9, 1991, within the former Soviet Republic of Georgia, consisting of Georgia with its capital Tbilisi, the Autonomous Republic of Abkhazia and the Autonomous Oblast of South Ossetia. After wars with Georgia in the 1990s, both Abkhazia and South Ossetia gained *de facto* independence and unilaterally declared their independence<sup>5</sup> – yet without international response.

Only after the 2008 war in South Ossetia, the Russian Federation (their “patron state”, cf. Caspersen/Stansfield 2011: 5) as well as its Latin-American allies Nicaragua, Venezuela and Nauru<sup>6</sup> officially recognised Abkhazia and South Osse-

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5 South Ossetia declared its independence in 1992. Abkhazia *de facto* gained independence in 1993, but declared it only in 1999.

6 Two other South Pacific islands followed Nauru as result of “cheque-book diplomacy” (cf. Hume 2012): In May 2011, Vanuatu recognised Abkhazia, but not South Ossetia – and received \$50 million from Russia, according to a former foreign minister (cf. Bullough 2014). Later that year in October, Tuvalu recognised both Abkhazia and South Ossetia and received a shipment of water from Abkhazia (cf. *ibidem*). Both countries have rescinded the recognition in 2013 (Vanuatu) and 2014 (Tuvalu) and established diplomatic relations with Georgia instead, as Abkhazia – unlike Georgia – refused to fulfill their financial pledges (cf. Bullough 2014).

tia. In May 2018, the Syrian government formally recognized both entities as independent states as act of gratitude for Russia's military interventions in the Syrian civil war (cf. Lomsadze 2018)<sup>7</sup>.

Partial recognition means, as Abkhaz community facilitator Liana Kvarchelia (2013) metaphorically puts it, that "Abkhazia currently exists [...] in two dimensions". This statement can, to a slightly different degree, due to its greater isolation, also be transferred to the situation in South Ossetia/Tskhinvali region. One dimension covers the entities as *de jure* recognised states and official actors in bilateral relations. Since only one out of only four players – Russia – is of international and local influence and provides military security guarantees as well as economic assistance, this dimension remains limited (cf. *ibidem*). The by far greater dimension is the one in which Abkhazia and South Ossetia/Tskhinvali region are considered integral parts of Georgia and thus not sovereign entities that could be subject to international relations (cf. *ibidem*).

Non-recognition is viewed upon differently by the inside and outside; hence everyone agrees it shall not be a permanent status (cf. Caspersen/Stansfield 2011: 5). What obviously divides the views is the desired outcome of a status change: The local leadership and population in the inside regard the status quo as a "necessary, and possibly painful, step on the road to recognition" (*ibidem*). The outside world though mostly thinks of it as a "temporary anomaly" (*ibidem*), before – through negotiations or the use of force – territorial integrity is restored.

Other than both presumptions, current international developments show that the status of non-recognition or partial recognition tends to remain a permanent status more frequently (cf. *ibidem*: 6). In the foreseeable future, joining the UN is not within reach for either Abkhazia nor for South Ossetia; while a soon-to-be reintegration with Georgia also seems unlikely (cf. *ibidem*).

Besides superficial similarities, the situation and political challenges between Abkhazia and South Ossetia/Tskhinvali region are not comparable (cf. Fischer 2010b: 5; Cooley/Mitchell 2010: 61).

South Ossetia with a population of about 50,000 people is geographically isolated<sup>8</sup> and lacks any economic base (cf. Fischer 2010b: 5; cf. Cooley/Mitchell 2010: 61), which makes independent statehood "prima facie absurd" (Cooley/Mitchell 2010: 61). Russia is present not only through concentrated military forces but also controls the cabinet and security services (cf. *ibidem*), while the

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7 Giorgi Lomsadze (2018) explains that Abkhazia moreover has its own story with Syria: In the 19<sup>th</sup> century, many Abkhazians fled to Turkey and Syria when Tsarist Russia conquered the North Caucasus. This is why a campaign of repatriation has started after the outbreak of the civil war in Syria, a process in which the Abkhaz diaspora in Syria "[in] a historic irony" (*ibidem*) is brought to the home of their descendants with Russian assistants (cf. *ibidem*).

8 Moreover, the close approximation to Tbilisi makes its security concerns "very real" (Cooley/Mitchell 2010: 61).

South Ossetian leadership refuses exchange with international players other than Moscow (cf. Fischer 2010b: 5). The room for civil society is very limited (cf. *ibidem*). Other than Abkhazia, South Ossetia does not strive for independence but seeks arrangements with North Ossetia across the border in the Russian Federation or official unification with Russia (cf. Cooley/Mitchell 2010: 61).

Since the recognition by Russia, the much larger Abkhazia (220,000 people) has even increased its attention on the state-building project instead of focussing so much on the conflict with Georgia (cf. Fischer 2010b: 5). Being located on the Black Sea, Abkhazia has some natural resources and more developed political institutions, including semi-competitive elections, multiple political parties, civil society groups and an independent media (cf. Cooley/Mitchell 2010: 61).

While this might suggest that Abkhazia does have the capacity for political autonomy or even self-governance, the issue of Georgian internally displaced persons (IDPs) weakens Abkhazia's position (cf. *ibidem*<sup>9</sup>). Furthermore, the political and economic dependence on Russia has increased following Russia's recognition (cf. *ibidem*). This development is not assessed positively among a certain number of political actors and leaders as well as among civil society, who justifiably fear this will have a negative impact on their "sovereignty" (cf. Fischer 2010b: 5), as Abkhazia's ultimate goal is to become and remain independent. The same groups that oppose the high dependence on Russia have an interest in an autonomous exchange with external actors other than Moscow (cf. *ibidem*).

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9 See also chapter "Human Rights in the de facto States".

## EU Basis for the Recognition of Georgia and the Non-Recognition of the de facto States

The European Union bases its recognition of Georgia (including Abkhazia and South Ossetia/Tskhinvali region) on the “EC Guidelines on the recognition of new States in Eastern Europe and in the Soviet Union” (hereinafter “EC Guidelines”) of 16 December 1991, which set out the framework for the recognition of former Soviet Union States. The EU established these guidelines since neither the UN Charter of 1945 nor the human rights covenants of 1966 had foreseen the entitlement of statehood for a non-colonial case (cf. Almqvist 2017: 2). Thus, there was no solid international legal foundation for dealing with the twelve Soviet republics (the Baltic states excluded) and the six Yugoslav republics (cf. *ibidem*).

One week prior to the EC Guidelines, the Belavezha Accords (sometimes referred to as The Minsk Agreement), signed by Russia, Ukraine and Belarus, formally confirmed the dissolution of the Soviet Union and established the Commonwealth of Independent States (CIS). A protocol to the agreement (the Alma-Ata Declaration) was signed on 21 December 1991 with the remaining Soviet Republics – except for Georgia and the Baltic States, that also declared their independence in 1991 – and extended the CIS to them (cf. Vidmar 2013: 69). Georgia joined the CIS in December 1993, while the Baltic States never joined. Similar to the Belavezha Accords, the Alma-Ata Declaration contains the following commitments:

“[S]et[...] up lawfully constituted democratic States, the relations between which will be developed on the basis of mutual recognition and respect for State sovereignty and sovereign equality, the inalienable right to self-determination, the principles of equality and non-intervention in internal affairs, abstention from the use of force and the threat of force and from economic or any other method of bringing pressure to bear, peaceful settlement of disputes, respect for human rights and freedoms including the rights of national minorities, conscientious discharge of obligations and the other universally acknowledged principles and norms of international law” (The Alma-Ata Declaration 1991: para 2; quoted from Vidmar 2013: 69).

Vidmar (cf. 2013: 69-70) observed that those provisions were similar to the commitments in the EC Guidelines adopted one week later. The EC Guidelines additionally made international recognition subject to the implementation of democratic standards. However, they were applied in a different manner with regards to the SFRY, where the international personality could not be taken up by one single state, and to the former Soviet Union, where this was accepted (cf. *ibidem*: 70). In fact, the continuity of Russia’s membership as the successor of the Soviet Union in the UN, including the Security Council and all other organs and organizations, was not formally confirmed, but “Russia took up the seat of the

Soviet Union without objections” (Crawford 2006: 395). The newly independent states – among them Georgia – all became UN members in 1992<sup>10</sup> (cf. Vidmar 2013: 70).

By establishing the EC Guidelines, European policy-making adopted a new common position on the recognition of states that concentrated on peace and security concerns and pragmatically responded to the radical changes of international political realities (cf. *ibidem*: 3-4; cf. EC Guidelines, Annex 1). At the same time, the European ‘one-size-fits-all’ approach towards the recognition of the newly independent states has “downplay[ed] the question about the statehood criteria” (Almqvist 2017: 6).

In fact, the timing of Georgia’s recognition within its Soviet borders by the international community can be regarded “very strange” (Harzl 2016: 62) since the statehood criterion of an effective government, in all fairness, has not been fulfilled by March 1992 (cf. *ibidem*): The country’s political leadership was weak and Georgia was de facto controlled by paramilitary units (cf. *ibidem*; cf. Fischer 2010a: 45). Harzl (cf. *ibidem*) notes that the characteristics of a failed state can hardly be denied. Apparently, the trust in the political leadership of President Shevardnadze, who enjoyed high popularity in Europe and the U.S., prevailed against internal problems and a lack of democratic legitimacy (cf. *ibidem*: 63).

Yet the goal of the international community was to ensure stability as quickly as possible and therefore apply the continuity position as basis, which meant recognizing former union republics as sovereign and independent states (cf. Coppiepers 2018: 1000-1001). This was to prevent a chaotic disintegration of the Soviet Union which might have caused serious security concerns (cf. *ibidem*). Out of the same concerns, these republics had therefore already mutually recognised each other’s territorial integrity and inviolability of existing borders in the Alma-Ata Declaration (cf. *ibidem*: 1001). The EC guidelines confirmed the inviolability of borders and determined that they could only be changed “by peaceful means and common agreement”.

Recognition and non-recognition decisions are always subject to debates. The EU’s pragmatic, often politically driven approach can be criticised insofar as it does eventually not always offer the same set of rules to everyone. Since strategic considerations play a leading role, there remains a risk for the EU of contradicting itself by taking arbitrary decisions as to whether or not an entity shall be recognised, and also leads to internal disagreement among the Member States (cf. Almqvist 2017: 12). As the EU commits to promoting the rule of law in its international relations, “[t]his outcome is problematic to sustain” (*ibidem*).

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10 Moldova, Kazakhstan, Kyrgyzstan, Uzbekistan, Armenia, Tajikistan, Turkmenistan and Azerbaijan joined the UN on 2 March 1992 and Georgia, who applied belatedly, on 31 July 1992. Belarus and Ukraine were original members of the UN and continued their membership (cf. Vidmar 2013: 70, footnote 38).

One rule the EU insists on is the rule on peaceful negotiations, which was laid down in the EC Guidelines 1991 (cf. *ibidem*: 13). However, not all secessions have been negotiated and agreed on. For example, the majority of EU states recognise Kosovo, even though there was no negotiated agreement with Serbia, which “risks undermining the universal validity of this rule” (Almqvist 2017: 13). At first glance, such inconsistencies hamper the negotiation position with Abkhazia, South Ossetia or the Crimea, that might also ask for exceptions (cf. *ibidem*). Of course, every single entity has to be assessed individually by the EU, as every situation is incommensurable. It is needless to say that drawing comparisons between Kosovo (currently recognised by 23/28 EU countries and 112/193 UN countries and thus also regarded “partially recognised”) and *de facto* states in Georgia (currently recognised by five non-EU states) is not of any help in this discussion. However, “[w]hereas a commitment to the rule of law does not demand equal treatment of all cases, it requires [...] valid reasons for treating similar cases differently, [...] [which need to be] understandable and acceptable from the standpoint of affected populations” (Almqvist 2017: 13).

Another condition endorsed in the EC Guidelines is the respect for human rights and guarantees for ethnic groups and national minorities. With regards to the non-recognition of both Abkhazia and South Ossetia, this condition is of utmost importance. Serious human rights violations are reported in both entities, especially in relation to the discrimination against ethnic Georgians residing there. This means that when discussing the (non-) recognition of the *de facto* states with reference to the EC Guidelines, human rights violations and especially the situation of internationally displaced persons significantly weaken the position of both entities.

Bruno Coppieters (2018) carried out a comparative normative analysis in which he contrasts the continuity position and possible other positions (remedial position, effectivist position, choice position), focussing on their (possible) application on Abkhazia. According to his findings, the international community has chosen the right approach in 1991 by applying the remedial position for the Baltic states and the continuity position for the remaining former Soviet states (cf. *ibidem*: 1012). Most probably, neither of the other possible approaches would have been better accepted by the international majority or more helpful in resolving the conflicts, he found (cf. *ibidem*).

## Protracted Conflicts in Georgia

Georgia became independent from Moscow on 9 April 1991 within the borders of the Soviet Socialist Republic of Georgia that comprised of Georgia with its capital Tbilisi, the Autonomous Republic of Abkhazia and the Autonomous Oblast of South Ossetia.

Georgia is comprised of five “compactly settled minorities” (Cornell 2002: 19), namely the Ajars, South Ossetians and Abkhazians, who have held autonomous territories since the 1920s, and Armenians and Azeris, who have never had any autonomy (cf. *ibidem*). When the upcoming dissolution of the Soviet Union became noticeable in 1987, ethnic tensions evolved. The nationalist politics of Georgian leader Zviad Gamsakhurdia (1990-1992) contributed to the heated-up atmosphere within Georgia.

The non-autonomous minorities reacted differently. The Armenian minority in Javakheti expressed their dissatisfaction, but, despite tensions, the Armenians did not establish a separatist movement (cf. *ibidem*). At the same time, the Azeri minority remained silent. In the autonomous regions of Abkhazia and South Ossetia, these tensions led to armed conflict (cf. *ibidem*: 19-20). Until today, Ajaria represents the only autonomous region in the South Caucasus that did not have a violent conflict with its ‘mother state’ (cf. *ibidem*)<sup>11</sup>.

### South Ossetia – Roots of the Conflict

Ossetians are of Iranian origin and arrived in Georgia during the 13<sup>th</sup> century, where they settled in today’s regions of South Ossetia as well as in North Ossetia-Alania in Russia (cf. German/Bloch 2006: 53). South Ossetia was incorporated as Oblast into the SSR Georgia in 1922, while North Ossetia was an autonomous republic (ASSR) within the Russian SSR (cf. *ibidem*).

Jones (cf. 2014) notes that before 1989, when the first clashes between the groups occurred, South Ossetians and Georgians had been living together peacefully for 68 years. More South Ossetians lived outside South Ossetia in Georgian provinces than in South Ossetia itself (99,000 out of 164,000), which shows the high degree of mobility and integration into Georgian society (cf. *ibidem*). While relations were peaceful, German and Bloch (cf. 2006: 53) add that there has been a traditional suspicion among South Ossetians of the Georgian state, which they feared might threaten their ethnic identity (cf. *ibidem*).

During the Perestroika, national revivals and inter-ethnic tensions increased in the Soviet Union. Among South Ossetians, the idea of unification with North Ossetia emerged in the late 1980s (cf. German/Bloch 2006: 53).

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11 A detailed overview about the ethnic and religious implications of the conflicts in Georgia can be found in Gegeshidze (2006).

In September 1990, the formation of the South Ossetian Democratic Republic within the USSR and the secession of this entity from Georgia were declared (cf. German/Bloch 2006: 54). Zviad Gamsakhurdia became the leader of the Georgian Supreme Soviet and counteracted the anti-Georgian policies, as perceived by Georgians living in Abkhazia and South Ossetia who fiercely supported him (cf. *ibidem*). When nationalist tendencies rose among Georgians, incited by the populist rhetoric of newly elected president Gamsakhurdia, the first bloody conflict started (cf. *ibidem*; cf. Vogl 2010: 59-60). Gamsakhurdia violently ended South Ossetian autonomy, which even more fuelled their claims for unification with North Ossetia (cf. German/Bloch 2006: 54).

### Georgian-Ossetian War

A full-scale, armed conflict between Georgia and South Ossetia arose in spring 1991 that lasted until 1992 (cf. *ibidem*). The war produced 1,000 victims, 100 missing people, the extensive devastation of homes and infrastructure and around 300,000 refugees and internally displaced persons (IDPs) (cf. Gegeshidze 2006: 63). On 24 June 1992, Boris Yeltsin (Russian president) and Eduard Shevardnadze (Georgian president) signed an armistice on the Settlement of the Georgian-Ossetian Conflict in Sochi.

In the ceasefire agreement, the conflict is labelled as “Georgian-Ossetian” without differentiation between or reference to North or South Ossetia. This means that neither North Ossetia (being part of the Russian Federation) nor South Ossetia (being part of Georgia) was treated as conflict parties, but Russia and Georgia as overarching states<sup>12</sup>.

The election of Eduard Shevardnadze in March 1992 had created a more conciliatory atmosphere between the parties (cf. German/Bloch 2006: 54). In the peace agreement the parties committed themselves to keep the conflict “frozen” by adhering to established dialogue mechanisms, including the quadripartite Joint Control Commission (JCC)<sup>13</sup>, initiated in 1994, and the Georgian-Ossetian treaty on the non-use of force signed in 1996 (cf. Gegeshidze 2006: 61). Under the JCC’s mandate, a trilateral Joint Peacekeeping Force (JPKF) with a maximum of

12 Other than with regard to the 1994 ceasefire agreement between Abkhazia and Georgia, that had been signed by these two parties.

13 The quadrilateral JCC included Georgian, North and South Ossetian, Russian and CSCE – later OSCE – representatives (cf. German/Bloch 2006: 54; cf. Gegeshidze 2006: 61; International Crisis Group 2004: 4). The JCC’s work concentrated on three main issues: military and security matters, economic rehabilitation of the conflict zone and establishing conditions for the return of refugees and IDPs (cf. International Crisis Group 2004: 4). The European Commission was present in the working group on economic issues, the UNHCR in the working group on refugees and IDPs (cf. *ibidem*: footnote 32).



500 soldiers from Georgia, North and South Ossetia<sup>14</sup> and Russia was deployed in the conflict zone (cf. German/Bloch 2006: 54; cf. Gegeshidze 2006: 60-61; cf. International Crisis Group 2004: 4).

Whilst the conflict seemed “frozen” right after the ceasefire agreement, a political settlement could not be reached. The separatist authorities remained in control of most of the region’s territories (German/Bloch 2006: 54-55). Living in a non-recognised *de facto* independent state, the inhabitants became more and more reliant upon criminal sources of income (cf. German/Bloch 2006: 55). At the same time, the Georgian diplomat Archil Gegeshidze (cf. 2006: 61) argues, the flourishing “grey economy” activities formed additional communication channels between Ossetians, Georgians and Russians and even contributed to a “general climate of mutual trust” (ibidem: 62) under Shevardnadze’s rule.

When Mikheil Saakashvili entered the stage as Georgian President in January 2004, he strived to “tackle the problems that went unresolved during the Shevardnadze era” (German/Bloch 2006: 55), which was perceived as a more confrontational strategy against both South Ossetia and Moscow. Gegeshidze (cf. 2006: 63) even goes as far as labelling Saakashvili’s first attempts towards Tskhinvali “misguided” (ibidem), since they did not follow a comprehensive approach to conflict resolution. Instead, Saakashvili hastened his reforms before trust-building measures had taken effect<sup>15</sup> (cf. ibidem: 64) and without involving the South Ossetian leadership<sup>16</sup>.

Aiming to shut down the black market and unofficial economic exchange between the parties, the set-up of police checkpoints at the Administrative Border Line (ABL) endangered South Ossetia’s main source of income (cf. ibidem). The shutdown of the black market – Harzl (cf. 2016: 143-144) describes the commercial city Ergneti as a “microcosm of inter-ethnic coexistence and cooperation” (ibidem: 143) – destroyed what could have been used as a basis for rapprochement between Ossetians and Georgians (cf. ibidem). Instead, after the shutdown Ossetian traders started to orient themselves towards Russia (cf. ibidem).

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14 The Ossetian unit was staffed mainly by South Ossetian soldiers under the command of a North Ossetian officer (cf. International Crisis Group 2004: 4, footnote 33).

15 However – but probably too late – Saakashvili publicly announced in May 2004 he would intend to restore control by peaceful means only, proposed the reinstalment of a rail link between Tskhinvali and Georgia and announced a free ambulance service and the payment of pensions for South Ossetians from the state budget and (cf. German/Bloch 2006: 56).

16 The Georgian leadership had failed to establish a dialogue with South Ossetia’s *de facto* president Eduard Kokoity, whose legitimacy and popularity among South Ossetians was mistakenly considered low (cf. International Crisis Group 2004: i; cf. Vogl 2010: 69, footnote 6). According to South Ossetia’s leadership, Saakashvili had not even consulted them when preparing the three-stage peace plan he presented at the UN General Assembly in September 2004 (cf. Vogl 2010: 66).

The checkpoints also displeased Russia because Georgia had not sought the permission of the JCC before establishing them, as laid down in the 1992 peace accords (cf. *ibidem*). The consequence of this deadlock was a “war of words” (German/Bloch 2006: 56) between Moscow and Tbilisi that soon was about to heat up. After hostilities in August 2004 and a new ceasefire agreement, the International Crisis Group warned, in its November report, about the “precarious peace [...] [that] nearly became a hot war again” (cf. International Crisis Group 2004: i).

German and Bloch (cf. 2006: 59) argue that the non-involvement of Tskhinvali in direct dialogues on conflict resolution was “[a]nother stumbling block to a peaceful resolution” (*ibidem*), also with regards to a new peak of the crisis in 2006. Georgian officials estimated such a dialogue would be futile since key posts in Tskhinvali were appointed by Russia and occupied by Russian officials (cf. *ibidem*). Russia took over the role of maintaining the conflict and moderating tensions at the same time (cf. German/Bloch 2006: 60).

### Abkhazia – Roots of the Conflict

When the Soviets invaded the Democratic Republic of Georgia (DRG) in 1921, the young country that had formed after the Russian revolution and had violently occupied Abkhazia since 1918, collapsed (cf. Harzl 2016: 43-44). The DRG was integrated into the Soviet Union, and both Abkhazia and Georgia were established as Soviet Socialist Republics (SSR), coexisting next to each other on equal terms (cf. Harzl 2016: 46). However, Abkhazia’s status was degraded in 1931, when Abkhazia as ASSR (Abkhaz Soviet Socialist Republic) was incorporated into the SSR Georgia (cf. *ibidem*: 48).

Sabine Fischer (cf. 2010a: 39) identifies the roots of the conflict in the Soviet policy of “territorialisation of ethnicity and institutionalisation of injustice” (*ibidem*). While the different status of the SFSR, that was sovereign and had the right to secession, and the ASFR, that lacked those rights, did not have practical implications in the Soviet system, “they acquired high symbolic value in the difficult relationship between Georgians and Abkhazians” (*ibidem*; cf. also Coppieters 2004: 193). However, Georgia itself was subordinated to the Soviet political structures where Russians held a predominant position (cf. Coppieters 2004: 194). This complex system of subordination was perceived as discrimination on both (Georgian and Abkhaz) sides (cf. *ibidem*).

The second half of the 19<sup>th</sup> century saw *makhadzirstvo* a period of mass emigration of Abkhazians caused by wars and political discrimination accompanied by the Tsarist promotion of settlement of Armenians, Baltics, Greeks and Russians had made Abkhazians a minority inside Abkhazia (cf. Fischer 2010a: 42). Following the incorporation into the SSR Georgia, resettlement measures were taken again under Soviet rule. In particular between 1939 and 1959, Georgian, Russian

and Armenian workers migrated to Abkhazia (cf. ibidem). Harzl (cf. 2016: 48-49) underlines that there even was a public campaign and financial support to ethnic Georgians who settled in Abkhazia (cf. ibidem: 48-49).

By 1989, the Abkhaz formed a minority in their own land. Only 17% of the ASSR population were ethnic Abkhaz, while 45% Georgians, 14% Armenians and 12% Russians resided there (cf. Cornell 2002: 263; cf. Fischer 2010a: 42<sup>17</sup>).

Ethno-chauvinistic measures such as the renaming of places added to the picture of a “Georgification” feared by the Abkhaz (cf. ibidem: 49). Besides renaming the capital Sukhum *Sukhumi* by adding the Georgian ending *-i*, 147 other localities’ names were changed (cf. Harzl 2016: 49-50).

Georgians, however, feared marginalisation at the very same time (cf. Fischer 2010a: 40; cf. Coppieters 2004: 195). The close ties between Abkhazia and Russia, enhanced by the predominance of the Russian language within the ASSR that also attracted a large number of Russian tourists, caused concerns among Georgians that perceived the dominance of a Russian or Russified elite at Union level as discriminating (cf. ibidem: 40-41). Russian being the lingua franca in which Georgians and Abkhazians communicated, since they did not speak the language of the other community, certainly contributed to this perception (cf. ibidem). Therefore, many Georgians viewed the Abkhaz as “a pawn in the hands of Moscow authorities, whose primary interest lay in the political domination and cultural russification of the Georgian nation” (Coppieters 2004: 195). Georgia feared Abkhazia would attempt to “Russify” Georgia when pledging for more cultural rights (cf. Fischer 2010a: 41).

Indeed, the political landscape in Abkhazia was in favour of its titular nation and did not mirror the actual demographic situation. Abkhaz controlled 43 per cent of parliamentary seats, which enabled them to dominate the parliament by forming coalitions with Russian and Armenian segments (cf. Cornell 2002: 263-265).

These inequalities led to a further split in society, since the ethnic groups created unrelated and biased narratives on being discriminated against by another side:

“[...] both sides interpreted their relationship in diametrically opposed ways and ascribed themselves the role of victims – which, in fact, they were. [...] This was the perfect precondition for an efficient divide-and-rule policy, which helped the Soviet Empire to keep different ethnic groups in a precarious balance and preserve its own power” (Fischer 2010a: 41).

When the Soviet Empire eventually was about to fall apart, a referendum on a new treaty restructuring the Soviet Union was held in Abkhazia and South Ossetia in

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17 Fischer (2010: 42) offers slightly different percentages for the demographic composition in 1989: 17% Abkhaz, 46% Georgians, 14% Armenians, 13% Russians and 10% others.

1991 (cf. Harzl 2016: 264). The Abkhazians did not have an incentive to dissolve from the Soviet Union. They saw the existing system as a security guarantee and feared a change towards a democratic system would mean the end of ethnic quotas in political life, in other words increasing Georgian power (cf. Fischer 2010a: 43; cf. Coppieters 2004: 196). Abkhaz therefore rather opted for upgrading their status within the Soviet Union to a sovereign SFSR – which from their perspective was the only way to achieve the right to national self-determination (cf. Coppieters 2004: 197) – in confederation with the Georgian SFSR (cf. Fischer 2010a: 43; cf. *ibidem*). The Georgian population boycotted the vote as they wished to secede (cf. *ibidem*; cf. Harzl 2016: 264).

The dispute between Georgians and Abkhazians over the redistribution of powers aroused nationalist tensions (cf. Fischer 2010a: 44). A peak was reached when in early summer 1992, Abkhazia reinstalled its 1925 constitution that defined Abkhazia as an independent state (cf. Harzl 2016: 264).

### **From the Georgian-Abkhaz War to the Georgian-Russian War**

In mid-August 1992, Georgian paramilitary groups attacked Abkhazia and occupied Sukhum/i (cf. *ibidem*: 265). Abkhaz military forces, equipped with heavy armaments and supported by volunteers from Russia, counterattacked in early October and eventually recaptured Sukhum/i in September 1993 (cf. *ibidem*; cf. Fischer 2010a: 44). Harzl (cf. *ibidem*: 265-266) identifies Abkhazia's autonomy and power over the political and administrative structures and institutions of the territory as the main factor for its success to secede from Georgia. In addition, Abkhaz elites had successfully established contacts with former Soviet military forces that supported them (cf. *ibidem*).

The Georgian invasion is hard to legally classify since Georgia at that time did not have a democratically legitimised state leadership (cf. Harzl 2016: 66). Eduard Shevardnadze, who instructed the attack, was only officially given the high command over the armed forces, in November 1992 – three months after the beginning of the attack (cf. Harzl 2016: 66; cf. Zürcher 2005: 97). To consolidate his power, Shevardnadze used paramilitary organisations active in criminal businesses – the National Guard and the *mchedrioni* – that he pro forma subordinated to the Ministry of the Interior (cf. *ibidem*; cf. Zürcher 2005: 109). Harzl (*ibidem*) speaks of “erosion of state sovereignty” in the light of the Abkhaz conflict.

The brutal war of 1992/1993 claimed between 10,000-15,000 victims, of which three quarters were civilian, and halted communication channels between Tbilisi and Sukhumi until today (cf. Harzl 2016: 65; cf. Fischer 2010a: 44). Around 250,000 ethnic Georgians that had formed almost the entire Georgian population were forced to flee their homes (cf. *ibidem*; cf. Fischer 2010a: 44).

On 14 May 1994, the “Moscow Agreement on a Ceasefire and the Separation of Forces” ended the hot phase of the conflict (cf. *ibidem*: 44). Both sides – Georgia and Abkhazia – signed the peace contract and agreed on the establishment of a Security Zone and a Restricted Weapons Zone along the Administrative Border Line (ABL) between Georgia and Abkhazia (cf. *ibidem*). The deployment of a Commonwealth of Independent States’ Peacekeeping Force (CIPPKF) was also provided for and monitored by the UN Mission to Georgia that had already been established in 1993 (cf. *ibidem*: 44-45). Before the end of the war, Shevardnadze had already decided Georgia would join the CIS to gain Russian loyalty (cf. *ibidem*: 46). In 1996, the CIS imposed trade sanctions on Abkhazia that isolated the entity from its surroundings (cf. *ibidem*).

Since a Georgian invasion had started the war on 14 August 1992, the Abkhaz nationalist narrative on a war of liberation has remained (cf. Harzl 2016: 65). The demographic situation is one of the key factors that has been blocking conflict resolution ever since, especially since Sukhum/i has remained hesitant regarding the return of internally displaced persons (IDPs) (cf. Fischer 2010a: 41; 43).

