
Making Good Use of the EU in Georgia: the “Eastern Partnership” and Conflict Policy



Dominic Fean

September 2009

Ifri is a research center and a forum for debate on major international political and economic issues. Headed by Thierry de Montbrial since its founding in 1979, Ifri is a non-governmental and a non-profit organization.

As an independent think tank, Ifri sets its own research agenda, publishing its findings regularly for a global audience.

With offices in Paris and Brussels, Ifri stands out as one of the rare French think tanks to have positioned itself at the very heart of European debate.

Using an interdisciplinary approach, Ifri brings together political and economic decision-makers, researchers and internationally renowned experts to animate its debates and research activities.

The opinions expressed in this article are the authors' alone and do not reflect the official views of their institutions.

Russia/NIS Center

© All rights reserved – Ifri – Paris, 2009

ISBN: 978-2-86592-570-4

IFRI

27 RUE DE LA PROCESSION
75740 PARIS CEDEX 15 – FRANCE
TEL. : 33 (0)1 40 61 60 00
FAX : 33 (0)1 40 61 60 60
E-MAIL : ifri@ifri.org

IFRI-Bruxelles

RUE MARIE-THERESE, 21
1000 BRUXELLES
TEL. : 32(2) 238 51 10
FAX : 32 (2) 238 51 15
E-MAIL : info.eurifri@ifri.org

WEBSITE : www.ifri.org

Russie.Nei.Visions

Russie.Nei.Visions is an electronic collection dedicated to Russia and the other new independent states (Belarus, Ukraine, Moldova, Armenia, Georgia, Azerbaijan, Kazakhstan, Uzbekistan, Turkmenistan, Tajikistan and Kyrgyzstan). Written up by key experts, these policy-oriented papers deal with strategic and political issues as well as economic issues.

This collection upholds Ifri's quality standards (editing and anonymous peer-review).

If you wish to be notified of upcoming publications (or receive additional information), please send an e-mail to: info.russie.nei@ifri.org

Previous editions

- Jean-Philippe Tardieu, "Russia and the 'Eastern Partnership' after the War in Georgia," *Russie.Nei.Visions*, No. 43, July 2009;
- Eva Hagström Frisell and Ingmar Oldberg, "Cool Neighbors": Sweden's EU Presidency and Russia," *Russie.Nei.Visions*, No. 42, July 2009;
- Anatoly Vishnevsky, "The Challenges of Russia's Demographic Crisis," *Russie.Nei.Visions*, No. 41, June 2009.

Author

Dominic Fean joined Ifri's Russia/NIS Center as a Junior Research Fellow in 2007. He is a graduate of The University of Sheffield (BA), and the Department of War Studies at King's College London (MA). His research interests include European Union integration and approximation processes in the Eastern Neighborhood; secessionist movements and nationalism; and the domestic politics of the former Soviet states.

Contents

SUMMARY	4
STAYING THE COURSE: THE EU PRESENCE IN GEORGIA	5
DISCRETE, NOT ABSENT	6
MEN ON THE GROUND	6
THE EASTERN PARTNERSHIP: ENP 2.0	7
MONEY, MONEY, MONEY	9
WHY SO SILENT, GOOD MESSIEURS?	10
CONFLICT MATTERS	12
RUSSIA	12
ETHNICITY	14
INTERNALLY DISPLACED PERSONS	15
STATE WEAKNESS AND CRIMINAL ENTRENCHMENT.....	16
STEADY AS SHE GOES	19

Summary

After the European Union's intervention in the August 2008 Russo-Georgian war, the EU has stepped up the visibility of its involvement in the South Caucasian state. Its political, economic and manpower engagement is now vital to the country's prosperity and stability. The Eastern Partnership, launched in May 2009, is a further signal of the EU's commitment to the countries on its Eastern borders. However, the new initiative is insufficient to tackle the roots of Georgia's secessionist problems. Indeed, these prove to be more complicated than the Russia vs. Georgia conception that Tbilisi subscribes to. The Union needs to establish a genuine conflict policy to complement the bilateral and multilateral framework of the EaP. Furthermore, the Union's member states need to apply themselves to the EaP's elaboration in order to ensure the project's success; otherwise it risks becoming an empty gesture rather than a viable tool for the development of the EU's partners in the region.

Staying the Course: The EU Presence in Georgia

Since August 2008, the EU's activities in Georgia have expanded considerably. The role that the EU played in the negotiation of the ceasefire agreement between Russia and Georgia showed the EU's ability to tackle an issue of global importance. French President Nicholas Sarkozy, whose country held the EU Council presidency at the time, brought to bear the weight of the EU, France and himself in the negotiations. Now that the EU finds itself one of the principle players in Georgia's conflict negotiations, it has to stay the course and fulfill its potential.

Despite representing the EU's first political intervention in the tensions between Georgia and Russia, the EU and its member states had been increasingly active in the preceding months. German efforts in summer 2008 to revive the stalled Georgian-Abkhaz negotiation process reflected growing unease over Russian rhetoric, after the recognition of Kosovo's independence and NATO's Bucharest declaration promising Georgia and Ukraine future membership.

Thus the political engagement of the EU in this situation—albeit led by one of its most active Presidents—constituted a real advance after the August hostilities. Most other elements in the EU's response to the crisis in fact reflected the casting off of self-imposed limits to its actions; indeed, EU bodies were already active, but in such a way as not to attract attention.

