Conflict Resolution and Status

The Case of Georgia and Abkhazia (1989-2008)

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Céline Francis

VUBPRESS

This book is similar to the thesis submitted to the Faculty of Economic, Social and Political Sciences of the VUB for the degree of Doctor of Philosophy in Political Science and successfully defended on 27 April 2010. Only typographical and language corrections were made.
Supervisor: Prof. Dr. Bruno Coppieters

Cover design: Stipontwerpt, Antwerpen
Book design: theSWitch, Antwerpen
Print:

© 2011 VUBPRESS Brussels University Press
VUBPRESS is an imprint of ASP nv (Academic and Scientific Publishers nv)
Ravensteingalerij 28
B-1000 Brussels
Tel. + 32 (0)2 289 26 50
Fax + 32 (0)2 289 26 59
E-mail info@vubpress.be
www.vubpress.be

ISBN 978 90 5487 899 5
NUR 754 / 686
Legal deposit D/2011/11.161/062

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Acknowledgements

A dissertation is never a lonely journey – that is what makes the experience so rich and rewarding. I am greatly indebted to my supervisor, Professor Bruno Coppieters, for his unfaltering support, his intellectual guidance and his assistance throughout this research, which would hardly have been possible without him. I warmly thank the members of my doctoral committee, Professor Aude Merlin, from the Université Libre de Bruxelles (ULB), and Professor Tanguy de Wilde from the Université Catholique de Louvain (UCL), for their wise, critical comments on each draft of this dissertation. Their feedback and our conversations shaped my views. I also enjoyed the stimulating discussion with Youri Devuyst and Jacobus Delwaide, the jury members from the Vrije Universiteit Brussel (VUB) during the doctoral defence held on 27 April 2010. Their comments and suggestions were most helpful in the revision of this text. I also wish to thank Veronica Kelly for her language corrections to this thesis.

I am grateful to the VUB Research Council for the doctoral scholarship and travel grants that enabled me to take part in conferences, do my fieldwork and focus solely on my research from November 2005 to November 2009.

Several institutes opened their doors to me during this period. First and foremost, warm thanks to the Institute for European Studies (IES) in Brussels and his Executive Director Anthony Antoine for hosting me during what became the whole period of my dissertation, providing me with space, material and intellectual support. I also wish to thank the Caucasian Institute for Peace, Development and Democracy for what became my first stay in Georgia in 2004, and the Georgian Foundation for Strategic and International Studies for my stay in 2008. In each of these three places I was fortunate to meet generous, friendly people. I am grateful to all of them for their companionship.

Organising fieldwork would not have been realistic without the assistance of several people who smoothed my way to Abkhazia and Georgia. I want to thank Conciliation Resources for advice and help regarding my stay in Abkhazia and, in particular, Jonathan Cohen for sharing his understanding of the region with me; people at Première Urgence, MSF, NRC and World Vision, among others, for sharing their evenings and their thoughts and driving me into and out of Abkhazia. These stays would have been so much more complicated without Emil Adelkhanov whose in-depth knowledge of intra-Georgian politics, fatherly presence and assistance were invaluable,

and Dalila Pilia who welcomed me in Abkhazia and help me learn about Abkhaz customs.

If this research was made possible, it is thanks to a list of people I cannot name. More than a hundred of people in Abkhazia, Brussels, Georgia, Istanbul, London and New York were willing to share their time, their views, their documents and their memories with me. Their stories and accounts provided the substance of the present research.

A dissertation is a long journey. When I started it, I did not believe it would last so long and require so much from my friends, my mother and my sister. I am indebted to them for the support and strength they gave, for the concerns they did not express, and for their enduring patience and understanding during my absence, even when I was not so far away.

The last note is for my husband. For agreeing to make this journey with me from the very first day, for his presence next to me while crossing the ceasefire line in a ramshackle bus, for the laugher we shared when we lived with candlelight. He gave me strength for each of the steps I had to take to bring this work to completion. He brushed my doubts aside and picked me up when I stumbled along the way. I shall never thank him enough for that.

Céline Francis
April 2011

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Maps

Map 1. Southern Caucasus[1]

Map 2. Georgia[2]

Map 3. United Nations Observation Mission in Georgia (UNOMIG) and delineation of the security zone and restricted weapons zone[3]

Map 4. Abkhazia[4]

Notes

1 Source: European Commission, Joint Research Centre, Directorate-General External Relations, 7 February 2007.
2 Source: Cartographic section of the UN Department of Peacekeeping Operations, August 2004.
3 Source: Cartographic Section of the UN Department of Field Support, May 2009.
4 Source: International Crisis Group, "Georgia and Russia: Clashing over Abkhazia", Europe Report 193, 5 June 2008, p. 25.

Introduction

1. Presentation

Since the August 2008 war, the republic of Abkhazia had been recognised as an independent state by the Russian Federation, followed by a few other countries. Although this is not substantive recognition, the Abkhaz regime has been partly achieving its goal. Protected by Russia, its population probably feels more secure than ever, even though it is clear to many that Abkhazia might actually end up being wholly dependent on its northern neighbour. The conflict between Abkhazia and Georgia is, however, not resolved. The issue of coexistence between Tbilisi and Sukhum/i has yet to be settled, together with the fate of hundreds of thousands of Georgians who were displaced as a result of the conflict. And yet a mutually acceptable agreement seems farther away than ever before. A variety of reasons account for the failure of the conflict-resolution activities that were initiated during the past twenty years. The strategies of the parties vis-à-vis Abkhazia's *de facto* and *de jure* status is one of them.

The sovereignty conflict that opposes Georgia and Abkhazia is a conflict between unequals. In international conflicts between UN member states, adversaries may differ on the ground, in terms of population, territory and capability, among other things. In other words, they differ in terms of *de facto* status. But they have equal *de jure* status. They are all internationally recognised states. Fears that inviting the other to the negotiating table might be construed as recognition rarely arise. Such questions do arise, however, when the conflict opposes a recognized state and an unrecognised entity.

This is all the more true in the case of a sovereignty conflict where the definition of the status of the unrecognized entity is at the core of the conflict. In the case at hand, the status the Abkhaz officials desired to attain was recognition of Abkhazia's sovereignty. Georgia's aim was to keep Abkhazia as part of its territory. In that regard, the Georgian-Abkhaz conflict could be defined as a clash of incompatible desired statuses.

To attain, or at least get closer to, their desired status, the parties adopted strategies which consisted of maintaining or reinforcing Abkhazia's *de facto* and *de jure* status. The Abkhaz authorities strove to upgrade Abkhazia's *de jure* status and reinforce their capabilities on the ground. Tbilisi, for its part, sought to reiterate Abkhazia's *de jure* status, to weaken its regime and to make it more dependent on Georgia. This explains why moves or initiatives that might upgrade Abkhazia's *de jure* status or consolidate its situation on the ground were favoured by the Abkhaz and turned down by the Georgians. In turn, decisions that might weaken or isolate the Abkhaz authorities

and remind people that Abkhazia was part of Georgia were actively supported by Tbilisi and vehemently rejected by Sukhum/i.

This research is concerned with the extent to which the parties' focus on the *de facto* and *de jure* status of Abkhazia hindered conflict resolution activities. In particular, it will address the following question: did the parties' strategies, which consisted of altering or preserving Abkhazia's *de facto* and *de jure* status, hinder negotiations, informal dialogues and grassroots activities in the period 1989-2008, and if so, to what extent?

There are several reasons why these conflict resolution activities were considered of direct relevance to this research. The focus on official negotiations is warranted by the fact that it is precisely there that the future status of Abkhazia must be decided. Officials are the only actors entitled to sign an agreement. But I will also pay attention to two other types of initiative: informal dialogue and grassroots activities. First of all, I vwill do so because the transformations that are needed to shift from a conflict situation to a peaceful process of social and political change will not be exclusively the result of the officials' actions. Informal dialogues may assist officials and middle-level representatives in gaining insight into the root causes of the conflict and in probing into each other's needs and fears in a low-key environment. Initiatives at the grassroots, in turn, may give a voice to those in the society who are for a peaceful solution, may create public support for negotiations, win public acceptance for an agreement and facilitate (future) coexistence between the communities.

The second reason is that the status of the unrecognised entity is dealt with differently in negotiations and in informal dialogue. At the official level, the status of the unrecognised entity at the negotiating table is open to discussion and may be lower than that of the central authorities, whereas in informal dialogue the participants generally agree beforehand that they are all equal. Hence it is of interest to examine whether such dialogues were acceptable to the Abkhaz and Georgian authorities or not.

The final reason is that even grassroots activities – which include, *inter alia*, humanitarian assistance, community-based projects and trauma therapy – may be hindered by status-related considerations. Humanitarian assistance, for instance, may be an asset in strengthening – or weakening – Abkhazia's *de facto* status. The delivery of aid can therefore be shaped by the political considerations of the parties, donors and agencies.

To answer my research question, I shall proceed as follows. The first chapter introduces the core concepts of this research, namely status, strategy, negotiations/mediation, informal dialogue and grassroots activities. The reasons for focusing on these conflict resolution activities are developed, together with their weaknesses and limits.

The second chapter explores the situation that the Abkhaz authorities wanted to change. It provides an in-depth analysis of Abkhazia's *de facto* and *de jure* status, since what Abkhazia was in fact did not always coincide with what it was legally. This chapter first broaches the subject of what status the Abkhaz and the Georgians each desired for Abkhazia.

The third chapter assesses how the parties tried to depart from the given unsatisfactory situation, depicted in the second chapter, and attain their desired status.

It does so through an analysis of the official negotiations from 1989 to 2008. This allows me to define in more detail the *de facto* and *de jure* status desired by the parties for Abkhazia, and to analyse the tactics used by Sukhum/i and Tbilisi to alter it. It also demonstrates how, in using such tactics, the parties hindered progress on issues as diverse as the return of the displaced people, the implementation of confidence-building measures and the deployment of a UN peacekeeping operation.

The last two chapters of this research explore whether the strategies highlighted in chapter three hindered the organisation of informal dialogues and grassroots activities, and if so, how. In particular they discuss whether the authorities tried to put an end to activities that were not in line with their strategies, or whether the organizers of these initiatives enjoyed the freedom to assist in negotiations and conflict resolution. These two chapters also examine whether other actors (donors, participants and local organisers) followed the authorities' line. These findings are of interest because they suggest that the authorities' positions were shared by non-official actors. I conclude with the influence of these strategies on conflict resolution. I point out the inappropriateness of Tbilisi's tactics of isolation as a means of recovering its territorial integrity.

In short, this research does not aim to present a comprehensive history of the Georgian-Abkhaz conflict. Nor does it aim to evaluate all the various factors involved in the successes and failures of informal dialogues and grassroots activities, or to examine what they could have done better. Rather, what this research aims to do is to shed light on the consequences of unilateral decisions or steps taken to alter Abkhazia's *de facto* or *de jure* status on the implementation of conflict resolution activities and to highlight to what extent this battle over *de jure* and *de facto* status explains the absence of compromise. More specifically, this dissertation aims to examine whether external actors (e.g. mediators and donors) followed one party's strategy or remained impartial. How this restricted the space for negotiation, informal dialogue and local initiatives and, consequently, how much leeway was left for resolving the conflict, bringing people together and building trust between the parties. From there, I hope to draw some tentative conclusions applicable to other conflicts between unequal opponents.

2. Justification of the case-study method and the selection of the Georgian-Abkhaz case-study

This research relies on a case-study method. As underlined by Robert Yin, a case-study form of empirical enquiry, with direct observation and interviewing, is usually deemed preferable for answering the particular kind of 'how' question that arises when a scholar is studying contemporary events over which s/he has little or no control.[1] I opted for a single-case study for two reasons. First, the purpose of this research was to depict the interrelationships and interdependence between the parties' strategies and conflict resolution activities.[2] As few studies have focused on conflict resolution in this region, let alone negotiations or grassroots activities, it seemed worth restricting the research to one case-study in order to find out more about it.[3]

The second reason relates to the accessibility of the region. As Yin has asserted, when the researcher "has access to a situation previously inaccessible to scientific

observation", a single-case study is then "worth conducting because the descriptive information alone will be revelatory".[4] My long-term stay in Abkhazia gave me the opportunity to collect a significant amount of data on past and present conflict resolution activities and to observe the situation on the ground.

What makes the Georgian-Abkhaz case particularly interesting for such a study is the Abkhaz determination to gain recognition and the difference between the sides in terms of status. In comparison with other secessionist regimes in Europe, the Abkhaz and the Chechen regimes have shown the least willingness to be entirely dependent on an outside power, or to lose their independence by joining it. Despite the lack of reliable data on public preferences, it seems likely that in the case under review this inclination was shared by a majority of the Abkhaz population. As a result, the post-war Abkhaz regime achieved a higher degree of independence on the ground and, in this respect, qualified better as a *de facto* state than similar regimes in Europe. The Chechen elite shared this aspiration for independence, although the Chechen regime never attained the same degree of *de facto* independence as the Abkhaz.[5]

Secondly, the Abkhaz officials were defending their desire for independence from an unequal adversary. Georgia was a Union republic during Soviet times, before becoming an internationally recognised state in 1992. Abkhazia was never recognised as sovereign by any state before 2008. In the case of Nagorno-Karabakh, it is difficult to distinguish Karabakh from Armenian participation in negotiations. The Azeris have constantly opposed the participation of the Karabakh Armenians in the negotiation process as they consider that the conflict is between Azerbaijan and Armenia. The authorities of Stepanakert took part in the talks until 1997. From then on it was understood that the new president of Armenia, Robert Kocharian, who was also the former of president of Nagorno-Karabakh, represented the two parties.[6]

In Cyprus, both communities are taking part in negotiations. But the representatives of the Greek and Turkish Cypriot communities have had a different status at the negotiation table from that of the Georgians and Abkhaz. Within the UN mediation framework, they are each considered to be representing one of the two constituent communities of the Republic of Cyprus. This differs from the Georgian-Abkhaz situation, where the *de facto* Abkhaz authorities have never been regarded in the UN mediation framework as the legitimate representatives of the population, or even of the Abkhaz community in Abkhazia. The South Ossetian case differs from the Abkhaz case too. Like the Abkhaz, the South Ossetians were included in negotiations. They were party to the Joint Control Commission set up by the 1992 Sochi agreement, together with the Georgian, Russian and North Ossetian representatives. But they did not share Abkhazia's drive for independence. By and large, they preferred integration into Russia and reunification with North Ossetia. The Transdniestrian regime showed a similar preference.[7] Examining the Georgian-Abkhaz conflict thus provides useful insights into the influence of the tactics of an unrecognized actor attempting to upgrade its *de jure* status and strengthen its *de facto* status on negotiations.

This research concentrates on the Georgian-Abkhaz conflict during the period between 1989 and mid-2008. While the Abkhaz mobilisation preceded this start date, as did Georgian discontent with the status of Abkhaz titular nationality in Abkhazia, 1989 marked the beginning of the quest for recognition of sovereignty on the Georgian side

and the subsequent clash between the Abkhaz and Georgian national projects. Before 1989 the Georgian nationalist movement was divided, weak and mainly focused on less sensitive issues, such as environmental protection or demands for greater autonomy vis-à-vis Moscow. Claims regarding independence appeared in earnest after the heavy-handed intervention by the Soviet troops in Tbilisi in April 1989. In Abkhazia, claims regarding the republic's status were long-standing, but the first time they clashed violently with the grievances of the local Georgians was on the occasion of the entrance exams to the new branch of Tbilisi University in Sukhum/i in July 1989.

The study ends with the Georgian-Russian armed conflict of August 2008. I argue that these hostilities represent a clear watershed in the history of the Georgian-Abkhaz conflict and must therefore be treated separately. Four transformations then took place: an alteration of the territory under Abkhaz control, a change in the negotiation format, an end to the international presence, and recognition of Abkhazia. I outline these changes briefly.

First, the territory under Abkhaz control changed following the capture of the Kodor/i valley by the Abkhaz troops (made possible through Russian military support) in August 2008. This prompted the flight of the Abkhaz government-in-exile which had been transferred to Chkhalta (upper Kodor/i valley) in 2006. And this in turn resulted in a complete physical separation between Abkhazia and Georgia. Secondly, the framework for negotiations was readjusted after the replacement of the 1994 Moscow Agreement by the new EU-brokered ceasefire agreement of 12 August and the implementing measures of 8 September 2008. The Geneva talks were initiated in earnest in November 2008 on the basis of point 6 of the August 2008 agreement.[8] This meant that new actors (EU, US) were included in a new, multilateral format which involved the representatives of Russia, Abkhazia, South Ossetia and Georgia in the presence of the US, EU, UN and OSCE, the last three acting as joint chairs.

Thirdly, the peacekeeping operations of the CIS and the UN observer mission (UNOMIG) came to an end in October 2008 and in June 2009 respectively. Russian troops then filled the gap. Even though it was already extremely difficult for Tbilisi to demand the withdrawal of the CIS peacekeeping force in the past, as Abkhazia also had to agree to it, since August 2008 Tbilisi no longer has any say in the matter. In the end, the main consequence of the August events for Abkhazia was the recognition of its sovereignty by Russia, in August 2008, followed by three other states: Nicaragua (September 2008), Venezuela (September 2009) and Nauru, an island in the Pacific (December 2009). However, while Abkhazia has thus partly achieved its goal, as these instances of recognition represent a clear change in the legal relationships between these countries and Abkhazia, it is only a *de facto* state at the time of writing (January 2010). Recognition by a handful of states does not equate with 'substantive' recognition as discussed in this dissertation. The development of ever-closer relationships with Russia may give rise to questions pertaining to the degree of Abkhazia's *de facto* independence. That said, the implication for negotiations is that the position of the Abkhaz regime has become even more entrenched.

I believe that all these changes deserve a specific, in-depth analysis. That is why this period (from August 2008 onwards) will not fall within the purview of the present analysis. It would be impossible, however, to analyse the case of Georgia and Abkhazia

while totally disregarding the post-war developments in the region. I will therefore return to those developments in the general conclusions.

3. Field (of) research: conflict resolution literature and conditions of research

This research is based on multiple sources: scholarly literature, official documents, conference reports, newspapers, individual and expert in-depth interviews, and, to a limited extent, direct observation and personal records.

This dissertation draws on research and insights from the literature pertaining to conflict resolution. This field, which entails "the search for ways of transforming actually or potentially violent conflict into peaceful processes of political and social change,"[9] has been growing rapidly since the 1950s. As a multidisciplinary field, conflict resolution is rooted in several approaches, including international relations, comparative politics, psychology, and sociology. While a significant body of literature was available on conflict resolution, however, this was not the case with documentation on the Georgian-Abkhaz conflict. Only a handful articles and books deal with official negotiations, informal dialogues or grassroots activities.[10] More has been written on potential status proposals[11] and, in the last few years, on the *de facto* status of Abkhazia.[12] Another problem with the search for sources in Abkhazia was the destruction or dispersal of documents (newspapers, books, personal transcripts) as a result of the 1992-1993 war.

I tried to compensate for the lack of first-hand written material by finding out about conflict resolution activities through interviewing. As a rule, this method is useful for deepening a field and sometimes exploring it from scratch.[13] I am fully aware of its flaws. Next to the problems of poor recall, bias, scores to settle, occasional translation problems, power dynamics between interviewer and interviewee and intercultural misunderstandings, the researcher relies on what the interviewees are willing to recount, especially when it comes to closed negotiations where few (or no) other sources are available to substantiate the claims made.[14] Whenever possible, additional evidence was sought to corroborate and verify information.

In total, approximately 150 formal qualitative interviews were conducted (more than 110 during the 2007-2009 period, in addition to 36 interviews in 2004). They lasted an average of one hour each. Interviews were conducted with a purposeful sample, i.e. they were based on a non-random selection of interviewees, chosen for their experience (individual interviews) or their expertise (expert interviews) in the fields of official negotiations, informal dialogues and/or grassroots activities. These in-depth semi-directed interviews were conducted on the basis of a pre-existing list of questions left open for additional input from the informants. To avoid potential bias, only one interview was conducted with an interpreter. The majority were recorded (in English, Russian or French) and subsequently transcribed into English.

In order to carry out this undertaking and to comprehend the political and social reality at the local level, field research was conducted twice. Five months were spent in Abkhazia between August and December 2007, plus some days in May 2008. I stayed

another five months in Georgia between January and May 2008, in addition to some days in June 2009. Interviews conducted during a previous two-month stay in Tbilisi in March-April 2004 were also taken into consideration in the present research. Additional interviews were conducted during short visits to London in July 2007, New York in April 2008 and Istanbul in June 2008, as well as in Brussels.

Given the sensitivity of the topic, the choice was made to inform the interviewees that neither their answers nor their name would be quoted. Except for the interviewees who expressedly agreed to be named, throughout this thesis I refer only when necessary to the date and place of those interviews. In the body of the text the interviewees are depicted in such a way that they remain unrecognisable to readers.

4. On topographical usage and transliteration

Before proceeding, two last remarks on the use of names and the transliteration system. The names of the towns in Abkhazia are part of the struggle between the Abkhaz and the Georgians. The Abkhaz call their capital city 'Sukhum' (or infrequently Aqva, the name of the ancient town), while the Georgians use the name 'Sukhumi' or 'Sokhumi'. As the choice of one or the other name may be perceived as a political stance, I use both names ('Sukhum/i', 'Gal/i', Kodor/i, Tqvarchal/Tqvarcheli, Ochamchira/e, etc.) throughout this thesis.

Similarly, the use of the terms 'Abkhazia' and 'Georgia' in this doctoral dissertation must not be construed as supporting position of either side. As regards the names, the term 'Abkhaz' is used as both a name and an adjective and refers to the ethnic Abkhaz as well as to the inhabitants of Abkhazia. For quotations and references in Russian, except for well-known words like 'Abkhazia', for which I follow popular usage, I use the BGN/PCGN romanisation system for the transliteration of Russian, as replicated in the table below.[15] The translation of quotations from Russian into English is mine.

Cyrillic	BGN/PCGN	Cyrillic	BGN/PCGN
А а	a	Р р	r
Б б	b	С с	s
В в	v	Т т	t
Г г	g	У у	u
Д д	d	Ф ф	f
Е е	e	Х х	kh
Ё ё	ë	Ц ц	ts
Ж ж	zh	Ч ч	ch
З з	z	Ш ш	sh

И и	i	Щ щ	shch
Й й	y	Ъ ъ	"
К к	k	Ы ы	y
Л л	l	Ь ь	′
М м	m	Э э	e
Н н	n	Ю ю	yu
О о	o	Я я	ya
П п	p		

Notes

1 Yin Robert K., *Case Study Research. Design and Methods*, Newbury Park/London/New Delhi, Sage Publications, 1989, p. 19.
2 Quinn Patton Michael, *Qualitative Research and Evaluation Methods*, Thousand Oaks, SAGE, 2002, p. 481.
3 Stake Robert E., *The Art of Case-study Research*, Thousands Oaks, Sage, 1995, p. 3.
4 Yin, *op.cit.*, p. 48.
5 Although the two cases differ in terms of internal politics (the Abkhaz were more united around the policy of their leaders after the war and the security situation, albeit dire, was not as dire as in Chechnya), third-party intervention (only the OSCE played a short-lived role as mediator in Chechnya), outside help (the Chechens did not receive assistance from a powerful neighbour), the military power of the central authorities (Georgia did not have the military power of Russia, otherwise it might have chosen the same path as Moscow in order to destroy the *de facto* state), a comparison with Abkhazia could provide useful insights into the strategies of the authorities with regard to status.
6 International Crisis Group, *Nagorno-Karabakh: A Plan for Peace*, Europe Report 167, 11 October 2005, p. 10.
7 The Transdniestrian authorities held a referendum on Transdniestria's independence and unification with Russia on 17 September 2006. According to the Central Election Commission, 97.1% of the voters favoured this option. International Herald Tribune, "Voting to leave Moldova, Transnistrians sidle up to Russia", 18 September 2006.
8 Point 6 of the August agreement reads as follows: "opening of international discussions on security and stability arrangements for Abkhazia and South Ossetia". In the September document on the implementing measures it was agreed that these discussions would cover three topics: arrangements for security and stability in the region; the issue of refugees and displaced persons, on the basis of internationally recognised principles and practice of post-conflict settlement; any other subject, by mutual agreement between the parties. Independent International Fact-Finding Mission on the Conflict in Georgia, "Report. Volume III", September 2009, available at: http://www.ceiig.ch, accessed January 2010, pp. 588; 594.
9 Miall Hugh, Ramsbotham Oliver, Woodhouse Tom, *Contemporary Conflict Resolution*, Cambridge, Polity Press, 2nd edition, 2005, p. 63.
10 See for instance MacFarlane Neil S., Minear Larry, Shenfield Stephen D., *Armed Conflict in Georgia: a Case Study in Humanitarian Action and Peacekeeping*, The Thomas J. Watson Jr. Institute for International Studies, Occasional Paper 21, 1996; Cohen Jonathan (ed.), *A Question of Sovereignty. The Georgia-Abkhazia Peace Process*, London, Conciliation Resources, Accord 7, 1999; Potier Tim, *Conflict in Nagorno-Karabakh, Abkhazia and South Ossetia: a Legal Appraisal*, The Hague, Kluwer Law International, 2001; Cornell Svante E., *Small Nations and Great Powers. A Study of Ethnopolitical Conflict in the Caucasus*, Surrey, Curzon Press, 2001; Stewart Susan, "The Role of the United Nations in the Georgian-Abkhazian Conflict", *Journal on Ethnopolitics and Minority Issues in Europe,* Issue

2, 2003; Wolleh Oliver, *A Difficult Encounter. The Informal Georgian – Abkhazian Dialogue Process*, Berlin, Berghof Research Center for Constructive Conflict Management, Report 12, 2006 as well as the anthologies of the Georgian-Abkhaz Dialogues/University of California Irvine.

11 See for instance Coppieters Bruno (ed.), *Georgians and Abkhazians: the Search for a Peace Settlement*, Köln, Bundesinstitut für Ostwissenschaftliche und Internationale Studien, 1998, available at: http://poli.vub.ac.be/publi/Georgians/, accessed January 2010; Coppieters Bruno, Darchiashvili David, Akaba Natella, *Federal Practice. Exploring Alternatives for Georgia and Abkhazia*, Brussels, VUB University Press, 1999; Coppieters Bruno, Kovziridze Tamara, Leonardy Uwe, *Federalization of Foreign Relations: Discussing Alternatives for the Georgian-Abkhaz Conflict*, Caspian Studies Program, Working Paper Series 2, 2003.

12 See for instance King Charles, "Benefits of Ethnic War. Understanding Eurasia's Unrecognized States", *World Politics*, vol.53, no.4, 2001, pp. 524-552; Lynch Dov, *Managing Separatist States: A Eurasian Case Study*, European Union Institute for Security Studies, Occasional Paper 32, 2001; Lynch Dov, " Separatist States and Post-Soviet Conflicts ", *International Affairs*, vol.78, no.4, 2002, pp. 831-848; Bahcheli Tozun, Bartmann Barry, Srebrnik Henry (eds), *De facto State, the Quest for Sovereignty*, New York, Routledge, 2004; Kolsto Pål, "The Sustainability and Future of Unrecognized Quasi-States", *Journal of Peace Research*, vol.43, no.6, 2006, pp. 723-740; Kolsto Pål, Blakkisrud Helge, "Living with Non-Recognition: State- and Nation-Building in South Caucasian Quasi-States", *Europe-Asia Studies*, vol.60, no.3, 2008, pp. 483-509.

13 Ghiglione Rodolphe, Matalon Benjamin, *Les enquêtes sociologiques*, Paris, Armand Colin, 1998, p. 60.

14 Matz David, "How Much Do We Know About Real Negotiations?", in Carnevale Peter, De Dreu Carsten K.W.(eds), *Methods of Negotiation Research*, Leiden/Boston, Martinus Nijhoff Publishers, 2006, p. 25.

15 Source: http://en.wikipedia.org/wiki/Romanisation_of_Russian, accessed August 2009.

Chapter 1
Conceptual framework: exploring the meanings of status & the usefulness of multi-track interventions for conflict resolution

1. Breaking down the concept of the status of an unrecognized entity into three elements: *de facto*, *de jure* and desired status

I would like to begin by clarifying the concepts used in this research. There are three ways to define the concept of 'status' in relation to Abkhazia: desired, *de jure* and *de facto* status.[1] Desired status relates to the future *standing* of Abkhazia in the world. This is the status that the parties wish to obtain. The second concept relates to Abkhazia's *legal* status according to the dominant interpretation of international law. Thirdly, its *de facto* status reflects the *situation* in Abkhazia, namely the reality on the ground, at a given time. In short, while the first meaning indicates the outcome sought, the other two relate to the state of Abkhazia at a particular time. I now turn to the details of this distinction. How these concepts apply in the case of Abkhazia is discussed in the following chapter.

1.1 *De facto* status: distinguishing between the different situations on the ground in Abkhazia since 1989

The *de facto* status of an unrecognised actor corresponds to its situation on the ground. A first observation relates to the relevance of creating such a concept. It is a truism to say that *de facto* status – what an entity is – differs from desired status – what the entity would like to be: otherwise there would be no conflict. It may be said that the notion of *de facto* status is already encompassed in the concept of *de jure* status. While this may certainly be true in many cases, it is not always so. In the case at hand, the *de jure* status of Abkhazia at the beginning of 2008 – namely, as a legal part of Georgia – did not correspond to the facts on the ground. Georgian laws did not apply to the Abkhaz territory, which had been *de facto* separated from Georgia for the previous 14 years. A similar distinction can be made between the *de jure* and *de facto* status of Abkhazia in Soviet times. Formally, it was an autonomous republic. Dependence on the Communist Party leadership was enshrined in the Constitution, as was self-government. In practice, however, the Party left it little scope for autonomy.

A second main observation is that the *de facto* status of an unrecognised entity evolves over time. Unrecognised actors are organisations and, as such, they fluctuate. In the last 20 years (1989-2008), changes occurred in Abkhazia depending on the ebb and flow of the conflict. To differentiate between the various *de facto* statuses Abkhazia has had, I use two features adapted from the empirical criteria for statehood as described in the 1933 Montevideo Convention on the Rights and Duties of States (namely a government, defined territory, permanent population and the capacity to enter into relations with other states). These are effective government and defined territory. I choose not to make use of the last two criteria for statehood, the presence of a permanent population and the capacity to engage in international relations. The first was not retained because it had no discriminatory value in the case at hand. Throughout the period under review, Abkhazia had a permanent population.[2] Even though the population fluctuated, it was never an empty land. The second criterion – the capacity to engage in international relations – is dependent upon the criterion of effective government.[3]

To avoid misunderstandings, let me stress that these criteria are used for differentiating the situations on the ground in Abkhazia over an extended period of time (1989-2008). Their definitions are not always in line with the way in which international law specialists define them.

On the basis of these criteria, I have identified three types of *de facto* status enjoyed by Abkhazia since 1989: a federated state within a federation (1989-1992), insurgency (1992-1994), and a *de facto* state (1994-2008). I very briefly review the features of each of these statuses below. I address them in a general manner since I presume that although the analysis of another sovereignty conflict would certainly result in additional categories, these three statuses are not case-specific and may apply to other conflicts as well.

1.1.1 The criterion of effective government: institutions and law enforcement capability

For James Crawford, the criterion of effective government is less stringent than one might have expected. It refers to the presence of a government in control of its territory. He adds that there are "no specific requirements as to the nature and extent of this control, except that it include some degree of maintenance of law and order and the establishment of basic institutions".[4] I have therefore taken into account those two indicators: the degree of institutionalisation and degree of maintenance of law and order.

Insurgency is the least institutionalized category. Although it has a leadership and internal structure, it is usually devoid of real government (or has it in name only) and of a clear line of command and control. As an armed group, insurgents use military force to retain and consolidate their control of a territory, but control (and consequently the territory) fluctuates as the conflict develops. In contrast, a federated state, as a component of a federation, does possess the state institutions needed to carry out its functions as provided by the constitution. It is responsible for the non-military security to the population under its control, as responsibility for defence generally lies

with the federal government. *De facto* states usually develop their own fully fledged state institutions, including police and an army. Like an insurgency, they exert effective – or at least adequate – control over the territory, otherwise they would probably simply disappear.

One could add another indicator, far more stringent than in Crawford's requirements: the entity's capacity to show the hallmarks of a strong government. By this I mean the "capacities to *penetrate* the society, *regulate* social relationship, *extract* resources and *appropriate* or use the resources in determined ways" as defined by Joel Migdal.[5] It is a less discriminatory factor, however, since capabilities depend very much on the case under consideration, as will be seen in the following chapter.

1.1.2 The criterion of territory: fluctuations and differences in boundaries

The criterion for territory is that there should be a defined, coherent, even if extremely small, territory being effectively governed.[6] In the three cases under review, there was a territory ruled by the government/authority. As suggested before, territory tends to fluctuate in the case of an insurgency, while it remains more permanent in the other two cases. For the purpose of this research, the disparity in the nature of boundaries seems to be a more relevant indicator for differentiating the cases. Boundaries between the insurgency and the central authorities are front lines or ceasefire lines that temporarily demarcate the separation of forces between the belligerents. In the case of a federated state, they are administrative boundaries that divide it from the rest of the federation. Finally, as here I consider the facts on the ground and not the legal situation, a *de facto* border separates the *de facto* state from the rest of the territory governed by the central authorities.

Table 1 sums up these findings. The first column shows the difference between the three entities in terms of institutionalisation and control over territory, while the permanence of territory and nature of the boundaries are shown in column two.

Table 1: *De facto* status

	***De facto* status**	
	Effective government	**Territory**
Insurgency	Weak institutions; military control over territory	Front line, ceasefire line; fluctuating territory
Federated state	Federated state government; non-military security	Domestic/administrative boundary; permanent territory
De *facto* State	Fully-fledged government; non-military and military security	*De facto* border; permanent territory

1.2 The *de jure* status of entities: all unrecognised, but with different rights and duties

De jure status corresponds to the dominant interpretation of what Abkhazia is under international law. To define this status, I analyse the USSR Constitutions for the Soviet period and UN Security Council resolutions from 1992 onwards.

Let me start by stating the obvious. What can be said about the *de jure* status is that first of all, neither the insurgency, nor the federated state, nor *de facto* state is a recognised sovereign entity. Even in Soviet times, Union republics enjoyed sovereign rights that were not granted to lower-ranked entities such as Abkhazia, including membership of international organisations or the right to enter into relation with other states. As mentioned already, the Soviet Union gave concrete illustrations of the contrast between the *de facto* status of an entity and its *de jure* status. The Union republics' sovereignty was purely formal.

Some unrecognised actors may have the capability to enforce the rules and to provide local inhabitants with basic services and protection.[7] Sometimes they already meet all the international legal criteria for statehood as described in Article 1 of the 1933 Montevideo Convention on the Rights and Duties of States. But formally speaking, they are unrecognised entities. As Christopher Clapham aptly noted, "the dividing line between 'states' and 'non-states' has become so blurred as to be virtually imperceptible. Only the most formal definitions of statehood still serve to make the distinction: the lines on maps still run where they did, regardless of whether they correspond to any actual distribution of power on either side of them; membership of the United Nations and other international organizations is still normally assigned to the nominees of those who control the capitals of the states defined by such maps."[8]

Naturally, the *de jure* status of the unrecognised states is not defined only by the absence of recognition. They also possess rights and duties that are case-specific. Legal documents (again, in the case of Abkhazia the USSR Constitutions and UN Security Council resolution) provide a more accurate definition of the *de jure* status of each unrecognised entity. A case-by-case assessment will be made in the following chapter.

1.3 Desired status: the arduous path to recognition

The desired status reflects the position of the parties regarding the future standing of the entity. What the unrecognised actors lack, and yearn for, is recognition. For these unrecognised entities, recognition of sovereignty represents "the unity of identity, security, territory and power".[9] Unrecognised entities want to enjoy all the privileges recognition confers, including the principle of sovereign equality.[10] Recognition gives access to international organisations and treaty-making, entitles officials to diplomatic immunity, offers the possibility of securing international capital through membership of international financial institutions and may thereby increase domestic support for the leadership.[11] In short, it is perceived as the most advanced framework through which people can pursue their interests and meet their needs.[12]

During the Soviet period, several unrecognised entities also longed for the recognition of their sovereignty too – despite how formal sovereign equality, territorial integrity, political independence or Soviet rights were in reality. What mattered to them was an upgrade of their *de jure* status. As Oliver Richmond has stressed, unrecognised actors have an inflexible, legalistic view of sovereignty.[13]

But the path to recognition is an arduous one. According to John Dugard and David Raic, recognition occurs when a state or an international organisation determines, on the basis of "available factual information and on its own assessment", that an entity claiming to be a state should be accepted into the community of nations.[14] Since this research is also concerned with the situation in Soviet times, by extension, one can say that recognition took place when the Soviet central authorities chose to upgrade an entity to the status of a Union republic. In both cases, extending recognition is (or in the Soviet case, was) a discretionary right.[15] Because it is ultimately a matter of politics, recognition can occur even if it is premature – when the entity does not fulfil the classical criteria for statehood (Montevideo criteria) – or can be refused even though the entity meets all of them.

While there may be political reasons for non-recognition, it must be noted that states may also withhold recognition for legal reasons. States are said to have a duty to refuse to recognise a claimant entity when this entity was created on the basis of a violation of a peremptory norm or substantive rule of international law.[16] The UN Security Council has therefore asked states to refrain from recognising claimant states created on the basis of illegal military intervention (Turkish Republic of Northern Cyprus), a violation of racial equality or human rights (Bantustans in Southern Africa) or the right to self-determination of a colony (Katanga, Rhodesia).[17]

Not only is recognition difficult to achieve, but it also needs to be 'substantive'. Scott Pegg adds the qualifier 'substantive' to highlight the fact that being recognised by a few states, like Abkhazia, while being regarded as illegitimate by all the others, is not deemed sufficient in order to qualify as a recognised state.[18] Yet there is no clear criterion for determining the threshold between substantive and non-substantive recognition. Pegg offers his own criteria. For recognition to be considered substantive, he believes the entity should fulfill at least the majority of five requirements. These include recognition by a major power (a permanent member of the UN Security Council, for instance, such as Russia); acceptance or recognition by the central authorities; recognition by bordering countries; recognition by the majority of countries in the UN General Assembly; and/or participation in regional or international organisations.[19] I adopt these criteria.

The following table (Table 2) summarises the three definitions of status as well as the sources of these definitions.

Table 2: The three meanings of status

	***De facto* status**	***De jure* status**	**Desired status**
Definition	What Abkhazia is in fact	What Abkhazia is according to the dominant interpretation of international law	What the parties want Abkhazia to be
Source	Facts regarding the territory, institutions, actual capabilities	USSR Constitutions, UNSC resolutions	Parties' statements, proposals at negotiating table

1.4 Strategies of the parties with regard to *de facto* and *de jure* status

For the purpose of this research, I follow James Quinn's definition of strategy. A strategy is "a plan or pattern that integrates the [authorities]' major goals, policies, and action sequences into a cohesive whole".[20] Let me review briefly the components of this definition.

First, a strategy can be a plan, that is, a consciously intended course of action, or a pattern that can be inferred from the decisions taken by the authorities. In this research I inferred the strategies of the successive Abkhaz and Georgian authorities from their decisions. Secondly, goals are what the authorities plan to achieve. In this case, the major goal was to attain the desired status, whether recognition of sovereignty or the recovery of Abkhazia.

Thirdly, strategy integrates the sequence of actions, namely the programme that is needed to attain the major objective. For the Abkhaz side it consisted of fulfilling the empirical criteria for statehood and unilaterally upgrading their *de jure* status. As mentioned in Chapter Three, in their eyes the 2002 'standards before status' policy being pursued in Kosovo probably confirmed the pertinence of their programme. Sukhum/i expected that the fulfilment of criteria for statehood would be followed by recognition. In turn, the Georgian strategy was to weaken the *de facto* status of the Abkhaz regime and to remind the other recognised states that Abkhazia was legally part of Georgian territory.

In comparison, Quinn notes that tactics are "short-duration, adaptive (…) realignments" that are used "to achieve limited goals".[21] "Strategy defines a continuing basis for ordering these adaptations towards more broadly conceived purposes."[22] For instance, a tactic on the Abkhaz side was to lobby for a peacekeeping force to be deployed in the immediate area of the ceasefire line. Abkhaz officials expected that this would reinforce the separation between Abkhazia and Georgia without jeopardising their control over Abkhaz territory. This would in turn strengthen Abkhazia's *de facto* status. I will come back to this in more detail later.

This research builds partly upon the work of Christopher Mitchell. He hinted at these strategies in his chapter on the impact of different kinds of asymmetries on strategies adopted by the parties to internal conflicts. He noted that parties tend to adopt a strategy aiming either to equalise the advantage possessed by the other party

or to maintain inequality when it favours one's own camp. His study was far broader, however. He focused on seven types of asymmetry and in each case examined what role a third party could play to facilitate conflict resolution.[23]

In a later publication Mitchell acknowledged that inequality between parties – although a significant feature of contemporary conflicts, which are mostly internal – was scarcely taken into consideration in the field of conflict resolution. "[M]uch of the literature on conflict analysis pays lip service to the idea that many conflicts are between unequals – often between entities that are highly unequal – but then goes on to treat those relationships as though they can be understood by using what might be termed the 'standard model' – as a contest between equals, between 'parties'."[24] This research aims to contribute to filling this gap. It aims to shed light on how the parties tried to 'play' with Abkhazia's status in order to attain their goals and how, in doing so, they hindered conflict resolution activities, in particular negotiations, informal dialogues and grassroots activities.

2. A holistic way of resolving intractable conflicts: description of the concepts and assumptions underlying the work of the organizers of conflict resolution activities

This leads me to examine more closely what is meant by the conflict resolution activities that are said to be hindered by the strategies of the authorities.[25] I start by outlining some of the features that make sovereignty conflicts intractable. This is of importance since the conflict's attributes influence the type of activity that will be needed to resolve it. I develop somewhat the theories of conflict resolution, examining the dynamics of conflict escalation and de-escalation.

Then I examine the assumptions underlying the work of the organisations and institutions that will be the focus of this research. I do not yet describe concretely the work done by mediators, facilitators of informal dialogues and organizers of local initiatives in the context of the Georgian-Abkhaz conflict. This will be done in Chapters 3 to 5. Instead I describe the multi-track approach, which is now widely assumed in the literature pertaining to conflict resolution to create a context conducive to negotiation and, beyond that, to resolution. In doing so, I pay attention to the prescriptions that by and large guided the actions of many actors who intervened to resolve this conflict.

Finally, I explain the reasons why it seemed pertinent to focus on negotiations, informal dialogue and grassroots activities in the context of this research.

2.1 Why are sovereignty conflicts so intractable?

For Daniel Bar-Tal, intractable conflicts share some or all of the following features: they are perceived as irreconcilable, concern needs and values that are considered essential for the parties' existence, demand extensive material and psychological investment from all sectors of the population, occupy a central place in the lives of the inhabitants, persist for a long time, and are violent.[26]

Sovereignty conflicts often qualify as intractable conflicts. One need only think about Northern Ireland, Cyprus, Nagorno-Karabakh or Abkhazia to see the extent to which sovereignty conflicts can revolve around issues regarded as essential, are kept high on the political agenda of the sides, and they can last for decades. Their resistance to resolution is visible in the statistics. According to Barbara Walter, territorial wars[27] are 20 percent less likely to result in an agreement than nonterritorial ones. Although a sound conflict analysis is needed to capture the complexity of each case, several features of sovereignty conflicts that make them more difficult to resolve can be identified.

The first is the nature of the parties. In a sovereignty conflict, the central authorities are opposed to an unrecognised actor. A problem of representativeness is one of the issues that is likely to arise. The central authorities may refuse to recognise the opponent as being representative of a population group, as this would mean putting the two sides on an equal footing in talks. They may label their opponents as rebels, reminding everyone that only the authorities have the right to represent citizens, or they may equate the representatives of the unrecognised actor with terrorists, for instance.[28] In extreme cases, one side may verge on negating the other's existence.[29] The challenge here is thus to favour mutual recognition. As William Zartman underlines, mutual recognition of each other's existence, and, further, of the moral equality and dignity of the other, represents the first step towards renewed relationships; a necessary, albeit not sufficient, stage on the path to an agreement.[30]

The second reason lies in the nature of the positions of the protagonists. These positions are expressed in terms of rights – the right to self-determination and territorial integrity – that are perceived as non-negotiable. Even though self-determination in the form of secession is not a right in itself, the international community's lack of consistency on the matter (e.g. Kosovo) has raised the hope that secession may be acceptable in some cases.[31] The upshot of this is that is that the parties, feeling entitled to the recognition of their sovereignty or to territorial integrity, are particularly intransigent in the pursuit of their goals and are reluctant to compromise. As Zartman notes, recognition is often the top and bottom lines of an unrecognised actor, considerably complicating the settlement of the conflict.[32]

The third reason relates to the nature of discontent. Sovereignty conflicts belong in the category of identity-based conflicts.[33] They usually emerge from threats to or the frustration of people's collective need for dignity, recognition, safety or effective participation, among other things.[34] As Edward Azar stressed in his theory of conflict, human needs, unlike interests or resources, cannot be bargained over; they must be met. Hence, he argued, any solution that does not identify those needs and attempt to satisfy them will be likely to fail. Concretely, this means that conflict resolution activities should facilitate the identification of these unmet needs and their fulfilment, which often requires structural changes (political, social or economic participation, for instance).[35]

The last factor likely to induce intractability is violence. The lengthier and more brutal the conflict, the more polarised the identities. Violence constricts identities (the view becomes narrower) and hardens them ('I am because I confront the other').[36] If one adds the excessive emotionality (anger, fear, uncertainty) that usually comes with protracted conflicts and that diminishes the ability to make rational judgments, finding

a mutually acceptable solution may be increasingly difficult.[37] A resolution of the conflict should therefore tackle its psychological and cultural consequences.

This review provides a glimpse into the complexity of conflict resolution in such contexts. According to the literature, the challenge consists in overcoming the barriers to negotiations, such as lack of representativeness, and adressing the root causes of the conflict, including structural issues (economic disparities, lack of participation) as well as its multi-faceted repercussions on the population and the region.

2.2 What is conflict resolution and how to bring about the necessary changes?

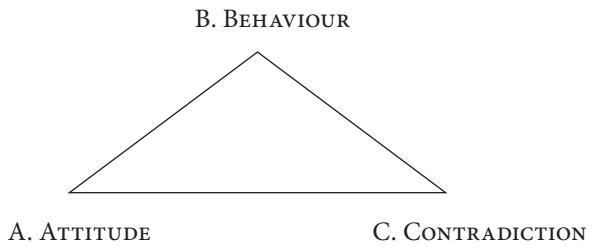
According to scholars and practitioners, resolving such intractable, protracted conflicts fuelled by fears and interests is not something that can be done overnight. As a long-standing practitioner and theoretician of conflict transformation, John-Paul Lederach envisions it as a long-term undertaking. In his view, "it is not unrealistic to suggest that it will take about the same length of time to get out of a problem than it took to get into it in the first place".[38] So, how do they get into it?

Let us take a basic conflict over incompatible positions. The parties to the conflict see each other as standing in the way of their own achievement. Unwilling or unable to find conciliatory ways to deal with their conflict, they adopt hostile behaviour that may turn violent. Since violence hardens identities and entrenches images of the enemy and other negative attitudes, a vicious circle may easily ensue. This is what Johan Galtung, a leading figure in peace research and the founder of the International Peace Research Institute (PRIO) in Norway, calls an elementary conflict formation.

2.2.1 Conflict formation: how conflicts come into being

For Galtung, conflict is a triadic construct consisting of attitudes, behaviour and contradiction. He models it as a triangle (see figure 1).

Figure 1: Galtung's triangle



Contradiction (C) refers to the content, the core of the conflict: what is at stake? It includes the incompatibility of positions between the parties. Attitudes and assumptions (A) involve the perceptions the group has of itself and the other. They can

be positive or negative, and in the latter case can lead, *inter alia*, to fear and stereotypes. Eventually, behaviour (B) may be either hostile/destructive or cooperative. Examples of destructive behaviour are violent physical or verbal acts, or hostile body language. While attitudes and contradiction are latent, behaviour is the manifest, observed part of the conflict.

A conflict can start at any of these three angles. As noted above, it can arise from a clash of interests that leads to negative attitudes towards the other party and to physical aggression. But conflict may also start at (A) or (B). This is the case when one party is full of tension (A) or filled with aggressivity (B) and expresses this hostility or aggressiveness when a situation that is considered problematic occurs.[39] For Galtung, all three components (A, B and C) must be present in order to have a fully articulated conflict. Likewise, he adds, attitudinal, behavioural and structural transformations are needed to resolve it.[40]

This model goes beyond the debate between those who emphasize the structural/objective causes of conflict (conflict arises from structural issues such as injustice or lack of participation in the political process) and those who underline the psychological/subjective causes (conflict arises from a lack of communication) by showing that conflicts may take root in both. Galtung concludes that in order to resolve a conflict, the level of hostility should decrease, attitudes to the other should change and the contradiction that lies at the heart of the conflict should be transformed.

As we see from Galtung's model, the sources of conflict formation are multiple. Conflicts may arise from a clash of interests, individual perceptions and behaviour. Hugh Miall, Oliver Ramsbotham and Tom Woodhouse move down the scale of abstraction. They summarise the sources of conflicts by saying that conflict may be caused at five levels: global, regional, state, conflict party and individual/elite.[41] Let us review these levels of analysis from the top down.

First, the sources of conflict can be examined at the global and regional levels. Geopolitical changes such as the breakdown of the Soviet Union significantly altered the context and created opportunities for protest.

At the regional level, the presence of another conflict may have a diffusion effect over other situations in the same region.[42] A third level of analysis is the state. As Miall, Ramsbotham and Woodhouse underline, whatever the causes of the conflict, it is at the state level that it will be played out, whether to bring down the government or to obtain a concession from it.[43] At the state level, conflicts may be rooted in social or economic inequality, such as underdevelopment, uneven development or (perceptions of) the unequal distribution of benefits. They may also arise from political dominance or instability. This may be the case when one group/network dominates political institutions or when state failure results in violence.

A fourth level of analysis distinguished by Miall, Ramsbotham and Woodhouse is conflict party level. Poor relationships between groups and parties, fed by historical grievances and resentment against (perceived) social, political or economic inequality, may lead to tension. The last level of analysis is the individual one. Elites and individuals often have a share of responsibility for conflict escalation because they were not inclined to compromise and/or were ready to exploit intercommunal issues in order to follow their own agenda. Michael Brown pays particular attention to the role of "bad

leaders" as a catalyst in violent situation.[44] The relative significance of these sources of conflict depends on the conflict under review.

2.2.2 Conflict transformation: how conflicts de/escalate

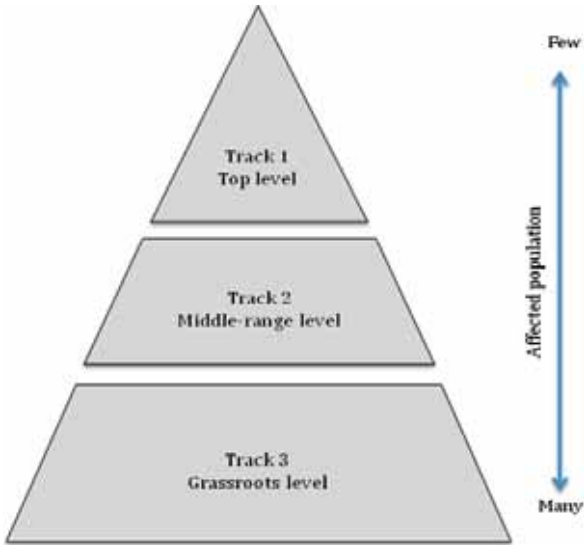
Hugh Miall describes five types of transformation that may facilitate conflict de-escalation or, instead, produce conflict escalation. These are context, structure, actor, issue and personal/elite transformations.[45]

Context transformations relate to changes at the global or regional levels. An oft-cited example is the end of the Cold War, which eased the resolution of several regional conflicts in Africa. Structure transformations relate to changes at the state level. This may consist of the empowerment of marginalised, groups for instance, as in South Africa when the Black majority finally received the right to vote. Structural changes also encompass economic and social transformations, such as the increased economic participation of the dispossessed or the fulfilment of their social needs (housing, education, etc.).

Actor transformations refer to changes at the party level. They may consist, for example, in the emergence of a new leadership or new actors, or a change in the parties' goals. Parties may split as a result of internal friction. The interests of a party's constituencies and supporters may change, opening new windows of opportunity or narrowing the space for action. Issue transformations also relate to the party level. They concern the alteration of the political agenda. Parties may for instance de-link issues that until then were to be negotiated together. Some core issues may be set aside, or others may appear. Finally, personal/elite transformations relate to the individual level. They refer to changes of heart, will or perspective at the level of individuals. This would be the case, for instance, of a previously aggressive leader making a gesture of goodwill.[46]

For Miall, Ramsbotham and Woodhouse, the objective of conflict resolution is not the elimination of conflict, since conflict is a daily occurrence, but the transformation of a (potentially) violent conflict into a peaceful process of social and political change.[47] The question is how to bring about this peaceful process concretely. These transformations may occur indirectly or may result from specific local and/or international initiatives. This research focuses on these initiatives. To distinguish between them I use a distinction, made by John-Paul Lederach in the 1990s and increasingly used in the literature, between three levels of intervention, known as 'tracks' (see Figure 2).[48]

Figure 2: Different tracks



Track 1 relates to initiatives at the top level. These initiatives involve the parties' officials. Track 2 concerns activities at the middle level that address middle-range representatives. Activities that include officials speaking in a private capacity, with or without the participation of middle-range representatives, are usually referred to as Track 1.5 initiatives. Track 3 involves initiatives at the grassroots level. They address the population. I discuss these tracks below, with a special focus on the activities that will be examined in the case of Georgia and Abkhazia.

2.2.3 Official negotiations & mediation: settling the issues at stake

Track 1 interventions are "a technique of state action, [which] is essentially a process whereby communications from one government go directly to the decision-making apparatus of another".[49] They refer to the official and (non-) coercive measures taken at the governmental level, including informal consultations, good offices, special envoys, mediation, negotiations, international condemnation, fact-finding missions, and diplomatic and economic sanctions.[50]

This research concentrates on negotiation and mediation. For William Zartman and Jeffrey Rubin, negotiation can be defined as "joint decision-making under conditions of conflict and uncertainty, in which divergent positions are combined into a single outcome".[51] The picture is completed by Fred Ikle's definition of what kind of single outcome is sought and how it is reached: negotiation is "a process in which explicit proposals are put forward ostensibly for the purpose of reaching agreement on an exchange or on the realization of a common interest where conflicting interests are present".[52]

Although negotiation is a form of dispute resolution used at all levels of society (interpersonal, inter-communal, international), the focus of this research is on official governmental negotiations. This encompasses interstate as well as intra-state negotiations, in times of war or peace. Federal practice, for instance, is in itself a process where differences between the various constitutive identities are managed. When a constitutive part is displeased by its status, or when other grievances come to the fore, negotiation via formal or informal channels, such as direct communication or *ad hoc* or standing meetings, is one of the options available.[53]

The talks may also be turned into a triadic interaction with the inclusion of a mediator. A mediator is a party that is generally not directly involved in the conflict and that assists the sides in resolving their incompatibilities. This was the case of the intervention by the United Nations in the Georgian-Abkhaz conflict. But the example of Russia will show that there are cases of involvement by a partial mediator too. Mediation is in many respects an enlargement of negotiations. As Jacob Bercovitch and Richard Jackson point out, both negotiations and mediation "are highly flexible forms of voluntary, nonbinding decision making".[54] But the involvement of a third party brings supplementary resources and new possibilities for communication between the parties.[55]

The literature on negotiation theory is very rich. It consists of prescriptive literature that teaches concrete negotiation techniques as well as normative studies manipulating game-theory models to calculate the outcome of specific moves.[56] Since the 1970s there has also been a growing body of literature that discusses the factors contributing to mediation success. Marieke Kleiboer's state-of-the-art research on mediation illustrates the wide range of variables considered.[57]

In practical terms, negotiations are held between adversarial leaders or their representatives. John-Paul Lederach describes these top-level leaders as being usually highly visible.[58] They are also seen as having significant, if not exclusive, power and influence, as only they are empowered to settle the conflict through a formal agreement. As regards the mediator, this can be an individual, a state or an international organisation. A mediator is rarely included in the early phases of a conflict, as resorting to a mediator is usually construed by the central authorities as a sign of weakness, an indication of their inability to deal with their own internal affairs.[59] A third party is thus more likely to intervene when a conflict is protracted, the level of hostility is high, the issue is intangible and the parties are willing to make progress on resolving the conflict by engaging with each other.[60] This was the case in the Georgian-Abkhaz conflict.