Abkhazia authorised the population from the Gali region in the South of Abkhazia the right to return home but denies that right to Georgians from other regions (cf. Coppieters 2004: 199). While the Abkhaz elite does not hesitate to explain that the return of Georgians to other regions would disrupt “the balance between the various ethnic communities [...] to the political advantage of the Georgian community”, the majority among the international community condemn the denial to return home as ethnic cleansing (cf. *ibidem*).

Even though a *de facto* sovereign republic was already formed in 1993, Abkhazia only formally declared its independence in 1999 after a referendum. Caspersen and Stansfield (2011: 4) explained that in Abkhazia’s case, “[t]he absence of a formal declaration of independence can be a strategic attempt to increase room for manoeuvre and the prospects for international support”.

Despite officially sticking to the CIS sanctions, economic support from and political influence of Russia gradually increased (cf. Fischer 2010a: 49). The Russian-Abkhaz border was the only (yet illegal) economic zone offering income for ordinary Abkhaz people as well as benefits for the Abkhaz elites (cf. *ibidem*). At the turn of the millennium, Russia officially lifted travel restrictions and offered Abkhazians Russian citizenship – a measure that simultaneously improved the humanitarian situation but increased the dependence of the isolated population, and was used as a lever on Tbilisi (cf. *ibidem*: 49-50).

The relations between Tbilisi and Moscow eventually deteriorated after the Rose Revolution, when Georgia’s new president Mikheil Saakashvili aimed at closer relations with the West (cf. *ibidem*: 46-47). Enhanced relations with the EU and the US, but especially Georgia’s rapprochement with NATO, as well as the “very strained personal relationship between Georgian President Saakashvili

and [...] Russian President Putin” (Fischer 2010a: 47), contributed to cooling off relations, and in 2006 Russia introduced economic sanctions on Georgia (cf. *ibidem*).

The restoration of Georgia’s territorial integrity became the main political priority of the new administration as it was seen as a precondition to pursuing Euro-Atlantic integration (cf. *ibidem*: 46-47). The policy and rhetoric of Georgia with regards to the conflict had changed, too: Since the Rose Revolution, *de facto* authorities in Sukhum/i were “ignored or disqualified as a bunch of criminals with whom Tbilisi was not prepared to negotiate” (*ibidem*: 48). Instead, Russia – and no longer Abkhazia – has been seen as the main conflict partner since then (cf. *ibidem*). As the CISPKF was staffed by the Russian Army and thus not neutral, and the UN Mission was perceived as inefficient by Georgia, Georgia claimed for a new peacekeeping format involving new actors (cf. *ibidem*).

Negotiations within the Geneva Process did not lead to conflict transformation and were finally put on hold when Georgian troops invaded Kodori, the only region of Abkhazia controlled by Georgia at that time, shortly before the events escalated in August 2008 (cf. *ibidem*: 56).

## The August 2008 War

Georgia’s new leader Saakashvili has called for greater regional and international involvement and sought to engage both the EU and US (cf. Fischer 2010: 60-61). The rapprochement with the North Atlantic Treaty Organisation (NATO) has become Saakashvili’s main foreign policy goal. At the Bucharest Summit in April 2008, NATO members declared their approval of Georgia and Ukraine’s aspirations for membership, stating, “We [the Heads of State and Government of NATO members] agreed today that these countries will become members of NATO” (NATO 2008: 23). As a next step, Membership Action Plans (MAP) were proposed (cf. *ibidem*).

At the same time, violent incidents increased both in Abkhazia and South Ossetia (cf. Oproiu 2015: 33), also because of Kosovo’s declaration of independence and its ramifications of recognition has reinforced hopes for their own recognition.

In the night of 7 to 8 August, war broke out when Georgia started an artillery and air force attack on South Ossetia (cf. *ibidem*; cf. Harzl 2016: 145). On 8 August 2008, the then President of the Russian Federation, Dmitrij Medvedev, announced a Russian ‘peace intervention’ – which proved to be high-intensity operations (cf. Allison 2009: 175) – and began massive air and land attacks on Georgian targets, that finally pushed back Georgian troops from South Ossetia on 10 August 2008<sup>18</sup> (cf. *ibidem*: 146).

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18 Other than perhaps expected by Saakashvili, the U.S. as Georgia’s closest ally did not intervene.

Abkhazia's de facto President Sergej Bagapsh seized the moment and issued an ultimatum for the withdrawal of Georgian troops from the Kodori valley – the only Abkhaz region that has been under Georgian control, backed by the advent of 10.000 Russian paratroopers in Abkhazia (cf. *ibidem*: 147). Up to 2000 Georgians fled from Kodori valley before Abkhaz troops occupied the territory (cf. *ibidem*).

A ceasefire agreement between Georgia and Russia was signed on 12 August 2008. However, the Russian recognition of Abkhazia and South Ossetia as independent states by the end of August 2008 has made the full implementation of the ceasefire agreement impossible.

## Russia's Motives

One of the main explanation patterns for Russia's involvement in the war and the latter recognition of the independence of South Ossetia and Abkhazia – besides Russia's increasing identification with Abkhazia and South Ossetia (cf. Harzl 2016: 141) – was Georgia's ambition to join NATO. As Kropatcheva (2012: 35) explains, "Russia [by the use of force] solidified the status quo, and this was also a step to prevent further NATO enlargement".

While Russia's intervention in Georgia and the subsequent recognition of both territories put at risk political as well as economic relations with the West and therefore might be regarded as imprudent, Russian political analysts assessed that the actions "were painful, but necessary" (Kropatcheva 2012: 35). This view can partly be explained by the "precept of a unique 'Russian world'" that is grounded in the *völkisch* concept of Russian ethnicity not related to territorial borders (cf. Hamilton/Meister 2016: 16). Using this rationale, Moscow justified its right to intervene in conflicts in Georgia to support 'their people' by attacking Georgia itself (cf. *ibidem*).

However, with regard to the envisaged NATO Eastern enlargement, both the demonstration of power towards the West and destabilisation of Georgia have been shown to be effective. While NATO has confirmed its continued support for the territorial integrity and sovereignty of Georgia within its internationally recognised borders after the 2008 war, no consensus on a Georgian Membership Action Plan could be reached.

Keeping this in mind, even though Russia officially called on other states to follow its example<sup>19</sup>, it is clear that the recognition of Abkhazia and/or South Ossetia/Tskhinvali by Western states would not be in the geostrategic interest of the Russian Federation. With reference to Abkhazia, the Russian-American political scientist Nikolaj Zlobin described how the entities are trapped in this situation:

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19 It was a disappointment to Russia when it could not persuade its close ally Belarus to follow its example (cf. de Waal 2017).



“The recognition of Abkhazia by, for example, Western countries would simply not be advantageous for Russia because its influence would decline, and other players would emerge on the Abkhaz scene from outside. On the other hand, for Abkhazia, it is vitally important to maintain close strategic and allied relations with Russia but to concurrently search for an exit to the world stage that is not only through Moscow, but without ‘offending’ them by this<sup>20</sup>” (cf. Zlobin 2008).

The recognition, as Mitchell and Cooley (cf. 2010) or de Waal (cf. 2017) put it, has substantially increased Russian influence.

This means for both Abkhazia and South Ossetia/Tskhinvali region that

“[...] perhaps ironically, the territories have gone from enjoying *de facto* independence as unrecognised states and parties to frozen conflicts, before August 2008, to becoming almost *de facto* parts of the Russian Federation in their new status as ‘independent states’” (Cooley/Mitchell 2010: 60).

Russia justified the recognition of Abkhazia and South Ossetia as independent states with both national security concerns with respect to the stability of its Southern borders, as well as remedial arguments (cf. Coppieters 2018: 1000).

This was however an isolated move, as Russia has not changed its position on other sovereignty conflicts in the post-Soviet space (cf. *ibidem*). Nonetheless, the dual recognition brought about the end of the unanimous support of the continuity position by the international community (cf. *ibidem*).

## The August 2008 War under International Law

Due to a massive bombardment of civilian targets, Georgia was suspected of war crimes (cf. Human Rights Watch 2009: 12-17). Moreover, 15 Russian peacekeepers were reported dead by 9 August, which was used by Russia as justification for the intervention (cf. Harzl 2016: 144-145). Russia too was found guilty of war crimes, since they attacked the city of Gori, 25 kilometres outside the war zone, using stray bombs and bombing civilian houses, hospitals and schools on Georgian territory (cf. Human Rights Watch 2009: 18-22). Instead of ensuring public order and safety in the areas they controlled effectively, which would have been their duty as an occupying power under international humanitarian law, Russia did nothing to stop South Ossetian forces and militias from engaging in pillage, burning of Georgian homes, as well as murder and rape (cf. *ibidem*: 6).

The Independent International Fact-Finding Mission on the Conflict in Georgia (IIFFMCG), set up by the Council of the European Union in December 2008, was tasked with the independent investigation of the Georgia-Russia war and handed a report to the Council in September 2009. The 900 pages have become known as “Tagliavini Report” after the Head of the Mission, Swiss diplomat

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20 Self-translated. The same passage is also cited in Khintba 2010: 32, footnote 40.



and former Head of the United Nations Observer Mission to Georgia, Heidi Tagliavini (cf. Tagliavini 2009). The IIFFMCG confirmed that Georgia indeed fired the first shot and triggered larger use of weapons. Furthermore, it cleared up the Georgian claim of a Russian invasion prior to its attack, an allegation for which no evidence could be found.

However, Russia was only partially acquitted by the Report: while the initial reaction as means to protect its internationally mandated peacekeepers could be justified, the IIFFMCG concluded Russia (alongside Georgia and the secessionist entities Abkhazia and South Ossetia/Tskhinvali region) shared a large part of the blame for the escalation. Multiple violations of international law before, during and after the conflict were set out in detail (cf. *ibidem*). For instance, the massive passportization (giving out Russian passports to residents of South Ossetia/Tskhinvali region and Abkhazia) in the years prior to the war was classified as contrary to international law. This resulted in the Russian justification for intervening – to protect its citizens – being seen as invalid (cf. *ibidem*).

The Russian military intervention in Georgia violated commitments made by Russia under the UN Charter, the 1975 Helsinki Final Act, the 1997 Russia-EU Partnership Agreement, the 1997 NATO-Russia Founding Act and the 2002 NATO Russia Rome Declarations to respect the sovereignty and territorial integrity of other states (cf. Hamilton/Meister 2016: 5)

In the context of Russian interventions in Abkhazia and South Ossetia in 2008 (and again more recently in the context of Russian intervention in the Crimea) the question whether the right to self-determination would constitute an exception to the prohibition of the use of force has gained prominence in International Law (cf. Hilpold 2017: 326). Related to this, the question of whether such a potential exception could be used as justification for an “intervention by invitation” (cf. Hilpold 2017: 326) arises. Based on the findings of the IIFFMCG<sup>21</sup>, the answer is that a right to self-determination “never provides a justification for a military intervention” (*ibidem*). Hilpold (cf. *ibidem*) explains that therefore it was neither possible to re-introduce a right to humanitarian intervention, nor was the prohibition of intervention abolished in a secession conflict.

## Human Rights in the de facto States

Since Georgia is member of the Council of Europe, Abkhazia and South Ossetia/Tskhinvali region are theoretically covered by the European Convention of

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21 „Military force is never admissible as a means to carry out a claim to self-determination, including internal self-determination. There is no support in state practice for their right to use force to attain self-determination outside the context of decolonization or illegal occupation [...] This also means that a secessionist party cannot validly invite a foreign state to use force against the army of the metropolitan state” (Independent International Fact-Finding Mission on the Conflict in Georgia, quoted after Hilpold 2017: 326, footnote 60).

Human Rights and the European Court of Human Rights. In practice, however, the European legal space does not expand to these territories. The isolation of Abkhazia and South Ossetia/Tskhinvali region, that has significantly increased since the Russian recognition, has made it impossible for the EU or other parties of the Council of Europe to assess the human rights situation on the ground.

All the more remarkable is the publication of the first independent report on the Human Rights situation in Abkhazia in 2017, carried out by Thomas Hammarberg and Magdalena Grono (cf. Hammarberg/Grono 2017; cf. Olof Palme Centre 2017)<sup>22</sup>. Hammarberg and Grono acted on initiative of the EU's Special Representative for the South Caucasus and the crisis in Georgia, Ambassador Herbert Salber (cf. Hammarberg/Grono 2017: 2). When handing in their report in January 2017, the EU however decided not to make it public but to use it as internal working paper available to diplomats and interested organisations instead (cf. *ibidem*: 3). To ensure a wider audience, the authors decided to give permission to the Swedish Olof Palme Center to publish an updated version of the report in July 2017 which is – in English and Russian – freely available and accessible online (cf. Hammarberg/Grono 2017: 2-3; cf. Olof Palme Center 2017).

The status-neutral report identified serious concerns about the implementation of human rights legislation, especially in the Gali district where the majority of ethnic Georgians live (cf. Hammarberg/Grono 2017:7; 9-10).

When it comes to education, besides lacking financial and personnel resources the language of instruction is highly discussed (cf. *ibidem*: 8-9; 35-38). In 2015/16, the former Georgian-teaching schools in Gali had to switch to the “Republic Standard Educational Programme” which introduced Russian as the language of instruction (except for 3 hours a week of Georgian language and literature classes), even though the majority of Gali teachers are not fluent in Russian (cf. *ibidem*: 36). At the same time, Abkhaz language schools have seen progress and Armenian language schools (where children are taught Armenian, Abkhaz and Russian) function well (cf. *ibidem*: 34-35). The healthcare sector suffers from a lack of finance and human resources and a significant number of interlocutors reported they would seek help outside of Abkhazia in case of serious health problems (cf. *ibidem*: 43-44).

Citizenship issues cause the greatest inequality. The 2013 amendments to the 2005 *Law on Citizenship* states that, except for ethnic Abkhaz, Abkhaz citizenship is eligible to people who had been living in Abkhazia for “at least 5 years at the moment of the declaration of Abkhaz independence in October 1999” (cit. n. Hammarberg/Grono 2017: 54). Many Georgians displaced in Abkhazia, as well

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22 Thomas Hammarberg, the former Council of Europe Commissioner for Human Rights, and Magdalena Grono, South-Caucasus expert at the International Crisis Group, have extensively researched the Human Rights situation in Abkhazia by carrying out more than 200 interviews throughout the year 2016.

as those who left or fled and came back after the base year, do not fulfil the “5-years”-criteria.

Additionally, the 2013 amendments introduced a law that sees any other foreign citizenship – except for Russian – regarded as incompatible with Abkhaz citizenship (cf. *ibidem*). However, many Gali residents hold Georgian passports, which makes them foreigners without political rights in their original home who require residency permits according to the *Law on the Status of Foreign Citizens* (cf. *ibidem*: 54-56).

Hammarberg and Grono (2017: 61ff.) provide a number of practical examples as to when ethnic Georgians face substantial discrimination in Abkhazia<sup>23</sup>. Property rights, for instance, are indirectly linked to the citizenship issue since due to the Civil Code, only Abkhaz citizens can acquire property in Abkhazia (cf. *ibidem*: 41; 63).

While the media is generally independent, it is political and polarised (cf. *ibidem*: 28). Local TV channels and newspapers struggle to compete with the dominant position of the well-funded Russian media that airs in Russian and prints newspapers in Russian and Abkhaz (cf. *ibidem*: 28-29). NGOs have an active role in Abkhazia, but besides the need to register, are not restricted in a comparable manner as in Russia (cf. *ibidem*: 30-32). However, since 2008 funding has become scarce, which limits their operational space and scope (cf. *ibidem*: 31-32).

When it comes to the human rights situation in South Ossetia, credible information is hard to acquire since the territory is even much more isolated. As in Abkhazia, the EU’s Monitoring Mission – despite its mandate to cover the whole territory of Georgia – is not allowed to enter the territory.

In February/March 2018, a tragic incident in the breakaway territory of South Ossetia/Tskhinvali caused indignation in Georgia and abroad and directed the spotlight on human rights violations in South Ossetia/Tskhinvali region. The Georgian citizen Archil Tatumashvili was arrested on 22 February in Akhlagori (a town in Tskhinvali region that is mainly populated by ethnic Georgians) and died in unclear circumstances the next day (cf. *agenda.ge*, 21.03.2018).

The international community requested Russia and the *de facto* authorities to hand over the body to his family (cf. e. g. EEAS 2018b). The body of the 35-year-old was transferred only a month later, but without internal organs, making it more difficult to determine the exact cause of his death (cf. *civil.ge*, 22.08.2018).

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23 One example is that ethnic Georgians living in Gali who do not hold an Abkhaz passport cannot register births or marriages in Abkhazia (cf. *ibidem*: 61). This forces them to register their children in Zugdidi or Tbilisi to get a Georgian birth certificate. In Gali, this birth certificate can be translated and notarised – yet the status of the child in Abkhazia remains unclear. There are even cases reported when Gali mothers gave birth in Georgia to ease the issuance of a birth certificate for their child, but where not allowed to reenter Abkhazia as the birth certificates were not seen as proper documentation (cf. *ibidem*).

The Georgian side found the body severely tortured, leading the Georgian Justice Ministry as well as the Empathy Center, a Tbilisi-based watchdog, to lodge lawsuits against Russia with the European Court of Human Rights (cf. *ibidem*). Authorities claim that pressure, attacks and killings in and around the “occupied territories” would amount to administrative practice, and held Russia, being the power exercising “effective control”, responsible (cf. *ibidem*).

## Policies towards the Non-Recognised States

After the Russian recognition, the EU and the U.S. by drawing up engagement policies reaffirmed the continuity position (cf. Coppeters 2018: 1000). To gain strategic leverage over the *de facto* states and reduce their dependence on Moscow, the West sought to separate the international legal dimension – the commitment to Georgia’s territorial integrity – from its governance aspects (cf. Mitchell/Cooley 2010: 60). The EU and U.S. approaches to different degrees mirror the Georgian policy towards Abkhazia and South Ossetia/Tskhinvali region.

### The EU’s Non-Recognition and Engagement Policy

In December 2009, the Political and Security Committee of the Council of the European Union adopted the Non-Recognition and Engagement Policy (NREP) towards Abkhazia and South Ossetia – a strategy based on the idea of the Swedish diplomat and EU Special Representative for the South Caucasus (EUSR), Peter Semneby (cf. Fischer 2010b: 3; de Waal 2017).

Built on the two pillars of non-recognition and engagement, the NREP is a strategic approach that can be used within a variety of political and economic tools in the EU’s interaction with the *de facto* states without compromising the EU’s adherence to Georgia’s territorial integrity (cf. Fischer 2010b: 1).

While the NREP is based on a non-paper which means the vision behind it has never been published (cf. de Waal 2017), its basic idea has been reaffirmed by EU officials and institutions on various occasions and in various documents, for example in the EU-Georgian relations factsheet published in 2017:

“The EU remains firmly committed to its policy of supporting Georgia’s territorial integrity within its internationally recognised borders, as well as engagement with the breakaway regions of Abkhazia and South Ossetia in support of longer-term conflict resolution” (EEAS 2017a: 6).

The fact that the NREP is no fixed policy but functions as a guideline allows the actors involved – which are in particular the European External Action Service (EEAS), the EU Special Representative (EUSR) and the EU Delegation in Georgia – great flexibility in jointly defining and applying the NREP in practice. The policy is mainly reflected by the maintenance of contacts with the entities and implementation of projects (cf. Fischer 2010b: 5). While designed for both Abkhazia and South Ossetia/Tskhinvali region, the policy could not be implemented in the latter (cf. de Waal 2017; cf. Fischer 2010b: 5). Resistance from the *de facto* authorities to interact with the outside world resulting in closed borders as well as greater Russian military presence have made EU engagement (or any other external engagement except for Russian) impossible (cf. ibidem).

Also with regards to Abkhazia, where projects have been realised, these efforts have remained limited in scope (cf. *ibidem*). Still, a success story in Abkhazia might “turn it [the NREP] into a showcase for South Ossetia” (Fischer 2010b: 2), which makes a strong focus on Abkhazia even more important.

While in 2010 it was suggested that the EU should increase visibility (cf. Fischer 2010b:6), de Waal (2017) mentions that despite the fact that the EU has provided almost €40 million of funding between 2008-2017, the visibility of and awareness about EU actions in Abkhazia has remained low (cf. *ibidem*). Projects have mainly been carried out by other partners, such as the United Nations Development Programme or the International Red Cross, which has contributed to the EU’s low profile (cf. *ibidem*).

Russia at the same time has increased its support to Abkhazia, financing half of its budget, investing in infrastructure projects and paying “almost all of its pensions and social benefits” (de Waal 2017). The EUISS Report (cf. Fischer 2010b: 7) found that it was “impossible for the EU to match Russia’s increasing economic involvement and financial support to Abkhazia and South Ossetia” (*ibidem*), but pragmatically suggested to focus on quality instead of quantity – a category in which the EU “has much more to offer” (cf. *ibidem*), thinking about modernisation, technology and know-how transfer (cf. *ibidem*). Waal (cf. 2017) adds that growing Russian control should be counteracted by firstly enhancing the NREP implementation in a broader and more creative way, and secondly by reminding the Member States of their commitment “to a policy that some of them may have forgotten” (*ibidem*)<sup>24</sup>.

Probably the most important difference between the EU’s NREP, Georgian as well as U.S. policies is the choice of words: the EU does not use the expression “occupation” in official documents when describing Abkhazia’s and South Ossetia’s present status (cf. de Waal 2017). The terms “occupation” and “occupied territories” are not regarded helpful by EU officials, since such a wording implies that Russia has taken full control over both territories “and therefore denies any useful role for the Abkhaz and South Ossetians” (*ibidem*).

By avoiding the concept of Russian occupation when talking about Abkhazia and South Ossetia, the EU avoids lumping together two realities that – besides the obvious similarity of being partially-recognised states – differ greatly in terms of history, current situation and desired future status.

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24 De Waal (cf. 2017) for example mentions that the proposed focus on education (cf. Fischer 2010b: 7) with regard to HEI mobility has proved difficult to implement. An obstacle to this is that it either requires Abkhaz students to hold a foreign passport or Member States to grant visa to Abkhaz holders of Russian passports, which most governments are not willing to do (cf. de Waal 2017).

## Georgia's Policy towards the "Occupied Territories"

Shortly after the launch of the NREP, the Georgian Government (GoG) proposed its own strategy towards Abkhazia and South Ossetia/Tskhinvali called "Strategy on Occupied Territories: Engagement Through Cooperation" as well as an "Action Plan for Engagement" (cf. Fischer 2010b: 4). While similarities with the NREP exist (for instance the stress on the importance of de-escalation), the wording alone, using the term "occupied territories", implies that Abkhazia and South Ossetia have been fully taken over by Russia and "therefore denies any useful role [for them]" (de Waal 2017). The Strategy reflects Georgia's refusal to interact with the de facto authorities in Sukhum/i and Tskhinval/i (cf. *ibidem*; cf. Fischer 2010b: 4).

While the Action Plan for Engagement contains innovative ideas, it has restrained actions, as the GoG has feared international engagement could lead to "creeping recognition" or "de facto sovereignty" (cf. *ibidem*). This explains the restrictive nature of both the Strategy on Occupied Territories and the Law on Occupied Territories (LoOT) – that had already been adopted in October 2009 – when it comes to activities of international organisations or NGOs in the de facto states (cf. Fischer 2010b: 4).

The LoOT goes as far as to forbid any economic activity with the entities without the written authorisation of the GoG and requires international organisations such as NGOs to coordinate their activities with Georgian authorities (cf. de Waal 2017). Thereby, the LoOT and Strategy on Occupied Territories to a certain extent limited the NREP, in that the EU must ask for permission and coordinate any engagement with the GoG.

The issue of "creeping recognition" was particularly persistent during Saakashvili's rule (cf. de Waal 2017). Since the Georgian Dream government replaced Saakashvili's Georgia's United National Movement administration in 2012, greater trust has developed between Sukhum/i and Tbilisi (cf. *ibidem*). As an important symbolic step, the Ministry responsible for relations with the de facto states was changed from "Ministry of Reintegration" to "Ministry of Reconciliation" (cf. *ibidem*). Since Georgian Dream won an even stronger mandate in 2016, de Waal (cf. *ibidem*) estimated this might mean a more proactive engagement strategy.

Indeed, in April 2018 the GoG adopted the policy initiative "A Step to A Better Future" that aims at encouraging contacts, movement and relations with people in Abkhazia and South Ossetia (cf. OC Media 2018). The plan includes simplification of trade by allowing Abkhaz and South Ossetian goods to be exported to the EU with a Georgian certificate of origin (cf. *ibidem*). Furthermore,

the mobility of students shall be enhanced (cf. *ibidem*). Changes to the LoOT were announced as part of the initiative (cf. *ibidem*)<sup>25</sup>.

While the outcome of the initiative is pending, it was welcomed by the EU's Spokesperson for Foreign Affairs and Security Policy, Maja Kocijančič, who expressed the Union's support for the initiative's aim of "building bridges across the dividing lines and addressing humanitarian challenges" (EEAS 2018c). She also confirmed that the initiatives were in line with the EU's engagement policy (cf. *ibidem*).

The reason why formalising trade is under discussion at all can also be explained by the fact that informal trade between Georgia and the breakaway territories has been increasing (cf. International Crisis Group, 2018). The incentives for Abkhazia and South Ossetia for such trade with Georgia is strong, since Russian aid "has plummeted" (*ibidem*) after sanctions imposed on Moscow in reaction to its 2014 annexation of the Crimea and falling oil prices (cf. *ibidem*). The Georgian policy initiative "A step to a better future" at hand was however rejected by both Abkhaz and South Ossetian *de facto* Ministers of Foreign Affairs, however in public statements (cf. Menabde 2018).

Nevertheless, the fact that the GoG discusses facilitating access to the Deep and Comprehensive Free Trade Area (DCFTA) and amendments to the LoOT indicates that Georgia is finally ready to seriously deal with the challenges the two entities face. Once implemented, the initiative could step by step open new possibilities for engagement and contribute to confidence building, both being important factors to conflict resolution.

Thomas de Waal (2018) acknowledges that "Tbilisi has fashioned more progressive ideas toward Abkhazia in recent years than at any time since the conflict ended in 1993", while, however, its leverage on and connections with Abkhazia have decreased within years of isolation (cf. *ibidem*). The International Crisis Group (cf. 2018) published recommendations on how trade could be formalised using a status-neutral approach and called on all sides to "keep the door open", since trade talks could contribute to improved relations across the dividing lines as well as improved conditions in the breakaway territories (cf. *ibidem*).

### **United States' Policy: Non-Recognition of "Occupied Territories"**

After the 2008 hostilities, the United States signed a Strategic Partnership Charter with Georgia on 9 January 2009 (cf. U.S. Department of State 2009). Territorial integrity and inviolability of borders are among the principles of this Charter. In

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25 This initiative was also highlighted by a Georgian Member of Parliament (Expert E) that indicated the amendments to the LoOT would only affect specific provisions related to trade, but not change the system as such: external actors would in future still need to ask for permission at the Ministry of Reconciliation if they planned to engage in Abkhazia/South Ossetia (cf. chapter "Expert Interviews").



the Section “Defence and Security Cooperation”, increased interoperability and coordination between NATO and Georgia are foreseen, also regarding the observance of the ceasefire agreement of 12 August 2008.

The document includes the sections “Economic, Trade and Energy Cooperation”, “Strengthening Democracy” and “Increasing People-to-People and Cultural Exchanges” (cf. *ibidem*). Designed by the Bush administration, the Strategic Partnership Charter was institutionalised by the Obama administration (cf. Kutelia et al. 2017).

The Trump administration reinforced the US-Georgian Partnership by legislative acts and the visit of Vice President Mike Pence to Georgia in August 2017 (cf. Kutelia et al. 2017). In May 2017, President Trump enacted a document added to the “Consolidated Appropriations Act” that for the first time takes up the Georgian narrative and wording of Russian occupation (cf. *ibidem*; cf. Ministry of Foreign Affairs of Georgia, 06.05.2017).

Under the “Chapter of Russian Aggression,” it contains a passage on the “Occupation of the Georgian territories of Abkhazia and Tskhinvali Region/South Ossetia” and speaks of the Russian Federation as occupants (cf. *ibidem*). Furthermore, the bill bans financial support for any country that recognises Abkhazia’s or South Ossetia’s independence, which is “a clear endorsement of Georgia’s non-recognition policy” (cf. Kutelia et al. 2017).

## The EU's External Governance

Article 49 of the Treaty on European Union states that „[a]ny European State which respects the values [...] and is committed to promoting them may apply to become a member of the Union”, without in fact clearly defining the borderlines of Europe. For a country undoubtedly within Europe, there is a uniform process on how to join the EU. After the application has been accepted by the Council of Ministers, the Council together with the European Commission open the negotiations and the candidate country has to transfer the *acquis communautaire* within set transition periods. When each of the 35 chapters has been closed, the Association Treaty is first signed and then ratified in each member state. In this setting, future membership is the incentive for countries to adopt the common rules and thus the driving force for “Europeanization”.

Where membership is not in realistic sight, different incentives have to be found to transfer the rules, norms and values of the EU beyond the member states and candidate countries. To conceptualise the expanding scope of EU rules beyond EU borders, Sandra Lavenex (2004) introduced the concept of “external governance” (see also: Schimmelfennig/Lavenex 2009: 791)<sup>26</sup>.

Schimmelfennig and Lavenex (2009: 792) define external governance as follows:

“[External governance is] both an attempt at conceptualising important aspects of the EU’s international role and a step towards analysing forms of integration into the European system of rules that remain below the threshold of membership”.

The theory on external governance has been partly debated in International relations and comparative politics as well as in more recent approaches to EU external relations. However, the concept of external governance distinguishes from the abovementioned disciplines to the effect that it avoids projecting a unitary state actor model to the EU (see: Schimmelfennig/Lavenex 2009: 792). By using a more institutionalist view, it originates from the traditional foreign policy analysis (see: *ibidem* 792).

The concept appears to be manifold. In the case of the European Economic Area (EEA) or the European Neighbourhood Policy (ENP), EU external governance emerges in the form of overarching foreign policy initiatives (see: *ibidem*). The concept can also be embedded in cooperation agreements, as in the bilateral

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26 In his work “Europeanization beyond Europe”, Frank Schimmelfennig in 2015 reviewed the literature on Europeanization and transferred the concept frequently used in the enlargement model to third countries that are no prospective EU member states. He concluded that without critical market dependence and supranational regulation, the EU institutions can only take the role of lesson-drawing agencies instead of having a “Europeanizing” impact (cf. *ibidem*: 25). The leverage on these countries is lower due to the more sectoral and inconsistent approach (cf. *ibidem*).

agreement with Switzerland, or in cooperation frameworks such as with North America (see: *ibidem*).