Following the launch of the Eastern Partnership (EaP) and South Ossetian elections to appoint representatives to its de facto parliament in May 2009, in addition to the withdrawal of the UN and OSCE's monitoring missions, it is increasingly clear that the EU needs to frame a policy to manage its involvement in Georgia's conflicts. This is because Georgia's secessionist problems are more than just the result of Russian-Georgian tensions, and there is currently no explicit policy overseeing all the activities of EU bodies and member states. Furthermore, the level of member state commitment to Georgia and the issue remains varied: a policy to direct efforts and encourage member state involvement would be beneficial not just for conflict resolution, but for the success of the EaP too.

Discreet, Not Absent

The EU's role—along with the UN and OSCE—as one of the three co-chairs in the Geneva talks to improve security and stability in the region is a true innovation. The EU previously avoided all participation in political negotiations—playing no role in the UN process for Abkhazia, the Commission attending only the workshops on financial issues of the OSCE process for South Ossetia. The EU provided funds to support these processes, but political engagement was out of the question. One reason for this was the risk of duplicating the activities of the UN and OSCE, in which member states were already active.¹ The EU's central contribution to the negotiations should allow it to play a pivotal role in the advancement of a settlement, something that has long been called for.²

In 2003, the European Council appointed an EU Special Representative (EUSR) for the South Caucasus under the High Representative for Common Foreign and Security Policy/Secretary General of the European Council, Javier Solana. Since his appointment in 2006, Swedish diplomat Peter Semneby has actively promoted further EU involvement in Georgia's conflicts. With the renewal of his mandate in 2008, he was granted greater leeway in this area.³ The war prompted the appointment of an EUSR for the Crisis in Georgia to support the preparations for the Geneva talks, his mandate was initially six months, renewed in February 2009 for a further six month period. Ambassador Pierre Morel, a senior French diplomat, combines the role with that of EUSR for Central Asia. The temporary nature of this appointment reflects the fact that the crisis is not expected to run indefinitely. However, the uncertainty over timeframes is troubling: so far the Geneva talks have advanced slowly.

Men on the ground

Through the establishment of the EU Monitoring Mission (EUMM) the EU overcame self-imposed limitations on its involvement in Georgia. Previous

¹ N. Tocci, "EU Neglect and Competing Mediation in Georgia's Conflicts," *International Spectator*, Vol. 41, No. 4, 2006, p. 75, 82.

² T.C. German, "Visibly Invisible: EU Engagement in Conflict Resolution in the South Caucasus," *European Security*, Vol. 16, No. 3-4, 2007.

³ "Council Joint Action 2008/132/CFSP of 18 February 2008 amending and extending the mandate of the European Union Special Representative for the South Caucasus," *Official Journal of the European Union*, 19 February 2008,

www.consilium.europa.eu/uedocs/cmsUpload/LexUriServJointAction132.pdf.

attempts to deploy a Border Assistance Mission—to replace an OSCE mission—met with opposition from France, Germany, Italy and Belgium. Instead, the EU deployed a Border Support Team (BST), under the auspices of the EUSR for the South Caucasus. Established in 2005, the team was small—initially three people—providing nowhere near the level of support that the OSCE mission had. Nevertheless, it was gradually expanded under several revisions of the EUSR’s mandate; it would appear that the appeal of this mission was its discreet, almost “invisible” nature.⁴ Georgian calls to deploy an international peacekeeping force were rebuffed. At the time, the EU would not deploy any force unless it was to be more effective than those already in place and Russia approved the move. While some EU states favored an EU mission, there was no consensus, and those who would have to bankroll it were unconvinced.⁵

After the August conflict, the EU quickly deployed a force of over 200 unarmed monitors. This is remarkable in a number of ways. Firstly, it is highly visible, employing a “knock on the door” policy of engagement with the secessionist regions. Secondly, the EUMM does not have access to the secessionist regions, and thus could not claim to “add value” above that offered by the OSCE or UN missions. Thirdly, those countries that had previously been most skeptical toward Georgia provided a large number of monitors: France, Italy and Germany contributed over one third of the initial deployment.⁶ In addition, the EUMM is a Common Security and Defense Policy operation, and thus more visible in the EU’s political structure.

The other two international missions have since been dismantled, after Russia refused to approve the extension of their mandates within the OSCE and the UN Security Council. This has left the EUMM as the sole international mission observing the security situation in Georgia: its significance and level of responsibility have increased accordingly.

The Eastern Partnership: ENP 2.0

European Neighborhood Policy (ENP), the EU’s policy to organize relations with bordering states, was extended to Georgia as an afterthought. Georgia’s ENP Action Plan was signed in 2006, for implementation over five years. Georgia pledged to complete the program within three years: a sign of enthusiasm and its determination to prove itself one of the foremost ENP states. “Enlargement neutral,” the policy excited interest in eventual EU membership among participants in the Eastern Neighborhood. ENP profits from these aspirations in

⁴ V. Socor, “Time Short, Options Narrowing, Call Needed for a New Georgia BMO,” *Eurasia Daily Monitor*, 21 February 2005; N. Popescu, “The EU’s Unrecognized Neighbours, the EU in Abkhazia and South Ossetia,” Working Document No. 260, Centre for European Policy Studies, March 2007, p. 11-12.

⁵ Interviews with French and British diplomats, Tbilisi, February 2008.