2.2.4 Informal dialogue: facilitating communication, conflict analysis and new ideas

The term 'Track 2 diplomacy' was coined in the 1980s by Joseph Montville, an American diplomat who tried to find not a substitute for Track 1 but a way to overcome its limitations, its lack of creativity.[61] He defined Track 2 diplomacy as "[a]n unofficial, informal interaction between members of adversary groups or nations that aims to develop strategies, influence public opinion, and organize human and material resources in ways that might help resolve their conflict".[62] Activities at Track 2 include

conflict resolution trainings and informal dialogues taking place between influential, non-official, middle-range leadership.[63] When officials speaking in their private capacity are included in such activities, we speak of Track 1.5.[64]

In this research I concentrate on informal dialogues, both with middle-range (Track 2) and official (Track 1.5) participation, that were conducted between Georgia and Abkhazia. The term 'dialogue' is a very broad concept. It is said to differ from other forms of communication, such as debate or discussion since persuasion, theoretically speaking at least, manipulation or the imposition of ideas have no place in dialogue. Louise Diamond stresses that "talking together all too often means debating, discussing with a view to convincing the other, arguing for our point of view, examining pro's and con's. In dialogue, the intention is not to advocate but to inquire; not to argue but to explore; not to convince but to discover."[65] Dialogue thus entails listening, sharing experience, exploring issues and acquiring a better understanding of the other's point of view.

For the purpose of this research, I define informal dialogue as an informal encounter between middle-range representatives and/or officials speaking in a private capacity who aim to resolve the conflict through discussion and an exploration of each other's point of view. This obviously does not preclude the fact that the participants may also discuss the implementation of joint or parallel activities. The organisation of these activities may be a pretext for gathering people or may be the outcome of the discussions, but that is not always the case. This definition thus involves a wide range of dialogue meetings, from any non-facilitated inter-communal dialogue to more structured forms of communication where the participants jointly analyse the conflict and explore paths for its resolution in the presence of a third party. John Burton was instrumental in developing the latter.

In the 1960s, Burton, a former Australian diplomat, pinpointed miscommunication as the root of misunderstandings and conflict. "Controlled communication", the name given to his method, was thus "an attempt to raise the level of communication and to transform competitive and conflicting relationships into ones in which common values [were] being sought".[66] As he saw it, the third party would control the communication between the participants and enable them to develop new insights into the conflict. Later on, when Burton started to pay attention to the issue of needs, drawing from the socio-psychological literature, and especially from Abraham Maslow,[67] he argued that these workshops also gave the sides an opportunity "to ascertain the hidden data of their motivations and intentions, and to explore means by which human-societal needs held in common could be satisfied".[68] He believed that these meetings could make it possible for the participants to initiate an in-depth probe into the conflict's root causes, increase understanding of each other's unmet needs, such as denial of identity, lack of security, justice, recognition or absence of political participation, and identify positive-sum solutions that would benefit everybody.

Since its inception, Burton's method has been refined. As Miall, Ramsbotham and Woodhouse mention, a general model for a problem-solving process has not emerged. Instead, several methods have been developed using the features of Burton's problem-solving approach. The Schlaining process, a Georgian-Abkhaz dialogue process that will be discussed in Chapter 4, was also developed on this basis. The interactive

problem-solving workshops developed by Herbert Kelman are one of today's best-known methods. Problem-solving workshops are off-the-record meetings in which representatives of all sides gather together to hold discussions, exchange information and analyse the conflict in the presence of a third party, usually social scientists or NGO representatives. Kelman, a Harvard professor who has been facilitating Israeli-Palestinian workshops for more than 30 years, underlines that these well-structured dialogues "are not meant to be negotiations, or simulated negotiations, or rehearsals for negotiations, nor are they meant to serve as substitutes for negotiations. Rather, they are meant to be complementary to negotiations."[69] They can serve as pre- or para-negotiations, alongside the official process, or can keep communication lines open when negotiations are deadlocked.

They are said to serve two broad purposes: first, to change the image of the enemy, establish trust, listen to the other's needs and concerns and analyse policy options at the level of the participants (micro-objectives); and secondly, to transfer these individual changes to the political sphere (macro-objective).[70]

Other methods also exist: they include reflexive dialogues, third-party consultations or sustained dialogues, to name but a few.[71] In many conflict situations, including the Israeli-Palestinian and Moldova-Transniestria conflicts, these problem-solving dialogues have provided an opportunity for communication that might not have existed otherwise.[72]

In practice, the ways in which informal dialogues are implemented vary widely. Dialogues can be one-off events or a lengthy process extending over months or years and made up of various meetings. As noted before, they may take place with or without a facilitator.[73] Generally speaking, the organisers of the informal meetings in the Georgian-Abkhaz conflict shared Lederach's definition of the features of facilitation. They saw it as the role of a facilitator to convene people, monitor adherence to the rules, facilitate the communication between the parties and provide expertise.[74]

The participants belong to the top and/or middle level, depending on the type of activity (whether Track 1.5 or 2). At Track 1.5 level, as in the Schlaining process, decision-makers and politicians are usually chosen so as to maximise the possibility of influence on Track 1. The middle-level participants usually have particular features that may help them "to draw on valuable human resources, tap into and take maximum benefit from institutional, cultural and informal networks that cut across the lines of conflict, and connect the levels of peace activity within the population".[75] First of all, they are likely to have access to, or influence on, the officials, but they are still connected to the grassroots. Secondly, their influence does not originate from political or military power, and they are therefore not particularly visible. This may give them more leeway. Thirdly, they usually have connections with the other community, for professional or personal reasons.[76] These middle-range participants may be highly respected people and/or leading business figures, religious people, intellectuals[77] or NGO representatives. Above all, they are 'agents of peaceful change' – people who are ready to support political change and to make compromises.[78] This was usually the understanding of Track 2 organisers such as those at the University of California, Irvine and International Alert, which arranged the academic and social/professional dialogues examined in Chapter Four.

2.2.5 Grassroots activities: creating the context for negotiations and peaceful resolution

Track 3 is the newest, and least well defined, level of intervention. According to the Berghof Glossary of Terms, Track 3 intervention promotes "interaction and understanding between formerly hostile local communities and involves awareness raising and empowerment within those communities."[79] These forms of intervention include trauma therapy and humanitarian assistance to tackle vulnerability (relief, rehabilitation and development), grassroots dialogue between opposing communities, community-based projects, the transformation of discourses that support violence, advocacy for social, political and economic change, reconciliation and justice. While humanitarian organisations play a role here, local actors are central. The idea is that while external actors can provide temporary help, the ownership of transformation must eventually be local if sustainable peace is to take hold. International organisations (both governmental and non-governmental) may play a role in alleviating suffering and poverty, empowering[80] local constituencies and supporting locally driven initiatives. But it is up to the people themselves to envision their desired future and sustain transformation in order to build it.

2.2.5.1 Possible roles of humanitarian and development agencies: alleviating suffering and reconnecting communities

Humanitarian aid can be defined as "(…) responses, involving both assistance and protection, to civilian suffering in armed conflict", or in post-armed conflict.[81] This consists, among other things, of emergency relief to cover the immediate needs of the vulnerable populations. Rehabilitation embraces the rebuilding of infrastructure and the meeting of needs beyond immediate survival, while development aid promotes the recovery of communities and strengthens the capacity of institutions. Stressing the dangerous nature of 'grey' areas or 'gaps' in assistance that could fuel a conflict, scholars and practitioners advocate an effective linkage between these three activities (relief, rehabilitation and development).[82] In practical terms, this means adjusting assistance to the conflict dynamics and ensuring transition in aid. As conflicts are seldom if ever linear, assistance is unlikely to be implemented in a linear fashion and several kinds of activities may overlap. It is therefore not unusual to witness ongoing relief activities in one conflict area and rehabilitation and/or development activities in others. In Abkhazia in 2007, some organisations such as World Vision were still delivering relief while simultaneously implementing development projects.

For the last decade, the role of assistance in conflict transformation has been stepped up.[83] Many humanitarian agencies were already trying to address the conflict-exacerbating consequences of their aid (the 'Do No Harm' approach). This was the case of the International Committee of the Red Cross (ICRC) in Abkhazia. These consequences include market effects (aid reinforces the war economy), distributional effects (aid favours one group over another), legitimacy effects (aid confers legitimacy on people prosecuting a war), or substitution effects (aid meets social needs, thereby enabling one side to focus solely on warfare).[84]

A consensus in favour of a more active contribution to peace-building gradually appeared in the literature ('Do Good'). This consensus was shared by the INGOs that came to Abkhazia in the 2000s. They began to support local peace projects and to identify the connectors that unite opposing communities, such as shared activities, values and occasions, and to try to reinforce them.[85] They also helped build the capacity of local NGOs and included them in rehabilitation and development activities.[86]

2.2.5.2 The involvement of local actors: creating a civic context and building support for a peaceful agreement

The idea of involving local actors in the peace process is quite new. In the early 1990s scholarly attention was mainly devoted to the work of external organisations within conflict areas at Track 2 level, and to the action of humanitarian agencies at Track 3 level, disregarding the role of local actors.[87] As a result, those who were the first victims of the conflict and its aftermath hardly had a voice in their peace process, let alone owning it. This changed when scholars and practitioners such as John-Paul Lederach advocated the inclusion of local actors in the construction of the infrastructure for peace.

In their view, the fact is that peace initiatives often start at the grassroots. As Carolyn Nordstrom has highlighted, peace "isn't merely a political process. It is forged in the center of daily life".[88] These peace actors are individuals from local NGOs, grassroots organisations and different sectors of the society, such as people involved in local communities, teachers, and refugee camp leaders.[89] Lederach underlined that they have the advantage of understanding the fear and suffering of the population, they know the local leaders and the other community, and they can talk with everyone without losing their credibility.[90]

The point of view of some of the donors and INGOs that helped to build the capacity of local NGOs and community-based groups in Abkhazia was that these local actors could play an active part in the promotion of wellbeing at the individual level, the maximisation of mutual understanding between communities and the development of a peace culture. While they may have little impact on the design of state institutions, they may advocate civic values, thereby creating a context conducive to the establishment of democratic institutions.[91] They may also create a favourable context for official negotiations, diminish the ability of leaders to sustain violence and prepare public support for the day when an official agreement will be signed.[92] In particular, through advocacy, they may voice their expectations, understand why compromises are reached and, more rarely, shape the negotiation process.[93]

The following table, based on Cordula Reimann's, sums up the distinction between the different levels of intervention in terms of actors and forms of intervention (see Table 2).[94] The second row describes the types of actors involved in each track, while the third row indicates the types of initiatives these actors can undertake at each track.

Table 3 : Tracks, actors and strategies

	Track 1	Track 2 (Track 1.5)	Track 3
Actors involved	representatives of the conflict parties; possibly mediators	Private individuals, academics, professionals, NGO representatives, (officials)	Humanitarian organisations, local and grassroots organisations, individuals such as teachers, refugee camp leaders
Types of intervention	Negotiation, mediation, good offices, special envoy, sanctions, international condemnation, fact-finding missions.	Dialogue, problem-solving workshops, conflict resolution training.	Trauma therapy, assistance, grassroots dialogue, community-based projects, reconciliation, justice.

2.3 Why an integrative, holistic, multi-track approach?

The remainder of this chapter examines the arguments advanced by scholars and practitioners of conflict resolution to explain why, in the context of intractable conflicts, the assumption that official negotiations will be sufficient for achieving an agreement and ensuring its implementation and sustainability may be very naive. I put forward their reasoning about how negotiations, informal dialogue and grassroots activities complement each other. I conclude by explaining why I chose to focus on these three particular activities.

2.3.1 Informal dialogues as a problem-solving discussion assisting negotiations

As already mentioned, the types of activity needed to resolve a conflict depend, among other things, on the nature of the conflict.[95] In the case of a resource-based conflict, which relates to the control of particular goods or services such as oil, water or diamonds, for example, it is usually said that negotiation or mediation alone can be sufficient. There is generally no need to build popular support. A distributive approach to negotiation, which consists of negotiating in a competitive way to distribute the resource, may suffice to reach an agreement. Brad Spangler underlines that a distributive approach is by and large relevant when the pie is fixed, for instance when there is only a fixed amount of money or resource to be distributed between the parties.[96] Or, as Kelman adds, when the conflict is limited and does not involve essential interests.[97]

When, as Harold Saunders pinpoints, the conflict is not over "defined interests", as in resource-based conflicts, but is rather about "interests defined in human and political terms in which identities are at stake", as in the Georgian-Abkhaz conflict, this kind of distributive bargaining may lead to a zero-sum outcome.[98] If one party imposes its will on the other, it is likely that the latter's grievances will remain unchanged. It may even deepen them. In the eyes of many, this explains the poor record of Track 1 activities – which usually adopt such a power-based approach – in settling identity-based conflicts.[99]

What is needed here, Kelman noted, is to restore the element of cooperation to the relationship between the parties.[100] They must come to see their conflict as a joint problem in need of a solution that meets their needs. Because what is problematic is not so much the conflict itself – conflict is part of daily life, after all – but the fact that the parties are unable to deal with it in a cooperative way. Accepting the need for cooperation is already a step towards the transformation of the conflict.

This is the aim of the second main approach to negotiation: integrative/problem-solving. In integrative bargaining, the parties see the conflict as a shared problem that needs cooperation rather than competition in order to be resolved. They analyse their needs and fears and generate joint proposals that maximise the benefits to both parties.[101] This was the approach taken for instance by the organisers of Track 1.5 and 2 dialogues in the case under review.

That said, Brad Spangler indicates that distributive and integrative approaches are not mutually exclusive: even negotiations adopting an integrative approach will usually need power-based distributive bargaining in the end. The pie may be bigger once the problem has been reframed, but the parts must still be distributed and a compromise reached.[102] For Saunders and Kelman, what is important is that the compromise should allay the fears of the parties and does not sacrifice their needs. Kelman emphasises that preserving and improving the relationship between the parties is especially important when the parties are interdependent, as in the Georgian-Abkhaz conflict. "In such conflicts, there is no substitute for an agreement that addresses the parties' grievances and existential fears and transforms the relationship between them, since they must continue to live together in the same limited space".[103]

A few authors underline that the problem is that interactions where the underlying interests and needs of the sides are listened to and recognised, and where both sides gradually understand what the other is truly pursuing, seldom occur during official negotiations. There are several reasons for that.

First, during official talks, each party usually hides information on its real motives or objectives from the other in order to avoid weakening its position. David Lake and Donald Rothchild have observed that this 'information failure' is likely to lead to many misunderstandings and misinterpretations.[104]

Secondly, Kelman stresses that analysing the problem and finding possible solutions that meet the needs of the parties is easier in a non-committal interaction.[105] In an official setting, the parties' representatives may worry that they will be held accountable for the ideas they voice. Kelman believes other settings may be more suitable, including off-the-record discussions and problem-solving workshops. A diplomat speaking anonymously to Cynthia Chataway confirmed that in informal

workshops one can "probe as deeply as possible to find historical grievances, fears. Governments will not do this systematically, deeply".[106]

What these informal dialogues may achieve differ depending on the type of dialogue. According to Nadim Rouhana, the changes at the level of the participants (micro-objectives) may be grouped into four categories: psychological (favouring forgiveness), interpersonal (breaking down stereotypes, establishing relations of mutual trust between the participants), political (understanding of the needs, the interests, the fears and constraints of the other) and educational (training in conflict resolution).[107] As regards the transfer of these changes to the political sphere (macro-goal), Rouhana follows Kelman in linking them to the conflict stage.[108] In the pre-negotiation stage, the dialogues may help define a shared vision of peace. They may also increase the parties' willingness to enter into negotiations. In the negotiating stage, informal dialogue may assist the official talks in achieving an integrative agreement. Options can be explored and trial balloons may be floated to see the reaction of the other party. These dialogues also keep the lines of communication open, which may be particularly welcome when official negotiations are deadlocked. In the post-negotiation phase, they may support peace dynamics, help resolve issues arising from implementation of the agreement and encourage the discussion of longer-term issues.

Studies lag somewhat behind in terms of assessing the effectiveness of workshops in achieving these objectives.[109] Two studies can be mentioned. In his analysis of Track 2 activities in South Africa in the 1980s, Daniel Lieberfeld concluded that these meetings decreased the perception of threat and increased the readiness of the participants to negotiate officially, thereby contributing to the pre-negotiation stage.[110] In the case of the Israeli-Palestinian conflict, Kelman argued that the workshops he helped organise from the 1970s onwards contributed to the 1993 Oslo accords in three ways: they developed the frameworks for official negotiations, helped the exchange of information and ideas and opened the parties to the idea of a new relationship by breaking down stereotypes, increasing the participants' familiarity with one another and creating a sense of possibility about reaching a mutually acceptable agreement.[111]

2.3.2 Limitations of informal dialogue

Several limitations and criticisms of informal dialogue were voiced. I quote only some of them. The first group of remarks concerns the facilitators. Julian Thomas Hottinger sheds light on the problems of the accountability of the facilitators and their dependence on the continuation of the conflict.[112] If facilitators are not clear enough about their role, the participants may mistake them for officials and their positions may be understood as governmental, thereby increasing the likelihood of misunderstanding. They may also want to remain involved even when there is no further need for them. Hottinger suggests that transparency about one's goals, better communication, and networking between official and informal dialogues could deal with these challenges. In addition, Track 2 organisers should realise when they are no more needed, and should withdraw.

The second limitation relates to the participants. Often a limited number of people are included in informal dialogues while those who should be involved, because they are

particularly opposed to negotiations or to meeting the other side, remain absent. The consequent challenge is to enlarge the circle.

A last, substantial criticism levelled against informal dialogue is what Vivienne Jabri has called the "extraction of the conflict resolution setting from its social and political context".[113] Unlike official negotiations, informal dialogues try to get rid of power relations. Participants are considered equal, which means that they have an equal right to express themselves and to be listened to. For Jabri, however, by trying to transcend power relations the organisers remove the actors from the context that makes them meaningful. She argues that the participants in conflict resolution activities cannot be distinguished from the structure, as their capacities and constraints depend on their place in the structure of domination.[114] "Parties to a conflict, in this sense, can never simply be parties to a conflict, but are sovereign states, factions in government, clandestine organisations, terrorist groups, criminal gangs, teenage thugs, and so on. Each in turn is imbued with meaning, each contested, each differently situated within global, as well as local, structural continuities."[115]

This criticism was made in relation to the Israeli-Palestinian conflict. Louis Kriesberg reported that the Palestinians saw problem-solving workshops as denying the existing asymmetry between the parties.[116] On the one hand, one could say that it is because informal dialogues are not as constrained by power relations as official negotiations that they may result in suggestions and ideas that are more equitable.[117] On the other hand, these suggestions may be rejected by the stronger party because they do not take their superiority into account. For Rouhana, however, the very existence of these proposals – developed on the basis of both sides' needs – may have a 'latency effect'.[118] What he means by this expression is that even if they are brushed aside, these proposals may become handy once transformations have occurred, such as a change in the context or in the leadership.[119]

2.3.3 Three contributions by grassroots activities to negotiations and to conflict resolution

Another challenge concerns public support for negotiations. Negotiations are what Robert Putnam called a two-level game. Decision-makers have to reconcile domestic pressures and international requests at the negotiation table (or, to adapt this to the context of a sovereignty conflict, between the requests of one's own society and those of the other side).[120] As a result, public opinion may to some extent act as a constraint on the top leaders' decisions. Very schematically, Ben Mor defined two configurations: either the leaders are in favour of a conciliatory approach and their population is still dominantly not; or the population, increasingly supportive of a peaceful resolution, pressures its leaders, who are in favour of the status quo.[121] I will first elaborate on the former configuration, coming back to the second configuration later on.

Several authors have highlighted how the unpreparedness of the population may impede negotiations or the implementation of an agreement. "Negotiators claim to represent constituents, but the constituents themselves might not buy into bargain if they have not been consulted, prepared and reconciled to the situation", notes Frederic Pearson.[122] In a similar way, Eileen Babbitt underlines that opportunities may be lost

because the population is not ready to accept the terms of a settlement or suspects its leaders of being disposed to concede more than the population is willing to accept.[123] This was the case in Armenia. Former Armenian President Levon Ter-Petrossian had to resign in 1998 after being perceived as expressing readiness to accept a peace plan for Nagorno-Karabakh which was regarded by many Armenians as detrimental to their country's interests.

According to Kelman, officials may foster public support in their own society by changing their discourse. They may also appease the adversary's society by providing "mutual reassurance" by means of a goodwill gesture, for instance.[124] Yet Putnam stresses that this is not so easy, and that a dilemma is likely to arise.[125] On the one hand, if they face domestic opposition to a conciliatory policy, the leaders may adopt a harsh stance in negotiations, limiting concessions and looking tough in order to gain support from their own constituency. As Montville underlines, they will look "strong, wary, and indomitable in the face of the enemy" to avoid losing the next elections, or perhaps even their lives.[126] In doing so, however, they are likely to decrease the support for an agreement both in their own society, which will remain unprepared, and in the adversary's society, for whom an agreement with such an opponent will be unacceptable. On the other hand, if the leaders first soften the position of their constituency by adopting a more conciliatory rhetoric and by preparing the ground for an agreement, they may undermine their own image as implacable negotiators and lose – or be worried about losing – at the negotiation table, especially if they view negotiations in competitive terms.

Participants in informal dialogue could help prepare public opinion for negotiations. The transfer of their improved attitudes and new ideas might find their way into their communities through publications, interviews and public discussions, for example. While this may indeed play a role, the significance of this influence remains to be analysed. Hemmer *et al.* underline that the impact of Track 2 on public support is not well substantiated in reality.[127] Problems related to re-entry – the return to one's home community after an informal dialogue – could limit their influence over their society. Especially when the wounds of war are still fresh and informal dialogue has yet to gain societal acceptance, the participants may lose legitimacy because their views include some support for the interests of the adversary.[128] As seen in Chapter 4, this proved to be a challenge in Abkhazia and Georgia.

Several scholars highlight that work at the grassroots can help to change a society in several respects. First, as Montville indicates, local NGOs, teachers, community elders and other grassroots activists may "promote an environment in a political community, through the education of public opinion, that would make it safer for political leaders to take risks for peace".[129] They may increase popular support for a top-level peaceful initiative and reduce the re-entry problem for participants in informal dialogue.

This may start with humanitarian assistance and psychological help. Local NGOs, with or without international help, may support small projects on economic development which, according to Montville, may not be "essential" but may nonetheless "offer the prospect of growth, the enhancement of individual well-being, and a measure of stability for families and communities who have suffered significant personal loss

and endured chronic instability".[130] Rehabilitation and development programmes also help to reduce inequality. Besides, having an economic activity increases the cost of participating in war, as this means giving it up.[131] This, for instance, was the reason why local NGOs in Abkhazia supported micro-credit.

Other projects may improve intercommunal tolerance and address cultural violence, defined by Galtung as "those aspects of culture, the symbolic sphere of our existence – exemplified by religion and ideology, language and art, empirical science and formal science (logic, mathematics) – that can be used to justify or legitimize direct or structural violence".[132] Just as the legitimation of violence within the society persuaded the population to support its leadership's decision to go to war, a conciliatory, inclusive discourse must persuade the citizens to turn towards peace.

According to Daniel Bar-Tal, Yigal Rosen and Rafi Nets-Zehnguts, peace education may be helpful in that regard. The aim of peace education is "to advance and facilitate peace making and reconciliation. It aims to construct students' worldview (i.e., their values, beliefs, attitudes, emotions, motivations, skills and patterns of behavior) in a way that facilitates conflict resolution and the peace process and prepares them to live in an era of peace and reconciliation".[133] This choice was made by the US Academy for Educational Development (AED), for instance. AED had a programme of peace education for young Georgians and Abkhaz as well as travels abroad to facilitate inter-ethnic contacts between them. Other projects may address the needs of people living on the fringes of society and who may be willing to act forcefully to improve their situation, such as the displaced communities in Georgia.

Secondly, grassroots activities may help the population to voice their support for a peaceful resolution and to try to spur on decision-makers. This is Ben Mor's second configuration, when the leadership is in favour of the status quo but the population has a more conciliatory stance. As Hemmer *et al.* argue, local organisations' work might "open the democratic space for civil action to build peace, both directly and through politicians".[134] In the context of a not-well-established democracy, communal work may be the first step enabling local organisations to gradually build up their credibility and the skills of their members.[135] If they practise decision-making that is internally democratic they may act as schools of democracy for their participants. These local initiatives, if they are positively perceived at the grassroots, may gradually legitimise the idea of civil society in the eyes of the local population. this in turn may allow them to broaden the scope of their activities. In the case of Georgia and Abkhazia, two London-based peacebuilding organisations active in the region, Conciliation Resources and International Alert, also hoped that increased public acceptance of the existence of civil society would facilitate the organisation of Track 2 bilateral dialogues and would solve the re-entry problem.

Finally, these activities may facilitate the implementation of an agreement. Indeed, an agreement is just a starting point, not the end of the peace process. "A signed peace treaty does not create peace; it only creates a basis for peace, or a legal infrastructure to support peace", in the words of James Notter and Louise Diamond.[136] Johan Galtung likewise stresses that it would be naïve to think that the conflict is resolved once the leaders have signed an agreement. Without a change in attitudes, a readiness to build peace at the level of the society, it is very doubtful that the agreement will hold.[137]

Saunders compares the peace process to a body. "As a society fragments through internal conflict, whatever social units survive – tribes, clans, regional groupings, ethnic groups, ideological movements, criminal networks, armed organisations – coalesce into like-minded 'alliances' against an adversary. Relationships between unlike groups that may have existed to pursue shared interests across fault lines are torn apart." Then come negotiations. "The agreements they produce are often like skeletons without ligaments, sinews, flesh, nerves or blood vessels." In this context, the work of local organisations and the grassroots is to rebuild relations. "They begin to regenerate connections between the coagulations of warring groups – to build the sinews of nascent cohesion in a society that needs to build peace".[138] Furthermore, as already noted, the presence of a civic culture prior to the signing of an agreement will improve the chances that new democratic institutions will take root.[139]

2.3.4 Three limits of grassroots activities

Having said that, three remarks need to be made. First, the extent to which peace education influences the attitudes of the participants is open to question. In particular, doubts have been raised about the validity of Allport's contact hypothesis.[140] Summarising several studies on Northern Ireland and Israel/Palestine, Gavriel Salomon suggests that although peace education does not transform attitudes in a radical manner, it seems nonetheless to have two important functions.[141]

The first is an attitude-reinforcing function. The effects of peace education on participants depend first of all on their original political views. Jewish students who initially held dovish views were even more understanding of Palestinians after a visit to death camps in Poland, while those with more nationalistic views did not show more empathy towards Palestinians.

The second is a preventive function: even if it does not especially improve attitudes towards the other group, peace education does put up a barrier against the negative effects of conflicts. Young Palestinians and Israelis who took part in a peace education programme were less prone to negative attitudes when violence escalated. The evaluation of the AED peace education programme is also instructive. John Lewis and Anna Ohanyan were stuck by the marginal change of attitude among the Georgian and Abkhaz participants in such programmes.[142] But, to their surprise, they saw considerable willingness on both sides to engage in joint projects, showing that a change in attitude was not a precondition for collaboration.

Secondly, the influence of grassroots activities on the top leadership must also be qualified. It has been mentioned that the population might constrain somewhat the decisions of the top officials. Mor notes that this depends on three parameters: the leaders' own preferences, their sensitivity to public opinion and the structure of public opinion (the size of the gap between the opponents and supporters of a conciliatory policy).[143] According to one possible combination of parameters, the initiation of peace initiatives at the official level is thus less likely when the top leadership prefers the status quo and its sensitivity to the public is weak, even though a peaceful initiative would have the support of a significant number of people.[144]

Thirdly, although grassroots activities may have a positive effect on the environment and thus be conducive to negotiations, they are likely to run out of steam if no impetus for change is forthcoming from the official level. Examining work at grassroots in Northern Ireland, Linda Racioppi and Katherine O'Sullivan See lauded the effectiveness of the European Union's Special Support Programme for Peace in cultivating grassroots participation in peace-building.[145] However, they noticed that the achievements of the programme seemed threatened by the mounting tension that had existed between the leaderships of the parties since the 2000s. "Can initiatives that emphasize civil society and grassroots involvement disrupt long-standing patterns of ethnic animosity and promote peace-building without sustained, institutionalised elite-level engagement?" they wondered.[146] To this question, Cordula Reimann gives a negative answer. She notes that grassroots empowerment or the development of intercommunal relationships will be insufficient to make a difference if there is no structural change, such as measures addressing economic inequality or the design of a power-sharing agreement.[147] That is why international and local NGOs studied in this research often favoured activities aimed at changing the grassroots and influencing the top leaders.

2.3.5 Justifying the focus on multi-layered activities in this research

For the proponents of a multi-track approach, who are numerous among the organisers of activities in Georgia and Abkhazia, we have thus come full circle. In short, decision-makers dealing with core structural issues (including the future political status of an unrecognised entity) may be assisted in their task by informal dialogues. These informal meetings may provide a setting in which officials and middle-level representatives can gain new insight into the root causes of the conflict and probe into needs and fears in a low-key environment. Middle-range leaders in turn may take advantage of their particular position in society and their contacts with the other side in order to reach the grassroots. They may advertise the results of informal dialogue through public discussions and publications. Together with community leaders and other grassroots actors, they may prepare the ground for public support for negotiations, create public acceptance of a future agreement and enable the population to voice their preference for a peaceful solution to the conflict.

The sustainability of these local activities will eventually be guaranteed by the commitment of the leadership to peace. The circle continues, as the agreement marks only the beginning of peace. To implement the agreement successfully, additional negotiations will be necessary at the official level. Informal dialogue may assist in resolving problems arising from implementation, for instance, while local activities may contribute by increasing public participation and improving local self-government.

This complementarity between negotiations, informal dialogue and grassroots activities can also be analysed in terms of Galtung's conflict triangle. In a rather simplified view, Track 1 interventions are said to deal mainly with the hostile behaviour of the parties (B) and, more importantly, with the structural causes of the conflict (C). The signing of a ceasefire agreement and the deployment of a peacekeeping force is likely to restrain hostile behaviour of the parties, while a comprehensive peace

agreement may reform political institutions and redistribute economic wealth, thereby tackling the structural causes of the conflict. In comparison, informal dialogues are more focused on turning negative attitudes (A) into positive ones. Depending on the goal of the dialogue, this could include changing the image of the enemy, challenging negative stereotyping, and improving communication and understanding between the parties. Eventually, grassroots intervention such as dialogue, peace education and projects promoting economic development and reconciliation may address aggressive attitudes (A) and restructure relationships between communities (C).

Now that I have described the concepts that were usually shared by the mediators and organisers of informal dialogues and grassroots activities, I shall explain why I chose to focus on these particular activities. In this research, I infer the strategies pursued by the Abkhaz and Georgian authorities (to attain their desired status for Abkhazia) from their decisions. These patterns are particularly discernible at Track 1. I could thus have focused on the official negotiation process alone, and analysed how and to what extent these strategies hindered progress in negotiations. Why did I choose not to do so, and instead to expand this research to include the study of informal dialogues and grassroots activities?

The first answer is because there may be lessons to be learnt from the way in which informal dialogues deal with status. In official negotiations, the status of the parties to the conflict is often of crucial importance. Only the leaders are entitled to negotiate the future political status of an unrecognised entity and to reach an agreement. However, the question of what status will be given to the unrecognised actor at the negotiation table is likely to be a matter of debate. As noted above, the central authorities may refuse to regard the authorities of the unrecognised entity as legitimate, fearing that this might imply recognition of sovereignty. They may even deny their existence.

One of the key features of informal dialogue, on the other hand, is that it involves low-key meetings "free from governmental and diplomatic protocol".[148] Meetings are considered informal and participants equal so as to facilitate discussions. Another characteristic is that facilitators who follow the above guidelines will remain neutral and impartial. This means that they will not express their preference for a particular outcome and will remain even-handed in their relations with the parties. In the case of Georgia and Abkhazia, this contrasted with the practice of mediators at the official level. It is thus of interest to analyse whether such informal dialogues were acceptable to the authorities and to the participants.

Finally, Track 3 activities, even though they do not deal directly with status issues, may be hindered by the strategies of the authorities. Humanitarian assistance is a good example. Aid agencies do not impose their agenda on the sides: instead they negotiate the conditions and place of distribution with them, as prescribed in the Geneva Conventions themselves.[149] Hence the parties may tailor the humanitarian response to a crisis according to political considerations. In such a situation, relief may become an asset that consolidates, or weakens, the unrecognised entity's *de facto* status.

Such problems can be expected to be even greater when it comes to rehabilitation and development activities. Indeed, these initiatives imply a readiness by the donors, and the central authorities which are generally involved in the decision-making process,

to rebuild institutions and to legitimise local authorities as a consequence of their involvement. It is thus worth discussing to what extent the strategies of the authorities hindered or even prevented grassroots activities.

Before examining these activities in more detail in Chapters 3 to 5, I turn to an examination of Abkhazia's *de facto*, *de jure* and desired status during the period under review, from 1989 to 2008. This helps us understand what it was that the Abkhaz wanted to change.

Notes

1 Incidentally, the Van Dale dictionary on the Dutch language gives three closely related meanings for the word status: standing/social appearance; from a legal or administrative angle: attribute/quality which has certain legal consequences; and state/situation. *Groot Woordenboek der Nederlandse Taal* (Dictionary of the Dutch Language), Derde deel, Utrecht/Antwerpen, Van Dale Lexicografie, 11th edition, 1984.

2 This criterion is not related to the nationality of the population living on the territory. Crawford James, *The Creation of States in International Law*, Oxford, Clarendon Press, 2nd edition, 2006, p. 52.

3 Crawford, *op.cit.*, p. 56.

4 Crawford, *op.cit.,* p. 59.

5 Migdal Joel, Strong Societies and Weak States. State-Society Relations and State Capabilities in the Third World, Princeton, Princeton University Press, 1988, p. 4.

6 Crawford, *op.cit.*, pp. 46, 52.

7 Pegg, *op.cit.*, p. 6.

8 Clapham Christopher, "Degrees of Statehood", *Review of International Studies*, vol.24, 1998, p. 153.

9 Richmond Oliver P., "States of Sovereignty, Sovereign States, and Ethnic Claims for International Status", *Review of International Studies*, vol.28, 2002, p. 394.

10 The principle of sovereign equality was codified in UN General Assembly resolution 2625 (XXV) of October 1970 on the Declaration on the Principles of International Law Concerning Friendly Relations and Cooperation Among States. In accordance with this principle, sovereign states enjoy judicial equality, the rights inherent in full sovereignty, a duty to respect the personality of other States, the inviolability of territorial integrity and political independence, the right to freely choose and develop their political, social, economic and cultural systems, and, finally, the duty to comply with international obligations and to live in peace with other states. Lapidoth Ruth, "Redefining Authority. The Past, Present, and Future of Sovereignty", *Harvard International Review*, vol.17, no.3, 1995; United Nations General Assembly, The Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States, Resolution 2625 (XXV), 24 October 1970.

11 Krasner Stephen D., *Sovereignty. Organized Hypocrisy*, Princeton, Princeton University Press, 1999, pp. 7, 17.

12 Richmond, *op.cit.*, 2002, p. 387.

13 Richmond, *op.cit.*, 2002, p. 394.

14 Dugard John, Raic David, "The Role of Recognition in the Law and Practice of Secession", in Kohen Marcelo G. (ed.), *Secession: International Law Perspectives*, Cambridge, Cambridge University Press, 2006, pp. 96-97.

15 The 'rules of recognition', defined by Samuel J. Barkin and Bruce Cronin as a "set of principles by which the international community recognizes the legitimacy of authoritative control over a specified population and territory", have undergone significant changes during the last centuries. Recognition is first of all a political act. For Roland Rich, it was scarcely as obvious as it was in the 1991 'Declaration on the Guidelines on the Recognition of the New States in Eastern Europe and in the Soviet Union'. In the Guideline, the EC affirmed "their readiness to recognise, subject to the normal standards of international practice and the political realities in each case, those new States which, following the historic changes in the region, have constituted themselves on a democratic basis, have accepted the appropriate international obligations and have committed themselves in good faith to a peaceful process and to negotiations". Among the requirements to be fulfilled by the future sovereign states were territorial

control, autonomy, state viability, the respect for the provisions of the Charter of the United Nations and the commitments subscribed to in the Final Act of Helsinki and in the Charter of Paris. In reality, entities that did not satisfy classical criteria for statehood (namely Montevideo criteria) were recognized. The EC recognised Bosnia in 1992 in order to be able to support the Bosnian government, regardless of the fact that Bosnia did hardly qualify as a state at that time since its control over territory was not effective in practice. Macedonia was not directly recognized regardless of the fact that the Arbitration Commission of the Peace Conference on Yugoslavia, also known as the Badinter Commission, whose role was to give opinions and recommendations on legal issues arising from the breaking up of Yugoslavia, acknowledged Macedonia fulfilled all the European commitments. In contrast, Croatia was recognised on 15 January 1992 irrespective of the fact that the Commission had expressed the need to add a reserve on the protection of minorities in Croatia's legislation beforehand. Barkin Samuel J., Cronin Bruce, "The State and the Nation: Changing Norms and the Rules of Sovereignty in International Relations", *International Organisation*, vol.48, no.1, 1994, p. 108; Woodward Susan L., "Compromised Sovereignty to Create Sovereignty", in Krasner Stephen (ed.), *Problematic Sovereignty. Contested Rules and Political Possibilities*, New York, Columbia University Press, 2001, p. 261; Pegg Scott, *International Society and the De facto State*, Aldershot/Brookfield/Singapore/Sydney, Ashgate, 1998, p. 48; Delcourt Barbara, *Droit et souverainetés. Analyse critique du discours européen sur la Yougoslavie*, Bruxelles, PIE-Peter Lang, 2003, pp. 150, 163; Rich Roland, "Recognition of States: the Collapse of Yugoslavia and the Soviet Union", *European Journal of International Law*, vol.4, 1993, p. 49.

16 Crawford, *op.cit.*, p. 160.

17 Dugard John, Raic David, "The Role of Recognition in the Law and Practice of Secession", in Kohen Marcelo G. (ed.), *Secession: International Law Perspectives*, Cambridge, Cambridge University Press, 2006, p. 101

18 Pegg, *op.cit.*, p. 37.

19 Pegg, *op.cit.*, p. 38.

20 Mintzberg Henry, Lampel Joseph, Quinn James Brian, Ghoshal Sumantra, *The Strategy Process: Concepts, Contexts, Cases*, Harlow, Pearson Education, 4th edition, 2003, p. 10.

21 Mintzberg, Lampel, Quinn, Ghoshal, *op.cit.*, p. 11.

22 Ibid.

23 He sorted the different types of asymmetry into seven categories: capabilities, behavioural, commitment, interdependence, morality, structure or status (by which he meant 'legal'). Mitchell Christopher R., "Asymmetry and Strategies of Regional Conflict Reduction", in Zartman William I., Kremenyuk Victor A. (eds), *Cooperative Security. Reducing Third World Wars*, New York, Syracuse University Press, 1995, pp. 25-57.

24 Mitchell Christopher R., "Conflict Analysis, Conflict Resolution and 'Politics'. A Reflection", in Bloomfield David, Fischer Martina, Schmelzle Beatrix (eds), *Social Change and Conflict Transformation*, Berlin, Berghof Research Center for Constructive Conflict Management, 2006, p. 89.

25 The term 'conflict resolution' is used here as an umbrella concept that encompasses all the activities aimed at settling, resolving or transforming conflicts. Here I follow Ramsbotham, Woodhouse and Miall, who justified the use of this term by reference to the fact that it is the earliest term in use, it is still the most widely used, and it is the most familiar. Ramsbotham Oliver, Woodhouse Tom, Miall Hugh, *Contemporary Conflict Resolution*, Cambridge, Polity Press, 2nd edition, 2005, pp. 9, 21.

26 Bar-Tal Daniel, "Societal Beliefs in Times of Intractable Conflict: the Israeli Case", *The International Journal of Conflict Management*, vol.9, no.1, 1998, pp. 24-25.

27 For Barbara Walter, a territorial war is a war "in which the rebels aimed to secede from the original territory or demanded territorial autonomy". Walter Barbara F., *Committing to Peace. The Successful Settlement of Civil Wars*, Princeton and Oxford, Princeton University Press, 2002, pp. 81-82.

28 Mitchell, *op.cit.*, 1995, p. 30; Sunil Bastian, *The Failure of State Formation, Identity Conflict and Civil Society Responses, The Case of Sri Lanka*, Bradford, Centre for Conflict Resolution, Department of Peace Studies, University of Bradford, Working Paper 2, 1999.

29 Kelman Herbert C., "The Interdependence of Israeli and Palestinian National Identities: the Role of the Other in Existential Conflicts", *Journal of Social Issues*, vol.55, no.3, 1999, p. 590.

30 Zartman William I., "Looking Forward and Backward on Negotiation Theory", in Zartman William I., Kremenyuk Victor (eds), *Peace versus Justice. Negotiating Forward- and Backward-Looking Outcomes*, Lanham, Rowman & Littlefield Publishers, 2005, p. 296.

31 Babbitt Eileen F., "Self-Determination as a Component of Conflict Intractability. Implications for Negotiation", in Hannum Hurst, Babbitt Eileen F. (eds), *Negotiating Self-Determination*, Oxford, Lexington Books, 2006, pp. 117, 119.

32 Zartman William I., "Dynamics and Constraints", in Zartman William I. (ed.), *Elusive Peace*, Washington, DC, Brookings Institution, 1995, p. 10.

33 A panel devoted to the issue defined identity-based conflicts as involving "at least one party that defines itself by who its members see themselves as being": that is, through a racial, religious, clan, tribal, regional, historic, class or ethnic prism. The term not only defines the nature of the participants, it also, as Jay Rothman and Marie Olson underlined, characterises the nature of the issue at stake. Identity-based conflicts develop owing to "threats to or frustration over existing identities". Stern Paul C., Naumkin Vitaly, Bennett Andrew, Walker Edward W., Gotagova Ludmila, Pain Emil, Shubin Aleksandr, "Priorities for Research on the Comparative Study of Identity Conflicts", in Committee on Conflict and Reconstruction in Multiethnic Societies, Office for Central Europe and Eurasia Development, Security and Cooperation, Policy and Global Affairs, National Research Council of the National Academies, *Conflict and Reconstruction in Multiethnic Societies: Proceedings of a Russian-American Workshop*, Washington, DC, National Academies Press, 2004, p. 21; Rothman Jay, Olson Marie L., "From Interests to Identities: Towards a New Emphasis in Interactive Conflict Resolution", *Journal of Peace Research*, vol.38, no.3, 2001, p. 296.
34 Rothman, Olson, *op.cit.*, p.296; Rothman Jay, *Resolving Identity-Based Conflict in Nations, Organizations and Communities*, San Francisco, Jossey Bass, 1997, p. 7; Fearon James D., Laitin David D., "Violence and the Social Construction of Ethnic Identity", *International Organization*, vol.54, no.4, 2000, p. 871.
35 Azar Edward E., "Protracted International Conflicts: Ten Propositions", in Azar Edward E., Burton John W. (eds), *International Conflict Resolution. Theory and Practice*, Brighton, Wheatsheaf Books, 1986, pp. 28-39.
36 Rothman Jay, *op.cit.,* 1997, p. 39.
37 Salomon Gavriel, "Does Peace Education Make a Difference in the Context of an Intractable Conflict?", *Peace and Conflict: Journal of Peace Psychology,* vol.10, no.3, 2004, pp. 257–274.
38 Lederach John-Paul, "Mennonite Central Committee Efforts in Somalia and Somaliland", in Sampson Cynthia, Lederach John-Paul (eds), *From the Ground Up: Mennonite Contributions to Internatioanal Peacebuilding*, Oxford, Oxford University Press, 2000, p. 147.
39 Galtung Johan, *Peace by Peaceful Means. Peace and Conflict, Development and Civilisation*, London/Thousand Oaks/New Delhi, SAGE Publications, 1996, p. 72.
40 Miall, Ramsbotham, Woodhouse, *op.cit.*, p. 10; Galtung, *op.cit.*, pp. 71-73.
41 Miall, Ramsbotham, Woodhouse, *op.cit.*, pp. 97-105.
42 See for instance Lake David, Rothchild Donald (eds), *The International Spread of Ethnic Conflict*, New Jersey, Princeton University Press, 1998.
43 Miall, Ramsbotham, Woodhouse, *op.cit.*, pp. 101-102.
44 Brown Michael, "The Causes and Regional Dimensions of Internal Conflicts", in Brown Michael (ed.), *The International Dimensions of Internal Conflict*, Cambridge, MIT Press, 1996, p. 573.
45 Miall, Miall Hugh, "Conflict Transformation: a Multi-Dimensional Task ", in Austin Alex, Fischer Martina, Ropers Norbert (eds), *Transforming Ethnopolitical Conflict. The Berghof Handbook*, Wiesbaden, VS Verlag, 2004, pp. 75-76.
46 Miall, *op.cit.*, p. 77.
47 Miall, Ramsbotham, Woodhouse, *op.cit.*, p. 30.
48 Lederach John Paul, *Building Peace. Sustainable Reconciliation in Divided Societies*, Washington, DC, United States Institute of Peace Press, 1997, pp. 37-55.
49 Said A.S., Lerche Jr. C.O., Lerche III C.O., *Concepts of International Politics in Global Perspective*, Englewood Cliffs, New Jersey, Prentice Hall, 1995, p. 69, quoted in Nan Susan Allen, "Track 1 Diplomacy" in Burgess Guy, Burgess Heidi (eds), *Beyond Intractability*, Conflict Research Consortium, Boulder, University of Colorado, June 2003, available at: http://www.beyondintractability.org/essay/track1_diplomacy/, accessed January 2010.
50 According to the Institute of World Affairs, quoted in Nan, *op.cit.*, June 2003.
51 Zartman William I., Rubin Jeffrey Z., "The Study of Power and the Practice of Negotiation", in Zartman William I., Rubin Jeffrey Z. (eds), *Power and Negotiation*, University of Michigan Press, 2002, p. 12.
52 Definition by Fred C. Ikle in *How Nations Negotiate*, 1964, pp. 3-4, quoted in Zartman, Rubin, *op.cit.*, p. 156.
53 Adjudication by the country's supreme or constitutional court is another option. Watts Ronald L., *Comparing Federal Systems*, Montreal & Kingston, London, Ithaca, Mc Gill-Queen's University Press, 2nd edition, 1999, p. 100; Goldman Alvin, Rojot Pierre, *Negotiation. Theory and Practice*, The Hague, Kluwer Law International, 2003, pp. 18, 63.
54 Bercovitch Jacob, Jackson Richard, "Negotiation or Mediation? An Exploration of Factors Affecting the Choice of Conflict Management in International Conflict", *Negotiation Journal*, vol.17, no.1, 2001, p. 61.
55 Bercovitch, Jackson, *op.cit.*, pp. 60-61.
56 William Zartman distinguished five approaches in negotiation analysis (strategic, structural, processual, integrative and behavioural), none of them being a dominant paradigm for negotiation.

The first approach uses game theory to design models that describe the strategies adopted by the actors in different situations and the outcomes of particular moves. A structural approach focuses on the distribution of elements of power: the possession of capabilities and the ability to push the other in the expected direction. The proponents of the processual approach explore the process of bargaining, i.e. how the parties try to reach a mutually acceptable agreement through the exchange of concessions and compensations. The integrative approach tries to explain the outcome of negotiation by focusing on the different phases of the conflict. Finally, behavioural studies analyse the characteristics of the negotiators. Zartman William I., "What I Want to Know About Negotiations", *International Negotiation*, vol.7, 2002, pp. 6-9; Carnevale Peter J., Pruitt Dean G., "Negotiation and Mediation", *Annual Review of Psychology*, vol.43, 1992, p. 534; Aggestam Karin, *Reframing and Resolving Conflict. Israeli-Palestinian Negotiations 1988-1998*, Lund, Lund University Press, 1999, p. 132.

57 Numerous studies have examined the influence of contextual variables on mediation success. These variables concern the features of the dispute (conflict ripeness, the level of conflict intensity and the nature of the issues under dispute), the parties and their relationships (cohesiveness, type of regime, power balance), the mediator ((im)partiality, leverage and status) and the international context. Others have looked at the mediation process and examined the variables relating to the activities of the mediator, such as his/her strategies. Kleiboer Marieke, "Understanding Success and Failure of International Mediation", *Journal of Conflict Resolution*, vol.40, no.2, 1996, pp. 360-389.

58 Lederach, *op.cit.*, 1997, pp. 38-41.

59 Richmond Oliver, "Devious Objectives and the Disputants' View of International Mediation: A Theoretical Framework", *Journal of Peace Research*, vol.35, no.6, 1998, pp. 715, 717.

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61 Zuckerman M.J., "Track II diplomacy: Can 'unofficial' talks avert disasters?", *Carnegie Reporter*, vol.3, no.3, 2005, available at: http://www.carnegie.org/reporter/11/trackii/index.html, accessed January 2010.

62 Montville Joseph V., "The Arrow and the Olive Branch: A Case for Track Two Diplomacy", in Volkan Vamik, Montville Joseph, Julius Demetrios A. (eds), *The Psychodynamics of International Relationships* (vol. II), Lexington MA, Lexington Books, 1991, p. 162.

63 In reality, the distinction between dialogue and conflict resolution training is not always clear-cut. The organizers often link training with a dialogue component, to enable the participants to acquire conflict resolution skills and to reflect on their conflict situation.

64 To be accurate, two meanings can be attached to the concept of 'Track 1.5': informal meeting mediated by a third party (international NGO or academics) and problem-solving workshops facilitated by a third party. In the first case, the aim is to settle the conflict, whereas in the second the goal is to facilitate exchange and the analysis of obstacles and opportunities, thereby paving the way for decisions. The first is close to Track 1, the second to Track 2. It is the second meaning of the concept that is used here. Wolleh Oliver, "Track 1.5 Approaches to Conflict Management: Assessing Good Practice and Areas for Improvement", Berghof Foundation for Peace Support, May 2007, p. 2.

65 Quoted in Maiese Michelle, "Dialogue" in Burgess Guy, Burgess Heidi (eds), *Beyond Intractability*, Conflict Research Consortium, Boulder, University of Colorado, September 2003, available at: http://www.beyondintractability.org/essay/dialogue/, accessed January 2010.

66 Burton John W., *Conflict and Communication. The Use of Controlled Communication in International Relations*, London, Macmillan, 1969, p. 56.

67 For Abraham Maslow, there are at least five basic human needs that motivate our actions and disappear once gratified: physiological, safety, love, esteem, and self-actualisation needs. Burton built on Maslow's motivation theory to explain the causes of conflict. He added identity, recognition and participation needs, and argued that these were probably more important than physiological needs. The needs theory remains disputed. The issue of universalism of the needs remains particularly controversial (for Burton they are universal but their satisfaction is cultural). Maslow Abraham H., "A Theory of Human Motivation", *Psychological Review*, vol.50, 1943, pp. 370-396; Burton John W., "Introducing the Person Into the Thinking about Social Policies", *The International Journal of Peace Studies*, vol.6, no.1, 2001, available at: http://www2.gmu.edu/programs/icar/ijps/vol6_1/Burton3.htm, accessed January 2010; Marker Sandra, "Unmet Human Needs", in Burgess Guy, Burgess Heidi (eds), *Beyond Intractability*, Conflict Research Consortium, Boulder, University of Colorado, August 2003, available at: http://www.beyondintractability.org/essay/human_needs/, accessed January 2010.

68 Burton John W., "The History of International Conflict Resolution", in Azar Edward E., Burton John W., *International Conflict Resolution. Theory and Practice*, Brighton, Wheatsheaf Books, 1986, p. 50.

69 Kelman Herbert C. "Interactive Problem Solving: Informal Mediation by the Scholar-Practitioner", in Bercovitch Jacob (ed.), *Studies in International Mediation: Essays in Honor of Jeffrey Z. Rubin*, New York, Palgrave Macmillan, 2002, p. 169.

70 Rouhana Nadim N., "Unofficial Third-Party Intervention in International Conflict: Between Legitimacy and Disarray", *Negotiation Journal*, vol.11, no.3, 1995, p. 259; Kelman Herbert C., "The Role of the Scholar-Practitioner in International Conflict Resolution", *International Studies Perspectives*, vol.1, 2000, pp. 279, 282-283; Fisher Ronald J., "Cyprus: the Failure of Mediation and the Escalation of an Identity-Based Conflict to an Adversarial Impasse", *Journal of Peace Research*, vol.38, no.3, 2001, pp. 397-326; Lieberfeld Daniel, "Evaluating the Contributions of Track-Two Diplomacy to Conflict Termination in South Africa, 1984-90", *Journal of Peace Research*, vol.39, no.3, 2002, pp. 358-59.

71 For instance, Jay Rothman offers a four-step process – the ARIA method – to facilitate what he called a 'reflexive dialogue'. The parties start by focusing on their positions (Antagonism), try to find common ground between each other's needs (Resonance), search for integrative solutions (Invention), and eventually formulate concrete options (Action). Ronald Fisher speaks of 'third-party consultation'. He focuses especially on the functions of the third party who "works to facilitate creative problem-solving through communication and analysis, making use of human relations skills and social-scientific understanding of conflict etiology and dynamics". Harold Saunders developed the method of sustained dialogue, which is "a systematic, prolonged dialogue among small groups of representative citizens committed to changing conflictual relationships, ending conflict and building peace. It is more structured than a good conversation; it is less structured than formal mediation or negotiation." His five-stage method was implemented in Tajikistan. Influential people were brought together and first decided to engage, then mapped their relationships, spoke about their fears and hopes, developed scenarios to bring about changes in their relationships and eventually, in the final stage, tried to implement them. Miall, Ramsbotham, Woodhouse, *op.cit.,* p. 49; Rothman, *op.cit.*, 1997, p. 38; Fisher Ronald J., "Methods of Third-Party Intervention", Berlin, Berghof Research Center for Constructive Conflict Management, Online Berghof Handbook for Conflict Transformation, April 2001, available at: http://www.berghof-handbook.net, accessed January 2010; Saunders Harold H., *A Public Peace Process*, Basingstoke, Palgrave, 1999, p. 12; Fisher Ronald J., "Coordination Between Track Two and Track One Diplomacy in Successful Cases of Prenegotiation", *International Negotiation*, vol.11, no.1, 2006, p. 76.

72 For a short account of these workshops, see Fisher, *op.cit.*, 2006, pp. 65-89.

73 Nadim Rouhana underlines that third-party intervention is not a necessity, recalling that there was no third party present in the Kettering Foundation's conflict resolution activities between the US and the Soviet Union or China. Rouhana, *op.cit.*, 1995, p. 268.

74 Lederach, *op.cit.*, 1997, p. 41.

75 Lederach, *op.cit.,* 1997, p. 61.

76 Lederach, *op.cit.*, 1997, p. 41

77 Seymour Martin Lipset defined intellectuals as "those who create, distribute and apply culture – the symbolic world of man, including art, science and religion". This includes those who create culture (scholars, artists, philosophers, editors), distribute it (performers of the arts, journalists and teachers) and apply it (such as lawyers). Lipset Seymour Martin, "American Intellectuals: Their Politics and Status", *Daedalus*, vol.88, no.3, 1959, p. 460.

78 Wils Oliver, Hopp Ulrike, Ropers Norbert, Vimalarajah Luxshi, Zunzer Wolfram, "The Systemic Approach to Conflict Transformation. Concept and Fields of Application", Berghof Foundation for Peace Support, 2006, p. 59.

79 Berghof Handbook for Conflict Transformation, "Glossary of Terms", available at: http://www.berghof-handbook.net/std_page.php?LANG=e&id=41&parent=3, accessed November 2009.

80 To empower is to strengthen vulnerable groups' capacity for self-reliance and self-help.

81 MacFarlane Neil, *Politics and Humanitarian Action*, Thomas J. Watson Institute for International Studies and the United Nations University, Occasional Paper 41, 2000, p. 9.

82 European Commission, "Communication from the Commission to the Council and the European Parliament: Linking Relief, Rehabilitation and Development – An Assessment", COM(2001)153 final, Brussels, 23 April 2001, p. 4.

83 For instance, see Anderson Mary, *How Aid Can Support Peace or War*, Boulder, Lynne Rienner Publishers, 1999; Lewer Nick, *International Non-Government Organisations and Peacebuilding – Perspectives from Peace Studies and Conflict Resolut*ion, Bradford, Centre for Conflict Resolution, Department of Peace Studies, University of Bradford, Working Paper 3, 1999.