Furthermore, external governance can be present even without contractual relations and focus on the adoption of parts of the *acquis* in certain policy areas (cf. *ibidem*). It can occur spontaneously when the interdependence between the EU and the respective entity (for example a third country or international organization) is high and the adaption of certain EU standards is congruent with the interest of that entity (see: *ibidem*).

External governance can either be externally (EU) driven, or internally (domestically) driven (cf. e.g. Schimmelfennig and Sedelmeier 2004; 2005). March and Olsen (1989: 160-162) named these mechanisms “the logic of consequences” (externally driven) and „the logic of appropriateness” (domestically driven).

The “logic of consequences” describes the externally driven decision of a state to deepen relations with the EU on the basis of utility maximizing. The EU can offer external incentives such as sanctions or rewards. A country decides, based on the net benefits and the comprehensibility and trustworthiness of EU conditionality, whether it wants to (or feels forced to) deepen relations and adapt certain rules (cf. also Schimmelfennig 2015: 6-7).

The “logic of appropriateness” sees such a decision based on which kind of rules and norms the actor finds appropriate in a given situation. Whereas the incentive is internal, the EU can induce this logic by building upon social learning and best practices. In either of these cases, the hope for a more prosperous future lies behind the orientation towards the EU:

“Finally, [...] states turn to the EU as a result of dissatisfaction with the domestic status quo and adopt EU rules if they perceive them as solutions to their problems, either based on instrumental calculations or the appropriateness of the EU solutions” (Schimmelfennig 2015: 7).

Carrying the approach further, Thomas Diez, Stephan Stetter and Mathias Albert (2006: 572) analysed the transformative power of the EU integration in border conflicts and conceptualised four “pathways of EU impact”. They found that EU impact can either originate from concrete EU measures or the influence can be a result of integration processes and therefore be not directly exerted by EU actors (cf. *ibidem*: 571). Furthermore, the impact on concrete policies can be distinguished from the impact on wider social implications (see *ibidem*; see also Schimmelfennig 2015: 7).

The EU’s “carrot and stick” policy is an attempt by the EU to exert influence on specific targets. Diez et. al. (2006: 571) describe such an actor-driven impact that uses concrete measures on concrete policies as “compulsory” impact. Membership or membership negotiations is the EU’s “carrot” that tends to have the

biggest compulsory influence on a party that aspires for membership (cf. *ibidem*: 572).

EU incentives other than membership are much weaker. According to them, Association agreements<sup>27</sup> above all lack the “symbolic importance” of being a full member (see *ibidem*: 572-573). The same holds true for (mostly financial) assistance and aid or free trade agreements the EU uses as carrots outside of its geographical scope, as “they are unlikely to be as sweet a carrot as membership” (cf. *ibidem*: 573). Simultaneously, the EU does not have many sticks outside its borders to offer. Besides the imposition of sanctions, the most important stick is the retraction of carrots (cf. *ibidem*).

With regards to the Eastern Neighbourhood Policy (ENP), Stefan Lehne (2014: 1) also critically assessed that the EU uses a methodology stemming from the enlargement experience which, however, neither awards those who strive for closer association with “the carrot of membership”, nor applies conditionality in a consistent and non-selective manner.

As a possible answer to these shortcomings, European reformists have discussed the concept of “associate membership” particularly harshly since the 2004 enlargement<sup>28</sup>. Such a new form of relations that conveys rights and obligations of full EU members in certain areas outside its borders might, of course, increase the EU’s leverage on states where traditional membership is beyond reach (cf. Hamilton/Meister 2016: 61).

Differentiated integration is a reality within the Union as well, one need only think of the Eurozone, the Schengen area, or the opt-out in certain policy areas of the Netherlands and the UK (cf. Hamilton/Meister 2016: 61). Brexit will soon create a new form of differentiation beyond a new border. Having this in mind, the consideration of associate membership could be defended as the advancement of a process already happening. Associate membership would transfer the concept of differentiated membership outside its borders, where differentiated relations already exist, and add the symbolic character of (some kind of) membership.

However, a new form of membership could only be introduced by a Treaty amendment, adopted by the Council or European Council by unanimity, with the consent of the European Parliament (cf. *ibidem*; cf. Duff 2013). Even though Duff and other proponents argue this would only need a minor amendment and the right political will (cf. *ibidem*), the political reality at present does not seem to make reforms appear possible anytime soon.

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27 The EU-Georgian Association Agreement signed in 2014 will be discussed in the respective chapter.

28 See, for instance: GRANT Charles (2005), Can variable geometry save EU enlargement? In: Centre for European Reform, 3. October 2005; DUFF Andrew (2013), The Case for an Associate Membership of the European Union.

Thus, the continuation of the current state of different integration and contractual relations without any new form of membership, as well as cross-cutting partnerships between the EU, individual member states and third countries or international organisations – as recommended in the European Neighbourhood Policy (ENP) review in 2015 – are more likely to stay and further evolve as basic modes of differentiation.

Outside its borders, the EU does not only strive to exercise impact on policies but also on society as a whole. Where the society is the target of actor-driven impact, Diez et. al (2005: 573) talk about “connective” impact. The empowerment of civil society and establishment of people-to-people contacts are key to the EU’s external actions. A connective impact can be reached by offering concrete (mainly financial) measures that enable the contact between conflict parties by supporting common activities (see *ibidem*: 573). Such contact can generate social networks across conflict parties and thus also trigger the constructive impact (see below) afterwards (cf. *ibidem*).

The EU can also have an indirect impact on the policy level in case of conflicts. Diez et al. (*ibidem*: 573) found cases when conflicting parties sought to tie their political agendas and positions to the EU. They call this form of impact on the policy level “enabling” impact, as it may enable the respective party to gain influence and to even justify desecuritization by pointing to EU integration and the use of the EU’s legal and normative framework (see *ibidem*: 573).

Indirect influence on society level is exercised to trigger change from the inside. The hypothesis that the constitution of new discursive frameworks may create (European) identities within conflict zones in a long-term process is called “constructive impact” (cf. *ibidem*: 574). Being the most indirect impact, it targets society and can – once successful – be the most promising manner of conflict transformation, eventually leading to the resolution of the conflict (cf. *ibidem*: 574). An economic version of this impact is the argument that integration leads to increased wealth and employment and consequently minimises the desire for conflict (cf. *ibidem*). Whether or not the EU’s engagement (possibly alongside Georgia’s westward orientation) might have a constructive impact on the reintegration of two breakaway territories Abkhazia and South Ossetia in Georgia will be discussed in the empirical part of this thesis.

## The EU as a Neighbour

The EU entertains contractual relations in bilateral or regional form with almost every country in the world (cf. Oproiu 2015: 26). These relations vary from equal partnerships to asymmetric relations, where the EU can pose demands on the contractor. A special focus of the EU's external actions lies on the immediate neighbourhood of the Union, which is mirrored the EU's Global Strategy as well as by the European Neighbourhood Policy.

### The Global Strategy

The High Representative of the European Union and Commission Vice President (EU HRVP) Federica Mogherini presented the EUGS to the European Council for Foreign Affairs and Security Policy on 28 June 2016. It is the first EU Global Strategy and can be seen as a further development of the – first and only – European Security Strategy (ESS) that has been established by the EU High Representative Javier Solana in 2003 (cf. EU Council 2003). Between the two strategies, the EU has adapted the UN's concept on Human Security to its own Foreign and Security Policies<sup>29</sup> (cf. Martin/Owen 2010: 216-219), which is also mirrored by the EUGS.

Both ESS and EUGS have to be understood within their historical context. ESS was created after the 9/11 terrorist attacks and at the peak of U.S. unilateralism, when the 2003 invasion of Iraq and the diverging opinions on the question “to be or not to be with the US” (Tocci 2017: 488) split the Union, in particular, the UK and German-Franco positions. The 2003 ESS was held in an optimistic style and aimed at creating an “effective multilateralism” in order to overcome the transatlantic and intra-European disagreement (cf. *ibidem*). Content-wise, the ESS was ambitious in creating “a ring of well-governed countries” to the EU's borders (EU Council 2003: 12). The ESS in this respect lay the ground for “[t]he seeds of what became the European Neighbourhood Policy” (Tocci 2017: 495).

However, EU HRVP Mogherini acknowledges in the EUGS's foreword that the Union's “wider region has become more unstable and more insecure” (EU HRVP 2016: 3). This time, there was not only one topic that split the EU, like the second Iraq war did in 2003. By the time the EUGS was produced, there were multiple discords and crises within the EU and on its borders: Russia's annexation of the Crimea and destabilisation of Eastern Ukraine, the conflicts in Syria, Libya and Yemen, the migration crisis, the economic crisis as well as terrorism and

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29 The EU's study group on human security defined the concept in its 2004 Barcelona Report as “a departure from the state as the referent of security, and towards an emphasis on protecting individuals and communities” (cf. Martin/Owen 2010: 217).

Brexit<sup>30</sup> that clearly showed disintegration could turn into a reality (cf. Tocci 2017: 488-489). The new U.S. President (Donald Trump) had not yet been elected by the time the EUGS was published, but from a current perspective could be added here as a destabilising factor.

The 2016 EUGS recognises the “existential crisis facing the Union within and beyond its borders” (EU HRVP 2017: 489) and is thus phrased much less optimistically than the ESS. Being circulated among the member states right after the Brexit referendum, the timing of the EUGS publication was widely criticised (cf. Techau 2016; Tocci 2017: 490-491). However, after negotiating for two years and finally finding a common voice on Russia, migration and European defence, Mogherini’s decision can also be seen as a “due act of political responsibility” (Tocci 2017: 461) by demonstrating unanimity in times of crises.

Tocci (cf. 2017: 492) describes that the EUGS demanded a much more comprehensive and complex preparation than the ESS. This was partly due to the fact that the process was carried out by more actors – which was, on the one hand, due to the greater number of member states after the enlargement, and on the other hand because, after the Lisbon treaty, not only the Council but also the Commission was tasked with preparing it. The leading EU HRVP literally had to “wear” [...] her two hats – the HR and VP ones” (ibidem).

The EUGS was not only discussed and prepared in more than 50 events across the member states, but also at locations outside the EU, among them Georgia, as well as in independent NGO and think tank discussions (cf. ibidem). NATO and UN officials were involved in several consultations. Written contributions beyond the principle actors, for example by think-tanks such as the EUISS, by human rights NGOs, defence industry associations, trade unions and even the Catholic church helped cover external views and positions to a certain extent (cf. ibidem: 492-493). Furthermore, young people were invited to take part in a student essay competition and Mogherini discussed the EUGS with a group of Erasmus alumni (cf. ibidem: 493).

Like the ESS, the EUGS was developed in a specifically designed process (cf. Tocci 2017: 493). Since neither the permanent representatives (COREPER) nor the Political and Security Committee (PSC) had the resources to handle the EUGS as a top priority (cf. ibidem), Member States were included in the process by appointing points of contact (POC) with whom the HRVP engaged in monthly meetings (cf. ibidem). A task force of DG officials, established by the Secretary-General of the Commission, represented the external dimension (cf.

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30 After the Brexit vote, the opening line of the EUGS had to be re-written (cf. Tocci 2017: 489). In the current version of the foreword, EU HRVP Mogherini states: “In challenging times, a strong Union is one that thinks strategically, shares a vision and acts together. This is even more true after the British referendum” (EU HRVP 2016: 3).

ibidem). The EUGS was also debated by the European Parliament, who also submitted a report (European Parliament 2016).

After having taken into account extensive consultations, five priorities of the Union's external action have been defined (cf. EU HRVP 2016: 9-10).

### **Priorities of the Global Strategy**

- (a) The Security of our Union: The EUGS “starts at home” (cf. ibidem: 9). To counteract threats to security, democracy and prosperity, member states are encouraged to take their share of responsibility and transform their commitments under the Treaties into action. The Union for its part will intensify its contributions to security alongside partners like NATO (cf. ibidem: 9).
- (b) State and Societal Resilience to our East and South: The concept of resilience is central to the EUGS. Resilience is a broad concept that has been defined as follows by the Foreign Affairs Council in 2013:

“[R]esilience is understood to mean the ability of an individual, a household or a community, a country or a region to prepare for, to withstand, to adapt to, and to quickly recover from stresses and shocks without compromising long-term development prospects” (Council Conclusions on EU Approach to Resilience 2013: 1).

The EUGS follows a broad definition of resilience with a resilient society at its heart (cf. EU HRVP 2016: 23-24).

- (c) An Integrated Approach to Conflicts: Already the ESS had highlighted the need for a comprehensive approach to conflicts and crises, which combines military and civilian instruments (EUHR 2003: 16). Consequently, the EUGS calls for a comprehensive approach that blends security and development policies in the conflict context and widens the meaning of the comprehensive approach (cf. EU HRVP 2016: 9). The integrated approach to conflicts, as it is called in the EUGS, exceeds the traditional comprehensive approach as the EU would “act at all stages of the conflict cycle” (cf. ibidem). This means that alongside the deployment of different instruments, it adds a multi-phased approach that emphasises conflict prevention and stabilisation as well as a multi-level approach that focuses on the local and regional dimensions and a multilateral approach through more effective cooperation with other external players in the conflict (cf. Tocci 2017: 495).
- (d) Cooperative Regional Orders: The EUGS acknowledges the role of regional dynamics when it comes to security concerns as well as economic equity in a globalised world. Since regional policy is a fundamental part of the EU's internal peace and development, cooperative regional orders shall also be supported worldwide. The EUGS considers that various forms of regional orders exist and will therefore not only support regional organisations but



comprehensively also support bilateral, sub-regional, regional and inter-regional relations as well as the cooperation of global players with regionally-owned cooperative efforts. By means of this mix, specific aims for each region will contribute to the overall goal of shared global responsibilities (cf. EU HRVP 2016: 10; 32).

- (e) Global Governance for the 21<sup>st</sup> Century: The EU is committed to a global order based on international law with the UN principles as the basis for human rights, sustainable development and lasting access to the global commons. The protection of international humanitarian and human rights law and international criminal law is seen as a responsibility of the EU (cf. *ibidem*: 42). Members of the UN Security Council shall be encouraged not to vote against credible draft resolutions on actions against mass atrocities (cf. *ibidem*: 40).

Investments in the UN, and in particular its peacekeeping, mediation, peacebuilding and humanitarian functions, shall be further enhanced. The CSDP should complement and assist UN peacekeeping and peacebuilding efforts through bridging, stabilisation and capacity-building missions (cf. *ibidem*). Whereas the EU can lead by example on global governance and shall act as agenda-shaper, connector, coordinator and facilitator, a network of players is needed to deliver. The use of the UN as a framework for the vast majority of global governance issues, cooperation with states and organisations as well as private sector and civil society are essential (cf. *ibidem*: 43).

The Sustainable Development Goals (SDGs), adopted by the UN in September 2015, are echoed by the EUGS. The EUGS advocates for the full implementation of the SDGs and strives for co-determination of the economic-political and eco-political rules in global trade, for instance by implementing trade agreements in line with the SDGs (cf. *ibidem*: 26-27).

### **Assessing the Global Strategy**

The EUGS involves a wide spectrum of political issues from foreign, security and defence topics. This comprehensiveness, as well as its easy readability, is notable (cf. Kammel 2016: 4). However, precisely these characteristics may also be interpreted in a negative way since they indicate the document is kept intentionally vague. The more pragmatic and less ambitious writing style partly adds to that picture.

This “principled pragmatism” (Tocci 2017: 494) has become the guideline of the Union’s external actions that will be (and has already been) complemented by concrete decisions and actions. EUGS implementation is being assessed each year, which means it can regularly be adapted to current needs (cf. Kammel 2016: 4-5). One year after the presentation – on the basis of the EUGS implementation

report by the EU HRVP – the Member States took positive stock at a Council meeting in Luxembourg (cf. Council of the European Union 2017: 4).

Kammel (cf. *ibidem*) finds that the EUGS is more interest-based than the ESS, but still lacks a clear differentiation between interests and values of external actors.

### **Resilience as Leitmotiv**

Resilience is a central element of the EUGS. Wagner and Anholt (2016) describe it as the EUGS's new "leitmotiv"<sup>31</sup>. Indeed, the ubiquity of resilience in the EUGS noticeable – especially in comparison with its total absence in the ESS. The rise of resilience in the EU's foreign affairs strategy exemplifies how a more pragmatic view to conflicts has evolved – which is not limited only to the EU, as resilience has gained prominence in various international communities, ranging from UN agencies to the United States Agency for International Development (USAID) to international organisations such as the OECD (cf. *ibidem*: 418).

Since resilience is an abstract term that can be defined and applied differently, resilience has been the object of criticism. One may, for example, provocatively ask whether resilience was just another buzzword without clear content (cf. Wagner/Anholt 2016: 422). However, the Commission's report "Resilience in Practice" (2015) for instance has shown that it is exactly the fluidity that makes resilience a concept adaptable enough to be used in various contexts with various stakeholders (cf. *ibidem*: 422). The EUSG, therefore, intends to "support different paths of resilience" (EU HRVP 2016: 9), instancing governmental, economic, societal or climate/energy fragility.

By prioritizing resilience, the EUSG – pragmatically and realistically – admits that not every crisis can be ward off by the EU (cf. Wagner/Anholt 2016: 424). However, the focus on resilience may minimise the harm done by such crises by building capacities and increasing the ownership of local communities and civil society organizations (cf. *ibidem*).

Resilience as an investment in the interest of the Union's citizens in the EUSG and as a concept that plays a role in different policy areas (cf. EU HRVP 2016: 9). Interestingly – other than with regard to enlargement policy – conditionality is not mentioned as a driver for resilience under the ENP. Indirectly the EUGS recognises the much more elusive direct leverage on resilience here while self-assertively stating that the "enduring power of attraction [of the Union] can spur transformation" (cf. *ibidem*).

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31 "resilience/resilient" is mentioned no less than 40 times in the EUGS – which puts it ahead of "human rights" (31 times), "democratic/democracy/democratization" (23 times), and "human security" (4 times) (cf. Wagner/Anholt 2016: 414).

In 2017, a joint communication on “A Strategic Approach to Resilience in the EU’s external action” (EUROPEAN COMMISSION/EU HRVP 2017b) followed the policy framework provided by Art. 21 TEU. This approach proposes an improved risk analysis, a more dynamic monitoring, the integration of the resilience approach into EU programming and financing of external assistance as well as EU cooperation with multilateral and bilateral institutional partners (cf. *ibidem*). The EU’s resilience work will be directed towards the Humanitarian-Development Nexus in 2018 (cf. Werther-Pietsch et al. 2017: 52).

### **Implementing a Comprehensive (Integrated) Approach**

Critiques argue that the EU’s comprehensive approach has been stuck at a technical level, but more comprehensiveness can only be reached within a political process – which is held back due to gaps between comprehensive approaches of the EU and EU member states (cf. Hauck/Rocca 2014: 14-15). Whereas the Lisbon Treaty has laid the legal framework for a more effective EU external action, “EU initiatives continue to lack sufficient coherence, coordination and complementarity in relation to the actions of individual EU member states” (*ibidem*: 14).

The EUGS consequently calls for full implementation of the Lisbon Treaty. Especially that the element of permanent structured cooperation could bring forward new possibilities for further development of the CSDP (cf. Kammel 2016: 5). More comprehensiveness and effectiveness can only be reached through institutional and procedural developments (cf. *ibidem*). The concrete implementation steps, which are foreseen, to be laid down by partial strategies will show how effective the “integrated approach” can be (cf. *ibidem*).

Such partial strategies are necessary since the final version Mogherini presented in June 2016 has been welcomed by the Council, but not adopted. Instead, the Council adopted a piecemeal approach by making conclusions on its implementation in the areas of Security and Defence in November 2016. Therefore, the implementation of the EUGS remains dependent on the willingness of both EU institutions and member states to take ownership of the document and turn vision into action (cf. Kammel 2016: 5).

### **The European Neighbourhood Policy**

The European Neighbourhood Policy (ENP) and its regional dimensions are attempts to bring the (Eastern) neighbourhood closer to the EU framework in terms of institutional, political, economic and legal aspects as well as to stabilise the countries involved.

In order to avoid „drawing new dividing lines in Europe and to promote stability and prosperity within and beyond the new borders of the Union” (European Commission 2003: 4), the ENP was launched in 2003 and developed throughout 2003. It governs the relations with 16 of the Eastern and Southern neighbours of

the enlarged EU<sup>32</sup>. The ENP seeks to enhance the relations with the neighbourhood countries based on the shared values of democracy, rule of law and respect for human rights (cf. *ibidem*).

The ENP seeks to foster cross-border as well as regional cooperation. Differentiation and positive conditionality were meant to encourage competition between the ENP countries, at the same time they were encouraged to progress at their own speed (cf. Marsh/Rees 2012: 134). Regional cooperation initiatives such as the Black Sea Synergy (since 2008) and the Eastern Partnership (EaP, since 2009) completed the actions in a more targeted manner (cf. Oproiu 2015: 28).

Thus, Frank Schimmelfennig (2015: 18) concludes that the ENP “can easily be seen as a framework of Europeanization”: Designed by officials that had previously been in charge of enlargement, it applies a similar methodology and is based on the same principles: the EU’s commitment to promoting liberal values and norms beyond borders and the usage of political conditionality as the main instrument for the promotion of these norms (cf. *ibidem*). Furthermore, the planning, reporting and assistance mechanisms of the EU are modelled to those used for candidate countries (cf. Schimmelfennig 2015: 18).

Schimmelfennig’s point here comprises precisely the elements why the concept of Europeanization must also be critically reviewed: it is based on the image of the West being superior with regards to values and developments (cf. Coman/Crespy 2014: 13), thus certainly not treating third countries on an equal footing. Furthermore, it is not only hard to measure the impact of Europeanization – the EU also lacks a “stick” to promote its values beyond its borders, particularly with regards to non-candidate countries.

Without membership within sight, relying on conditionality is ambiguous in practice: “Participating in the ENP is [...] a long-term commitment, but because the end state is rather elusive, the conditionality is somewhat diluted and obtaining progress is slow and sometimes difficult” (Oproiu 2015: 28). Börzel et. al (cf. 2008: 14) point out that the ENP, being a policy falling in-between the development and enlargement policy, is limited by the absence of an actual membership perspective. While it attempts to externally induce modernisation and, to some extent, democratisation processes, it does not offer “the incentive that proved key in the enlargement process” (Börzel et al. 2008: 14). Similarly, Stefan Lehne (2014: 4) criticises that the ENP was based on the enlargement model while in fact being “a diluted version of the original without the promise of accession and with a much weaker commitment on the side of the EU” (cf. *ibidem*).

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32 Algeria, Armenia, Azerbaijan, Belarus, Georgia, Ukraine (= the six countries within the Eastern Partnership); Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Moldova, Palestine, Syria, Tunisia. Russia is not part of the ENP, but takes part in Cross-Border Cooperation (CBC) activities under the ENP.

While Gwendolyn Sasse (2008) agrees that the ENP's weak conditionality may not lead to the short-time transformation of third countries, however, she underlines that this form of conditionality could positively impact on domestic political processes in the long run. According to her, it is exactly the indefiniteness of conditions and incentives that may attract traditionally Euro-sceptic actors in ENP countries "to approach the EU gradually and selectively" (Sasse 2008: 298).

Conditionality is undoubtedly more concise in the EU's relations with those countries that have started negotiating Deep and Comprehensive Free Trade Areas (DCFTA) or Visa Liberalisations. Since the development of closer ties with the EU can only be achieved by approximating the *acquis*, these EU policy instruments shift the relationship to a more hierarchical one (cf. Delcour 2013: 347-349). Unlike previous free-trade agreements concluded with South Mediterranean partners, the EaP's DCFTAs require legally binding commitments, making the DCFTAs "standardised and non-negotiable" (ibidem: 349).

The EU's approach towards the ENP countries is incentive-based. The "more for more"-principle was introduced by the first ENP review of 2011 (cf. European Commission press release 25.05.2011). This principle strengthened both conditionality and differentiation (cf. Schimmelfennig 2015: 18). In simple, the "more for more"-principle means that the more political will and commitment towards reforms the countries show, the more the EU enhances its relationship (cf. ibidem; cf. Oproiu 2015: 28). Stefan Lehne (2014: 10) criticised this approach, as the EU itself has not coherently followed it with regards to the Southern neighbourhood or Azerbaijan, where it must have meant "less for less" due to insufficient progress on democratic reforms.

The ENP was again reviewed in 2015 (cf. European Commission Joint Communication 18.11.2015) to react to the developments made in the partner countries. This review was coordinated closely along the preparation of the Global Strategy for the European Union's Foreign and Security Policy (EUGS). The European Commission itself admitted in this revision, that in cases when there is no political will, more effective ways have to be found to promote fundamental reforms, including civil, economic and social actors (cf. European Commission 2015: 5). The new approach introduced in 2015 aims at actions better targeted at the diverging aspirations of the partner countries and wants to support a greater sense of ownership and shared responsibility by involving them more in the working methods (cf. ibidem). To achieve that, a more effective pursuit of areas of mutual interest as well as greater flexibility in the EU policies and development funds is encompassed and envisioned (cf. ibidem).

The ENP review (cf. European Commission/EU HRVP 2015: 4) proposes more differentiated relations with the partner countries, taking into account their aspirations and interests more fully. By focussing on fewer priorities and establishing more tailor-made partnerships, both the involvement of member states in the

ENP and the feeling of ownership by partner countries should be increased (cf. *ibidem*).

In order to counteract the criticism of the ENP as being an “offshoot of the enlargement process” (Lehne 2014: 11), where the European Commission is dominating and besides it only the EEAS is directly engaging with the ENP countries, the 2015 revision of the ENP envisages a greater involvement of the Council and Member States in setting priorities and in the implementation process, including joint programming (European Commission 2015: 5).

Accordingly, consultations with ENP partner countries have been launched in 2016 to straighten out the individual levels of ambition in the relations with the EU (cf. European Commission/EU HRVP 2017a: 4). Joint bilateral documents such as Partnership Priorities, updated Association Agendas or existing Action Plans reflect common political priorities and have been used as a basis for the programming of the bilateral assistance programmes (Single Support Frameworks) under the European Neighbourhood Instrument (ENI) for the period 2017-2020 (cf. *ibidem*). The programming is conducted in close cooperation with national authorities and includes all relevant stakeholders such as civil society, social partners, local and regional authorities and private sector organisations (cf. *ibidem*). Engagement in Georgia’s breakaway territories is also funded through ENI resources<sup>33</sup>.

At the Riga Summit in 2015, four priorities for the Eastern Partnership have been set out and were reaffirmed at the EaP Summit in Brussels in November 2017: economic development and market opportunities; strengthening institutions and good governance; connectivity, energy efficiency, environment and climate change; and mobility and people-to-people contacts (EEAS Riga Declaration: 2015). Along with these priorities, twenty deliverables were agreed on to be achieved by 2020 (cf. *ibidem*). These priorities have facilitated a more results-oriented approach towards the EaP, focussing on strengthening state and societal resilience (cf. European Commission/EU HRVP 2017a: 8).

In practice, the EaP engages with the societies and institutions of the partner countries through special frameworks, such as the EURONEST Parliamentary Assembly<sup>34</sup> or the CORELEAP<sup>35</sup> framework (cf. European Commission/EU

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33 The EU’s financial support to the breakaway regions will be further elaborated in the respective chapter, “Current EU Programmes in Abkhazia” (the EU does not have access to South Ossetia/Tskhinvali region).

34 Established in 2011, the EURONEST Parliamentary Assembly is an inter-parliamentary forum composed of 110 members – 60 members of the European Parliament and 10 members representing each of the Parliaments of the Eastern European Partners (except for Belarus that does not currently have a delegation) – that forge closer political and economic ties with the EU.

35 The Conference of Regional and Local Authorities for the Eastern Partnership (CORLEAP) was set up by the Committee of the Regions (CoR) in 2011 as a joint body of local and regional

HRVP 2017a: 10). In addition, the EaP Civil Society Forum and the national civil society platforms ensure a policy dialogue at all levels, including Association Committees and Panels and Platform activities and ministerial meetings. The implementation report points out that several meetings have been held under the EaP on topics such as health, justice and home affairs, small and medium enterprises (SMEs), environment and climate change, digital economy and research and innovation (cf. *ibidem*: 8-9).

## Establishing Relations with the South Caucasus

The EEC, forerunner to the European Union, was among the first to recognise the independence of Armenia, Azerbaijan and Georgia after the collapse of the Soviet Union. To support the Newly Independent States (NIS), financial and technical assistance was provided through the TACIS<sup>36</sup> programme (cf. Börzel et al. 2008: 14). Subsequently, the EU's relations with the TACIS countries were given a formal status through bilateral Partnership and Cooperation Agreements (PCA) (cf. *ibidem*: 15). In the case of the South Caucasus republics, these PCAs were offered in a „one size fits all approach” signed in 1996 and ratified in 1999 (cf. Chkhikvadze 2016; cf. Börzel et al. 2008: 15).

By that time, the EU consisted of 12 Member States and the South Caucasus was geographically no border region of the Union, therefore the region was neither of immediate interest to the EU nor did the EU have a clear strategy towards the individual states (cf. Chkhikvadze 2016). However, through the PCAs the EU established regular political dialogue and set down goals and conditionality criteria (cf. Börzel 2008: 15). While in these PCAs democracy and human rights were set as goals and subject to negative conditionality, good governance was not (cf. Börzel et al. 2008: 15). The main aim of the PCAs, which were complemented through the TACIS, was to support capacity building (cf. *ibidem*).

After the completion of the Eastern Enlargement, interests shifted eastwards in line with the newly created external borders. The Southern Caucasus became a priority on the EU agenda not only in terms of security issues but also because of the need to diversify energy supplies (cf. Chkhikvadze 2016). Thus, the 2003 ESS highlighted the need to „take a stronger interest in the problems of the Southern Caucasus, which will in due course also be a neighbouring region” (EU Council

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authorities that represent the the local and regional authorities within the Eastern Partnership. It is composed of 36 members: 18 members from the European Committee of the Regions and 18 regional and local politicians from the six EaP countries.