⁶ The three states provided 96 of the initial 266 monitors deployed. “European Union Monitoring Mission (EUMM),” 29 September 2008, <www.consilium.europa.eu/uedocs/cmsUpload/080926EUMM_Fact_sheet_from_JURI_REV.pdf>.

order to function, lacking as it does the direct conditionality of EU accession processes. Whilst the Action Plan's intentions were generally well received, it was criticized as vague, with subjective assessment criteria, and lacking effective mechanisms to ensure the implementation of reforms. It has also to be remembered that the funding allocated to ENP participants pales in comparison to that for accession states.⁷

The September 2008 extraordinary European Council meeting asked the European Commission to accelerate development of the EaP, a Swedish-Polish initiative announced in May 2008.⁸ The project reflected the acceptance that neighborhood policy had much scope for improvement. The ENP was the first policy to address the EU's relations with its neighbors, the EaP is a second draft, tailored to the states of Eastern Europe. The EaP addresses what was seen as EU neglect of the East, particularly in light of the launch of the Union for the Mediterranean in 2008.⁹ Armed with the experience of the first years of ENP implementation, the EaP presents the opportunity to get Neighborhood Policy right.

The EaP aims to be more project focused, concentrating on obtaining concrete results. It also conceives of relations being pursued both multilaterally and bilaterally: allowing participants to benefit from the successes of others, but preventing any state being held back by the slow progress of another. The program covers various policy areas from movement of people and economic development, to energy security. Particular mention is made of Comprehensive Institution-Building (CIB) programs to address low state capacity and aid reform implementation, which is a particular problem in Georgia.¹⁰ In order to implement the project, it is planned that each European Commission Delegation will be assigned a new member of staff specifically to monitor the progress of the EaP.

The September 2008 European Council decided to pursue visa facilitation and a comprehensive free trade agreement (FTA) with Georgia: two of the primary components of the Association Agreements foreseen in the EaP.¹¹ In fact, these two measures had long been discussed by the Commission and Georgian authorities; agreement upon visa-facilitation has been expected since early 2008.¹² The conflict forced the EU to greater action, overcoming some of its hesitancy on these long-running projects; the advent of the EaP may hold the EU to its promises in these areas.

Worryingly, EU representatives suspect that the Georgian government seeks short-term political gains above long-term development. For example, Tbilisi would prefer a simple FTA over a deep, comprehensive one. Yet under the General System of Preferences Plus (GSP+), Georgia already enjoys de facto

⁷ Interviews with foreign NGO worker, Tbilisi, February 2008; EU diplomat, Tbilisi, February 2008; and NGO representatives, Tbilisi, November 2008.

⁸ The Eastern Partnership covers Belarus, Ukraine, Moldova, Armenia, Georgia and Azerbaijan.

⁹ K. Longhurst, "Injecting More Differentiation in European Neighbourhood Policy: What Consequences for Ukraine?" *Russie.Nei.Visions*, No. 32, July 2008, <www.ifri.org/files/Russie/ifri_longhurst_ENP_ENG_june2008.pdf>.

¹⁰ Interview with EU diplomat, Tbilisi, November 2008.

¹¹ Council of the European Union, "Extraordinary Council of the European Union September 1, 2008, Presidency Conclusions," 6 October 2008, <www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/102545.pdf>.

¹² Interview with Georgian diplomats, Tbilisi, February 2008.

free trade with the bloc, making a simple FTA redundant.¹³ Indeed, the government's haste to conclude a deal contrasts with officials from the Ministry for Euro-Atlantic Integration: they understand any meaningful FTA will take years to draft and implement.¹⁴ However, the EU itself has also engaged in political symbols of support: the EaP proposals explicitly say that they are "responding to the need for a clearer signal of EU commitment" to the Eastern Neighborhood.¹⁵ Consequently one fears that the EaP could end up an empty gesture rather than a tool for the development of the EU's neighbors. If either side is any less than totally committed, then the EaP may be an opportunity wasted.

Money, Money, Money

In contrast with the new political involvement, the EU began funding rehabilitation projects for the conflict regions in 1997, and by 2008 claimed to be the largest international donor to reconstruction in South Ossetia and Abkhazia. The Commission supported "economic rehabilitation and confidence building activities [...] as an important measure to build greater trust between the conflict-affected populations."¹⁶ Projects were selected for their apolitical nature and implementation was not tied to progress in the negotiating formats. Awareness of Tbilisi's fear of reinforcing the secessionist authorities led to actions being undertaken principally through third parties, with reconstruction and the support of civil society in the conflict regions taking precedence.¹⁷

The preponderant economic accent to the EU's conflict involvement can also be explained by the fact that any other engagement was difficult politically. Given Tbilisi's fear of reinforcing the de facto authorities and the absence of any EU consensus on whether to become involved and how, funding the rehabilitation of the conflict zones became the lowest common denominator option for the EU.

The importance of the EU's economic role took on new levels after the 2008 war, for example the October 2008 International Donor's Conference to provide support for Georgia was co-hosted by the EU and the World Bank. The European Community pledged 483.5m euros to cover the period 2008-2011 complemented with 131.27m euros from member states.¹⁸ Evidently the funds are much needed, yet there is no guarantee that all the money will be forthcoming: payment could be made in kind, or may not be channeled through

¹³ Interview with EU diplomat, Tbilisi, November 2008.

¹⁴ Interview with State Ministry for Euro-Atlantic Integration official, Tbilisi, November 2008.