84 These negative effects were described in a wide-ranging analysis of the impact of humanitarian aid on conflicts, initiated by Mary Anderson in the 1990s. From these lessons the authors developed a 'do no harm' analytical framework within which to find more effective ways of allocating help and avoiding intensifying the conflict dynamics. The framework also helps identify the connectors between the communities and the local capacity for peace, in order to support and reinforce them. It assists NGOs in 'doing good' as Maria Lange and Mick Quinn called it – that is, in using aid to contribute to peacebuilding. Collaborative Learning Process, "The Do No Harm Handbook", November 2004,

available at: http://www.cdainc.com/dnh/docs/DoNoHarmHandbook.pdf, accessed January 2010, p. 11; Weiss Thomas G., "Principles, Politics, and Humanitarian Action", *Ethics and International Affairs*, vol.13, 1999, pp. 1-22; Lange Maria, Quinn Mick, *Conflict, Humanitarian Assistance and Peacebuilding: Meeting the Challenges*, London, International Alert, December 2003, p. 13

85 Anderson Mary B., Spelten Angelika, *Conflict Transformation. How International Assistance Can Contribute*, Development and Peace Foundation, Policy Paper 15, 2000, p. 11; Lange, Quinn, *op.cit.*, p. 7.

86 Miall Hugh, "Conflict Transformation: a Multi-Dimensional Task ", in Austin Alex, Fischer Martina, Ropers Norbert (eds), *Transforming Ethnopolitical Conflict. The Berghof Handbook*, Wiesbaden, VS Verlag, 2004, p. 82.

87 Paffenholz Tania, Spurk Christoph, *Civil Society, Civic Engagement, and Peacebuilding*, World Bank, Social Development Paper 36, 2006, p. 13.

88 Nordstrom Carolyn, *Shadows of War. Violence, Power, and International Profiteering in the Twenty-first Century*, Berkeley and California, University of California Press, 2004, p. 181.

89 Lederach, *op.cit.*, 1997, pp. 42-43.

90 Lederach, *op.cit.*, 1997, pp. 42-43.

91 Hemmer Bruce, Garb Paula, Phillips Marlett, Graham John L., "Putting the 'Up' in Bottom-up Peacebuilding: Broadening the Concept of Peace Negotiations", *International Negotiation*, vol.11, no.1, 2006, p. 140.

92 Hemmer, Garb, Phillips, Graham, *op.cit.*, p. 137.

93 Barnes Catherine (ed.), *Democratising Peacemaking Processes*, London, Conciliation Resources, Accord 13, 2002, p. 7.

94 Reimann Cordula, "Assessing the State-of-the-Art in Conflict Transformation", in Austin Alex, Fischer Martina, Ropers Norbert (eds), *Transforming Ethnopolitical Conflict. The Berghof Handbook*, Wiesbaden, VS Verlag, 2004, p. 46.

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96 Spangler Brad, "Integrative or Interest-based Bargaining", in Burgess Guy, Burgess Heidi (eds), *Beyond Intractability*, Conflict Research Consortium, Boulder, University of Colorado, June 2003, available at http://www.beyondintractability.org/essay/interest-based_bargaining/, accessed January 2010.

97 Kelman Herbert, "Negotiation as Interactive Problem Solving", *International Negotiation*, vol.1, 1996, p. 101.

98 Saunders, *op.cit.*, p. 37.

99 In his study on civil wars, Roy Licklider found that negotiated and sustainable solutions to those particular conflicts are difficult to achieve. He found that identity-based conflicts do not last longer than other types of conflicts. Nor are they more intense, or less negotiable. But it appears that negotiated settlements are likely to be unstable and to relapse into war. Two-thirds of these settlements were followed by a return to armed conflict, as compared with one-fifth of the military victories. But Licklider dismissed the idea that military victory was a panacea, as 19 % of victories on the battlefield were followed by genocide perpetrated by the winners against the losers. Licklider Roy, "The Consequences of Negotiated Settlements in Civil Wars, 1945-1993", *The American Political Science Review*, vol.89, no.3, 1995, p. 686.

100 Kelman, *op.cit.*, 1996, pp. 99-101.

101 Kelman, *op.cit.*, 1996, pp. 99-101.

102 Spangler, *op.cit.*

103 Kelman, *op.cit.*, 1996, p. 104

104 Lake, Rothchild, *op.cit.*, p. 11.

105 Kelman, *op.cit.*, 1996, p. 108.

106 Chataway Cynthia J., "Track II Diplomacy: From a Track I Perspective", *Negotiation Journal*, vol.14, no.3, 1998, p. 278.

107 For Nadim Rouhana, the fact that the impact of personal changes and ideas on the dynamics of conflict may be almost unmeasurable does not absolve researchers from estimating their overall impact, including plausible effects. This can be done through interviews with participants to find out how they used their learning outside the workshops, for instance. He laments the fact that this difficulty sometimes serves as a justification for not assessing the impact of these dialogues on the anticipated goals, and that it results in an overestimation of the achievements of informal dialogue. Rouhana Nadim, "Interactive Conflict Resolution: Issues in Theory, Methodology and Evaluation", in Stern Paul C., Druckman Daniel (eds), *International Conflict Resolution after the Cold War*, Washington, DC, National Academies Press, 2000, p. 300.

108 Rouhana, *op.cit.*, 2000, p. 311.

109 Rouhana, *op.cit.*, 2002, p. 323.

110 Lieberfeld, *op.cit.*, p. 370.
111 Kelman, *op.cit.*, 2000, p. 282.
112 Hottinger Julian Thomas, "The Relationship between Track One and Track Two Diplomacy" in Ricigliano Robert (ed.), *Choosing to Engage Armed Groups and Peace Processes*, London, Conciliation Resources, Accord 16, 2005.
113 Jabri Vivienne, "Revisiting Change and Conflict: On Underlying Assumptions and De-Politicisation of Conflict Resolution", in Bloomfield David, Fischer Martina, Schmelzle Beatrix (eds), *Social Change and Conflict Transformation*, Berlin, Berghof Research Center for Constructive Conflict Management, 2006, p. 73.
114 Jabri, *op.cit.*, p. 74.
115 Jabri, *op.cit.*, p. 72.
116 Kriesberg Louis, "Mediation and the Transformation of the Israeli-Palestinian Conflict", *Journal of Peace Research*, vol.38, no.3, 2001, p. 381.
117 Rouhana, *op.cit.*, 2000, p. 317.
118 Rouhana, *op.cit.*, 2000, p. 317.
119 Diana Francis says that where the level of asymmetry between the parties is extreme, for instance when part of the population is completely oppressed by the authorities, the empowerment of the weaker may precede dialogue. In this case, the weaker party will enter into dialogue or negotiations more effectively if, before doing so, it has already developed a non-violent strategy, built support and increased its relative power. Francis Diana, "Culture, Power Asymmetries and Gender in Conflict Transformation", in Austin Alex, Fischer Martina, Ropers Norbert (eds), *Transforming Ethnopolitical Conflict. The Berghof Handbook*, Wiesbaden, VS Verlag, 2004, p. 98.
120 Putnam Robert D., "Diplomacy and Domestic Politics: the Logics of Two-Level Games", *International Organization*, vol.42, no.3, 1988, p. 460.
121 Mor Ben D., "Peace Initiatives and Public Opinion: the Domestic Context of Conflict Resolution", *Journal of Peace Research*, vol.34, no.2, 1997, p. 201.
122 Pearson Frederic S., "Dimensions of Conflict Resolution in Ethnopolitical Disputes", *Journal of Peace Research*, vol.38, no.3, 2001, p. 279.
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125 Putnam, *op.cit.*, p. 450.
126 Montville, *op.cit.*, 1991, p. 163.
127 Hemmer, Garb, Phillips, Graham, *op.cit.*, p. 136.
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130 Montville, *op.cit.*, 1991, p. 164.
131 Elbadawi Ibrahim, Sambanis Nicholas, "How Much War Will We See? Explaining the Prevalence of Civil War", *Journal of Conflict Resolution*, vol.46, no.3, 2002, p. 309.
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137 Galtung, *op.cit.*, 1996, p. 89.
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140 In 1954 Allport determined the situational conditions that were necessary in order for intergroup contact to decrease negative stereotyping and prejudice. These were: equal status in the situation; sharing a common goal; need for intergroup cooperation to achieve that goal; and the sanction of an authority or custom. To these four essential conditions Thomas Pettigrew adds a fifth: the opportunity for the participants to become friends, since he suggests that it reduces prejudice and allows generalisation to outgroups. Pettigrew Thomas F., "Intergroup Contact Theory", *Annual Review of Psychology*, vol.49, 1998, pp. 66-67, 76.

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143 Mor, *op.cit.*, p. 204.
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148 Kelman Herbert C., Cohen Stephen P., "The Problem-Solving Workshop: A Social-Psychological Contribution to the Resolution of International Conflicts", *Journal of Peace Research*, vol.13, no.2, 1976, p. 79.
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Chapter 2
Unsatisfactory status: analysis of abkhazia's *de jure* and *de facto* status

This chapter is devoted to the study of Abkhazia's *de facto* and *de jure* status from 1989 to 2008. The purpose of this analysis is to highlight the status the Abkhaz side was dissatisfied with. It will allow the exploration in the following chapter of the tactics – that is, short-term realignments used to attain limited goals – that were used by the Abkhaz authorities to contest their *de jure* status and to build upon their *de facto* status in order to attain the recognition of sovereignty. Likewise, it will define the tactics used by the Georgian officials with the aim of drumming in Abkhazia's *de jure* status and make its situation on the ground more dependent on Georgia.

This chapter consists of three parts arranged in chronological order: pre-war period from 1989 to 1992; wartime from 1992 to 1994; post-war period from 1994 to 2008). This structure is kept in the remaining chapters. The reason for focusing on major changes in the conflict dynamics (pre-war, war and post-war) is that they produced changes on the ground, and thus in the definition of the *de facto* status of Abkhazia. This research starts from there and goes on] to analyse how the Abkhaz authorities tried to reinforce their *de facto* status and improve their *de jure* status.

The first period corresponds to the process of polarisation and occasional outbreaks of violence. It begins with the Lykhny declaration in March 1989 and ends with the deployment of Georgian forces in Abkhazia in August 1992. At that time, Abkhazia was a federated state of the USSR. The second part represents the culmination of tension. It begins with the outbreak of the war and ends with the signing of the ceasefire agreement of May 1994. During this period, the Abkhaz authorities had the *de facto* status of an insurgency. The third part covers the post-war period. It could be further broken down into phases of de-escalation with progress on some issues, and positive changes in terms of actors and elite, as well as escalation phases with violent clashes and negative transformation. However, since there was no key watershed event (such as a relapse into war) and Abkhazia retained the status of a *de facto* state during this period, it makes more sense from an analytical point of view to examine it as a whole. This part ends with the Russo-Georgian conflict of August 2008.

Each part discusses the different aspects of Abkhazia's status by answering several questions. First, what was the status of Abkhazia on the basis of fact? The institutions, actual capabilities and territorial control of the Abkhaz regime in each period will

be described. Secondly, what was the status of Abkhazia according to the dominant interpretation of international law? Abkhazia's *de jure* status will be analysed on the basis of Soviet constitutions and UN Security Council resolutions. Finally, what status did the parties desire for Abkhazia? The answer to this question will usually be very brief as it will be dealt with at length in the next chapter.

1. The limited powers of the autonomous republic and disputes over its status (March 1989 – August 1992)

1.1 Beneath the façade of Soviet federalism

1.1.1 *De jure* federalism and *de facto* centralisation in the Soviet Union

As mentioned in the previous chapter, the *de jure* and *de facto* statuses of an entity do not always coincide. The Soviet case typifies this discrepancy. The Union of Soviet Socialist Republics, created in 1922, was given the form of a federal order in 1924. According to its 1977 Constitution, the USSR was "an integral, federal, multinational state formed in accordance with the principle of socialist federalism as a result of the free self-determination of nations and the voluntary association of equal Soviet Socialist Republics" (Article 70).

The federal structure of the USSR was based on territorially defined and ethnicity-based entities. The degree of autonomy and territorial control of a non-Russian nationality was said to depend on its degree of social, cultural, linguistic and economic development. The nation (*natsiya*) was endowed with the highest status. In 1913, Joseph Stalin defined the nation as "a historically constituted, stable community of people, formed on the basis of a common language, territory, economic life, and psychological make-up manifested in a common culture".[1] Nations had the right to statehood in the form of a Union republic. The groups defined as nationalities (*narodnosti/natsional'nosti*[2]) were accorded lower national-administrative status.[3] Tribes (*plemiya*) and ethnic groups (*ethnicheskaya gruppa*), characterised by their lack of a written language, were not eligible to govern a specific territory. The classification of the nationalities (used here as an umbrella term to refer to ethnic groups, as in Soviet usage) was arbitrary and dynamic: a nationality could be promoted or demoted on a simple decision by Moscow.[4]

These distinctions resulted in the establishment of a multi-tiered hierarchy of national territories that took the form of a *Matrëshka* doll. Moscow was at the top of the hierarchy. The second tier consisted of the Union republics (SSR), such as Georgia. These entities were entitled to a constitution and an organised state structure. They took part in decision-making in the Supreme Council of the USSR and the Presidium of the Supreme Council of the USSR, and had permanent representation at the Council of Ministers and other bodies of the Union of Soviet Socialist Republics. More importantly, they were recognised as sovereign (article 76 of the 1977 USSR Constitution) and had the formal right to secede, to conclude treaties with other states, to take part in the work of international organisations, to enter into relations with

foreign states and to exchange diplomatic and consular representatives. They also had the right to initiate legislation at the Supreme Council of the USSR.

None of these rights were granted to the third tier, which consisted of autonomous republics (ASSR). These republics were, however, endowed with their own constitution and broad autonomy. Like the Union republics, they were entitled, among other things, to a Supreme Court, Council of Ministers, Supreme Council, Presidium of the Supreme Council, Academy of Science, and university. They also took part in decision-making in the Supreme Council of the USSR and in the administration of the USSR and of the Union Republic. Finally, the autonomous *oblast'* (region) and *okrug* (district), which constituted the fourth and bottom level of the federation, enjoyed only limited autonomy. Unlike the Union and autonomous republics, they were not entitled to state structures.

One month after the conquest of Georgia by the Red Army in February 1921, Abkhazia was granted the status of Union Republic. This was seen as a temporary solution. In November 1921, the Presidium of the Russian Communist Party of the Caucasus Bureau stated that "the existence of an independent Abkhazia [was] non-purposeful from the economic and political points of view" and it called for the drafting of a "final conclusion on bringing Abkhazia into the Georgian Federation on the basis of an Agreement or, as an autonomous Okrug, into the RSFSR". The option of special links between Abkhazia and Georgia prevailed. In December 1921 the two Union republics signed a union treaty which established military, political and financial/economic cooperation.

In April 1925, however, the Abkhaz authorities adopted a constitution whereby they asserted their independence from Georgia. The constitution referred only once to the relationship with Tbilisi: the "Abkhaz SSR, united on the basis of a Union Treaty with the Georgian SSR, enters the Trans-Caucasus Soviet Federative Socialist Republic through the Georgian SSR and, as a member of the latter, the USSR". There was no reference to the concrete cooperation between Tbilisi and Sukhum/i in the field mentioned in the union treaty. In September the Transcaucasian authorities asked for a revision, and the discussions between the Abkhaz and Georgian officials resulted in the adoption of two coherent constitutions. In February 1931 the Abkhaz SSR was eventually turned into an autonomous republic within the Georgian SSR.[5]

Yet the USSR actually never complied with the conditions of federalism. Federations are, by definition, political systems based on a combination of shared rule at the level of the federal institutions and self-rule at the level of the federated states.[6] They have a multi-tiered form of government whereby the federated state enjoys self-government and powers are defined as exclusive, shared, concurrent, or regulated by framework legislation.[7] Despite its ethnoterritorial federal structure, Soviet federalism was closer to being "quasi-federalism" linking "quasi-nation-states", as Ghia Nodia put it, where the powers of the federated states were curtailed by the centralisation efforts of the Communist Party.[8] By refusing to recognise the rights of its territorial branches, Moscow imposed itself as the only decision-maker, *de facto* violating the core principle whereby, in a federation, each level of government derives its power from the constitution, and none is subordinated to another.[9] Administrative tasks alone were decentralized. As a result, each layer, including the Union republics, was nothing more than a local organ of administration.[10]

Paradoxically, while the entities did not actually benefit from self-governance, the Soviet nationalities policy contributed to the consolidation of national identities. Rather than obstructing national consolidation, which could after all have been an option,[11] the Soviet Union became "the vanguard of non-Russian nationalism".[12] In his in-depth study of the policy of affirmative action in the USSR, Terry Martin showed how the nationalities policy developed by Lenin and Stalin favoured national territories, languages, elites and cultures.[13] As mentioned, some nationalities were assigned a territory.[14] Under the indigenisation policy (*korenizatsiya*), national language and national elites were supported. National cadres were appointed to official positions so that the Soviet power would appear indigenous rather than imposed.[15] Eventually, educational and cultural structures (universities, schools, unions, theatres, newspapers, etc.) were established and national culture was promoted.[16]

Although the overall objective was to facilitate the sovietisation of every corner of the USSR and to ensure the loyalty of nationalities to the regime, this mixture proved to be explosive once the USSR started to collapse. When the lower-level entities began to question their subordination to the centres – whether Moscow or the capitals of the Union republics – they already had their own established institutions and national identities as a basis for state- and nation-building.

1.1.2 Historical grievances of the Abkhaz in the pre-1989 period: an overview

Situated in the north-western part of Georgia, Abkhazia is a territory of about 8,700 square kilometers on the shores of the Black Sea. In Soviet times, it bordered the Russian Socialist Federated Soviet Republic (RSFSR) to the north and the Georgian district of Samegrelo to the east.

According to the All-Union census in 1989, the Abkhaz represented 17.8 % of the 525,061 inhabitants of Abkhazia, Georgians 45.7 %, Armenians 14.6 % and Russians 14.3 %. These numbers are not trivial. For the Georgian side, they epitomized the injustice of the Soviet stratification system under which a majority can be ruled by a minority. For the Abkhaz side, these numbers illustrated a decline that started in the 19th century, the Georgian threat and the risk to their own survival.

These profound demographic changes started after the Abkhaz insurrection against the Russian empire in 1866. In all, two waves of migration to the Ottoman Empire – known as *makhadzhirstvo*, the exile – took place in the 1860s and 1870s. It is difficult to estimate how many Abkhaz actually left Abkhazia. Daniel Müller prefers to speak of "dramatic" numbers, without further specification.[17] For Cory Welt, half of the population might have left during this period.[18] They were replaced by Mingrelians and, to a lesser extent, Greeks, Russians, Armenians and Bulgars.[19]

According to Daniel Müller, the first good source on Abkhaz demography dates back to 1886. Müller notes that it was some time before an efficient administration was set up in the region. Family Lists were compiled by the authorities in 1886. While they give comprehensive information about the numbers of people living in the villages in Abkhazia, they do not give a clear picture of the respective sizes of the Georgian and Abkhaz population. Of 68,773 inhabitants, 30,640 were Samurzaqanoans (corresponding to inhabitants of modern-day Gal/i, the southernmost district

bordering Georgia), 28,323 Abkhaz and 3,558 Mingrelians. Depending on how the Samurzaqanoans are counted – whether as Abkhaz or Georgians[20] – the percentage varies dramatically. In the former case, the Abkhaz (those counted as Abkhaz plus Samurzaqanoans) would amount to 87.5 % of the population. In the latter case, the Georgians (those counted as Georgians plus Samurzaqanoans) would make up 50.6 % of the population.[21]

The resettlement (*pereselenie*) of non-Abkhaz nationalities in Abkhazia continued under Stalin. Although various nationalities (including Russians, Armenians and Greeks) settled, or were forced to settle, in order to exploit Abkhazia's fertile land, some groups increasing at a higher rate than the local Georgians,[22] the latter were the only nationality whose number exceeded that of the Abkhaz as of 1926 and who were perceived as a threat to the survival of the Abkhaz people. As a result, in 1959, the Abkhaz made up only 15.1 % of the population (see Table 4).[23]

Table 4: Comparison of census data from 1926, 1959 and 1989[24]

	1926		1959		1989	
Georgians	67,494	33,6 %	158221	39 %	239,872	45,7 %
Abkhaz	55,918	27,8 %	61,193	15,1 %	93,267	17,8 %
Russians	12,553	6,2 %	86,715	21,4 %	74,914	14,3 %
Armenians	25,677	12,8 %	64,425	16 %	76,541	14,6 %
Population	201,016	100 %	404,738	100 %	525,061	100 %

This demographic insecurity was felt all the more keenly as the 'minoritisation' of the Abkhaz was accompanied by a decrease in their participation in the political and cultural life of the republic under Stalin. In February 1922 the Abkhaz Nestor Lakoba was elected chairman of the Council of Peoples Commissars (*sovnarkom*) of Abkhazia. Under his 14-year leadership, Abkhaz nationals gained a place in the sun in the political life of the republic. According to Timothy Blauvelt, Lakoba supported the "furthering of korenizatsiia: the removal of all secretaries of local Soviets who did not speak Abkhazian, the introduction of more Abkhaz into local leadership structures, and the conducting of local administrative affairs in the Abkhazian language."[25]

These privileges disappeared with Lakoba's death in 1936. The entire political network of Lakoba was dismissed and power handed over to local Georgians.[26] In 1938 the Latin-based alphabet of the Abkhaz language was changed into Georgian.[27] Radio broadcasting in the Abkhaz language was halted, and Abkhaz schools were closed in 1945.[28] Stalin's death in 1953 prompted a reassessment of the situation and subsequent readjustments in the fields of education, media and culture. The Abkhaz schools were reopened, the Sukhum/i Pedagogical Institute was restructured and radio broadcasting

in Abkhaz was authorised.[29] In 1954 the Abkhaz language went back to its previous Cyrillic script.

The Abkhaz remained concerned, however, about the lack of opportunities for higher education, the economic situation of their republic, and the discussions in Georgian historiography about the identity of the first inhabitants of Abkhazia. First, the use of the Georgian language for entrance examinations, and as the main language of education in establishments of higher learning in Georgia remained a major obstacle to education for the Abkhaz population. Owing to their lack of proficiency in that language (according to the census, in 1979 only 1.4 % of the Abkhaz spoke Georgian),[30] many Abkhaz studied in the RSFSR and did not take up employment in Georgia.[31]

Nor did the language issue in Abkhazia disappear. In spite of the readjustments, the number of publications issued in Abkhaz remained very modest, although Abkhazia still did better than the other autonomous republics.[32] Secondly, Abkhazia continued to fare quite poorly in the competition for investment channelled from Moscow through Tbilisi. Despite some economic concessions granted to the Abkhaz in 1957, by the 1970s Abkhazia's per capita budget was still 40 % lower than Georgia's.[33] According to Darrell Slider, the Abkhaz benefited less from economic growth than did the other ethnic groups.[34]

Finally, the Abkhaz felt threatened by the ideas put forward in Georgian historiography. The controversy started with the thesis of the Georgian historian Pavle Ingoroqva, which was developed from 1949 to 1954. Relying on the views of the 19th-century Georgian historian Davit Bakradze, Ingoroqva claimed that the 'historical' Abkhaz – the people to which authors used to refer as Abkhaz in the writings of previous centuries – were in reality Georgian tribes, while the contemporary Abkhaz descended from Adyghean tribes who had come from the North Caucasus to settle in Abkhazia in the 17th-18th centuries. This theory had serious political overtones: by claiming that the Abkhaz were newcomers to the region, it challenged their titular status, their privileges and the very existence of the autonomous republic.[35] For the Abkhaz, the critical assessment of Ingoroqva's book by the Georgian authorities, finally published in June 1957, seemed forced and purely formal, given the number of similar publications that followed.[36]

It must be said that at that time ethnogenesis – the study of the formation of peoples – was widely used by Abkhaz scientists – as a method of proving their historical right to the Abkhaz territory. As Vladimir Rouvinski showed, the content of a 1960 Soviet textbook on Abkhaz history, which was approved by the Abkhaz Ministry of Education of the ASSR, was revealing.[37] In it the Abkhaz asserted that in the second millennium BC the local Abkhaz, living on the territory of modern Abkhazia, merged with tribes from Asia Minor, who passed on their 'higher' culture to them. In this way they protected their own status and completely dismissed the notion of a Georgian presence in Abkhazia in the distant past.

By the end of the 1970s Abkhazia was teetering on the brink of conflict. In 1977, a letter signed by 130 Abkhaz intellectuals was sent to the Presidium of the USSR Supreme Council to protest against the "Georgianisation of the Abkhaz population" ("*protsess ogruzinivaniya naseleniya Abkhazii*") which, they argued, had continued to that day with the sending of cadres and workers to Abkhazia, the Georgian literature

on Abkhaz history, the loss of the Abkhaz language and the economic exploitation of Abkhazia.[38] The assessment made in 1978 by a high-level delegation from Moscow was followed by compensation in the form of increased regional investment and further cultural and educational concessions.[39] The request to incorporate the republic into the RFSFR was turned down, however.

Yet the issue of Abkhazia's status was far from settled. By allowing people to air their views and establish new movements to voice them, the policy of *glasnost'* initiated by Mikhail Gorbachev unintentionally brought the issue of status to the fore. After expressing their desire for greater autonomy, environmental protection or liberalisation, several of these movements began to question the federal structure. In the case at hand, the struggle for self-rule in Abkhazia collided with the aspiration of the Georgians for an independent Georgia, which encompassed Abkhazia.

1.2 Discrepancies between Abkhazia's *de facto* and *de jure* status: Abkhazia's institutions and its limited *de facto* powers

In 1989, thus, Abkhazia was legally an autonomous republic. Its political structures were almost a replica of Georgia's, although its powers were not. The highest organ of state authority was the Supreme Council of the Abkhaz ASSR. Not only was it accountable to the USSR Soviet of Nationalities, where Abkhazia was represented, but it also had to act within the boundaries set by the USSR, and within Georgian laws.[40] The Presidium of the Abkhaz SSR was the Supreme Council's standing body. The supreme executive body of the Republic was the Council of Ministers, appointed by the Supreme Council. Accountable to the Supreme Council of Abkhazia and its Presidium, it was mainly an agency implementing the decisions of the Georgian Council of Ministers. The Georgian Presidium or the Council of Ministers could revoke any of its decisions. Abkhazia had also courts and a procurator who was directly subordinate to the procurator of the USSR. In addition, the officials of Abkhazia were also entitled to be represented in several organs in Tbilisi.[41]

As titular nationality of the republic, the Abkhaz enjoyed the advantages of the indigenisation policy. As a rule, since the 1960s the first secretary of the *oblast's* committee (*obkom*) was Abkhaz, while the second secretary had been Georgian.[42] In 1988, more than 40 % of the seats of the Supreme Council were filled by deputies of Abkhaz origin.[43] According to Miminoshvili and Pandzhikidze, by 1990 67 % of the ministers of Abkhazia and 71 % of regional communist party department heads were Abkhaz.[44]

Abkhazia's areas of competence were defined in three basic laws: the 1978 Constitution of the Abkhaz ASSR, the 1978 Constitution of the Georgian SSR, and the 1977 Constitution of the USSR. Formally, the Abkhaz authorities had powers ranging from social and economic development to law and order in the state.[45] As an autonomous republic, however, Abkhazia did not have the right to secede or to leave the Union republic.[46] Likewise, any boundary change had to be approved by the Supreme Council of Georgia. In practice, actual power was confined within fairly narrow limits. Abkhazia's leadership had no power whatsoever in the field of finance, and its

daily actions depended heavily on Tbilisi and Moscow. It had, however, succeeded in increasing its leeway in the educational and cultural spheres, as a result of the abovementioned protests.

These powers were modified during *perestroika*. During the summer of 1989, the status and powers of the autonomous republics became important subjects of public discussion. There were already suspicions that the central Soviet authorities would use them as leverage against the ever-increasing demands of the Union republics.[47] In fact, three major laws were adopted in 1990 by the President of the Union of Soviet Socialist Republics, Mikhail Gorbachev: the law of 3 April on issues relating to the secession of Union republics, the law of 10 April on economic relations between the USSR, the Union and the autonomous republics, and the law of 26 April on the separation of powers between the USSR and the subjects of the federation.[48] The first law established the procedure by which the Union republics could exercise their right of secession, stipulated in Article 72 of the USSR Constitution. But the requirements of the law were so numerous and demanding that secession was made almost impossible in reality.[49] The law also gave rise to "recursive secession".[50] It provided that if a Union republic seceded, the autonomous republics and autonomous formations would have the right to choose between remaining within the USSR, remaining within the seceding Union republic or raising the issue of their future legal status.[51] As Edward Walker has pointed out, it was no wonder this law was regarded as violating the sovereignty of Union republics.[52] The procedure was never implemented.

The two other laws reinforced the powers of the autonomous republics, which in some areas (economic, social and cultural development) became formally similar to those of the Union republics. While autonomous republics were regarded as fully-fledged subjects of the federation, they did not, however, have sovereign rights such as the constitutional right of secession or the right to enter into relations with foreign states. These remained the preserve of Union republics.[53] In Georgia, those laws were perceived as additional evidence of Moscow's willingness to make use of the lower-level entities to the detriment of the Union republics, and were rejected.[54]

1.3 The clash over status: the Abkhaz's desire for sovereignty vs the Georgians' willingness to maintain Abkhazia's autonomy

There were two separate, albeit related, conflicts in the pre-war period. The first concerned the differing expectations regarding Abkhazia's future status. The Abkhaz national movement embraced the idea of a sovereign Abkhazia, cut off from Georgia. By contrast, the Georgian national movement saw Abkhazia as an integral part of their internationally recognised future country. Opinions among Georgians diverged, however, as to what status should be assigned to Abkhazia – whether it should continue as an autonomous republic or should have its status demoted to cultural autonomy. And there was a second, parallel conflict over the relative status of each nationality in Abkhazia.

1.3.1 The institutionalisation and radicalisation of Abkhaz nationalism

As noted, the Abkhaz grievances regarding status predated *perestroika*. Official letters written by Abkhaz officials or intelligentsia were already being sent to the central authorities in the 1940s to complain about Abkhazia's fate.[55] In 1967, the authors of the 'letter of the eight' stated that Abkhazia could not remain within the structure of Georgia.[56] In 1977 the 'hundred and thirty' requested that it should be transferred to the RSFSR. They argued that this had already been among the options in 1921, before being dropped at the end of that year in favour of the establishment of closer links with Georgia.[57]

With the onset of *perestroika*, the agenda of Abkhaz nationalists became more radical and exclusive. In 1988 they began to ask for the reinstatement of Abkhazia's former status of Union republic, as the submission of Abkhazia to another Union republic was not considered to give enough guarantees of their development. They justified their request by referring to the Leninist tradition of the right of nations to self-determination, which, they asserted, was violated when Abkhazia's sovereignty was curtailed in 1931.

Set up on 13 December 1988 and registered in June 1989, the Aidgylara National Forum (aidgylara meaning unity in the Abkhaz language) became the embodiment of Abkhaz nationalism. The Abkhaz intelligentsia lay at the root of the movement, whose founding members included writers, scientists, a museum director and painters. Its first chairman was Aleksei Gogua, a writer and the chairman of the Union of Writers of Abkhazia. According to its programme, the tasks of Aidgylara were diverse. They included promoting the use of the Abkhaz language, supporting the nomination of candidates for elections, organising, and taking part in, conferences devoted to cultural and economical problems and contributing to the development of economic activities, justice and law and order (including the struggle against alcoholism and drug addiction).[58] As a former chairman of Aidgylara acknowledged, the priority was the achievement of political goals.[59] Its members advocated the withdrawal of Abkhazia from the Georgian structure and its entrance as a full Union republic into (a revised version of) the USSR.

It was on Aidgylara's initiative that on 18 March 1989, in the village of Lykhny, officials, activists and other intellectuals called for the reinstatement of the 1921 Union republic.[60] In August 1990, it was again under the Forum's impulsion that the Supreme Council of Abkhazia adopted the 'Declaration of the State Sovereignty of the Abkhaz Soviet Socialist Republic', in the absence of the Georgian deputies.[61] While, as the name of the document suggests, the purely declaratory nature of the document did not alter the status of Abkhazia,[62] Abkhaz officials now worked on the assumption that Abkhazia was sovereign and that any solution to the issue of status should respect its sovereignty.

Several options were desirable, or at least acceptable, to the Abkhaz nationalists. At first, they requested an upgrade to the status of Union republic. When the USSR collapsed, it seemed that a brief window of opportunity to explore federal options existed. Then, when the Georgian Military Council reinstated the 1921 Georgian Constitution in February 1992, the Abkhaz officials argued that nothing in the document pertained to Abkhazia and that this confirmed the severing of state/legal

relations between Abkhazia and Georgia. This was not quite true: the autonomous status of Abkhazia was mentioned in the Constitution, albeit in a very vague manner.[63] But the Abkhaz deputies concluded that it was time for a new agreement on state/legal relations with Georgia, based on the principle of equality.

1.3.2 Appearance of sovereignty claims on the Georgian national agenda

The sovereignty issue was not on the core agenda of the Georgian national groups until the Tbilisi crackdown of April 1989. At that time, the Georgian opposition movement was not only fragmented but weak in comparison with other national movements within the Soviet space.[64] The nationalist groups were concerned above all with less sensitive issues, such as environmental protection or strengthening their cultural and linguistic rights.[65]

It was the Lykhny declaration of March 1989 that ushered in a wave of protest. The local Georgians were outraged at the Abkhaz demands. Demonstrations by local Georgians, joined by their fellow countrymen, started in different towns in Abkhazia in March 1989. The Georgians were particularly infuriated by the attack perpetrated on 1 April 1989 by a group of Abkhaz on a bus carrying members of the Ilia Chavchavadze Society, the first national group founded in Georgia. Ten people, who had intended to join the demonstrations by the local Georgians in Abkhazia, were injured.[66] In early April the demonstrators took to the streets of the Georgian capital to demand an appropriate response from the Communist regime to the Abkhaz issue. They called on the Georgian authorities to "stop carrying out a policy of silence and deafness with regard to the existing anti-Georgian campaign in Abkhazia and to give a quick and relevant answer to the separatist call adopted on 18 March in the village of Lykhny, which ignores the desire of the majority of its native population".[67] According to Grigorii Lezhava, they proposed to organize a referendum in Georgia on the expediency of preserving Abkhazia's autonomy.[68]

On 9 April 1989 Soviet troops, using toxic tear gas and weapons, killed 19 demonstrators.[69] By allowing the Soviet troops to intervene forcefully, the Georgian Communist authorities lost all credibility. Even the change in the Georgian and Abkhaz leadership and the attempts in the aftermath of the tragedy by the new Georgian First Secretary, Givi Gumbaridze, to adopt some of the nationalists' goals – for example by calling for national sovereignty of Georgia at the end of 1989 – did not help regain people's confidence. Instead they merely strengthened the opposition.[70] From then on, Georgia's independence from what they considered to be an authoritarian regime became the central preoccupation of the Georgian national movement.

The Round Table, headed by the former dissident Zviad Gamsakhurdia, won the majority in the Georgian Supreme Council in the first multi-party elections, held in October 1990. Elected chairman of the presidium in November 1990, Gamsakhurdia declared the independence of Georgia on 9 April 1991. The fact is that for nationalists like Gamsakhurdia, only the Georgians were considered members of the nation.[71] As a result, the Georgian authorities created not an inclusive national state but a state for a nation narrowly defined in ethnic terms. Several factors prompted them to secure the rights of the Georgians. These included years of a Soviet nationalities policy that had

entitled Georgians to privileged status, their fear of Russification, traditionally weak Georgian representation at the periphery, and a history of suspicion towards non-Georgians.[72] As a consequence, the ethnic minorities living in Georgia were regarded as guests, who should either behave as such by respecting Georgia's national project, or leave.[73]

In this context, the Abkhaz nationalist mobilisation was regarded as a threat to Georgia's aspirations. Georgian nationalists reacted by brushing Abkhaz claims aside as illegitimate. First, they asserted that the Abkhaz nation did not exist.[74] They referred to the theory formulated by Ingoroqva and revived during *perestroika*. Some therefore supported the replacement of the autonomous status of Abkhazia by cultural autonomy.[75] Secondly, they claimed that the Abkhaz had nothing to complain about as they were disproportionately represented in Abkhazia thanks to the policy of *korenizatsiya*. They stressed that it was the local Georgians who were discriminated against. Lastly, they believed the Abkhaz movement was merely a pawn in the game being played by Moscow, whose main concern was to destabilise Georgia. The latter point was of particular importance to the Georgians who saw independence from Russia as the primary task of Georgian nationalism.[76]

1.3.3 Nationalist agenda of the local Georgians in Abkhazia: resenting the dominance of the Abkhaz

The privileged position of the Abkhaz in the republic irritated some local Georgians well before the *perestroika* years too. They resented the fact that, owing to the policy of *korenizatsiya*, their demographic majority in the republic was not translated into proportional representation in offices.[77] Their resentment increased with the package of concessions made at the end of the 1970s. In April 1980, one hundred local Georgians wrote a *samizdat*[78] about the need to restore their dominant status in Abkhazia. In another *samizdat*, the "weakness" of the Georgian authorities in the face of the Abkhaz was vilified.[79] The fate of the local Georgians was also a key issue for their counterparts in Georgia. In a document to be handed to Brezhnev and Shevardnadze in 1981, the future first president of Georgia, Zviad Gamsakhurdia, requested the intensification of the Georgian settlement in Abkhazia and the restoration of historical monuments, to prove the rights of the Georgians in the republic .[80]

The creation of Aidgylara coincided with the opening of branches of Georgian national groups in Abkhazia. The first organisation to establish a branch was the Ilia Chavchavadze Society, at the end of 1988. The others quickly followed.[81] Given the mere replication of Tbilisi-based structures, the national movement in Abkhazia came to reflect the political divisions existing in Tbilisi despite efforts towards unification.[82] Although they diverged on policy matters, their members were, however, united by a common goal: independence for Georgia plus, usually, an upgrade of the status of the Georgians in the Abkhaz republic. As a former Georgian deputy to the Supreme Council of Abkhazia pointed out, the lack of intercommunal dialogue within Abkhazia facilitated the escalation of the conflict.[83] In the absence of thorough discussions between the movements, the Georgians heard only Aidgylara's official, openly pro-Soviet statements.[84] Concerned that Abkhaz nationalism could be

detrimental to the achievement of their national project – namely, the establishment of an independent Georgia – the Georgian groups became not only anti-Soviet but also anti-Abkhaz.[85]

From this review, one significant conclusion can be drawn: by the end of the 1980s there were two interrelated sovereignty conflicts – an intra-Abkhazia conflict of authority, and conflict over the future constitutional status of Abkhazia. The first conflict was between the local Georgians and the Abkhaz on the issue of titular privileges and authority. In the second, the Abkhaz at the periphery were opposed to the central authorities on the issue of Abkhazia's future status. Although I draw a distinction etween those two conflicts for the purpose of this research, they actually influenced each other. The following description of the conflicts dynamics is illustrative in this respect.

1.4 Implementation of the Abkhaz and Georgian national agendas: diverging paths to sovereignty

This last section provides a brief overview of the Abkhaz and Georgian paths to sovereignty. It illustrates how the Abkhaz officials, confronted with the refusal by Moscow and Tbilisi to upgrade Abkhazia's status, started to increase its *de jure* status unilaterally.

The local conflict of authority escalated after the Lykhny declaration in March 1989. Local Georgian students from the Abkhaz State University (AGU) and the Georgian Institute for Tropical Economy, infuriated by the Abkhaz demands, requested sanctions against the Abkhaz leadership and the creation of a branch of the Ivane Zhavakhishvili Tbilisi State University in Sukhum/i.[86] Their requests were granted. On 6 April 1989, the Abkhaz First Secretary, Boris Adleiba, a signatory of the Lykhny declaration, was dismissed. One month later, perhaps as a gesture of appeasement towards the Georgian nationalists after the Tbilisi crackdown, Georgia's First Secretary, Givi Gumbaridze, endorsed the establishment of a new university branch in Abkhazia.[87] In July 1989, the organisation of the examinations for admission to the new branch led to the first intercommunal bloodshed. At least 11 people were killed and 127 wounded,[88] before Soviet interior troops helped re-establish order and curb the riots.

The potential for tension between Tbilisi and the minorities living in Georgia increased with the victory of the Georgian nationalists in the parliamentary elections of October 1990. In December 1990, under the chairmanship of Zviad Gamsakhurdia the newly elected Supreme Council decided to abolish South Ossetia's status of autonomous region (*oblast*).[89] Tensions had been mounting between Tbilisi and the north-western autonomous district of South Ossetia since 1989. Competing histories of the region – most notably on the origin of the Ossetian presence in Georgia – lay at the heart of the conflict. The South Ossetians argued that their presence in Georgia was at least as old as that of the Georgians. In the eyes of the Georgian authorities, however, they had emigrated from North Ossetia in the 17-19th centuries, which meant that they were merely guests in Georgia.[90]

Confrontations had occurred as far back as the time of Georgia's independence in 1918-1921, when the South Ossetians had refused to be severed from Russia and from their northern kin. According to Ossetian sources, 5,000 Ossetians perished during this period.[91] When the Red Army reconquered the Georgian territory, South Ossetia was granted the status of an autonomous district within the Georgian SSR, whereas North Ossetia was granted the status of autonomous republic within the RSFSR.

The issue of status gained further salience when *perestroika* began. In 1988 the Ossetians created a popular movement similar to Aidgylara, called Ademon Nykhas (Popular Shrine). In November 1989, during an extraordinary session the South Ossetian regional council called on Tbilisi to raise South Ossetia's status to that of an autonomous republic. Tbilisi rejected the request. Instead, some 20-30,000 Georgians headed towards the South Ossetian capital, Tskhinval/i, allegedly to defend the Georgians who made up nearly 30 % of the population of the region.[92] Skirmishes between the Georgians and South Ossetians ensued. According to Svante Cornell, six people died and 140 were injured.[93] Tensions deepened after the Georgian decision to downgrade the region's status and to blockade it. In January 1991, Georgians troops entered South Ossetia. The armed conflict lasted until June 1992.

The very month Tbilisi abolished the status of South Ossetia, it also took a decision that helped to consolidate the Abkhaz national movement's grip on power. In December 1990, Gamsakhurdia supported the appointment of Vladislav Ardzinba as chairman of the Supreme Council of Abkhazia. Ardzinba was an Abkhaz specialist on the Hittites who had worked for years in the Institute of Oriental Studies in Moscow. In 1988 he was appointed head of the D. Gulia Institute of Language, Literature and History in Sukhum/i, and in 1989 was elected deputy to the USSR Supreme Council. Supporting Ardzinba could be seen as a rather paradoxical move given that the Georgians regarded the Gulia Institute as being at the forefront of the Abkhaz national movement.[94] But, in doing so, Gamsakhurdia might have hoped to neutralise Ardinzba's active lobbying in Moscow for an upgrade of Abkhazia's status.[95]

At the same time, the number of formal channels of communication between Tbilisi and Sukhum/i shrank. Because a new Georgian law barred regional parties from participating in the Georgian parliamentary elections, Aidgylara was not represented in Tbilisi. As a result, there were even fewer institutional bridges between the Abkhaz movement and Tbilisi.[96]

The contradiction between the Abkhaz and Georgian national projects became obvious in March-April 1991, when Sukhum/i and Tbilisi opted for two diametrically opposed paths. Although Tbilisi decreed that the All-Union referendum on the preservation of the USSR, due to be held in March 1991, would not take place on Georgian territory, the Abkhaz population did take part in it, giving overwhelming support to the upholding of the Soviet Union.[97] The Georgian inhabitants, who strongly supported the restoration of Georgia's independence, instead held an alternative referendum two weeks later, in which the Abkhaz officials refused to take part. These referendums and Georgia's declaration of independence marked the beginning of a frantic legislative activity that became known as the 'war of laws'.[98] Because neither Tbilisi nor Moscow was willing to help them reach their desired status – Union republic for the Abkhaz, independence for the Georgians – they started to raise their *de jure*

status by unilaterally acquiring the attributes of sovereignty: control over the army, boundaries, trade, etc. Each simultaneously tried to impede the other's consolidation by casting doubt upon the legality of their moves.

In the following table I draw up a non-exhaustive list of laws enacted by the Abkhaz and Georgian authorities in the pre-war period (see Table 4). In the column showing the authority that adopted it, I briefly mention the content of each decision. An arrow indicates the reaction of the other side to the decision adopted. When there is an arrow, I underline the criticisms and any counter-decision (for instance, to repeal the other side's decree). The absence of an arrow indicates that I have not found a direct reaction to the decision (which does not mean that there was none). In addition, I mention the dates of key events (abolition of South Ossetia's autonomy, military coup in Moscow, etc) to situate the decisions in the national and regional context. My aim is not to analyse whether these laws were in accordance with Soviet legislation, but rather to reveal trends in the Abkhaz and Georgian legislative activity (when the legislative activity increased and why) and the content of laws (whether pertaining to sovereignty attributes or otherwise).

The Table illustrates that there were three turning points in the legislative battle: the referendums and Georgia's proclamation of independence in March-April 1991, the failed military putsch in Moscow in August 1991, and the breakdown of the Soviet Union, together with the overthrow of Gamsakhurdia, in late 1991/early 1992.

As already mentioned, the two referendums and Georgia's declaration of independence represented the first watershed moment from which the sides began to upgrade their *de jure* status unilaterally.[99] In April 1991, Tbilisi still had to achieve international recognition and to translate independence into reality, something the Georgian authorities tried to do by reshaping the ministries and defining their president's powers. But the Abkhaz, who argued that Georgia's decisions were taken in violation of Abkhaz and Soviet norms, refused to comply. Given that Gamsakhurdia's remit now covered the supervision of Abkhaz laws and decrees, and entailed the possibility of suspending or abolishing them, it is probable that the authorities of Abkhazia felt insecure and powerless before the Georgian executive.[100]

After the August 1991 putsch, the process was inverted. Realising perhaps that they could not count on Moscow's support for long, and that it would become easier for Tbilisi to avoid negotiating with them, the Presidium of the Supreme Council of Abkhazia, headed by Ardzinba, started to tighten Abkhazia's grip on crucial sovereign attributes, such as the military and customs. Abkhaz officials also increased Abkhazia's *de facto* status by placing the management of enterprises under their own jurisdiction. They claimed that these moves were legitimised by the fact that the state/legal links between Georgia and Abkhazia had been undone as a result of the two referendums and Georgia's declaration of independence. In their view, Abkhazia remained subject only to the USSR.[101] In turn, the Georgian side, pinning down the non-compliance of Abkhazia with Georgian legislation, strongly opposed the laws adopted by the Supreme Council of Abkhazia and its presidium.

Table 5: Unilateral decisions adopted in Tbilisi and Sukhum/i

Date	Contentious issue	Re/action by the authorities in Tbilisi	Re/action by the authorities in Sukhum/i
May 1989	**University split**	Decision by the Council of Ministers of Georgia to open a branch of the Tbilisi University in Sukhum/i.	
			Abkhaz argument: the Georgian decision conflicts with USSR legislation since the establishment of branches of institutes of higher education falls exclusively within the competence of the Council of Ministers of the USSR. Outcome: the Abkhaz Supreme Council (hereafter ASC) repealed the decision.
July 1990	**Declaration of sovereignty**		Declaration of Abkhazia's sovereignty adopted by a part of the deputies of the ASC
		Georgian argument: the Abkhaz declaration contradicts the Constitutions of the USSR, Georgia and Abkhazia. Outcome: the Georgian Supreme Council (hereafter GSC) declared the decision null and void.	
			The Georgian deputies of the ASC, who were absent during the vote on the declaration, repealed the decision.
December 1990	**Creation of Interior Troops/National Guard in Georgia**	Decision of the GSC to create a National Guard under the Ministry of the Interior to uphold public order and safeguard the integrity of the state.[267]	
			Abkhaz argument: the Georgian decision contradicts the USSR Constitution, as military formations have to be established by the USSR. Outcome: the Abkhaz Presidium of the Supreme Council (hereafter APSC) repealed the decision.

11 December 1990: Georgia abolishes the autonomy of South Ossetia. Conflict escalation and fighting ensue			
February 1991	**Prefect appointment in Gal/i**	Decision of the Georgian Presidium of the Supreme Council – hereafter GPSC – whereby prefects must be appointed by the GSC acting on a proposal from the ASC.	
			Abkhaz argument: the Georgian decision contradicts Articles 66 and 120 of the Abkhaz Constitution, on Abkhaz areas of responsibility. The appointment of a prefect to Gal/i was considered null and void
	Banking activities		Decision by the ASC to rename the Abkhaz Department of the National Bank of the USSR as the Central Bank of Abkhazia
March 1991	**Holding of the All-Union referendum**		Decision by the ASC to hold the All-Union referendum on the preservation of the USSR in Abkhazia.
		Georgian argument: The Abkhaz decision contradicts the February 1991 Georgian decree where it is stipulated that the referendum shall not take place in Georgia since it violates Georgia's sovereignty. The GPSC declared the results null and void.	
9 April 1991: Independence of Georgia			
July 1991	**Appointment of Procurators**		Decision by the ASC to amend the Constitutional provision on the appointment of procurators. Procurators must be appointed with the consent of the Procurator-General of the USSR, the Procurator-General of the Republic of Georgia and the Supreme Council of the Abkhaz ASSR.
		Georgian argument: the Abkhaz decision contradicts Article 177 of the Georgian Constitution (according to which the procurator is to be appointed by the Procurator of Georgia upon a proposal from the ASC). The Georgian President repealed the decision.	

			Abkhaz counter-argument: Georgia's point of view contradicts Article 166 of the USSR Constitution (Abkhaz procurator to be appointed by Procurator-General of USSR). In the event of a conflict between Georgian and USSR constitutional legislation, the latter prevails. The ASC rejected the Georgians' argument.
	Powers of the President	Decision by the Georgian President to amend the Constitution regarding his own powers. The President is given the right to suspend laws adopted by ASC or to abolish Abkhaz decrees or orders when they conflict with the Georgian Constitution.	
			Abkhaz argument: the Georgian presidential decision contradicts the Abkhaz Constitution and the right of the ASC to act independently in its own areas of competence. The ASC regarded the amendment as having no legal force.
	Decree on education	Decision by the Georgian Ministry of Education to introduce the obligation for Abkhazia to use the new seals, stamps and signboards of the Republic of Georgia and to make sure Georgian children are not enrolled in non-Georgian schools.	
			Abkhaz argument: the Georgian decision contradicts the multinational nature of Abkhazia: parents are to choose the language of education. Besides, the new stamps, seals and signboards do not show the existence of an Abkhaz Ministry of Education. The APSC rejected the decrees on education.
August 1991: Failed military putsch in Moscow			
September 1991	**Creation of State Customs Service**		Decision by the APSC to create a state customs service in Abkhazia in order to develop economic relations with foreign countries.
		Georgian argument: the Abkhaz decision contradicts the new law on Customs Service of Georgia, Article 82 of the Georgian Constitution (laws of Georgia binding on Abkhazia) and Article 104 of Abkhaz Constitution (the Presidium cannot take legislative decisions). The decision was suspended by the President, then repealed by the GSC.	

	Securing the economic basis for Abkhaz sovereignty		Decision by the APSC to transfer to the jurisdiction of Abkhazia the economic entities (institutions, enterprises and economic organisations) present on Abkhaz territory which were previously under the jurisdiction of the USSR or Georgia.
		Georgian argument: the Abkhaz decision contradicts the Georgian Constitution according to which all issues related to the ownership and management of property in the autonomous republic must be decided in agreement with the SC and government of Georgia. The President declared the decision null and void.	⇦
November 1991	**Military conscription**		Decision by the APSC to adopt measures to strengthen the level of mobilisation and to introduce conscription to the military units deployed in Abkhazia.
		Georgian argument: the Abkhaz decision contradicts both the new Georgian law on the Ministry of Defence and creation of a National Guard and the Abkhaz Constitution, which does not provide for military service. As a result, the GSC repealed the decision.	⇦
	Creation of State Security Service		Decision by the APSC to create a state security service after the abolition of the Committee of State Security of the USSR and its structure in the republic.
31 December 1991: Breakdown of the USSR			
December 1991	**Decisions on military units**		Two decisions were adopted by the APSC . One concerned the dislocation of military units and the establishment of border guards, internal forces & navy forces, while the other concerned the resubordination of military units to an 'interim council on the coordination of activities and resubordination of military and police forces', which was headed by Ardzinba and was in charge of working out proposals on defence issues and military policy (in accordance with the regulations adopted in February 1992).
6 January 1992: Gamsakhurdia ousted in a military coup			

Dismissal of the Georgian Parliament and creation of a temporary legislative organ on the Georgian side, the Consultative Council			
January 1992	**Decisions regarding the Procuracy**		Decisions by the ASC to transfer the procuracy and the Ministry of the Interior to the jurisdiction of Abkhazia & to subordinate the environment procuracy and transport procuracy to the procuracy of Abkhazia.
February 1992	**Reinstatement of the 1921 Georgian Constitution**	Decision by the Georgian Military Council to reinstate the 1921 Georgian Constitution.	
	Military commissariats		Decision by the APSC to subordinate the Military Commissariats of Abkhazia to the 'interim council on the coordination of activities and resubordination of military and police forces' (see above).
March 1992: Return of Shevardnadze to Georgia **Creation of the State Council, endowed with both legislative and executive powers and led by Shevardnadze**			
March 1992	**Resubordination of state management organs**		Decision by the APSC to withdraw the Security Committee of Abkhazia, State Committee on State Property Management and Privatisation and State Committee for Environmental Protection from the jurisdiction of the Committee of Ministers (which was headed by a Georgian) and to subordinate them to the ASC.
	Jurisdiction over the economy		Decision by the Abkhaz Council of Ministers to place the State management enterprises, organisations and agencies present on Abkhaz territory under the jurisdiction of Abkhazia.
		Georgian argument: the Abkhaz decision contradicts the 1991 Georgian law declaring that those enterprises were the property of Georgia. The State Council repealed the decision.	

May 1992	**Formation of a border zone**	Decision by the State Council to establish a border zone throughout the territory of the Georgian republic and put in place border facilities and means of communication. According to the decision, Abkhazia should support Georgia in its endeavour to ensure the protection of the border zone.	
			Abkhaz argument: the Georgian decision contradicts Articles 11, 72 and 93 of the Abkhaz Constitution and the Declaration on State Sovereignty of July 1990. The ASC repealed the decision.
May 1992: the Georgian deputies walk out of the Soviet Council of Abkhazia			
24 June 1992: Signing of the Sochi Agreement on the Principles of Settlement of the Georgain-Ossetian Conflict			
July 1992	**Adoption of the 1925 draft Abkhaz Constitution**		Decision by the ASC to adopt the Constitution drafted by the Abkhaz authorities in 1925.
		Georgian argument: the Abkhaz decision misinterprets the legal/state relationships between Abkhazia and Georgia and contradicts Article 162 of the Abkhaz Constitution (need for a qualified majority). The State Council repealed the decision.	
	Change of name		Decisions by the ASC to change the name of the SSR to Republic of Abkhazia and to adopt new state symbols (new national emblem, anthem and flag).
	Transit duties		Decision by the ASC to impose transit duties on the owners and users of means of transport who are not resident in Abkhazia but who use the republic's territory, air and maritime spaces for the transit of cargo and passengers.

List of decisions drawn up on the basis of Tamaz Diasamidze's book *Regional Conflicts in Georgia – the Autonomous Oblast of South Ossetia, the Autonomous SSR of Abkhazia (1989-2006). The Collection of Political-Legal Acts,* The Regionalism Research Centre, Tbilisi 2003-2005.

Despite this, the trend continued unabated. The level of legislative activity increased in scale with the collapse of the USSR at the end of 1991 and the overthrow of Gamsakhurdia.[102] The weakness of Tbilisi as a result of the civil war between the pro- and anti-Gamsakhurdia forces, and the dismissal of the Georgian legislative body, gave the Abkhaz deputies a free hand in adopting a whole series of decisions to place institutions under their own jurisdiction. Two weeks after the demise of the USSR, the Abkhazia-based armed forces – a key attribute of sovereignty – were placed under the sole responsibility of Abkhazia. According to Irakli Aladashvili, a national guard consisting of 250 former servicemen and a battalion of several thousand under the Abkhaz Ministry of the Interior were then created.[103]

As will be seen in the next chapter, the parties did negotiate and reach a compromise on a new electoral law and power-sharing agreement during this period. Mid-1991, the Abkhaz were given a relative majority (28 seats out of 65) in the new Supreme Council of Abkhazia while the Georgians, though representing a larger proportion of the population, received 26 seats. Eleven seats were allocated to the remaining nationalities. The parties also adopted a new law prohibiting any unilateral change in the Abkhaz Constitution. Elections to the Supreme Council were held at the end of 1991. While discontent soon grew amongst the local Georgians, who began to regard the agreement as an 'apartheid law', the Abkhaz officials were unable to settle the conflict over the status of Abkhazia to their advantage. They could not change Abkhazia's status unilaterally, and Tbilisi refused to upgrade it.