- 36 TACIS=Technical Assistance for the Commonwealth of Independent States. The TACIS programme covered Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Tajikistan, Turkmenistan, Ukraine, Uzbekistan and Russia; Mongolia joined the programme from 1993-2003. TACIS has, to the largest part, been replaced by the European Neighbourhood Policy in 2007.



2003: 7). In 2004, the Southern Caucasus countries were included in the European Neighbourhood Policy (ENP), even though initially they had not been foreseen to be in the scope of this policy, as can be gleaned from the Commission's initial Communication on Wider Europe of March 2003. However, the peaceful Rose Revolution in Georgia intensified the EU's attention to the region (cf. Chkhikvadze 2016).

Central to the ENP are the bilateral Action Plans between the EU and each ENP partner. These Action Plans set out an agenda of political and economic reforms with short and medium-term priorities of 3 to 5 years. To monitor these reforms, The European Commission under its own responsibility publishes annually progress reports.

When reviewing the ENP in 2015, the Commission (2015: 5) determined that additional to regular reports that track developments in the neighbourhood, country-specific reports that focus on the respective goals agreed with each partner individually shall be published as a basis for political exchange of views in high-level meetings such as Association/Cooperation Councils.

Pursuant to the respective country's performance, the fulfilment of the criteria can be subject to positive conditionality. Positive conditionality here could mean closer cooperation, for example, the simplification of visa regulations or the cut of trade restrictions (cf. Börzel et al. 2008: 15). In contrast, negative conditionality is not foreseen in the Action Plans, but the EU here refers to the common values in the respective clauses of the PCAs (cf. *ibidem*).

In these Action Plans, good governance to a varying degree is an objective of the cooperation between the EU and the partner countries in the Southern Caucasus (cf. *ibidem*). The EU also started to require from partner countries' governments to formulate and implement reform plans in cooperation with non-state actors and civil society organizations (cf. Börzel et al. 2008: 15; cf. European Commission 2004, European Commission 2006, European Commission 2007). The key role of civil society in terms of anti-corruption measures and human rights and democracy development has especially been highlighted in the ENP review of 2015 (cf. European Commission 2015: 5-7).

In 2006, the European Parliament and the Council lay down general provisions establishing a European Neighbourhood and Partnership Instrument (ENPI) (Regulation (EC) No 1638/2006). Unlike TACIS, which was officially replaced by a financial instrument in January 2007, the ENPI explicitly involved transnational channels (cf. Art. 4c) and required the governments to "associate the relevant partners as appropriate, in particular at regional and local level, in the preparation, implementation and monitoring of programmes and projects" (cf. Art. 4d).

Based on co-financing and on a cooperation partnership with the beneficiaries (cf. Art. 2), the introduction of the ENPI has also changed the delivery modality



of the EU's development assistance (cf. Börzel et al. 2008: 16): Unlike TACIS's, that had primarily focused on joint project management, the ENPI introduced a "sector-wide approach" and allocated funding by means of direct budgetary aid to the partner governments (cf. *ibidem*).

The European Neighbourhood Instrument (ENI) replaced the ENPI as the ENP's main financial instrument for 2014-2020, with a budget of €15,4 billion (cf. Regulation (EU) 232/2014). Additional to good governance, democracy and the rule of law and human rights, three new joint priorities for cooperation have been identified, namely economic development for stabilisation, the security dimension and migration and mobility. The vast majority of ENI funding is used for bilateral cooperation in the framework of the ENP Action Plans. In addition, ENI funds also support regional, neighbourhood-wide and Cross-Border Cooperation (CBC) programmes that complement the bilateral programmes.

Civil society support is central to the ENP, therefore EU initiatives and programmes such as the ENI Civil Society Facility, the European Instrument for Democracy and Human Rights (EIDHR) and the Civil Society Organisations and Local Authorities in Development (CSO-LA) are targeted at strengthening and promoting the role of civil society actors in reform and democratisation processes.

Twinning has offered cooperation between Public Administrations of the EU Member States and beneficiary countries that, through longer-term peer-to-peer activities, aims at upgrading the administrative capacities of the public administration of a partner country.

Since TAIEX operations were extended to the Neighbourhood in 2006, the three South Caucasus countries are also beneficiaries of the EU's instrument for Technical Assistance and Information Exchange. TAIEX helps partner countries to become acquainted with, apply and enforce EU law and monitors their progress in doing so. It delivers short-term technical assistance, advice and training mainly in three ways: through workshops, expert missions and study visits. TAIEX supports national administrations to get adapted to EU legislation and facilitates the sharing of best practices. TAIEX is used in a variety of fields, from agriculture and food safety to freedom, security and justice, environment, transport and telecommunication.

In December 2008, the European Commission proposed to further strengthen the European Neighbourhood Policy (ENP) through the implementation of an "Eastern Partnership" (EaP) towards the six former Soviet countries Ukraine, Belarus, Moldavia, Armenia, Azerbaijan, and Georgia. The European Council had prepared the proposal in June 2008. After the conflict in Georgia, the extraordinary European Council of 1<sup>st</sup> September 2008 asked the Commission to accelerate this work to counteract regional instability (cf. Council of the European Union 2008b). The EaP was officially launched at the first EaP summit on

7 May 2009 in Prague. The then Commissioner for External Relations and European Neighbourhood Policy, Benita Ferrero-Waldner, announced the launch of the EaP as follows:

“This Partnership is built on common interests and shared values. It is a framework for a long-term relationship and engagement by the EU. The Partnership will bring additional support to our Eastern partners as they pursue their individual aspirations for closer relations with the EU, and in particular more help in carrying out jointly defined reforms. Our partners' approximation to EU standards in the political, economic and social spheres will bring all of us greater mobility, trade and increased prosperity. Work on the Partnership is already up and running, and the first multilateral meetings will be held next month” (Ferrero-Waldner, European Commission IP/09/700).

Not surprisingly, by this time Russia's attitude towards the EU's regional cooperation in the East, which had been rather indifferent by the time of the launch of the ENP, changed for the worse (cf. Lehne 2014: 7).

The EU goal was closer political cooperation through Association Agreements and closer economic association through Deep and Comprehensive Free Trade Areas (DCFTA). At the same time, the Russian Federation together with Kazakhstan and Belarus launched the Eurasian Economic Union (EAEU) and invited Armenia, Azerbaijan and Georgia to join this customs union (cf. *ibidem*: 7). This ultimately forced the countries to choose one side, since the European Commission found membership in the EEU was incompatible with having a DCFTA with the EU (cf. *ibidem*: 8). Making this decision meant to redefine priorities for the three Southern Caucasus countries.

Stefan Lehne (cf. *ibidem*: 8) points out that with regards to trade policy, the Commission's pressure was the right response – but in terms of geopolitics, it “contradicted the EU's established approach of offering partners closer ties to the EU while encouraging them to maintain and develop their relations with Russia”.

Eventually, in 2013, it became clear that when it comes to EU integration, the countries of the South Caucasus region follow different strategies. After having negotiated with the EU for three years, Armenia decided, “to make a U-turn” (Chkhikvadze 2016) and joined the Russian-led Eurasian Economic Union instead of entering the EU-Armenia Association Agreement and a DCFTA. The vulnerability to Russian pressure is easily alleageable in the case of Armenia: having been isolated by Turkey since the war with Azerbaijan over the unsettled territory of Nagorno-Karabakh, they have become very much dependent on Russia for political and security reasons (cf. Hamilton/Meister 2016: 4).

Aiming at preserving or strengthening its position as energy exporter without great external political intrusion, the ambitions of Azerbaijan to establish relations with the EU have remained much more ambiguous. Azerbaijan asked for a strategic partnership, which the EU found to be a too great concession. At the same

time, Azerbaijan did not enter negotiations for an Association Agreement offered to them (cf. Chkhikvadze 2016). Since Azerbaijan is not a member of the WTO, it is not qualified for a DCFTA. Actions such as a twinning project<sup>37</sup> that supported Azerbaijan in modernizing the technical regulation and standardization system in Azerbaijan, aim at bringing it closer to EU and WTO standards.

Out of the three Southern Caucasus republics, only Georgia<sup>38</sup> finalised the negotiations on the Association Agreement, which fully entered into force on the 1st of July 2016. The instrument that governs EU-Georgian relations since then has been the Association Agenda that supersedes the ENP Action Plans.

In the ENP review of 2015, the EU has announced to foster more flexible alternatives for those countries that do not wish to engage in a DCFTA, as to nevertheless promote integration and “strengthen trade and investment relations that reflect mutual interests” (cf. European Commission 2015: 8). Accordingly, negotiations on a new Comprehensive and Enhanced Partnership Agreement (CEPA) were concluded with Armenia in February 2017 (cf. European Commission/HR 2017: 7) and signed in the margins of the Eastern Partnership Summit in November 2017. The EU's cooperation with Armenia focuses on economic and governance reforms aiming at strengthening the country's resilience and inclusive economic development (cf. *ibidem*).

In April 2018, Serj Sargsyan, the former president (2008-2018) and, following the change from a presidential to a parliamentary system, prime minister (17<sup>th</sup> to 24<sup>th</sup> April 2018) stepped down after mass demonstrations (cf. Gorecki 2018). Opposition leader Nikol Pashinyan was elected prime minister on 8 May 2018 (cf. *ibidem*). Having been critical of Moscow and demanding a withdrawal from the Eurasian Union in 2017, Pashinyan underlined the necessity of a close alliance with Russia after his election (cf. *ibidem*), which both leaders confirmed at the Sochi summit of the Eurasian Economic Union (EAEU) on 14 May 2018. Pashinyan is not part of the political elite stemming from Nagorno-Karabakh that has dominated the political leadership of the country before (cf. *ibidem*). This gives special importance to the relations with its protecting power Russia, since a continuation of the political chaos or worsened relations with its protecting power Russia might heat up the conflict with Azerbaijan over Nagorno-Karabakh (cf. *ibidem*).

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37 Project title: „Support for the development of a modern system of standardization and technical regulations in Azerbaijan AZ/13/ENP/TR/26”.

38 Among the ENP countries, Moldova signed a DCFTA along with Georgia in 2013. Ukraine stepped back from signing the DCFTA in 2013, receiving a package of benefits by Russia including a lower gas price, projects for industrial cooperation, €11 billion worth of credit and the elimination of trade sanctions (cf. Lehne 2014: 8). An Association Agreement between the EU and Ukraine was finally signed on 27 June 2014 and the DCFTA became operational on 1 January 2016.

In February 2017, following the principles endorsed in the 2015 ENP review, negotiations on a comprehensive agreement with Azerbaijan were launched. This new agreement shall replace the Partnership and Cooperation Agreement, which has been in force since 1999 (cf. European Commission/HR 2017: 7). The EU remains committed to strengthening the cooperation with Azerbaijan including economic development, connectivity and civil society support (cf. *ibidem*). In the Joint Declaration of the Eastern Partnership Summit in November 2017, the good progress in the ongoing negotiations for a new framework agreement was welcomed (cf. Council of the EU 2017a: 4).

Further cooperation between the EU and the South Caucasus countries exist in the fields of education, research and culture. All three countries are Erasmus+ Region 2 partner countries. In 2016, both Georgia and Armenia became associated to Horizon 2020, which makes them participate in the EU's research and innovation programme under the same conditions<sup>39</sup> as EU Member States. After which Georgia joined the EU's culture and media programme Creative Europe in March 2015, Armenia did so three years later.

### **Georgia as a Model Student**

After the Cold War, former Soviet countries have struggled with their Soviet legacy of systemic corruption, politically captive judiciaries, distorted markets, inefficient bureaucracies, and informal networks fostering nepotism and prerogative. Georgia became a 'momentocracy' (Hamilton/Meister 2016: 4), which means a regime in the hands of a handful of oligarchs who „used state structures to enrich themselves while leaving their economies in ruins, their governing institutions bankrupt and their citizens in dire need” (*ibidem*).

However, fuelled by the anger of its citizens, the Rose revolution in 2003 changed Georgia's political landscape. After the resignation of President Eduard Shevardnadze, Mikheil Saakashvili was elected in the extraordinary presidential election in January 2004 by 96,24% (cf. OSCE/ODIHR 2004: 20). Turning Anti-Russian, Saakashvili enabled rigorous economic and administrative reforms and oriented West (cf. Hamilton/Meister 2016: 4).

One field in which Georgia has made excellent progress is in the fight against corruption. By 2004, Georgia was one of the most corrupt countries in the world – the Transparency International Corruption Perception Index (CPI) ranked Georgia 136<sup>th</sup> out of 145 countries. In 2012, Georgia was ranked 51<sup>th</sup> out of 174 countries – among the post-Soviet countries, only Lithuania and Estonia performed better. In 2017, Georgia reached the 46<sup>th</sup> rank out of 180 countries. This development is especially striking when comparing the results with its South Caucasian neighbours: In 2004, Azerbaijan was ranked 140<sup>th</sup> – only slightly behind

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39 Association to Horizon 2020 is governed by Article 7 of the Horizon 2020 Regulation (EU) No 1291/2013.

Georgia – and Armenia being the “forerunner” on rank 82. In 2012, Azerbaijan’s result was constant (139<sup>th</sup>), while Armenia’s CPI, ranked 105<sup>th</sup>, had deteriorated. The 2017 CPI lists Azerbaijan 122<sup>nd</sup> and Armenia 107<sup>th</sup>.

An important measure taken against corruption was the radical police sector reform in the years 2004-2006. The corrupted police sector was restructured from scratch by Mikheil Saakashvili: He dismissed every single uniformed police officer in the country and hired new staff which had to undergo interviews and a physical test (cf. Devlin 2010: 6). The new officers had to be trained within a minimum period of time<sup>40</sup> – the OSCE, as well as the EU’s Rule of Law Programme, assisted in the training initiative (cf. *ibidem*). With supplementary funding by EU Governments, the UNDP and a Soros Foundation, the low police salaries were increased<sup>41</sup> to disincentives bribery (cf. *ibidem*: 6-8). Furthermore, traffic fees were no longer paid to police officers directly, but had to be transferred to a bank account (cf. *ibidem*: 7). These measures have been successful in regaining public trust: While the police force had been among the most despised institutions in Georgia in 2003, it ranked the third most popular institution in 2009, right after the Orthodox Church and the army (cf. *ibidem*: 10).

With all the enthusiasm for Georgia’s CPI rankings that show the overall positive trend in Georgia’s fight against corruption, one must not disregard the fact that this has mainly been reached by tackling petty corruption (cf. Hamilton/Meister 2016: 27). High-level corruption, however, remains a problem (cf. *ibidem*).

In the World Bank’s June 2017 Doing Business ranking of 190 economies, Georgia ranks 9<sup>th</sup> in the category “Ease of Doing Business” (a category in which EU countries on average rank 34<sup>th</sup>) and 4<sup>th</sup> in the category “Starting a Business” (EU average: 56<sup>th</sup>). Starting a business in Georgia is especially easy due to bureaucratic reforms and the creation of Public Service Halls. Invented within the Ministry of Justice and inspired by the banking sector, the Public Service Halls – also known as Justice Houses – have been put to work since 2011 (cf. Devdariani 2017). The largest and most famous Public Service Hall opened in 2012 in Tbilisi and is affectionately called “Mushroom” by locals thanks to its special architecture. By the end of 2017, the 20<sup>th</sup> Public Service Hall in Georgia was opened (cf. Government of Georgia: n. d.).

Public Service Halls offer all services provided by the Georgian Ministry of Justice through a one-stop-shop principle, regardless of the customer’s place of residence or the location of the property in question (cf. Government of Georgia: n. d.). This means a customer can go to any Public Service Hall and handle matters

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40 The initial 2-week training was extended to six weeks, and later to 12 (cf. Devlin 2010: 6).

41 One police officer, cited in Devlin’s paper, recalls: “When I started to work here, my salary was, whatever, like \$50 or something, and I was getting a supplement of \$900 from the fund” (Devlin 2010: 8).

from business registration to the issuing of passports and ID to civil registration services such as marriage or adoption under one roof.

The innovative concept received a UN Public Service Award in 2012 and has, beyond offering a single window for public services, focused on digitizing and merging back-office functions across various sectors, making the services more efficient and less time-consuming (cf. Devdariani 2017). One recent development is the so-called JUSTdrive service the Tbilisi Public Service Hall offers. The name speaks for itself: JUSTdrive is a drive-in service that provides customers with a number of documents such as passports or birth certificates while they do not even have to leave their cars (cf. Government of Georgia: n. d.).

Both the implementation of a modern one-stop-shop in administration as well as the effective fight against corruption make Georgia a frontrunner among the EaP countries.

### **The Kremlin's View on EU Integration of Post-Soviet Countries**

By the time the ENP was launched, Russia did not see the EU as a serious security actor in the post-Soviet space. Opposed to the U.S. and the NATO, whose actions were observed with the utmost caution, the EU's ENP was waved aside as it seemed to have a very general nature (cf. Hamilton/Meister 2016: 17).

At the beginning of the 2000s, Russia sought for a strategic partnership with the EU for its own modernization. It did not counteract the EU's expansion like it opposed that of NATO (cf. Hamilton/Meister 2016: 17). The view of the EU as a weak security actor having a low profile in the post-Soviet space changed in 2008 (cf. *ibidem*). When the relations between Russia, the U.S. and NATO deteriorated over NATO's planned expansion to Georgia and Ukraine, Kosovo's independence and finally the war in Georgia, "the EU's shift to hard-law integration under the Eastern Partnership was understood in Moscow as a bold and potentially destabilizing initiative" (Hamilton/Meister 2016: 17).

Russia interpreted the shift towards integration of EU law and the EU's internal market through the DCFTAs and the Association Agreements as a means to decline in the countries' boundaries to Moscow (cf. Hamilton/Meister 2016: 18). "The regime has thus come to view the EU as a threat to Moscow's position in the region and even its hold on power at home" (*ibidem*).

With the EaP, the EU has begun to change the political, social, economic and political landscape and triggered reform debates, which cumulated in the Rose and the Orange revolutions (cf. *ibidem*). These events "set off alarm bells [...] because they signalled waning Russian influence and growing Western influence in the region" (Hamilton/Meister 2016: 18).

Since the hegemony over the post-Soviet space is seen by Putin as a foundation of Russia's power, the interventions in Georgia and Ukraine were the Kremlin's answer to growing Western influence (cf. *ibidem*: 16). It is an open question

whether and how a harsher Western response to the 2008 war and especially to the recognition of Abkhazia and South Ossetia might have changed Russia's approach towards the common neighbourhood afterwards. One might argue that imposition of sanctions after the interventions in Georgia, similar in form and size to those imposed in 2014, could have prevented the annexation of the Crimea and Western Ukraine – others might, on the contrary, claim it could also have worsened the situation.

### **Excursus: Information and Actions against Disinformation**

In order to strengthen the visibility of EU cooperation programmes and highlighting the EU's efforts in supporting the ENP countries, campaigns such as the EU Neighbours web portal<sup>42</sup> have been established. The web portal contains information and publications about the ENP as well as news on the EU-country relations. Practical information about the impact on the life of citizens of EU actions – such as the Visa Liberalisation or the Association Agreements with Georgia – are explained in the respective country sectors of the portal. All content is available in English and Russian. Some of the publications, such as the "Factsheet on myths about the Eastern Partnership" (2017), directly react to disinformation.

The threat of online disinformation and fake news campaigns – especially driven by Russia – has recently received increased attention. Russia views the spread of disinformation and fake news as a legitimate non-military measure to achieve its own political goals and create divisions in and about the West (cf. Benková 2018: 1). The forms of disinformation campaigns are manifold and do not only come from big media outlets like RT or Sputnik but also marginal fringe websites, blog sites and Facebook pages (cf. *ibidem*). Often, "trolls" are deployed to strengthen their reach (cf. *ibidem*).

At the European Council meeting on 19 and 20 March, 2015, the East Strategic Communication (East StratCom) Task Force has been proposed (cf. European Council 2015: 5). East StratCom has been set up under the European External Action Service (EEAS) to counteract Russian disinformation campaigns and enhance effective communication of EU policies in the region. It collects examples of pro-Kremlin false information articles within the Union and its Eastern Neighbourhood (East StratCom). One of the actions of StratCom was the set-up of an "EU vs. Disinfo" website<sup>43</sup> where weekly disinformation reviews are published.

According to the Commission's security chief Julian King, who speaks of an "orchestrated propaganda campaign by the Russian government", the East StratCom has collected 3500 examples of pro-Kremlin disinformation within its first two years (cf. Stone 2018). However, since the team comprises of only 14 people

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42 <http://www.euneighbours.eu/en/east/eu-in-action> [07.02.2018].

43 <https://euvsdisinfo.eu/> [07.12.2018].



and relies on a network of volunteers, a far greater number is to be expected (cf. Bentzen 2017).

The need to take enhanced action against disinformation has been confirmed by a report of the High-Level Group on Fake News and Online Disinformation that was published in March 2018 (cf. European Commission 2018). As a result, the European Commission in April proposed measures to tackle online disinformation, including inter alia an EU-wide Code of Practice on Disinformation (to be published by July 2018) and support for an independent network of European fact-checkers (cf. European Commission 2018). In December 2018, the Commission will evaluate the actions taken and examine further needs (cf. *ibidem*).

The EU has also been active in media monitoring ahead of elections. Launched in 2010, EU/UNDP (United Nations Development Programme) media monitoring has contributed to media research during six elections in Georgia between 2010 and 2017. In June 2018, media monitoring ahead of Georgia's Presidential elections has started (cf. EEAS 2018).

Disinformation or a lack of information is especially prominent in the *de facto* states where access to information is severely limited and Russia plays a dominant role on the media market (cf. also Hammarberg/Grono 2017: 28-29). In Abkhazia, the discourse of Abkhazia being the “undeserving victim of a policy of isolation by the EU” (de Waal 2017) persists, even though the EU there (unlike in the much more isolated South Ossetia/Tskhinvali region) has financed and realised projects. However, the visibility of these actions remains low (cf. *ibidem*). Accordingly, there is little awareness among residents and even some *de facto* officials that the Union is investing in their region (cf. de Waal 2017). The realisation of a European Information House in Abkhazia that could counteract these shortcomings was indefinitely postponed when the 2008 war occurred and has still not been implemented (cf. *ibidem*).



## Indeed “The Balcony of Europe”: Georgia and the EU

Referring to itself as “the balcony of Europe”, Georgia has tightened its relations with the European house in recent years. The entering into force of the Association Agreement and the Deep and Comprehensive Free Trade Area has brought the relations between the EU and Georgia to a new level. Since March 2017, Georgian citizens have benefitted from visa-free travel to the Schengen area (cf. EEAS 2017a: 1).

The 2015 ENP review acknowledged the EU's commitment to engage with partner countries on a long-term basis, especially with those who wish to deepen the relationship. As differentiation and mutual ownership are central to the new ENP (cf. European Commission/EU HRVP 2015: 2), countries such as Georgia are encouraged to further adopt European legislation and standards (cf. *ibidem*: 8).

The 2016 EU Global Strategy presents Georgia as a role model for state and societal resilience in the Eastern Neighbourhood: “[Georgia’s] success as prosperous, peaceful and stable democracies would reverberate across [its region]” (EU HRVP 2016: 25). Furthermore, the Global Strategy reaffirms the Union’s will to support Georgia via the DCFTA as well as through establishing a deepened tailor-made partnership that should strengthen Trans-European Networks and the Energy Community as well as physical and digital connections through full participation in EU programmes and agencies (cf. *ibidem*).

Also, the EUGS suggests the further involvement of Georgia in the CSDP (cf. *ibidem*). Currently, Georgia’s participation in the EU’s CSDP operations is regulated by a Framework Participation Agreement (FPA) that came into force in March 2014<sup>44</sup>. Since then, Georgia has made notable contributions to several operations (cf. EEAS 2017b: 2). The biggest contribution so far was the deployment of over 150 staff to the EUFOR RCA operation in the Central African Republic (cf. *ibidem*). At present, Georgia takes part in the EU Military Training Mission in the Central African Republic and the EU Training Mission in Mali (cf. *ibidem*). The EUMM in Georgia currently comprises of 204 monitors from 25 different EU Member States<sup>45</sup>.

Financial and technical cooperation materialises in 100 projects that are being carried out in Georgia currently funded by EU funds, grants and budget support. For the period of 2017-2020, an incentive financial allocation between €371-453 million has been set (cf. EEAS 2017b: 3). The incentive-based approach (“more for more”) provides that further funds could be made available (cf. *ibidem*). The

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44 See: Agreement between the European Union and Georgia establishing a framework for the participation of Georgia in European Union crisis management operations, EUR-Lex - 22014A0118(01).

45 See: [https://eumm.eu/en/about\\_eumm/facts\\_and\\_figures](https://eumm.eu/en/about_eumm/facts_and_figures) [updated 2018-04-10].

cooperation in the current period 2017-2020 focuses on a wide range of priorities, from economic and market development to institution building, good governance, connectivity, energy efficiency, environment and climate change as well as mobility and people-to-people contacts (cf. *ibidem*).

In the period 2014-2017, the focus of ENI cooperation, as set out in the Single Support Framework, was public administration and justice sector reforms as well as agriculture and rural development (cf. EEAS/EC 2014: 5). Complementary support was dedicated to capacity development, institution building and other agreement-related support<sup>46</sup> and to civil society organisations (cf. *ibidem*: 9).

These priorities are identified in the Association Agenda that provides a list of priorities to work on in a specific period (2014-2016; 2017-2020), based on the Association Agreement.

### **EU-Georgia Association Agreement and DCFTA**

The ENP is underpinned by the desire of the European Union to be surrounded by friends. Turning the neighbourhood into friends urges for enhanced political, economic and institutional cooperation and finally integration. This idea is the basis of the EU's Association Agreements with third countries that build the framework for political relations. In June 2014, the Association Agreement (AA) with Georgia was signed and entered into force in July 2016.

A Deep and Comprehensive Free-Trade Area (DCFTA) is an integral part of the AA and constitutes its economic core, regulating the implementation of all trade-related matters. Its provisional application started in September 2014 and it eventually entered into force together with the AA.

Trade-related reforms do not only tackle the liberalization of trade in goods and services, but also include the adoption of EU standards in a wide range of fields such as technical regulations, food safety, public procurement, competition policy, intellectual and property rights and the energy market – the “deep and comprehensive aspects” (Adarov/Havlik 2017:2), as well as the convergence with the *acquis communautaire* in areas related to economic development (cf. *ibidem*).

With a 31% share of Georgia's total trade in 2016, the EU is Georgia's key trading partner, while 0,1% of the EU's total trade is with Georgia (cf. EEAS 2017b: 2-3). The main importers of Georgian goods among the Member States are Bulgaria, Italy and Germany (cf. *ibidem*: 3). Within the DCFTA, tariffs and duties are regulated and import duties wholly removed. Additionally, the biggest advantage of the DCFTA over a conventional free trade agreement is that it offers a legal framework for dealing with non-tariff barriers (cf. Adarov/Havlik 2017: 4).

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46 Which means support for the implementation of the EU-Georgia Agreements that will be described below: the EU-Georgia Association Agreement, the Deep and Comprehensive Free Trade Area and the Visa Liberalisation Action Plan.

Harmonisation of rules means that Georgia has been implementing rules and standards that will improve consumer safety and facilitate exports (not only to the EU). As a result of the DCFTA, the EEAS expects a 12% increase in trade between Georgia and the EU and a 7,5% increase in imports from the EU (cf. EEAS 2014: 4). The harmonisation process also uncovers that the AA/DCFTA is an asymmetric agreement: Georgia agreed to accept the rules (even those that might harm inefficient sectors and thus be painful for a less developed country) while it does not have a say in the evolution of EU laws (cf. *ibidem*).

In total, 80-90% of EU law will be implemented within an extensive process that will fundamentally change Georgia's legal and economic landscape. However, not the whole territory of Georgia is covered by the AA/DCFTA.

While the contracting parties are the European Union and the European Atomic Energy Community and their Member States, on the one side, and Georgia, of the other, the application of the AA and of Title IV (Trade and Trade-related Matters) is territorially limited by Art. 429 of the agreement. The so-called "territorial clause" states that the DCFTA does not apply in Abkhazia and Tskhinvali region/South Ossetia (paragraph 2) unless the Association Council decides otherwise (paragraph 3):

2. The application of this Agreement, or of Title IV (Trade and Trade-related Matters) thereof, in relation to Georgia's regions of Abkhazia and Tskhinvali region/South Ossetia over which the Government of Georgia does not exercise effective control, shall commence once Georgia ensures the full implementation and enforcement of this Agreement, or of Title IV (Trade and Trade-related Matters) thereof, respectively, on its entire territory.

3. The Association Council shall adopt a decision on when the full implementation and enforcement of this Agreement, or of Title IV (Trade and Trade-related Matters) thereof, on the entire territory of Georgia, is ensured.

(Art. 429 EU-Georgia Association Agreement).

The Association Council is given authority to adopt the decision on full implementation of the AA and DCFTA on the entire territory of Georgia (including Abkhazia and Tskhinvali region/South Ossetia) on condition that the implementation and enforcement on Georgia's entire territory are safeguarded (cf. para 3). This wording leaves room for interpretation: Does "ensure" here mean Georgia needs full control over the de facto independent entities? The Transnistrian example<sup>47</sup> shows that, on the contrary, a territorial clause can in practice be repealed

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47 There is a similar clause in the DCFTA between the EU and Moldova (Art. 464). After negotiations between Chisinau and Tiraspol, on 18 December 2015 the Association Council decided to extend the application of the DCFTA to the whole territory of Moldova, including

relatively quickly – provided the political will of the Association Council as well as (and here is a major difference to Transnistria) the willingness of the respective entities to cooperate are given.

The Transnistrian case shall, however, not be equated to the situation in Georgia. The willingness of both Abkhazia and Tskhinvali region/South Ossetia certainly also depends on possible economic implications of an extension. As long as even in the current DCFTA in Georgia the important sector of agricultural and food products still faces significant EU non-tariff barriers and low-skilled workers as well as the small-scale subsistence farmers and manufacturers are found vulnerable (cf. *ibidem*: 5-6), Abkhazia and Tskhinvali region/South Ossetia – where small-scale subsistence farming is predominant – might not be incentivised enough to consider a dialogue about the territorial clause.