¹⁵ European Commission, "Communication from the Commission to the European Parliament and the Council, Eastern Partnership," 3 December 2008, COM(2008) 823, <eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0823:FIN:EN:PDF>, p. 2.

¹⁶ Website of the EC Delegation to Georgia, <www.delgeo.ec.europa.eu/en/programmes/rehabilitation.html>.

¹⁷ N. Popescu, *op. cit.* [4], p. 13.

¹⁸ European Commission/World Bank, "Breakdown of Pledges per Donor and per Sector in Euros and US Dollars," 22 October 2009,

<http://ec.europa.eu/external_relations/georgia/conference/index_en.htm>.

the Georgian government; in addition there will be conditions attached by donors. If the uncertainties surrounding the global financial crisis are factored in, there is significant uncertainty relating to the delivery of this aid.

This funding is particularly important for Georgia's continued development and stability: reliance upon foreign direct investment to fuel economic growth makes Georgia vulnerable in current circumstances even without war damage. Indeed, the International Monetary Fund has estimated Georgia's GDP growth at 2 percent in 2008, down from 12.5 percent in 2007; the Fund predicts that growth in 2009 will be 1 percent.¹⁹

Why so silent, good messieurs?

As demonstrated, the EU's involvement has increased in visibility; however, reasons for its previous discretion are needed. It is suggested that these were considerations of Russia, the US and attitudes to Georgia and EU enlargement.

The first reason is Russia. European states have been timid engaging the South Caucasus because of concerns over how Russia would react.²⁰ In light of gas and oil disputes with Ukraine, Georgia and Belarus during recent years and the belief that energy supplies could be used to manipulate foreign governments, such concerns cannot be discounted. They may have been particularly influential in countries like Germany, which has strong economic ties to Russia and is a partner in Russia's Nord Stream project to pipe gas to Europe along the Baltic seabed.

Second is the US. With robust support from President George Bush's administration, the EU could leave Georgia's concerns to Washington. Indeed, with the US lobbying Georgia's bid for a NATO Membership Action Plan (MAP) and voicing support for eventual EU membership, European capitals could be forgiven for imagining that Georgia's security was assured by Washington.²¹ Others go further, suggesting that the EU was only spurred into action in August 2008 from fear that any US response would be aggressive, and ultimately escalatory.²²

Hesitation over Georgia and its aims is another, often overlooked, factor. Some member states are unconvinced that Georgia is "European" and thus eligible for membership, making them reluctant to encourage such ambitions. Enlargement remains a sensitive question and is unimaginable while Turkey's application, the Lisbon Treaty, energy policy and the financial crisis continue to dominate the agenda. Refusal to make ENP anything more than "enlargement

¹⁹ "Georgia: Staff Report for the 2009 Article IV Consultation and Second Review under the Stand-By Arrangement," IMF Country Report No. 09/127, April 2009, p. 4-9.

²⁰ N. Tocci, *op. cit.* [1], p. 82-83; T.C. German, *op. cit.* [2], p. 363.

²¹ Interview with Georgian analyst, Tbilisi, November 2008.

²² Interview with US diplomat, Kyiv, March 2009.

neutral” is a reflection of this: no participating state is anywhere near ready, and the furore it would provoke within the EU discourages even raising the question.

In addition to this reluctance to debate enlargement, there is suspicion of Georgia’s motives. The drive for membership of NATO and the EU is as much about opposing Russia as it is about adopting Western norms. The belief that Georgia uses rapprochement to strengthen its position in mutually antagonistic relations with Russia—and possibly to reinforce Saakashvili’s discredited regime—is difficult to shake. Particularly since Georgia seems to measure the EU’s credibility against its willingness to stand up to Russia.²³ This does nothing to endear Georgia to member states: EU unity in August 2008 was a reaction against Russian excess, not a rallying to Georgia. A belief that the EU is being instrumentalized as part of a Tbilisi-Moscow conflict is perhaps behind the hostility of some member states which Georgian diplomats identify.²⁴

²³ N. Tocci, *op. cit.* [1]; see also citation from A. Gegeschidze in N. Popescu, *op. cit.* [4], p. 11.

²⁴ Interview with Georgian diplomat, London, November 2008.

Conflict Matters

The EU's decision to suspend negotiations on a new contractual relationship with Russia was a symbolically important response to the crisis, as was its condemnation of Russia's recognition of South Ossetia and Abkhazia. However, EU pressure upon Russia to abide by the Sarkozy-Medvedev accords has not been sustained. Nevertheless, as co-chair of the Geneva process, the EU is now committed to the search for a durable solution to the conflicts. This solution is not to be found in Russian-Georgian relations alone. While Moscow holds considerable influence in the regions, other challenges such as criminal activity, state weakness and interethnic distrust also need to be overcome.

Of particular importance is ethnic fear, outside actors cannot create the antagonism which gives rise to ethnic violence, they can only manipulate, encourage and fund those who feel forced to take action.²⁵ This is undoubtedly the case with Russia's egregious manipulation of tensions in Georgia's separatist regions. Therefore it is important to address underlying causes in order to formulate a coherent approach to conflicts resolution efforts: a Russo-centric vision will not give rise to a durable solution.