In May 1992, the disgruntled Georgian deputies left the Supreme Council of Abkhazia to establish parallel power structures. In the absence of their Georgian counterparts, the Abkhaz deputies stated that the presence of the Minister for the Interior, the ethnic Georgian Givi Lominadze, was unlawful. Lominadze, who refused to step down in favour of an Abkhaz candidate, was beaten up and forcibly ousted from his office. In July, the Abkhaz deputies repealed the Georgian decree on the formation of borders, asserting their position with regard to Abkhazia's *de jure* status. They justified their decision by the fact that "[t]he Republic of Abkhazia enjoys sovereignty, has its state borders, independently decides issues related to the administrative-territorial settlement, performs the measures on its territory aimed at strengthening of the territorial integrity".[104]

Finally, the deputies replaced the 1978 Abkhaz Constitution with the 1925 draft Constitution. This constitution, which contained only one vague reference to the union treaty signed with Georgia in 1921, had been rejected by the *kavbyuro* in September 1925. In the opinion of the Abkhaz deputies, the adoption of this constitution was the logical consequence of Georgia's decisions which had severed the legal links between Abkhazia and Georgia. These decisions included Georgia's declaration of independence in 1991 and the adoption of the 1921 Georgian Constitution which, according to the deputies, "doesn't consider [the] Abkhaz ASSR".[105] As discussed before, this justification did not mention the fact that Abkhazia was referred to in the Georgian constitution, although its rights were not. At any rate, in the eyes of the Abkhaz legislative organ this created an "inadmissible legal vacuum" which was filled by the adoption of the 1925 draft Constitution and the call to "restore inter-state relations between Abkhazia and Georgia".[106]

2. Abkhazia at war: self-government in Georgia legally, *de facto* insurgency (August 1992 – May 1994)

The war broke out on 14 August 1992. The National Guard of the newly independent Georgia claimed it entered Abkhaz territory in order to secure the communication lines and free the Georgian officials who had been captured by Zviadists[107] and were allegedly being kept in Abkhazia. In fact, the arrival of disorganised Georgian volunteers unleashed a 13-month war that tore the Georgian and Abkhaz communities apart.

2.1 The *de facto* status of the Abkhaz: an insurgency

2.1.1 What is an insurgency?

The Abkhaz and the Georgians had differing interpretation of the status of Abkhazia during the war. Starting from the principle that state/legal relations between Abkhazia and Georgia were severed before the war, as a result of the Georgian declaration of independence and the reinstatement of the 1921 Constitution, the Abkhaz authorities perceived themselves as the authorities of a sovereign state under attack.[108] For the Georgian authorities, the Abkhaz officials were nothing more than separatists who had responded militarily to an operation to secure road and train transportation that had been mutually agreed on.

The Abkhaz authorities are better described as insurgents. The term 'insurgency' originates from legal terminology: in traditional international law there was a distinction, now out of date, between insurgency, rebellion and belligerency.

Rebels had the least control over territory, if any, and had no rights under international law.[109] An armed group that had effective control over territory and was sufficiently organised to be able to threaten the central authorities by launching a substantial attack could be recognised by third countries as an insurgency.[110] This recognition bestowed some rights and obligations upon the insurgents who were considered to be accountable for their acts. Similarly, the recognising state could enter into an informal relationship with the insurgents.[111]

But this did not mean that the armed group and central authorities were equal. That was the case, however, when the rebels were recognised as belligerents.[112] According to Hilaire McCoubrey and Nigel White, the latter could occur when "the rebels effectively established a state within a state, in other words, they occupied, controlled and administered a substantial area of the state".[113] As a result of the recognition of the rebels as belligerent by a third state, both parties were to be treated alike by the recognising state, which had to adopt a neutral stance. This obligation of neutrality did not apply to other states. As Lindsay Moir underlines, the recognition of belligerency was not the recognition of the insurgents as government of the state. "It was simply the recognition of the fact of the existence of war."[114]

This distinction became obsolete with the codification of international humanitarian law which bound the parties to respect specific norms regardless of recognition.[115]

The definition I propose for the purpose of this research follows this understanding: an insurgency exists where there is an organised armed group that pursues political goals and whose military operations constitute a credible threat to the central authorities. The first criterion relates to the presence of an armed group sufficiently organised to represent a credible threat. As in traditional international law, this draws a line between insurgencies on the one hand and riots, or other disorganised forms of rebellion, on the other. The second criterion concerns the goal of the armed group, which should be political. Here I follow Donald Snow, for whom an insurgency seeks either to overthrow the existing regime or to secede from the state.[116] Groups that are exclusively interested in economic gains are thus excluded, except when 'greed' accompanies political grievances.

2.1.2 Analysing the features of the Abkhaz side in wartime

As the facts presented throughout this section will show, the Abkhaz side fulfilled the requirements of an organised group who constituted a credible threat to the territorial integrity of Georgia. First, they satisfied the goal criterion. From the beginning, the Abkhaz officials proclaimed that their goal was political: they were defending Abkhazia's sovereignty. On the very first day of the war, Ardzinba called the deployment of Georgian troops "a real threat against sovereignty of the Republic of Abkhazia and its population".[117]

Secondly, they were organised. To fight back, the Abkhaz government organised itself on the basis of the structures of the ASSR. The authorities moved to the city of Gudauta (north of Sukhum/i) where the majority of the parliamentarians of the Supreme Council of Abkhazia and their families had been transferred.[118] Gudauta was also a military base for several regiments from the Soviet forces.[119] A number of republican structures[120] were maintained, while a Ministry of Defence (yet another attribute of sovereignty) was created in October 1992. The military was entirely in charge of control over territory. There was no police or civil court: the armed forces and military courts took over some of their tasks.[121] Finally, the development of the conflict as related below shows that the Abkhaz forces constituted a credible threat to Georgia.

After having analysed Abkhaz capabilities during the war, Stephen Shenfield concluded that the Abkhaz government had "proven more capable than the Tbilisi government of exercising centralized control over its own forces."[122] In fact, no Georgian-controlled executive power was established in Abkhazia for nearly three months after the onset of the war.[123] It was only at the end of November 1992 that the Council of Ministers was set up. Tamaz Nadareishvili, former first Deputy Chairman of the Supreme Council of Abkhazia, was appointed Chairman of the Council of Ministers until July 1993, when Zhiuli Shartava took over. A second body, the Defence Council, also headed by Nadareishvili, was created in April 1993 to regulate both civil and military operations and to establish authority over the Georgian-controlled territory.[124] Additional entities and individuals were in charge of the Abkhaz situation in Tbilisi, including the State Council and the State Minister for Abkhaz Affairs, Giorgi Khaindrava, appointed on 3 October 1992 to settle the conflict with the Abkhaz peacefully.[125]

In terms of capabilities, however, the situation in Georgia did not look very promising. Although Georgia had been recognised as a sovereign state by the United Nations right before the conflict, the issues of political stability and authority remained unsettled. Problems included the absence of the rule of law, an unaccountable bureaucracy and the lack of legislative control over the executive.[126] The country was ripped apart by the lack of cohesion within the executive branch, the growth of armed militias and the internecine quarrels which, presumably, did not help Georgia in its war against the Abkhaz.

In the first chapter I suggested that an insurgency differs from a *de facto* entity or federated state in terms of institutions and territory. The Abkhaz insurgency was organised, but performed fewer tasks than the institutions of the ASSR (no civil courts, for instance). As regards control over territory, at first, power lay mostly in the hands of the Georgian forces, later shifting in favour of the Abkhaz. The Georgian National Guard, which entered the Gal/i district and landed at the northern town of Gagra at the start of the war, quickly gained the upper hand, and the Abkhaz-controlled territory shrank significantly. Before October 1992, the Abkhaz forces only controlled the space between the rivers Gumista and Bzyb', the mining town of Tqvarchal/Tqvarcheli and a large part of the district of Ochamchira/e,[127] while the northern towns of Gagra, Sukhum/i and Gal/i were all under Georgian control.

The Abkhaz received considerable external assistance from volunteers from the Confederation of the Mountain Peoples of the Caucasus, Russian Cossacks and elements of the Russian Ministry of Defence. The numbers vary between 1,200 and 5,000 men, according to assessments.[128] With this help, the Abkhaz forces soon shifted the military balance in their own favour. A counter-offensive enabled them to take control of Gagra in October, then the whole of northern Abkhazia by the end of December 1992. In a letter to Levan Sharashenidze, former Georgian Minister for Defence (MoD), Eduard Shevardnadze drew a gloomy picture of the Georgian military situation in Abkhazia in November 1992: "The Georgians forces: uncoordinated formations, hastily completed, absence of a united command. The forces are insufficient and they are not trained to break deep lines of defence and to fight an urban battle. Today we do not have superiority in forces or in means".[129]

Before the ceasefire agreement of July 1993, two-thirds of Abkhazia were under the control of the Abkhaz insurgency. Three months later, taking advantage of the desperate situation in which the Georgians found themselves – fighting both the Abkhaz side and a Zviadist insurrection in the country at the same time – the Abkhaz forces launched a final offensive against Sukhum/i. Unable to counter-attack, the Georgian troops fled the territory at the end of September 1993.

2.1.3 Flight of the local Georgians and legal violations

The war was characterised by violations of the laws of war, including the forced displacement of population groups. The Abkhaz population suffered from internal displacement while the vast majority of Georgians had to take refuge outside the Abkhaz territory. A massive displacement took place in the wake of the fall of Sukhum/i in September 1993, when an estimated 150,000 Georgians fled or were forced to leave

with the Georgian troops.[130] Some of those who fled through the Kodor/i valley lost their lives in the mountains of Svaneti.

This resulted in recurring mutual accusations of ethnic cleansing and genocide. Neither the UN fact-finding mission dispatched to the region in October 1993 nor Human Rights Watch found evidence of genocide. They did, however, confirm the perpetration of war crimes, including forced displacements.[131] In its final report, the UN fact-finding mission wrote that it was not in a position "to ascertain whether it [the massive displacement of population] had been an actively pursued policy of the authorities of either side, at any time, to clear the areas under their control of either the Abkhazian or the Georgian population".[132] In comparison, Human Rights Watch accused both sides of "deliberate efforts to force the population of the other party's ethnic group out of areas of strategic importance".[133] It highlighted nonetheless that the practice of indiscriminately attacking and terrorising the population to force people out was more effectively adopted by the Abkhaz side than the Georgian combatants. In 1997, Catherine Dale concluded that regardless of whether or not there was a willingness to pursue a policy of ethnic cleansing, the population interpreted violence as being perpetrated on the basis of ethnic identity.

> "Even if it is accepted that application of the label "ethnic cleansing" to the violence enacted upon either the Abkhaz or the Georgians would require demonstrating the existence of a concerted policy on the part of the leadership, what happened in practice may be much more important than what may or may not have been intended by some political entrepreneurs. The *de facto* conduct of this highly local war was superlatively ethnic in character. The best evidence is less the absolute horror of some observers' accounts than the fact that ethnicity is the primary trait of each key player in each of the accounts. Whatever role ethnicity per se may have played in producing the conflict, it has become the primary category with which people on the ground narrate and comprehend the war's violence. In practical terms, much of the Abkhaz population, and most of the Georgian population, have been displaced; property throughout Abkhazia has been destroyed, narrowing significantly the options for reconstruction and return in the near future; and among all former residents of Abkhazia the belief prevails that the best term for characterising what happened to them is 'ethnic cleansing'."[134]

Displacements of populations are visible in a rough assessment made by the UN Department of Humanitarian Affairs (UNDHA), which found that in August 1993 41 % of the population were living on Georgian-controlled territory, more than 73 % of them Georgians and 1 % Abkhaz.[135] The Abkhaz-controlled territory was inhabited by 25 % of the population, of which 53 % were Abkhaz and nearly 6 % Georgians.[136] At that time, more than one-third of the pre-war population had already left the territory of Abkhazia. After the end of the hostilities, the population remaining in Abkhazia was estimated at 230,000 people – that is, 43 % of the pre-war population.[137]

According to UNDHA, approximately 295,000 people fled as a result of the war. Some of them crossed an international border and qualified as refugees under international law. They went to Russia and Greece, among other places. The bulk of the population took refuge in Georgia and qualified as internally displaced people (IDPs).

According to the registration conducted by the Georgian authorities in June 1994, 260,000 people from Abkhazia and South Ossetia were displaced. By November 1994, the number had increased to 270,000. Of these, 95 % were from Abkhazia.[138]

While the distinction is quite clearcut in international law, the description of those who fled Abkhazia has been contested on political grounds. The Abkhaz authorities argued that the ceasefire line was an international border and hence that the Georgians who left the Abkhaz territory qualified as refugees. For Tbilisi, these Georgians are IDPs. Throughout this research I use the term 'displaced people' to refer to those who fled Abkhazia, as this term is acceptable to both parties.

2.2 No unitary actor: diverging Russian policies on the conflict

Before turning to an analysis of the *de jure* status of the Abkhaz, I would like to make a point concerning Russia's involvement in the conflict since this issue has many implications, first for the definition of the conflict itself (Georgia vs Abkhazia or vs Russia?) and subsequently for the kind of framework needed for conflict resolution (where are the keys to settlement? In Moscow and/or in Sukhum/i and Tbilisi?). According to Abkhaz accounts, they received no help from the Russian military or officials during the early months of the conflict.[139] Weapons and manpower came from the Northern Caucasus. According to the Abkhaz historian Stanislav Lakoba, thousands of volunteers from the Confederation of the Mountain Peoples of the Caucasus joined the Abkhaz struggle, making up to 10 % of the Abkhaz army.[140] This narrative has been strongly contested, by the Georgians who still perceive Moscow as the aggressor and an occupying force.[141]

What seems most likely, on the basis of the current state of knowledge, is that although the Abkhaz forces did indeed receive support from Russia, Russia's policy during the Georgian-Abkhaz war cannot be seen as unified. The points of view of the Russian officials differed and, on the ground, the military provided weapons to both sides.[142]

When the war started there was a rift between on the one hand the Minister for Foreign Affairs (MFA) Andrei Kozyrev and the president Boris Yeltsin, and on the other the Duma, the Minister for Defence (MoD) Pavel Grachev and his local commanders. Whereas the first had established personal relations with Shevardnadze in Soviet times, and were more sympathetic to Georgia, the second were more supportive of the Abkhaz side.[143] For instance, it was Grachev who called upon the Abkhaz authorities to create an Abkhaz MoD in October 1992.[144] The Russian MoD was not defending Abkhazia's interests as such, but saw the conflict as a way of safeguarding Russia's interests in Georgia and its position in the region.[145]

In spite of their differences, there was a consensus among the Russian political elite on two principles. First, they recognised the need to maintain security and prevent the conflict from spilling over into the Northern Caucasus, especially in view of the security environment in the Southern Caucasus. Secondly, they agreed on the need to block new countries, such as Turkey and Iran, from taking ground in the Southern Caucasus.[146] These considerations led to Russia's involvement in conflict

settlement since 1992 as a key mediator, in conflict management with the deployment of 'neutral' troops to verify compliance with the September 1992, July 1993 and May 1994 agreements (see chapter three), and in the conflict itself.

The policy of Yeltsin and Kozyrev changed after the downing of a Russian helicopter carrying women and children from Tqvarchal/Tqvarcheli, a locked city under Abkhaz control, to Gudauta in December 1992.[147] For Ted Hopf, this coincided with the emergence of the centrist discourse in Russia, especially from the president and the MFA.[148] In early 1993 Yeltsin and Kozyrev positioned themselves between the revival of the USSR (conservative discourse) and a renunciation of the concept of zone of influence (liberal discourse). The idea was that Russia had some responsibility to maintain peace and security in the near abroad, as well as a right to police.[149] This took the form of a more pronounced Russian role in the Georgian-Abkhaz conflict in the first six months of 1993. The MoD intervened more heavily with military assistance on the Abkhaz side while keeping some support for the Georgian side.[150] EMERCOM (State Committee for civil defence, emergencies and the elimination of the consequences of natural disasters) assisted with humanitarian aid. The attacks on Sukhum/i in March 1993 were particularly illustrative of Russia's dual support: while Russian SU-25 warplanes were taking part in the Abkhaz attacks on the capital city, the Russians were arming the Georgian side on the other side of the Gumista.[151]

Against the backdrop of a new large-scale Abkhaz offensive against Sukhum/i, a new agreement was signed in Sochi on 27 July 1993. It did not last, and on 16 September 1993 the Abkhaz forces launched an offensive against the capital city. This last period of the military phase exemplifies once again the division within the Russian establishment. While Yeltsin and Boris Pastukhov, the deputy MFA, condemned the violation of the ceasefire, Grachev, the MoD, claimed that only the prompt withdrawal of all Georgian troops from Abkhazia could bring the conflict to an end. According to Dov Lynch, it was unlikely that the Abkhaz offensive was supported by Moscow, as it could have contributed to the disintegration of Georgia. And from a security point of view, Georgia's collapse was not in Russia's interest.[152]

Given all these examples, Giorgi Derluguian doubted that one could view Russia as a unified agent with long-term calculations. He concluded: "Against this backdrop, we must either presume that the acts of Moscow were guided by a secret genius enforcing a devilishly complicated plan, or deduce less hyperbolically that the events followed an inherently chaotic trajectory consisting of myriad contradictory acts and motivations that in the end benefited Moscow as still the most powerful player on the field".[153]

Based on these facts and on the existence of long-standing grievances on the Abkhaz side, it seems safe to say that if the role of Russia during the Georgian-Abkhaz conflict was far from negligible and should certainly not be underestimated, it was not a Russo-Georgian conflict. All things considered, the solution had thus to be found by Georgia and Abkhazia to be sustainable. Though, as the next chapter will show, Moscow's mediation role at the negotiation table and its policies vis-à-vis the parties increasingly complicated the settlement of the conflict.

2.3 Status of Abkhazia in international law: *de jure* a part of Georgia

If the Abkhaz authorities were factually an insurgency, *de jure* Abkhazia was regarded by the UN Security Council (UNSC) as being part of Georgian territory. This was confirmed in the presidential statements and resolutions of the UNSC.[154] The principle of Georgia's territorial integrity[155] was constantly reaffirmed in UNSC resolutions, as well as the need to define "the political status of Abkhazia, respecting fully the sovereignty and territorial integrity of the Republic of Georgia".[156] Theoretically, this provision did not rule out the possibility that Abkhazia might become an independent state provided Georgia consented to it (which has never been the case in reality).[157]

The embargo against the Abkhaz side also seems to indicate the difference in status between the Abkhaz and Georgian sides. In the October 1993 resolution the UNSC also requested third states "to prevent the provision from their territories or by persons under their jurisdiction of all assistance, other than humanitarian assistance, to the Abkhaz side and in particular to prevent the supply of any weapons and munitions", – in other words, to impose an embargo on Abkhazia.[158] This provision – which was non-mandatory and was most probably addressed specifically to Russia and its regions – illustrated more broadly the difference between the parties in terms of *de jure* status. It seems unlikely that such a statement would have been made had the Georgian forces and not the Abkhaz violated the agreement.

One can also extrapolate the rights and duties of the parties from these documents. As underlined by Michael Wood, UNSC resolutions are primarily political in nature. They are not legislation, judgments or treaties, and most of them do not have any legal effect.[159] They can include requests that are non-binding,[160] and may also include specific demands that impose legal obligations on the parties or member states. By contrast, all presidential statements are non-mandatory. They are intended to show that a consensus exists among the UNSC member states.

According to these UNSC resolutions and presidential statements, the parties had two main duties. First, both parties were bound to respect international humanitarian law and the prohibition on the use of force. After the violation of the July 1993 agreement by the Abkhaz forces, the UNSC demanded that they should "refrain from the use of force" and abstain "from any violations of international humanitarian law".[161] Secondly, the parties were urged to create conditions favourable for the return of the displaced people. This was stated publicly after the signing of the Memorandum of Understanding in December 1993, in which the Abkhaz leadership voluntarily agreed to abide by the right to return.[162]

2.4 The coveted status: The Abkhaz's unchanged demands for sovereignty and Tbilisi's gradual acceptance of a federal arrangement

No change in terms of desirable status was noticeable after July 1992. The Abkhaz authorities were only ready to contemplate negotiating a solution that would respect their sovereignty, such as a confederal-type structure. Shevardnadze, on the other

hand, was still rejecting the option of federalism. In November 1992 he declared to the Georgian deputies that the Georgian authorities were "prepared to consider only defining the legal status of the Abkhazian autonomous region".[163]

As discussed thoroughly in the following chapter, the parties reviewed their expectations during negotiations that started in Geneva in November 1993 under the aegis of the UN, with Russia as facilitator and the CSCE as participant. On 4 April 1994 the sides finally signed a Declaration on Measures for a Political Settlement of the Georgian/Abkhaz Conflict. They agreed to grant Abkhazia its own constitution, legislation and state symbols and delineated several areas of joint competence. The same day, the parties signed a Quadripartite Agreement on Voluntary Return of Refugees and Displaced Persons that entailed the safe, secure and dignified return of displaced people. Eventually, on 14 May 1994, they concluded an Agreement on a Ceasefire and Separation of Forces. In August 2008 this was declared void by the Georgian authorities and supplanted by the six-point agreement signed by Georgia, Russia, Abkhazia and South Ossetia earlier that month.

3. Everything but recognition: the development of the Abkhaz state and refusal of reintegration (May 1994 – August 2008)

I take as a benchmark the signing of a ceasefire agreement to mark the end of the war. For the founders of the 'Kosimo' databank on conflict, war "is defined as the systematic and collective use of force of some duration and extent between comparable opponents".[164] A permanent ceasefire marks the end of the systematic and collective use of force. Having said that, a post-war period does not automatically equate with peace. True, the absence of direct violence usually features the presence of a 'negative peace', as defined by Johan Galtung.[165] But it does not mean that the peaceful process of social and political change has started.

In the case at hand, the military phase of the conflict was brought to a close after the fall of Sukhum/i in September 1993, but it was not until 14 May 1994 that the parties signed a ceasefire agreement. The Abkhaz *de facto* state continued to consolidate its statehood ever since.

3.1 Severing the links with Georgia: the progressive consolidation of the Abkhaz *de facto* state

3.1.1 What is a *de facto* state?

Since 1992, Tbilisi and Sukhum/i have had two utterly different definitions of Abkhazia's post-war status. For the Georgian authorities, the Abkhaz authorities were separatists, "not (…) subjects of international law, but (…) an illegitimate leadership which came to power by military force in one of the autonomous regions of Georgia."[166] Conversely, the Abkhaz officials claimed that Abkhazia was sovereign as provided in Article 1 of their Constitution adopted in November 1994.

In reality, as discussed below, Abkhazia had all the hallmarks of statehood except recognition. In political science literature, various terms have been used to define this kind of entity, including the terms 'quasi-state' (Kolsto, Rywkin),[167] institutionalised pseudo-state (Kolossov & O'Loughlin)[168] and 'raw power state' (Ottaway).[169] Here I follow Scott Pegg, Dov Lynch, Tozun Bahcheli, Barry Bartmann, Henry Srebrnik and others in using the term '*de facto* state' to label post-war Abkhazia.[170] As the meaning of this concept is far from being unequivocal, I specify the meaning given to it in this context.[171]

In his pioneering book, Scott Pegg defined a *de facto* state as "an organized political leadership which has risen to power through some degree of indigenous capability, has popular support, has the capacity to provide services to a given population in a specific territorial area, over which effective control is maintained for a significant period of time", that is, at least two years.[172] A *de facto* state has thus five characteristics: (1) a given population, (2) a specific area, (3) organised leadership with popular support, (4) the ability to provide basic services, and (5) effective control.

His definition encompasses both the traditional criteria for statehood – that is, a defined territory, a permanent population and an effective government – and additional considerations, such as the capacity to provide basic services and domestic legitimacy. In a recent article on *de facto* states (he prefers the term 'quasi-states'), Pål Kolsto set aside the criterion on state capability. As he sees it, a *de facto* state must fulfil three conditions: it must have a leadership in control of a territory, one that seeks but has not yet achieved recognition of its independence, and that has existed for no less than two years.

These two definitions exemplify the debate over the strength or weakness of the *de facto* states in the scholarly literature. According to Pegg, to be labelled a *de facto* state an entity must have sufficient capacity to provide state services. In this regard, he argued that *de facto* states sometimes fare better than recognised states.[173] In the same vein, Charles King stated that *de facto* states often had no reason to envy the national economy of the central authorities.[174] Other authors, who do not share this optimistic assessment, perceive the capabilities of a *de facto* state as being far weaker. They suggest that *de facto* states rarely have the "capacities to *penetrate* the society, *regulate* social relationship, *extract* resources and *appropriate* or use the resources in determined ways" as defined by Joel Migdal, already quoted in Chapter One.[175] In his study on Eurasian *de facto* states, Dov Lynch identified those entities as failing states, endowed with "deep economic weakness and extensive criminalisation".[176] Likewise, Kolsto pinpointed their deficient state-building, due to deficient capabilities or deficient will.[177] Charles Fairbanks went so far as to draw a comparison between Abkhazia and feudal entities in 1100-1200.[178]

For the purpose of this research, I use Scott Pegg's definition and his five characteristics. I argue that *de facto* authorities must be able to provide basic services to the population. These public goods may be quite limited, and the *de facto* state could be a weak state,[179] but it must at least guarantee security on its territory, which is probably the first function of the state.[180] As observed by Marina Ottaway and Stefan Meir: "All the states and even the protostates have a common characteristic: they must maintain

security. Security alone is not sufficient to ensure development and self-determination but without it neither can be achieved."[181]

Maintaining security is particularly important for *de facto* states. First, they are usually on bad terms with the central authorities, if not actually at war with them. Secondly, the prohibition of the use of force, stipulated in Article 2(4) of the UN Charter, usually applies when directed against a recognised state or when force has been used in a manner inconsistent with the Charter.[182] Since the territory of a *de facto* state formally belongs to the recognised state, a decision by the central authorities to crack down on it will not usually be the subject of external criticism.[183] This explains why *de facto* states usually allocate the lion's share of their budget to defence and only imperfectly fulfil additional state obligations such as the provision of welfare or the oft-needed rebuilding of infrastructure.

Some entities are able to provide other basic goods, such as education. In doing so they are often assisted by external patrons and international actors, including international (non-) governmental organisations. If its survival depends solely on the assistance of another state or patron, however, the entity may not qualify as a *de facto* state, but as a puppet state, that is, "nominal sovereigns under effective foreign control".[184] Hence it must be ascertained whether the entity is actually independent of all other states.

3.1.2 Qualifying as a *de facto* state? Abkhazia's successive elections, checks and balances and capabilities

Let us now consider now whether Abkhazia fulfilled Pegg's five criteria and thus qualified as a *de facto* state.

First, it can be said that Abkhazia possessed a 'given population'. According to James Crawford, the criterion of population does not relate to the nationality of the inhabitants.[185] Otherwise Abkhazia might not have passed the test after 2002, when the large-scale distribution of Russian passports to Abkhaz inhabitants began. In 2008, "practically all the Abkhaz inhabitants", according to the Abkhaz statement, possessed Russian nationality.[186] The criterion only requires the entity to possess a permanent population, with no minimum limit.[187] According to existing assessments, Abkhazia has an estimated population of between 170,000 and 220,000.[188] Accurate estimates of the ethnic breakdown are particularly difficult to obtain given the sensitivity of the issue of Abkhazia's demographic make-up. It seems probable that the percentage of Abkhaz, Armenians and Georgians are more or less similar in contemporary Abkhazia, if the latter two do not already outnumber the Abkhaz.

The second criterion relates to the possession of a 'specific territorial area' as defined by Pegg. In international law, no rule stipulates the size of the area or that the frontiers must be fully defined.[189] The only requirement is a coherent territory effectively controlled by the authorities. Abkhazia fulfilled this criterion, even though the upper Kodor/i valley was under the control of Tbilisi. This control, nominal at first, became effective after the Georgian offensive in July 2006.[190] The valley was retaken by the Abkhaz forces against the backdrop of the Georgian-Russian confrontation in August 2008. Apart from this area, the Abkhaz-controlled territory matched

the territory of the Abkhaz ASSR. The demarcation line between Abkhazia and Georgia was fixed in the 1994 ceasefire agreement and corresponds to the pre-war administrative border of the Abkhaz autonomous republic.[191] To the north, the Psou river was granted the status of state border by the administration of the neighbouring Krasnodar region in 2000.[192]

The third criterion to be considered is the presence of an organised leadership who rose to power through indigenous capability and received popular support. Like Pegg in his book, I also review the democratic credentials of Abkhazia. True, this is not a criterion for statehood, but rather for recognition. There is an emerging tendency to analyse the extent to which future states fulfil democratic criteria such as the rule of law and respect for minority rights.[193] Evidence of this trend was apparent in the EC Guidelines on the recognition of new states in Eastern Europe and the Soviet Union, drawn up in 1991, which stipulated such conditions for recognition. This was also the rationale behind the 'standards before status' approach introduced by SRSG Michael Steiner with regard to Kosovo in 2002. The development of democratic institutions, the rule of law and respect for the right to return were among the preconditions for the opening of status negotiations.[194]

If I chose briefly to tackle this aspect, it is because an attempt to show compliance with these norms is also manifest in the case at hand. Since the 2000s, and especially in the light of the Kosovo case, the Abkhaz government has tried to prove its democratic credentials in order to gain recognition. It thus seems relevant to address this point succintly.

There had already been two successive governments in Abkhazia by the end of the period under review. Vladislav Ardzinba became the first elected president of Abkhazia in 1999. In 2005, after somewhat chaotic elections,[195] Sergei Bagapsh took over the leadership of the region, succeeding Ardzinba whose illness had already been obvious for some years. In terms of democratic accountability, Abkhazia fared relatively better than South Ossetia or Nagorno-Karabakh, for instance. The 2004-2005 presidential elections were illustrative in this regard. They demonstrated the existence of a lively civil society, with the establishment of the 'League of Voters for Fair Elections' on the basis of a call for volunteers in local newspapers. They also illustrated the politicians' ability to overcome the political crisis in a peaceful manner. As discussed in Chapters Four and Five, the freedom of action of local NGOs and journalists, albeit increasing over the years, remained to some extent limited.

In terms of checks and balances, however, the picture looked bleaker. State-like institutions including the judiciary, the legislative and executive branches were developed on the basis of the institutions of the Abkhaz ASSR. Adopted right after the war, the 1994 Abkhaz Constitution established a strong presidential system, entrusting the president with the powers of commander-in-chief and the right, *inter alia*, to appoint and remove the heads of local executive organs, to revoke the decisions of ministries, departments and the local administration and to ensure the uniformity of legal regulations in several fields. Hopes were voiced that Bagapsh would break with this legacy and reform the Constitution thoroughly.[196] They were not fulfilled. As a result, the legislative remained weak. Abkhazia also suffered from a lack of judicial independence. This stemmed from the Soviet practice of 'telephone law' (whereby

a judge applied a decision handed down from above), the 1999 decision to appoint judges for a five-year term instead of a lifetime appointment[197] lack of resources,[198] and corruption. In addition, court decisions were poorly implemented.

The dominant position of the Abkhaz community in political life and the absence of a minority policy also remained problematical. The non-Abkhaz had always been under-represented in both the legislative and the executive. Three Armenians, three Russians and two Georgians were elected to the 35-seat parliament of Abkhazia in March 2007. For Rachel Clogg, the fears of the Abkhaz authorities concerning a resumption of war and the nature of the electoral system may account for this under-representation.[199] She also reports that many non-Abkhaz considered their political representation to be symbolic and felt that the Abkhaz were more privileged in almost every sphere of life. The law on state language adopted in 2007, which imposes the use of the Abkhaz language in the newspapers and the administration, is a compelling example of this difficulty in striking the right balance between safeguarding the Abkhaz identity and respecting the minorities' rights.[200]

It must be stressed that this criterion of popular support does not take into account the views of almost half the pre-war population of Abkhazia – namely, the Georgians, who fled as a result of the armed conflict and had not yet returned to Abkhazia. Some came back to Abkhazia through multiple waves of return. According to an UNHCR official interviewed in 2007, some 45,000 Georgians returned to the Gal/i district. Some of these were allowed to vote in the Abkhaz elections, and it is said that their vote in favour of Bagapsh made the difference in the result of the 2004 election. However, pressure from Georgian militias prevented some of them from voting, for example during the 2007 parliamentary elections, while others were too worn out from being treated as second-class citizens.[201] The number of those who remained in Georgia is open to question. The Georgian Ministry of Refugees with the support of UNHCR and the Swiss government undertook a verification exercise in Georgia in 2004-2005. In total, 201,634 displaced people from Abkhazia were verified. This number was not endorsed by the Georgian government, who continued to use the figure of 235,000.[202] And these people had no voice in the elections in Abkhazia nor even, for years, in those in Georgia (see Chapter Five).

The next criterion is the ability to provide basic services for the population. This includes first of all security, understood here as protection against internal and outside threats. The Abkhaz authorities allocated the lion's share of state resources to law-enforcement agencies: the police and the military consumed approximately 35 % of Abkhazia's budget according to International Crisis Group in 2006.[203] A closer look indicates that external threats received more attention than internal ones. It is likely that the former were considered to be more significant since a renewed armed conflict could not be ruled out, Abkhazia's borders were easily crossed and even its inner territory was far from being protected from potential external attacks.[204] By comparison, in 2008 the Abkhaz authorities had yet to take up the challenge of internal threats, such as the weakness of the rule of law, the lack of judicial independence and criminality, especially high profile crimes, and other threats to human security that were already present under Ardzinba.[205] Likewise, one can also question the extent to which the Abkhaz authorities have been able – or willing – to secure the Gal/i district (especially lower

Gal/i), a predominantly Georgian-inhabited area adjacent to the ceasefire line, against the mafia and some elements of their own law-enforcement forces.

As regard external threats, the Abkhaz government received significant assistance from the UN Observer Mission in Georgia (UNOMIG) and the Commonwealth of Independent States' peacekeeping force (CISPKF) which were deployed in 1993 and 1994 respectively. The mandate of the CISPKF was to implement the provisions of the ceasefire agreement signed in May 1994, in particular regarding the permanent monitoring of the security and restricted-weapons zones which extended on both sides of the ceasefire line. The monitoring and implementation of the ceasefire agreement were also among the tasks of the UNOMIG, in addition to the observation of the work of the CISPKF.

It is sometimes said that the mere presence of these troops prevented the resumption of full-scale war. While this assertion is difficult to verify, their presence did not prevent occasional flare-ups of violence, most notably in two hotspots, the Gal/i district and the Kodor/i valley. In May 1998 irregular Georgian militias, including the White Legion and the Forest Brothers, staged attacks in the Gal/i region, triggering counterattacks from the Abkhaz side. Some 1,400 homes, rebuilt thanks to the international aid, were destroyed anew and 40,000 returnees fled back to Georgia as a result of these six-day hostilities.[206]

In October 2001, fighting broke out in the lower Kodor/i valley between the Abkhaz and Georgian irregulars. Chechen field commander Ruslan Gelayev and his men fought with the Georgians against the Abkhaz forces.[207] Although the Georgian officials denied any involvement in the operation, there was little doubt that the Georgian Ministry of the Interior helped organise the incursion.[208] The new Georgian president Mikhail Saakashvili withdrew official support to the Georgian militias acting in the security zone in February 2004, as such support was unacceptable to the US.

When it comes to the provision of other services to the population of Abkhazia, achievements are more open to discussion. Owing to the lack of resources, Abkhazia performed poorly in terms of the delivery of basic services such as health care or the proper functioning of electricity and water-supply infrastructure. War damage, the presence of mine-filled areas and several sanctions regimes severely affected Abkhazia's economic growth. For economic survival, people and the state relied on trade with Russia, Turkey and Georgia (to sell their goods – hazelnuts, citrus, tea, tobacco, scrap metal and timber), on the privatisation of property and on the selling of state assets (coal, fishing rights), mainly to Turkey.[209] Corruption pervaded every level of the state hierarchy and remained unhindered despite pre-electoral promises by Bagapsh.[210] In later years, however, additional sources of wealth were developed: tourism and the renting of resort buildings (hotels, sanatoriums). According to the Abkhaz authorities, more than 700,000 tourists, mostly Russians, came to Abkhazia in 2007, compared to 7,500 in 1999.[211] Overall, though, financial resources have remained limited and the authorities have been unable to meet the needs of their population.[212]

External assistance was decisive for Abkhazia's survival. International (non-) governmental organisations were instrumental in providing the population with a safety net, thereby compensating for Abkhazia's economic weakness. The European Commission was the largest donor of aid and assistance for economic rehabilitation,

human rights and democratisation activities in the region. Yet over the years, Russia imposed itself as Abkhazia's main partner and patron by providing aid and security as well as assistance at the negotiating table. Its engagement in the region gradually increased. In 1999, the Russian authorities started to soften the 1996 CIS sanctions regime. In 2002 they started issuing Russian passports to Abkhaz residents, enabling them to travel and to benefit from the Russian pension system, two non-negligible benefits for an isolated and impoverished population. According to the International Crisis Group, Russia's pension allocations accounted for half of the budget of Abkhazia in 2006.[213]

While the Russian authorities did not appear to give any other direct budgetary support to Abkhazia, the Moscow municipality, Northern Caucasus republics and other Russian sources provided assistance in kind such as buses and construction materials.[214] In April 2008 Russia withdrew officially from the CIS sanctions regime and established official ties with Abkhazia.[215] In turn, the Abkhaz authorities largely opened the borders to Russian investment, also allowing the opening of local branches of Russian banks.[216]

As mentioned earlier, the issue of external assistance may raise the question of whether an entity qualifies as a *de facto* state or as a puppet state. The difference between being interdependent and being a puppet state is a question of fact.[217] For James Crawford, several factors can be taken into consideration, including the origin of the creation of the entity (by threat or use of force?), the reaction of the local population (rejection of the new entity?), the degree of direct foreign control in important matters and the presence of staff from the dominant state in the entity's institutions.[218]

Assessing the population's support for the national project is somewhat complex. Without independent polls, one can only speculate on the basis of discussions and impressions.[219] They suggest that a majority of the Abkhaz population favoured the idea of Abkhazia's independence. There was a presence of Russian officials in the Abkhaz structures, but it seems that the degree of Russian control was not significant enough for Abkhazia to be defined as a puppet state. The fact that the Russian authorities failed to impose their own candidate in the 2004-2005 presidential elections tends to support this view.

Finally, to finish the examination of Pegg's criteria, Abkhazia also fulfilled the fifth criterion – perseverance for a certain period of time – since it has lasted for more than 16 years.

3.2 "Abkhazia, Georgia": Abkhazia's belonging to Georgia and the UNSC's commitment to territorial integrity

The UNSC still regarded Abkhazia as a legal part of Georgia in the post-war period. Its members constantly referred to the commitment of member states to the independence, sovereignty and territorial integrity of Georgia within its internationally recognised borders. Until March 2006 the UNSC used to add to this reference the "necessity to define the status of Abkhazia within the State of Georgia in strict accordance with these principles".[220] This sentence disappeared from the later resolutions, for reasons addressed in the next chapter. At any rate, there was still no room for doubt as to the

de jure status of Abkhazia: for the UNSC, it was a part of Georgia's territory. In its resolution of October 2007 the UNSC called Georgia a "divided country".[221] It did not recognise the Abkhaz authorities as legitimate representatives of Abkhazia or the Abkhaz community and it condemned the holding of elections in Abkhazia, described in January 1997 and July 1999 as "self-styled" and "illegitimate".[222]

The UNSC resolutions also made reference to the legal obligations on the parties, whose first duty was to comply with international humanitarian law.[223] I referred to this obligation earlier, when analysing the duties of the belligerent parties in a previous section. This new reference to international law is interesting for at least two reasons. Doubts were raised in the literature as to whether international humanitarian law applied in times of non-armed conflict, given that the provisions of the 1949 Geneva Conventions and Protocol II of 1977 were specifically designed to protect civilians in times of war.[224] In the case at hand, the UNSC decided that both parties were bound to respect it, even though war had stopped since 1994 and this mention was made in 1995.

Furthermore, the International Criminal Tribunal for the Former Yugoslavia later referred to this Resolution 993 in its *Tadic* decision (October 1995) to demonstrate that the scope of norms applicable to armed groups goes beyond Common Article 3 of the 1949 Geneva Conventions.[225] According to the Tribunal, in its resolution the UNSC "clearly articulat[ed] the view that there exists a corpus of general principles and norms on internal armed conflict embracing Common Article 3 but having a much greater scope".[226] For the Tribunal, customary law on the protection of civilians and civilian objects and the prohibition of means of warfare stipulated in international armed conflicts also applied to internal conflicts.[227]

Secondly, the parties also had to respect the inalienable right of the displaced people to return to their homes. By signing the Quadripartite Agreement on the Voluntary Return of Refugees and Displaced People in 1994, the Abkhaz side agreed to be bound by this duty. In fact, the Abkhaz regime was not only to respect the right to return but "strictly to respect human rights" as a whole.[228] The UNSC thus assumed that the Abkhaz authorities had international obligations under human rights law, even if they were not a party to human rights conventions.

3.3 Desired status: independence vs autonomy in Georgia

At first wary of the federative option, the Georgian authorities officially opted for it in the 1995 Constitution. They supported the idea of an asymmetric federation. For the Abkhaz regime, any option had to grant Abkhazia international legal personality and the right to secession. During the first post-war years, the idea of a confederation or free associated state was acceptable. A confederation resembles a federation[229] in that competences are shared between different levels of government. There are, however, three main differences between federations and confederations.[230]

First, a federation is recognised as a sovereign independent state. The constituent states may possess sovereign rights, but they are not recognised as independent. In contrast, a confederation consists of states that are separately recognised as sovereign by the international community. Secondly, in the case of a federation, relations and

areas of competence are referred to in a constitution. In a confederation, the areas of shared competence are referred to in a treaty between equal states. Thirdly, the states of a confederation retain a unilateral right to secession.

In the eyes of the Abkhaz, a free associated state was a second possible option. In this case, a state freely associates itself with a recognised state and delegates some of its powers to that state. It retains the right to modify its status and to opt for independence. In the words of Gary Lawson and Robert Sloane, this is "an intermediate status between integration and independence".[231] This is the situation of the Marshall Islands, Palau and Micronesia. In October 1999, however, the Abkhaz parliament enacted the Act of State Independence, and from then on the Abkhaz officials rejected these options and refused to consider anything short of international recognition.

4. Comparison of Abkhazia's statuses: the present situation and the expectations of the parties as regards Abkhazia's future status

To sum up the findings of this chapter, I present a table that recapitulates the features of the *de facto*, *de jure* and desired status of Abkhazia from 1989 to 2008 (see Table 5). The objective is to show what Abkhazia was *de facto* and *de jure* at different periods and what the parties wanted it to be.

During the pre-war period (1989-1992), Abkhazia was a federated state with a defined territory and institutions. Formally, Abkhazia was an autonomous republic within Georgia and possessed a range of powers, excluding the right to secession or to change its status or territory unilaterally. Although it had almost no self-rule in practice, these institutions and the consolidation of the national identity greatly helped the state- and nation-building processes. During that period, the Abkhaz longed for an upgrade to the status of Union republic and, once the Soviet Union had collapsed, recognition of their sovereignty. Tbilisi and the local Georgians wanted the status quo or even lesser form of self-government for Abkhazia, such as cultural autonomy.

When the war (1992-1994) broke out, the Abkhaz insurgency organised itself on the basis of pre-war institutions. The Abkhaz-controlled territory fluctuated somewhat with the conflict, from small patches of land in 1992 to almost the entire territory of the Abkhaz ASSR by the end of 1993. Whatever its *de facto* status, however, for the UN Security Council Abkhazia remained a *de jure* part of the Georgian territory. Although any solution had to respect Georgia's territorial integrity in the eyes of the UN, the Abkhaz officials desired a solution respecting their sovereignty, such as a confederation. Shevardnadze began to accept the idea of a federal arrangement.

When the war was brought to a close, the Abkhaz continued to develop state-like institutions, including a judiciary and legislative and executive bodies, on a territory that coincided with the pre-war one. Since then, Abkhazia's ability to provide services for its population has by and large been weak, despite its increasing financial resources over the last few years. In this matter, the international (non-) governmental organisations and Russia were instrumental in assisting the Abkhaz population.

As regards its *de jure* status, Abkhazia continued to be considered part of Georgia. Its leadership was expected to respect Georgia's sovereignty and territorial integrity.

This was hardly acceptable for the Abkhaz regime which, was unwilling to contemplate any option that would jeopardise Abkhazia's sovereignty. Tbilisi, for its part, was unwilling to accept anything more than a federal relationship between Abkhazia and Georgia, without a right to secede.

Table 6: Abkhazia's *de facto, de jure* and desired statuses

	***De facto* status**		***De jure* status**	**Desired status**	
	Effective government	**Territory**		**Abkhaz**	**Georgian**
Pre-war period (1989-1992)	*Federated state*: Soviet state institutions of an autonomous republic; few actual areas of competence	Territory fixed in the constitution at the north-west of the Georgian SSR	*Autonomous republic (ASSR)* within Georgia without right to secede or to change its status or territory unilaterally	*Union republic; recognition of sovereignty*	*Status quo or less (cultural autonomy)*
War period (1992-1994)	*Insurgency*: state institutions fleshed out, adapted for war situation	Territory fluctuating with military operations	*De jure part of Georgia*: compelled to respect Georgia's sovereignty and territorial integrity.	*Confederation*	*Federal arrangement or less*
Post-war period (1994-2008)	*De facto state*: state-like institutions including law enforcement agencies; rather poor capacity to provide services	Soviet territory demarcated by a *de facto* border (1994 ceasefire agreement) and not totally under control (upper Kodor/i valley)	*De jure part of Georgia*: bound to respect Georgia's sovereignty, independence and territorial integrity	*Confederation; free associated state up to 1999; internationally recognised state as of 1999*	*Federal arrangement*

In this chapter, I examined *what* Abkhazia was, both *de facto* and *de jure*, as well as what the parties wanted it to be. In the next chapter I analyse *how* the Abkhaz and Georgian nationalists and officials tried to reach their major goals, namely, recognition of sovereignty and the recovery of Abkhazia, and how, in doing so, they impeded progress in the negotiations.

Notes

1 Stalin Joseph V., *Marxism and the National Question*, 1913, available at: http://www.marxists.org/reference/archive/stalin/works/1913/03.htm, accessed January 2010.
2 The term *narodnost'* was replaced by *natsional'nost'* in 1959.
3 Amstrong John A., "Federalism in the U.S.S.R: Ethnic and Territorial Aspects", *Publius*, vol.7, no.4, 1977, pp. 98-99; Tishkov Valery, *Ethnicity, Nationalism and Conflict in and after the Soviet Union. The Mind Aflame*, London/Thousand Oaks/New Delhi, Sage Publications, 1997, p. 33.
4 For instance, several written languages were later demoted to oral languages. The nationality, which until then had had the status of *narodnost'* and the accompanying privileges, thus became an ethnic group, losing the facilities for preserving its peculiar national characteristics. See Merlin Aude, *Mobilisations identitaires et recompositions post-soviétiques. Le cas du Caucase du Nord (1988-2003)*, Doctorat de Science Politique défendu à l'Institut d'Études Politiques, Paris, June 2006; Charachidze Georges, "L'Empire et Babel. Les minorités dans la perestroika", in "Face aux drapeaux", *Le genre humain*, Seuil, Autumn 1989, pp. 17-18.
5 Abkhaz and Georgian historians differ in their interpretations of the *de facto* status of Abkhazia during this period. The Abkhaz side stress that Abkhazia enjoyed the constitutional status of a Union republic from 1921 to 1931 and was therefore equal to Georgia despite the special union treaty agreed upon in December 1921. As they see it, the transformation of Abkhazia into an autonomous republic within the Georgian Union republic in 1931, although agreed to by the Abkhaz leadership, curtailed Abkhazia's sovereignty. On the other hand, while Georgian historians do not deny the formal existence of an Abkhaz Union republic in 1921, they reject the idea that Abkhazia was actually sovereign. Cory Welt states that the Abkhaz central executive committee supported the idea of an autonomous republic because the union treaty "did not reflect the actual state of relations" between Sukhum/i and Tbilisi and had thus "lost real significance", as noted during a meeting in April 1930. Welt Cory, *Explaining Ethnic Conflict in the South Caucasus: Mountainous Karabakh, Abkhazia, South Ossetia*, PhD in Political Science, Massachussetts Institute of Technology, September 2004, p. 191; "Decree on the Relations between Abkhazia and Georgia adopted by the Presidium of the RKP(B) of the Caucasus Bureau", 16 November 1921, in Diasamidze Tamaz, *Status of Autonomous Regions of Abkhazia and South Ossetia within Georgia (1917-1988). Collection of Political-Legal Acts*, The Regionalism Research Centre, Tbilisi, September 2005, p. 86; "Union Treaty between the Soviet Socialist Republic of Georgia and the Soviet Socialist Republic of Abkhazia", 16 December 1921, in Diasamidze, *op.cit.*, September 2005, p. 89.
6 Watts, *op.cit.*, p. 6.
7 This is the case where a federal law provides a framework to be filled in by the federated entities. Coppieters Bruno, Kovziridze Tamara, Leonardy Uwe, *Federalization of Foreign Relations: Discussing Alternatives for the Georgian-Abkhaz Conflict*, Caspian Studies Program, Working Paper Series 2, 2003, p. 22.
8 Vernon Aspaturian underlined that the USSR might thus be regarded as confederal (owing to the constitutional right to secede), federal (administrative division between the governments) or unitary (the leading role of the Communist party). Aspaturian Vernon V., *The Union Republics in Soviet Diplomacy; A Study of Soviet Federalism in the Service of Soviet Foreign Policy*, Geneva/Paris, Librairie E. Droz & Librairie Minard, 1960, quoted in Coppieters Bruno, *Federalism and Conflict in the Caucasus*, London, Royal Institute of International Affairs, 2001, p. 33; Nodia, Ghia, "Georgia: Dimensions of Insecurity", in Coppieters Bruno, Legvold Robert (eds), *Statehood and Security. Georgia after the Rose Revolution*, Cambridge, MIT Press, 2005, p. 49.
9 Suny Ronald Grigor, *The Making of the Georgian Nation*, Bloomington and Indianapolis, Indiana University Press, 1988, p. 236; Watts, *op.cit.*, p. 7; Remington F. Thomas, "Renegotiating Soviet Federalism: Glasnost' and Regional Autonomy", *Publius: The Journal of Federalism*, vol.19, 1989, p. 146.
10 Coppieters, Kovziridze, Leonardy, *op.cit.*, October 2003, p. 6.
11 As Rogers Brubaker puts it, "Nationalists' complaints – and Stalin's murderous policies – notwithstanding, the regime had no systematic policy of 'nation-destroying'. It might have abolished national republics and ethnoterritorial federalism; it might have abolished the legal category of personal nationality; it might have ruthlessly Russified the Soviet educational system; it might have forcibly uprooted peripheral elites, and prevented them from making careers in 'their own' republics. It did none of the above. The repression of nationalism went hand in hand with the consolidation of nationhood and nationality". Brubaker Rogers, "Nationhood and the National Question in the Soviet Union and Post-Soviet Eurasia: An Institutionalist Account", *Theory and Society*, vol.23, 1994, p. 58.
12 Martin Terry, *The Affirmative Action Empire. Nations and Nationalism in the Soviet Union, 1923-1939*, Ithaca, Cornell University Press, 2001, p. 15.
13 Martin, *op.cit.*, p. 13.

14 Each territory was called after one or sometimes two 'titular nationality/ies' who enjoyed several political and cultural privileges. The Georgians and the Abkhaz were titular nationalities of Georgia and Abkhazia respectively.
15 For Georgiy Mirsky, the nationality policy of the Soviet Union should be understood as a way to ensure the loyalty of individuals who would be eager to have been chosen by the centre to rule their entity, as well as the loyalty of nationalities who would be told repeatedly that their nation, previously devoid of rights, was now prosperous thanks to the Soviet regime. Mirsky Georgiy I., *On the Ruins of Empire, Ethnicity and Nationalism in the Former Soviet Union*, Westport, Greenwood Press, 1997, p. 3; Martin, *op.cit.*, p. 12.
16 Remington, *op.cit.*, p. 151.
17 Müller Daniel, "Demography: Ethno-Demographic History, 1886-1989", in Hewitt George (ed.), *The Abkhazians*, New York, St. Martin's Press, 1998, p. 220.
18 More than 19,000 Abkhaz left (either willingly or forcibly) for the Ottoman Empire after an unsuccessful Abkhaz insurrection against the Russian empire in 1866. Some 30,,000 to 70,000 left after the Russian victory against the Ottoman Empire in 1877. Welt, *op.cit.*, pp. 120-121.
19 Blauvelt Timothy, "Abkhazia: Patronage and Power in the Stalin Era", *Nationalities Papers*, vol.35, no.2, 2007, p. 206.
20 In the 19th century, the inhabitants of Samurzaq'an/o were mainly Georgian Orthodox, and bilingual in Abkhaz and Mingrelian. Müller notes that deciding whether they were Abkhaz in the process of Mingrelianisation or Mingrelians in the process of Abkhasianisation would be particularly tricky. Müller, *op.cit.*, p. 220.
21 Müller, *op.cit.*, p. 224.
22 Between 1897 and 1989 the growth rate of the Georgian population was 8.3 as compared with 10.6 for the Armenians and 13.7 for the Russians. The Abkhaz stood out with 0.6. The Georgian population grew by 66,,000 between 1939 and 1959. For Daniel Müller, this was 48,172 more than natural growth would have been, a fact that cannot be fully explained by the transformation of Abkhaz or other nationalities' names into Georgian ones. Müller, *op.cit.*, pp. 231-32, 236, 237; Blauvelt, *op.cit.*, pp. 203-232.
23 A graph of the demographic changes that have occurred in Abkhazia since 1897 is available at: http://www.c-r.org/our-work/accord/georgia-abkhazia/graph2.php, accessed August 2009.
24 Numbers from Müller, *op.cit.,* pp. 231-232, 235 and 237.
25 Blauvelt, *op.cit.*, pp. 203-232.
26 Abkhaz participation in the Party dwindled steadily from 1939 until 1953. By 1953, the Abkhaz represented only 7.5 % of Party members whereas they constituted 15-16 % of the population. Blauvelt, *op.cit.*, pp. 203-232.
27 This was not the first time the Abkhaz script had been changed. At the time of the first attempts to write the language down, in the middle of the 19th century, the Abkhaz alphabet was based on Cyrillic. In 1928 it was changed into a Latin-based script, in line with the Soviet policy of romanisation. Hewitt George, "Language" in Hewitt George (ed.), *The Abkhazians*, New York, St. Martins Press, 1998, p. 170.
28 Lakoba Stanislav, Blazhba Oleg, *Istoriya Abkhazii*, Sukhum/i, Alasharbaga, 2007, p. 331; Kaufman Stuart J., *Modern Hatreds. The Symbolic Politics of Ethnic War,* Ithaca/London, Cornell University Press, 2001, p. 89. On the language policy in Abkhazia, see Crego Paul, "Georgian-Abkhazian Relations in the Context of Language Policy in the Twentieth Century", presented at the International Conference "Georgia: The Making of a National Culture", The University of Michigan, Ann Arbor, Michigan, 15-18 May 2008.
29 In the Sukhum/i Pedagogical Institute, a sector for Abkhaz language and literature, an Abkhaz department of the Philology faculty, a faculty of methodology and pedagogy for primary education, and a foreign language division for the preparation of specialists for Abkhaz schools were established. Lakoba, Blazhba, *op.cit.*, p. 337; Suny, *op.cit.*, 1988, p. 302.
30 Slider Darrell, "Crisis and Response in Soviet Nationality Policy: The Case of Abkhazia", *Central Asian Survey*, vol.4, no.4, 1985, p. 55.
31 Derluguian Giorgi M., "The Tale of Two Resorts, Abkhazia and Ajara Before and After the Soviet Collapse", in Crawford Beverly, Lipschutz Ronnie D. (eds), *The Myth of "Ethnic Conflict": Politics, Economics, and "Cultural" Violence*, Berkeley, University of California Press, 1998, p. 269.
32 In 1970 there were 0.54 books in Abkhaz per Abkhaz inhabitant. In comparison, there were 2.96 books per Georgian. Crego, *op.cit.*, p. 20.
33 Slider noted that "[t]he rate of increase in capital investment between the ninth and tenth five-year plans (in the 1970s) for Georgia as a whole was 39.2 percent; for Abkhazia the increase was only 21 percent." Slider, *op.cit.*, p. 58.
34 In 1970, 50 % of the Abkhaz were peasants and only 30 % were workers, whereas 41 % of the local Georgians in Abkhazia were workers and 32.6 % were peasants. Slider, *op.cit.*, p. 58.
35 Concerns that the Georgian authorities might be open to challenging the status of the Abkhaz were expressed in a letter written in 1957 by the chairman of the Committee of Ministers of Abkhazia,

A. Labakhua, and the secretary of the Abkhaz regional party committee, I. Tarba, to the Central Committee of the Communist party. "Instead of censuring the book by Ingoroqva as it deserves, the Office of the Central Committee of the Communist Party of Georgia announced that the issues of the ethnic origins of the Abkhaz people and of the autonomous territory of Abkhazia were debatable in spite of the historical truth and political harm [this might cause]. We are categorically opposed to any discussion as we do not consider that this issue is open to question". For Bruno Coppieters, the fact that Ingoroqva's book was published despite censorship was a sign that the Georgian authorities were indeed willing to question the rights of the Abkhaz. A Georgian historian raised the possibility that the book might have been written on the orders of the Georgian authorities. *Abkhazskie pis'ma (1947-1989) Sbornik dokumentov* (The Abkhaz Letters (1947-1989). Anthology of Documents), Volume 1, Sukhum/i, 1994, p. 130; Anchabadze Georgii, "Izuchenie voprosov etnicheskoi istorii abkhazov na fone gruzino-abkhazskogo konflikta" (Study of the issues concerning ethnic history of the Abkhaz against the background of the Georgian-Abkhaz Conflict), in A*spekty gruzino-abkhazskogo konflikta. Material'y gruzino-abkhazskoi konferentsii* (Aspects of the Georgian-Abkhaz Conflict. Materials from the Georgian-Abkhaz Conference), Konobeevo, University of California, Irvine, no.2, 2000, p. 26; Coppieters Bruno, "In Defence of the Homeland: Intellectuals and the Georgian-Abkhazian Conflict", in Coppieters Bruno, Huysseune Michel (eds), *Secession, History and the Social Sciences,* Brussels, VUB University Press, 2002, p. 93.