The Georgian policy initiative “A Step to A Better Future” of April 2018 signals a willingness to let Abkhaz and South Ossetian people and undertakings benefit from DCFTA under certain conditions provided for by the GoG. The negative first response articulated by the *de facto* authorities indicate the initiative will not be an instant success. Nevertheless, once implemented it will open possibilities that can be used in future, given an improved basis for discussion between Georgia and the respective entity/entities can be reached, which might be a question of personalities; or given Russia would reduce its financial and economic support.

The *de facto* independent regions are also referred to in the Preamble of the AA where the signatory parties recognise

“the importance of the commitment of Georgia to reconciliation efforts to restore territorial integrity and full and effective control over Georgian regions of Abkhazia and the Tskhinvali region/South Ossetia in pursuit of a peaceful and lasting conflict resolution [...] and the EU’s commitment to support a peaceful and lasting resolution of the conflict” (cf. Preamble EU-Georgia Association Agreement).

Furthermore, the NREP is reconfirmed here by stating that the agreement has been concluded,

“[r]ecognising in this context the importance of [...] pursuing mutually supportive non-recognition and engagement policies” (cf. *ibidem*).

The NREP is also regularly reaffirmed by the EU-Georgia Association Council, which meets roughly once a year. This Council is the highest formal body established under the AA that supervises the implementation of the agreement and discusses issues of common interest. The fourth Association Council meeting has

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Transnistria, as of 1 January 2016 (cf.: Decision No 1/2015 Of The EU-Republic of Moldova Association Council).

taken place on 5 February 2018 in Brussels and was chaired by EU HRVP Federica Mogherini. The Georgian delegation was led by Prime Minister Giorgi Kvirikashvili (cf. EEAS 2018b: 5).

In a joint press release following the meeting (cf. EEAS 2018b), the Association Council welcomed the progress of the AA including the DCFTA implementation as well as justice and constitutional reforms (cf. *ibidem*). Around ¼ of the press release text<sup>48</sup>, consisting of both the EU's and the Association Council's contributions, is dedicated to strategic considerations about and comments on the protracted conflicts in Abkhazia and Tskhinvali region/South Ossetia.

Thereby, “[t]he EU reiterated its firm support for the sovereignty and territorial integrity of Georgia within its internationally recognised borders” (*ibidem*: 4) and the Association Council confirmed the EU's important role in conflict resolution. The NREP is mentioned here as an instrument used by the EU within its comprehensive approach (cf. *ibidem*).

## Visa Liberalisation

The enhanced relations between the EU and Georgia have also materialised in a visa-free regime between Georgia and the Schengen area. Visa Liberalisation is a powerful instrument to strengthen ties between the people of Georgia and the EU. Properly implemented, it may further boost and accelerate Georgia's pro-European path and brings mutual benefit by enhancing people-to-people contacts and cultural exchange. Furthermore, the Georgian Government hoped it would rise the attractiveness of Georgian passports and thus be a “pull-factor” (Expert C) for the residents of the breakaway territories<sup>49</sup>.

On 28 March 2017, Visa Liberalisation for Georgian citizens came into effect. This means that Georgian citizens who hold a biometric passport can travel to the Schengen area for up to 90 days in any 180-day period without needing a visa.

The process of Visa Liberalisation started in June 2012 with the launch of the EU-Georgia Visa Liberalisation Dialogue. The main instrument within this process, presented to the Georgian authorities in February 2013, was the Visa Liberalisation Action Plan (VLAP). Between 2013 and 2015, four Progress Reports on the implementation of the VLAP were published. On 9 March 2016, the European Commission made its proposal on visa-free travel to the Schengen area for Georgian citizens by amending Regulation (EC) No 539/2001 on Visa requirements for nationals of Non-EU Member countries. The decision to exempt Geor-

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48 The text consists of 1802 words, whereof 437 words – the author refers to paragraphs 19-25 – deal with the resolution of the two protracted conflicts.

49 As indicated by Expert C (cf. chapter “Expert Interviews”).

gian nationals from visa requirements as of 28 March 2017 allows Georgian citizens to travel to all EU countries except for Ireland and the UK as well as to the four Schengen associated countries<sup>50</sup>.

To celebrate the entry into commencement of the visa waiver, Georgian Prime-Minister Giorgi Kvirikashvili travelled to Athens on 28 March and continued to Brussels for a meeting with the president of the European Council and the President of the European Commission the same day (cf. EEAS 2017c). Celebrations organised by the Georgian Government were also held in Tbilisi on 27-28 March, including public advertising, a street festival and a gala concert on Europe Square (cf. *ibidem*).

One year later, a phase of disenchantment has set in. According to statistics of the Georgian Ministry of Foreign Affairs, 220 thousand Georgians have travelled to the Schengen zone (cf. Rukhadze 2018). What causes even greater concern within the Schengen area is the fast-growing number of Georgian asylum seekers that have even tripled in some countries such as Norway and Switzerland (cf. *ibidem*). A major objection has been the connected increase in criminal actions committed by Georgian citizens that led German, Swedish and Icelandic officials to publicly announce their worries and has induced fear in Tbilisi about a possible temporal cancellation of the visa-free regime (cf. *ibidem*).

The debate started to flare up again after the European Commission's first report on the visa suspension mechanism released on 20 December 2017. From then on, discussions occurred in Western and Georgian media until February/March 2018. At the Association Council meeting in February 2018, Federica Mogherini indirectly reacted to the concerns and stated that "[t]he implementation of all commitments [...] is also proceeding well, as reported in December by the European Commission" (EU HRVP 2018). Thereby she relativised the reservations caused by migration numbers published in the report. The EU HRVP also reiterated the commitment of the Georgian Government to make the visa liberalisation "work in the best possible way" (*ibidem*) as well as the commitment to jointly work on challenges that might lie ahead.

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50 The associated Schengen states are Iceland, Liechtenstein, Norway and Switzerland.

## The EU as a Conflict Manager in Georgia

„[F]rom a minor international actor to a key player in pan-European security” (Stewart 2011: 32), the role of the European Union as an international security actor has radically evolved since the post-Cold War era. Stewart, for instance, underlines the dominant role of conflict prevention and crisis management in the CSDP and the ENP (cf. *ibidem*). Besides that, the EU and its Member States are collectively providing more than 50% of all global development aid and have consolidated their stand as being the biggest donor of development aid around the world again, having reached €75,5 billion in 2016 (cf. European Commission 2017). Furthermore, EU civilian and military missions have contributed to conflict prevention and management. Currently, there are 17 EU missions and operations deployed around the world, including the EUMM in Georgia (cf. EEAS 2016b).

### Emergence of a Strategy – from Soft to Hard Security Measures

The efforts of the EU to engage with Georgia’s separatist conflicts date back to the early 1990s. In the beginning, the focus was on humanitarian assistance through ECHO funding and food aid from DG Agriculture funds (cf. Wolff 2011: 149). In 1997, the EU began to also invest in rehabilitation programmes in both Abkhazia and South Ossetia/Tskhinvali (cf. *ibidem*).

When after 1999 the relations between Georgia and the EU were put on a contractual basis through the PCA, the amount of funding was significantly increased (cf. *ibidem*). The Presidency of the Cologne European Council concluded optimistically that the entry into force of the PCAs in the three South Caucasus states will “facilitate regional cooperation and hence the quest for lasting solutions to persisting conflicts in the region” (Council of the European Union 1999: §93).

However, the years following the Cold War have passed without a clear strategy on conflict prevention and crisis management (cf. Bosse 2011: 133). Actions carried out in the fields of humanitarian support, capacity building and economic cooperation were primarily led by events rather than a strategic policy (cf. *ibidem*: 134). The lack of a comprehensive approach made EU assistance rather ineffective given the ongoing conflicts (*ibidem*: 134; cf. also: International Crisis Group 2006). While the European Commission identified the need for conflict settlement to make financial contributions effective, Member States demanded to continue using the existing PCAs as a framework for the relations with Georgia (cf. Lynch 2006: 61).

As mentioned above, the EU’s interest in the South Caucasus picked up by the time it became a neighbouring region and was finally integrated into the ENP in 2004. The ENP aims at spreading peace across the EU borders. It also marked the beginning of a more differentiated approach towards the South Caucasus

states, that had primarily been seen as one region before (cf. Wolff 2011: 150). Among them, Georgia can be described as the “test case” (Bosse 2011: 132) for the role and impact of the ENP on conflict prevention and crisis management.

The extension of the ENP to the South Caucasus meant a shift towards integrating “hard” security issues (cf. *ibidem*: 134). Initially, the ENP’s paradigm had been “soft” security measures such as regional cooperation and development (cf. Bosse 2011: 135). The ENP also recognised the need to address the protracted conflicts so as to create a stable basis for pursuing cooperation, especially in the field of energy (cf. *ibidem*). Additional to the ENP, the ESS described violent conflicts around its borders as key problems for the EU, even though did not explicitly mention the South Caucasus (cf. *ibidem*: 135).

The ENP Action Plans contained provisions related to CFSP and political cooperation and highlighted the settlement of conflicts with particular regard to the South Caucasus (cf. *ibidem*: 135). However, there were no clear provisions related to conflict resolution, so the “increased efforts” (EC 2004: 11) were kept vague (cf. Bosse 2011: 135).

In 2003, the Council decided to “play a more active political role in the South Caucasus” and to “ensure clear lines of responsibility” (Council Joint Action 2003/496/CFSP). Therefore, the post of a Special Representative for the South Caucasus (EUSR) was created. The EUSR was tasked with coordinating the European Union’s external action in the region by assisting the countries in carrying out political and economic reforms, contributed to the return of refugees and IDPs, engage with national actors, encourage cooperation and enhance the EU’s effectiveness and visibility in the region (cf. *ibidem*: Art. 2). This was a step towards civilian crisis management (cf. Bosse 2011: 135).

In July 2004, the first EU rule-of-law mission EUJUST THEMIS, launched within the European Security and Defence Policy (ESDP), was deployed in Georgia (cf. Council Joint Action 2004/523/CFSP of 28 June 2004). The aim of this expert mission was to support the post-revolutionary country in reforming the criminal justice sector and legal reforms – areas, in which Georgia has made remarkable progress, as shown above. While EUJUST was not a response to an actual crisis (despite post-revolutionary tensions), the mission was deployed within the CSDP framework “in order to raise the political profile of the EU” (Oproiu 2015: 33) and ensure its effectiveness (cf. *ibidem*).

In the Action Plan, concluded in November 2006, the EU and Georgia committed to specific actions contributing to conflict settlement in Abkhazia and South Ossetia/Tskhinvali region in Georgia under Priority Area 6 (EEAS 2006). However, Tbilisi was disenchanted by the EU’s lack of will to become more actively involved in conflict resolution, which even delayed the negotiations of the second Action Plan (cf. Bosse 2011: 136). During the negotiations, the Georgian



delegation had insisted there should be conflict resolution commitments by the EU in the text, including ESDP instruments (cf. *ibidem*).

The EU proposed a soft approach towards conflict resolution that – criticised by Bosse (cf. *ibidem*) and the International Crisis Group (cf. 2006: 10-11) – concentrated on economic assistance and the support of existing UN and OSCE frameworks. Thus, Bosse (cf. 2011: 136) concludes that other than expected, the ENP did not immediately change the EU's habitual ad hoc approach towards conflict resolution in Georgia into a more consistent strategy. Wolff (cf. 2011: 151) however, positively highlights the EU's multilateral approach in the Action Plan, in which the Commission expresses its commitment to support the enhancement of OSCE and UN mandates. The enunciated intention to “[i]nclude the issue of territorial integrity of Georgia and settlement of Georgia's internal conflicts in EU-Russia political dialogue meetings” (*ibidem*). Moreover, showing the principal understanding that Russia as a veto-player needs to be involved in discussions in order “for any conflict settlement to have a realistic prospect of sustainability” (Wolff 2011: 151-152).

Yet, at the time, little attention was paid to the conflicts in high-level discussions between the Union and Russia (cf. Bosse 2011: 136). This was mainly because the Member States were divided on the question of EU-Russia relations, with the French government, in particular, opposing greater engagement (cf. *ibidem*). This was reflected, for example, in 2005 when the majority of Member States rejected a contribution to the OSCE Border Monitoring operation – an operation that finally could not be extended due to a Russian veto (cf. *ibidem*; cf. Lynch 2006: 55) and by the lack of EU responses to a number of incidents such as the Russian attack of a Georgian radar station in 2007 (cf. Bosse 2011: 136).

The division between the Member States also limited the power of the EU Special Representative for the South Caucasus (EUSR), as Member States were eager to keep tight control over him, but at the same time disagreed on how to define his mandate (cf. *ibidem*: 137). Into the bargain, the Commission tended to request information from the OSCE or UN rather than from the EUSR, since those institutions were perceived as being more influential (cf. International Crisis Group 2006: 137).

Within the Commission's DG external relations there was a lack of expertise on the South Caucasus since the staff working on the region was very small and constantly changing (cf. *ibidem*). The Action Plan for Georgia was developed by only a handful of officials (cf. *ibidem*).

Furthermore, the EU's financial assistance to Georgia – though increasing markedly after the Rose Revolution – was very low in comparison with that of the U.S., UN or OSCE (cf. International Crisis Group 2006: 5-6). The fact that the ENPI had been designed before the ENP was extended to the South Caucasus explains why it was not targeted at conflict resolution (cf. Bosse 2011: 137). With

regards to Abkhazia and South Ossetia/Tskhinvali region, the main focus lay on humanitarian and rehabilitation aid for Abkhazia and South Ossetia/Tskhinvali region, but not on promoting civil society and people-to-people contacts (cf. *ibidem*).

### **Coordination with other Institutional Actors**

Developments in the EU's international profile have been made alongside other European security organizations, such as the Organization for Security and Cooperation in Europe (OSCE) and the United Nations (UN). With regards to the conflicts in Georgia, the EU as leading negotiator of the *Protocole d'Accord* after the Georgian-Russian War 2008 decided to share the chairmanship of the mediation within the Geneva International Discussions (GID) both with the UN and the OSCE, since they already had extensive peace-building experience within the regions (cf. Devdariani/Giuashvili 2016: 384).

Before the 2008 war, the EU was not a formal participant of any of the regions' conflict resolution mechanisms (cf. International Crisis Group 2006: 10, footnote 110). Abkhazia negotiations were held within the framework of the "Geneva Peace Process", chaired by the UN, with Russia as facilitator (cf. International Crisis Group 2006: 10). The OSCE and the Group of Friends of the UN Secretary General (including Germany, France, the United Kingdom, the United States and Russia) had observer status (cf. *ibidem*).

The Georgian-South Ossetian conflict was negotiated in the Joint Control Commission, facilitated by the OSCE and including Georgian, South Ossetian and Russian representatives. The EU Commission took part as informal observer (cf. *ibidem*). The mandate of the EUSR for the South Caucasus regarding conflict resolution was limited to supporting UN and OSCE mechanisms (cf. Oproiu 2015: 12).

### **Organisation for Security and Cooperation in Europe**

The Organisation for Security and Cooperation in Europe<sup>51</sup> (OSCE, former: CSCE) has maintained its Mission in Georgia since 1992 (cf. Devdariani/Giuash-

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51 The OSCE is an intergovernmental organization consisting of 57 participating states (including all EU Member States, Georgia and the Russian Federation), all enjoying equal status. Decisions are taken by consensus on a politically, but not legally binding basis. The OSCE's approach to security is comprehensive and tackles politico-military, economic and environmental, and human aspects. Thus, it addresses a wide range of security-related concerns, including arms control, confidence- and security-building measures, human rights, national minorities, democratisation, policing strategies, counter-terrorism and economic and environmental activities. The main aim of the OSCE is to prevent disputes between and within participating states, which distinguishes it from the EU, that practices its foreign and security policy beyond its borders (cf. Stewart 2011: 41).

vili 2016: 384). The original mandate to promote negotiations between conflicting parties in Georgia aimed at a peaceful political settlement was expanded in 1994, especially with regard to the Georgian-Ossetian conflict, in which it was tasked “to facilitate the creation of a broader political framework, in which a lasting political settlement [in South Ossetia] can be achieved on the basis of CSCE principles and commitments” (OSCE n. d., Mandate; cf. Devdariani/Giuashvili 2016: 384). Furthermore, its monitoring, fact-finding and investigation contributed to the Joint Peacekeeping Forces’ operation (cf. *ibidem*). With regard to the Georgian-Abkhaz conflict, the Mission was tasked with ensuring liaison with the United Nations operations in Abkhazia (cf. *ibidem*).

Between 1999 and 2004, the Mission’s Border Monitoring Operation (BMO) was mandated to observe and report on movements across parts of the Georgian-Russian border (cf. OSCE n. d., Mandate). Initially, the BMO’s area of operation covered the border between Georgia and the Chechen Republic of the Russian Federation, but it was extended to the Ingush (from December 2001) and Dagestan (from December 2002) in the following years.

The OSCE’s Mandate to Georgia expired as of 31 December 2008. Since the OSCE Members refused to accept Russia’s wish to move the Mission’s headquarter to Tskhinval/i after their recognition, Russia withdrew its consensus from an extension on 22 December 2008 (cf. *ibidem*). Despite the efforts of the OSCE Greek Chairmanship that initiated political consultations, Russia finally ended the OSCE’s mandate in Georgia on 30 June 2009 (cf. Devdariani/Giuashvili 2016: 385). As Devdariani and Giuashvili (*ibidem*) sum up, “The OSCE PC was thus blocked due to a decision by one of its participants to impose its own vision on the status of Abkhazia and South Ossetia, not shared by any other OSCE participating State”.

Being limited to technical support to the OSCE team and OSCE field projects, the OSCE could maintain field presence through a “protracted process of ‘phasing out’” (*ibidem*). However, the inability to find a consensus on a status-neutral formula acceptable for both Russia and Georgia have hampered its aim to regain a political mandate for mediation after the 2008 hostilities (cf. *ibidem*: 385-386). Due to its previous engagement but without a document related to the Geneva International Discussions stating clear objectives for its involvement, the OSCE is engaged in confidence-building and humanitarian efforts in South Ossetia/Tskhinvali<sup>52</sup> (cf. *ibidem*: 386).

## United Nations

The Secretary-General and Security Council of the United Nations have been involved in the Georgian-Abkhaz conflict from the very beginning (cf. Hille 2010:

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52 Descriptions of projects that were carried out by the OSCE can be found in Devdariani/Giuashvili 2016: 391-395.

152). In 1993, the UN Mission to Georgia (UNOMIG) was deployed, provided with the mandate to monitor the actions of the Commonwealth of Independent States' Peacekeeping Force (CIPPKF) as well as to patrol the border area (cf. Fischer 2010a: 44-45; cf. Hille 2010: 153).

Resolutions adopted by the UN Security Council asked the parties to refrain from hostilities and observed the 1993 ceasefire agreement, aiming at ultimate conflict resolution (cf. Hille 2010: 153). A special focus was laid on the return of refugees and internally displaced persons (IDPs) (cf. *ibidem*).

Regular negotiations were held within a Coordinating Council set up on 18 December 1997 in Sukhumi (cf. Hille 2010: 154). These negotiations, divided into Working Groups on non-resumption of hostilities and security problems (I), refugees and IDPs (II), and economic and social problems (III) involved the UN Special Envoy, the Russian Federation (as facilitator), the OSCE and the Group of Friends to the Secretary-General<sup>53</sup> (cf. *ibidem*).

Abkhazia's declaration of independence on 12 October 1999 limited the scope of negotiations, (cf. *ibidem*: 156). Abkhazia's claim for its right to self-determination was diametrically opposing Georgia's demand for territorial integrity, that had also been supported by the UN Security Council from the very beginning of the negotiations (cf. *ibidem*: 156-158).

After August 2008, the UN has shared mediations with the OSCE and EU within the Geneva International Discussions, since it was the EU who brokered the ceasefire agreement (cf. *ibidem*: 160; cf. resp. chapters below). Furthermore, as Russia is a member of the UN Security Council thus having veto power, the share of negotiations makes sense to combine energy and efforts (cf. *ibidem*: 161).

As in the case of the OSCE mission to South Ossetia, Russia in June 2009 vetoed a UN Security Council resolution on the continuation of UNOMIG in Abkhazia (cf. Oproiu 2015: 34; Khintba 2010: 65).

## **EU Support to Conflict Resolution after the 2008 War**

The outbreak of hostilities in August 2008 called for a direct response by the EU. In the very beginning, the Member States' opinions on how to react varied widely. On the one side of the spectrum, the British Government along with the new Member States in Central and Eastern Europe and the Baltics called for major sanctions and a review of the relationship with Russia (cf. Bosse 2011: 138). At the same time, France, Germany and Italy opposed the imposition of tough sanctions on Russia, which they feared might lead to a further escalation of the conflict (cf. *ibidem*). Hence, the High Representative Javier Solana, the Commission and

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53 The Group of Friends to the Secretary General consisted of the USA, Great Britain, France, Germany and the Russian Federation.

the French EU Presidency issued separate statements in reaction to the hostilities (cf. *ibidem*).

### Ceasefire Agreement

Notwithstanding, the French Presidency of the EU, concurring with the Finnish OSCE Chairmanship, quickly managed to engineer a consensus among the Member States and to bundle the EU's conflict management capabilities. Under Nicolas Sarkozy's leadership, a six-point ceasefire agreement between Georgia and Russia was signed on 12 August 2008.

According to Van Herpen (2016: 12-13), the success of Sarkozy can be explained by Russian efforts to build a strategic triangle with Germany and France to counteract US influence in Europe. While the Franco-Russian relationship had already "began to blossom" under French President Jacques Chirac, Putin also entertained good relations with Chirac's predecessor Nicolas Sarkozy (cf. *ibidem*: 13). Sarkozy's could build on that during the mediation, which ultimately led to a "personal relationship" (*ibidem*) between the two leaders. At the World Policy Conference in Evian on 8 October 2008, the French President even recognised

"[...] that Russia may have felt neglected by Western countries [...] to the point that Russia may have believed that only a relationship of force would ensure that it was respected" (Sarkozy 2008; quoted from Kropatcheva 2012: 35).

The initial success was set back by Russia's announcement at the end of August to recognise the breakaway republics of Abkhazia and South Ossetia (that was followed by Nicaragua, Venezuela and Nauru and only in 2018 by Syria). Nicolas Sarkozy entered a new round of negotiations with Moscow. An Extraordinary European Council meeting on 1 September in Brussels fully confirmed the ceasefire agreement (cf. Council of the European Union 2008a). The Presidency Conclusions called the Russian reaction following the outbreak of the conflict "disproportionate" and condemned Russia's decision taken at the end of August to recognise the independence of Abkhazia and South Ossetia (cf. *ibidem*). On September 8, an understanding between the EU and Moscow was reached on the implementation of the ceasefire agreement (the so-called "Sarkozy-Medvedev Plan"<sup>54</sup>). This plan set out the time frame of one month for the withdrawal of Russian troops from the disputed territories and provided ground for the deployment of EU monitors around Abkhazia and South Ossetia/Tskhinvali region (cf. Bosse 2011: 139).

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54 According to Expert C (see Paraphrase), Sarkozy politically could not manage to press Moscow further. Then-Prime Minister Putin has taken Sarkozy by surprise and intimidated him badly during the meeting in Moscow. Sarkozy then proceeded further communication with then-President Dmitri Medvedev.

However, the Russian interpretation of the ceasefire agreement and its implementation as laid down in the Medvedev-Sarkozy-Plan was “rather creative” (Bosse 2011: 141). According to the Russian viewpoint, the ceasefire agreement was technically no agreement between Russia and Georgia, since Sarkozy signed it with the two leaders independently (cf. Devdariani 2018). Besides that, Russia claims that there has been an error in the translation: While the Russian version contains a provision on ‘*bezopasnost*’ (security/safety) *for* Abkhazia and South-Ossetia, the French (original) and English versions of the text speak about security/safety in Abkhazia and South Ossetia (cf. Lenta.ru 07.09.2008).

Sticking with this alternative version, Russia only accepts military buffer zones on the territory of Georgia (from a Russian post-recognition perspective), but not on the territories of Abkhazia and South Ossetia (cf. *ibidem*; cf. Devdariani 2017). This is also why the EU monitors were no longer allowed to enter the two entities after Russia’s recognition of Abkhazia and South Ossetia (cf. Bosse 2011: 140).

### **The European Union Monitoring Mission to Georgia**

The European Union Monitoring Mission to Georgia (EUMM) of 200 observers was deployed on 1 October, quickly after the adoption of Joint Action 2008/736/CFSP at the General Affairs and External Relations Council of 15 September. The Joint Action also extended the EUSR’s role in relation to the EUMM. The EUMM was mandated to monitor the compliance of parties with the ceasefire agreement of 12 August 2008.

When the EU High Representative Javier Solana visited the headquarters of the EUMM in Georgia one day prior to its deployment, he noted:

“This has been the fastest deployment the EU has ever undertaken. EU Member States made a tremendous effort [...] to be here in this short period of time. The EU has shown its capacity to act with determination and speed” (Solana 2008: 1-2).

Reacting quickly to the August 2008 war between Georgia and Russia has not only shown the EU’s capability in terms of decision-making and deployment but also ensured an international presence in the area (cf. Wolff 2011: 152). After both the OSCE and UN missions in Abkhazia and South-Ossetia had been closed due to Russian pressure, the EUMM became the only mandated international actor in Georgia (cf. *ibidem*; cf. Bosse 2011: 143).

Until today, the EUMM cannot exactly fulfil its mandate because its area of work is limited up to the Administrative Boundary Lines (ABL). Devdariani (2018) perfectly describes the problem of the concurring dimensioning: “The EUMM finds itself monitoring what the EU and Georgia consider an administrative boundary and Russia views as a state border”.

Indisputably the EUMM still occupies an important role, since it constantly patrols the ABLs with the breakaway-region, operates a hotline and regularly carries out Incident Prevention and Response Mechanisms (IPRMs) contributing to confidence-building (cf. EEAS 2017a: 6-7). The importance of progress in the Geneva International Discussion and of fully functional IPRMs was also underlined by the Association Council, that welcomed the contribution of the EUMM, that informs EU policymakers and the GID, “in preventing the escalation of tensions on the ground” (EEAS 2018b: 4). However, as there is no permanent international mediating field presence in Abkhazia and South Ossetia since 2009, independent information from within the two regions is lacking (cf. Devdariani 2018).

### **The European Union Special Representative for (the South Caucasus and) the Crisis in Georgia**

The Council also decided to appoint a separate EUSR for the crisis in Georgia (Council Joint Action 2008/736/CFSP) – alongside the already established EUSR for the South Caucasus, Peter Semneby (who invented the NREP). The appointment of Jacques Morel (Council Joint Action 2008/769/CFSP) as EUSR for the crisis in Georgia on 13 October 2008 was interpreted as “concession to the outgoing French EU presidency” (Wolff 2011: 153), but undermined Semneby’s role even though he as EUSR for the South Caucasus remained tasked with the political guidance to the EUMM (cf. *ibidem*). This complex structure was taken away and the posts were merged by Council Decision 2011/518/CFSP of 25 August 2011, appointing the French diplomat Philippe Lefort – former Ambassador to Georgia (2004-2007) and Russia (2007-2010) – the EU Special Representative for the South Caucasus and the crisis in Georgia<sup>55</sup>.

In November 2017, Toivo Klaar, an Estonian citizen and former Head of Division for Central Asia at the EEAS (2014-2017) and of the EU Monitoring Mission to Georgia (2013-2014), was appointed EUSR for the South Caucasus and the crisis in Georgia. The Association Council also declared the appointment as “visible and substantial signs of the EU’s commitment” (cf. EEAS 2018b: 4). Klaar’s mandate is based on the Union’s policy objectives in accordance with the existing mechanisms, including the OSCE, to both prevent the eruption of new conflicts in the region and contribute to a peaceful settlement of the crisis in Georgia and the Nagorno-Karabakh conflict. This shall be achieved by various means such as promoting the return of refugees and IDPs and supporting the implementation of their settlement in compliance with international law principles.

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55 Peter Semneby’s mandate as European Union Special Representative for the South Caucasus expired on 28 February 2011 and Pierre Morel’s mandate as European Union Special Representative for the crisis in Georgia expired on 31 August 2011 (cf. Council Decision 2011/518/CFSP).



The EUSR is the person that engages with the main actors in the region that are willing to cooperate on the Union's behalf, thus making the Union more effective and visible in the region, and that encourages and supports further cooperation between Armenia, Azerbaijan and Georgia, and, as appropriate, their neighbouring countries (cf. EEAS 2016a: 3). This broad regional mandate still allows the EUSR and his staff to officially visit Abkhazia and South Ossetia and interact with the *de facto* authorities, which makes the post essential for keeping at least minimum contact to South Ossetia<sup>56</sup> and building trust within the *de facto* states (cf. de Waal 2017). Thus, the EUSR has an important role in preparing the ground for the implementation of the engagement pillar of the NREP. Furthermore, the EUSR co-chairs the Geneva International Discussion.

### Crisis Management Bureaucracy

The fast response to the 2008 war has *inter alia* been made possible due to a smooth crisis management bureaucracy (cf. Bosse 2011: 139-140). The Civilian Planning and Conduct Capability (CPCC) was set up within the Council Secretariat only in July of the same year (cf. Council of the European Union 2008). This new entity, comprising of 70 rule-of-law, financial, logistical and procurement experts, provided the Committee for Civilian Crisis Management (Civcom) with advice (cf. Bosse 2011: 139-140; cf. Cross 2010: 26) and managed to gather staff, vehicles and equipment from the Member States within only a few days (cf. Bosse 2011: 140).

While the permanent presence of Member States in Brussels through the Civcom provide expertise to the Political and Security Committee (PSC) on civilian aspects of crisis management (cf. Council Decision 2000/354/CFSP), the EU Military Committee (EUMC) is the highest military body and gives advice and recommendations related to military aspects (cf. Council Decision 2001/79/CFSP). As Cross (2010: 8) points out, "Member States drive ESDP" through these two trans governmental platforms. Bosse (2011: 140) also remarks the willingness of the Member States to step up in the aftermath of the Georgian-Russian war, since "[w]ithout their immediate support, the crisis management bureaucracy could have done very little, regardless of its outstanding management capabilities".