Russia

Despite Russia's position on the secessionist regions being incoherent during the wars of the 1990s, the regimes in Tskhinvali and Sukhumi were dependent upon Moscow in the inter-war period.²⁶ A CIS trade embargo was only partially enforced and high level contacts were established between Russian officials and the secessionists. Without Russian help, the secessionist authorities would not have been able to mount sustained opposition to Tbilisi.

Russian trade and investment were important for their survival, even relatively minor sums taking on significance in the impoverished territories. Investment opportunities were more plentiful in Abkhazia, which had a flourishing economy under the Soviet Union. The range of investors shows the degree to which official structures were involved: the Moscow city administration and

²⁵ S. Kaufman, *Modern Hatreds: the Symbolic Politics of Ethnic War*, Ithaca & London, Cornell University Press, 2001, p. 33.

²⁶ P. Baev, "Civil Wars in Georgia: Corruption Breeds Violence," in J. Koehler and C. Zürcher (eds.), *Potentials of Disorder*, Manchester, Manchester University Press, 2003, p. 135-139.

Krasnodar region invested heavily, and several government ministries took long-term leases on properties along Abkhazia's coast.²⁷

The postwar reinforcement of Russia's military presence in the region in combination with Russia's aid promises further reinforces Russia's economic and military preponderance. Moscow has promised Sukhumi 68m US dollars and Tskhinvali 81m US dollars in budget support and has debated placing anything up to 3,700 troops in each territory.²⁸ This situation is not helped by Georgia's October 2008 law on occupation, which requires outside actors to have Tbilisi's consent before establishing economic relations with South Ossetia and Abkhazia or even entering the territories.²⁹

Since the election of President Mikheil Saakashvili in 2004, Georgian-Russian relations have declined precipitously. Russia was piqued by perceived ingratitude for its role in the departure of former President Eduard Shevardnadze and by Saakashvili's determination to join NATO. By 2006, a spy scandal and embargo of Georgian wine and mineral water had destroyed any goodwill remaining between the two governments. Russia's influence in the secessionist regions became a tool in this bilateral conflict.

As arguments between the West and Russia multiplied in early 2008—NATO enlargement, Ballistic Missile Defense in Europe and recognition of Kosovo—Russian brinkmanship in Georgia increased. Notable were Russia's destruction of a Georgian Unmanned Aerial Vehicle over Abkhazia in April 2008, Putin's decision to establish official contacts with the separatist regions, and the dispatch of Russian Railway Troops to Abkhazia, both in May 2008. Russia also held large-scale military exercises in the North Caucasus Military District, further increasing pressure upon Tbilisi and the West.³⁰ Since decline in Russia-Western relations fed into the rising tensions in Georgia, improvement in Georgia-Russian relations cannot be divorced from the state of Russia-West relations. Indeed EU representatives in Tbilisi expect progress in negotiations will be conditional upon Western concessions on other issues.³¹

Russia plays a fundamental role in the conflicts and any hopes for future resolution will require its participation. It is too much to expect that Russia will retract its recognition of Abkhazia and South Ossetia: it has risked too much, a climb-down now would be too galling. However, the establishment of working codes for trade, direct contact between the various parties and the long-term prospect of return for Internally Displaced Persons (IDPs) are imaginable. The alternative is a confrontational policy in which Russia uses the situation in Georgia to its perceived advantage; this option cannot be ruled out. Any

²⁷ E.R. Scott, "Uncharted Territory: Russian Business Activity in Abkhazia and South Ossetia" in A. Wenger, J. Perovic and R.W. Orttung (eds.), *Russian Business Power, The Role of Russian Business in Foreign and Security Relations*, Abingdon and New York, Routledge, 2006, p. 220-228.

²⁸ "Russia Signs Financial Aid Deals with Abkhazia, South Ossetia," RIA Novosti, 17 March 2009, <en.rian.ru/russia/20090317/120599992.html>; "Russia Scales down Plans for Troops in Abkhazia, S. Ossetia," RIA Novosti, 19 May 2009, <en.rian.ru/russia/20090519/155042049.html>.

²⁹ European Commission for Democracy through Law, "Law on Occupied Territories of Georgia," Opinion No. 516/2009, 19 January 2009, <www.venice.coe.int/docs/2009/CDL(2009)004-e.asp>.

³⁰ C.W. Blandy, "Provocation, Deception, Entrapment: The Russo-Georgian Five Day War," ARAG Caucasus Series, 09/01, March 2009; UNOMIG "Report of UNOMIG on the Incident of 20 April Involving the Downing of a Georgian Unmanned Aerial Vehicle over the Zone of Conflict," 26 May 2008, <www.unomig.org/data/other/080526_unomig_report.pdf>.

³¹ Interview with EU official, Tbilisi, November 2008.

cooperation from Russia must be complemented with an equally cooperative attitude from Georgia. Georgia will need to be sensitive to the complexity of the conflicts, recognizing the other challenges to peace and eschewing hasty actions. The role the EU can play providing advice, funds and objective analysis could be vital.

Appreciating the complexity of Georgia's conflicts is likely to be even harder in future, Russian influence having strengthened since August 2008. Decisions made by the de facto authorities are markedly less independent than before: a declaration by Sergey Bagapsh, Abkhazia's de facto president, that there would be no Russian bases in Abkhazia was quickly overruled.³² There is also no doubt in the minds of EU staff in Georgia that the secessionist walkout of the first round of Geneva talks was orchestrated by Moscow.³³ Since 2004, the Georgian government has painted the conflicts as a result of Russian interference.³⁴ This risks confusing two issues: the tensions behind secessionism in Abkhazia and South Ossetia, and Russia's long-running manipulation of these tensions. Other influences which perpetuate the conflicts need to be recognized in order to effectively deal with all the problems.