36 Despite the negative reviews written by Georgian and Abkhaz historians, the thesis remained relatively popular. As a matter of fact, 32 publications were based on Ingoroqva's theory at the end of the 1970s by Zurab Anchabadze's and Giorgii Dzindzaria's account. Study presented to the Georgian Communist Party in 1978. Coppieters, *op.cit.*, 2002, p. 94.

37 Rouvinski Vladimir, "Ethnic Enclosure in Soviet and Post-Soviet School Textbooks," IPSHU Research Report Series, vol.21, available at: http://home.hiroshima-u.ac.jp/heiwa/jrre.html, accessed September 2009.

38 *Abkhazskie pis'ma (1947-1989) Sbornik dokumentov* (The Abkhaz Letters (1947-1989). Anthology of Documents), Volume 1, Sukhum/i, 1994, pp. 164-78.

39 The Sukhum/i Pedagogical Institute was upgraded into a university. The Georgian Central Committee and Council of Ministers abolished the entrance examination to some educational institutions in Georgia and ethnic quotas were introduced for Abkhaz students at Tbilisi University. TV broadcasts in Abkhaz were initiated and a new television and radio station was created in Sukhum/i. The number of publications in Abkhaz was increased and a dance ensemble was upgraded into a State Folk Dance Ensemble. The theatre was divided in two and the Abkhaz side received the status of State Dramatic Theatre. Eventually, there was substantial investment in infrastructure and business and deforestation was halted. Zhorzholiani G., Lekishvili S., Toidze L., Khoshtaria-Brosse E., *Historic, Political and Legal Aspects of the Conflict in Abkhazia*, Tbilisi, Somshoblo, 1995, pp. 38-39; Hewitt George B., "Abkhazia: a Problem of Identity and Ownership", *Central Asia Survey*, vol.12, no.3, 1993, p. 282; Slider, *op.cit.*, p. 63.

40 According to the Abkhaz Constitution of 1978, the laws of the USSR and the Georgian SSR were binding on the territory of the Abkhaz ASSR (Article 71). Georgian laws had primacy over the Abkhaz ones in the event of a discrepancy between them (Article 82 of the 1978 Georgian Constitution).

41 According to the Georgian Constitution of 1978, the Abkhaz were entitled to propose one vice-Chairman to the Georgian Presidium (two vice-Chairmen out of three had to originate from the Autonomous Republics – Article 114). The Chairmen of the Councils of Ministers of the Abkhaz ASSR and Ajarian ASSR were also *ex officio* members of the Council of Ministers (Article 123). The Abkhaz were also represented on the Committee for the Supervision of the Constitution. In addition, the Supreme Council of Abkhazia could initiate legislation in the Georgian Supreme Council (Article 108).

42 Anchabadze Georgii, *Voprosy gruzino-abkhazskikh vzaimootnoshenii* (Questions of Georgian-Abkhaz Interrelations), Tbilisi, Kavkazskii Dialog, 2006, p. 212.

43 According to Edward Ozhiganov, out of 140 deputies 57 were Abkhaz, 53 were Georgian, 14 Russian, and 16 were from other nationalities. Ozhiganov Edward, "The Republic of Georgia: Conflict in Abkhazia and South Ossetia", in Arbatov Alexei G., Chayes Abram, Olson Lara, Chayes Antonia (eds), *Managing Conflict in the Former Soviet Union. Russian and American Perspectives*, Cambridge, MIT Press, 1997, p. 375; McGiffert Ekedahl Carolyn, Goodman Melvin A., *The Wars of Eduard Shevardnadze*, London, Hurst & Company, 1997, p. 265.

44 According to Vakhtang Kolbaia, "There were 5 Abkhaz regional prosecutors and only 3 Georgians. Traditionally the Chairman of Abkhaz Supreme Council and its Presidium, First Secretary of Oblast Committee and one Oblast Secretary, Ministers of Culture, Education, the Chairman of the Supreme Court and the Prosecutor- General were ethnic Abkhazian. Among 15 Deputies elected from Abkhazia to the Supreme Council of USSR, 8 were Abkhazs." Kholbaia Vakhtang, Gelantia Raphiel, Latsuzbaia David, Chakhrakia Teimuraz, *Labyrinth of Abkhazia*, Tbilisi, Parliament of Georgia, 2000, pp. 34-35;

Miminoshvili R., Pandzhikidze G, *Pravda ob Abkhazii* (The Truth Concerning Abkhazia), Tbilisi, 1990, p. 6, quoted in Slider Darrell, "Democratization in Georgia", in Dawisha Karen, Parrott Bruce (eds), *Conflict, Cleavage and Change in Central Asia and the Caucasus*, Cambridge, 1997, p. 170.

45 According to Article 66 of the Abkhaz Constitution, the powers of the Autonomous Republic of Abkhazia included the adoption of, and amendment to, the Constitution; law and order within the state; the economic and social development of the Abkhaz ASSR; budget; public finances; control of resources and environmental protection; housing, trade, public services; road and transport; education, culture, science, health, sport and the protection of cultural monuments.

46 Lezhava Grigorii, *Mezhdu Gruziei i Rossiei. Istoricheskie korni i sovremennye factory abkhazo-gruzinskogo konflikta (XIX-XX vv.)* (Between Georgia and Russia. Historical Roots and Contemporary Factors of the Georgian-Abkhaz Conflict), Moskva, Rossiskaya Akademiya Nauk, 1997, p. 210.

47 Walker Edward W., *Dissolution. Sovereignty and the Breakup of the Soviet Union*, Lanham, Maryland, Rowman & Littlefield Publishers, 2003, pp. 89-90.

48 "Law of the Union of the Soviet Socialist Republics on the issues relating to the secession of the Union Republic from the USSR, 3 April 1990; "Law of the Union of the Soviet Socialist Republics on the economic relations between the USSR, Union and Autonomous Republics", 10 April 1990; "Law of the Union of the Soviet Socialist Republics on separation of authorities between the USSR and the Subjects to the Federation", 26 April 1990, in Diasamidze Tamaz, *Regional Conflicts in Georgia (the Autonomous Oblast of South Ossetia, the Autonomous SSR of Abkhazia 1989-2008). The Collection of Political-Legal Acts*, The Regionalism Research Centre, Tbilisi, 2008, pp. 17-21.

49 The Union republic had to conduct a referendum in which all USSR citizens residing permanently on the territory could take part. At least two-thirds of them had to support secession for the decision to secede to be adopted. The Supreme Council would examine the validity of the results before sending them to the Congress of Deputies for consideration. At that point, the Union republic still had not the right to secede. A five-year transitional period would begin, during which the issues linked to the secession of the republic had to be resolved. During the last year of the transitional period, one-tenth of the residents could still ask for another referendum, which had to garner the support of two-thirds of the population. Secession could thus be questioned right up to the end.

50 Independent International Fact-Finding Mission on the Conflict in Georgia, "Report. Volume II", September 2009, available at: http://www.ceiig.ch, accessed January 2010, p. 142.

51 Separate referendums were to be held in the autonomous republics and formations, and also in places densely populated by national groups who constituted a majority of the population. The results of these referendums, as well as the conclusions and proposals of these regions' authorities, were to be sent separately to the USSR Supreme Council, to be taken into account along with the results of the referendum of the Union republic. "Law on Procedures for Resolving Questions Related to the Secession of Union Republics from the USSR", 3 April 1990, in Hannum Horst, *Documents on Autonomy and Minority Rights*, Dordrecht, Martinus Nijhof Publishers, 1993, p. 753.

52 Walker, *op.cit.,* p. 74.

53 Walker, *op.cit.*, p. 91.

54 "Decree Issued by the Supreme Council of the Georgian SSR on Evaluation of a Number of the USSR Laws, Based on Article 77 of the Georgian SSR", 20 June 1990 in Diasamidze, *op.cit.*, 2008, pp. 22-23.

55 See for instance the aforementioned letter written by Labakhua and Tarba in 1957.

56 *Abkhazskie pis'ma (1947-1989) Sbornik dokumentov* (The Abkhaz Letters (1947-1989). Anthology of Documents), Tome 1, Sukhum/i, 1994, pp. 12, 162, 177 and 435.

57 This option was raised during the Batumi meeting in March 1921 when Abkhazia was proclaimed a Union republic. "Until the convocation of the Congress of the Councils of Abkhazia the issue of attaching Abkhazia to the RSFSR or Georgian SSR shall remain open." In December 1921 the Union treaty between Abkhazia and Georgia was signed.

58 "Ustav-programma narodnogo foruma Aidgylara" (Statutes and Programme of the Popular Forum Aidgylara), December 1988, in Chumalov M. Y. (ed.), *Abkhazskii Uzel: Dokumenty i materialy po etnicheskomu konfliktu v Abkhazii* (The Abkhaz Knot: Documents and Materials concerning the Ethnic Conflict in Abkhazia), Moskva, Rossiskaya Akademiya Nauk, 1995, pp. 122-128.

59 Interview 82, Tbilisi, 22/10/2007.

60 More than 30,000 people, including the Soviet leadership and 5,000 Armenians, Greeks, Russians and Georgians, signed the Declaration of Lykhny and its related resolution. Zverev Alexei, "Ethnic Conflicts in the Caucasus 1988-1994", in Coppieters Bruno (ed.), *Contested Borders in the Caucasus*, Brussels, VUBPRESS, 1996, available at: http://poli.vub.ac.be/publi/ContBorders/eng/ch0401.htm, accessed January 2010; *Abkhazskie pis'ma (1947-1989) Sbornik dokumentov* (The Abkhaz Letters (1947-1989). Anthology of Documents), Tome 1, Sukhum/i, 1994, p. 451.

61 The declaration reads as follows: "The Soviet Socialist Republic of Abkhazia is a sovereign Socialist State established on the basis of the right of Abkhaz nation to free self-determination and rule of people to

determine their destiny. The sovereignty of the Abkhaz ASSR / SSR applies to the whole territory of Abkhazia. The Abkhaz Soviet Socialist Republic is a bearer of the whole state authority on its territory outside of the competence voluntarily rendered to the USSR and the Georgian SSR pursuant to the concluded Agreements. The Abkhaz Soviet Socialist Republic shall have its own State Emblem, State Flag and State Anthem." The Declaration was denounced the following day by the Georgian Supreme Council, and resulted in numerous protest rallies and a blockade of the railway in Abkhazia. A week later, the (mainly Georgian) deputies who had been absent during the vote on the declaration met and rescinded it. Chumalov, *op.cit.* pp. 218-219.

62 Indeed, the Supreme Council of Abkhazia decreed that "before the resolution of this issue by the Supreme Council of the USSR and concluding the new union treaties, the current state-legal relations between Georgia and Abkhazia shall remain in force". Edward Walker notes that such declarations of sovereignty were far from extraordinary at that time: 28 other entities, including autonomous republics, autonomous oblasts, Transdniestria, Crimea and Gagauzia declared their sovereignty between December 1989 and September 1991. Walker, *op.cit.*, p. 96; "Decree issued by the Supreme Council of the Abkhaz SSR on Legal Guarantees of Protection of the Statehood of Abkhazia" in Diasamidze, *op.cit.*, 2008, pp. 26-28.

63 Article 107 of the 1921 Georgian Constitution stipulated that "Abkhasie (district of Soukhoum), Georgia Musulmane (district of Batum), and Zakhatala (district of Zakhatala), which are integral parts of the Georgian Republic, enjoy autonomy in the administration of their affairs." However there was no mention of the rights enjoyed by these autonomous entities as Article 108 specified that they had to be defined in a separate special legislation. On this period, see Welt, *op.cit.*, pp. 179-188; Nodia Ghia, *Causes and Visions of Conflict in Abkhazia*, Berkeley Program in Soviet and Post-Soviet Studies, Working Paper Series, Winter 1997-1998, p. 22; Hewitt, *op.cit.*, 1993, pp. 278-279; Diasamidze, *op.cit.*, September 2005, p. 79.

64 Kaufman, *op.cit.*, 2001 p. 101; Serrano Silvia, *Géorgie. Sortie d'empire*, Paris, CNRS Editions, 2007, p. 49.

65 The Georgians were extremely wary of the Russification of the republic. Thanks to the *korenizatsiya*, the Georgian language was favoured over the others from the 1920s on. This resulted in the closure of Abkhaz schools and the 'Georgianisation' of the Abkhaz alphabet. As mentioned before, the death of Stalin in 1953 led to a reassessment, and concessions on minorities' languages that worried the Georgians. The attempt by Moscow to remove the provision guaranteeing the status of the language of the titular nationality as a state language in the new draft of the 1978 Constitution infuriated the Georgians, who protested to the authorities. And although the provision ended up being kept, Georgian discontent did not subside. In June 1980, 365 members of the Georgian intelligentsia called upon the authorities to teach Georgian history in Georgian schools and to repeal the obligation to submit doctoral dissertations in Russian. One year later, Zviad Gamsakhurdia, the future president of Georgia, asked for the legal recognition of Georgian as a state language as well as an increase in the number of publications, television and radio programmes in Georgian. Smith Graham, Law Vivien, Wilson Andre, Bohr Annette, Allworth Edward, *Nation-Building in the Post-Soviet Borderlands. The Politics of National Identities*, Cambridge, Cambridge University Press, 1998, pp. 170-172; Zisserman-Brodsky Dina, *Constructing Ethnopolitics in the Soviet Union: Samizdat, Deprivation, and the Rise of Ethnic Nationalism*, New York, Palgrave Macmillan, 2003, pp. 124-125.

66 Beissinger Mark R., *Nationalist Mobilization and the Collapse of the Soviet State,* Cambridge, Cambridge University Press, 2002, p. 182.

67 Lezhava, *op.cit.*, p. 245.

68 Lezhava, *op.cit.*, p. 245.

69 Beissinger, *op.cit.*, pp. 351-352; Bohlen Celestine, "Military Gas Used In Soviet Georgia", *New York Times*, 25 May 1989.

70 Ghia Nodia reports that the Georgian Communist authorities facilitated the radicalisation of the opposition. They allowed anti-Communist demonstrations and criticisms in the press when they were expressed in a radical manner. Media in the hands of the Communist authorities were very careful not to criticize Gamsakhurdia, for instance. Likewise, the authorities did not protest against the forceful occupation of official buildings by the radicals. But they did allow the moderates to use offices to set up their headquarters. Nodia Ghia, "Political Turmoil in Georgia and the Ethnic Policies of Zviad Gamsakhurdia", in Coppieters Bruno (ed.), *Contested Borders in the Caucasus*, Brussels, VUBPRESS, 1996, available at: http://poli.vub.ac.be/publi/ContBorders/eng/ch0401.htm, accessed January 2010; Serrano, *op.cit.*, p. 45; Cornell Svante E., *Small Nations and Great Powers. A Study of Ethnopolitical Conflict in the Caucasus*, Surrey, Curzon Press, 2001, p. 160.

71 Nodia, *op.cit.*, 2005, p. 45.

72 Gordadzé Thorniké, "La Géorgie et ses 'hôtes ingrats'", *Critique Internationale,* no.10, 2001, p. 166; Jones Stephen F., "Georgia: the Trauma of Statehood", in Bremmer Ian, Taras Ray (eds), *New States, New Politics. Building the Post-Soviet Nations*, Cambridge, Cambridge University Press, 1997, p. 511.

73 Nodia, *op.cit.*, 2005, pp. 46-47. For a detailed account of the application of the principle of autochthony to Georgia, see Gordadzé *op.cit.*, pp. 161-176.
74 As Gamsakhurdia adamantly claimed in a meeting on 5 April 1989: "The Abkhaz nation has never existed… They struggle with Georgians and with Georgia in order to become Russified". Kazenin K.I., *Gruzino-Abkhazskii konflikt: 1917-1992* (The Georgian-Abkhaz Conflict: 1917-1992), Moskva, Izdatel'stvo Evropa, 2007, p. 41.
75 Coppieters, *op.cit.*, 2002, p. 97.
76 Nodia, *op.cit.*, Winter 1997-1998, p. 19.
77 In fact, as titular nationalities of Abkhazia and Georgia both the Abkhaz and the Georgians enjoyed better positions than all the other nationalities. While the Abkhaz enjoyed special privileges in Abkhazia, in Georgia, in 1989, 89.3 % of the administrative and managerial personnel were Georgian while the Georgians formed approx. 70 % of the population of Georgia. Mirsky Georgiy I., *On Ruins of Empire, Ethnicity and Nationalism in the Former Soviet Union*, Westport, Greenwood Press, 1997, p. 6.
78 A *samizdat* is a publication of uncensored information and texts. Zisserman-Brodsky, *op.cit.*, p. 16.
79 Zisserman-Brodsky, *op.cit.*, p. 179.
80 Zisserman-Brodsky, *op.cit.*, pp. 124-25.
81 The National Democratic Party followed suit. The first conference of Popular Front was held in September 1989 and the Greens established a branch in Abkhazia in June 1990.
82 Created in March 1990, the "Tskhum-Abkhazeti National Committee" (TANC) was an attempt to centralize all the Georgian forces in Abkhazia. It initially included the National Democratic Party, Iliya Chavchavadze Society, Rustaveli Society, Christian Democratic Union, "Lemi", National Independence Party, Georgian Helsinki Watch-National Revival, Medical Association, Merab Kostava Society, and Monarch-Conservative Party. The Popular Front was not involved. In May 1990, Gamsakhurdia's Round Table and its political organisations (Georgian Helsinki Watch-Revival of Georgia, Merab Kostava Society and the Monarchist Conservative Party) left the TANC in order to establish themselves as a central force. The TANC condemned the move: "We categorically declare: the *superimposition* of a confrontation between opposition political structures in Abkhazia and Tbilisi is inadmissible. The situation requires the coordination of developments in TANC and the Round Table" (italics mine). Kholbaia, Gelantia, Latsuzbaia, Chakhrakia, *op.cit.*, p. 53.
83 Interview 25, Tbilisi, 23/04/08.
84 It was all the more difficult for the Georgians to understand Aidgylara since the organisation affirmed its staunch support of the Soviet authorities as it appears in the following declaration of the chairman of Aidgylara: "The creation of the national forum Aidgylara was born from the desire of the Abkhaz society (…) to support the central authorities' path towards a revolutionary and comprehensive regeneration of the society." "Zayavlenie predsedateliya narodnogo foruma Abkhazii A. Gogua" (Statement of the Chairman of the Popular Forum of Abkhazia A. Gogua), December 1988, in Chumalov, *op.cit.*, p. 121.
85 Interview 25, Tbilisi, 23/04/08.
86 Aves Jonathan, "The Rise and Fall of the Georgian Nationalist Movement 1987-91", in Hosking Geoffrey A., Aves Jonathan, Duncan Peter J.S. (eds), *The Road to Post-Communism. Independent Political Movements in the Soviet Union 1985-1991*, London & New York, Pinter Publishers, 1992, p. 160
87 "Decree # 343 issued by the Council of Ministers of the Georgian SSR", in Diasamidze, *op.cit.*, 2008, p. 4; Aves, *op.cit.*, p. 160.
88 Keller Bill, "Ethnic Violence in Soviet Georgia Leaves 11 Dead, 127 in Hospitals", *New York Times*, 17 July 1989.
89 "Law of the Republic of Georgia on abolition of the Autonomous Oblast of the South Ossetia", 11 December 1990, in Diasamidze, *op.cit.*, 2008, pp. 39-40.
90 International Crisis Group, *Georgia: Avoiding War in South Ossetia*, Europe Report 159, 26 November 2004, p. 2.
91 International Crisis Group, *op.cit.*, 26 November 2004, p. 3.
92 Independent International Fact-Finding Mission on the Conflict in Georgia, "Report. Volume II", September 2009, available at: http://www.ceiig.ch, accessed January 2010, p. 71.
93 Cornell, *op.cit.*, 2001, p. 166.
94 Coppieters, *op.cit.*, 2002, p. 103.
95 The decision to bring him back to Abkhazia and appoint him chairman of the Supreme Council caused a split in Abkhazia between the Zviadists, who supported the nomination, and other Georgian organisations such as the Iliya Chavchavadze Society and part of the National Democratic Party, which fiercely opposed it. A former Georgian deputy to the Abkhaz Supreme Council thought that had there been no change in chairmanship, the course of history would have been more peaceful. He believed that the previous chairman, Valerian Kobakhia, would never have taken radical decisions. Kholbaia, Gelantia, Latsuzbaia, Chakhrakia, *op.cit.*, p. 72; Interview 25, Tbilisi, 23/04/08.

96 The elections were held in Abkhazia (though apparently not in Tqvarchal/Tqvarcheli or Gudauta, the only places were the Abkhaz were in the majority). Fifteen candidates were elected to the Georgian Supreme Council. It seems that despite the severing of links, officials from Abkhazia remained ex-officio members of the Georgian Council of Ministers, the Supreme Council Presidium and the Committee for the Supervision of the Constitution. Kazenin, *op.cit.*, p. 74; Jones, *op.cit.*, 1997, p. 512.

97 According to the Central State Commission of Abkhazia, 52.3 % of the population of Abkhazia took part in the referendum on 17 March 1991, of which 98.6 % voted in favour of preserving the USSR. If these results are accurate, this means that almost all the non-Georgian population of Abkhazia (including the Abkhaz, Armenians, Russians, Greeks, etc) cast a vote. The Supreme Council of Georgia considered the results null and void. "Information of the Central State Commission of the Abkhaz ASSR on holding the referendum of the USSR and the information of the district commission on election of the deputy of the USSR at the 669 Sukhumi territorial electoral district", 22 March 1991, in Diasamidze, *op.cit.*, 2008, pp. 57-58.

98 Jones, *op.cit.*, 1997, p. 513

99 There were some cases of unilateral moves before April 1991. Examples include the declaration on sovereignty and the decision by Gamsakhurdia to appoint a prefect in Gal/i in 1991. In January 1991, Gamsakhurdia decided to create the new post of prefect: an official who, as the highest one in regions and towns, would represent the state's interests. One month later he appointed a prefect to the Gal/i district without consulting the Abkhaz authorities. The move, considered unlawful under the Abkhaz Constitution, infuriated both the Abkhaz and local Georgians who formed the absolute majority in the district. The newspaper *Edinenie* reported that in Ochamchira/e approximately 2,000 people, both Abkhaz and Georgians, demonstrated against the decision. In the end, Gamsakhurdia withdrew the nomination and instead asked the Supreme Council of Abkhazia to appoint a candidate in agreement with the Council of Ministers of Abkhazia and the Council of Ministers of Georgia. *Edinenie*, no.2 (011), February 1991, p. 7.

100 Stephen Jones has pointed out that in the Georgian Constitution adopted in August 1991 only ten articles were devoted to minorities, and they restricted their rights in several ways. This was the case of the July 1991 amendment to the Constitution regarding the powers of the President. Jones, *op.cit.*, 1997, p. 513.

101 Achugba Teimuraz A., *Etnopoliticheskie protsessy v Abkhazii v kontekste gruzino-abkhazskogo konflikta* (Ethno-political Process in Abkhazia in the context of the Georgian-Abkhaz Conflict), Sukhum/i, Akademiya nauk Abkhazii, Abkhazskii institut gumanitarnykh issledovanii im. D.I. Gulia, 2007, p. 15.

102 Several factors played a role in the fall of Gamsakhurdia: his own drift towards authoritarianism, the war in South Ossetia, the suppression of the opposition and the catastrophic situation of the Georgian economy. According to Ghia Nodia, Gamsakhurdia's inconsistent behaviour during the August 1991 putsch in Moscow and the use of force against demonstrators in Tbilisi in September 1991 were the straw that broke the camel's back. On 22 December the National Guard, led by Tengiz Kitovani, surrounded the Parliament where the president had taken refuge. Gamsakhurdia and his followers eventually left the building on 6 January 1992. As a result, power was left in the hands of three men: Tengiz Kitovani, Jaba Ioseliani, the head of the paramilitary organisation Mkhedrioni, and Tengiz Sigua, former Prime Minister. They dissolved the legislative body and declared the Military Council in charge of state affairs. Subsequently, they called on former Soviet Minister for Foreign Affairs Eduard Shevardnadze, who arrived in Georgia in March 1992, to take up the position of head of state. O'Balance Edgar, *Wars in the Caucasus: 1990-1995*, New York, New York University Press, 1997, p. 110; Nodia, *op.cit.*, 1996, p. 82.

103 Irakli Aladashvili, *History of the Creation of Georgian Armed Formations, 1988–1991*, Geneva, Small Arms Survey, 2001, quoted in Demetriou Spyros, *Politics From The Barrel of a Gun: Small Arms Proliferation and Conflict in the Republic of Georgia (1989–2001)*, Small Arms Survey, Occasional Paper 6, 2002, p. 21.

104 Decree issued by the Supreme Council of Abkhazia on the decree issued by the State council of Georgia "on Regulation of Problems on Formation and Operation of the Border zone of the Republic of Georgia", 3 June 1992, in Diasamidze, *op.cit.*, 2008, p. 117.

105 Diasamidze, *op.cit.*, 2008, p. 131.

106 Diasamidze, *op.cit.*, 2008, p. 131.

107 The Zviadists were the proponents of Zviad Gamsakhurdia who fought for his restoration to power.

108 "Decree issued by the Presidium of the Supreme Council of the Republic of Abkhazia on mobilisation of adult citizens and distribution of arms to the regiment of the internal troops of Abkhazia", 14 August 1992, in Diasamidze, *op.cit.*, 2008, p. 140.

109 A rebellion is waged at a lower level, through acts of rioting, sabotage, and sometimes even the temporary control of a territory that is usually quickly recovered by the central authorities. Roth Brad R., *Governmental Illegitimacy in International Law*, Oxford, Clarendon Press, 1999, p. 173

110 Moir Lindsay, "The Historical Development of the Application of Humanitarian Law in Non-International Armed Conflicts to 1949", *International and Comparative Law Quarterly*, vol.47, 1998, p. 338; Clapham Andrew, "Human Rights Obligations of Non-State Actors in Conflict Situations", *International Review of the Red Cross*, vol.88, no.863, 2006, p. 492.
111 Mc Coubrey Hilaire, White Nigel D., *International Organizations and Civil Wars*, Dartmouth, Brookfield, 1995, p. 6.
112 Clapham, *op.cit.*, p. 492; Moir, *op.cit.*, p. 339.
113 Mc Coubrey, White, *op.cit.*, p. 6.
114 Moir, *op.cit.*, p. 339.
115 Clapham, *op.cit.*, p. 493.
116 Snow Donald M., *UnCivil Wars. International Security and the New Internal Conflicts*, Boulder, Colorado, Lynne Rienner Publishers, 1996, p. 65.
117 "Decree issued by the Presidium of the Supreme Council of the Republic of Abkhazia on mobilisation of adult citizens and distribution of arms to the regiment of the internal troops of Abkhazia", 14 August 1992, in Diasamidze, *op.cit.*, 2008, p. 140.
118 A handful of parliamentarians went to Gagra and Moscow.
119 The 345th Parachute Infantry Regiment (whose soldiers were later dispatched as "neutral troops" after the signing of the July 1993 agreement and then included into the CIS peacekeeping force based in Abkhazia), 643rd Anti-aircraft missile regiment, Airport-Technical Supply Battalion and a Motor-Rifle Division were based in Gudauta. In total, 100,000 troops were said to be based in Georgia in the Soviet period. Demetriou, *op.cit.*, p. 4; Darchiashvili David, "The Russian Military Presence in Georgia: The Parties, Attitudes and Prospects", *Caucasian Regional Studies*, vol.1, no.2, 1997, available at: http://poli.vub.ac.be/publi/crs/eng/0201-04.htm, accessed January 2010.
120 These were institutions such as the State security services, the Interim Council for the coordination of the activities and re-subordination of the defence and Militia Troops dislocated on the territory of Abkhazia (in charge of implementing defence and military policy), and the recruiting Commission of the Republic (in order to subordinate the regional recruiting Commissions and to monitor their activities).
121 Overeem, Pauline, "Report of a UNPO-Coordinated Human Rights Mission to Abkhazia and Georgia", *Central Asian Survey*, vol.14, no.1, 1995, p. 138.
122 MacFarlane Neil S., Minear Larry, Shenfield Stephen D., *Armed Conflict in Georgia: a Case Study in Humanitarian Action and Peacekeeping*, The Thomas J. Watson Jr. Institute for International Studies, Occasional Paper 21, 1996, p. 89.
123 Marshania Lorik, *Pravda o tragedii Abkhazii* (The truth about the tragedy in Abkhazia), Tbilisi, Samshoblo, 1998, available at: http://abkhazeti.info/war/20060126155343341242.php, 21 January 2006.
124 CIPDD, "The Georgian Chronicle", available at: http://www.cipdd.org/files/61_265_570102_GeorgianChronicle-May93.pdf, May 1993.
125 Giorgi Khaindrava resigned immediately after the signing of the Sochi agreement in July 1993. He believed the agreement would turn out to be in Georgia's disadvantage.
126 Jones, *op.cit.*, p. 524.
127 Lakoba, *op.cit.*, p. 35.
128 1,200 according to Stanislav Lakoba, to 4,500-5,000 according to Demetriou's assessment. Lakoba, *op.cit.*, p. 34; Demetriou, *op.cit.*, p. 25.
129 Sharashenidze Levan, *Zametki desantnika-kommissara* (Notes of a Commando Commissar), Tbilisi, unpublished manuscript, 2006, pp. 79-80.
130 UN Department of Humanitarian Affairs, "Georgia. DHA Activities in 1993", 1993, p. 7.
131 UNSG, "Report of the Secretary-General's Fact-Finding Mission to Investigate Human Rights Violations in Abkhazia, Georgia", Annex, S/26795, 17 November 1993, p. 12; Human Rights Watch, "Georgia/Abkhazia: Violations of the Laws of War and Russia's Role in the Conflict", vol.7, no.7, 1995.
132 It added that "the passionate character of the conflict, the destruction of houses and apartments and basic living conditions as a direct consequence of the fighting and the deeply felt fear for personal security in an atmosphere of lawlessness and violence to which many individuals have testified undoubtedly contributed greatly to the displacement of the population on such a massive scale". UNSG, "Report of the Secretary-General's Fact-Finding Mission to Investigate Human Rights Violations in Abkhazia, Georgia. Annex", S/26795, 17 November 1993, p. 12.
133 Human Rights Watch, *op.cit.*, p. 5.
134 Dale Catherine, "The Dynamics and Challenges of Ethnic Cleansing: The Georgia-Abkhazia Case", August 1997, available at: http://www.unhcr.org/refworld/docid/3ae6a6c54.html, accessed December 2009.
135 UN Department of Humanitarian Affairs, *op.cit.*, p. 6.
136 UN Department of Humanitarian Affairs, *op.cit.*, p. 6.

137 UN Department of Humanitarian Affairs, *op.cit.*, p. 6.
138 CIPDD, "The Georgian Chronicle", vol.3, no.6, available at: http://www.cipdd.org/files/61_265_585281_GeorgianChronicle-June94.pdf, June 1994.
139 According to an Abkhaz interlocutor involved in the mobilisation of volunteers from the Northern Caucasus, the Russians impeded their activities during the first four months. Once they realized that they risked losing the Northern Caucasus, the Russians started to sell their weapons to the Abkhaz. According to Georgi Derluguian, however, the Russians were training and sending the volunteers. He reports that Russian special forces trained the Chechen battalion of Shamil Basayev and that numerous combatants joined Abkhazia by bus, escorted by Russian military helicopters. Interview 92, Sukhum/i, 9/10/07; Derluguian Georgi M., *Bourdieu's Secret Admirer in the Caucasus. A World-System Biography*, Chicago, University of Chicago Press, 2005, pp. 268-269.
140 Lakoba Stanislav, *Abkhaziya – de-fakto ili Gruziya de-yure? O politike Rossii v Abkhazii v postsovetskii period 1991-2000 gg* (Abkhazia – *de facto* or Georgia *de jure*? On Russia's Politics in Abkhazia in the Post-Soviet Period 1991-2000), Sapporo, Slavic Research Center Occasional Papers, 2001, available at: http://src-h.slav.hokudai.ac.jp/publictn/lakova/lakova-contents.html, accessed January 2010, p. 46. For a description of the role of the Confederation in the Abkhaz war, see Georgi Derluguian's book on the life of the Kabardian Musa Shanib, who was (*inter alia*) the chairman of the Confederation. Derluguian, *op.cit.*, 2005, p. 267 ff.
141 Many people, including Tamaz Nadareishvili, still think that Russia fomented the conflict and instrumentalized the Abkhaz. "I categorically don't accept the assessments, which to my regret are still made in Georgia, as if there was a conflict inside the country, that Georgians and Abkhazs couldn't agree on something, have quarreled and now they must reconcile. This is perfectly absurd. (…) The tragedy that happened in Abkhazia can not be assessed as an ethnic conflict between Abkhazia and Georgians. That was a military, political conflict inspired by the third, outer party, that is by Russian State, whose aggression resulted in the occupation of Abkhazia – an integral part of Georgia." Nadareishvili Tamaz, *Genocide in Abkhazia*, Tbilisi, AZRI Publishers, 1999, pp. 10-11.
142 For a detailed account of Russia's involvement in Abkhazia, see Antonenko Oksana, "Frozen Uncertainty: Russia and the Conflict over Abkhazia", in Coppieters Bruno, Legvold Robert (eds), *Statehood and Security. Georgia after the Rose Revolution*, Cambridge, MIT Press, 2005, pp. 205-269.
143 Aleksei Zverev quoted a source describing the mood of the local Russian commanders in Abkhazia: "they don't like Shevardnadze and they are defending their sanatoria in Abkhazia. The war will go on until either Shevardnadze or Ardzinba joins Russia in some form or other. The generals have lost too much with the break-up of the USSR. Where there is hope, they will try to regain it". Zverev Aleksei, "Ethnic Conflicts in the Caucasus 1988-1994", in Coppieters Bruno (ed.), *Contested Borders in the Caucasus*, Brussels, VUBPRESS, 1996, available at: http://poli.vub.ac.be/publi/ContBorders/eng/info.htm, accessed January 2010; International Crisis Group, *Abkhazia Today*, Europe Report 176, 15 September 2006, p. 6; Nodia Ghia, *op.cit.*, 1997-98, p. 40; Antonenko, *op.cit.*, p. 211
144 Stanislav Lakoba reports that some days before a planned meeting between Russia and Georgia, Grachev said on television: "We will meet with the Georgian Minister of Defence, why there is no Abkhaz Defence Minister during those meetings?" Lakoba says that few days later, on 11 October 1992, the Abkhaz Presidium of the Supreme Council decided to create a Ministry of Defence. Lakoba, *op.cit.*, p. 55.
145 Lynch Dov, *The Conflict in Abkhazia. Dilemmas in Russian 'Peacekeeping' Policy*, London, Royal Institute of International Affairs, Discussion Paper 77, 1998, pp. 16-17, 26.
146 Lynch, *op.cit.*, 1998, pp. 16-17, 22.
147 Dale Catherine, "Turmoil in Abkhazia: Russian responses", *RFE-RL Research Report*, 27 August 1993, quoted in Kaufman, *op.cit.*, 2001, p. 121.
148 At the beginning of 1992, MFA Andrei Kozyrev embodied the liberal discourse. He supported close ties with the West and strong participation in international organisations. The conservative discourse, which identified more with the legacy of the Soviet Union, was present in the Duma's resolutions pushing for stronger Russian involvement on the Abkhaz side and asking the Russian authorities to suspend the transfer of Soviet armaments to Georgia. Given Russia's first disillusion with pro-Western liberal policies and the rejection of the conservatives plan to recover the Soviet Union, in early 1993 the centrist discourse gained the upper hand in the MFA and the presidential administration. Hopf Ted, "Identity, legitimacy and the use of military force: Russia's Great Power identities and military intervention in Abkhazia", *Review of International Studies*, vol.31, 2005, pp. 236-37; Light Margot, "Foreign Policy Thinking", in Malcolm Neil, Pravda Alex, Allison Roy, Light Margot, *Internal Factors in Russian Foreign Policy*, New York, Oxford University Press, 1996, p. 84.
149 In his annual address to the Federal Assembly in February 1993, Yeltsin asked the international organisations "to grant Russia special powers as the guarantor of peace and stability in the region". Yeltsin quoted in Kaufman, *op.cit.*, 2001, p. 121.

150 Human Rights Watch, *op.cit.*, p. 37.
151 Hopf, *op.cit.*, p. 229; Lakoba, *op.cit.*, pp. 65-66; CIPDD, "The Georgian Chronicle", available at: http://www.cipdd.org/files/61_265_170698_GeorgianChronicle-March93.pdf, March 1993.
152 Lynch, *op.cit.*, 1998, pp. 16-17, 26-27; Cornell, *op.cit.*, 2001, p. 173.
153 Derluguian Georgi, "Abkhazia: A Broken Paradise", in Narula Monica, Sengupta Shuddhabrata, Bagchi Jeebesh, Sundaram Ravi (eds), *Sarai Reader 07: Frontiers*, New Delhi, Impress, 2007, p. 77.
154 Between August 1992 and May 1994 the UNSC adopted nine resolutions and four presidential statements. The first UNSC resolution was adopted in July 1993. The UNSC also adopted four presidential statements in September and October 1992 and in January and July 1993.
155 The Security Council referred to the "inadmissibility of any encroachment upon the principle of territorial integrity and upon Georgia's internationally recognized border". "Decision of the 10 September 1992: Statement of the President", in United Nations, *Repertoire of the Practice of the Security Council 1993-1995*, New York, available at: http://www.un.org/Depts/dpa/repertoire/, accessed December 2008, p. 467.
156 UNSC, Resolution 896, S/Res/896, 31 January 1994.
157 Paye Olivier, Remacle Eric, "UN and CSCE Policies in Transcaucasia", in Coppieters Bruno (ed.), *Contested Borders in the Caucasus*, Brussels, VUBPRESS, 1996, available at: http://poli.vub.ac.be/publi/ContBorders/eng/ch0401.htm, accessed January 2010.
158 UNSC, Resolution 876, S/Res/876, 19 October 1993.
159 Wood Michael C., "The Interpretation of Security Council Resolutions", in von Bogdandy Armin, Wolfrum Rüdiger (eds), *Max Planck Yearbook of United Nations Law*, Leiden/Boston, Martinus Nijhoff Publishers, vol.2, 1998, p. 79.
160 Paye, Remacle, *op.cit.*
161 UNSC, Resolution 876, S/Res/876, 19 October 1993; UNSC, Resolution 881, S/Res/1993, 4 November 1993.
162 UNSC, Resolution 893, S/Res/893, 22 December 1993.
163 Anchabadze Yuri, "Georgia and Abkhazia: the Hard Road to Agreement", in Coppieters Bruno (ed.), *Georgians and Abkhazians: the Search for a Peace Settlement*, Köln, Bundesinstitut für Ostwissenschaftliche und Internationale Studien, 1998, available at: http://poli.vub.ac.be/publi/Georgians/, accessed January 2010.
164 Pfetsch Frank R., Rohloff Christoph, "KOSIMO: a Databank on Political Conflict", *Journal of Peace Research,* vol.37, no.3, 2000, p. 386.
165 Galtung makes a distinction between negative and positive peace. While negative peace represents the absence of direct violence (physical or verbal), positive peace is also the absence of structural and cultural violence, that is, the absence of injustice, discrimination, exploitation and aspects of culture that legitimize and render direct or structural violence acceptable. Numerous alternative definitions of peace are available. According to Luc Reychler, the idea of sustainable peace goes one step further as "a situation that is characterized by the absence of physical-, structural-, psychological-, cultural-, and bad governance-related violence; self-sustainability and the constructive transformation of conflicts; and a high level of legitimacy." Kumar Rupesinghe offers yet another distinction between durable, stable and unstable peace. There is a durable peace when the ruling elite has political legitimacy and values and interest are pursued within a legitimate framework. Where conflicts of interest exist, they do not escalate into violent conflict. A stable peace exists when the rule of law is respected. But there may be hostilities, minor degrees of violence and oppression, with people tending to be suspicious of one another. A society is in a situation of unstable peace when communication between the sides decreases, distrust and tension increase and there is nothing to guarantee peace. Reychler Luc, Jacobs Michèle, "Limits to Violence: Towards a Comprehensive Violence Audit", *Cahiers of the Centre for Peace Research and Strategic Studies*, vol.68, 2004, p. 3; Galtung, *op.cit.*, 1996, pp. 31, 196; Rupesinghe Kumar, *Civil War, Civil Peace: an Introduction to Conflict Resolution*, Chippenham, Pluto Press, 1998, p. 61.
166 Mikeladze Levan, "Georgia and the OSCE", in Institute for Peace Research and Security Politics at the University of Hamburg/iFSH, *OSCE Yearbook 1999*, Baden-Baden, Nomos, 2000, p. 103.
167 Kolsto Pål, "The Sustainability and Future of Unrecognized Quasi-States", *Journal of Peace Research*, vol.43, no.6, 2006, pp. 723–740; Rywkin Michael, "The Phenomenon of Quasi-States", *Diogenes*, vol.53, no.2, 2006, pp. 23-28.
168 Kolossov Vladimir, O'Loughlin John, "Pseudo-States as Harbingers of a Post-Modern Geopolitics: the Example of the Trans-Dniestr Moldovan Republic (TMR)", paper presented at IGU Political Geography Conference on Nationalisms and Identities in a Globalized World, Ireland, August 1998.
169 For Ottaway, the 'raw power state' is "the state that received no international recognition and has weak institutions, but where power is exercised and enforced". Ottaway Marina, "Rebuilding State Institutions in Collapsed States", *Development and Change*, vol.33, no.5, 2002, p. 1003.

170 Lynch Dov, *Engaging Eurasia's Separatist States. Unresolved Conflicts and De Facto States,* Washington D.C., United States Institute of Peace Press, 2004; Pegg Scott, *International Society and the De Facto State*, Aldershot/Brookfield/Singapore/Sydney, Ashgate, 1998; Bahcheli Tozun, Bartmann Barry, Srebrnik Henry (eds), *De Facto State, the Quest for Sovereignty*, New York, Routledge, 2004.

171 In the understanding of Lynch, Pegg, Rywkin and Kolsto, the terms '*de facto* state' and 'quasi-state' define a state-like entity without international recognition. This contrasts with the meaning given to those terms by Robert Jackson. Jackson use 'quasi-state' and '*de facto* state' to define internationally recognised sovereign states. The difference between them lies in the state's effectiveness: while a '*de facto* State' is able to perform its tasks effectively, a 'quasi-state' is incapable of fulfilling the tasks allocated to a state. Its authorities are often unable to provide for their population's welfare, and the benefits are usually restricted to an elite. See Jackson Robert, *Quasi-States: Sovereignty, International Relations, and the Third World*, Cambridge/New York/Port Chester/Melbourne/Sydney, Cambridge University Press, 1990, p. 21.

172 Pegg, *op.cit.*, p. 26.

173 Examples of successful *de facto* states include Somaliland. In his analysis of the capabilities of self-determination movements, William Reno concluded that "Whether it is recognized or not, the end result is that Somaliland's authorities have succeeded in asserting self-determination through state-like strategies of gaining control over the exercise of violence and negotiating with productive groups in society for support and revenues to increase the capacity and legitimacy of the political organization. In this regard Somaliland is more state-like in a classical *de facto* sense than are the majority of *de jure* sovereign states in Africa". Reno William, *Somalia and Survival in the Shadow of the Global Economy*, Oxford, Queen Elizabeth House, Working Paper 100, 2003, p. 35; Pegg, *op.cit.*, p. 47.

174 King Charles, "Benefits of Ethnic War. Understanding Eurasia's Unrecognized States", *World Politics*, vol.53, 2001, p. 525.

175 Migdal Joel, *Strong Societies and Weak States. State-Society Relations and State Capabilities in the Third World*, Princeton, Princeton University Press, 1988, p. 4.

176 Lynch Dov, *Managing Separatist States: A Eurasian Case Study*, European Union Institute for Security Studies, Occasional Paper 32, 2001, p. 12.

177 Kolsto, *op.cit.*, 2006, p. 727; Kolsto Pal, Blakkisrud Helge, "Living with Non-Recognition: State- and Nation-building in South Caucasian Quasi-States", *Europe-Asia Studies*, vol.60, no.3, 2008, p. 505.

178 Fairbanks Charles H., "Weak States and Private Armies", in Beissinger Mark R., Young Crawford (ed.), *Beyond the State Crisis? Postcolonial Africa and Post-Soviet Eurasia in Comparative Perspective*, Washington, DC, Woodrow Wilson Center Press, 2002, p. 129.

179 According to Robert Rotberg, the strength of a state depends on its ability to provide what he calls key political goods for its population. These goods include security, participation in the political system, education and health care. Weak states, which also include failing states, share (some of) these features: they are confronted with internal security threats (crime and ethnic, religious, linguistic or intercommunal tensions), have a neglected infrastructure, suffer from a high level of corruption, and are often ruled by despots. Rotberg Robert I., *When States Fail. Causes and Consequences*, Princeton and Oxford, Princeton University Press, 2004, p. 10.

180 For William Zartman, the state is guarantor of security, represents an agreed source of identity and is a political arena as well as being an institution supplying adequate services to its population. Zartman William (ed.), *Collapsed States. The Disintegration and Restoration of Legitimate Authority*, London, Lynne Rienner Publisher, 1995, p. 5.

181 Ottaway Marina, Mair Stefan, *States at Risk and Failed States*, Carnegie Endowment for International Peace, Policy Outlook, September 2004, p. 3.

182 Independent International Fact-Finding Mission on the Conflict in Georgia, "Report. Volume II", September 2009, available at: http://www.ceiig.ch, accessed January 2010, p. 239.

183 Criticisms may, however, be levelled against the central authorities if an agreement containing a provision prohibiting the use of force was signed between the two parties. In that case, an attack may then constitute a violation of the agreement.

184 Crawford, *op.cit.*, pp. 80-81.

185 Crawford, *op.cit.*, p. 52.

186 Independent International Fact-Finding Mission on the Conflict in Georgia, "Report. Volume III", September 2009, available at: http://www.ceiig.ch, accessed January 2010, p. 575.

187 Crawford, *op.cit.*, p. 52.

188 Different assessments are available, but their accuracy is questioned. In the 1998 UNDP needs assessment, the population was estimated at between 180,000 and 220,000. In 2001, the Abkhaz authorities assessed the population as many as 320,000 inhabitants, including 110,000 Abkhaz. The International Crisis Group found this number unrealistic as it was unlikely that there were 17,000

Abkhaz more than in 1989. An official census was conducted in 2003, but Rachel Clogg reports that its methodology and scope were disputed. According to this census, the total population of Abkhazia amounted to 216,000, of which 44 % were Abkhaz, 21 % Armenians, 20 % Georgians and 11 % Russians. In January 2005, 129,127 individuals were included on the voters' list, suggesting a population of between 175,000 and 190,000. "United Nations Needs Assessment Mission to Abkhazia, Georgia", March 1998, p. 9; International Crisis Group, *op.cit.*, 2006, p. 9; Clogg Rachel, "The Politics of Identity in Post-Soviet Abkhazia: Managing Diversity and Unresolved Conflict", *Nationalities Papers*, vol.36, no.2, 2008, pp. 305-329. The 2003 census is available at: http://ethno-kavkaz.narod.ru/rnabkhazia.html, accessed July 2009.

189 Crawford, *op.cit.*, p. 46.

190 On 25 July 2006 the Georgians launched a massive operation in the upper Kodor/i valley, where Emzar Kvitsiani, the leader of the Monadire (Hunter) paramilitary group was said to have retreated, in order to restore "law and order in the area". Three days later President Saakashvili announced the completion of the operation and the relocation in the region of the Tbilisi-based Government of the Autonomous Republic of Abkhazia, better known as the Abkhaz government-in-exile. Two years later, in August 2008, the Abkhaz forces, with the help of Russian troops, re-conquered the valley. UNSG, Report of the Secretary-General Concerning the Situation in Abkhazia, Georgia, S/2006/771, 28 September 2006.

191 The May 1994 Agreement on a ceasefire and separation of forces established a security zone of 12 km on each side of the Ingur/i river. In this security zone the presence of armed forces or heavy military equipment was prohibited.

192 Kukianidze Alexandre, Kupatadze Alexandre, Gotsiridze Roman, *Smuggling through Abkhazia and Tskhinvali Region of Georgia*, Tbilisi, TRaCCC, 2004, p. 5.

193 Pegg, *op.cit.*, p. 40.

194 Michael Steiner defined eight standards in his speech at the UN in April 2002: development of democratic institutions, rule of law, freedom of movement, right to return, development of a market economy, clarification of property rights, dialogue with Belgrade and reform of the Kosovo police service. Van Meurs Wim, "Kosovo's Fifth Anniversary – On the Road to Nowhere?", *The Global Review of Ethnopolitics*, vol.3, no.3-4, 2004, p. 68.

195 The two main contenders in the October 2004 presidential elections were Raul Khadzhimba, the protégé of Ardzinba and Russia, and Sergei Bagapsh. Tensions mounted when Khadzhimba contested the victory by Bagapsh which had been confirmed by the Central Election Commission of Abkhazia. Moscow, which had intervened heavily in favour of Khadzhimba during the electoral campaign, continued to support him while the governor of Krasnodar threatened to close the Russo-Abkhaz border. It was feared that the region could plunge into civil war. In December 2004, an agreement was eventually reached through the facilitation of Moscow, whereby the two candidates would run together on the same ticket during the repeat elections that took place in January 2005. In line with the agreement, Bagapsh became president while Khadzhimba was offered the vice-presidency. For a review of the events, see Skakov Alexander, "Abkhazia at a Crossroads: On the Domestic Political Situation in the Republic of Abkhazia", *Iran and the Caucasus*, vol.9, no.1, 2005, pp. 159-185.

196 According to Garry Samanba, the leader of the Amtsakhara opposition movement, "this constitution was written for just one person, President Vladislav Ardzinba. It was meant to be a 'transitional constitution', but the transition is taking too long". Khashig Inal, "Out with the Government in Abkhazia", *IWPR Caucasus Reporting Service*, no.175, 17 April 2003.

197 Article 19, "A Survey of Access to Information in Abkhazia and its Impact on People's Lives", June 2007, available at: http://www.article19.org/pdfs/publications/abkhazia-foi-report.pdf, accessed January 2010, p. 10.

198 According to an Abkhaz who investigated the conditions in Abkhazia's courts in 2005-2007, some of them did not even have a separate room in which to hold the accused and witnesses, let alone computers or room for archives. The level of staff qualifications was low. According to a survey done by a local organisation, the situation was especially worrying in Gudauta and Gal/i. Interview 52, Sukhum/i, 07/11/07.

199 Clogg, *op.cit.*, pp. 314, 317.

200 After years of debate, the parliament of Abkhazia eventually passed a law on state language in November 2007. The law compelled governmental and independent newspapers to publish part of their text in Abkhaz by mid-2008, imposed the use of the Abkhaz language in sessions of the parliament and government by 2010, and compels the heads of state organs, members of parliament and the heads of local administration to be able to speak Abkhaz by 2015. This policy was criticised on the grounds that it would be nearly impossible to find enough Abkhaz-speaking teachers, editors and journalists to instruct the non-Abkhaz speaking population and to publish articles in Abkhaz. There was almost no criticism, however, of the potential discrimination it entailed for the non-Abkhaz population. Interestingly, Rachel Clogg recounts that none of her non-Abkhaz interlocutors, interviewed before the

law on state language came into force, opposed the idea of such a law. For an in-depth account of inter-ethnic relations in Abkhazia, see Clogg, *op.cit.*, pp. 305-329.

201 For observers, the fires that erupted in the Gal/i district during the 2007 Abkhaz parliamentary elections were no doubt an attempt to prevent the local population from voting. The members of a group called 'Patriots for Abkhazia' claimed to have burnt down several houses which belonged to Georgian "collaborators". They also dropped leaflets condemning those who would participate to the elections. Interview 52, Sukhum/i, 6/11/07; Rimple Paul, "Gali: A Key Test Case for Georgia's Separatist Abkhazia Region", *Eurasianet*, 3 May 2007.

202 In official statements, such as Georgian President Mikhail Saakashvili's in May 2008, there was mention of 500,000 displaced people. United Nations High Commissariat for Refugees, *Background Note on the Protection of Asylum Seekers and Refugees in Georgia*, September 2005, available at: http://www.unhcr.org/refworld/pdfid/472756782.pdf, accessed January 2010, p. 2; UNDHA, *op.cit.* p. 8; "Saakashvili: UN Abkhaz Resolution 'Historic'", *Civil Georgia*, 16 May 2008.

203 According to Abkhaz accounts, there were 3,000 men in the standing army in 2003 and 5,000 in 2008. In addition, there were 25,000 reservists in 2003 and 27-28,000 according to Sergei Bagapsh's statement in June 2008. Matveeva Anna, Hiscock Duncan, *The Caucasus. Armed and Divided*, London, Saferworld. April 2003, p. 106; International Crisis Group, *op.cit.*, 2006, pp. 12-13; Smolar Piotr, "L'Abkhazie rejette la responsabilité de la crise sur les autorités géorgiennes", *Le Monde*, 21 June 2008.

204 The 70-km length of the Ingur/i river is extremely difficult to control. Although it had between six and eight bridges and there was a Russian, Abkhaz and Georgian presence to monitor crossings, some observers have estimated that there are 70 to 80 entry points when the river recedes. Khukianidze Alexandre, Kupatadze Alexandre, Gotsiridze Roman, "Smuggling through Abkhazia and Tskhinvali Region of Georgia", Tbilisi, TRaCCC, 2004, p. 15.

205 The murders of two high-profile Muslims (an imam and a member of the group that hijacked a Turkish ship to protest against the Russian war in Chechnya in 1996) and a young boxing celebrity, and the fourth assassination attempt on the Abkhaz Prime Minister, Aleksandr Ankvab, were among the crimes perpetrated in 2007.

206 UNSG, Report of the Secretary-General Concerning the Situation in Abkhazia, Georgia, S/1998/647, 14 July 1998.

207 The Russians intervened on the side of the Abkhaz to bomb the Kodor/i valley. The Georgians responded by sending 300 hundred troops, who were eventually removed in April 2002. Vignansky Mikhail, "Georgia Angry at Russia's Kodori Dash", *IWPR Caucasus Reporting Service*, no.125, 19 April 2002.

208 Andjaparidze Eka, O'Neil Philip, "Georgia: Chechen Transfer Operation Exposed", *IWPR Caucasus Reporting Service*, no.101, 12 October 2001.

209 Several Turkish companies were in charge of the Tqvarchal/Tqvarcheli coalmines. International Crisis Group, *op.cit.*, 2006, p. 17; Champain Phil, Klein Diana, Mirimanova Natalia (eds), *From War Economies to Peace Economies in the South Caucasus*, London, International Alert, 2004.