The Permanent Structured Cooperation on security and defence (PESCO), set up in November 2017, aims at further integrating and strengthening defence cooperation within the EU. The Treaty-based (Art. 42 (6) and 46 TEU and Protocol 10) framework will deepen defence cooperation among those Member States

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56 After the 2008 war, the European Commission's room for manoeuvre in South Ossetia was "reduced to almost zero" (de Waal 2017).



– currently 25<sup>57</sup> – who are capable and willing to do so. PESCO works both at Council level and at the project level, which means its effectiveness will be measured by assessing the projects developed. By signing PESCO, the signatories confirmed their willingness to increase the CSDP’s capacity to act and deepen the Union’s integration in the field of defence. The Georgian Vice Prime Minister, Foreign Minister Mikheil Janelidze, stated that Georgia welcomed the reinforced defence cooperation through PESCO and announced via Twitter on 15 December 2017 that Georgia “is ready to deepen partnership w[ith] EU in the security field for the [sic!] stronger Europe” (cf. Agenda.ge, 15 December 2017).

## The Geneva International Discussions

The objectives of the Geneva International Discussions (GID) have been set out by the 12 August ceasefire agreement. According to the protocol, the GID is tasked to deal with the modalities of security and stability arrangements as well as with the situation of refugees and displaced persons. Without being specified further, the minimum objective extrapolated from other recent conflict dialogue frameworks would have been to finalise the ceasefire and propose consensual security mechanisms (cf. Devdariani/Giuashvili 2016: 386).

However, the multilateral mediation forum lacks a common view on the objectives, the participants’ roles and even the conflict(s) being mediated.

With regards to the objectives, Russia’s recognition of Abkhazia and South Ossetia as independent states has made the full implementation of the ceasefire agreement impossible, even before the GID had convened for the first time (cf. Devdariani/Giuashvili 2016: 386). Russia interprets their military bases as being deployed based on bilateral agreements with either of the independent states, thus “new realities” would nullify Russia’s obligation to withdraw its forces as laid down in the 12 August 2008 agreement (cf. *ibidem*).

When it comes to the roles within the GID, interpretations differ as well. While Georgia considers Russia its opponent as a party in the 2008 war and power in control over two Georgian regions, Russia claims to be a facilitator like the U.S., but in a conflict between Georgia and the independent states Abkhazia and South Ossetia (cf. *ibidem*). The EU does not interpret Abkhazia and South Ossetia/Tskhinvali region as negotiating partners and carries out its actions in conflict resolution with the breakaway territories “to support Georgia’s efforts to overcome the consequences of internal conflicts” (cf. EEAS 2017a)<sup>58</sup>.

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57 The common notification on the PESCO was signed by all Member States except Denmark, Malta and the United Kingdom on 13 November 2017.

58 In the factsheet on EU-Georgia relations published in November 2017, the EEAS states that „[t]he EU continues to support Georgia’s efforts to overcome the consequences of internal conflicts in Georgia’s breakaway regions of Abkhazia and South Ossetia dating back to the early 1990s, as well as to stabilise the situation following the outbreak of hostilities in August

The participants and mediators also answer the question of which conflict is being mediated differently. Russia, Abkhazia and South Ossetia/Tskhinvali region consider the GID as a negotiation format for the conflicts between Georgia and the respective partially recognised state in its entirety, conflicts in which the 2008 hostilities would mark “just one significant escalation” (cf. Devdariani/Giuashvili 2016: 387). Georgia, however, sees the GID as a mediation process with Russia following the 2008 war between those two countries. The EU also focuses on mediating the Georgia-Russia conflict, while the UN is engaged primarily in Georgia-Abkhazia and the OSCE in Georgia-South Ossetia dynamics (cf. *ibidem*).

The discord among the participants and observers hamper progress towards discussing larger goals such as the non-use-of-force commitment by Russia, consensual international security mechanisms or a solution for the internally displaced persons and refugees (cf. *ibidem*: 387).

However, the GID is the only available format to discuss the Russian-Georgian conflict and the only gathering place in which live discussions between Tbilisi and the de-facto authorities in Tskhinvali and Sukhum/i take place. At the same time, it is the only venue where both entities can voice their needs and be heard before the international community<sup>59</sup> (cf. *ibidem*).

Despite the lack of progress in finding a political solution during over 40 rounds, the GID has – through keeping a continual dialogue by focussing on smaller, more tangible goals – prevented a renewed escalation, which cannot be overestimated.

### Excursus: Other Mediation Platforms

Mediation efforts are also undertaken in other organisations, such as the Harvard Project on Negotiation, the German Berghof Research Centre for Constructive Conflict Settlement, the Austrian Schlaining Process, as well as initiatives of the London based Institute for Strategic Studies (cf. Hill 2010: 161) or International Alert<sup>60</sup>, that also publishes expert analysis on conflict issues from Abkhaz, Georgian and South Ossetian perspectives.

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2008” (EEAS 2017a: 7). While the EEAS emphasises Georgia’s efforts, it mentions Abkhazia and South Ossetia as Georgia’s breakaway regions, not *as negotiation parties*

59 For example, the necessity to take measures against the marble bug invasion that threatened agricultural crops was raised by the Abkhaz side at the 41st GID round within the framework of humanitarian issues (cf. Ministry of Foreign Affairs of the Republic of Abkhazia 2017). The idea has been carried further by the Austrian Development Agency that started a project (cf. ADA, project number 8351-00/2017) on animal health and plant protection to counteract the pest, involving Abkhaz and Georgian farmers.

60 <https://www.international-alert.org/south-caucasus> [16.06.2018].

## Obstacles to Conflict Resolution

Besides the varying views on who the parties to the conflict are, which conflict is being mediated and the mediation objectives, as discussed above, Russia's strong influence on the *de facto* states is a major impediment to conflict resolution. This fact was again stressed by the Association Council at its latest (5<sup>th</sup>) meeting on 5 February 2018, when it mentioned the so-called treaties on integration between Russia and the entities as a major concern (cf. EEAS 2018b: 5).

In addition, the intensified militarisation is convicted as “gross violation of Georgia's territorial integrity” (cf. *ibidem*). The EU calls on Russia to withdraw its military forces from Georgian territory and to let the EUMM fulfil its mandate, namely to provide access to the *de facto* independent territories (cf. *ibidem*).

Besides that, Abkhazia has become even more isolated since two out of four crossing points on the Administrative Border Line (ABL) were closed in 2017, certainly aggravating locals' lives (cf. *ibidem*). In both regions, human rights violations and discrimination of ethnic Georgians were found to be on the rise (cf. EEAS 2018b: 5).

## The Role of Financial Engagement

With regards to financing, the EU's initial response to the 2008 Georgia-Russia War demonstrated its will to quickly invest in civil protection, rehabilitation and humanitarian and food aid (cf. Wolff 2011: 152). ECHO funds allocated €8 million in 2008<sup>61</sup> and €4 million in 2009 to humanitarian and food aid in Georgia (cf. European Commission 2010: 54; 112). Additionally, €2 million was provided in 2009 for disaster prevention for the South Caucasus through DIPECHO – a regional programme covering Georgia, Azerbaijan and Armenia (cf. *ibidem*: 55). In total, €18 million was spent on Georgia from 2005-2009 (cf. *ibidem*).

The Instrument for Stability (IfS) financed €15 million in 2008 (cf. European Commission 2009: 4) and €14 million in 2009 to support the more than 30,000 IDPs through confidence-building, political reform, socio-economic integration of displaced people, and assistance in Abkhazia (cf. *ibidem*; cf. European Commission 2010: 55).

The ENPI provided €61,5 million to support IDPs in Georgia in 2008 by providing housing solutions and infrastructure and supporting integration and development in the host areas, and another €43,5 million in 2009 (cf. European Commission 2010: 56).

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61 Which is four times the amount of the allocation in 2005, 2006 and 2007 (€2 million per year); in 2003 it had allocated €4 million. While the aid to Georgia was increased in 2008, the allocation to Chechnya was cut down significantly (cf. European Commission 2010: 112).

The European Commission provided €9 million for Georgia as a response to the crisis and warranted €500 million for the period 2008-10 at a Donor's Conference for Georgia co-chaired by the World Bank on 22 October 2008 (cf. Wolff 2011: 152). Contributions (e.g. shelter, medicines, food and clothing) of Member States directed to Georgia were facilitated through the Community Civil Protection Mechanism (cf. *ibidem*). The EUMM was equipped with €37 million for its first year (cf. Wolff 2011: 152).

While the immediate EU response to the crisis in Georgia was quick and promising, this “initial flurry of activity” (Wolff 2011: 152) has (partly) lost its momentum afterwards. Humanitarian assistance and IDP support, in particular, have remained successful – but the political leverage on conflict resolution declined (cf. *ibidem*: 152-153).

While after Russian recognition and the EU's subsequent adoption of the NREP the “window for opportunity” (cf. Fischer 2010b: 5) was used in Abkhazia as projects kept going, the European Commission's room for manoeuvre in South Ossetia “was reduced to almost zero” (*ibidem*), which means the engagement pillar of the NREP could not be implemented there (cf. Fischer 2010b: 5).

In the first three years following the war, projects in Abkhazia were funded through the Instrument for Stability and EIDHR (cf. Fischer 2010b: 5). Since those instruments are not tied to the consent of a partner government, the then restrictive approach of the Georgian government could be circumvented (cf. *ibidem*).

In May 2010, the United Nations Development Programme (UNDP) has started the Confidence Building Early Response Mechanism (COBERM) that is financed by the European Commission and implemented by UNDP (cf. *ibidem*).

Fischer (cf. 2010a: 51) describes, that – especially in the beginning of the EU's increased engagement – the new Abkhaz leadership was eager to establish contacts with the EU that had become the biggest donor of external assistance to Abkhazia. However, the “quick rapprochement between Georgia and the EU was observed with great suspicion” (*ibidem*: 51). Additional to that, the fact that EU aid went through Tbilisi and was aimed at (re)establishing ties with Georgia has been met with disapproval (cf. *ibidem*: 51-52). Thus,

“[t]he EU's economic assistance could not compensate for the political and symbolic deficiencies of EU policy as seen from an Abkhaz perspective” (Fischer 2010a: 52).

Fischer (cf. *ibidem*: 52) sums up that this perception alongside the polarization of the Georgian-Abkhaz conflict and increasing tensions between Russia and the EU undermined the confidence and subsequently the EU's potential for mediation in this initial phase of NREP implementation.

## Current EU Programmes in Abkhazia

In its fact sheet on EU-Georgia relations, the EEAS (cf. 2017a: 7) clearly expresses that engagement with the breakaway regions is carried out “in support of long-term conflict resolution” (ibidem), thus directly labelling the NREP a part of the EU’s conflict resolution strategy towards Abkhazia and (theoretically) South Ossetia.

The ENI support to the breakaway regions is part of the overall EU engagement policy and follows a comprehensive approach. While the ENI is not a conflict-gearred quick reaction initiative, it is catering for conflict-affected populations by either: streamlining such concerns into its overall support to Georgia: e.g. on IDPs, who are “positively discriminated” in several ENI programmes; or providing separate, adapted strands of action e.g. specific components for Abkhazia within the European Neighbourhood Programme for Agriculture and Rural Development Phase II and Phase III (ENPARD II and III), Civil Society Facility and the future programme on Vocational Education and Training (VET).

The Instrument contributing to Stability and Peace (IcSP)<sup>62</sup> IV amounts to €7.5 million and aims at “increasing the efficiency and coherence of the Union’s actions in the areas of crisis response, conflict prevention, peace-building and crisis preparedness, and in addressing global and trans-regional threats” (Art. 1 (1), Regulation No 230/2014). The IcSP programmes encourage people-to-people contacts, direct channels between societies and stakeholders on both sides and support opportunities developed by these dialogues. Currently, the following projects are funded under IcSP, both multi-country projects managed by the European Union Delegation in Georgia<sup>63</sup>:

COBERM III (Confidence Building Early Response Mechanism) focuses on societal confidence-building measures, ranging from grass-roots initiatives and people-to-people contacts to activities related to the political opening in the framework of the Geneva International Discussions (proposed by the EUSR office).

Another project, “Mother-tongue based multi-lingual education in Abkhazia” responds to the highly sensitive issue of language education and language of instruction in the breakaway region of Abkhazia. The project aims at fostering quality education in Abkhaz, Georgian and Armenian mother tongues for the respective linguistic groups, alongside other languages necessary for social and economic inclusion – thus responding not only to a political challenge but a serious child rights issue, given the deteriorating education situation in Abkhazia which is in desperate need of modernisation.

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62 IcSP was adopted by the European Parliament and the Council of the European Union on 11 March 2014 (Regulation No 230/2014) and succeeds the Instrument for Stability (IfS) that was proposed by the Commission in September 2004 and created by the Council and Parliament on 15 November 2006 (Regulation No 1717/2006).

63 <https://icspmap.eu/> [16.06.2018].

Under the European Neighbourhood Programme for Agriculture and Rural Development II (ENPARD II), three complementary contracts (with UNDP – €1 million, Action Contre la Faim (ACF) – €1.5 million and Danish Regional Council (DRC) – €1.5 million) contribute to improving living conditions and access to basic services in rural areas of Abkhazia while promoting community participation in local development processes. A new Delegation Agreement (€4 million) was signed in late December 2017 with UNDP under ENPARD III. UNDP will cooperate with other relevant implementers in Abkhazia (DRC, ACF and FAO) on extending the rural development actions initiated under ENPARD II in both rural development and pest management. Pest management is gaining particular importance, given the dramatic harvest losses due to numerous plant pests in 2017, which have added to the vulnerability of the already impoverished population.

The new programme (under Annual Action Programme 2017) on Skills Development and Matching for Labour Market Needs will further contribute to skills development, anticipation and matching, as well as improve entrepreneurial skills. Specific support will be provided to improve the management and delivery of VET and enhance employment and training opportunities of vulnerable groups in Abkhazia (€3 million).

The “Joint EU-UNDP Civil Society Support Programme” (€1.4 million) strives to address the key problems of the civil society in Abkhazia; it is expected to promote an inclusive, competent, and responsive civil society that more effectively serves the needs of all of Abkhazia, and South Ossetia when possible (launched on 1 January 2017).

Within the last 1,5-2 years, the focus of EU engagement has shifted<sup>64</sup>. Instead of focussing on confidence building, most recent projects target humanitarian issues as their main objective. The sole confidence building focus proved to be less well received among the Abkhaz, who perceived these projects as a precursor to reunification with Georgia forced by the EU. While concrete results have not materialised yet, the focus on humanitarian issues has the chance to firstly create trust in an EU that takes their concerns seriously, and secondly (applicable to some projects) to build confidence between Georgians and Abkhaz through people-to-people contacts on a more subliminal level – by working on common goals.

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64 This paragraph is based on information given by a EU Commission representative on 6 March 2018.

## Expert Interviews

In order to match the results of the literature-based first part of the thesis with practical insights from experts in the field, expert interviews were carried out between January and March 2018. These qualitative interviews seek to prevent misinterpretations and to generate additional results.

The views of the experts will firstly contribute to a broader understanding of the multilayered conflict context, secondly examine the development and possible shortcomings of the EU's Non-Recognition and Engagement Policy and finally, by giving suggestions for the NREP's development, facilitate the formulation of recommendations.

Expert interviews are characterised by their resemblance to everyday conversation but are rules-based to avoid both drifting away from the topic as well as missing needed information (cf. Meuser/Nagel 1991: 448). Therefore, the expert interviews were carried out based on an interview guideline that can be found in the Annex.

### Conception and Evaluation of the Interviews

The attempt of the selection of interviewees is to portray as wide as possible range of opinions. This means the interviews are conducted with persons of different backgrounds that represent different groups in order to show where and to what extent their views diverge. The following groups are represented in the choice of experts: Abkhaz Civil Society (Expert A), International Non-Governmental Organization (Expert B), Conflict Research/Policy Consultancy (Expert C), External Observer (Expert D) and Georgian Government (Expert E). Expert A declares herself an Abkhaz citizen, Experts B, C and E are Georgian citizens and Expert D is an EU citizen.

The establishment of contacts was made via e-mail. A few days before the individual oral interviews – via Skype (Experts A, B, C), telephone (Expert E) or in person (Expert D), the interview guidelines were sent to the respective experts, so they could prepare themselves for the topic. The interviews were recorded and transcribed.

The interviews are evaluated by means of a qualitative content analysis based on Meuser/Nagel, which includes:

- Paraphrasing
  - Thematic Ordering
  - Thematic Comparison
- (cf. Meuser/Nagel 1991: 456-467)

The analysis will not include the steps “Conceptualisation” and “Theoretical Generalisation” as proposed by Meuser/Nagel (1991). Since the Experts’ contributions represent different groups and opinions, they cannot be conceptualised or generalised. The insights gained through the Expert interviews contribute to a better understanding of the multilayered conflict and thus to the Recommendations formulated.

## **Paraphrasing**

In a first step, the content of each interview is summarised. The paraphrases reflect what the experts said in the chronology of the actual course of conversation. The summaries of the interviews can be found in the Annex.

## **Thematic Order**

Thematic ordering means filtering out relevant statements of the individual interviews based on selected subject areas. The subject areas are “Main Challenges in Abkhazia and South Ossetia”, “NREP and Georgian Policies”, “Enhanced Relations: Visa Liberalisation and DCFTA”, “Russia’s Role and Influence”, “EU Engagement in Abkhazia”, “EU and Conflict Transformation” and “Assessing the NREP and Recommendations”.

## **Expert A**

Expert A is an Abkhaz Civil Society Activist who works for an NGO in Sukhum/i. She wrote several articles on the Georgian-Abkhaz conflict and on EU engagement in Abkhazia and has carried out EU-funded projects in Abkhazia.

### **Main challenges in Abkhazia and South Ossetia**

Expert A identifies the limited right to free movement as the main challenge for Abkhazians. In this respect, she criticises the EU for following Georgia’s example of not recognising the travel document that was easiest accessible and therefore most common among the Abkhaz population: Russian passports issued by the Russian Embassy in Abkhazia. She finds the non-recognition of these passports as a Human Rights violation since it was “targeted towards the whole population in Abkhazia”. She explained that the problem in this form was unique in Abkhazia. Unlike for South Ossetians, who easily got their Russian passports in North Ossetia, getting registered in Russia to request a Russian passport was difficult for Abkhazians.

Furthermore, she criticises that Georgian policies and legislation – the Law on Occupied Territories and the Strategy on Occupied Territories – would create obstacles for Abkhazia, finally contributing to another challenge: “the more Georgia closes up Abkhazia from the international community, the more it opens to Russia”.



## **NREP and Georgian Policies**

Expert A thinks the NREP had been an attractive approach but is convinced it had never been implemented. In her view, the NREP had been discredited by Georgia, which immediately took over the engagement policy, to prevent creeping recognition. Therefore, Georgia drafted its own engagement policy, in which they misused engagement as “means to reintegration”, she explains.

Expert A repeatedly emphasised that Abkhazians were certain that the ultimate aim of reintegration was standing behind each (Georgian or Georgian-approved external) engagement in Abkhazia. Because of the link between engagement and reintegration, Abkhazians were afraid of any measures that promoted connections and cooperation between Abkhazia and Georgia. Abkhaz opponents of EU engagement in Abkhazia would use this rationale and claim that the “hidden agenda behind EU engagement” was the reintegration of Abkhazia within Georgia.

She advises the EU not to be guided by the Law on Occupied Territories on Georgian demands, as the Georgian approach was problematic for Abkhazians.

## **Enhanced Relations: Visa Liberalisation and DCFTA**

She explains Abkhazians were not willing to accept Georgian jurisdiction in order to receive the benefits of the EU-Georgia enhanced relations. With regard to visa liberalisation, she comments: “Abkhazia has survived many years of sanctions and they are not willing to use visa liberalisation or trade benefits with the EU to sacrifice in return what they have fought for in a very, very bloody war”.

Abkhazians would not cross the “red line” of being presented as part of Georgia. This was the difference to Transnistria, she adds. Transnistrians were willing to register their companies in Moldova to benefit from DCFTA. Such an approach would however not be acceptable for Abkhazians, she argues.

## **Russia's Role and Influence**

Expert A thinks the EU should better have involved Russia in preparing the Association Agreement and DCFTA with Georgia and thinks that in general “there has to be more awareness of the Russian interest” among the EU when enhancing relations with the common neighbourhood.

Expert A sees the relations between Abkhazia and Russia as ambiguous. While it was clear that Russia as an ally and facilitator “expects loyalty”, some demands were not acceptable to them. In such cases, discussions – with varying degrees of success for Abkhazia – took place between them. Abkhazians considered Russia their guarantor of security and “really appreciate what Russians did to defend Abkhazia in 2008”. While for an isolated country the increasing dependence on Russia was natural, she reiterates that it was clear that Abkhazia wanted to be independent – which was not that clear in South Ossetia's case.

## EU Engagement in Abkhazia

To begin with, Expert A thinks that any substantial engagement with Abkhazia or in the region should also involve Russia.

She appreciates the presence of international organizations in Abkhazia, and especially their support in the field of civil society. In her view, however, the EU should go beyond that and also work with officials, since the protection of human rights could only be safeguarded in cooperation with law enforcement and the judicial system as well as by reforming the police sector. The human rights situation could not be changed by NGOs alone, but would need the involvement of the Abkhaz Government, she argues. Talking about human rights, she implies criticism of the EU's emphasis on the rights of ethnic Georgians, since Abkhazians would face similar or even the same problems – yet, of course, the focus should be on the most vulnerable, she concludes.

Her key criticism is the linkage between EU engagement and the idea of Abkhazia or South Ossetia turning to Georgia. Instead, EU engagement should be motivated by the conviction that tackling the real needs of Abkhazians and South Ossetians is important per se.

Especially the EU's initial focus on confidence building was seen with great scepticism in Abkhazia – and she thinks it was of little value. She says that thanks to proposals by Abkhazian NGO's the focus had shifted away from confidence building between Georgians and Abkhazians across borders to confidence building between ethnic Georgians and Abkhazians within Abkhazia.

Above all, she criticises the approach that confidence building between Abkhazians and Georgians was a precondition for EU investment since that was a huge help for Georgia. Having been directly affected by the war, the post-war sanction period and the years of non-recognition, she argues it was unfair that the needs of Abkhazians, that “have a value of their own”, were always weighted against the level of confidence built with Georgians. By doing so, the EU would cause distress among the Abkhaz society.

## EU and Conflict Transformation

She criticises that the EU proceeded from the position that Abkhazians had to prepare the ground for conflict resolution and that the EU meant reintegration by conflict transformation. In South Ossetia, this approach was met with even greater rejection. The breakaway regions would, of course, be in favour of the EU using a status-neutral approach in conflict management.

In terms of the past, she speaks that the real cause of the war and conflict, which lay in what happened in 1992/93, should be addressed. If this is not done, Georgia would further attempt to rewrite history and delete the pre-2008 period. In this context, she tells that she was very emotional because Georgia had de-

manded Sukhum/i's twin town Kilmarnock (Scotland) change a monument dedicated to "all those who died during the war in Sukhum" in late 2017. Also with regard to the 2008 conflict, Georgia would mostly portray the events as Russian aggression against Georgia and adds that she finds distorting history was not helpful for the relations.

Expert A appreciates the GID. While she points out they were based on the 2008 situation, she says she understood that it was not easy to invent changes to the format. Therefore, she would suggest creating other frameworks with UN and EU involvement or at least side events around Geneva where Abkhazian and South Ossetian politicians could talk to their counterparts. She also proposes the EU should invest more in regional dialogue platforms that should not only involve the three South Caucasus states (Armenia, Azerbaijan, Georgia) but also include Abkhazia, South Ossetia and Nagorno-Karabakh. Even if engagement on an official level were not possible, the involvement of the entities on a civil society level, expert level or the level of common issues would contribute positively to conflict transformation.

### **Assessing the NREP and Recommendations**

Expert A is convinced the steps taken so far by the EU were too small to win over Abkhazians to the idea of engagement with the EU. Moreover, the EU engagement would need to be more visible. She argues that the EU has to deal with the de facto authorities to trigger real change. The sole concentration on working with NGOs has furthermore contributed to marginalising NGOs: those working with the EU were viewed as collaborators of an EU that was supporting Georgia and did not want to work with Abkhaz authorities, so they have had to deal with suspicion and "even social media shitstorms".

She recommends that the EU should act in a more flexible manner, but at the same time should be more consistent and firm with Georgia. This would include persuading Georgia to abandon the LoOT – and would, as she underlines, "not automatically mean that Europe is recognising Abkhazia".

### **Expert B**

Expert B is a Georgian citizen who works at an international NGO. Until two years ago, she had been working with Abkhazians and South Ossetians on various occasions. She has visited South Ossetia numerous times.

### **Main challenges in Abkhazia and South Ossetia**

Expert B names isolation as the biggest problem in Abkhazia. Abkhazians had told her that EU countries banned them from obtaining visas and that Georgia blocked their efforts to go outside Abkhazia. She explains that of course people living in Abkhazia would perceive the situation differently: While in general people living

in towns were more aware of what was going on around them, people in rural areas were more preoccupied with daily issues and challenges.

The isolation in South Ossetia is much bigger, while little information about what was going on there was accessible.

Expert B believes the focus of attention of most international organisations – not only the EU – was directed on the situation and human right’s status of Georgians within Abkhazia. Abkhazians would feel left out, since these organisations seemed to be only concerned with the economic, political and social rights of ethnic Georgians, but would take little notice about people living in other parts of Abkhazia who might experience the same problems.

### **NREP and Georgian Policies**

According to Expert B, Abkhazians found engagement without recognition upsetting and especially civil society representatives would doubt it could work. She explains that they were not fond of the idea because they believed the EU was representing Georgia’s interest rather than those of Abkhazians.

Both the Georgian Strategy on Occupied Territories as well as the LoOT were very much disliked and despised by the respective entities and by civil society, she reports. The fact that Georgian authorities did not recognise products produced in Abkhazia and South Ossetia “forces the people living there to smuggling”, she says.

### **Enhanced Relations: Visa Liberalisation and DCFTA**

When talking about the implications of Georgia’s enhanced relations with the EU for the breakaway territories, Expert B explains that Abkhazians and South Ossetians perceive themselves as very traditional communities. Therefore she thinks that the promotion of human freedoms and human liberties, that is part of the EU agenda and Georgia’s integration into Euro-Atlantic structures, could, in fact, contribute to separating the communities instead of bringing them together.

She believes that while the possibilities the EU offers for Georgia, such as the visa liberalisation, would be interesting for Abkhazians, but they would fear intimidation from authorities and community members if they obtained a Georgian passport to travel abroad. Outcomes in this respect could only be achieved “if Abkhaz and Russian authorities would turn a blind eye to their citizens”.

Expert B does not find the non-implementation of DCFTA in Abkhazia and South Ossetia reasonable. However, she inserts, it was also not fully implemented in Georgia because a lot of people – especially those living in rural communities – did not know what it was about.

## **Russia's Role and Influence**

She explains that, especially in Abkhazia, people would find themselves being caught between Russia and Georgia. Overwhelming Russian presence – and the threat of Georgia they still perceive – did not give them much choice. The great military presence and political influence would make “Abkhazia a captive of its own alliance”. Even if they wanted to enhance relations with the EU, the powerful Russian presence would make it impossible. A turn towards the EU by Abkhazia could only be achieved in case that Russia would step back for some reason, which Expert B does not think was realistic in the near future.

In South Ossetia, the independence discourse was not prominent, except for some activists. The majority of South Ossetians and certainly the politics were moving towards more unification with Russia with the ultimate aim of joining North Ossetia/Russia. Therefore, similar EU engagement in South Ossetia is not imaginable for her.

## **EU Engagement in Abkhazia**

When it comes to the EU engagement in the breakaway territories, Expert B underlines the powerful role of the EUSR who is granted access and can engage on a higher political level.

In terms of international and EU engagement, she identifies two main drawbacks of current approaches: firstly, Abkhazians would often feel left out since international actors – among them the EU – focussed on the situation and human rights’ status of ethnic Georgians within Abkhazia, but took little notice that people living in other parts of Abkhazia might face the same problems. Secondly, she explains that Abkhazians hated confidence-building mechanisms, “even the sound of it”, as they would think confidence was completely lost between the two people.

In terms of benefits, she believes NGOs were, in fact, benefitting most from EU programs as the staff could travel and have meetings abroad. She, however, doubts that there was any benefit to the local population.

Expert B assesses the EU visibility in Abkhazia as low, partly because local authorities were not willing to promote the EU as the benefactor, but instead took credit for themselves. Furthermore, the EU does not fund infrastructure projects that could contribute to more literal visibility. The lack of visibility is why Expert B thinks the EU did not benefit from its engagement, except for having limited access to Abkhazia and being able to put faces to the names of Abkhaz and Russian authorities and officials.

## **EU and Conflict Transformation**

Expert B is certain that the EU’s leverage in terms of conflict transformation was basically limited to exerting pressure on Georgia, where she saw potential to be more active for the EU. She calls on the EU to convince Georgia to recognise

Abkhazia and South Ossetia as parties of the conflict – not independent countries – as demanded by Georgian civil society organisations. She supports the idea that this might be a “game changer”.

Expert B very much appreciates the EUMM’s IPRMs, which she however thinks are their only leverage. Through the hotline that operates on both sides of the ABL, the IPRMs would contribute to stabilisation, which makes them have a share in conflict transformation or at least in preventing new hostilities on a local level.

She also mentions the monthly IPRM meetings attended by Georgian, Russian and Abkhazian/South Ossetian representatives that are facilitated by the EUMM. Expert B believes especially the informal conversation between the parties – for example at dinner – were crucial and not less important than the official interactions.

Her single point of criticism with regards to these meetings is that civil society was not represented there. However, she has seen positive trends towards the involvement of civil society within the last year. After having been completely closed for CSOs in the beginning, she mentions that when (the current EUSR) Toivo Klaar was appointed Head of EUMM in 2013, he was the first to convene an EUMM-Civil Society meeting. She explains that success depended a lot on personalities: Klaar’s predecessor, whom she describes as a “Russian-educated military guy who did not care about sensitivity” had totally lost Abkhazian trust which had even resulted in the suspension of IPRMs in Abkhazia for a period of two years. Klaar had been proven to be a great leader and managed to restore the IPRM meetings.

Since 2013, cooperation between the EUMM and CSOs had increased and she appreciates been given the opportunity to interact with civil society actors and EUMM members unofficially. She recounts that based on information of the EUMM’s humanitarian team – the “November Team” – a couple of serious issues could be addressed by CSOs, as “these guys [the November Team] know how to channel information to the right people”.