Ethnicity

Ethnic nationalism becomes prevalent when there is an imbalance between the strengths of the state, civil society and ethnic identity.³⁵ When the two regions broke from Tbilisi's control, the absence of civil society actors and weakness of the Georgian state encouraged an ethnic understanding of citizenship within the ethnic Georgian population: that the state should represent them alone. Faced with an exclusively ethnic-Georgian vision of the state, resentful of being ruled from Tbilisi under the Soviet Union and fearing for the favored status they enjoyed, ethnic minorities in their "titular" regions attempted to secede in "self-defense."³⁶

Legitimate concerns of the ethnic populations need to be taken into account. This will be difficult for Tbilisi to accept, given its claims that Russia alone is behind the conflicts. The actions of all sides have been driven by public opinion; Tbilisi's belief that Moscow could easily solve its secessionist problems does not consider that the populations of these regions might reject reintegration,

³² "Bagapsh Says No Plans for New Russian Bases in Abkhazia," *Civil Georgia*, 2 September 2008, <www.civil.ge/eng/article.php?id=19376&search=Bagapsh%20bases>; "Bagapsh: Two Russian Military Bases for Abkhazia," *Civil Georgia*, 23 September 2008, <www.civil.ge/eng/article.php?id=19579&search=Bagapsh%20bases>.

³³ Interview with EU official, Tbilisi, November 2008.

³⁴ Interview with State Ministry for Reintegration official, Tbilisi, November 2008.

³⁵ G. Schöpflin, *Nations, Identity, Power: the New Politics of Europe*, London, Hurst & Co., 2002, p. 1-50, 232.

³⁶ S. Demetriou, "Rising From the Ashes? The Difficult (Re)Birth of the Georgian State," *Development and Change*, Vol. 33, No. 5, 2002, p. 886-86, 872; S. Kaufman, *op. cit.* [25], p. 93-103, 110.

even if it was sanctioned by Moscow.³⁷ This is particularly true for the ethnic Ossetes, who burned Georgian villages in South Ossetia in August 2008 specifically to stop their inhabitants ever coming back.³⁸ Even if the political negotiations directed by Russia were to proceed without complications—an unlikely possibility—the fears of the populations of South Ossetia and Abkhazia would not disappear.

The moral conviction of Georgian politicians and the Georgian self-understanding as a hospitable people and that other minorities are “guests” on Georgian territory discourage taking a critical look at Georgian policies to see that Georgian nationalism tends to exacerbate tensions.³⁹ Nationalist discourse remains current in domestic politics, serving to alienate minorities.⁴⁰ Given such political discourse, it is unsurprising that the secessionist regions feel threatened by Georgia. Georgia’s ethnic Armenian population has also seen periodic violence linked to restrictions on jobs in the civil service and lack of economic opportunities.⁴¹ Government officials dismiss these problems on the grounds that Yerevan would not manipulate the situation.⁴² Yet such attitudes betray a belief that minority issues only need addressing once they reach crisis-point, or when an outside state intervenes.

The Georgian elite must find a new language which displaces confrontation as a political norm. The EU already funds programs to improve the representation of minorities, it should also encourage Georgian politicians to act responsibly in their statements on the conflict regions and minority issues and to depoliticize them. It may be impossible to ignore the issues entirely, but making them the object of political competition will increase the already high stakes attached to them. Whilst this may improve with time and the implementation of EU sponsored programs, pandering to popular opinion on these issues is destabilizing at present.

Internally Displaced Persons

In the early nineties, the conflicts forced 223,000 people from their homes. Efforts to resettle them are politically complicated since Georgian policy supports their return—even if aid workers observe that the government was not dynamically pursuing that goal before the recent conflict.⁴³ The new influx of IDPs—mainly ethnic Georgians from South Ossetia—increased the burden upon the state by

³⁷ S. Kaufman, *op. cit.* [25], p. 86.

³⁸ Interview with South Ossetian NGO representatives, Paris, October 2008.

³⁹ S. Kaufman, *op. cit.* [25], p. 94, 106; “Saakashvili Lashes Out at UN for ‘Amoral Advice’,” *Civil Georgia*, 6 September 2007, <www.civil.ge/eng/article.php?id=15746>.

⁴⁰ Interview with French diplomat, Tbilisi, February 2008.

⁴¹ Interview with NGO worker, Tbilisi, November 2008.

⁴² Interview with State Ministry for Reintegration official, Tbilisi, November 2008.

⁴³ Interview with UN aid worker, Tbilisi, November 2008.

54,000—it is estimated that 24,000 of those will be unable to return in the near future.⁴⁴

The issue will be an essential test of the Geneva negotiations, which have IDP return as an objective. No side can openly challenge the “right to return in safety and dignity” as laid out in UN declarations on the rights of refugees. Yet return is impossible while regular skirmishes continue along the cease-fire lines, and the secessionist parties have little incentive to be cooperative on this issue. The ethnic Georgian population in Abkhazia is viewed as a potential “fifth column” and not trusted by Sukhumi.⁴⁵ In South Ossetia, suspicions clearly run higher. Nor does Moscow have an incentive to promote return: a continuing crisis registering and providing for IDPs highlights the low capacity of the Georgian state and Georgia’s continuing weakness serves Russia’s interests.