210 In 2007, the 'Citizens of Abkhazia for the respect of the Constitution and the laws' published an appeal in which they called upon the president, the members of the government, the deputies and the heads of local administration, among others, to publish their incomes and to declare their involvement in the private sector, to no avail. "Obrashchenie" (Appeal), *Nuzhnaya Gazeta*, no.35, 4 September 2007, p. 1; Article 19, *op.cit.*, p. 11.

211 Champain, Klein, Mirimanova, *op.cit.*, p. 166.

212 Even though the budget had increased significantly over the years, it remained small. In 2004 it amounted to approx. 400 million rubles (11.2 million euros), increasing to 1,4 billion rubles (41 million euros) by 2007. The republican budget adopted by the Abkhaz parliament for 2008 amounted to 1.61 billion rubles. "Gosudarstvennyi byudzhet Abkhazii 2007 goda vypolnen na 115 %" (The revenue in the State Budget of Abkhazia reaches 115 % of the estimate valuation), *Regnum*, 21 March 2008; "Prinyat zakon "O gosudarstvennom byudzhete respubliki abkhazii na 2008 god" (The Law "On the state budget of the Republic of Abkhazia for 2008" was adopted), *Apsnypress*, 25 December 2007; "Parlament Abkhazii v preddverii novogo goda prinyal budzhet na 2009 god" (The Parliament of Abkhazia adopted the 2009 budget just before New Year), *Kavkazskii Uzel*, 30 December 2008.

213 The comparison between Abkhaz and Russian financial resources is revealing and helps explain why so many Abkhaz became holders of a Russian passport: on 1 January 2008, an Abkhaz pension was worth 100 rubles (former mine workers and 'heroes of Abkhazia', among others, were entitled to a higher pension, of up to 1,500 rubles) while a Russian pension ranged from 1,200 to 1,600 rubles ($48-64). International Crisis Group, *op.cit.,* 2006, p. 16.

214 International Crisis Group, *op.cit.,* 2006, p. 16.

215 On 16 April 2008 Russian President Vladimir Putin ordered the organs of the Russian state to cooperate with Abkhaz agencies, to select the Abkhaz documents that should be recognised by Russian

bodies, to provide legal assistance in the fields of civil, family and criminal law and to recognize legal entities registered in Abkhazia. He also ordered the opening of a representation in the Krasnodar district that would function as a consulate for Abkhaz citizens. "Russia Moves to Legalize Ties with Abkhazia, S. Ossetia", *Civil Georgia*, 16 April 2008.

216 This also illustrates the fragility of the Abkhaz economy. As Abkhaz businessman Nikolai Atschba acknowledged, "You can close down the whole economy of Abkhazia in 15 seconds: Russia simply has to take an interest in the legality of the registration of our banking system". Quoted in Wennmann Achim, *Renewed Armed Conflict in Georgia? Options for Peace Policy in a New Phase of Conflict Resolution*, Geneva, Program for the Study of International Organisation(s), Occasional Paper 3, 2006, p. 19.

217 Crawford, *op.cit*., pp. 80-81.

218 Crawford, *op.cit*., pp. 80-81.

219 According to the polls conducted in 2001 by the Abkhaz Civic Initiative and People of the Future Foundation, 81.2 % of the Abkhaz, 81.6 % of the Armenians, 58.6 % of the Russians and 31.3 % of the Georgians living in the Gal/i district supported Abkhazia's independence. One could raise doubts about the validity of the polls, especially regarding the level of support from Georgians for Abkhazia's independence. It is informative, however, to see that the Armenian population appeared to favour independence even more than the Abkhaz. If true, one could wonder whether this is a legacy of the Soviet nationality policy, in which the non-titular nationalities used to follow uncritically the policy of the titular nationality. Tania Leila, *Public Opinion in Georgian-Abkhaz Peace Process*, Sukhum/i, Civic Initiative and People of the Future Foundation, 2002, p. 20; Clogg, *op.cit*.,p. 317; Kolsto, Blakkisrud, *op.cit.,* p. 499.

220 UNSC Resolution 1615, S/Res/1615, 29 July 2005.

221 UNSC, Resolution 1781, S/Res/1781, 15 October 2007.

222 UNSC, Resolution 1036, S/Res/1036, 12 January 1996.

223 UNSC, Resolution 993, S/Res/993, 12 May 1995.

224 Schoiswohl, *op.cit*, p. 248; David Eric, *Principes de droit des conflits armés*, Bruxelles, Bruylant, 2002, p. 187.

225 Article 3 common to the 1949 Geneva Conventions reads as follows: "In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions: (1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria. To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons: (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; (b) taking of hostages; (c) outrages upon personal dignity, in particular humiliating and degrading treatment; (d) the passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples. (2) The wounded and sick shall be collected and cared for. An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict. The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention. The application of the preceding provisions shall not affect the legal status of the Parties to the conflict."

226 Zegveld Liesbeth, *Accountability of Armed Opposition Groups in International Law*, Cambridge, Cambridge University Press, 2002, p. 32.

227 Zegveld, *op.cit*., pp. 30-31.

228 This was mentioned in the resolutions from 1996 to 2000. For instance, see UNSC, Resolution 1065, S/Res/1065, 12 July 1996.

229 According to Ronald Watts, federations are "compound entities, combining strong constituent units and a strong general government, each possessing powers delegated to it by the people through a constitution, and each empowered to deal directly with the citizens in the exercise of its legislative, administrative and taxing powers, and each directly elected by the citizens". Watts, *op.cit*., p. 8.

230 Coppieters, Kovziridze, Leonardy, *op.cit*., pp. 19-20.

231 Lawson Gary, Sloane Robert D., "The Constitutionality of Decolonization by Associated Statehood: Puerto Rico's Legal Status Reconsidered", *Boston College Law Review*, vol.50, no.4, 2009, p. 1138.

Chapter 3
From status quo to desired status: Strategies and tactics of Tbilisi and Sukhum/i for changing Abkhazia's status

This chapter examines the tactics used by the parties to attain the status they desired for Abkhazia, namely, sovereignty for the Abkhaz officials and reintegration within Georgia for the Georgian leadership. It considers which tactics were used by the Abkhaz side to contest and upgrade Abkhazia's *de jure* status and to consolidate its *de facto* status. It also explores which tactics were used by the Georgian authorities to remind the world of Abkhazia's *de jure* status as part of Georgia and to weaken the Abkhaz regime. And it examines how, by using these, the parties ultimately hindered the negotiation process. In the process, the chapter reviews the development of official negotiations from 1989 to 2008 as well as the absence thereof.

1. The absence of negotiations on Abkhazia's future status and attempts by the parties to raise their *de jure* status (1989-1992)

1.1 The background to the two sovereignty conflicts

As mentioned in the previous chapter, there were essentially two interrelated conflicts over sovereignty between the Georgians and the Abkhaz at the end of the 1980s: a local conflict of authority and a conflict over the future constitutional status of Abkhazia. The first took place between the two local communities inside the Abkhaz republic and concerned the Soviet ethnic stratification system. The second conflict had opposed the Abkhaz to Tbilisi throughout the 20th century. It related to the political status of the republic and, beyond that, fears regarding the survival of the Abkhaz nation, its identity and its privileges.

These two conflicts intensified significantly with the onset of *perestroika*, when the local Georgians, backed by the Georgian nationalists who had made the struggle against discrimination in the autonomous areas one of their key priorities, stepped up their demands. Since Gorbachev had started to remove the quotas in the USSR Supreme Council in March 1989, the Abkhaz had reason to be concerned.[1] If quotas were removed in Abkhazia too, they would lose the privileged position (40 % of the seats) they had in the parliament. The revival of theories questioning the autochthony

of the Abkhaz and the definition of the Georgian nation exclusively in ethnic terms exacerbated their fears. The Abkhaz were worried that they might lose their benefits as titular nationality, and in particular their highly favourable representation in the power structures.

Unlike anywhere else in the Caucasus at that time, the parties did negotiate an electoral formula and power-sharing deal in the pre-war period. But the Georgian authorities remained adamantly against any questioning of Abkhazia's status. This refusal to address the issue of Abkhazia's future status played a role in the failure of the new agreements. Unable to attain their desired status, the Abkhaz officials unilaterally changed their *de jure* status, intensifying the 'war of laws' and thereby destabilising intercommunal relations even further.

1.2 Abkhazia's internal power-sharing (1991): negotiations and limits

1.2.1 The unfolding of negotiations on the electoral law and power-sharing agreement

At the end of 1990 Gamsakhurdia promised Ardzinba he would keep the Abkhaz's majority in the new reshuffle of the Supreme Council of Abkhazia. By 1991, however, the conflict was well under way, with the Abkhaz participating in the All-Union referendum on the preservation of the USSR in March 1991 and the Georgians supporting the restoration of Georgia's independence during an alternative referendum held two weeks later.

The first proposal for the reorganisation of the Supreme Council came from the Abkhaz side. Put forward by the deputy chairman of Aidgylara, Zurab Achba, who published it in an Abkhaz newspaper in March 1991, this proposal entailed the creation of a two-chamber parliament in Abkhazia, consisting of a Republican Council, based on the principle of the equality of citizens' rights, and formed according to territorial lines, and a Nationality Council, based on the principle of the equality of nations' rights, and following nationality lines.[2] The proposal was rejected by Tbilisi: according to two Abkhaz scholars, one of whom was deputy to the Supreme Council in the pre-war period, Gamsakhurdia feared that the Abkhaz would enjoy a right of veto in the Nationality Council and that this could set a precedent for other nationalities in Georgia.[3]

A Tbilisi-sent delegation of constitutionalists, headed by Levan Alexidze, met with representatives from the Supreme Council of Abkhazia and from Aidgylara to seek an appropriate formula for giving the majority to the Abkhaz. They were soon confronted with the fact that nowhere in the republic did the Abkhaz enjoy an absolute majority, except in Tqvarchal/Tqvarcheli and Gagra. Even the attempt to break up the districts was unsuccessful. The delegates therefore went back to a Soviet quota-based solution. According to a Georgian member of the delegation, discussions with Gamsakhurdia, who then wanted to abolish Abkhazia's autonomy, were laborious.[4] He eventually consented, however, and on 9 July 1991 the project received the approval of both Sukhum/i and Tbilisi. For every district, the number of Abkhaz, Georgians and other

national candidates to be elected was fixed by law. Twenty-eight seats were allocated to the Abkhaz (17 % of Abkhazia's population), 26 to the Georgians (45 %) and 11 to the remaining nationalities (38 %).

Additional talks were held in the Georgian-Abkhaz Consent Commission (*soglasovatel'nyi komitet*), together with delegates from Tbilisi, to negotiate the parliament's procedure and the distribution of political mandates to the different nationalities. The Consent Commission, made up of five Abkhaz and five local Georgian representatives, dealt with these questions relatively successfully.[5] Several decisions were made regarding the distribution of the mandates, allocating the chairmanship of the Supreme Council to an Abkhaz and the vice-chairmanship to a Georgian, and vice-versa for some positions in the Council of Ministers. According to the new rules, ministers and the chairmen of state committees and other agencies under the jurisdiction of the Council of Ministers were to be appointed by two-thirds of votes, meaning that both the Georgian and the Abkhaz deputies had to agree on appointments.[6]

If one takes these facts into account, the agreements did not fundamentally change the balance of power. The chairmanship of the Supreme Council of Abkhazia traditionally fell to an Abkhaz. The Abkhaz deputies already had two seats more than the Georgians in the Supreme Council, and the previous head of the Council of Ministers had been Georgian. The most disputed position, that of Minister for the Interior, who had direct access to weapons and leverage on the cases sent to court, remained in the hands of the Georgians. But these reforms brought benefits to both communities: they protected the Abkhaz minority against a removal of quotas and the Georgian inhabitants against undesired constitutional changes. Indeed, according to the new law on amendments to the constitution, a two-thirds majority (rather than the previous one-third majority) was necessary first to put constitutional issues on the agenda, and then to pass laws.[7]

As a Georgian member of the delegation pointed out, if enforced, the law would ensure that no unilateral change could be passed without the approval of the other nationality, which would probably not have been the case if the older law were in force.[8] Any change to the *de jure* status of Abkhazia would therefore have to be acceptable both to the Abkhaz parliamentarians and to the Georgians.

Gamsakhurdia endorsed these decisions reluctantly. But he had good reasons for doing so. At the time, Moscow was willing to suppress the grievances of the Union republics and to use lower-level federated states to do so. That is why the powers of autonomous republics were reinforced[9] and the participation of some of them (Abkhazia included) was sought in the drafting of a new Union treaty in Novo Ogarevo in 1991. The spectre of Soviet intervention could not be ruled out, and this forced the Georgian president, whose country was still waiting for international recognition, to act with caution. Secondly, the armed conflict tearing South Ossetia apart since 1991 had weakened Georgia's capacity to respond to another crisis. Mid-1991, the Georgian forces were fighting the Ossetian forces and shelling Tskhinval/i.[10] As he acknowledged in an interview, Gamsakhurdia thought that satisfying (some of) the Abkhaz grievances would remove the opportunity for Gorbachev to stir up an outburst in the Abkhaz republic.[11] To put it another way, negotiations were not prompted by a recognition of

the legitimacy of the Abkhaz claims, as they had none in the eyes of Tbilisi, but by the acknowledgement that the Abkhaz and the central government fighting under the same flag would be too strong an opponent for Georgia.

1.2.2 Why the agreements failed: an 'apartheid law' vs an 'intolerable status quo' (1992)

The new Supreme Council of Abkhazia was convened in January 1992. It was made up of 28 Abkhaz parliamentarians whose candidacy had been supported by Aidgylara and who were considered the most 'respectable and patriotric' people, according to one Abkhaz parliamentarian elected at that time.[12] On the Georgian side, the efforts of the Georgian negotiating team to convince the local Georgians of the agreement's validity won over the Zviadists but not the others. According to Kholbaia *et al.*, the Tskhum-Abkhazeti National Committee (TANC), which consisted of the non-Zviadist organisations, boycotted the first round of parliamentary elections in September 1991, necessitating a second round.[13] After an attempt at discussion and collaborative work, the parliament eventually split in May 1992. The Georgian parliamentarians left the Soviet Council and demanded the repeal of the electoral law and the renewal of parliamentary elections.[14]

The fact that the expectations of the local communities were not fulfilled was detrimental to the agreement. For the local Georgians, the agreement was perceived as an apartheid law rather than a fair deal. According to Shevardnadze and to a former Abkhaz speaker, the local Georgians agreed to this disproportionate representation only in the hope that they would enjoy at least the support of the 11 remaining seats reserved for the other nationalities.[15] They were deeply disappointed when they saw that in reality they received only marginal support and that the pro-Abkhaz faction outnumbered them by 35 members to 30.[16] They also accused the Abkhaz deputies of violating the additional commitments given in the Consent Commission.[17] Not knowing how to handle the situation, divided in the face of a solid non-Georgian bloc,[18] and unwilling to cooperate with the Abkhaz, the Georgian parliamentarians walked out of the Supreme Council and set up parallel power structures in May 1992.

Their growing discontent was echoed in Tbilisi where the new leadership was by no means ready to save the electoral law and power-sharing agreement. The disproportionate representation of the Abkhaz nationality caused much resentment among the political elite in Tbilisi.[19] For Shevardnadze, this compromise was clearly the greatest mistake his predecessor had made.[20] By challenging it, the new head of state could prove that he was better at protecting Georgian interests than Gamsakhurdia, thereby consolidating his own power.[21]

Despite being over-represented, the Abkhaz officials were dissatisfied. Both Gamsakhurdia and Shevardnadze were firmly opposed to any alteration in Abkhazia's status. In the eyes of the Abkhaz, the fact that, from July 1991, Gamsakhurdia could suspend Abkhaz laws or abolish Abkhaz decrees at his own discretion was yet another example of how weak the republic's status was. As a result, the 'war of laws' – which started in earnest after Georgia proclaimed its independence in April 1991 (see Chapter Two) – escalated dangerously. In spite of the power-sharing and electoral agreements,

Ardzinba continued to adopt various decrees to modify and strengthen Abkhazia's *de jure* status unilaterally, thereby increasing the local Georgians' distrust and Tbilisi's readiness to act decisively.

1.3 Soviet and Georgian refusal to discuss status

1.3.1 Explaining the absence of negotiations over Abkhazia's future status

As seen in the previous chapter, formally Abkhazia had no right to secede from the USSR or to leave the Union republic unilaterally. The right to elevate an autonomous republic to the rank of Union republic belonged to the central Soviet power with the consent of the Union republic in which the autonomous republic lay.

Since the first Abkhaz requests in the 1950s, the central Soviet power had always refused to incorporate Abkhazia into the RSFSF or to raise its legal status.[22] However, once the Union republics started to claim greater political and economic rights or secession, Moscow took the opportunity presented by the lower-level national mobilisations to weaken the Union republics. The inclusion of Abkhaz officials in the process of drafting the new Union treaty in 1991 raised hopes that Abkhazia could secure a higher status in the new structure. They were dashed when the August 1991 coup destroyed all prospects of a federal reform of the Soviet state structure.

From 1989 to 1992 the successive Georgian leaders were almost inflexible on the issue of Abkhazia's *de jure* status. Georgia's sovereignty was basically non-negotiable. Abkhazia's special status was already barely acceptable since it was imposed, in their view, by Moscow to weaken their state. As the head of a Georgian research institute pointed out, setting Abkhazia on the path to federalism and granting it substantive autonomy would therefore have been seen as likely to lead to the country's doom and disintegration.[23] Like their counterparts in Moscow, the Communists in Tbilisi carefully avoided the issue of Abkhazia's *de jure* status.

When Gamsakhurdia came to power in 1991, he undermined the Abkhaz status-related grievances on the grounds that they did not reflect genuine concern but resulted rather from Moscow's manipulation.[24] That is why in November 1990, during the first session of the Supreme Council of Georgia, when David Berzenishvili from the Republican Party and a small fraction of the Georgian opposition asked for the creation of a commission on Abkhazia, Gamsakhurdia firmly refused: Abkhazia was North-Western Georgia.[25]

When he became president, Gamsakhurdia is said to have softened his position on Abkhazia. In spring/summer 1991 he began to assert publicly that the Abkhaz and the Georgians were two titular nationalities in Georgia, and he started to talk about the possibility of a Czechoslovakia-type federation.[26] The proposal was purportedly made during a meeting between Gamsakhurdia's and Aidgylara's representatives in Abkhazia. But one member of Aidgylara who participated in the talks reported that it came to nothing: the representative never returned to Abkhazia to follow up on this idea.[27]

Gamsakhurdia's successor was certainly not softer on the issue. Shevardnadze kept refusing any negotiation on Abkhazia's *de jure* status. A senior member of his

presidential administration argued in his defence that he only had a symbolic role in Georgia at the time. If he had intended to change the course of Georgia's policy on Abkhazia, he would have failed.[28] Whether this is true or not still has to be determined, but it seems doubtful that Shevardnadze really tried to tackle the issue seriously. Berdzenishvili reported that the numerous hours spent with him to talk about the future status of Abkhazia were totally inconclusive.[29]

In spite of the growing tension, Shevardnadze constantly refused to meet Ardzinba face to face. In his autobiography, Levan Sharashenidze, who met Ardzinba four times during his five-month tenure as Georgian Minister for Defence from January until June 1992, recalled that he gave Shevardnadze a detailed account of each of his meetings, stressing each time the readiness of the Abkhaz leader to meet him, even in Tbilisi. Shevardnadze always declined the offer.[30] He also turned down a proposal for exploratory talks with the Unrepresented Nations and Peoples Organisation whose Secretary had been carrying out a mission to the region in July 1992 at Ardzinba's request.[31]

There were many reasons for this refusal, including wariness of federalism as a result of the Soviet experience, the authorities' nationalist agenda and their lack of understanding of the Abkhaz's legitimate concerns with regard to Georgia's national project. Most significantly, the cost of being uncompromising was low owing to changes in both the national and regional situations which had weakened the Abkhaz officials and strengthened Tbilisi. With the disappearance of the Soviet Union, the Abkhaz officials had lost their security guarantor. Conversely, Georgia's sovereignty had been reinforced as a result of its recognition by the US, EC and, eventually, in 1992, the UN.[32] Shevardnadze could therefore easily dismiss the Abkhaz arguments altogether without fearing any intercession on their behalf.

Nor did the Abkhaz officials convince the local Georgians. In August 1990, the local Georgian deputies repealed the declaration of sovereignty adopted earlier by some of the parliamentarians of the Soviet Council of Abkhazia. They did not question the fact that Abkhazia was part of Georgia. Most of them shared the idea that the Abkhaz claims were not truly legitimate but the result of the Abkhaz's intrumentalisation by Moscow. Had they wished to negotiate changes to the status of the republic, their leeway would have been restricted by Tbilisi, which remained firmly in control and had no intention of discussing this issue.[33] Besides, Tbilisi's stranglehold on the local parliamentarians – another illustration of the weakness of Abkhazia's autonomous status in the eyes of the Abkhaz parliamentarians – hampered the adoption of decisions running counter to Tbilisi's interests.

Eventually, hostile relationships between the local leaders impeded serious discussion. While there were moderates on both sides who were willing to compromise, the Abkhaz and Georgian leaders, who were at the same time chairman (Ardzinba) and vice-chairman (Tamaz Nadareishvili) of the Supreme Council, were more radical, less amenable to compromise and, above all, unable to get along with one other.

1.3.2 The Abkhaz proposals: from federation to confederation (1992)

In the literature, there is a debate about the status the Abkhaz desired, or at least were prepared to accept, in the pre-war period. In fact, it appears that the position of the Abkhaz regarding their republic's desired status evolved and hardened significantly between February and June 1992. It seems likely that a window of opportunity for negotiations on status opened in February, but was not seized. Afterwards, neither the Abkhaz officials nor the Georgian authorities were ready to think in terms of shared sovereignty.

In February 1992 a delegation from the Georgian Consultative Council came to Sukhum/i.[34] Together with the representatives of the Aidgylara national forum, in particular its chairman, Sergei Shamba, and deputy chairman, Zurab Achba, the delegation tried to work out a way for Abkhazia to remain in Georgia.[35] The parties did not manage to reach an agreement. David Berdzenishvili and Georgii Anchabadze, two members of the delegation, later reported that the Abkhaz representatives had been ready to talk about a federation. The latter had suggested to them that foreign policy, finance and defence could be allocated to Georgia and that a commission could be created to define the exclusive powers of each side. The two delegation members acknowledged however that the Georgian delegation was mostly unwilling to think in terms of shared sovereignty.[36]

Given the absence of consensus, the sides decided to move forward step by step. The Abkhaz representatives wanted to adopt a law – blocked so far because of the lack of a two-thirds majority in the Supreme Council – altering the name of the Abkhaz Autonomous Soviet Socialist Republic to the 'Republic of Abkhazia' and entitling it to a new flag and emblems with the national symbols. Upon their return to Tbilisi the members of the delegation put this proposal to the Consultative Council, which turned it down. According to a member of the Georgian delegation, one Consultative Council member admitted frankly that he would most probably have approved such an offer had it not been for the disintegration of the Soviet Union, which removed all incentive to do so.[37] This substantiates the claim that contextual factors, and especially the collapse of the USSR, played a significant role in Georgia's policy towards Abkhazia in 1992.

The sources of this flexibility on the Abkhaz side might have been the collapse of their security guarantor and the regime change in Georgia. An Abkhaz academic remembered that there was hope in Sukhum/i that moderates would be brought to power in Tbilisi.[38] They disappeared when the Council rejected the offer and Shevardnadze adopted an uncompromising stance. The Abkhaz authorities continued to upgrade their *de jure* status and consolidate their capabilities on the ground by subordinating military units, companies and procuracies to themselves.

When the Georgian regime re-established the 1921 Georgian Constitution in February 1992, the Abkhaz leadership interpreted this as confirming the severing of the state/legal relations between Abkhazia and Georgia. It therefore offered to negotiate new relations that went further than the Soviet model of autonomy which was incapable, in their view, of protecting their interests.[39] The first written proposal came after the Georgian parliamentarians had left the Supreme Council of Abkhazia. The draft treaty on the 'Principles for Mutual Relations between the Republic of Abkhazia and the

Republic of Georgia', written by Taras Shamba, an Abkhaz jurist living in Moscow, was published in the *Abkhaziya* newspaper of 29 June-4 July 1992.

It differed greatly from the proposal made in February 1992. Abkhazia and Georgia were presented as sovereign states, full and equal participants in international and foreign economic relations able to conclude treaties and agreements.[40] The Republic of Abkhazia "of its own free will" would choose to unite with the Republic of Georgia with whom it would share some joint powers – still to be defined – assigned by the constitutions of the two states. Abkhaz representation would be ensured in the Georgian organs of power and each would open plenipotentiary representation in the other's capital city. Two issues that remained constant bones of contention during the post-war negotiations, namely citizenship and defence, were regarded as coming under the exclusive competence of the sides. The Republic of Abkhazia would have its own citizenship and a separate guard that would come under the Georgian Ministry of Defence at times of a general threat to or attack upon the sides. The draft treaty also included a right to secession.[41]

As is clear, this was a loose confederal-type proposal. The State Council[42] examined it in June 1992 together with a second project, the 'Joint Agreement of the State Council of the Georgian Republic and the Supreme Council of Abkhazia' which resulted from negotiations between a delegation of the State Council, headed by Levan Alexidze, and the Supreme Council of Abkhazia.[43] Both texts were rejected by the Georgian authorities.

On 23 July 1992, without the two-thirds majority required to make constitutional amendments, the Abkhaz parliamentarians replaced the 1978 Constitution with the 1925 draft Constitution and proposed to work on a new Union treaty between Abkhazia and Georgia. They entrusted the Presidium with bringing proposals to the session of the Supreme Council to "restore inter-state relations between Abkhazia and Georgia".[44]

It seems that Shamba's proposal was subsequently modified. The new version differed from the initial text on several points: Abkhazia was no longer to unite with Georgia and to participate in drawing up its constitution and deciding on its organs. Instead Georgia and Abkhazia would be two sovereign states possessing "all legislative, executive and judicial power on their territories apart from the plenary powers assigned by Abkhaz legislation to their joint representative organs".[45] The laws of the joint organs in matters under their jurisdiction would be mandatory on the territory of Abkhazia and Georgia. The text was about to be discussed when Georgian troops entered Abkhaz territory on 14 August 1992.[46]

2. Wartime negotiations: how the parties' discord with regard to Abkhazia's future status and their 'struggle over Abkhazia's *de facto* status' hindered the deployment of a UNPKF (1992-1994)

Until August 1992, the conflict was by and large a bilateral confrontation between the Abkhaz and the Georgians in which the Abkhaz nationalists struggled in vain for recognition of Abkhazia's sovereignty and the Georgian officials, from both Abkhazia and Tbilisi, refused to upgrade Abkhazia's status. From November 1993, Abkhazia's

future status became negotiable. This was because the Abkhaz side eventually got the upper hand on the ground and imposed its own definition of the conflict, as not an intra-Abkhazia one but a Georgian-Abkhaz conflict over sovereignty. However, the fact that the parties failed to bridge the gap between their respective views on Abkhazia's future status, and strove for the deployment of a peacekeeping force (PKF) that would modify Abkhazia's *de facto* status in their favour, hindered the deployment of a UNPKF.

2.1 Persuading third parties to support one's view: the positions of Russia and the UN on Abkhazia's status

One of the tactics of the contending sides was to win over an external player to their position on their *de jure* or desired status or to support their *de facto* status. By and large, an unrecognised actor expects the mediator to recognise its representativeness. It hopes to convince it of the legitimacy of its claims and the necessity of raising its *de jure* status during, and as a result of, the negotiation process. Conversely, the central authorities may reject the assistance of a mediator because they fear that the latter might legitimise or empower the unrecognised actor or give it a channel to the outside world.[47] At the same time, the intervention of a third party can also offer the authorities a way of avoiding defeat, internationalise the conflict or provide an ally to defend their position.[48]

Against this background, the mediator's approach varies along a continuum from being impartial and/or neutral to being biased and/or aligned with one party. While neutrality is a matter of *outcome*, impartiality is a matter of *relationship* between the mediator and the sides and is translated into even-handedness, fairness towards the parties.

In the case at hand, neutrality would mean showing no preference as regards the desired status of Abkhazia. An absence of neutrality would imply that the mediator supported one desired outcome, whether the recognition of sovereignty for Abkhazia or the territorial integrity of Georgia. Impartiality, by contrast, would mean displaying no favouritism to either the Abkhaz or the Georgian representatives. The mediator would play the role of legitimiser by contributing to mutual acceptance by the sides and conferring equal status on the parties.[49] On the other side of the spectrum, an absence of impartiality would imply that the mediator favoured one party and attributed higher status to one side. There is a tension between these attitudes. A mediator can be impartial and treat the parties in an evenhanded manner, but not a neutral one.

Scholarly literature pertaining to mediation is far from consistent in respect to the best approach. If neutrality and impartiality are usually underlined as being two significant features of a successful mediator, the studies by Jacob Bercovitch and William Zartman have indicated that a mediator does not need to be impartial or neutral to achieve results. Instead, the mediator's acceptance by both parties, and influence on them, appear to play a more significant role in the success of mediation. "Mediators are accepted by the adversaries (…) because of their ability to influence, protect or extend the interests of each party in conflict. Mediators can succeed if they can 'move things about', and not because they are important or neutral".[50]

What is clear, though, is that the reactions of the third parties may have a considerable influence on the conflict dynamics. In this chapter I explore how the third parties situated themselves vis-à-vis Tbilisi and Sukhum/i, and how their position may also have hindered the development and unfolding of negotiations.

2.1.1 Russia's intervention: expectations and disappointment of the parties

From 1992 onwards, three channels complemented, and competed with, each other: the Russian, UN and direct/bilateral channels. During the war, Russia took the lead. Although the Russian government did not act in a unified manner in the Georgian-Abkhaz conflict, there was a consensus among Russian ministers that Russia had to play a leading role in conflict settlement.[51] As a result, from the first round of negotiations in September 1992 until the Moscow ceasefire agreement signed on 14 May 1994, no negotiation between the contending parties took place in the absence of Russia. Its intervention preceded, and then – for instance in talks over the ceasefire and peacekeeping force – superseded the action of the UN, often compelling the latter to include the outcomes of Russia's mediation in its own process.[52]

The policies implemented by Russian actors were neither neutral nor impartial during this period. The Russian MoD militarily supported the status of the Abkhaz insurgency on the ground, and strengthened it, in order to press Tbilisi to give in and to accept an agreement on Russia's terms. At the same time, having no desire to create a precedent that might encourage centrifugal forces in their own country, the Russians refused to question Georgia's territorial integrity. At the negotiation table, the Russian MFA was ready to compel the Abkhaz, if necessary with leverage and threats, to put an end to the conflict before it destabilised the republics on the northern slopes of the Great Caucasus.

Russo-Georgian relations warmed considerably once Shevardnadze agreed to Russia's conditions in September/October 1993.[53] Twice he had rejected Pavel Grachev's proposals to deploy two Russian regiments in Sukhum/i.[54] He was eventually forced to grant Russia a military presence on Georgia's soil and to join the CIS after the loss of Sukhum/i.

Seeking Georgia's stability, Moscow urged the Abkhaz leadership to compromise and tried to induce its compliance by imposing economic sanctions,[55] cutting off electricity supplies and closing the Russo-Abkhaz border, among other things.[56] The Caucasian Institute for Peace, Democracy and Development (CIPDD) has suggested that it did not prevent Russian soldiers and equipment from entering Abkhazia, however.[57] These coercive measures were progressively lifted after the signing of the Memorandum of Understanding in December 1993. Moscow closed the border to men of fighting age in December 1994, in order to prevent Abkhaz fighters from joining the Chechens, and it imposed a naval blockade on Abkhazia in October 1995. Eventually, in January 1996 Yeltsin supported Tbilisi's proposal to make official contacts or cooperation with the Abkhaz regime conditional on the consent of the Georgian government.

These interventions did not tally with the expectations of the parties. The Abkhaz expected the MFA to go further than recognising them as a party to the

conflict: they were expecting Russian political support to redress their *de jure* status during the negotiations and to defend their position fully. It seems safe to say that these expectations were based on misinterpretations of the Russian plans. An Abkhaz official recalled how his delegation tried to persuade the Russians to defend the option of Abkhazia's independence, to no avail. The MFA stuck to the recognition of Georgia's territorial integrity, while seeking a high level of autonomy for Abkhazia in order to retain its influence over Georgia. [58]

The Georgian officials, in turn, expected Moscow to help them to develop their army and to recover Georgia's territorial integrity. After yielding to Grachev's requests at the end of 1993, Tbilisi hoped that Moscow would become involved in the recovery of Abkhazia and South Ossetia. The Georgian authorities granted Russia the right to keep three (previously Soviet) military bases in Akhalkalaki, Batumi and Vaziani near Tbilisi in a 'Protocol of intentions regarding the establishment of a special working group to study the issue of organising the Russian troops in Georgia' signed in February 1994.[59]

In March 1995 the Russian and Georgian Ministers of Defence signed a treaty (although they should only have initialled it, since the signing of a treaty was a presidential prerogative)[60] on Russian military bases on the territory of Georgia. A former member of the Security and Defence Committee of the Georgian Parliament in the 1990s confirmed that the annex to the treaty mentioned that the restoration of Georgia's territorial integrity was a precondition for ratifying the treaty.[61] This was reflected in Shevardnadze's declaration to *Zakavkazskie Voennye Vedomosti* in May 1995:

> "The Treaty will only come into effect when Georgia's unity and territorial integrity are restored. It is not a political transaction, as some people prefer to regard it. There will be no real peace in Georgia as long as justice is not restored. Therefore, the military bases will lack the conditions for their normal functioning. One cannot just sit on a volcano with a gun in his hand and believe this gun will stop the eruption. This is why we expect a peaceful and constructive but at the same time urgent and consistent settlement of the Abkhazian issue."[62]

This annex was not included, however, when Shevardnadze eventually signed the treaty in September 1995. According to the agreement, Georgia agreed to lease Soviet military bases in Akhalkalaki, Batumi, Vaziani and Gudauta to Russia for a 25-year period. [63]

In exchange for Georgia's concessions, Russia was ready to isolate the Abkhaz, to struggle against the Zviadists, and to transfer military equipment to the Georgian army. But it is likely that, as Russia already had to confront the Chechen resistance, Yeltsin was unwilling to enforce Georgia's territorial integrity, contrary to Georgia's expectations.[64] This probably explains to a large extent why the treaty on Russian military bases was never ratified by the Georgian parliament and why Tbilisi immediately started to question Russia's military presence in Georgia.

2.1.2 The paradoxical role of the United Nations in sovereignty conflicts: authority recognising new states and watchdog of state rights

After two visits to the conflict area in September and October 1992, the UN established an initial mission to deal with the conflict in Abkhazia that same October.[65] The UN Special Envoy to Georgia, Edouard Brunner, was appointed in May 1993 in light of the deterioration of the situation. His mission was to reach an agreement on the implementation of a ceasefire, assist the parties in reviving negotiations and enlist support of third countries in achieving those objectives in coordination with the Chairman-in-Office of the CSCE.[66]

His role was in fact fairly limited. In May-June 1993, Brunner proposed to the parties to launch a negotiating process under UN auspices. While both the Georgian and the Abkhaz leaders welcomed the idea of a UN peace conference, it came to nothing because Russia had reservations about it.[67] The first negotiations under the aegis of the Special Envoy of the UN Secretary-General took place in Geneva in November 1993. The Russian MFA nonetheless kept a prominent role as a 'facilitator' assisting the UN and as a mediator in its own right during separate meetings with the parties. In comparison, the Conference on Security and Cooperation in Europe (CSCE), present as an observer in Geneva, perceived itself rather as an organisation supporting the UN's efforts.[68]

The UN did not remain neutral with regard to the outcome of the conflict. The UNSC members, underlining the difference in legal status between the parties, strongly defended the principle of Georgia's territorial integrity and the need to define Abkhazia's status with respect to this principle. But there was the willingness, at least from the Special Envoy, to try to be impartial. An academic who was part of the Abkhaz delegation in 1993-1994 reported that Brunner treated them equally and respectfully.[69] The UNSG reports were known to be softer towards the Abkhaz than the UNSC resolutions.

In fact, the UN has a paradoxical role to play as mediator in sovereignty conflicts. As Oliver Richmond has underlined, the organisation is both an agent of the legitimisation and recognition of sovereignty and, at the same time, a watchdog of the state system that cannot exceed what is written in the UN Charter.[70] This was reflected in Scott Pegg's criteria, the majority of which need to be be fulfilled in order for it to be possible to speak of 'substantive recognition'. Among the five criteria mentioned were recognition by a majority of countries in the UN General Assembly and recognition by a permanent member of the UNSC. This is why actors in search of international recognition usually seek its intervention even when it knows that the UN is likely to end up defending the position of the central authorities.

In the Georgian-Abkhaz context, the parties had opposing expectations of UN-led negotiations: the Abkhaz officials wished the international mediator to recognise both parties as equal, while the Georgian leadership hoped that the Special Envoy (followed by several other Special Representatives of the Secretary-General) would induce the Abkhaz leadership to comply with Georgia's sovereignty. In 1996 Shevardnadze requested the UNSC to authorise a variant of the 'Bosnia model' – international military intervention – in Abkhazia. In his letter to the UNSC he indicated that "the

persuasion-based methods for resolving this conflict are all but exhausted" and that "the shortest route to settling the conflict, however, is to employ tactics of peaceful coercion, without which all calls for common sense and justice will no longer be of any use".[71] In reality, neither the Special Envoy/SRSG nor the UNSC fulfilled these expectations. Although Georgia's sovereignty and territorial integrity were unquestioned, the UN never intended to coerce the Abkhaz regime into compliance by threats or punishment.

2.2 Negotiations during wartime: attempts to reach a ceasefire agreement (1992-1993)

The Russian authorities decided to put some effort into conflict settlement after the Russian Security Council's meeting on 24 August 1992.[72] The first round of negotiations took place in Moscow on 3 September 1992 in the presence of Russian President Boris Yeltsin, Eduard Shevardnadze, Vladislav Ardzinba and the representatives of the Northern Caucasus Republics, Regions and Districts of the Russian Federation.

Despite the discrepancies between the narratives of the two sides, it seems probable that Yeltsin compelled Ardzinba to sign the final document.[73] Next to the obligations of respecting the ceasefire and disbanding all illegal armed groups, the parties agreed on two key points: first, they consented to the arrival of "neutral" Russian troops[74] together with a restricted number of Georgian forces. This prompted the deployment of the 345th Airborne Regiment to the Abkhaz-controlled city of Gudauta, where it had in fact been based since Soviet times. Its deployment entrenched the position of the Abkhaz side.[75]

Secondly, the document included the only explicit recognition of Georgia's territorial integrity ever given by the Abkhaz regime. Article 1 reads: "The territorial integrity of Georgia is to be secured".[76] From the very start of the negotiations on status at the end of 1993, the UN referred to this clause, among others, to underline the need to take Georgia's territorial integrity into account in the final agreement. The agreement broke down because differences in interpretation of several provisions (*inter alia* the level of Georgian troops needed to fulfill the tasks)[77] soon emerged and the fighting was resumed.

While the assistance of the Russian MoD to the Abkhaz forces gradually increased on the ground, the Russian Ministry of Foreign Affairs tried to settle the conflict. Against the backdrop of a large-scale new Abkhaz offensive against Georgian troops based in Sukhum/i, the Russian MFA Andrei Kozyrev invited the parties to another key round of negotiations in Sochi in July 1993. A cease-fire agreement was signed on 27 July 1993. Both parties were to withdraw their heavy weapons, mainly artillery, on 28 July and the ground forces were to break contact in the Sukhum/i area.[78] There was no more recognition of Georgia's territorial integrity: the power balance had changed in favour of the Abkhaz side who could now keep such provisions out of ceasefire negotiations.

In addition, the agreement set up a framework similar to the one used to settle the Georgian-Ossetian conflict. In the latter case, a joint control commission made up

of representatives of the parties (Russia, Georgia, and South and North Ossetia) was set up. It was in charge of maintaining security in South Ossetia and monitoring the implementation of the cease-fire and the withdrawal of armed forces.[79] Mixed groups of observers were also established. In a similar manner, the July 1993 agreement signed by the Abkhaz, Georgian and Russian sides envisaged the creation of a joint control commission consisting of the sides' representatives as well as interim monitoring groups. The commission's task was to ensure respect for the agreement, while the interim monitoring groups were to supervise the ceasefire.[80]

In accordance with the agreement, Moscow invited the UN to deploy international observers. On 6 August 1993 the UNSC agreed to dispatch an advance team of up to 10 men. After considering the findings of the advance team, the UN Secretary-General (UNSG) proposed to establish an observer mission, the UN Observer Mission in Georgia (UNOMIG), consisting of up to 88 observers, to verify compliance with the ceasefire, investigate reports of violations and report to it.[81] The UNSC endorsed the decision on 24 August 1993. Nine military observers and eight civilian support staff were deployed in August to patrol roads and cooperate with the interim monitoring groups.[82]

Whereas the Georgian military removed their heavy weapons, the Abkhaz forces dragged their feet in implementing the agreement. On 16 September 1993, the latter broke the ceasefire and launched an attack on Sukhum/i and Ochamchira/e. Two factors probably played a role in this decision. First, Tbilisi was weakened. It had to fight the Abkhaz combatants and the renewed insurrection by Zviad Gamsakhurdia's supporters in Mingrelia, simultaneously.[83] The Georgian side held on with difficulty. Besides, the parties were expecting the arrival of the additional UN observers (28 military experts and 56 civil officers). The Abkhaz side probably feared that this UN presence might entrench the status quo, including a return to the pre-war situation.[84] Caught between two fires, Shevardnadze twice reiterated his agreement to fulfil the Russian preconditions for intervention (namely, to legalise the Russian military presence in Abkhazia and join the CIS), on 26 September and again on 8 October 1993, before receiving the assurance that Russia would intervene and fight the Zviadists.[85]

What these events indicate is fairly obvious: the parties' chances of success in imposing their own visions during negotiations depended on their situation on the ground – here, their military capability on the ground. This is one of the reasons why the Abkhaz side sought to reinforce their *de facto* status. In September 1992, when the Abkhaz regime was militarily weak, the structure of the meeting tended to confirm the Georgian vision of the conflict. The presence of Tamaz Nadareishvili, the deputy chairman of the Supreme Council of Abkhazia, was intended to demonstrate that this was an internal conflict within Abkhazia, which called for a local solution, rather than an Abkhaz-Georgian conflict over sovereignty as argued by the Abkhaz. Once they had achieved a military victory in October 1993, the Abkhaz successfully managed to impose their views and to refuse to recognise Georgia's territorial integrity. As I will show below, they also succeeded in defining themselves as the effective authorities in Abkhazia and the conflict as a Georgian-Abkhaz one.

2.3 Struggles over the *de jure* and future status of Abkhazia

2.3.1 Discussions on the *de jure* status of the Abkhaz side at the negotiation table (end of 1993)

One of the first questions that arose during the UN-led talks in Geneva at the end of 1993 concerned the status of the Abkhaz representatives. From the start of war, they regime claimed to represent the republic of Abkhazia and called upon the Georgian officials to negotiate the republic's future constitutional status with them. In the eyes of the Georgians, the Abkhaz side was only a "small fraction of the total population of Abkhazia" who, under "the guise of self-determination", had launched a military aggression. Their action had received the support of people from the Confederation of Mountain Peoples and "reactionary forces from within the state structures of the Russian Federation" and led to "the actual splintering of the territory of a democratic State member of the United Nations".[86] In short, the Georgian authorities argued that their representativeness was questionable, since they did not represent the whole of Abkhazia, and that its legal justification had to be regarded as deceitful since Georgia, and not Abkhazia, was an internationally recognised sovereign country.

As remembered by a member of the Abkhaz delegation, the debate over the status of the Abkhaz at the negotiation table and over the nature of the conflict took place at the very beginning of the UN-led talks in Geneva at the end of 1993. In an attempt to define the conflict as primarily an intra-Abkhazia one, the members of the Abkhaz government-in-exile[87] were introduced as representing the Georgian delegation, while the other Georgian representatives stood back. The Abkhaz representatives refused to sit only with Georgians from Abkhazia, which they felt would give the impression that the conflict was internal to the Abkhaz republic.[88] After a mini upheaval in the conference room, Brunner decided that the delegations represented the Abkhaz and the Georgian sides respectively.

Likewise, the terminology was debated during the first two sessions before it was agreed to define the conflict as a 'Georgian-Abkhaz conflict'.[89] The Abkhaz officials hailed this as a diplomatic victory, as in the UNSC resolutions the conflict was always referred to as 'the conflict in Abkhazia'. It did not last, however. The main agreement during the period under review – the April 1994 agreement – was a declaration "On measures for a political settlement of the Georgian-Abkhaz conflict". Yet the UN resolutions referred only once to a "Georgian-Abkhaz conflict" in 1994, before returning to the designation "conflict in Abkhazia" from mid-1994 to 2006. The decision to use the latter name was interpreted as a political victory for the Georgian side. The UNSG reports, written by UNOMIG staff on the ground and known to be more moderate than the UNSC resolutions, also spoke of the "conflict in Abkhazia", and sometimes the "Georgian-Abkhaz conflict", but more usually referred to the situation as the "Georgian-Abkhaz peace process".

The fact that the Abkhaz officials were invited to the negotiating table as representatives of authorities controlling a territory did not mean, however, that their *de jure* status was equal to Georgia's. As noted in the previous chapter, they were not recognised as legitimate. They were thus not allowed, for instance, to participate in

UNSC meetings. By contrast, Georgia's requests for participation in the UNSC meetings as an observer were granted.

2.3.2 Negotiating Abkhazia's future status: stalemate over territorial integrity (1993-1994)

Before December 1993, the issue of Abkhazia's future status was not touched upon. In line with the principle that this was an internal conflict within Abkhazia, the documents of September 1992 and July 1993 referred to a return to the *status quo ante* in terms of internal power-sharing: the sides were to "encourage" the restoration of "the functioning of legal organs in Abkhazia".[90] Once the Abkhaz forces had gained the upper hand and the conflict was recognised as a Georgian-Abkhaz conflict over sovereignty, the future constitutional status of the republic became negotiable.

Given the totally incompatible positions of the sides,[91] the Memorandum of Understanding (MoU) signed on 1 December 1993 in Geneva specified that the future status of Abkhazia would be drafted by a group of experts from Abkhazia, Georgia, the CSCE, the UN, and Russia.[92] To pave the way for an agreement, the experts had some benchmarks. Eight documents formed the basis for discussion (the Moscow Agreement of September 1992, the Sochi Agreement of July 1993, five UN resolutions and the MoU).[93] In addition, two major requirements, put forward by the UN, CSCE and Russia during the second round of negotiations on 11-13 January 1994, had to be met in the final agreement.[94]

The first requirement was to safeguard the interests of the multinational population of Abkhazia and, consequently, to take into account the interests of local Georgians and Abkhaz alike (in addition to the interests of the remainder of the population).[95] The second requirement was to ensure Georgia's territorial integrity, whose legal basis was set out in Article 1 of the 1992 Moscow Agreement ("the territorial integrity of Georgia is to be secured") which was confirmed in UN Resolution 876.[96] Eventually, the UNSC stipulated in Resolution 896 that even though the overall objective was a comprehensive political agreement, the first step to be reached was the definition of the status of Abkhazia. On this depended the arrangements for the future peacekeeping operation and, consequently, the safe return of the displaced people.[97]

The plans of the Abkhaz and Georgian experts presented during the second experts' meeting in February 1994 were totally at odds. The Abkhaz project entailed a very loose confederation of two equal subjects of international law, Georgia and Abkhazia. A single, permanent Coordinating Council would coordinate Georgian and Abkhaz actions in the very limited number of areas over which the parties would have joint responsibility (foreign policy, foreign trade, customs and borders). Justice, public order, citizenship, monetary policy and defence – except in a situation of threat, where a joint military command could be created, more or less as in Shamba's pre-war proposal – would be the exclusive responsibility of each side.[98] According to the Georgian proposal, on the other hand, the Abkhaz would be entitled to a constitution, a flag, a coat of arms and a certain degree of autonomy – concessions reminiscent of the Abkhaz's requests made in February 1992. Although the powers to be devolved

to Abkhazia were those generally accorded to federated states or to territory enjoying special status within a unitary state,[99] nothing pertained to a federative structure, such as the representation of the Abkhaz in the central authorities or joint areas of responsibility.[100]

Rather than discussing abstract concepts such as federation or confederation, the chairman of the expert group, Swiss constitutional expert Giorgio Malinverni, proposed to consider the distribution of powers. The sides eventually agreed on the following list of joint areas of responsibility: foreign policy, defence, foreign trade, customs, border controls, finances, communications, and the protection of human rights and the rights of minorities.[101] Four other fields for joint action (energy, transport, ecology and dealing with the consequences of natural disasters), added by Malinverni, were agreed upon later.

Yet the question of Georgia's territorial integrity remained a major stumbling block.[102] While the Georgian side demanded at least an implicit recognition of territorial integrity by the Abkhaz, the UNSG reported that the latter insisted "on being treated as an equal party to the negotiations on political status". The Abkhaz officials said "that [they were] prepared to consider the matter of recognition of territorial integrity once the outcome of political negotiations [was] known, but not as a precondition for those negotiations".[103] The UNSG blamed the Abkhaz's stubbornness for preventing peace from taking hold: their refusal to recognise Georgia's territorial integrity delayed the establishment of the peacekeeping force and, consequently, the return of the displaced people, which could take place only after the deployment of the PKF in the area.[104]

If the parties did eventually reach an agreement, it was mainly because Tbilisi agreed to give up its request for an explicit reference to the principle of Georgia's territorial integrity in the final document. As a result, the 'Declaration on Measures for A Political Settlement of the Georgian/Abkhaz Conflict', signed on 4 April 1994 in the presence of Russian, UN and CSCE representatives, did not refer to Georgia's territorial integrity. For Shevardnadze, this was not a matter of concern as the principle was evoked everywhere else.[105] The declaration laid the foundation for a common state. It included the previously delimited fields for joint action as well as Abkhazia's rights as proposed by the Georgian representatives in February 1994, namely foreign policy and foreign economic ties; arrangements for border guards; customs; energy, transport and communication; ecology and dealing with the consequences of natural disasters; safeguarding human and civic rights and freedoms and the rights of national minorities.[106]

The same day, the parties signed the 'Quadripartite Agreement on the Voluntary Return of Refugees and Displaced Persons' which provided for the safe, secure and dignified return of the displaced people to their places of origin or residence or to the area of their choice. The agreement was not enthusiastically welcomed by the Georgians or by international NGOs, largely owing to the absence of immunity for people who had taken part in the war.[107] The agreement provided that the right to return without risk of arrest or legal criminal proceedings did not apply to Georgians who had taken part in the hostilities.[108] Shevardnadze recognised that it had been a substantial concession, but that it was "the most that was possible [at that time] and the least which was required

by the UN and the Security Council to deploy international peace-keeping forces in Abkhazia".[109]

2.4 Altering Abkhazia's situation on the ground to impact on the future status of the republic: the issue of the peacekeeping format

This issue of the peacekeeping force exemplifies a problem that often recurred in the post-war period: the dispute over status hindered negotiations on non-status-related issues. The ultimate goal of the parties was, respectively, to achieve independence or to regain control over Abkhazia. To achieve it, the Abkhaz officials strove to reinforce their independence on the ground, while the Georgian authorities tried to impede this process.

The deployment of UNOMIG, begun in August 1993, stopped after the Abkhaz forces broke the ceasefire in September 1993.[110] Although the phased deployment of up to 50 additional UN military observers was confirmed at the end of 1993 to implement the provisions of the MoU, the UNSC made it clear that the mission's mandate would be reviewed only in light of progress in the political process.[111] For the UNSG, this requirement was fulfilled in April 1994 with the signing of the Declaration on Measures for a Political Settlement and the Quadripartite Agreement.

Although both sides were well disposed towards the deployment of a UNPKF even prior to the conclusion of a political agreement,[112] negotiations got stuck on its mandate and area of deployment. The Abkhaz regime aimed to consolidate its *de facto* status, that is, to secure its authority and control over the Abkhaz territory, or at least to avoid being weakened. Hence, they defended the idea of a peacekeeping force deployed in the immediate area of the Ingur/i. This would not question their authority and would help them stabilise and contain the situation.

Given that it would reinforce the separation between Abkhazia and Georgia, the idea was vehemently opposed by the Georgian authorities. For them, the priority was the return of the displaced people prior to elections and the establishment of new organs of power. They were thus insistent about immediately deploying a peacekeeping force throughout the Abkhaz territory and conferring police functions upon it. Besides, putting the whole territory under the control of international troops was perceived in Georgia as a way of impeding Abkhazia's independence. They received the support of the Russians in this regard.[113] As a result of these conflicting strategies, pursued to score points on the future status of Abkhazia, the negotiations resulted in deadlock.

In his report of 3 May 1994 the UNSG, underlining the lack of progress in talks on the UNPKF, wrote that Moscow had signalled its readiness to deploy some forces in Abkhazia to keep the peace. For the UNSG, the UNSC needed to choose between establishing but not yet deploying a UNPKF, supporting the deployment of a CIS operation, and postponing the decision. For the second alternative – namely, to support the deployment of a CISPKF – the UNSG analysed two sub-options, one anticipating the withdrawal of UNOMIG, the other envisaging its continued presence with a mandate giving it control over the CISPKF.[114]

In fact, this issue was settled in the absence of the UNSC with the signing of an Agreement on a Ceasefire and Separation of Forces in Moscow on 14 May 1994. Based on a previous UN draft, the agreement demarcated a security zone (24 km wide, 12 km on each side of the Ingur/i river) and a restricted-weapons zone, where only heavy military equipment was prohibited (to 25 km outside the security zone in both the Georgian and the Abkhaz territories).[115] Among the terms of the agreement, the sides accepted a CIS-led (virtually, Russian-staffed) PKF, whose deployment had already been agreed upon during the meeting of the CIS heads in Moscow in April. The mandate of the CISPKF encompassed the patrolling of the security and restricted-weapons zones. The signatories also believed that its presence would facilitate the return of the displaced people, especially in the Gal/i district.[116]

In addition, the agreement stipulated the deployment of military observers to monitor compliance with its provisions. By his own account, the UNSG learned only a posteriori that the "military observers", which were to be deployed in the security zone together with the CISPKF, would be UN observers and that this UN operation would function as an independent mission.[117] Clearly, the UNSG's ignorance of the content of the final ceasefire agreement illustrates the exclusion of the UN from the talks. In spite of this, the UN adjusted to the mediation outcomes of Russia. The UNSC unanimously endorsed the presence of Russian troops, increased the strength of UNOMIG to 136 military observers and expanded its mandate. The latter now included the following tasks: to monitor the ceasefire, the withdrawal of the Georgian troops and the storage areas for heavy military equipment; to observe the CISPKF; to patrol the Kodor/i valley regularly and to maintain close contact with both parties.[118] The UNSC did not abandon the idea of deploying a UNPKF in the future, in the event of a political settlement, but this never occurred.[119]

This decision was clearly in the interest of Russia. During the UNSC discussion on the future CISPKF, the Russian representative stressed the lack of choice faced by the CIS, Georgia and Russia. They were "forced into deploying" this CISPKF because of the dangerous development of the situation on the ground and the lack of a positive response from the UN.[120] This was not without foundation: against the background of ever-increasing requests to the UN for peacekeeping operations, its budget constraints and the instability of the region in the absence of a comprehensive peace agreement, it may be doubted whether any organisation or country other than Russia would have been willing to invest troops and money in a new peacekeeping force.

Nevertheless, this must not obscure the fact that the decision was particularly favourable to Russia. By deploying their troops, the Russians could attain their objectives, which were to achieve regional stability, ensure their own long-term presence on the ground and prevent any other actor from gaining ground in the region with the legitimacy provided by the UNSC.[121] The deployment was acceptable to the Georgians too. This combination of a CIS and UN presence was a "model of new international relations" for Shevardnadze.[122] Yet this had not always been the position of the Georgian authorities. In January 1994 Tbilisi had agreed to the participation of a Russian military contingent among the peacekeeping forces provided the high command of the force was made up of officers from outside the former Soviet Union.[123] The Russo-Georgian agreement of February 1994, and the potential renewal of the

conflict in the event of a protracted standoff on peacekeeping, might account for this change of position.