According to her, Georgia would welcome the idea of additional political dialogue, but there has been little declared interest (probably due to their limited freedom of choice to push forward what they actually wanted) by South Ossetia and Abkhazia.

### **Assessing the NREP and Recommendations**

The only positive development or breakthrough of the NREP that comes to Expert B’s mind was the exchange of prisoners between the parties. While Abkhaz patients treated at Georgian hospitals were often mentioned by the Georgian side, she argues this was still not a real breakthrough since Abkhaz and South Ossetian citizens feared stigmatisation and did not talk openly about Georgian concessions

in a positive manner to fellow citizens. She thinks that on a personal level, a lot of people had changed their views towards Georgia, but this was not promoted on a public level.

As regards the future development of EU policies, Expert B is not sure, as, on the one hand, she thinks direct contacts with the *de facto* authorities would be more effective, but on the other hand, doubts the likeliness since it might be interpreted as contradicting the adherence to Georgia's territorial integrity.

Above all, according to her, it was Georgia's unclear policy towards Abkhazia and South Ossetia that hinders the NREP. Talking to officials from various Georgian ministries, she found that there was no unified vision (not even within one and the same agency) on how Georgia should proceed in its relation towards the breakaway territories. She concludes that as long as Georgia lacked a holistic approach, it was extremely difficult for the EU as a major partner to define a clear and coherent strategy.

## Expert C

Expert C is an independent expert on conflict management issues. He is a Georgian citizen who formerly worked as a government official at Georgia's Ministry of Foreign Affairs.

### Main challenges in Abkhazia and South Ossetia

Expert C says the main challenge for Abkhazians was that travelling abroad or receiving benefits from European nations was impossible due to the fact that they had Russian instead of Georgian or status-neutral passports.

With regard to South Ossetia, he explains that it was much more closed and had significantly less population. Most people, as he explicates, had been living in South Ossetia for a long time, except for the – mostly ethnic Georgian – residents of the Akhalkori district who came under South Ossetia's *de facto* authority only after 2008. Those residents mostly held Georgian passports but faced significant difficulties when trying to access social services and benefits in Georgian proper – also because crossing the boundary line had become much more difficult.

Expert C explains that the area of human rights was the most dramatic clash of realities. Being regarded as integral parts of Georgia by European states, they are theoretically covered by the European Convention of Human Rights and the European Court of Human Rights. However, these conventions cannot effectively be guaranteed to them since the European legal space does not spread on Abkhazia or South Ossetia. Neither the EU nor other parties of the Council of Europe can assess the local human rights situation, which Expert C thinks was the greatest concern.

## NREP and Georgian Policies

Expert C explains that Georgia had intended to have a coordinated policy approach with the European Union when adjusting its own policies – the Strategy on Occupied Territories and the LoOT. However, this had not happened, as the EU “did not fully recognise Georgia’s thesis about the occupation of the territories by the Russian Federation”. By not taking up that view, the EU’s NREP would – between the lines, as he says – treat at least Abkhazia as a state-like entity with the certain legitimacy of the locally-elected governmental body.

The difference between the policies means that while Georgia held the Russian Federation as an occupying power directly accountable for the legal situation within both territories, the European Union defined the authorities in Sukhum/i and Tskhinval/i as being under control, which made them – to a limited extent – counterparts of its non-recognition framework.

Given the differences, Expert C explains that there was nonetheless a huge potential area in which the policies would not contradict each other. In his view, Georgian initiatives could work complementary if the engagement performance of the EU programmes would function better. Currently, however, in a situation where the EU did not have effective access to the territories, discussions mainly focus on political issues where “the EU and Georgia are not exactly on the same page”.

## Enhanced Relations: Visa Liberalisation and DCFTA

Whether or not the EU’s enhanced relations could have potential to separate the entities even more “is not the first concern for any party”, he thinks. The Georgian Government would, of course, hope the Association Agreement and Visa Liberalisation could be a “pull-factor”. The measures were promoted as bringing the sides closer together by providing opportunities that were accessible through Georgia. This has however not materialised yet and he personally was sceptical about a possible success.

Expert C in this respect mentions the package of proposals by the Georgian Government that would allow Abkhazians and South Ossetians to benefit from the EU Association framework – yet the vast majority of residents of the breakaway territories would see these measures promoted by Georgian officials negatively, as they perceived them as steps towards reunification.

Expert C recalls that in the process of negotiations on the DCFTA between the EU and Georgia, Georgia had initially wanted to expand the DCFTA to Abkhazia and South Ossetia, including a provision that certain technical criteria would have to be met before it came into force. The EU, however, had insisted on the territorial clause since Georgia did not have legal control over the breakaway territories.



He explains that because Abkhazia and South Ossetia primarily produced agricultural, perishable goods, exports were also naturally limited to Russia and their neighbourhood. Even if Abkhazia and South Ossetia had the possibility to trade with Europe, the limited production capacity would limit trade – as it does in Georgia. He adds that neither Abkhazia nor South Ossetia could be compared to Transnistria (which has made agreements with Moldova to benefit from DCFTA) since Transnistria had heavy industry and was interested in export.

### **Russia's Role and Influence**

Expert C explains that Abkhazia was more part of Russia than part of Georgia, especially after 2008, when Abkhazia's legal space, as well as everyday issues such as pensions, has been dominated by Russia. Russia does have even more presence in South Ossetia, especially in proportion to the population. Most South Ossetians were employed in the Russian military base or local administration.

According to him, both entities appreciated that Russia's recognition had provided them with significant military capabilities, "which means they cannot be concerned about any Georgian military or security encouragement". In Abkhazia, the increased Russian prevalence was perceived as a serious downside as well, especially when it comes to Russian interference in the political world. This was not the case in South Ossetia as they had been used to the Russian prevalence since Russian officials had been appointed officials in Tskhinval/i before 2008.

Since more than 85 per cent of Abkhazia's and between 92-95 per cent of South Ossetia's budget was financed by Russia, support of international organisations would not make a real difference, he thinks. He adds however that Abkhazia had an interest in having at least some international presence – while South Ossetia for symbolic reasons did not have an international presence, except for Russia.

### **EU Engagement in Abkhazia**

Due to the fact that the EU's engagement was very limited so that he "does not even know what to talk about in terms of engagement", Expert C does not see interconnections between the EU's enhanced relations with Georgia and the engagement with the non-recognised entities.

What comes to his mind in terms of engagement is firstly the EU's role within the GID and secondly the funding of projects. With regards to projects, he says Abkhaz's scepticism against international assistance had increased under Russian control – and he assumes Abkhaz were also not allowed to take up such projects. The EU sub-grants NGOs and UNDP that would have a more neutral presence on the ground. There were some track-one and track-two initiatives, but this was very limited. The practical programmes tried to meet emergency needs. Their focus had moved from housing to agriculture. However, it was not possible to tackle

structural needs like the educational system or the healthcare system, as these issues could only be addressed together with authorities.

What he criticises is above all the EU's coordination, as he observes EU officials dealing with Georgia were located in Brussels and addressed Georgia and its different people, which would lead to the fact that its engagement policy fell "into departmental silos". Coordination happened on the ground, mostly through the EU Delegation's office in Tbilisi, which had limited presence to support the mediation team. He sees "the inability of the EU to coordinate itself when in the field" as a key weakness.

Expert C addresses the low visibility of EU engagement. He says that the EU Information Office in Sukhumi was planned specifically under the NREP, but could never be realised. He believes that the reason was firstly pressure from Sukhum/i authorities, who were afraid of Russia's reaction, and secondly opposition from Georgian authorities, who were afraid the EU Information Office could be presented by Sukhum/i authorities as the opening of an EU Embassy in Sukhum/i. He adds that it seems as if the EU would make sure it was not visible, and thinks that they either did not really try, or the lack of personal resources made further efforts impossible.

## **EU and Conflict Transformation**

Expert C doubts there was a space for the EU to address Sukhum/i and Tskhinval/i as parties to the pre-existing conflicts. He argues that, as the EU had not been present in conflict mediation before 2008 (unlike the UN and OSCE), EU engagement in the previous conflicts would not be welcomed by Georgia. From the Georgian perspective, it was "logical" to tell the EU to first deal with the conflict they started with and only then talk about the possibility of engaging in the two others.

Expert C underlines the important role of Nikolas Sarkozy in 2008 and he "would doubt very much that anyone else than France and Sarkozy at that point as EU Presidency would have engaged at all".

With regard to conflict transformation, he thinks the EU could make a significant difference if it had clearer policies. He believes that the EU did not unequivocally consider Georgia and whatever happened in Abkhazia and South Ossetia a European problem and was in general not clear about to what degree it wanted to be engaged in the Eastern Neighbourhood or how it wanted to deal with Russia.

Instead of pursuing the current focus on secondary issues within the GID that ensured continuation of the talks rather than moving forward, he suggests the EU should follow a more practical policy, which would mean engage more actively and articulate their expectations towards Georgia, Russia and the breakaway re-

gions more clearly. As an example, he mentions that the EU could develop a strategy together with Georgia that would set criteria under which it would engage with Sukhum/i authorities – for example making suffrage for ethnic Georgians in local elections a precondition.

While he thinks that the EUMM did not have a lot of leverage as it does not have access to the other side of the ABL, in case of a Russian attack “they would at least have to cross people with the EU flag on the Georgian side”. Nonetheless, Expert C considers important that EUMM was keeping the boundary line and helped facilitate contacts between the two sides in crisis situations.

### **Assessing the NREP and Recommendations**

According to him, the NREP was “just a policy that is currently in place since nobody has a better idea”. Even at its launch, the NREP had rather described the realities on the ground than tried to change them, as he thinks. In the meanwhile, these realities had moved even further away from the NREP due to the increasing integration of Abkhazia and South Ossetia within Russian structures.

With regards to the engagement, he finds it “not very clear what the EU actually wants to achieve in Abkhazia”. Abkhazia was neither critically, nor practically important, and it was clear that the EU would care more about Georgia than about Abkhazia – in fact it would care about Abkhazia only to the extent that the EU had an interest in Georgia remaining stable and to the extent that a success in conflict resolution would be a success for the EU.

According to Expert C, the question should not be how a future policy towards Abkhazia and South Ossetia should look like, but how the EU’s relations with Georgia and Russia should look like. It was the key weakness of the NREP to have “a narrow policy on conflict without keeping the strategic qualifications in mind”.

By that, he means that the EU first needed to know what it wanted to do about Georgia in the medium and long-term perspective, as only then approaches towards the conflicts would become clearer. The EU also needed to decide whether they were planning to challenge Russian expansion in the neighbourhood, whether they were going to tolerate it or whether they would react with concern, but without action. A clearer Eastern Neighbourhood Policy would contribute to formulating a policy towards conflict that should also include Nagorno Karabakh and the conflicts in Ukraine.

Since the objectives of the NREP were not clear, Expert C thinks it was hard to measure its previous success. In case the EU wanted the absence of war, they had met their objective. However, if they wanted positive peace, that implies that people living in those areas do have access to the rights guaranteed under the European Convention on Human Rights and can benefit from the Association

Agreement and DCFTA, he suggests that a more proactive policy in mediation and a more proactive approach in diplomacy would be needed.

## **Expert D**

Expert D is a long-term observer of the conflicts in Georgia.

### **Main challenges in Abkhazia and South Ossetia**

Expert D emphasises how important it was to separate the conflicts, as the situations in Abkhazia and South Ossetia differed greatly in terms of their historical context and in terms of their current situation. Visits to Abkhazia were in principle – when approved by the Georgian Ministry for Reconciliation – possible, whereas South Ossetia’s de facto authorities kept borders closed, except for the GID Co-Chairs who visited South Ossetia four times a year and, under certain circumstances, the Red Cross. In Abkhazia, there was more – yet very limited – international presence (EU and UN representatives), which makes a difference with regard to information access.

There were common challenges as well, as both entities share their status as partially recognised and non-recognised states, which “is actively promoted by Georgia”, as he adds. Russian passports were used by inhabitants of both entities as travel documents. He says that especially Abkhazians always pointed to the fact that their possibilities to travel abroad were restricted. However, they themselves would then use that as a “cheap counterargument” to justify why they in return restricted the mobility of ethnic Georgians who resided in Abkhazia. Ethnic Georgians suffered especially in both territories, as they were caught between two stools.

He mentions education and healthcare as further problematic fields connected to mobility, as well as the fear of stigmatisation by fellow community members when travelling to Georgia to benefit from their healthcare system.

Abkhazia and South Ossetia also had in common that there were no direct foreign investments, thus no jobs being created. Therefore, both communities were very dependent on Russian money, that – he knows that especially from South Ossetia – would often seep away instead of being used for the realisation of planned infrastructure projects.

He believes that while the current situation did not have any advantage for Abkhazia’s and South Ossetia’s population, it might be pleasant for those in power who could, on the one hand, use the situation as an excuse to the residents and on the other hand profit from a market that was not free.

Intentionally provocative, Expert D describes that according to the current Georgian narrative; Abkhazians and South Ossetians were Russian puppets that would love the Georgians if only they knew how good Georgians were. He thinks that while both territories were far away from being free states and have even moved farther away from that in recent years, not everything that happened in

Sukhum/i or Tskhinval/i was controlled by Russia. In Abkhazia, an independent opinion and discussion on local issues independent from Russia definitely existed. Abkhazians also managed to keep some space in their contracts with Russia.

He, however, makes clear that he was certain self-governance could not function in either of the entities as there was too little democratic development and too little external observation.

According to Expert D, Georgia dominated the situation towards the rest of the world. Whereas the Georgian narrative was not fully accepted, it did profit therefrom.

### **NREP and Georgian Policies**

Expert D finds it interesting that in discussions about the NREP and Georgia's policy towards Abkhazia and South Ossetia, Georgia was emphasizing non-recognition, while the EU was emphasizing engagement.

He thinks the situation for the EU in Georgia was peculiar and certainly not easy. On the one hand, there was the pronounced engagement with Abkhazia that at large would function quite well and was useful for the EU's mediation efforts. On the other hand, the EU also played an important role in developing Georgia and making it more democratic, also with regards to minority rights. He thinks that as long as there were no fair minority policies in Georgia, where many questions in relations to Azerbaijani, Ossetian and Abkhazian minorities were still open, Georgia could not simply claim to Abkhazians and South Ossetians that everything was fine. This is where Expert D sees the interconnectedness between the NREP and the EU's enhanced relations with Georgia. At the same time, it was clear that the EU had to reiterate its support for Georgian territorial integrity and sovereignty, he adds.

Expert D mentions that in the Georgian Ministry of Foreign Affairs there were "many hardliners who still act as they used to under Saakashvili", whereby he means they would see Russia as their counterpart and refuse to listen to other opinions. Civil society, however, acknowledged the need to establish contacts and engage with Abkhazians.

The Law on Occupied Territories would hinder the EU to support projects in the field of trade facilitation on a track-one-and-a-half level, as, for example, the British NGO International Alert carried out.

### **Enhanced Relations: Visa Liberalisation and DCFTA**

Expert D assumes that the Visa Liberalisation could not yet deliver results with regards to increasing the attractiveness of Georgian passports among Abkhazians and South Ossetians. Nonetheless, he thinks it was important to promote the idea, "yet without making a nationalistic fuss about it". When people were informed

about the possible freedoms without patronising, this could play a positive role, even if these freedoms were not used immediately, he thinks.

An expansion of the DCFTA to Abkhazia and South Ossetia does currently not seem realistic to Expert D. Other things would have to be tackled first, as there were, for instance, no functioning chambers of commerce in the entities. Furthermore, he does not see any added value for Abkhazians and South Ossetians. As their agricultural sector was in bad condition – even more so because of the pest problems – he could not think about anything they would have to offer. He emphasises that Transnistria was often mentioned in that context, but should in fact not be compared – the implementation of DCFTA was beneficial to them since they did have some industry sectors and the EU was their largest trading partner. Abkhazia and South Ossetia were however not attractive trading partners for the EU. In any case, DCFTA would mean Abkhazia and South Ossetia would have to subordinate to Georgian legislation.

### **Russia's Role and Influence**

Expert D speaks of a huge and increasing dependence on Russia in both territories but contradicts the Georgian narrative that described both entities as Russian puppets.

He says it had not been clear how Moscow would react to the enhanced EU-Georgia relations. When Georgia and the EU finally signed the Association Agreement, it did not result in problems with Moscow. This shows, as he explains, that NATO was a much more emotional element for Russia than the EU.

The deterioration of relations between Russia and the West, following the annexation of the Crimea, had negative effects on the situation for Abkhazians and South Ossetians, he remarks. Politicians and researchers, especially from the European North, would often equate Ukraine with Georgia, which he criticises as the contexts were totally different. However, he adds that many Abkhazians and South Ossetians officially welcomed the annexation of the Crimea, which had contributed to the equation. He is certain those people would in the meantime regret their statements, as it had become harder for Abkhazians to get visas to the Schengen area with Russian passports. He assumes that the annexation of the Crimea might also have led to more scepticism among Abkhazians regarding their own relations with Russia.

### **EU Engagement in Abkhazia**

Expert D explains that the EU did not support any infrastructure projects, but focussed on human development. Russia however invested in infrastructure such as road construction, thus the financial amounts were nowhere near comparable. Except among NGOs that managed EU funds, he doubts there was a lot of awareness in Abkhazia about the EU's financial engagement.

However, according to Expert D, the EU was already working on a better promotion of what it stood for. The EU was facing a lot of counterpropaganda in the breakaway territories. He mentions that, for example, its activities were often reduced to “promoting homosexuality”. Counteracting disinformation was easier in Abkhazia, where the EU was present and where people did have some insights into the West.

Expert D thinks that the benefits of engagement in Abkhazia for the EU lay in the maintenance of contacts. He believes that some people within the EU might have begun to see it in a more ideological way – as a counterbalance against Russia.

When asked about his opinion whether a similar engagement might be possible in future in South Ossetia/Tskhinvali region, he says he could not imagine that since borderisation was much stronger there. While the OSCE had carried out EU funded infrastructure projects in the past, such as the restoration of the Zonkari Dam in 2011/12, he says that since 2013 such projects had become unthinkable due to South Ossetian opposition. In the current situation, they would if at all only take EU money if they could use it without restrictions, he adds.

### **EU and Conflict Transformation**

He states that the fact that the EUMM could not fulfil its mandate on both sides of the ABL limited the mediation and engagement elements with Abkhazia.

He emphasises that engagement would always depend on personalities. According to him, it had functioned well under EUSR Herbert Salber and he thinks would continue like that under Toivo Klaar. He mentions the former Polish EUMM Head Andrzej Tyszkewicz as a negative example in this context, whom Abkhazians did not recognise as interlocutor because of his very direct pro-Georgian statements – leading to a 2-year suspension of IPRMs in Abkhazia.

Expert D is certain in the current situation, the motto concerning platforms should be “the more, the better”. While on a civil society level track-one-and-a-half projects between Abkhazia and Georgia were facilitated by the Georgian Ministry for Reconciliation, there were still few contacts between ordinary people. With regards to political dialogue, he explains that there were tendencies towards creating alternative channels or being more creative in the Geneva framework, but this was against Russia’s will. While Russia constantly demanded from the other participants to talk to Abkhazians and South Ossetians, they would only tolerate talks on an official and formal level, but disapprove of any other form of contact, even of talks on an official but informal level, as they tried to prevent a process of reconciliation.

### **Assessing the NREP and Recommendations**

Expert D summarises that the EU did have leverage on Georgia, which already had been used in terms of proposing certain actions or demanding pragmatism.

During the last year, the EU had, on the one hand, praised Georgia's efforts, and on the other hand, remarked they wanted to do more. He considers positive that currently, Georgia was politically stable and the former radical opposition had become much more pragmatic. In general, Georgians at present wanted to engage more actively and wanted to offer opportunities to Abkhazians and South Ossetians. At the same time, the *de facto* entities were sealing themselves off even more. Russia for its part supported Abkhazia and South Ossetia comprehensively, which prevented a possible reconciliation. Given the situation, Expert D remarks that Georgia had been very flexible.

Expert D argues that of course not every step that the officials in Georgia took with regards to Abkhazians and South Ossetians had been to their benefit. Here he thinks a new approach was needed, which was also something international actors constantly highlighted: Instead of focussing on symbolic actions and promotional events, Georgia should better concentrate on the real needs of the societies living in the breakaway territories.

## Expert E

Expert E is Member of the Georgian Parliament within the election block "Georgian Dream – Democratic Georgia". She chairs the Parliament's Committee for Human Rights and Civil Society Integration.

### Main challenges in Abkhazia and South Ossetia

Expert E describes the current human rights situations in Abkhazia as severe. She specifies that firstly there was no access from the Georgian side and secondly ethnic Georgians were suppressed by the *de facto* state. They did not – or only limited – have access to native language education and faced torture and assault.

### NREP and Georgian Policies

In the interview, Expert E focuses on Georgian policies and says the creation of free medical services for Abkhazians and South Ossetians – they could benefit from medical services under the same conditions as Georgians – were a major step in human rights, where the scope for action, in general, was limited for the Georgian State. Expert E explicates that the constitutional reform that comes into force after the 2018 presidential elections would show Georgia's political will to improve the human rights situation in Georgia significantly. However, even though in Georgia's view it spread to the occupied territories, it is unclear whether the improvements could have any impact there since Georgia was not allowed to exercise effective jurisdiction in the – as she calls them – "occupied" territories.

Expert E talks about the package of proposals that aimed at opening the benefits of DCFTA for those living on the occupied territories. She describes how Georgian policymakers were trying hard to offer people living in the occupied



territories the possibility to found undertakings and export their products without duties as well as giving them access to educational facilities.

After the occupying regime had refused to hand over the body of the Georgian citizen Archil Tatunashvili, who had died in Akhagori in February 2018, to his family, the legislative process had been delayed. It had been revived after the transferral of the body. When asked whether there would be a theoretical possibility to delay the process with only one entity in case of an incident but continue with the other<sup>65</sup>, she explains that it did not matter whether a certain incident happened in South Ossetia or in Abkhazia, since the occupation regime was the same in each case: Russia.

Unofficial talks with the EU about amendments to the territorial clause of the DCFTA (which would mean expanding the DCFTA to Abkhazia and South Ossetia) had already taken place and she is certain the EU would support Georgia in its plans.

While the package of proposals included changes with regards to the social and economic benefits from the DCFTA for the occupied territories, she explains that there was no discussion on the state level about changing the Strategy on Occupied Territories or the Law on Occupied Territories as such. This means international actors would also in future need to ask Georgian authorities for permission to establish contacts with the territories or realise projects there.

Expert E does not name the NREP specifically, but she underlines how important it was that EU officials did not enter official relations with the de facto authorities. What the Georgian Government would welcome were actions taken by the EU and other international actors to improve the humanitarian situation on the ground.

She is certain the EU supported Georgia in its intention to reintegrate Abkhazians and South Ossetians into Georgian society, and supported Georgia against the occupation regime. She thinks that financial assistance, as well as technical and expert support, were important, besides the crucial support on a political and international level that would ensure that Georgia did not disappear from the international agenda.

### **Enhanced Relations: Visa Liberalisation and DCFTA**

Expert E interprets the enhanced relations with the EU as one of the most important features of Georgia's policy of reunification since Georgia was carrying

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65 Expert E confirmed the continuation of the legislative process on 15 May 2018 via e-mail. The first interview with Expert E took place on 16 March 2018 when the process was delayed, so the exact question was whether the process could not be continued with Abkhazia only, as the incident had taken place in Tskhinvali region.

out democratic, social and economic reforms to make Georgia a welfare state attractive for its citizens, including the residents of the occupied territories.

### **Russia's Role and Influence**

Expert E thinks that the policy of Russification would not have backing in the population, who simply would like to live in a social welfare state. She says that Russia, as the occupation regime, would not allow the population to make contacts with the rest of Georgia. This would not only hamper people-to-people relations but also destroy the chance for reintegration. In her view, the Georgian Government would nonetheless try its best by showing people at the ABL that Georgia was a democratic and, above all, social welfare state.

### **EU Engagement in Abkhazia**

Expert E interprets the financial and technical assistance in Abkhazia as support to reintegrate Abkhazians into Georgia. She especially highlights the importance of the EU working on humanitarian issues in Abkhazia.

### **EU and Conflict Transformation**

Expert E sees the EU's as well as the US' role in conflict resolution particularly in their support for Georgia to build a democratic welfare state that is based on the rule of law as well as in their support for Georgia's policy of reintegration. Conflict resolution would above all depend on Russia.

### **Assessing the NREP and Recommendations**

Expert E answers the question of what the NREP should look like in the future in a less concrete manner. While she highlights that the NREP, meaning EU's support for Georgia's policy of reintegration, was highly appreciated by Georgia, she repeats that a peaceful settlement would depend on geopolitical interests and Russia's global position. Therefore, she argues the conflict could only be solved on an international level. By the time the interests of global politics would meet Georgian interests, a peaceful reunification could happen.

### **Thematic Comparison**

In this part, individual statements of the experts on the subject areas will be compared. Given the fact that the selection of experts was based on the attempt to portray a wide range of opinions, similarities and differences can be found.

### **Main challenges in Abkhazia and South Ossetia**

The Experts agree that the economic and physical isolation is the main challenge for people living in Abkhazia and South Ossetia, leading to a wide range of other problems that are connected to it, for example in the education and healthcare

sector, and to increasing dependence on Russia. Experts C and D underline the specifically difficult situation of ethnic Georgians in both breakaway territories, while expert E *only* speaks about challenges for ethnic Georgians.

Each Expert stresses human rights violations as a challenge, but the roots of the problem are defined differently. While Expert A blames Georgia for deliberately isolating the de facto States and convinced the international community to follow its example – which the EU, according to her, does – Expert C is concerned as the European Convention of Human Rights does not spread on Abkhazia and South Ossetia since neither the EU, nor other parties of the Council of Europe can assess the human rights situation on the ground. With respect to human rights, Expert E solely concentrates on ethnic Georgians suppressed by the de facto states. Such a focus on ethnic Georgians, that was prevalent among international organizations, is criticised by Experts A and B, who believe the (similar) needs of Abkhazians and people living in other regions are frequently overlooked.

Except for Expert E, who equates the territories as the same as both were occupied by Russia, the other Experts highlight the need to separate the conflict situations in Abkhazia and South Ossetia. They stress that Abkhazia and South Ossetia are very different in terms of their historical context and current situation. Abkhazia has a limited international presence and is, therefore, less isolated. Expert A and D describe that discussions – both independent from and with Russia – took place. South Ossetia is much more isolated and borders are closed. The entities also differed in terms of their ultimate aim, which is in Abkhazia's case – independence and in South Ossetia's – unification with North Ossetia. Expert E, however, thinks they would choose reunification with Georgia if they had the chance to get in contact with Georgians (a view that corresponds with Expert D's explanation of the Georgian narrative), which was successfully prevented by their occupant Russia.

## **NREP and Georgian Policies**

Expert A critically notes that the Georgian engagement policy misused engagement as “means to reintegration”, thereby discrediting the NREP that she finds had initially been an attractive approach. Ever since, reintegration would stand behind each engagement in Abkhazia and was perceived as a “hidden agenda” of EU engagement by many Abkhazians. Accordingly, Expert B describes that Abkhazians found engagement without recognition upsetting, as they believed the EU was representing Georgia's interest rather than those of Abkhazians. Expert E backs this view as she sees the NREP as support for Georgia's intent to reintegrate Abkhazians and South Ossetians into Georgian society.

Expert C, however, explains the EU's approach clearly differed from Georgian policies, as Georgia and the EU were “not exactly on the same page” when it comes to political issues. While Georgia had intended to have a coordinated approach

with the EU, the EU has not taken over Georgia's thesis on the Russian occupation of the territories, which means the NREP to a limited extent considers the authorities in Abkhazia and South Ossetia as potential counterparts in their framework of non-recognition. Nonetheless, he would see a huge potential area in which the policies would not contradict each other but work complementarily, given the EU's engagement would perform better. Expert D marks Georgia's emphasis on non-recognition and the EU's emphasis on engagement, sets apart the EU's and Georgia's approaches.

The Georgian Strategy on Occupied Territories and the LoOT were "very much disliked" by the entities Expert B describes, which Expert A confirms. Expert D mentions that the LoOT also hinders the EU to support projects on a track-one-and-a-half level, for example, trade facilitation. Expert E confirms that Georgia is preparing a package of proposals that amends the LoOT in certain areas related to trade and education, but a change to the LoOT or the Strategy on Occupied Territories as such is not up for discussion. This means international actors will also in future need to ask Georgian authorities for permission to establish contacts with the territories or realise projects there. A differentiated approach towards the entities is unthinkable to Expert E since Russia was the occupying power in each territory.

### **Enhanced Relations: Visa Liberalisation and DCFTA**

Expert E sees the enhanced relations with the EU as one of the most important features of Georgia's policy of reunification. She is certain that democratic, social and economic reforms will make Georgia a welfare state that is attractive for its citizens, including the residents of the occupied territories. Expert A, however, rules out the idea that Abkhazians would be willing to accept Georgian jurisdiction and "sacrifice [...] what they have fought for in a very, very bloody war" in order to profit from either Visa Liberalisation or trade benefits.

In between these polarised views, Experts B and D think Visa Liberalisation could be attractive for Abkhazians and South Ossetians under certain preconditions. Expert B believes it would be necessary that Abkhaz and Russian authorities "turn a blind eye to their citizens", since Abkhazians would fear intimidation from authorities and fellow community members if they obtained Georgian passports. Expert D underlines the idea that Visa Liberalisation would have to be promoted without a nationalistic undertone and without patronising people. Even if it has not delivered results and the freedoms will not be used immediately, it could play a positive role in the future, he thinks.

With regards to opening the DCFTA to Abkhazia and South Ossetia, Expert C recalls the EU – against Georgia's initial will – had insisted on the territorial clause in the negotiations. Expert B criticises the clause but observes that even

within Georgia the DCFTA was not fully implemented since many people, especially in rural areas, were not aware of it. The package of proposals by the Georgian Government aims at opening DCFTA to both territories. Expert E is sure the EU would support Georgia in its plans to let people who live in the “occupied territories” benefit from DCFTA. Expert C in this context reiterates the above mentioned negative perceptions among residents of the breakaway territories, who would see these measures promoted by Georgian officials as steps towards reunification.