Furthermore, it is supposed that the return of IDPs will include the return of their pre-war property. Resolving property claims in post-conflict societies is difficult, any return would unleash conflicting and irresolvable property claims and call into question business transactions carried out under secessionist rule.⁴⁶ All this indicates that IDP return has a strong economic angle to compound the ethnic fears that would need to be overcome, not to mention persuading Moscow that it serves its interests too.

State weakness and criminal entrenchment

The problems of IDP registration are a reflection of the continuing deficiencies of the Georgian state. At independence, a number of armed groups competed for political and economic control of the country, undermining the nascent Georgian state. Ultimately, private militias were incorporated into the state to reduce the threat they posed to Tbilisi’s authority. Georgia soon plunged into a civil war from which it has yet to fully recover.⁴⁷ By 2003, Georgia was on the brink of state failure with corruption and smuggling rife.

The enormous gains in state capacity since the change of leadership in 2003 should be recognized. Efforts to improve tax collection and fight corruption have met with success, although the methods used were unorthodox (use of intimidation and threats imprisonment).⁴⁸ Capacity to exert pressure upon Georgia’s rebellious regions increased commensurately. The return of Ajaria to

⁴⁴ UNHCR, “Global Needs Assessment,” October 2008, p. 7-11; M. Memanishvili, “Georgia: Refugees Claim to be Put at Risk,” *Caucasus Reporting Service*, No. 482, Institute for War and Peace Reporting, 27 February 2009.

⁴⁵ Interview with Abkhazia expert, November 2008.

⁴⁶ B.S. Chimni, “Post-Conflict Peace-Building and the Return of Refugees: Concepts, Practices and Institutions,” in E. Newman and J. van Selm (eds.), *Refugees and Forced Displacement, International Security, Human Vulnerability, and the State*, Tokyo, UN University Press, 2003, p. 209; E.R. Scott, *op. cit.* [27], p. 228.

⁴⁷ P. Baev, *op. cit.* [26], p. 130-137; S. Demetriou, *op. cit.* [36], p. 872-73.

⁴⁸ J.V. Wertsch, “Georgia as a Laboratory for Democracy,” *Demokratizatsiya*, Vol. 13, No. 4, 2005, p. 532.

central control is a case in point, as is the closure of the Ergneti black-market on the Georgian-Ossetian border. Paradoxically these successes in increasing state control may have proved counterproductive. Ajaria's purely nominal autonomy was cited by Abkhazia as a reason to reject autonomous status within Georgia.⁴⁹ Closing the market reduced the opportunities for interaction between the South Ossetian population and its Georgian neighbors, undermining confidence.⁵⁰

During the CIS embargo, lack of state oversight and growing poverty allowed criminal networks to flourish in the conflict regions. This entrenchment of criminal networks favors continued conflict, since regularizing the region's status would threaten their control and revenue streams. The division of labor between different ethnic crime groups is highly organized, in addition Moscow-based crime groups have also come to play a significant role. The stationing of poorly paid Russian troops and the availability of arms has led to a market for light weaponry developing, fuelling criminal activities and undermining stability.⁵¹

Officials from all sides have been implicated in smuggling. Analysis of the risks of smuggling through the region suggests that the low pay and low professionalism of customs officials and the protection of smuggling groups by politicians need to be addressed.⁵² Having replaced a substantial OSCE border mission with a small team, the EU should take steps to increase the BST's mandate, manpower and resources in response to these challenges.

Isolation and inability to develop alternative livelihoods has contributed to the perpetuation of conflict. Without predictable funding and viable economic development, the task of demobilizing and reintegrating populations risks failure.⁵³ Thus, it is essential that international funds reach the secessionist populations, which have been heavily militarized by years of conflict. Finding ways to channel funds into the regions without compromising EU principles, while being acceptable to both Georgia and the de facto authorities is difficult. EU representatives are confident that these obstacles will be overcome, but warn that Sukhumi is more receptive to their efforts than Tskhinvali.⁵⁴

If successful, the EU will be in a stronger position to mediate in the Geneva talks. If it intends to broker a sustainable settlement it will need to engage all parties to the conflict and avoid the secessionists dealing only with Moscow. This will require Georgia to also engage with the secessionist authorities—bodies which Tbilisi sees as “war criminals” and “KGB agents.”⁵⁵ Meaningful progress cannot be made without open communication between all parties, regardless of the suspicion remaining between them.

The EU does not share the Georgian government's haste to resolve the conflicts, it has long understood that it will take considerable time.⁵⁶ Readiness to consider the conflicts as a long-term challenge indicates that the EU's

⁴⁹ Interview with Abkhazia expert, November 2008.

⁵⁰ B. Coppieters, “The EU and Georgia: Time Perspectives in Conflict Resolution,” EU ISS Occasional Paper, No. 70, December 2007, p. 10.

⁵¹ E.R. Scott, *op. cit.* [27], p. 226-229, 231-232.

⁵² A. Kupatadze, “Radiological Smuggling and Uncontrolled Territories: The Case of Georgia,” *Global Crime*, Vol. 8, No. 1, February 2007.

⁵³ B.S. Chimni, *op. cit.* [46], p. 209-210.

⁵⁴ Interview with EU diplomat, Tbilisi, November 2008.

⁵⁵ Interview with Georgian diplomat, Brussels, September 2008.