Finally, the handover of power to Russia was not a zero-sum game for the Western Friends of Georgia. Organised under the aegis of the Special Envoy and the French Ambassador in Tbilisi, Bernard Fassier, the members of the Friends – France, Germany, Russia, the United Kingdom and the US – met for the first time on the fringes of the Geneva negotiation meeting in December 1993.[124] In 1993-1994, however, they were not yet the significant players in the negotiation process they became from 1997 onwards. The US administration, for instance, still had few vested interests in the Caucasus and rather favoured a "solid and stable relationship" with Russia. [125] At that time, Clinton preferred not to confront Russia's new assertiveness in its 'near abroad'.[126] Furthermore, according to US Ambassador Madeleine Albright, support for the CIS operation in Georgia was traded in exchange for a free hand for the United States in Haiti.[127] And while France stressed the innovative context of these peacekeeping operations in the conflict area, other non-permanent members, such as New Zealand and Pakistan, expressed concern at the presence of a peacekeeping force that was led by a neighbouring state with clear vested interests in the region.[128]

3. How the 'struggle over *de facto* and *de jure* status' hindered return, confidence-building measures and economic initiatives in the post-war period (1994-2008)

Broadly speaking, there are two approaches to dealing with a set of issues: package vs step-by-step approach. In the 'package' approach, all the conflicting issues are dealt with simultaneously. Advantageously, it allows the sides to keep their assets in order to negotiate a settlement favourable to them. Moreover, if the agreement is closely 'netted', it ensures that the parties are bound to comply with all its provisions.[129] It is usually more complex to negotiate, however, as the parties' timeframes usually differ.

In contrast, the goal of the step-by-step approach is first to build trust and ease tension in order to lead to a more sustainable agreement. For this to happen, the parties must believe that a small, even symbolic step offered unconditionally can be reciprocated and not merely see these steps as tools to improve their bargaining position.[130] This is a building process: a step is missed and trust (and the following steps) are jeopardised. Apart from the fact that it demands a lot of energy from the parties and the international community, this kind of approach may also be unpalatable to the population as it leaves the main issues untouched.[131]

The following sections are presented in chronological order following modifications in the negotiation approach. The latter usually coincided with changes of UN Special Envoy/Special Representative of the Secretary-General (hereafter SRSG).[132] Structuring the text according to the negotiation approach sheds light on the obstacles met in the course of the negotiations, both when the issue of the future status of Abkhazia was dealt with and when it was set aside.

The mediators came up with a package approach and the willingness to come to terms with the status issue in 1994-1997. In spite of the window of opportunity, no

progress was made. The failure of this approach led them to focus on trust building in 1997-1999. The unavoidability of the status issue led to a reorientation towards negotiations on status in 1999-2003. Once more, hopes of reaching an agreement on Abkhazia's constitutional status were dashed when the Abkhaz leadership refused to negotiate anything short of recognition. In 2003, the Friends and the SRSG decided to mix the two previous approaches. At first some progress was made, but Saakashvili's patience soon faltered as the process was not delivering results as quickly as he had expected. The negotiation process became almost non-existent from 2006 to 2008.

3.1 The last official talks over the future status of Abkhazia (May 1994-July 1997)

3.1.1 Factors facilitating and constraining the talks: Russia's ambiguous role and third parties' attitudes to Abkhazia's status

It seems likely that a window of opportunity opened right after the war. Two main factors were conducive to conflict settlement, especially in the years immediately after the war: (1) the restoration of the balance between the sides and (2) Russia's willingness to find a solution. I have already underlined the significance of the *de facto* status of the parties on negotiations. Obviously, it is easier for a party that overpowers its rival to impose its views in negotiations, all the more so when the approach to negotiation is competitive and does not involve the search for an acceptable, win-win outcome for both parties, as in a problem-solving approach. However, an unequal power balance is not conducive to negotiation. In the literature, the parties are said to negotiate in a dynamic situation of equality "when the underdog starts rising and the upper hand starts slipping".[133]

This was the case here. As Ghia Nodia has noted, the failure of the paramilitary groups to conquer Abkhazia gave Shevardnadze, paradoxically, the opportunity to monopolise the use of force and stabilise the country.[134] More confident of his own power, Shevardnadze began to curb that of his adversaries, especially two main 'entrepreneurs of violence' destabilising the country, Tengiz Kitovani and Dzhaba Ioseliani.[135] Conversely, the Abkhaz officials were in an increasingly precarious position. They had won the war and in 1994-1996 tried to enhance their independence somewhat by signing friendship and cooperation agreements with several Russian regions, including Bashkortostan, Tatarstan, Kabardino-Balkaria and Adygea.[136] But the disastrous economic situation and isolation made the future of the Abkhaz regime uncertain.

Secondly, William Zartman has suggested that a partial actor might play a mediation role under special conditions: he must be hurt by the stalemate and willing to act decisively in order to find a solution, and he must be ready to use his proximity with one side as an effective leverage to get this side to make concessions.[137] At that time, Russia fulfilled these conditions. From December 1994 to August 1996, Moscow was embroiled in an armed conflict in the republic of Chechnya. Confronted with the

secessionist politics of Djokhar Dudayev's regime, Yeltsin decided to launch a military intervention to 'restore constitutional order' in that region on 14 December 1994.

The decision proved unfortunate. Defeated, the Russian troops left after a 21-month-long conflict that killed at least 50,000 civilians and 4,379 servicemen, according to the Russian NGO Memorial.[138] One can thus assume that Moscow was unwilling to fight for Georgia's territorial integrity. But the unsettled conflict between Abkhazia and Georgia became much more of a problem than an asset as time passed. It impeded the establishment of good relations with Georgia and increased the risk of destabilisation of the North Caucasus. Increasingly hurt by the stalemate, Russia was ready to use its proximity with the Abkhaz leadership as an effective leverage to get it to make concessions.[139]

But there were also factors that were constraining the talks. First, the degree of partiality of the external players was not conducive to a settlement. Not only did these third parties support the reintegration of Abkhazia within Georgia, but almost all treated the the two sets of representatives unevenly. In fact, their policy was in line with Georgia's. It was informed by two principles: (1) avoid any move that could be construed as recognition, such as travelling to Abkhazia or treating the Abkhaz representatives as equal; (2) avoid any move liable to improve the situation on the ground in Abkhazia if this could increase the ability of the Abkhaz regime to survive.

Many believed that the Abkhaz were to be blamed for the war. The UNSC members singled out the Abkhaz leaders as being guilty of unleashing the war and obstructing negotiations. Michael Doyle underlines that one of the functions of a 'group of friends' is to provide a "politically balanced approach to the resolution" and to offer "more flexible channels of communication".[140] In this case, the Group of Friends of Georgia was unwilling to meet the Abkhaz officials or to change their name to appear at least less biased. Similarly, the US administration did not allow its diplomats to go to Abkhazia before 1996 for fear it might bestow a higher status on the Abkhaz regime.[141]

Nor was the CSCE/OSCE, whose representatives attended the talks as observers, seen as being any more impartial by the Abkhaz leadership after they had voiced concern about the ethnic cleansing of the Georgian population previously living in Abkhazia.[142] Even Russia, on which Tbilisi was still counting for help in recovering Abkhazia, favoured a tougher approach to Abkhazia, as a former Georgian member of the parliamentary Committee of Defence acknowledged.[143] The only actor careful to treat the sides in an even-handed manner was the Special Envoy. From 1995 onwards, however, the Russian authorities were the main mediators, relegating Brunner to a position of minor importance. As a result, during the crucial early post-war years, the UN played second fiddle. When Brunner's successor came to rescue the negotiation process in 1997, the Abkhaz authorities had already closed the door to talks about status.

The problem lay in the fact that this policy was coupled with sanctions regimes aimed at weakening the stance of the Abkhaz regime and diminishing its capacity for survival. The Abkhaz economy, which was already suffering the consequences of war, deteriorated further with the isolation of the republic after the closure of the Russo-Abkhaz border in December 1994, and as a result of the CIS decisions on separatist movements adopted in February 1995 and January 1996.[144] While the first decision

affirmed the CIS countries' policy of non-assistance to any separatist movement,[145] the second was the result of Georgia's lobbying and was aimed specifically at Abkhazia. It prohibited the provision of military assistance to the Abkhaz side. It also made official contacts and trade, financial, transport or any other form of cooperation with the Abkhaz authorities, conditional on the consent of the Georgian government.[146]

With this decision, the Georgian authorities might have hoped to score several points in their battle over status. They hoped to compel the Abkhaz authorities to soften their position at the negotiation table (as regards their desired status) and to hinder the development of Abkhazia (that is, to weaken its *de facto* status). Most importantly, according to a Georgian diplomat who negotiated the sanctions at the CIS council, they sought to reaffirm that Abkhazia was a part of Georgia, since every CIS state had to ask for Tbilisi's approval before contacting the Abkhaz authorities (a reminder of its *de jure* status as part of Georgia).[147]

In Abkhazia, these sanctions regimes were felt all the more acutely as the Abkhaz received little economic assistance and were not allowed to travel. Not only were these moves ineffective in forcing the Abkhaz officials do adopt more compromising behaviour, however, but they had fateful consequences for the credibility of the international community, trust in Tbilisi and, most importantly, the livelihoods of the people living in Abkhazia, as will be seen in Chapter Five.

Secondly, even a partial mediator must be ready to support proposals that are satisfactory to the parties, not the other way round. "Mediators must be perceived as having an interest in achieving an outcome acceptable to both sides and as being not so partial as to preclude such an achievement."[148] The Russians were often more involved in pursuing their own strategic interests in the region than in helping the parties to reach a fair agreement. As discussed below, they frequently added provisions to the draft plans that were in their own interest rather than that of the parties, thereby most probably precluding an agreement.

3.1.2 Bridging the gap between confederation and federation

3.1.2.1 The positions of the parties regarding Abkhazia's desired status (1994-1997)

Tremendous efforts needed to be made to bridge the gap between the Abkhaz and Georgian positions. The Abkhaz bottom line was a solution respecting Abkhazia's sovereignty as enshrined in the 1994 Abkhaz Constitution. In their eyes, the provision concerning the elaboration of "proposals on the *re-establishment* of State and legal relations [my emphasis]" contained in the April 1994 Declaration substantiated their position regarding the severing of links between Abkhazia and Georgia. Incidentally, I heard more than once from Georgian people I spoke to that the existence of this very sentence was a mistake by the Georgian diplomats.

Acceptable options for the Abkhaz regime included a confederation or a free associated state, as they would give Abkhazia an international legal personality and the right to unilateral secession.[149] An analysis of the 1994-1997 negotiations indicates that the bottom line for the Abkhaz was as follows: an entity entitled to a constitution,

an army, executive, legislative and judiciary powers, and one that is a subject of international law. They were, however, prepared to increase the number of areas of joint competence agreed in the 1994 declaration.[150]

For the Georgian leadership, any solution had to be congruent with Georgia's territorial integrity. The federal solution prevailed after intense debate on the future Georgian constitution in 1995. The territorial structure of Georgia, however, remained deliberately vague in the constitution. It was to be "determined by a Constitutional Law on the basis of the principle of circumscription of authorisation after the complete restoration of the jurisdiction of Georgia over the whole territory of the country" (Article 2(3) of the 1995 Georgian Constitution). It seems that Shevardnadze's preferred option was an asymmetric federation. Indeed, Abkhazia was not the only region to which Tbilisi's rule did not extend. There were also South Ossetia, which was *de facto* separated from Georgia since 1992, and Adjaria, a southwestern region ruled by a local strongman, Aslan Abashidze. While Abashidze did not share the secessionist aspirations of his neighbours, he ruled the region as a personal fiefdom outside Tbilisi's jurisdiction.[151] It seems probable that Shevardnadze gave preference to a future Georgian state where these three regions would receive differing degrees of self-rule, Abkhazia having a higher status than the other two.[152]

The talks indicated that the Georgians were ready to grant Abkhazia its own flag, anthem, constitution, parliament and emblem, and judicial and executive bodies with local responsibilities. With Abkhazia an autonomous entity within Georgia, its representatives would enjoy reserved seats in the federal legislature and the assurance that decisions affecting Abkhazia directly would be adopted only after their consent had been obtained.[153] Abkhazia would be able to enter into international agreements in their areas of competence. It would not enjoy international personality, however, and citizenship and defence would remain under the exclusive competence of the federal authority.

3.1.2.2 From federal arrangements to Primakov's protocol: reviewing the options discussed by the parties

In the aftermath of the April 1994 agreements, the UN, under whose auspices the discussions were still held in 1994 and early 1995, opted for a 'package' approach. The organisation was in favour of a comprehensive agreement "based on three essential elements: the safe and early return of the refugees and internally displaced persons, maintenance of the territorial integrity of the Republic of Georgia and a special status for Abkhazia. Without all three being met, the risk will remain that instability will continue and conflict will eventually break out again".[154]

In May 1994 the UNSG made a proposal in the annex to his report according to which Abkhazia would be a subject with sovereign rights within the framework of a Union state.[155] It would be entitled to the full measure of state power outside the areas of joint competence, including multinational police and law enforcement bodies. The Union state would be represented as a single subject in international relations. Georgia's territorial integrity was explicitly mentioned. Finally, the UN was referred to as a potential guarantor of the agreement, together with Russia.[156]

In November 1994, the UN, Russia and the CSCE, elaborating upon the May proposals, hammered out a compromise in which they tried to satisfy some of the demands of both sides. According to the compromise document, entitled 'Possible political and legal components of future status of Abkhazia', Abkhazia would be the subject of a Union state with sovereign rights within the borders of the Georgian SSR. It would be granted the right to sign international agreements provided that, in doing so, it did not conflict with the authority of the Union state and it kept the latter informed. More strikingly, the authors envisaged that the Republic would be given the right to have its own multinational armed forces, while policy coordination in the field of defence would be sought. This was not an exceptional case, however. In the Dayton agreement reached in November 1995 to settle the conflict in Bosnia and Herzegovina, command of the military forces was left to the entities, the Republika Srpska and the Bosniak-Croat Federation.[157]

Common organs would be in charge of the joint areas of responsibility specified in the April 1994 Declaration. The explicit reference to Georgia's territorial integrity in the May 1994 document was removed, but unilateral secession was expressly prohibited. The Union state would be a single subject in international relations. In the end, adequate international assurances were deemed necessary but their nature was left open.

The proposal was brushed aside by Tbilisi for whom the draft would have resulted in a "union of states" and not a union state. In their lengthy comments, the Georgians stated that "[i]t is clear from the document that Abkhazia is an independent state".[158] Although the draft was in many ways favourable to them, the Abkhaz side also rejected it, preferring a confederation instead.

In March 1995, Russia took the lead in the negotiation process and went on with the package approach. Two months later the parties had converged on an expanded list of powers for the federal authorities[159] and on considering Russia as the guarantor of the future agreement. The list of disagreements was nonetheless considerably longer. First, the form the guarantee would eventually take remained vague. For Sukhum/i, Russia would guarantee both the agreement and its observance in the future, while Tbilisi did not expand on that point.[160]

Secondly, the parties disagreed over the nature of the future state. It always came down to the contradiction between a confederation consisting of two independent states with equal legal personality, for Sukhum/i, and a united state with a federative structure for Tbilisi. Secondly, the sides diverged on whether citizenship, defence and security should be areas of exclusive competence of the federal government. The Georgian authorities felt they ought to be, but the Abkhaz representatives preferred to speak about 'collective security' and 'defence policy' as areas of joint competence, with defence and citizenship being regulated in the Constitutions of Abkhazia and Georgia. In the end the parties were unable to find common ground on a timetable for the return of the displaced people or on the recognition of Georgia's territorial integrity.

A major breakthrough in conflict settlement almost occurred in July 1995. The failure of the process was due to what the UNSG called a problem of legitimisation, that is, a rejection at the domestic level.[161] As mentioned in Chapter One, negotiations are generally a two-level game held at the international and domestic level. In this case, the

conciliatory approach of the Abkhaz leadership clashed with the more hardline position of the Abkhaz legislative body.

In July, the Russians put on the table a draft protocol inviting Abkhazia to live in a 'unitary federative state' within the borders of the former Georgian SSR presented as a unified entity in international relations.[162] The representatives of Abkhazia would be entitled to a guaranteed number of seats in the parliament, to a veto on decisions directly relating to Abkhazia and to conclude international agreements within the framework of Abkhazia's exclusive areas of competence. The powers of the federal authorities would be those referred to in the April 1994 Declaration (namely foreign policy and foreign economic ties; border guard arrangements; customs; energy, transport and communications; ecology and the elimination of the consequences of natural disasters; safeguarding human and civic rights and freedoms and the rights of national minorities), plus five others. These were the determination and implementation of defence policy; federal budget; prevention of epidemics and measures to deal with their consequences; meteorology service; standards, marks, metric systems and time standards. The burning issues of citizenship, the armed forces and security were not tackled, nor was the question of international guarantees.

Interestingly, former provisions that were beneficial to Russia were removed from the protocol. An earlier draft of 30 June 1995 had stipulated that Russia should be guarantor of the agreement and that the future state should enter into a customs union with Russia, Belarus and Kazakhstan.[163] This time, there was no reference to any of these points. But in line with Georgia's bottom line, this new draft protocol did provide for the creation of federative organs, the inclusion of defence policy in the list of federal areas of competence and the resumption of the return of displaced people. The war in Chechnya and the fear of further deterioration in the regional security environment may have been the reasons why a quick – even if suboptimal – settlement was favoured by the Russians. Similarly, the fact that nobody stood against Russia's harsh response to Chechnya's decision to break away may have softened the stance of the Abkhaz officials.[164]

On 24 July 1995 the representatives of Ardzinba and Shevardnadze – Anri Dzhergenia and Vazha Lordkipanidze, respectively – initialled the protocol. Soon after, Ardzinba disavowed Dzhergenia's signing, insisting on confederal relations instead. Dimitrii Danilov has suggested that Russia pressurised the Abkhaz leadership into accepting this text.[165] Whether or not this initial protocol was agreed under pressure, it seems likely that Ardzinba endorsed the agreement. The Abkhaz parliament, for whom the level of autonomy was insufficient, rejected it.[166]

The question as to whether the agreement would have been acceptable to the Georgian officials can also be raised. The constitutional commission had just endorsed their constitution and was facing considerable domestic opposition regarding the transformation of the country into a federation.[167] Furthermore, in an interview in August 1995, Tamaz Nadareishvili declared that "under no circumstances [shall they] return to Abkhazia under the control of the Abkhaz police and Abkhaz administration".[168] A senior Georgian official in Shevardnadze's presidential administration acknowledged that, had the agreement been signed, it would probably have been rejected by the majority of Georgian parliamentarians the next day, as the text was ahead of what they could accept at that time.[169]

The draft proposals put to the parties in 1996 departed from the draft of July 1995. I elaborate on the draft protocol of February 1996 since its pattern was reproduced in the next drafts, and to some extent in Primakov's protocol in 1997. The February 1996 document called for the creation of a federative state within the borders of Georgia.[170] It was stipulated that the parties would enjoy equal rights and retain their own constitutions. Their relations would be governed by a special treaty that would be given the force of a constitutional law. Unlike in Primakov's protocol, it was expressly mentioned that the federative state would be represented as a single entity in international relations. Unlike the 1995 drafts, the text did not elaborate on the composition or rules of the joint bodies (such as quotas for Abkhaz or voting on issues affecting Abkhazia's interests). It merely specified the right of Abkhazia to conclude international agreements within its spheres of competence. The text did, however, reiterate Russia's role as guarantor of the agreement, and it contained a provision on the resumption of the return of the displaced people, "principally" to the Gal/i district.

Since the protocol was seen as the first step in the re-establishment of links between the parties, it was anticipated that, six weeks after its signing, the representatives of the parties and experts from Russia, the UN and other international organisations would work on the future treaty. This experts' meeting, to be similar in many ways to the one held in 1994, would prepare the provisions regarding the state system, the division of powers and the structure and functions of joint bodies. Once ready, the treaty would be submitted to the Georgian and Abkhaz leaderships, who would have one month in which to finalise it together with the experts.

Most of the principles in the protocol were reiterated in the subsequent draft proposals. The draft of 17 July 1996 contained two main additions: it proposed the establishment of a joint commission to grant amnesties, and it mentioned that the future treaty would contain provisions on the possibility of denouncing it in the event of its violation.[171] Both provisions were rejected by the parties.

During the 1996 negotiations, however, the main bone of contention remained the nature of the state. Speaking in Moscow on 15 February 1996, Ardzinba stated that he preferred the name 'federative union' to 'federative state' and he reportedly put forward a proposal in which the status of equal subject would be guaranteed.[172] The Georgian authorities preferred the idea of a 'united federal State', as they put it in their proposal of March 1996. As in the July 1995 protocol, this would entitle the representatives of Abkhazia to a guaranteed number of seats in the parliament, to veto decisions directly relating to Abkhazia to conclude international agreements within the framework of their areas of exclusive competence provided they kept the federal bodies informed. The areas of joint competence were far more numerous than those contained in the Russian-sponsored draft proposals. In addition to those agreed upon in the 1994 Declaration, the responsibilities of the federal government would include defence policy (which was also included in Russia's drafts), the armed forces and security, monetary system, federal budget and responsibility for areas "crucial to the existence of a federal state" such as citizenship.[173] As Sukhum/i disagreed with some of these areas, especially citizenship and defence, and also on the nature of the state, the question of Abkhazia's future status remained unsettled.

The Russians stepped up their involvement in 1997. In June, the Russian MFA Evgenii Primakov received the parties at an unprecedented high-level meeting in Moscow, illustrating, according to Dov Lynch, Russia's willingness to settle the conflict.[174] The protocol under discussion, known as Primakov's protocol, combined both federal and confederal elements. It provided that the parties would agree to live in a common state within the borders of the former Georgian SSR. Unlike in the previous drafts, nowhere in the protocol was it mentioned that the state would act as a single subject of international law. The parties would delegate defence policy and the functions referred to in the April 1994 Declaration, namely foreign policy, customs and border services, energy, transport, communications, environmental policy and the protection of human rights, to jointly established bodies. Abkhazia and Georgia would retain their own constitutions and their relations would be governed by a special treaty which would be given the force of a constitutional law. In his book, Primakov explained that instead of adopting a common constitution from the outset, the parties would have gradually built on the agreement to reinforce the common state. "In other words, a ceasefire agreement could become the foundation for the longer-term construction of an overarching constitutional arrangement."[175]

Contrary to the draft proposal of July 1995 and in line with the draft proposals of 1996, Moscow made sure it would retain a dominant position in the post-settlement phase. As sole guarantor of the protocol, the Russian authorities would be able to take measures to prevent or stop the recourse to force. They would also assist the parties in creating the conditions for the return of the displaced people. In addition, Abkhazia would be allowed to remain in the ruble zone until the resolution of the currency issue.

Despite their refusal to respect Georgia's right to territorial integrity, the Abkhaz leadership yielded because of Russia's threat of severe sanctions. A former Georgian representative of Shevardnadze in the talks with the Abkhaz and an official in the presidential administration, recall that the protocol was perceived in Tbilisi as an attempt to legalise the independence of Abkhazia.[176] The protocol had two main shortcomings in Tbilisi's view. First, in the absence of a single constitution, the structure of the future common state closely resembled a confederation, which was unacceptable. Secondly, the protocol included the possibility of denouncing the treaty, which was read by the Georgian officials as a right to secession. Indeed, Article 7 specified that "in the event of its violation by one of the Parties, the question shall arise of its abrogation", although the inclusion of such a provision had already been opposed by the Georgian representatives in 1996.[177]

Hopes of a breakthrough vanished when Shevardnadze balked at signing during the unprecedented meeting with Ardzinba in Tbilisi in August 1997. Instead, after a lengthy tête-à-tête, the leaders agreed on a statement of their commitment not to use force to resolve their conflicts.[178] Additional Russian efforts were made to negotiate a solution in September, to no avail. Sukhum/i continued to reject the idea of a federal state and a single constitution. Anri Dzhergenia, the Abkhaz negotiator, suggested negotiating instead on the basis of their February 1996 proposal and creating a "federative union" of two legally equal constituent republics.[179] This marked the end of the official negotiations on status.

3.1.2.3 Why there was almost no UNHCR-sponsored return of displaced people: fear of endangering Abkhazia's status

All in all, only 311 displaced people (out of 270,000 registered by the Georgian authorities)[180] returned with the consent of both parties.[181] Despite UNHCR endeavours, and Russia's efforts to include specific timetables for a phased return in its draft protocols, the UNHCR-sponsored return was never resumed.

The main reason for this failure to return the displaced population to their homes was the fear of jeopardising Abkhazia's status. Sukhum/i demanded an overall political agreement as a prerequisite for the return to take place, for two reasons. First, an Abkhaz negotiator highlighted that they were anxious about the return of a 'fifth column', namely, people whose objective might be to reconquer the Abkhaz territory and to seek revenge.[182] More importantly, they worried that the return of the Georgian population would make it impossible to attain their desired status.

Attaining sovereignty usually has a good deal to do with securing a group's identity and survival. In the eyes of Sukhum/i, the return of the former inhabitants of Abkhazia before Abkhazia's future status had been settled would mean a return to the *status quo ante*. At best, it would result in its having the status of a constituent entity in Georgia, as the returnees would never favour severing Abkhazia from Georgia. But it might also entail a loss of privileges for the Abkhaz. INGOs also requested the postponement of the return, but for a different reason. They worried that, in a highly polarised environment, a swift return without the necessary security guarantees would put the returnees at risk.

In this matter, the role of UN High Commissioner for Refugees (UNHCR) was twofold. He was both the chair of the Quadripartite Commission (together with the representatives of the parties, Russia, and a CSCE observer) set up under the April 1994 Quadripartite Agreement to negotiate return at the political level, and the implementer of programmes to create the conditions for a safe, secure and dignified return at the grassroots level. It was not new for the UNHCR to juggle both tasks simultaneously. It had done so in Central America. But in this case, it was unfortunate because the agency soon became caught between political pressure to favour a swift return, on the one hand, and the necessity to defend the rights and security of the displaced people, on the other.[183]

The UNHCR and the UN could have responded to the concerns of the Abkhaz regime and the INGOs by pushing for an all-inclusive solution that addressed the issue of Abkhaz state structures. This might have involved designing a power-sharing agreement within Abkhazia together with the provision of security guarantees. Such security guarantees should have been particularly credible since, as a result of the Soviet experience, the parties had come to distrust the rule of law as a means of guaranteeing their security.[184] These guarantees, however, should have been strong enough to overcome the mistrust of the Georgians, who still remembered the massive flight of the local Georgian inhabitants from Abkhazia in September 1993. At that time the joint commission, interim monitoring groups and UN presence responsible for ensuring compliance with the July 1993 agreement were unable to prevent the Abkhaz from violating it. Security guarantees now, however, should also have ensured that the rights of the minority would not be violated by the majority.

But the agency and the UN did none of these things. UNHCR chose rather to de-link the issue of return from that of status and security, promoting a swift and unconditional return. There were several reasons for this haste. These included the position of the UNSC, for whom the return of the refugees was a humanitarian (i.e. not political) issue, the constraints of a UN budget strained with crises all over the world, and the success of UNHCR in quickly repatriating the refugees to Tajikistan. Furthermore, there was pressure from the Georgians, the Russians, the UN in New York and the displaced people themselves. As a result, not only did the negotiations on the status of Abkhazia avoid discussions about power-sharing, but the UN, UNHCR and Russia relentlessly removed the linkage between return and status, calling for a return "without preconditions".

The Abkhaz officials, entitled to examine every application form filled in by displaced people disposed to return, dragged their feet on repatriation. In December 1994, the work of the Quadripartite Commission was at a virtual standstill, and despite the attempts made, including additional meetings of the commission in 1995, the process failed to resume. In 1995 the Georgians who had formerly lived in Abkhazia began to resettle spontaneously in the Gal/i district, without any security guarantees.

3.2 When the issue of status, put aside, slips in the back door again (July 1997 - November 1999)

3.2.1 The revival of UN mediation

In 1997, a new, step-by-step approach to negotiation was adopted. Several factors may have played a role in this change of approach. The first was the total deadlock in the negotiations on status. Since 1997-1999, the Abkhaz authorities refused to settle for anything short of recognition of their sovereignty. This inflexibility may have been linked to several events that occurred around that time: the failure of Primakov's protocol and the effect on the Abkhaz officials of the resignation, in February 1998, of the Armenian President Levon Ter-Petrossian owing to the lack of popular and governmental support for his approach to settling the conflict over Nagorno-Karabakh.[185] The resumption of hostilities in the Gal/i district in May 1998 also increased the mutual distrust between Sukhum/i and Tbilisi. Although Tbilisi denied it, support for militias was one of its tactics designed to weaken Abkhazia's *de facto* status and reconquer the territory.

To these can be added the fact that the Abkhaz population had now lived through hard times and had come to see stalemate as being increasingly viable rather than a constraining burden.[186] As underlined by William Zartman, "Stalemate does not produce what is sometimes termed a reconciling or composing mentality, the necessary shift in perception that is needed for negotiations, but instead reinforces the winning mentality that makes negotiations impossible."[187] By reinforcing separateness on the ground, in this case the stalemate strengthened the *de facto* status of the unrecognised actor.[188]

The second factor was the increasing dissatisfaction of the Georgian authorities with Russia's inaction.[189] In April 1997 the Georgian parliament laid the blame for the stalemate on the Abkhaz issue entirely on the Russian leadership.[190] One month later, it condemned the role of the CISPKF as border guards of Abkhaz autonomy.[191]

A third factor that may have played a role was the Chechen precedent. An UNOMIG official mentioned that the decision to set the status issue aside could have been influenced by the 1996 Khasavyurt agreement between the Chechens and the Russians which postponed the decision on the status of Chechnya until 2001.[192]

This revitalisation of the UN channel resulted in the creation, on the initiative of Romanian SRSG Liviu Bota (1997-1999), of the UN-led Geneva process in July 1997.[193] In November, the parties established the Coordinating Council, which was expected to meet every two months to review progress in the negotiations, and three working groups (WGs). These executive bodies were intended to carry out activities in three specific fields: issues relating to the lasting non-resumption of hostilities and security problems (WG I); refugees and internally displaced people (WG II); and economic and social problems (WG III). They were composed of the SRSG, representatives of the parties, Russia, the OSCE and the Group of Friends of Georgia, now called the 'Group of Friends of the Secretary-General' (hereafter the Friends).

This marked the transition of the Friends from an informal forum to an actor of growing significance in the negotiation process. Several times before, the Friends of Georgia had refused to change their name despite repeated requests from the UN Secretariat, worried at having a group supporting one side in the process.[194] Their one-sidedness and the consequent refusal of the Abkhaz regime to deal with them clearly limited their role as a channel of communication.[195] In the pre-1997 period, however, they did not take part in negotiations, instead representing a forum for discussion at which the Russians showed up rarely, or only to learn about the other Friends' positions.[196] In 1997 they became observers of the process, entitled to participate in meetings and to make proposals. They were not, however, allowed to sign documents. This changed the Friends' position with regard to the Abkhaz officials, and from then on the Friends and the Abkhaz authorities started to meet more regularly.[197] And with the centrality of the SRSG in the process and the Friends' transformation, the negotiation process became less biased.

In addition to the official negotiations, Bota also decided to innovate and include conferences on confidence-building measures in the Geneva process, to raise the level of trust between the parties. Three conferences were held, in Athens, Istanbul and Yalta, in October 1998, June 1999 and March 2001 respectively. They brought together various representatives of Georgian and Abkhaz society (parliamentarians, businessmen, academics, journalists and NGO representatives) in order to discuss and adopt political statements and measures to facilitate cooperation in the fields of security, return, the economy, culture and humanitarian aid. Some initiatives were developed on this basis, mainly thanks to the Georgian-Abkhaz Coordination Commission, whose creation had been agreed between the parties in Geneva in November 1997,[198] and the SRSG, Dieter Boden.[199] But many others remained on paper.

In short, the Geneva process was thought of as an incremental, step-by-step, trust-building alternative to the previous 'package approach'. It set the issue of Abkhazia's

future status aside temporarily and instead facilitated discussions on day-to-day issues relating to direct concerns of the sides that until then had been neglected. For Tbilisi, they were the return of the displaced people, and for Sukhum/i, economic development. In reality, while three conferences on confidence-building measures were held (already a positive development), there was no progress in negotiations. Given the Gal/i flare-up in May 1998 and the lack of progress in talks, it can safely be said that when the next SRSG took office in 1999 mutual trust was not a great deal stronger than it had been in 1997.

The centrality of the issue of status helped to undermine the Geneva process. Although status was temporarily set aside, negotiations over any non-status issues inevitably came back to status as the parties always assessed how progress in a particular field would affect Abkhazia's *de jure* and *de facto* status. One clear example, which will be developed below, concerns the two sides' understanding of confidence-building measures (CBMs). At the political level, these measures can be highly significant in showing one's opponent that we are willing to take an unconditional, unilateral step for the sake of trust and collaboration. As Herbert Kelman has noted, confidence-building measures may provide mutual reassurance, encourage reciprocity and increase public support in the other society for negotiations.[200] Moreover, they usually help lay the foundation for new, cooperative relationships between the parties.

Here, however, the sides were thinking in terms of optimising their own bargaining positions rather than building trust and improving their relationship. It seems they did not believe that unilateral or even coordinated steps could make a difference. Instead they remained fearful that these gestures might jeopardise their interests. For Tbilisi, CBMs were rewards offered to the Abkhaz authorities for having gone a step further with regard to the issue of return or status. They were thus contingent upon satisfactory progress in conflict settlement. The Georgian officials were convinced the Abkhaz regime would benefit from their move to entrench their *de facto* status if CBMs were implemented beforehand. For Sukhum/i, they were goodwill gestures to be implemented prior to engaging in negotiations.[201] But they were waiting for Tbilisi to take the first step.

3.2.2 Economic issues hostage to security and status

As we have said, the Geneva process sought incremental progress in negotiating priority issues for the parties, that is, economic development for the Abkhaz regime and return for the Georgian regime. There was a good deal of movement in 1997-1998, as can be seen from the seven meetings of the Coordinating Council held during that period. What happened in reality is that the Georgian leadership dismissed any initiative that might consolidate Abkhaz statehood on the ground, while the Abkhaz officials rejected measures that might infringe their sovereignty. In practice, this meant that Tbilisi rejected economic projects without progress on return and security, while Sukhum/i rejected return without progress on security and, to a lesser extent, economic development of Abkhazia.

The expectations and time frames of the parties were as follows: the Abkhaz officials regarded the May 1998 events as illustrative of the readiness of the Georgian authorities to use force to re-conquer Abkhazia. At a meeting in Geneva in July 1998,

they thus linked the resumption of UNHCR-sponsored return to the "speedy signing" of an agreement on guarantees for the prevention of armed confrontation and the lifting of the 1996 CIS sanctions.[202] Security guarantees were thus meant to ensure their security and the goodwill of Tbilisi.

For the Georgian officials, security guarantees were required in order to secure the Gal/i district and to ensure the safe return of the displaced people. The latter had to return so that their opinions could be taken into account in defining Abkhazia's new political bodies. Economic rehabilitation and cooperation would be supported only after the return, to avoid entrenching the Abkhaz's *de facto* status.

Georgia's expectations with regard to security guarantees changed over time. Initially, Tbilisi expected the Russians to help them ensure the security of returnees. Given the stalemate over the issue of organised return, displaced people started to return spontaneously in 1995 without security guarantees. According to the May 1994 ceasefire agreement, the local Abkhaz administration was in charge of law enforcement. While UNOMIG was not in position to fulfil a protection function, the CISPKF might have been, as its mandate stipulated that its "presence should promote the safe return of the refugees and displaced persons." But the CISPKF decided to interpret this provision very narrowly and dealt with the cases of civilians coming for help unevenly.[203]

Early in 1996 Shevardnadze requested the CIS to extend the CISPKF's mandate to the whole territory of Abkhazia and to give it the task of disarming the Abkhaz forces. The CIS heads of state dismissed the proposal.[204] A year later, Georgian lobbying bore fruit: in March 1997, the CIS supported the extension of the security zone to the river Ghalidzga (Aaldzga) in Ochamchira/e district. But the decision was never implemented, owing to opposition from the Abkhaz.[205] In April 1998 the CIS Heads of States agreed, this time at Russia's request, to endorse a plan that included provisions for the extension of the CISPKF mandate to the entire territory of the Gal/i district. It envisioned the creation of an interim administration for the district which would work with the direct participation of the mediators, the UN and the OSCE.[206] Since this amounted to challenging the Abkhaz's authority and control over part of their territory, and could have allowed the return of the government-in-exile to Gal/i, it was rejected outright by Sukhum/i.[207]

Given such a discrepancy between the timeframes of the parties, WG III, on economic and social problems, soon stalled. This working group, together with the one on return, quickly became hostage to the working group on security and of the issue of status.[208] Every economic project was linked by Tbilisi to progress in the return process or the acceptance of security guarantees. Even economic cooperation of benefit to both sides – such as the proposal to build an oil pipeline across Abkhazia from Supsa to the port of Novorossiisk, made by the Georgian representatives at the Coordinating Council – was linked to a comprehensive settlement of the conflict and the return of the displaced people.[209]

A notable exception was the Ingur/i hydropower station. Due to its particular nature (the five power plants were located in Abkhazia and the arch dam in Georgia) and its key role for both sides (it ensured Abkhazia's energy independence and provided most of Georgia's electricity) this project may be singled out as a successful and rare case of depoliticisation.[210] It illustrated the possibility of positive-sum cooperation in

spite of the undefined status of the hydropower station itself. Indeed, the parties agreed to leave the legal ownership of the station unsettled and to work with *de facto* joint ownership and no legal management structure.[211]

Shevardnadze was not alone in thinking that the economic reconstruction of the Gal/i district should be made conditional on return. This perspective was supported by Yeltsin in October 1997 and reiterated by the CIS Heads of States in their decision of April 1998. Economic rehabilitation was nonetheless one of the objectives of the Geneva process. At the end of 1997, the Abkhaz and Georgian representatives in WG III agreed to a needs assessment mission to Abkhazia to respond to the pressing economic needs of the region.[212] The mission was conducted in February 1998. But the Georgian and the Abkhaz regimes did not agree on the goal of rehabilitation, and in the end Tbilisi's opposition and the Gal/i events of May 1998 buried the project (see Chapter Five).

The conflicting timeframes and differing expectations also help to explain why negotiations on two draft texts submitted jointly by the UN, Russia and the Friends in October 1998 and addressing these three key issues together – non-use of force, return of the displaced people and economic rehabilitation of Abkhazia – broke down. The Georgian officials were prepared to sign the document on the non-use of force provided the Abkhaz regime agreed on security guarantees for the Gal/i district, in particular the measures endorsed by the CIS in April 1998. The Abkhaz officials, for whom these guarantees were unacceptable since they meant loss of control over part of their territory, proposed instead to secure the return themselves. As this was unsatisfactory to Tbilisi, Shevardnadze turned down the texts.[213] In December 1998 Ardzinba announced that the displaced people who had fled during the 1992-1993 war or during the hostilities of May 1998 would be allowed to return to the Gal/i district from March 1999.[214] But they had to rely solely on Sukhum/i's security guarantees.

3.3 The return to political status (November 1999 - February 2003)

3.3.1 The Boden's paper: the failure of UN's imposed approach

The apparent impossibility of untying the knot without tackling the issue of Abkhazia's status was the main motive behind the decision to give new impetus to negotiations on status. Although it was Liviu Bota who asked the UNSC to consider the appropriateness of renewing discussions on Abkhazia's future constitutional status (to which the UNSC gave a favourable answer in July 1999),[215] and who may have begun to draft the document, it was Bota's successor, Dieter Boden, who had the difficult task of finalising a proposal for submission to the parties. Expectations were high since Boden, who arrived in November 1999, came with his experience as previous head of the OSCE mission to Georgia in charge of the Georgian-Ossetian conflict.[216] His approach consisted in negotiating the proposal with the most influential third parties – the Friends – and then imposing it on the sides as a basis for negotiation.

At that time, the Friends' importance in the process was on the rise. Active in Tbilisi and Moscow at the level of ambassadors, they took over the decision-making within the UNSC in New York by pre-negotiating resolutions on the Georgian-

Abkhaz conflict before submitting them for official consultation at the level of UNSC ambassadors.[217] Usually the resolutions prepared by a group of friends would still undergo some changes during consultations. Here, an official from UNOMIG recognised that these resolutions were already more or less in their final shape when they were submitted, usually at the last minute to the other member states of the UNSC who had no option but to rubber-stamp them.[218] As a Russian official told Teresa Whitfield, "[i]t isn't democratic, but it is effective".[219]

The high-level negotiations between the Friends over the 'Basic Principles on the Distribution of Competencies between Tbilisi and Sukhumi', better known as the Boden Paper, lasted until December 2001. In the final months Moscow kept adding new references to the April 1994 Declaration and the May 1994 proposals, in order to have alternatives to offer to the Abkhaz authorities in terms of status and to preserve its own role as guarantor.[220] For the other members of the Friends, guarantees needed to be discussed by the international guarantors, not by the parties themselves. The disagreement was overcome by addressing this issue separately. A covering letter was attached to the Boden Paper specifying the need to address the issue of international guarantees in later discussions with the parties.

According to an official in the British Foreign Ministry, the paper caused great disappointment among several specialists who had been expecting a detailed text, whereas the Boden Paper was only eight paragraphs long.[221] It proposed that Abkhazia should be recognised as a sovereign entity within Georgia. The entity would therefore not be directly subordinate to Tbilisi: both would derive their power from the agreement and be equally subordinated to it.[222] While these basic principles ruled out a final agreement on a confederation or a free associated state, in which Abkhazia would enjoy full sovereignty, it did open the door to a federation or associated state (federacy).[223] There was no reference to citizenship, defence or security – issues that had been bones of contention in every former proposal.

The United States and Germany were to convince Tbilisi, which was not entirely satisfied by the paper. According to a former foreign policy adviser to Shevardnadze, the major concerns of the Georgian leadership were by and large similar to those reported in the 1990s, namely the international guarantees, the high degree of autonomy for Abkhazia, and the assurance that secession would be ruled out.[224] But they agreed to work on this basis in the knowledge that the Abkhaz authorities had refused to discuss the paper.

According to one UN official, the Western members of the Friends were more worried about arranging an official meeting at which the Abkhaz leadership might publicly reject the paper, thereby demonstrating the failure of the whole process.[225] To make sure this did not happen, they asked the Russians to persuade the Abkhaz beforehand, but to no avail. The Abkhaz leaders refused to receive the Boden Paper or the cover letter officially. They said that the enactment by the Abkhaz parliament in October 1999 of the Act on State Independence, which seems to have been adopted to thwart Bota's plans to return to negotiations on status, had already resolved the issue of Abkhazia's status once and for all. They did not, however, rule out the idea of a free state associated with Russia as the Marshall Islands was associated with the United States.[226]

It seems that the main reasons for this lack of breakthrough were twofold: Russia's change of policy and the situation in Abkhazia. As Oksana Antonenko has observed, while the first war in Chechnya drew Tbilisi and Moscow closer in their fight against separatism, the second war, which led to the rise of Vladimir Putin, drove them apart.[227] Moscow resented Shevardnadze's policy on the conflict and accused him of sheltering Chechen fighters in the Pankisi gorge, a mountainous region bordering the Republic of Chechnya. One possible explanation for this was that the Georgian president was concerned about the consequences for the stability of his country if he supported Moscow's operation.[228] A second explanation relates to Russia's policy towards Abkhazia. Dmitrii Trenin, Aleksei Malashenko and Anatol Lieven have interpreted Shevardnadze's reaction as irritation at Russia's double standards in dealing with Abkhazia and Chechnya.[229] A third explanation may be that Georgia, as a failing state, was simply unable to control its own territory.

Russo-Georgian relations reached a low point when the operation by the Chechen commander Ruslan Gelayev, most probably brought in by the Georgian Ministry of the Interior, was conducted in the upper Kodor/i valley in September-October 2001.

This led to a shifting of Russia's policy on the conflict. The Russian authorities considered that it was in Russia's interest to stabilise the situation in Abkhazia.[230] With this in mind, they increased their economic and political engagement with the republic. The removal of the restrictions on crossing the Russian-Abkhaz border in September 1999, the preferential visa regime for the Abkhaz (and not for the Georgians) in 2000, the gradual softening of the 1996 CIS sanctions regime and the issuing of Russian passports to citizens of Abkhazia from mid-2002 must be seen as coming under this policy.[231] These measures were felt as, and were probably meant to be, a response to Tbilisi's lack of collaboration with Russia. The main consequence of this shift was that, unlike in the mid-1990s, Moscow was less ready to press the Abkhaz regime into entering into negotiations – all the more so as its request to discuss security guarantees in the Boden Paper and to ensure its role as guarantor, was rebuffed by the other members of the Friends.[232] Furthermore, in light of the increased engagement of the West in Georgia, Abkhazia became a useful buffer zone.[233]

The second reason relates to the situation in Abkhazia. Obviously, the fact that the first paragraph expressly recognised Georgia's territorial integrity was unacceptable to the Abkhaz. Furthermore, there was no provision or security guarantee in the document to induce them to accept negotiations on this basis. Even the methodology used was questionable: by drafting the document without the conflicting parties, the UN and the Friends had denied the sides any participation in a meaningful part of the negotiation process. This was not negligble for the Abkhaz regime, which always tried to derive better status from its participation in negotiations.

And besides, the Abkhaz leadership could afford to resist the document Even though Russia did not change its policy on Abkhazia's *de jure* status – it still officially regarded Abkhazia as a part of Georgia – its engagement policy reinforced Abkhazia's *de facto* status, increased Sukhum/i's ability to withstand pressure and gave them even less reason to compromise. Incidentally, Tbilisi's pressure for the removal of Russian federal border guards from Georgian territory had an unfortunate consequence for the Georgian authorities.[234] At the end of June 1999, the Abkhaz authorities had taken over

the tasks and property of the Russian border guards, increasing Abkhazia's sovereignty attributes and unilaterally raising its *de jure* status.[235]

"With the Boden Paper on the table", as an expert told Teresa Whitfield, "we have lost access to the Abkhaz entirely".[236] I believe that the lesson of this case is not so much that the Boden Paper alienated the Abkhaz side, which had closed the door to a federal arrangement even before reading it. The main lesson to be drawn concerns the detrimental effect of the lack of an international engagement policy. While the Russians' willingness to settle the conflict in a way that favoured their own strategic interests in the region was reprehensible, they understood the significance of engagement long before the rest of the international community. Because they feared that engagement would contribute to the survival and consolidation of the Abkhaz regime, Tbilisi and the international community, on the other hand, inadvertently facilitated Russia's dominance over the region and Abkhazia's separation from Georgia.

3.3.2 Georgia's attempts to regain control of Abkhazia

The fact that for Georgia the destabilisation of Abkhazia remained a tactic calculated to impede the consolidation of the *de facto* state also hindered progress in negotiations. The high level of insecurity since 1998 greatly hampered the SRSG's role in containing the conflict and keeping it from escalating.[237] During the third and last conference on confidence-building measures, which took place in Yalta in March 2001, significant progress was made: the parties reaffirmed their commitment not to use force and called upon the UN, OSCE, CIS and Friends to become guarantors of the non-resumption of hostilities and of the return of displaced people to within the old borders of the Gal/i district.

This progress did not outlive the security problems that ensued. With the clashes in the conflict zone in April 2001 and the arrival of Chechen fighters in the upper Kodor/i valley in October, Sukhum/i refused to reconvene the Coordinating Council. Condemning the bombing of the valley by Russian aeroplanes, the Georgian parliament twice called for the withdrawal of the CISPKF and the deployment of an international force, in October 2001 and in March 2002. Given the reaction of the UN and the Friends, who dissuaded him owing to the lack of troops available in the aftermath of September 11, Shevardnadze decided not to withdraw his support from the CISPKF.[238]

3.4 All-in-one approach (February 2003-August 2006)

3.4.1 Times of change: the Rose Revolution and the Abkhaz elections

By 2003 it was clear that the return to the political status approach had failed. The attempts to settle the status issue were fruitless, the Coordinating Council had not been reconvened since January 2001 and mutual distrust between the parties was growing. The Friends and the new SRSG, the Swiss Heidi Tagliavini, held a brainstorming session in Geneva in February 2003 to discuss the way forward at the invitation of Britain's Special Envoy, Sir Brian Fall. The outcome was a refreshed Geneva process, a mixture of the approaches taken in the previous periods. It combined the step-by-step approach

advocated in 1997-1999 with a focus on status, as in 1999-2002, so that the process remained attractive to Tbilisi. As a result, the status issue was included in the working group (renamed 'task force') relating to the lasting non-resumption of hostilities and security problems. The second key difference with the 'first' Geneva process, which had been launched in 1997, was the central role of the Friends, who switched from being observers to organisers of the process.

As often happened, the revival of the UN channel led to new Russian-sponsored initiatives. It seems that neither under Yeltsin nor under Putin were the Russians disposed to miss an opportunity to influence the process to their benefit. This introduced an element of competition between the Russian and UN channels. As early as 1994, the UN was being kept aloof from the negotiations on a peacekeeping force. Russia succeeded in deploying a Russia-staffed PKF and the mandate of the UNOMIG had to be changed accordingly. Again in 1997, Primakov's protocol was proposed in June, just at the time when the UN was thinking of revitalising its role as mediator. The same occurred in 2003 when the UN changed its approach: Russia reasserted itself as a central actor in the negotiation process.

In March 2003 Putin and Shevardnadze launched the Sochi process, which provided for bilateral working groups on three issues: the return of displaced people, the reopening of the Sochi-Tbilisi railway and the rehabilitation of the Ingur/i hydropower station.[239] It differed from the Geneva process first in that it was a bilateral Russo-Georgian channel. The status of the Abkhaz in the talks was not equal to that of the Georgians, although the issues addressed were also of concern to Sukhum/i. In fact, Ardzinba had to wait outside the room when Shevardnadze was talking to Putin. Secondly, it focused on practical issues. The issue of status was not dealt with as the Russians were still unwilling to persuade the Abkhaz officials discuss it. As in the past, the UN, excluded from the Sochi meeting, adjusted to Russia's outcomes. It highlighted the complementarity between the processes and sought to be invited to some meetings.

A second major transformation which occurred during this period concerned the Abkhaz and Georgian leaderships. The Rose Revolution in Georgia in November 2003 and the tumultuous presidential elections in Abkhazia in 2004-2005 brought an end to the regimes that had led to the war in the first place, resulting in the victories of the Georgian Mikhail Saakashvili and the Abkhaz Sergei Bagapsh. This change in the key players opened a wide window of opportunity, as neither of these leaders had participated directly in the decision-making before the war, Saakashvili enjoyed huge popularity in Georgia, enabling him to make courageous moves to put the peace process – that is, all the peace efforts – back on track, and Bagapsh was eventually elected thanks to the Georgians from Gal/i.[240] Besides, the Abkhaz officials were very keen to find out what the dynamic young Georgian president had to offer.

The combination of the revitalisation of negotiation channels and domestic changes created an atmosphere conducive to conflict resolution and resulted in negotiations on various issues. Two key officials appointed by Saakashvili became particularly active in the negotiation process.

The first was Giorgi Khaindrava. He had already been Minister for Abkhaz Affairs between October 1992 and July 1993 but resigned in protest at the signing of the July 1993 agreement. He believed then that the interests of Georgia were not sufficiently

protected.[241] In February 2004 he was appointed Minister for Conflict Resolution, a new ministry created by Saakashvili to illustrate his determination to restore Georgia's territorial integrity.

The second Georgian official was Irakli Alasania, whose father, general Mamia Alasania, was killed along with other high-ranking Georgian officials when the Abkhaz forces recaptured Sukhum/i in September 1993. He was elected chairman of the Abkhaz government-in-exile in September 2004 and appointed President's Special Representative to the Georgian-Abkhaz talks early in 2005. He contrasted strongly with the former chairman, Tamaz Nadareishvili, whose position in favour of the forceful capture of Abkhazia had made him *persona non grata* with the Abkhaz officials. At first, however, the Abkhaz officials refused to deal with Alasania as it would mean recognising the Abkhaz government-in-exile.[242] They eventually agreed to negotiate with him, but remained somewhat distrustful. This distrust waned when Alasania resigned from his post as chairman of the government-in-exile in March 2006.

Both Khaindrava and Alasania seemed to support a step-by-step approach. They favoured a phased return, an agreement on the non-use of force to remove the Abkhaz's fears of a forceful resolution of the conflict, the development of small-scale, 'under the radar' economic cooperation, which would gradually promote the idea of peaceful coexistence, and the search for ways to increase the size of the Abkhaz population.[243]

Saakashvili's acute impatience with conflict settlement put an end to this progress. In his inauguration ceremony in January 2004, Saakashvili promised to hold the next presidential investiture in Sukhum/i, thereby committing himself to recovering Abkhazia by the start of 2008. The reason for such haste was that in his view, everything – and first and foremost Georgia's economic development and democracy – depended on the recovery of territorial integrity. Here the Georgian National Security Concept was very illuminating: "the infringement of territorial integrity, if not addressed in a timely and efficient manner, may endanger the existence of Georgia as a viable state" and already "hampers Georgia's transformation into a full democracy".[244]

The peaceful resolution of Georgia's internal conflicts should also be beneficial to Georgia's admission to NATO. Indeed, the study on NATO enlargement mentions the settlement of ethnic disputes among the factors taken into account by the organisation in deciding whether or not a state should join NATO.[245] Explicit in this line of reasoning was that status quo was no longer an option.

Saakashvili's subsequent approach to conflict resolution involved several steps. First, he reminded the international community that Abkhazia was a legal part of Georgia. In his September 2004 speech at the UN General Assembly (UNGA), Saakashvili condemned the "unilateral practice of reaching out to separatists without the consent or knowledge of the [Georgian] authorities".[246] It seems that the decision to turn the Ministry of Conflict Resolution into a Ministry for Reintegration in 2008 may also be associated with the desire to emphasise Abkhazia's *de jure* status. Secondly, he sought to remove Moscow from the negotiation process, or at least weaken its position there and on the ground, and to draw the international community into the process instead. This meant internationalising the peacekeeping format.

As Dov Lynch has underlined, Saakashvili also supported additional policy lines. He ensured greater coordination through the presidentialisation of Georgian policy,

including a policy change vis-à-vis the Abkhaz government-in-exile.[247] He also boosted Georgia's military capability in order to strengthen its position during negotiations, restore the rule of law in the areas surrounding the *de facto* states and, as under Shevardnadze, keep the military option open.[248]

In Russia, there was no willingness to disengage from Abkhazia. On the contrary, the latter became a greater asset as time passed. The Russian leadership was not prepared to lose its influence on its 'near abroad' and passively watch Georgia taking a pro-Western course and joining NATO, which was perceived as being anti-Russian. Yet at the outset the two presidents exchanged goodwill gestures. Saakashvili tightened Georgia's control on the Pankisi gorge. Moscow let Saakashvili remove the Ajarian potentate Aslan Abashidze, whose political survival depended on strong Russian military and political support, in May 2004. This was on condition that the Georgian leader reciprocated the move by steering clear of South Ossetia and Abkhazia[249] and by accepting the Russian military presence in Georgia. At that time, the Russian military was still occupying the 62nd military base in Akhalkalaki (Samtskhe-Djavakheti) and the 12th military base in Batumi (Ajaria).[250] Doubts remained about whether that the 50th military base in Gudauta had been vacated as Tbilisi was not allowed to monitor the withdrawal of the Russian troops.

In summer 2004, however, tension turned into violence in South Ossetia. Illegal trade was a major source of revenue for the South Ossetian regime of Eduard Kokoity. Saakashvili believed that if it were stopped, Kokoity's regime would fall, so he launched an anti-smuggling operation both within and outside the region and increased the numbers of Georgian interior ministry troops in South Ossetia, who were ordered to seize smuggled goods and set up checkpoints.[251] Fearing a Georgian operation to regain control of the secessionist region, Kokoity reacted forcefully. Seventeen Georgians and five South Ossetians died as a result of the armed conflict of July-August 2004.[252] Witnessing the resumption of fighting in South Ossetia, followed by the operation to control the Kodor/i valley in July 2006, Putin retaliated by relying more and more on hard power to obtain Georgia's compliance.

3.4.2 Nearing an agreement on the non-use of force and return

A breakthrough on security guarantees and return almost occurred before the end of 2005. It did not, for at least two reasons: the Abkhaz's unchanging concern regarding a large-scale return and Georgia's unwillingness to strengthen Russia's presence in Abkhazia.