The Experts A, C and D agree that Transnistria, to which the application of the EU-Moldova DCFTA was extended, could not be compared to Abkhazia and South Ossetia. Expert A says that being presented as part of Georgia was a “red line” for Abkhazians, which apparently was different in Transnistria, where people were willing to register their companies in Moldova in order to benefit from DCFTA. The Experts C and D see the main difference on another level: Abkhazia and South Ossetia produce mainly agricultural, perishable goods and the agricultural sector is in bad condition. Their economies are therefore not export-oriented, so neither they nor the EU would benefit from such an arrangement. Transnistria, however, is a much more attractive, as they have industries and the EU is their main trading partner.

If the EU’s enhanced relations could even have the potential to separate the entities even more “is not the first concern for any party”, Expert C thinks, while Expert B states this was a very interesting question. Similar to what Expert D mentions, Expert B describes that in Abkhazia and even stronger in South Ossetia a simplistic view on the EU’s agenda was predominant, actively propagated by Russia. According to this view, the EU’s promotion of human freedoms and liberties was reduced to promoting homosexuality. As a result, the very traditional communities could, in fact, be deterred from engaging with the EU, Expert B fears. Expert D explains that the EU is already working on a better promotion of what it stands for – and adds that counteracting disinformation was easier in Abkhazia where the EU is present and people do have at least some insights into the West.

## **Russia’s Role and Influence**

All Experts agree there is a huge dependence on Russia in Abkhazia and, even greater, in South Ossetia. Expert C explains that Abkhazia was more a part of Russia (that finances about 85 per cent of its budget) than of Georgia, especially after 2008, as since then its legal and social system has been integrated into Russian structures. In South Ossetia, Russians financed between 92-95 per cent of the national budget and had even more presence, especially in proportion to the population, and most South Ossetians were employed in a Russian military base or

local administration, he adds. Expert A calls the huge dependence “natural”, given Abkhazia’s isolation.

Expert D makes clear that while the dependence on Russia was increasing, he does not agree with the Georgian narrative of the entities being Russian puppets. At least Abkhazians would manage to have independent discourse on local issues, he believes. Expert A, who also reports that in cases where Russian demands were not acceptable to Abkhazians, they had discussions about these issues – which were “sometimes” successful, backs this belief. However, Expert A underlined the fact that it was clear that Russia “expects loyalty” from Abkhazia.

While Experts A-D indicates that Abkhazia strives for independence, they also state this was not that clear for (Expert A) or not applicable to South Ossetia. Expert B specifies that apart from some activists, an independence discourse was not prominent in South Ossetia, where the majority of South Ossetians and certainly the politics were moving towards more unification, with the ultimate aim of joining North Ossetia/Russia.

Expert C thinks that both entities profited from Russia as a security guarantor since 2008 in a sense that they “cannot be concerned about any Georgian military or security encouragement”, which Expert A confirms. Expert A also reiterates that Abkhazians “really appreciate what Russians did to defend Abkhazia in 2008”.

Because of their prevalent fear of Georgia, Abkhazians have turned to Russia, and at the same time, Russia’s military presence and political influence have made “Abkhazia a captive of its own alliance”, as Expert B metaphorically describes. Expert C explains that for Abkhazia, Russian interference in the field of politics was new after 2008, and this increased prevalence was perceived as a serious downside. In Tskhinvali, however, Russian officials had been appointed political leaders even before 2008.

Due to the powerful Russian presence, Abkhazia could not turn to the EU, even if they wanted to, Expert B assumes. This would only be possible if Russia would step back for any reason, which she does not expect in the near future.

The Russian reaction to Georgia’s Association Agreement with the EU was nervous, Expert A describes. She thinks that the EU should better have involved Russia in preparing the document, as the EU, in general, should consider the Russian interests when interfering in the common neighbourhood. Expert D tells that it had not been clear how Russia would react to enhanced EU-Georgian relations, but when the Association Agreement was signed, it did not result in problems with Russia. Thus, he concludes that NATO was always a more emotional element for Russia than the EU.

Expert D is the only one that expands on the deteriorated relations between Russia and the West and their implications on Abkhazia and South Ossetia. He thinks that the Russian annexation of the Crimea had had negative effects on the situation in both territories. First of all, the situation in Ukraine was often equated

with the situation in Georgia, which he criticises as the contexts differed. However, Abkhazians and South Ossetians themselves contributed to this view when they initially welcomed the annexation in public statements. This had adverse effects, as it had become harder for Abkhazians to get visas with Russian passports. Expert D also believes the annexation of the Crimea might have led to more scepticism among Abkhazians regarding their own relations with Russia.

Expert E in this section expresses a view contrary to the other Experts. According to her, the Russification did not have a backing in the population, who would simply like to live in a social welfare state. Russia as the occupation regime would however not allow the population to make contacts with the rest of Georgia.

## **EU Engagement in Abkhazia**

The Experts indicate many reasons why the limited presence of international actors and organisations in Abkhazia was appreciated by the outside world and Abkhazians themselves: it ensures limited exchange between Abkhazians and the rest of the world, better information access and easier actions against disinformation (compared to South Ossetia), a (small) counterbalance against the Russian prevalence and support for civil society.

At the same time, Abkhaz scepticism against international assistance has increased under Russian control, Expert C says and thinks to a large extent that Abkhazians were also not allowed to take up projects funded by international actors like the EU. Track-One and Track-Two initiatives were very limited – mostly the EU funds practical programmes that tackle emergency needs, which used to focus on housing and now focus on agriculture, he adds. However, structural needs could not be dealt with, as they could only be addressed together with the authorities, Experts A and C are certain. Expert A criticises that the human rights situation could not be changed by NGOs alone, but would need the involvement of the law enforcement and judicial system and police reform.

Expert E interprets the EU's financial and technical assistance in Abkhazia as support to reintegrate Abkhazians into Georgia and especially highlights in this respect the importance of the EU working on humanitarian issues in Abkhazia. In contrast, the linkage between EU engagement and the idea of Abkhazia or South Ossetia turning to Georgia is Expert A's key criticism. She thinks the EU should be motivated by the conviction the needs of Abkhazians and South Ossetians were important per se and not weighted against reintegration. In between those views, Expert C indicates that he did not find it very clear what the EU actually wanted to achieve in Abkhazia. He thinks the EU did not have stakes in Abkhazia other than preventing renewed conflict as to keep Georgia as associated country stable.

Confidence-building between Georgians and Abkhazians, "even the sound of it" (Expert B), was disliked by Abkhazians, as Experts A and D confirm. Especially

in the beginning, the EU focussed on confidence-building measures, which “was of little value” (Expert A), as Abkhazians would think confidence was completely lost between the two people, Expert B adds. At the suggestion of Abkhazian NGO’s, the focus had shifted from confidence building across borders to confidence building between ethnic Georgians, Abkhazians and other groups within Abkhazia, Expert A explains. She, however, criticises the EU’s approach in the first place to make confidence-building a precondition for investment, as “this is a huge help for Georgia”. Having been directly affected by the war, the post-war sanction period and the years of non-recognition, Expert A argues it was unfair that the needs of Abkhazians, that “have a value of their own”, were always weighted against the level of confidence built with Georgians.

The Experts indicate that EU actions in Abkhazia are low profile and have low visibility. They individually give reasons for the low visibility: Expert A thinks this was “mainly because the EU doesn’t want to upset Georgia”. Expert B also holds Abkhaz authorities accountable for the low visibility of EU actions, as they “rather take credits themselves” instead of promoting the EU as a benefactor. Expert C assumes the EU did “either [...] not really try, or the lack of personal resources make further efforts impossible”. Another reason, mentioned by Experts B and D, is that the EU does not fund infrastructure projects that could contribute to more literal visibility. Furthermore, the EU Information Office in Sukhum/i, planned under the NREP, has never been realised. Expert C thinks that both Sukhum/i and Tbilisi authorities prevented its opening for different reasons.

Expert C indicates he “does not even know what to talk about in terms of engagement”, therefore he did not see interconnections between the engagement with the non-recognised entities and the EU’s enhanced relations with Georgia. Given the EU’s engagement was rather small and had little visibility, Experts B and D agree that the main benefit for the EU was that they have limited access to Abkhazia which allows them to maintain contacts – or as Expert A expresses: “They draw very small things here, just to be present and to monitor the situation”.

Expert B even goes as far as to claim she did not even see a benefit for the local population. Instead, NGOs were benefitting most, as they could travel and have meetings, she thinks. Expert A presents a different analysis, as she says by focussing on NGOs and refusing to work with authorities, the EU’s engagement “marginalised” Abkhazian NGOs, as they were viewed as traitors within Abkhazia.

## **EU and Conflict Transformation**

The GID is appreciated by the Experts, who at the same time indicate that little has been reached. Expert C criticises that the focus had shifted towards secondary issues to ensure continuation of the talks rather than moving forward with regards to conflict resolution. Since the institutional set-up of the GID was hard to



change, Experts A, B and D suggest creating additional platforms – “the more, the better”, as Expert D states.

With regard to political dialogue, Expert D explains that there were tendencies toward creating alternative channels or to be more creative within the Geneva framework, but this was against Russia’s will. Russia would tolerate talks with Abkhazians and South Ossetians only on an official and formal level. Expert A suggests creating other frameworks with UN and EU involvement or at least side events around Geneva where Abkhazian and South Ossetian politicians could talk to their counterparts. Expert B however indicates that there was little declared interest in political dialogue by Abkhazians and South Ossetians, which shows that they could probably not push forward what they actually wanted.

Expert C would like to see a more practical approach from the EU in Geneva. He thinks the EU should engage more actively and articulate expectations towards Georgia, Russia, Abkhazia and South Ossetia more clearly.

Expert A suggests that regional platforms in the South Caucasus should include Abkhazia, South Ossetia and Nagorno-Karabakh. Even if dialogue on an official level were not possible, (more) dialogue on a civil society or expert level or on a level of common issues would contribute positively to conflict transformation. With regards to common issues, actions against pests have been taken for example. With regards to civil society, Expert D says that the Georgian Ministry for Reconciliation had already facilitated projects on a track-one-and-a-half level, but still there were few contacts between ordinary people.

There is no consensus among the Experts with regards to the conflict parties and the conflict(s) being mediated. Expert E without discussion sees Russia as Georgia’s sole counterpart. Involving the de facto entities or approaching them in a differentiated manner would be of little value, as the occupying power would be the same, she explains. Expert B however believes addressing Abkhazia and South Ossetia as conflict parties might be a “game changer”. She is certain the EU’s limited leverage on conflict transformation could be best used by convincing Georgia to recognise Abkhazia and South Ossetia as parties of the conflict, which had also been demanded by Georgian Civil Society Organisations. Expert A is certain the “real causes of the war and conflict”, which lay in what happened in 1992/93, should be addressed. If this was not done, Georgia would further attempt to “rewrite history”, which it would also do with regard to the 2008 events. Expert C however thinks there was no space for the EU to address Sukhum/i and Tskhinval/i as parties to the pre-existing conflicts. As the EU had not been present in conflict mediation before 2008 – unlike the UN and OSCE – Georgia would not welcome its engagement in the previous conflicts, he states.

The Experts agree that the EUMM’s leverage was significantly limited due to the fact that they could not fulfil their mandate on both sides of the ABL. Nonetheless, they consider EUMM – and the IPRMs in particular – important as they

contribute to stabilisation, prevention of new hostilities, keeping the borderline and facilitation of contacts. Expert B explains that especially the informal conversations between parties attending the IPRM meetings, for example during dinner, were crucial. Expert B also indicates that while civil society – to her regret – was not represented at the IPRMs, the collaboration between civil society and the EUMM has increased since 2013. Since then, information provided by the EUMM and especially its humanitarian team (November Team) have allowed CSOs to address a couple of serious issues in this field.

The Experts B and D are sure that personalities play an important role when it comes to conflict transformation. Both mention the former Polish EUMM Head Andrzej Tyszkewicz as negative example in this context, as his insensitivity caused a two-year suspension of IPRMs in Abkhazia. His successor Toivo Klaar however proved “great leadership” (Expert B), as he managed to restore the IPRMs and also convened the first EUMM-Civil Society meeting in 2013. Expert D also compliments former EUSR Herbert Salber, who demanded a lot of pragmatism from each side and tried to push forward, for example by commissioning the Hammarberg/Grono (cf. 2017) report assessing the human rights situation in Abkhazia. He thinks the new EUSR Toivo Klaar would continue this path. Another key personality, named by Expert C, is Nikolas Sarkozy. He underlines his important role in 2008 by saying: “I would doubt very much that anyone else than France and Sarkozy at that point as EU Presidency would have engaged at all”.

Expert E stresses that conflict resolution would above all depend on Russia. She sees the EU’s (and the US) role in their enhanced relations with Georgia and support for its policy of reintegration.

## **Assessing the NREP and Recommendations**

Expert C says the NREP even at its launch “was rather describing the realities on the ground than trying to change them”, and thinks that the policy was still in place since nobody had a better idea. Expert B agrees that there has not been a real breakthrough, and Expert A indicates that the steps taken so far by the EU were too small to win over Abkhazians. Several reasons for the rather weak NREP performance on the EU’s side were mentioned by the Experts: its low visibility and the fact that the EU did not work with authorities were mentioned by Experts A and B. Expert C criticises the EU’s “inability [...] to coordinate itself when in the field” and finds the EU’s policy towards Abkhazia as such unclear.

Experts B and D reiterate that Abkhazians would fear stigmatisation and therefore did not talk about it even if they used the opportunities offered by Georgia and through its enhanced relations with the EU. Expert B thinks, however, that on a personal level a lot of people have changed their minds about Georgia.

The Experts A-D all mention Georgia as a key factor when discussing a future NREP orientation. Expert E interprets the NREP as EU support for Georgia’s

policy of reintegration. According to Expert B, the NREP was mostly hindered by Georgia's unclear policy towards Abkhazia and South Ossetia, which made it difficult for the EU to define a clear and coherent strategy. Expert D in this regard sees progress, as Georgia recently showed will to engage more actively in Abkhazia and South Ossetia and has proven flexible given the situation in which their dependence on Russia was still increasing. He, however, calls on Georgia to focus on the real needs of the societies in the breakaway territories instead of setting symbolic actions. The Experts A-D agree that the EU could use its leverage on Georgia (even) more actively in terms of proposing certain actions or demanding pragmatism.

Expert C thinks that before defining a future policy towards Abkhazia and South Ossetia, the EU should formulate a clearer Eastern Neighbourhood Policy. That would require strategic decisions on, firstly, how it wanted to embellish its relations with Georgia and, secondly, whether (and how) it wanted to challenge or tolerate Russian expansion in the neighbourhood. This would contribute to formulating a policy towards conflict that should also include Nagorno Karabakh and conflicts in Ukraine. Viewed from a different angle, also Expert A concludes that any substantial engagement with Abkhazia or in the region should involve Russia.

## Conclusion and Recommendations

Having mediated the ceasefire agreement between Georgia and Russia in August 2008, the European Union proved to be effective in bundling its conflict management capabilities. Several factors contributed to the success of France and Sarkozy, who presided over the Council of the EU at this time.

Firstly, France alongside Germany had opposed the U.S. move towards NATO membership for Georgia at the NATO summit in Bucharest. This means that while the U.S. was too close to Georgia, France has emerged as an honest peacemaker.

Secondly, France, historically part of “the concert of the nations”, was more likely to engage with Russia on vital security matters, than, for example, its predecessor, Slovenia. This was not only “a matter of gravitas” (Expert C), but also of the ability of State bureaucracy to handle such a complex task that involved the French President’s Office, the MFA, the Ministry of Defence, Embassies in Moscow and Tbilisi and certainly security services. In the crisis, it was of crucial importance as well that French civil servants from these agencies would have had direct and personal access to counterparts both in Moscow and Washington, D.C.

On a personal level, Nicolas Sarkozy could build on the good Franco-Russian relationship already established under his predecessor and his positive personal relationship with Vladimir Putin, which initially allowed him to play the enabling role. Expert C describes Sarkozy as

“an effusive leader, intent to make his mark as a tough negotiator, a statesman bringing France (and the EU) to the new level as a foreign policy and security actor”.

Nonetheless, the immediate success was set back by Russia’s recognition of Abkhazia and South Ossetia and their diverging interpretation of the ceasefire agreement. Expert C indicates that Putin had “bowled Sarkozy over” (Expert C) with the recognition and intimidated him, which on a political level brought Sarkozy to reduce pressure and continue negotiations with Medvedev instead of Putin. Nevertheless, the EU and France/Sarkozy followed through on another level, as both the EUMM was deployed and a significant aid package was opened to Georgia in the minimum amount of time.

Russia has constructed “parallel realities” (Devdariani 2018) in Abkhazia and South Ossetia that are considered illegal by the EU and its Member States. The creation of the NREP aimed at “opening a political and legal space in which the EU can interact with the separatist regions without compromising its adherence to Georgia’s territorial integrity” (Fischer 2010b: 1). Within a decade, the envisaged space has remained limited in practice. Several instruments and actions, however, have been proven to have a high potential.

As of now, the EUMM is limited by the fact that it cannot fulfil its mandate on both sides of the ABL. Nonetheless, its IPRMs play a crucial role in stabilising the conflict, for example through a hotline working on both sides of the ABL. Regular IPRM Meetings take place in Abkhazia and in South Ossetia/Tskhinvali region. They are the only venue where an international actor (except for Russia, the EUSR and the Red Cross) can access South Ossetia. The IPRM Meetings contribute to the dialogue between the parties, whereby besides the official agenda, they provide participants with the crucial opportunity of informal, unofficial talks.

The IPRMs enhanced contacts between the conflicting parties and are valued by Abkhazians and South Ossetians. The EUMM informs EU policy-makers and the GID and has also started to engage with Civil Society. Expert B in this respect underlines that the information gained, especially from the EUMM's humanitarian team, is crucial for civil society organisations that then work on the needs identified. Since collaboration between CSOs and the EUMM's humanitarian team proved to be effective, further consideration of involving CSOs in the EUMM's work and IPRM Meetings should be made.

On a formal political level, the Geneva International Discussions have had a mixed record. During 44 rounds of negotiations, no consensus on a non-use of force pledge by Russia has been reached. Georgia sees Russia as its counterpart that occupies both Abkhazia and South Ossetia/Tskhinvali region and therefore should be the signatory of a non-use of force agreement. Russia, however, interprets its role as facilitator and calls on Georgia to sign non-use of force treaties directly with Abkhazia and South Ossetia. The status question, as well as the question of which conflict(s) is/are being mediated, hampers any breakthrough in the negotiations. As the EU had not been active in conflict resolution mechanisms before 2008, it focuses on the Georgian-Russian war of 2008. Russia and the respective breakaway territories would also like to involve the pre-existing conflicts in the GID format, as they interpret the 2008 war as the peak in the history of conflict between Georgia and the respective partially recognised entity.

The EU has not engaged in the pre-existing conflict resolution mechanisms and will continue to support the UN's and OSCE's mechanisms in doing so, also in line with its Global Strategy. The EU can use its leverage on Georgia and demand working on the pre-existing conflicts<sup>66</sup>.

It must be regarded as a huge success of the GID that no new hostilities have evolved, which is the result of the talks still going on. To ensure their continuation given all the obstacles, the focus has shifted to smaller, more tangible goals. In this respect, the GID is of huge importance for Abkhazians and South Ossetians as it

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66 Individual EU Member States could engage in the pre-existing conflicts on another, for example scientific level, for instance by setting up a joint history commission including EU-based, Moscow-based and Tbilisi-based (and, if possible, Sukhum/i- and/or Tskhinval/i-based) research facilities and universities.

represents the only venue where they can voice their needs in front of an international audience that tries to figure out ways to cater for them.

The dialogue within GID thus has proved successful with regard to stabilising the conflict. In order to transform it, the EU would, however, need to express its expectations towards Abkhazia, South Ossetia/Tskhinvali region, Georgia and the Russian Federation more clearly. Since the institutional set-up of the GID is hard to change, creating additional dialogue platforms – one of the key discussions currently – has to be further pushed forward. This idea, however, faces Russia's opposition, as Russia does not have a genuine interest in Abkhazians and South Ossetians to engage in more dialogue that might lead to them turning to Georgia.

The EUSR for the South Caucasus and the conflicts in Georgia engages with the main actors in the region on the Union's behalf, thus contributing to its visibility. The broad regional mandate allows the EUSR and his staff to officially visit Abkhazia and South Ossetia – which means he can play an important role in preparing the ground for further EU engagement. The current EUSR, Toivo Klaar, is promising in this respect as he has already built trust as former Head of EUMM who managed to restore IPRMs in Abkhazia and hosted the first EUMM-Civil Society meeting.

While the NREP could not be implemented in South Ossetia, the EU engages in Abkhazia through various programmes. The Instrument contributing to Stability and Peace, COBERM, ENPARD and the Joint EU-UNDP Civil Society Support Programme cater the conflict-affected populations by providing support in areas such as confidence building and people-to-people contacts, mother tongue-based education, rural development and pest management, skills development and VET and the promotion of civil society. EU engagement is people-centred and the support to Abkhazia is part of the EU's comprehensive approach.

Nonetheless, the EU has a low profile in Abkhazia as these projects are carried out by the UNDP or NGOs. An EU Information Office was planned but has never been implemented. The misinterpretation of the EU's role and policies leads to mistrust of the EU by the population of the breakaway territories. Thus, EU engagement in its current form is not promoted well enough to have a "constructive impact" (cf. Dietz et al. 2006) on Abkhazia with regards to conflict resolution: Disinformation about the EU is prevalent in both territories – for a large part circulated and concerted by Russia. The EU has already taken rather small steps against Disinformation, but in April 2018, the European Commission proposed measures to tackle online disinformation, and support for an independent network of European fact-checkers, on a larger scale and regularly evaluate further needs. Also offline, local authorities take credits of success stories for themselves instead of promoting the EU as a benefactor.

Taking steps against disinformation will become a main task of the EU for the coming years. Besides identifying and fighting (Russian) disinformation campaigns with concrete and targeted measures, the EU will also have to better promote what it stands for. This is an important task within its borders as well, where emerging nationalism undermines the idea of being united in diversity and hinders joint action also on an international stage. Outside its borders, the EU has to communicate its values more clearly in order not to be misrepresented by others. One should also not underestimate that Georgia tends to exaggerate its political influence on the EU agenda and presents the EU as their ally in political matters, where actually they are not exactly on the same page.

Georgia is a country closely associated with the EU and frontrunner in many respects and thus could act as role model for other countries that plan to enhance their relations with the EU. While reassuring Georgia that the EU will not recognise the independence of either of the breakaway territories, it could use its leverage on Georgia more effectively and more firmly when it comes to the protracted conflicts.

As part of their non-recognition policy and in line with Georgian legislation and policies, the EU in terms of projects does not directly engage with the *de facto* authorities, which means that structural needs cannot be tackled. However, the EU's NREP is not congruent with Georgian policies like the Strategy on Occupied Territories, as it uses the term "breakaway territories" instead of "occupied territories". This is an important difference that also distinguishes the NREP from the renewed U.S. approach. Not considering Abkhazia and South Ossetia fully occupied by Russia, therefore, is a unique feature of EU policies that to a limited extent views Abkhazian and South Ossetian *de facto* authorities as counterparts of its non-recognition policy and keeps a potential space for greater engagement.

The particularity of the NREP includes the fact that it does not deny Abkhazians and South Ossetians a useful role and envisages greater involvement and engagement. Even though being a white paper allows the NREP great flexibility, its basic idea of the NREP should be better promoted both among Member States and within the region, where the task could be taken over by the EUSR and his staff. Furthermore, the erection of the long-planned EU Information Office in Abkhazia would contribute to better promotion and visibility. Moreover, the EU should demand that Georgia refrain from misrepresenting the NREP to their favour, but acknowledge the EU's autonomous policy approach in public statements. These measures would increase awareness of and trust in the EU as an engaging actor among residents of the breakaway territories.

A differentiated approach towards Abkhazia and South Ossetia would be advisable also for Georgia. Such an approach (unintentionally) already is in place in terms of both the EU's and Georgia's engagement strategies, as they could only be implemented in Abkhazia. Georgia could introduce the "more for more" principle

in other areas as well, such as trade facilitation, instead of pursuing a ‘both-or-none’ approach. The EU should encourage Georgia to acknowledge the different realities on the ground, as this might help to push forward engagement in Abkhazia and recognise steps taken by Abkhazia, regardless of Tskhinvali’s willingness to immediately follow Abkhazia’s example. Even if Georgia continues to regard both territories as occupied by Russia, acknowledging differences would make Georgia’s engagement strategy more complementary with the NREP.

The enhanced relations between Georgia and the EU could be a pull factor for the population of the breakaway territories, or in the words of Dietz et al. (cf. 2006) have a “compulsory impact” on Abkhazia and South Ossetia and an “enabling impact” on Georgia. According to Georgia’s narrative, the benefits of its relations with the EU as well as positive developments within Georgia, making it a welfare state, would convince Abkhazians and South Ossetians to reunification with Georgia if they only knew about the possibilities and were not hindered by Russia. The populations of the breakaway territories at this point would add that a great level of distrust and fear of Georgia have prevented them from making use of opportunities across the Administrative Border Lines. Additional to that, Abkhazians and South Ossetians fear stigmatisation from their fellow community members if they accepted Georgian offers. Thus, the possible impact has not proven to be successful in increasing the attractiveness of Georgian passports among Abkhazians and South Ossetians yet.

Currently the GoG with its initiative “A Step to A Better Future” reaches out to both Abkhazia and South Ossetia/Tskhinvali region. The package of proposals plans to extend DCFTA to the “occupied territories”, as Georgian politics, in general, have shown more will to engage in the breakaway territories recently. Whether the “Transnistrian model” can become successful in Abkhazia and South Ossetia in the nearer future is disputed among experts, not only for the above-mentioned reasons but also because they think the breakaway territories would not benefit from trade with the EU. Their economies are based on small-scale agriculture that currently, due to pests, faces a huge ecological problem.

To facilitate the extension of DCFTA to Abkhazia and South Ossetia/Tskhinvali region, establishing certain preconditions would make sense for each party concerned. For example, full-functioning chambers of commerce would need to be set up in advance and the agricultural sector further supported. To facilitate such a development, working with the *de facto* authorities will be necessary. The same holds true for tackling other structural needs or ensuring enhancement in the human rights situation in both entities. Therefore, the EU jointly with Georgia should develop a strategy in which they agree under which conditions the EU could engage with (at least) Sukhum/i authorities – which would make further amendments to or abolishing the LoOT necessary. A more practical approach in this regard would lend the needed credence to offering residents of the breakaway



territories benefits of EU-Georgia enhanced relations, such as DCFTA and Visa Liberalisation.

The Human Rights situation in Abkhazia and South Ossetia/Tskhinvali region is severe, especially the situation of ethnic Georgians living there. When tackling human rights problems, the EU should concentrate on specific issues and less on ethnicity, as Abkhazians perceived the approach of focussing on ethnic Georgians was degrading their needs. Those who are most vulnerable – certainly ethnic Georgians in many respects – would nonetheless profit most, but the signalling effect would be that the needs of Abkhazians and other groups were acknowledged on equal footing. Commitment to human rights is a central feature of the EU-Georgian Association Agreement and DCFTA. Besides the need to be firmer with Georgia in this area, the EU could mediate arrangements to extend the provisions on human rights to Sukhum/i and Tskhinval/i (cf. Devdariani 2018).

The EU's current focus on common issues instead of confidence building is rather new but has already proven to be better accepted among Abkhazians. Joint actions against the pests have been taken involving Abkhazians and Georgians. With a focus on common issues, these measures might also contribute to confidence building. This shift has potential to contribute to increased confidence on a more subliminal level without discouraging Abkhazians from the outside, as confidence-building measures are very much disliked by the populations of the breakaway territories.

The level of distrust towards the State of Georgia is high among Abkhazians and South Ossetians – yet not necessarily on a personal level, especially not towards Georgians who face similar problems. Confidence has to be built on a subliminal level before sole confidence-building measures will be accepted. Confidence building, once successful, would have a “connective impact” (cf. Diez et al. 2006) between the societies of the breakaway territories and the inhabitants of Georgia, which is a precondition for positive and sustainable peace. Furthermore, actions on common issues such as the fight against the marble bug are also in Russia's interest, as the pest does neither know Administrative Border Lines, nor borders.

Due to the still perceived fear of Georgia, Abkhazians and South Ossetians value Russia as a security guarantor and (mostly) accept that Russia expects loyalty. Abkhazians, who – unlike South Ossetians – aim at independence, are at the same time sceptical about the Russian prevalence. Therefore, and as they have at least limited autonomy, they are more open to an international presence than the fully isolated South Ossetia.

Russia perceives the common neighbourhood with the EU as its sphere of influence, while the EU through its EaP has established relations with the countries offering benefits Russia cannot offer on a large-scale. However, Russia can target investments and military power to keep “their parts” of the countries under

control, as shown in Abkhazia and South Ossetia/Tskhinvali region in Georgia. A coherent strategy towards Georgia and the protracted conflicts must, of course, include Russia, which involves the need for a vision on how to embellish EU-Russia relations in future.

The NREP is a flexible policy that has not been designed to solve the protracted conflicts in Georgia but to nonetheless engage in the breakaway territories. Even though Russia invests on a much larger scale, the EU has definitely something to offer: In its programmes, the EU focuses on people's needs and skills, thus contributing to resilience and stabilisation of the conflicts. Enhanced relations with Georgia would have the potential to add a wide range of opportunities for the residents of the breakaway territories to the EU's engagement portfolio. These additional measures have not gained momentum yet for various reasons, which include above all the territories' dependence on Russia and Russian passportisation, lack of confidence in Georgia and fear of stigmatisation at home.

However, the measures offered as part of and alongside other instruments of the EU's integrated approach to conflicts, and especially the ongoing dialogue with Georgia, Russia and the breakaway territories, have already contributed to stabilising the conflicts. Once Abkhazians would (be allowed/able to) take full use of the benefits offered, NREP together with enhanced EU-Georgia relations could have the potential to contribute to positive peace, making Abkhazia a role model not only for South Ossetia but also other areas of protracted conflicts within the European Union's Eastern Neighbourhood.

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