⁵⁶ B. Coppieters, *op. cit.* [50], p. 7.

involvement will be beneficial. Nevertheless, the situation's complexities must be understood in order to develop an appropriate range of responses to them. Russia has played a large role in the continuation of the conflicts, but to deny the underlying problems is ill-advised. Genuine ethnic tensions, organized crime and Georgia's governance problems should not be ignored as factors. The way in which these issues are interwoven is important, the continuing weakness of the state favors the recourse to ethnic nationalism, and the continuing law and order problems the conflicts engender further undermine the state. Deconstructing the links between these aspects of the conflicts will present more opportunities than addressing just the most visible factor: Russia.

Steady as She Goes

The EU's markedly more visible involvement in Georgia allows a greater understanding of the wide range of activities that it was undertaking in the lead up to the 2008 war. With the introduction of the EaP in May 2009, the EU has an opportunity to breathe new life into its relations with the countries to its East rather than just "showing commitment" to them. The EaP must be used to its fullest extent by all involved in order to avoid it becoming just an empty signal of political support in response to a time of heightened tensions.

Georgia will be an eager participant in the EaP: the policy allowing Tbilisi to advance its own reform project, to disassociate itself from Russia and possibly to rally others to its cause. What is less certain, however, is the degree of involvement from the EU member states. The Commission's proposal stresses the value which member states can bring, and plans to expand delegations in the partner countries show that the Commission will uphold its end of the bargain. Yet the commitment of Western European states in particular is by no means clear: some fear that there is little enthusiasm for the initiative.⁵⁷ The EaP has potential, but it must be realized through sustained member state participation, and it must not become a token gesture. If such lowest common denominator thinking prevails, then the EU will again fail to develop effective policies in this region. It is down to Sweden, as one of the co-sponsors of the project, to use its 2009 EU Presidency to advance the development of the project and add real content to the proposals.

It is also clear in Georgia's case that while the EaP has the potential to become a more effective Neighborhood Policy, it is not a substitute for an effective conflict policy. Indeed, it was not designed as a policy to tackle conflict issues. The proposal contains only a timid recognition of the importance of conflict resolution for the EU. Whilst this shows a continued awareness of the problem, it amounts to nothing more than the repetition of intentions outlined in previous ENP documents. Furthermore, in recognition of Russia's key role in any solution, the EaP—in which it does not participate—is not the forum in which a resolution will be elaborated. Having said that, if the reforms are successful, conditions will be more favorable for conflict resolution.

Full implementation of the EaP in Georgia cannot be imagined, however, without significant progress being made toward conflict resolution. The EaP's flagship projects include the establishment of visa-free travel, a free trade zone among the participants and their assimilation into the European market. It is clear that this will take years, yet the continued existence of the conflicts can be understood to exclude Georgia. In May 2009, Russia signed agreements with South Ossetia and Abkhazia to patrol their borders with Georgia. Without its

⁵⁷ Interview with German analyst, Berlin, May 2009.

internationally recognized borders under Tbilisi's control, Georgia's participation in such projects will be impossible, or at least highly controversial. In addition, Tbilisi will be reluctant to participate in anything which might imply recognition of de facto dividing lines.

To this end, EU member states should agree a policy to coordinate all work to support a sustainable peace in Georgia. In this framework, the appointment of an EUSR for conflict management would be a logical step—removing the uncertainty of the tenure of Pierre Morel's current position as EUSR "Crisis in Georgia" and allowing the development of a unified approach to conflict issues. Indeed, the need to balance engagement with the secessionist regions in avoiding their over reliance upon Russia and the insistence of non-recognition requires an EU wide debate on how to proceed. The EU's Czech Presidency criticized the May 2009 elections in South Ossetia as "illegitimate" and as "a setback in the search for a peaceful and lasting settlement of the situation in Georgia," yet it is clear that the authorities there will have to be engaged by the EU, not least in the Geneva process that the EU co-chairs.⁵⁸

As seen above, the challenges facing a sustainable peace in Georgia are more complicated than is often presented by the parties involved. Whilst some of the challenges—notably low state capacity—will be addressed by the EaP, there is a risk that some will not be addressed by this framework. It is vital that the EU take account of all aspects of the conflicts in framing an explicit policy on how it will deal with the situation in the South Caucasus. After the failure to renew the mandates of the OSCE and UN observer missions in Georgia, the EUMM is the only international force on the ground: the EU is now deeply involved in all aspects of the conflicts, a low-profile policy of invisibility is no longer an option. The EaP has the potential to become an important policy in the country's further development. It is time for the EU to frame a conflict policy to demonstrate its commitment to a durable resolution and the renunciation of lowest common denominator policies in the region.

Great uncertainty remains about the prospects for success, and the process which has commenced will not be finished in the period of one electoral cycle or a single reform program. Overcoming the heritage of war, displacement and mutual suspicion is only possible through patience and the courage to act in good faith on all sides. The EU has the potential to be a driving force in this process. It is time for it to take the lead.

⁵⁸ Czech Presidency of the European Union, "Declaration by the Presidency on behalf of the EU on the 'Parliamentary elections' in South Ossetia, Georgia," 2 June 2009, <www.eu2009.cz/en/news-and-documents/cfsp-statements/declaration-by-the-presidency-on-behalf-of-the-eu-on-the-_parliamentary-elections_-in-south-ossetia--georgia-24377>.