Although there was a willingness to go beyond the mere management of the conflict, stabilising the situation, especially in the Gal/i and Kodor/i regions, remained a critical activity of the SRSG during this period. In October 2003 the UN succeeded in organising a joint study visit at ministerial level to Bosnia and Herzegovina, Kosovo and Serbia-Montenegro, to study best practice in UN-led operations in post-conflict regions. It gave participants the opportunity to speak informally and learn from one another's experience in terms of policing, power-sharing and reconciliation, among other things. The appointment of coordinators in January 2006, to combat criminality in the Gal/i district and facilitate the exchange

of information, was another step towards improved law-enforcement cooperation between Gal/i and Zugdidi.[253]

Given the record of the previous administration on recourse to violence, when the new Georgian administration came to power in 2004 the Abkhaz leadership directly informed it directly that it was interested in concluding an agreement on the non-use of force.[254] In 2005 Tbilisi came up with two documents, a declaration and a letter of intent. By then the Georgian authorities had already taken a step forward by accepting the rehabilitation of Abkhazia's eastern districts in spite of the lack of progress on the return of the displaced community. The only remaining linkage was between return and a declaration of non-use of force.

Reaching an agreement remained challenging, however. For Tbilisi it was impossible to speak of a safe return without security guarantees, and the declaration on the non-use of force was secondary. For Sukhum/i, it was a priority: the new Georgian leadership needed to prove that it was committed to dealing peacefully with its Abkhaz counterparts and did not intend to recover Abkhazia by force. After several formal and informal rounds of discussion between the parties, Khaindrava and Shamba initialised a protocol in the presence of SRSG Tagliavini on 6 December 2005.

The documents in the protocol comprised both an agreement not to use or threaten to use force and a commitment to keep the issue of safe and dignified return of the displaced people, in the first place to the Gal/i district, on the negotiation agenda. Given the divergence between the sides with regard to the future guarantor of the agreement – the Abkhaz officials preferred the CISPKF and the Georgians the UN – the compromise reached was to include both. In the event of threats to security, the parties could turn to the SRSG for the use of 'appropriate mechanisms' to prevent an armed conflict. The CISPKF would be charged with taking steps to separate the armed formations in accordance with the separation line. The document was thus a compromise. But the leaderships were not ready for such concessions, and backed off. A plausible explanation for Bagapsh's refusal was that the Abkhaz authorities were not ready to commit themselves to the return of the displaced people.[255] Such an agreement also ran counter Saakashvili's approach as it would reinforce, instead of weakening, the role of the CISPKF in Abkhazia.

In fact, two months before, in October 2005, the CISPKF action had been harshly criticised by the Georgian parliament. Afraid the Georgian authorities might call for the force to be withdrawn, Russia insisted on linking UNOMIG's presence to the CISPKF's in a UNSC resolution. Heated discussions were still inconclusive at the time of the adoption of the January 2006 UNSC resolution, which was therefore merely a technical one. They eventually resulted in a change of wording. As a way of alleviating Moscow's fears, in the resolution of March 2006 the UNSC stressed "the importance of close and effective cooperation between UNOMIG and the CIS peacekeeping force as they currently play an important stabilizing role in the conflict zone".[256]

As might have been expected, this infuriated the Georgian authorities. In July 2006 the Georgian parliament entrusted the government "with a task to launch necessary procedures to immediately suspend the so-called peacekeeping operations in Abkhazia" and to work for the deployment of an international police force instead.[257] Saakashvili asserted that "Georgian territory's annexation is taking place behind these

peacekeeping troops".[258] If he did not ask for their withdrawal, it was because no other actor – be it the Abkhaz, the Russians, the UN or the Friends – would have supported the move. The Abkhaz regime feared that any security provider other than Russia would fail to react if Georgia used force to regain Abkhazia. The Russians, in turn, expressly opposed losing their foothold in the region. And neither the UN nor the Friends was disposed to offer an alternative force.[259]

3.4.3 Improving the life of the returnees: disagreement over verification exercise

Nor were the parties able to progress on the issue of protection of the returnees. The main reasons were the Abkhaz's refusal to concede control over the Gal/i district and the unwillingness of the Georgian officials to acknowledge the return of a part of the displaced people.

In September 2000 UNHCR had seen that the numbers of returnees in the Gal/i district were large enough to justify the "limited resumption of protection monitoring"[260] and reintegration assistance which had been stopped after May 1998. As a prerequisite, however, UNHCR asked for tangible measures agreed by both parties to improve security in the area.[261] A Joint Assessment Mission and a follow-up Security Assessment conducted under the aegis of the UN in the Gal/i district, in November 2000 and October-December 2002 respectively, proposed several measures for securing the region. They recommended opening a UN/OSCE human right office in Gal/i similar to the Human Right Office for Abkhazia, Georgia (HROAG) which had been established in Sukhum/i in 1996.[262] They also advised resolving the issue of the language of instruction in the schools in the Gal/i district and including in UNOMIG a small police component with a focus on the training of local policemen.[263]

Negotiations within the framework of WG II on refugees and internally displaced people quickly stalled. Both sides' disregard for the needs of the population of the Gal/i district eased the politicisation of all these issues. While Tbilisi wanted the deployment of an international police force with enforcement prerogatives,[264] Moscow refused to allow an armed force that would be competing with its PKF. The Abkhaz regime, in turn, weighed the benefits and risks associated with such a deployment for Abkhazia's *de facto* status. On the one hand, they feared that such a police force could eventually replace the CISPKF. On the other, such training was an opportunity to strengthen their police force and to have greater contact with the outside world. The former concern prevailed and the deployment of the UNOMIG civilian police component began, only on the Zugdidi (Georgian) side of the ceasefire line, in 2003.

As regards the language of education, the Abkhaz authorities kept on saying that Russian and Abkhaz were the official languages of Abkhazia and that the Georgian textbooks, with their truncated vision of contemporary history, would only perpetuate the conflict between the communities. The idea of a common textbook was purportedly put forward by the Abkhaz officials but was never implemented.[265] The fact that the Abkhaz might have been afraid of the formation of nationalist-minded Gal/i inhabitants could have been one reason underlying this position. Another convincing reason for providing education in Russian or Abkhaz was that it could serve as a powerful disincentive for displaced people to return to Abkhazia.[266]

Confronted with the absence of progress on these issues, in 2004 UNHCR proposed to continue with improving the life of the returnees. Agreed 'Strategic Directions' were published by WG II in October 2005. They included a verification exercise whose goal was to provide a snapshot of the situation, especially of the needs and numbers of returnees. They also comprised various confidence-building measures to create the conditions for the return of the displaced people. Once the facilities were ready, however, the Georgian authorities balked at going any further. According to an UNOMIG official, they justified their refusal by saying that should such an exercise occur, the displaced people would consider the situation ripe for their return despite the lack of the necessary security conditions.[267]

Given the Abkhaz unwillingness to secure the district, this concern was far from groundless. However their refusal was most probably motivated by political rather than humanitarian considerations. Tbilisi had much to lose politically as the verification would confirm that a significant percentage of the pre-war population had actually returned – approximately 45,000 according to UNHCR, that is, 60 % of the pre-war population of the district.[268] This would increase the international standing of the Abkhaz authorities by demonstrating that they had been fulfilling their duties at least in part, which explained why the Abkhaz officials were especially supportive of this exercise and made it a precondition for an extended return.

The verification was to start in October 2005. At Georgia's request, it was postponed until April 2006. When April came, Tbilisi again refused. At a meeting of WG II in July 2006, the Georgian representatives made the conduct of the verification exercise conditional on the presence of an international police force and the opening of a branch of the HROAG in the Gal/i district. The Abkhaz regime finally agreed to the deployment of a small police force for training. But they asked to put the issue on hold owing to strong internal opposition by those who feared that it would be the first step in the implementation of an international administration of Gal/i, or that the police would eventually replace the CISPKF.[269]

3.4.4 Attempts at depoliticising railway rehabilitation and joint projects

As mentioned before, in 2005 Tbilisi took a significant step by agreeing to decouple economic cooperation and the rehabilitation of the eastern districts (consisting of Gal/i, Ochamchira/e and Tqvarchal/Tqvarcheli) from return. Although it became easier to discuss these issues, they nonetheless remained to a certain extent linked to that of status. This will be looked at in more detail in Chapter Five.

The agreement reached in Sochi between Putin and Shevardnadze provided for the establishment of a working group in charge of the renovation of the Ingur/i hydropower station and the restoration of the railway. The working group never met to discuss the hydropower station because the technicians were able to rehabilitate it with little help from politicians.[270] The parties failed, however, to restore the railway, which could have given considerable impetus to confidence building. Yet they appeared willing to progress on this issue. In 2005, the Georgian authorities took a significant step forward by removing the linkage made by Shevardnadze between the opening of the railways and return. A trilateral expert assessment of the state of the railway ensued in October 2005.

It remains unclear why the parties ultimately failed to rehabilitate the railway. Several explanations can be postulated. The customs issue arose as one stumbling block. Tbilisi demanded a joint customs inspection both in Gal/i and on the Psou river at the border point between Abkhazia and Russia, whereas only Gal/i was acceptable to Sukhum/i. Agreeing to the presence of Georgians at Psou would have undermined their position that they were sovereign.

In terms of participation too, problems appeared. In the protocols of 2005, Abkhazia was presented as the Abkhaz side, on an equal footing with the Russian side and the Georgian side. These mentions disappeared from the quadripartite protocol establishing the Black Sea Railways consortium signed in May 2006, which referred instead to the "Abkhaz section of the railway" and the "Georgian Railways".[271] Later that month, the chief of the Georgian Railway company confirmed that there were only two parties – Russia and Georgia – to the consortium, but that Abkhazia and Armenia were invited to participate in working meetings.[272] Bagapsh, who asked in May for the depoliticisation of economic projects,[273] succeeded in downplaying the criticisms of a strong Abkhaz opposition who published the protocol and accused the Abkhaz government of jeopardising Abkhazia's interests and sovereignty.[274]

According to a senior Georgian diplomat, the agreement eventually fell apart because the Russians expressed their opposition to the creation of an international consortium.[275] It seems, however, rather unlikely that Russia would have undermined a project that would have been highly advantageous to the country's economy, in particular by strengthening commercial links with Armenia.[276] Some of the Georgian parliamentarians were opposed to the project, believing that it would reward Russia and Abkhazia in the absence of progress in the negotiation process. Most probably, it was a combination of the Abkhaz and Georgian opposition to the rehabilitation, together with the conflict escalation that ensued in mid-2006, that helped bury the project.

Proposals for minor joint projects made under Khaindrava and Alasania also stumbled over status. One of the main problems concerning the setting up of a joint refinery in the Gal/i district, and a joint fruit plant, concerned the registration of the new firms. Sukhum/i wanted to register these joint ventures in Abkhazia, whereas Tbilisi, for whom the Abkhaz structures were illegal, requested registration at the Ministry of Justice in Tbilisi.[277]

3.4.5 Moscow's change of position vis-à-vis Abkhazia's status

During this period, Moscow neither back-pedalled on its increasing engagement with Abkhazia nor did it officially question Georgia's territorial integrity. However, the UNSC resolution of March 2006 showed a change, if not a turning point, in Russia's approach.

The change of wording in the resolution mentioned earlier with regard to the link between CISPKF and UNOMIG was in fact more radical, especially concerning status. While the UNSC continued to support the "principles" contained in the Boden paper, it opened a door by welcoming "additional ideas that the sides would be willing to offer".[278] Similarly, in July 2005 the UNSC reaffirmed "the commitment of all Member States to the sovereignty, independence and territorial integrity of Georgia within its

internationally recognized borders, *and the necessity to define the status of Abkhazia within the State of Georgia in strict accordance with these principles*" (italics mine). The second part in italics disappeared from the UNSC resolutions from March 2006.[279]

These modifications should not be overstated since none of these mentions questioned the future of Abkhazia within Georgia. But by pushing the Friends to change the long-standing template of the UNSC resolutions, Russia showed it was taking note of international developments, especially those relating to the probable independence of Kosovo and Montenegro,[280] and that these developments could have important repercussions on Abkhazia's future status. In January 2006 Putin had already mentioned that Kosovo would inevitably set a precedent. He stated his refusal to define Kosovo's status according to principles that would not be applicable to other territories.[281]

Although the UNSC stated it was open to new "ideas" and not brand-new proposals, the first meeting of the Coordinating Council since 2001, held in May 2006, was dominated by proposals on status. The Abkhaz officials presented their 'Key to the Future' document, soon followed by the Georgian government who unveiled principles to be included in a jointly developed Road Map.

These were two stage-by-stage processes that, although sharing some similarities, differed completely in terms of time frame and political status. The Abkhaz authorities laid emphasis on CBMs first. They asked for a reassessment of past mistakes and the lifting of the CIS sanctions regime in the first phase. During the second phase, they proposed the signing of an agreement on the non-use of force with credible UN guarantees. The return of displaced people to Gal/i and the verification of the returnees were supported. The parties would seek regional cooperation once Georgia had recognised Abkhazia's sovereignty. The novelty consisted in the stress put on the "development of European models of economic cooperation". The Abkhaz proposal stressed that all the countries of the Black Sea region, Georgia and Abkhazia included, should be party to an economic cooperation agreement. Tbilisi and Sukhum/i should also cooperate within the framework of the European Neighbourhood Policy.

By comparison, while the Georgian authorities were prepared to "follow their commitments on the non-resumption of hostilities" and to consider Abkhazia's involvement in the policies of the EU, it was on the basis that Abkhazia would be a subject of the Georgian federation, endowed with "broad internal sovereignty" and "dignified representation in all branches of the Georgian government".[282]

A Georgian senior diplomat, as well as the Georgian analyst Paata Zakareishvili, have underlined that there were constructive aspects in the Abkhaz paper, such as the fact that the Abkhaz authorities asked the international community, especially the UNSC, to "help implement the international security guarantees (…) and carry out measures to prevent the resumption of the conflict" and did not mention Russia.[283] For Paata Zakareishvili, "the most important thing is that they are ready to integrate into Europe without Russia. Actually, the Abkhazians are saying: let Russia stay, but let's neutralize its influence (on us) with Europe".[284] While Tbilisi rejected the proposal at first, Alasania expressed his readiness to see how to narrow down the differences, possibly during the Coordinating Council meeting planned for mid-July 2006. But the Council was never reconvened.

3.5 The security approach: the end of negotiations and mounting tension (August 2006-August 2008)

3.5.1 The widening rift: Abkhazia and Russia vs Georgia and the United States

Several drastic changes marked the ending of the period of Georgian-Abkhaz engagement: the appointment of Alasania as Georgian ambassador to the UN on 12 June 2006, followed by the dismissal of Khaindrava on 21 July and the recovery of the Kodor/i valley on 25 July. The likelihood that Kosovo would be recognised, after the Montenegrins had opted for independence in May 2006, and Putin's position that the Kosovo's model could become universally applicable, might explain the decision by Saakashvili's government to shake up the status quo. According to Robert Legvold, in private meetings in the US in July 2006 Saakashvili said that he was "desperately concerned" that Russia might extend its recognition to Abkhazia.[285]

From then on the positions of the parties became mutually exclusive. Instead of a UN- or Russian-led process, in his speech before the UN General Assembly in September 2006 Saakashvili called for a new approach to conflict settlement. This approach consisted of (1) direct dialogue with the Abkhaz – the probable legacy of Alasania's preference for bilateral discussions, (2) continuing to isolate the Abkhaz regime, (3) involving the international community, in particular the EU, in providing technical assistance and (4) setting up an international police force in Abkhazia.[286]

Conversely, the Abkhaz leadership wanted to secure the situation in Abkhazia which was becoming increasingly viable thanks to investment and the rebuilding of infrastructure. It adopted a four-pronged waiting-game approach. First, Abkhaz officials continued to attend international meetings in order to derive better legal status from their participation, although they refused to negotiate with the Georgians until their withdrawal from the Kodor/i valley. Lobbying to take part in the UNSC meetings was also part of this policy. In a similar fashion, Bagasph and Shamba supported a so-called 'multi-vector' foreign policy (*mnogovektornaya vneshnyaya politika*), opening the door to talks with any third country that would deal with them directly.[287]

Secondly, the Abkhaz authorities tried to attain their desired status by appealing to the Russian Duma to recognise Abkhazia in October 2006.

Thirdly, they adopted a sober approach, refraining from responding violently to Georgian provocation in order to demonstrate their good behaviour to the international community.[288] And finally, they waited for further developments at the regional or international level, such as NATO's expansion to the region, the recognition of Kosovo or the worsening of Russo-Georgian relations, in the hope that they would make Abkhazia's independence, or at least the status quo, indispensable to Russia.

The lack of an international response to the genuine security fears of the Georgian government vis-à-vis Russia, or to the credible concerns of the Abkhaz leadership vis-à-vis Tbilisi's confrontational approach, also contributed to the growing distrust between the parties and to the radicalisation of their positions. Moscow was not willing to stand by passively and watch Georgia take a Euro-Atlantic course. Starting with an import ban on wine and mineral water in the spring of 2006, the Russian authorities took a harsher line and implemented a full embargo in October 2006 after the expulsion from

Georgia of six Russian military officers accused of spying. The attacks on the Kodor/i valley by military helicopters in March 2007, the dropping of an undetonated missile in Georgia in May 2007 and the shooting down of Georgian unmanned aerial vehicles (UAVs) flying over Abkhazia in 2008 were most probably Moscow's doing.[289] In this regard, Georgia had genuine security fears, which were not taken seriously by the international community.

But nor were the fears of Sukhum/i with regard to Georgia taken seriously. The Abkhaz leadership could not help but worry about Georgia's fourteenfold increase in military spending between 2002 and 2007, or the opening of a new military base in Senaki, 40 km from Abkhazia, in 2006.[290] The establishment of the Abkhaz government-in-exile, officially known as the Government of the Autonomous Republic of Abkhazia, and the presence of forces from the Georgian Ministry of the Interior in the upper Kodor/i valley were perceived as a first step towards the reconquest of Abkhazia. Even though the Georgian authorities claimed that their presence in the valley could not be perceived as a violation of the 1994 ceasefire agreement, the Abkhaz leadership had reason to believe it was facing a credible security threat, especially as the difference between Georgian Interior and Defence uniforms was barely discernable. Saakashvili's threatening rhetoric (about the 'countdown for return to Abkhazia')[291] and the use of UAVs and spy planes to fly over Abkhazia in 2008 did nothing to refute the Abkhaz's fears.

This polarisation had two consequences. First, it exhausted the negotiation process. Since August 2006 the UN-led process had stalled, and from then on there was almost no contact between the ministers.[292] Even the weekly quadripartite meetings, which had helped to sustain a working relationship between the parties against the backdrop of previous tensions, were suspended at the end of 2006.[293] The Georgian and Abkhaz officials met only on a few occasions. The first was the Joint Fact-Finding Group, a quadripartite mechanism established in January 2000 to investigate violations of the 1994 ceasefire agreement or acts of terrorism, sabotage and politically motivated acts against civilians in the conflict zone. The second place they met was at the UN-chaired Geneva meetings of the Friends. The third place was in the steering committees of the EC rehabilitation programme which brought together the parties, the EU, UNOMIG and UNDP but did not deal with political issues (see Chapter Five).

The second consequence was the tensions that mounted as the Abkhaz leadership sought a closer alliance with Russia (even if it meant restricting their freedom of action) and the Georgian authorities sought to force the issue of conflict settlement and management onto the international agenda. As a consequence of these two developments, Russo-Georgian opposition increasingly superseded the Georgian-Abkhaz conflict.

Against this background it became increasingly arduous for Russia and the Western members of the Friends to surmount their different perspectives and come up with alternative ideas for defusing the tension. Neither Russia nor the US had ever been neutral or impartial with regard to the conflict. Since their refusal to meet the Abkhaz regime in the 1990s, the successive US administrations had generally been on the side of Georgia and stability of the Caucasus. Their involvement increased after 11 September 2001, notably with the implementation in May 2002 of the Georgia Train and

Equip Programme (GTEP) for training Georgia's special forces in counter-insurgency tactics.[294] US-Georgian relations grew even closer when the new Western-oriented Georgian leadership replaced Shevardnadze's corrupt regime. When Saakashvili challenged the conflict resolution approach taken by Shevardnadze, the US expressed their support. As the US Ambassador to Georgia, John Tefft, stated: "A peaceful solution is the only answer to South Ossetia and Abkhazia but the status quo should not remain".[295]

Moscow, in turn, supported Abkhazia's positions – at least when their were in its interest. It officially supported Georgia's territorial integrity too, although Russia's newest policies, including the acceptance of official Abkhaz documents, raised the significant question of where to set the threshold for the full normalisation of their relations. To put it differently, when can the policies of a state be construed as a form of recognition? Russia supported the Abkhaz positions at the negotiation table and leaned increasingly towards a more concrete engagement with Abkhazia. It favoured an upgrade of Abkhazia's status at the negotiating table, for instance, by recognising its officials as the legitimate representatives of Abkhazia. It vigorously condemned the US decision not to grant Shamba a visa to go to New York for a UNSC meeting in 2007. As the Russian MFA, Sergei Lavrov, stated, "The UN is putting two sides of a conflict in unequal positions by depriving the Abkhaz official of an opportunity to participate in the UN Security Council session".[296]

The US, on the other hand, supported Georgia's position, and was ambiguous, if not openly supportive, when it came to the threat or use of force. This was illustrated by its refusal to co-sponsor a UNSC resolution in which the other members, who were willing to appease the Russians, expressed their "concern" vis-à-vis the Georgian operation in the Kodor/i valley in July 2006. The US wished to "welcome" Tbilisi's operation.[297] The fact that the US supported Georgia's UAV flights over Abkhaz territory in 2008, when these flights were condemned by UNOMIG as a violation of the 1994 ceasefire agreement, is yet another example.[298] As reported by a UN official, even the SRSG's proposal to grant Shamba a visa to visit New York city was flatly rejected by the US.[299] With Russia and the US drifting farther apart, the Friends became almost useless as a coordinating body.

3.5.2 Sukhum/i and Tbilisi rebuffing proposals for confidence-building measures

Believing that the parties had every interest in defusing tensions in Gal/i and Kodor/i and that talks between the military would be easier, the new SRSG, Jean Arnault, chose to focus on security issues. Minor progress was made. Sukhum/i made some effort to fulfil Tbilisi's preconditions for the verification exercise. The Abkhaz leadership tacitly accepted the deployment of a small number of policemen in the Gal/i district. It also agreed to the opening of a local NGOs-supported human rights centre hosting an OSCE human rights expert instead of a fully-fledged branch of the HROAG in the same region. As of 2007, an EU police liaison officer was stationed with UNOMIG and started working on both sides of the Ingur/i. These concessions did not satisfy Tbilisi: a Georgian minister observed that the small police force was not the international law-enforcement police force they desired, while he disparaged the new NGO-supported

human rights office that had opened in December 2007 in Gal/i as a government-operated NGO (GONGO) project.[300] The UNHCR verification exercise remained at a standstill.

The SRSG also attempted to re-establish a working relationship between the parties at a minimum level by promoting economic cooperation on issues that were not too widely publicised (to avoid public opposition), did not raise unresolved political questions (such as the railway rehabilitation), did not have a too high a political cost for the sides, and did not require mutual trust.[301] Several confidence-building proposals were made during the Friends' meetings, including for the establishment of maritime communications between Sukhum/i and Trabzon and projects favouring contacts between the Abkhaz and their diaspora in Turkey, an idea discussed earlier within the framework of the Schlaining process (see Chapter Four). They were complemented by measures proposed after a visit to the region in January 2007 by an EU assessment mission consisting of EC, EUSR and Council of Europe representatives. The list of measures included the appointment of a customs adviser for Abkhazia, EU-Abkhaz-Georgian border guards at the Russo-Abkhaz border (Psou), the opening of an EU information centre in Abkhazia and the identification of the reasons why the railway restoration had failed. It also included the inclusion of Abkhaz officials in the working meetings of the Southern Caucasus Anti-Drug Programme, plus other measures aimed more specifically at Abkhazia and Georgia.[302]

In fact, neither side was really interested in CBMs. Both parties showed goodwill, but once one party was ready to go ahead and develop an idea, the other came up with an issue that blocked all progress or a security incident froze the talks. Both were more interested in optimising their own bargaining positions. The Abkhaz officials supported projects that consolidated their state-building, such as police training or infrastructure outside the eastern districts. Measures that might infringe their sovereignty, or explicitly indicate that Abkhazia was a legal part of Georgia, such as the appointment of a EU customs adviser at the Psou river crossing, were rebuffed. Concerned that the Abkhaz regime might present these measures as its own achievement, the Georgian authorities were disposed to approve only initiatives that would tie Abkhazia more closely to Georgia, such as road communications. This explains why, although a direct Trabzon (Turkey)-Sukhum/i connection was not acceptable, a Trabzon-Poti (Georgia)-Sukhum/i one was. A UNOMIG official reported that smaller, non-politicised initiatives that were supported by Alasania and Khaindrava, such as the passing on of archives (which eventually failed to take place)[303] were viewed by their successors as akin to supporting the status quo and were thus ruled out.[304] Consequently, while some of the proposals were eventually implemented, such as the deployment of an EU police liaison officer, most of them were not.

3.5.3 Georgian and German proposals to defuse tensions

Russo-Georgian relations reached an unprecedented level of tension in the aftermath of Kosovo's declaration of independence, adopted on 17 February 2008. Russia increased its engagement with Abkhazia: in March 2008, the Russian MFA withdrew from the 1996 CIS sanctions regime and Putin authorised direct relations with the Abkhaz

authorities. Condemning the move as the 'creeping annexation' of Abkhazia and an illustration that Russia could no longer be seen as an honest broker, Saakashvili attached even more importance to receiving a membership action plan (MAP) from NATO.

One month before NATO's April summit in Bucharest, where Georgia expected to receive its MAP, Saakashvili made a proposal to the Abkhaz. It built on the 2006 Road Map as well as measures proposed, albeit in a more articulated manner, in an earlier non-official plan, the 2004 'Concept on the Special Status of Abkhazia in the Georgian State' (see Chapter Four). Proposals included the creation of a jointly managed free economic zone in the Ochamchira/e and Gal/i districts, guaranteed Abkhaz representation in all bodies of the Georgian state (including the vice-presidency of Georgia), a right of veto for Abkhaz representatives on decisions relating to Abkhazia's constitutional status, and the preservation of Abkhaz culture, language and ethnic identity. It also entailed a radical change in the PKF format (without giving further details) and the provision of international guarantees of Abkhaz autonomy.[305] Given how the document was submitted – unilaterally – and its timing, Georgia most probably wanted to display goodwill ahead of the NATO summit. The Abkhaz dismissed the document.

Adopting a different perspective, Alasania, who was still Georgia's ambassador to the UN at the time, believed that the best way to defuse tension was to reach an agreement on the non-use of force, as this would ally Abkhaz fears of a Georgian military operation. On 12-13 May 2008 he came to Sukhum/i with a proposal based on the declaration initialled by the parties in December 2005. It differed from the original document in some ways. First, there was no reference to the CISPKF as guarantor of the agreement, but to the action of the "existing international mechanisms" to prevent an armed confrontation in the event of threats to security.[306] In the previous document, it had also been mentioned that the parties could turn to the SRSG if there were threats to security, but this mention now disappeared from the 2008 text.

Secondly, the agreement reiterated the right of the 'forcibly' displaced people to return to their place of residence. In 2005, the document confirmed that return to Gal/i remained a topic for negotiation. This was not referred to in 2008. Lastly, the issue of a mutually acceptable security arrangement for the upper Kodor/i valley was to be addressed in a separate agreement. This issue had not been tackled in the 2005 text. Some commentators have raised the possibility that security guarantees could have been discussed and even annexed to the document, but nothing transpired.

Alasania's initiative had the advantage of restoring direct dialogue between the sides in times of tension and distrust. But because the document did not include provisions to improve the situation on the ground, and contained only a very vague promise about return, the Georgian leadership balked at signing it. It set two preconditions for signing: the revocation of Russia's decisions regarding Abkhazia and the withdrawal of the additional Russian troops, including a military railway unit, which had been introduced into the region unilaterally. While they were purportedly sent to carry out the mandate of the CISPKF and to rehabilitate the railway infrastructure between Sukhum/i and Ochamchira/e, many saw these moves as threats of war.[307]

Although the Abkhaz officials reportedly agreed to sign Alasania's document in mid-May, the momentum had waned when confidential talks between larger delegations resumed under the auspices of the Institute for Security and Development Policy in Sweden on 15-17 June 2008. During the meeting, Shamba demanded the withdrawal of the Georgian forces from the upper Kodor/i valley as a precondition for talks. The disappointment with Georgia's refusal to sign the May 2008 document, and Russia's pressure and/or feeling of increased security – derived from the additional Russian troops deployed – might account for this reversal. The divisions between the Georgian representatives is likely to have led the Abkhaz side to doubt whether the Georgian officials would be able to deliver what they promised. Some, like Alasania, were willing to compromise, whereas others (Minister for Reintegration Timur Yakobashvili, Georgian deputy Minister for Foreign Affairs Giorgi Bokeria, *inter alia*) were demanding more, such as the withdrawal of Russia.

Given Abkhazia's refusal to go forward, the Georgian authorities concluded that the only solution was to negotiate directly with Moscow. At the end of June 2008 the deputy Georgian foreign affairs minister, Grigol Vashadze, went to Moscow to offer a package of proposals to the Russian president Medvedev.[308] It included the transfer of the CISPKF from Ingur/i to the north of the Kodor/i river[309] (probably to retake control of at least the districts that had been neglected by the Abkhaz authorities since the war), the creation of a free economic zone in Gal/i and Ochamchira/e, the return of displaced people to these districts, the restoration of relations with Abkhazia and negotiations on its status. This agreement, seen by the Abkhaz regime as a stab in the back and labelled by the Georgian speaker, Nino Burjanadze, as the 'partition of Abkhazia',[310] was rejected by Moscow a few days later.

Against this backdrop, the peace plan proposed by German Minister for Foreign Affairs Frank Walter Steinmeier at the end of June was designed to de-escalate the conflict and break new ground. First, it offered a new negotiating framework. Since the Geneva meetings of the Friends had failed to reach any compromise, the Germans alone would initially act as facilitators. Any substantial outcome would then be shared with the Friends. Secondly, no reference was made to territorial integrity. This did not mean that the latter had ceased to be relevant – the Germans and the other Friends assured the Georgian authorities that they would continuously support this principle in their speeches. But the German officials knew that an explicit mention of this principle would, beyond the shadow of a doubt, lead the Abkhaz to reject the whole document.

The German-drafted, Friends-supported proposal consisted of three phases.[311] In the first phase, the plan involved the provision of security guarantees (including the exchange and possible endorsement of declarations on the non-resumption of hostilities, and appropriate security guarantees for the Kodor/i valley), discussions on return and measures aimed at de-isolating Abkhazia (lifting of the embargo on civilian trade, *inter alia*). In the second phase, the parties would encourage confidence-building measures including the reconstruction of areas neighbouring the conflict zone, return, trade liberalisation, freedom of movement and support for community-based projects. In the last phase, when the progress achieved in the preceding phases was considered by both sides to be sufficient, the parties would define Abkhazia's future status. The

German proposal was interesting as it was the first time a status-neutral proposal had been made. But it came too late. Given the polarisation between the sides and Russo-Georgian relations overshadowing the Georgian-Abkhaz issues, there was almost no chance of a breakthrough.

In their written response to the plan, the Abkhaz officials rejected the link between security guarantees and return that had been acceptable until May 2008. In their view, security measures should precede discussions on status, while CBMs and return should only occur in the third phase.[312] They postponed a meeting to discuss the document that had been due to take place in Berlin at the end of July. The Russian MFA Sergei Lavrov called the plan "a step in the right direction", but also asked for the two issues (security guarantees and return) to be de-linked.[313]

Tbilisi supported the plan and was willing to discuss it, although in its view two points were missing, namely, the action of the Russians (the fate of the CISPKF included) and a reference to Georgia's territorial integrity. The Georgian authorities addressed the issue of Russia's role in a non-paper given to the EU in July 2008. Instead of a German-led negotiating format, they proposed that the EU and OSCE should take the lead in conflict settlement. The EU/OSCE would also have to support economic rehabilitation, confidence building and reconciliation and introduce security guarantees. In particular, they would train and supervise a local Georgian-Abkhaz police force to be deployed in the Gal/i and Ochamchira/e districts. In the meantime, they would establish a temporary international police mission to monitor the region.[314] It seems that the EU officials were supportive of such a proposal on the condition that all the parties agreed to it.

4. The strategies and tactics of Sukhum/i and Tbilisi

4.1 Tbilisi's and Sukhum/i's strategies for attaining their desired status by 'playing' on *de facto* and *de jure* status: examples of tactics

This chapter gives illustrations of tactics. As defined in the first chapter, tactics are short-term realignments taken by the parties to attain limited goals, in this case to alter or confirm Abkhazia's *de jure* status and reinforce or weaken Abkhazia's *de facto* status in order to achieve the desired future. I report these tactics in three figures. The present situation in Abkhazia is illustrated in the middle of each figure. This consists of the *de facto* and *de jure* status of Abkhazia during the period under review as they were depicted in Chapter Two. The ultimate, long-term aim of the parties is given at the extreme right (for the Georgians) and left (for the Abkhaz) of the figure. It is what the Abkhaz and Georgian sides were longing for. The tactics used to move from the existing situation to the desired future are mentioned in between. These figures show how contradictory these strategies were.

Figure 3: Georgian and Abkhaz strategies and tactics (1989-1992)

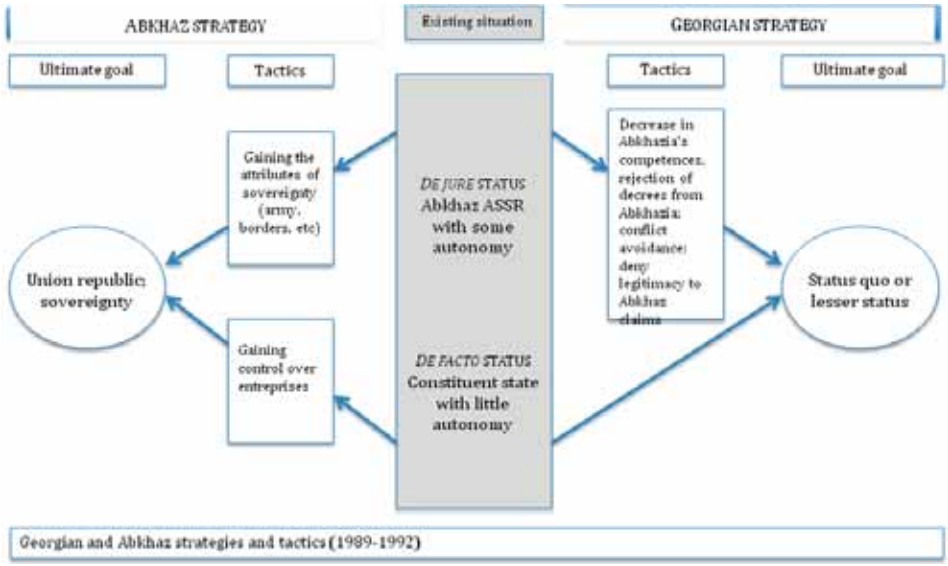


Figure 3 illustrates the strategies and tactics of the parties between 1989 and 1992. In the pre-war period, the Abkhaz national movement wanted to upgrade Abkhazia's status to that of a Union republic. When the USSR disintegrated and Abkhazia's security guarantor disappeared, it seems probable that the Abkhaz leadership was ready to negotiate federative status within Georgia. Given the negative reaction of the Georgian Consultative Council, the Abkhaz authorities radicalised. Their next offer was a loose confederal-type proposal. For the Georgians, nothing more than the status quo, or even less, such as a cultural autonomy, was acceptable. Right before the war, neither Sukhum/i nor Tbilisi was thus ready for shared sovereignty.

As mentioned, the Abkhaz strategy was to contest and modify Abkhazia's *de jure* status and reinforce its *de facto* status. As far as the *de jure* status was concerned, the Abkhaz authorities sought to gain some of the attributes of sovereignty. As seen in Chapter Two, the Supreme Council of Abkhazia issued several decrees on political sovereignty, the army and customs, among other things, to increase their *de jure* status unilaterally. The Abkhaz authorities also strove to consolidate their capabilities and their situation on the ground. They adopted decrees securing the economic basis for Abkhazia's sovereignty of September 1991 and placed the State management enterprises, organisations and agencies present on the Abkhaz territory under the jurisdiction of Abkhazia in March 1992.

Tbilisi, by contrast, saw Abkhazia as unquestionably part of Georgia. Avoidance was the main tactic of the Georgian leadership before the war. It undermined the legal arguments of the Abkhaz authorities and tried to maintain its superior legal position. Gamsakhurdia and Shevardnadze merely denied the legitimacy of Abkhaz claims on

sovereignty. They agreed, however, to confirm the privileges of the Abkhaz through an intra-Abkhazia power-sharing agreement.

Figure 4: Georgian and Abkhaz strategies and tactics (1992-1994)

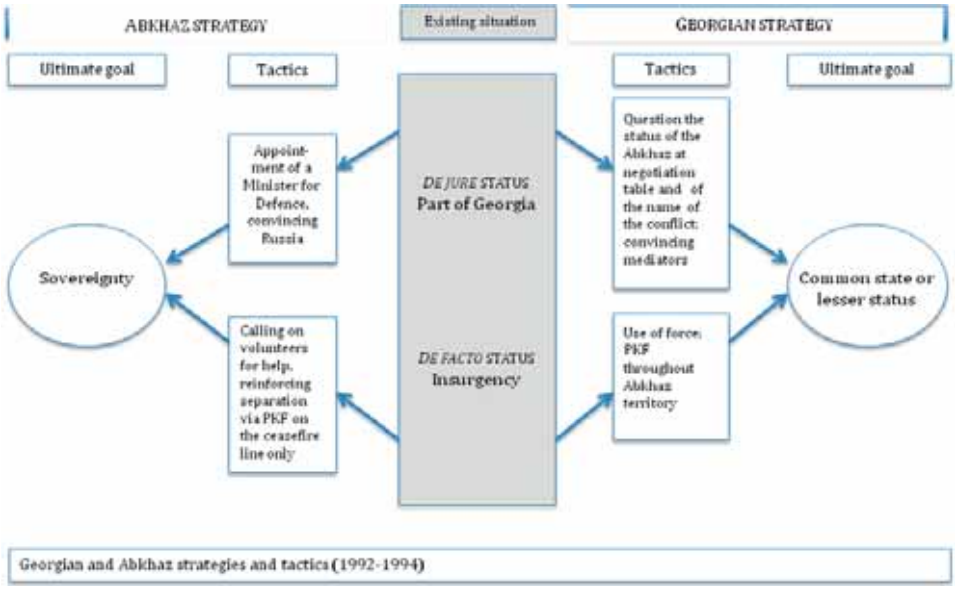


Figure 4 describes the parties' strategies in the period 1992-1994. After the outbreak of the armed conflict, there was no change in the sides' desires regarding Abkhazia's future constitutional status. Shevardnadze clearly rejected the idea of a federal Georgia and Ardzinba the idea of entering within a unitary Georgia. After the military victory by the Abkhaz forces at the end of 1993, Shevardnadze was compelled to revise his position. Sukhum/i, meanwhile, continued to refuse to recognise Georgia's territorial integrity.

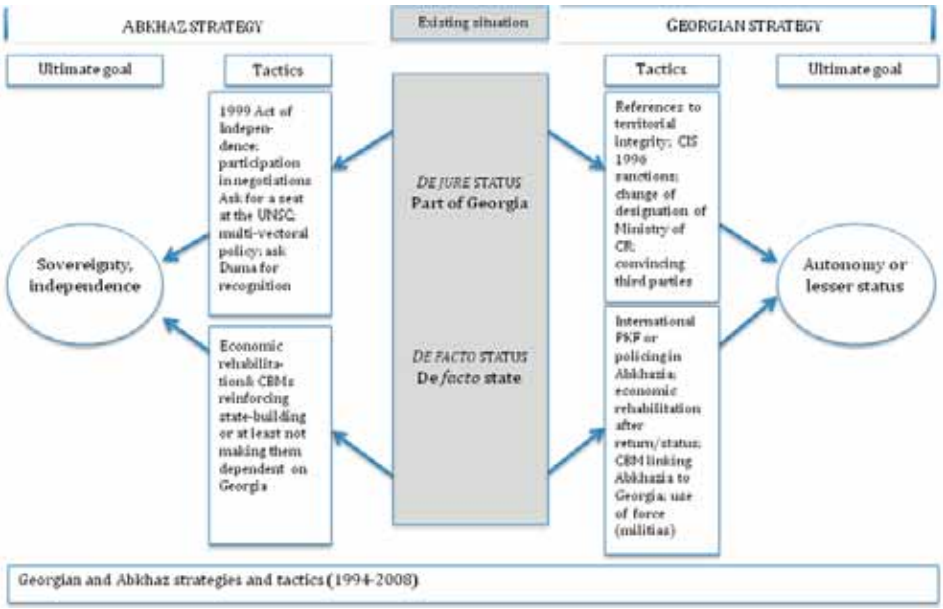
The Abkhaz leadership continued to buttress their independence. The appointment of a Minister for Defence was another move in that direction. Given the situation, they were, however, more focused on controlling the territory. Ardzinba called upon the Confederation of the Mountain Peoples of the Caucasus and the Cossacks to assist them with volunteers and weapons. The Russian MoD provided them with weapons and manpower. Once the fighting was over, the Abkhaz leadership tried to freeze the situation. The Abkhaz representatives agreed to the deployment of a UNPKF operation provided the latter did not jeopardise their sovereignty and that, if possible, it reinforced the separation.

In Georgia, some actors believed that they could achieve their objective of reintegrating Abkhazia into Georgia by force. Troops entered the Abkhaz territory on 14 August 1992. As reflected in the UNSC resolution, Tbilisi also successfully lobbied the

UNSC to condemn the support given by external actors to the Abkhaz. But Georgia's approach to the conflict proved ill-fated. It lost the war and had to agree on the terms and conditions laid down by the Russian MoD if it were not to lose more territory.

During the first UN-led negotiations at the end of 1993, the Georgian representatives attempted to show that this was an intra-Abkhazia conflict, not one that challenged Georgia's sovereignty, but to little avail. The mediators recognised the conflict as a Georgian-Abkhaz one. The UNSC, however, shared Tbilisi's point of view: the Abkhaz regime was not a legitimate representative of Abkhazia and its *de jure* status could not be equated with Tbilisi's. Furthermore, the future status of Abkhazia should be within Georgia, in line with the principle of *uti possidetis* (stability of administrative borders held at the time of independence). The Georgian authorities opposed the idea of a PKF confined to the ceasefire line and spoke in favour of a peacekeeping force throughout the Abkhaz territory. The final CISPKF arrangement represented a compromise between views of the parties. It was neither deployed on the whole territory, as the Georgians had wanted, nor on the ceasefire line only, as Sukhum/i would have preferred. As time passed, it clearly became an asset in the consolidation of Abkhaz statehood.

Figure 5: Georgian and Abkhaz strategies and tactics (1994-2008)



Finally, Figure 5 schematises the parties' strategies from 1994 to 2008. A window of opportunity for negotiation on status was open from 1994 until 1997-1998. A senior official in Shevardnadze's presidential administration affirmed that up to 30 drafts were written and discussed between the parties with the mediation of Russia.[315] In July

1995 Ardzinba almost agreed to a proposal on federative status but, unwilling to oppose the Abkhaz parliament, which fiercely opposed it, he eventually turned down the text initialled by his representative.

In the years that followed, Russia engaged in several fruitless attempts to revise and adapt the draft protocol to the parties' demands, while adding provisions to its own advantage. In 1997, the last Russian-drafted protocol, known as Primakov's protocol, which encompassed both federative and confederative elements and purposely remained vague on the question of the exercise of sovereignty, was dismissed by Shevardnadze. A revitalised UN set the issue of status aside. When, two years later, the UN concluded from the failure of its step-by-step approach that it was about time to launch fresh negotiations on status, the Abkhaz parliament and Ardzinba signed the Act on State Independence.

In the post-war years, the Abkhaz authorities used several tactics to advance their definition of Abkhazia's *de jure* status. One was participation in negotiations. This explains their willingness to participate in the UN-chaired meetings of the Friends in 2006-2007, although they categorically refused to take part in official negotiations until the Georgian forces withdrew from the upper Kodor/i valley. Their call for participation in the UNSC meetings in New York, as explicitly mentioned in their 2006 'Key to the Future' proposal, derived from the same rationale, as did their emphasis on a multi-vector foreign policy. Bagapsh and Shamba favoured the establishment of closer relationships with third countries provided the latter agreed to contact them bilaterally, and not through Tbilisi. In the post-war period, their preference was for confidence-building measures and rehabilitation that would strengthen their state-building process.

Tbilisi, on the other hand, resolutely resisted any change in Abkhazia's *de jure* status and incessantly reminded external players of the *de jure* status of Abkhazia. Examples abound. The 1996 CIS decision compelling CIS states to ask for Georgia's consent before contacting the Abkhaz authorities was a way of reaffirming that Abkhazia was part of / belonged to Georgia. Saakashvili reiterated the existence of this policy in his 2004 speech to the UN General Assembly. In a similar vein, he barred the Abkhaz from having access to the UNSC and changed the name of the Ministry of Conflict Resolution to Ministry of Reintegration. The constant request for references to Georgia's territorial integrity were part of the same approach, as was the criticism regarding the lack thereof in the Steinmeier document, put to the sides in 2008.

With regard to Abkhazia's *de facto* status, Tbilisi tried to isolate the Abkhaz officials and diminish their control over territory and population. The 1996 CIS sanctions regime effectively isolated Abkhazia from its neighbours. Until 2004-2005, Tbilisi also made progress in the peace process a condition for economic rehabilitation. In the end, the Georgian leaders never totally renounced the use of force of illegal armed groups in the conflict area as a means of destabilising the region and preventing its consolidation.

4.2 What was the rationale behind such strategies?

Why did Abkhazia strive unilaterally to upgrade its *de jure* status and increase it effective control over the Abkhaz territory? There are many possible reasons for this. The first is that the Abkhaz regime needed to sustain its viability. For an insurgency or a *de facto* state, a *de facto* status that is too weak means defeat and conquest by the central authorities. The absence of recognition meant that the UNSC would not stand against Georgia if the latter were willing to re-establish its territorial integrity, unless by doing so the Georgians were contravening UNSC resolutions or violating an agreement. But even then it would be surprising if the UNSC as such intervened. Secondly, by increasing their power on the ground, the Abkhaz regime gained more weight during negotiations. The war period is illustrative in this regard. Weak, the Abkhaz leadership had to recognise Georgia's territorial integrity. Stronger, it stood firm in defending its own agenda.

The third and key reason for pursuing such a strategy was the fact that the Abkhaz regime believed, as Dov Lynch put it, "that recognition does not *create* a state but rather *reflects* an existing reality. The attribution of statehood arises from the empirical existence of sovereignty and not its juridical recognition by other states" (italics in the original).[316] By reinforcing Abkhazia's *de jure* and *de facto* status, the Abkhaz regime tried to fulfil the criteria for statehood. They tried to keep and protect their territory, population and to develop independent state institutions (with Ministry of Defence, customs, etc.) And it did so unilaterally. They proclaimed that this sufficed in order to be considered a sovereign state. Sokrat Dzhindzholia stated: "We are independent. We have passed an act of independence. Nonrecognition does not matter".[317] Similarly, in an interview in 1999 with Rick Fawn, the historian and politician Stanislav Lakoba said that it is better to have *de facto* but effective statehood than *de jure* but ineffective statehood, as in Georgia.[318] Recognition did matter though, as their requests for recognition to the Russian Duma illustrate.

The 'standards before status' policy adopted by the UN in relation to Kosovo in 2002 fuelled expectations that the fulfilment of criteria for statehood would be followed by recognition. This policy was seen by *de facto* states as all the more important as Kosovo had previously had the status of an autonomous province, and was legally not entitled to secede. UN standards encompassed several democratic principles (development of democratic institutions, the rule of law, freedom of movement, etc.) that were to be fullfiled before negotiations on status could begin. And whereas beforehand the Abkhaz regime had criticised NGOs' democratic goals as belonging to another culture, alien to the Abkhaz mentality,[319] around 2002-2003 it began to favour democracy. Elections were a way of showing that "we meet European standards",[320] and the regime started to praise the existence of a civil society (see Chapter Four). As they saw it, they had better grounds for recognition than Kosovo, which was greatly assisted in state-building by the international community. This is what the Abkhaz MFA Sergei Shamba declared during a press conference in Moscow on 6 July 2006, adding: "We have come to our independence stage by stage by forming democratic institutions and market economy mechanisms, by encouraging freedom of speech. This policy would force everybody to sooner or later admit our *de facto* independence and recognize it *de jure*."[321]

The ultimate aim of Tbilisi, by contrast, was to keep or reintegrate Abkhazia within the Georgian territory. The Georgian leadership's strategy was thus the opposite of the Abkhaz's. It consisted of lowering the *de jure* status of Sukhum/i and weakening the Abkhaz regime on the ground. I do mean to suggest that these goals fully explain the initiatives taken by the Abkhaz and Georgian leaders since 1989. The previous description of the negotiation process has given a nuanced picture of the parties' reactions. I do believe, however, that this approach is helpful in explaining some of the parties' reactions which may sometimes appear to be purely symbolic.

4.3 How did these strategies of altering Abkhazia's *de facto* and *de jure* status impede negotiations?

On the basis of these findings, how did these strategies of the parties impede negotiations? Before the war, the 'war of laws' – a struggle over the *de jure* status of Georgia and Abkhazia analysed in Chapter Two – undermined the electoral and power-sharing agreements agreed mid-1991. The Abkhaz leaders resented the fact that Tbilisi did not want to upgrade their *de jure* status and started to increase Abkhazia's powers unilaterally. As highlighted in Chapter Two, the Supreme Council of Abkhazia took control over the attributes of sovereignty: including the army and customs. Its decrees also increased the control of the Abkhaz on the ground (law on enterprises, for instance). The local Georgian parliamentarians, in turn, thought that by doing so the Abkhaz deputies were violating the commitment they had made under the power-sharing agreement. They walked out of the Supreme Council in May 1992. These Abkhaz decisions and the discontent of the local Georgian deputies played a significant role in the further escalation of the conflict, leading to Tbilisi's decision to react forcefully in August 1992.

During wartime, since there was still no comprehensive agreement on the future constitutional status of Abkhazia, the parties looked at the possibility of deploying a UNPKF through the prism of status. It may safely be said that many factors were not in favour of a UNPKF (UN overstretched by requests for deployment, budget constraints and the absence of a comprehensive peace agreement). But the 'battle over *de facto* status' was a major factor in the deadlock in the UNPKF talks and the deployment instead of a CISPKF. Sukhum/i strove to consolidate its authority over the territory with the help of the presence of an international force at the separation line. Tbilisi wanted to weaken the Abkhaz stranglehold by means of deployment over the whole of the Abkhaz territory.

I am not claiming here that a UNPKF would have moved the negotiation process forward. Other conflict situations, such as that in Cyprus, substantiate the fact that a UN presence is far from enough to ensure that the parties make progress in talks. Any PKF somehow freezes the situation on the ground, all the more so in the case of sovereignty conflicts where territorial separation already partly fulfils the ultimate aim of the unrecognised entity. But in this case the presence of a Russian-staffed force exacerbated the tension: it reinforced Tbilisi's view that the conflict was a Russo-Georgian one, and it gave the Russians an overwhelming and inescapable role in the

negotiation process. It ensured for Moscow that the final agreement would protect its interests in the region.

The fact is that the Abkhaz leadership was left with little choice but to rely on Russia. Georgia and the third parties did not want to be seen to be bestowing recognition on Abkhazia, or consolidating the Abkhaz authorities, resulted in a lack of engagement. In the early years after the war, the third parties were so concerned about appearing to confer a higher *de jure* status on the Abkhaz that some, like the US diplomats, even decided not to go to Abkhazia. Before 1997, the Friends of Georgia were not a flexible channel of communication between the parties to the conflict, as groups of friends usually are. Despite the UN requests, they refused to change their name in order to appear less biased. As a result, third parties here missed an opportunity to engage in face-to-face discussions with the Abkhaz leadership. Only the Special Envoys/SRSGs treated the parties with impartiality, but they played second fiddle in the negotiation process in 1995-1997. When the SRSG took the lead in mid-1997, the Abkhaz had already shut the door on the question of status.

Some of Tbilisi's decisions resulting from their fears of boosting Abkhazia's *de jure* and *de facto* status had negative consequences for the negotiation process and for its own interests. This was the case of the CIS sanctions regime adopted in 1996. Originally, the Georgian leadership hoped to score points in terms of Abkhazia's *de facto* status (impede consolidation), *de jure* status (ask Tbilisi's consent before contacting Abkhaz officials) and desired status (press the Abkhaz regime into softening its stance at the negotiation table). In reality, the sanctions were detrimental to Tbilisi as they alienated the Abkhaz population who could not find freely imported goods on their markets. It pushed the Abkhaz leadership into Russia's arms and, perhaps most significantly, made the separation between Abkhazia and Georgia a reality. Moscow, by contrast, understood the power of engagement. It fulfilled its own policy objectives while strengthening the *de facto* status of Abkhazia. As a result, Sukhum/i had even less reason to compromise. Had the lifting of the sanctions been part of a Georgian-Abkhaz compromise, the Georgian leadership might have traded something against it, as Georgian analyst Archil Gegeshidze has pointed out.[322] Or it might have been a unilateral gesture of goodwill. Such a move would probably have increased the level of trust between the parties.

The strategies adopted by the parties also contributed to the lack of progress in the negotiations on confidence-building measures (CBMs) throughout the post-war period. As a rule, a CBM is a tit-for-tat where the parties reciprocate gestures of goodwill. It increases mutual trust and enables the parties to enter into constructive engagement as they come to believe that the adversary may actually deliver what it promises. The UN turned to a step-by-step approach, including CBMs, in 1997. But the parties failed to engage. The Georgian authorities were generally convinced that the Abkhaz *de facto* regime would use CBMs to entrench its *de facto* status. They were afraid that it could present it as its own achievement, thereby increasing its *de jure* status. The Abkhaz officials took the view that it was up to Tbilisi to take the first step – when not rejecting these steps because they did not contribute to the reinforcement of their capabilities. The same problem recurred when the EC and the Friends revived the discussion on CBMs in 2003. None was thinking in terms of engaging for the sake of trust regardless of all the rest.

These fears also hindered blocked other compromises. The Abkhaz leadership was not prepared to negotiate the return of the displaced people without a comprehensive agreement on Abkhazia's status, fearing that an early return would impede its independence. Nor would they contemplate a return policy that would threaten their political hegemony. The Abkhaz's unilateral proposal of resettlement in the Gal/i district in 1999 did not give returnees the necessary guarantees of rights and protection. Similarly, economic projects that might have restored links between the two sides of the Ingur/i (and not just between the Mingrelians living in Gal/i and the inhabitants of Mingrelia, who were in daily contact with one another) were confronted by the unwavering policies of Sukhum/i and Tbilisi, each trying obstinately to impose its own point of view on Abkhazia's status. Projects were unable to take shape because of issues to dowith place of registration. There was a desire to improve relations with Sukhum/i under Khaindrava and Alasania. In practice, however, not even an exchange of archives took place.

Notes

1 The Soviets had certain representations of women, ethnic groups, collective farmers, manual workers and members of the Komsomol. Lane David, *Soviet Society under Perestroika*, Boston, Unwin Hyman, 1990, p. 64.
2 Hewitt, *op.cit.*, 1993, p. 321.
3 Interview 87, Sukhum/i, 6/11/07; Interview 60, Sukhum/i, 05/05/08.
4 Interview 32, Tbilisi, March 2008.
5 Surgeon, parliamentarians and heads of districts: the Commission's members were respected and renowned representatives of their community. They had to deal with acute issues such as the nationality of the head of Gagra, head of Sukhum/i, Minister for the Interior, procurator, head of the KGB and head of the constitutional court.
6 "Temporary Law of the Abkhaz ASSR on Rules of Election and Appointment of Officials by the Supreme Council of the Abkhaz ASSR", 27 August 1991, in Diasamidze, *op.cit.*, 2008, pp. 79-80.
7 "Law of the Abkhaz ASSR on changes to the law of the Abkhaz ASSR on Public Referendum in the Abkhaz ASSR", 27 August 1991, in Diasamidze, *op.cit.*, 2008, p. 79.
8 One member of the Georgian delegation went to explain to the local Georgians that they would not be better off with a system not based on quotas. In a 65-seat parliament, the Georgians would have won a maximum of 40 % of the seats, given their demographic representation in Abkhazia, while 60 % would still be in the hands of non-Georgians. Without an amendment to the law on constitutional changes, which at that time required a third of the vote, the consent of the Georgians would have probably not been required to amend the Abkhaz constitution. Interview 32, Tbilisi, March 2008.
9 The law of 3 April on issues relating to the secession of Union republics, the law of 10 April on economic relations between the USSR, Union and autonomous republics, and the law of 26 April on the separation of powers between the USSR and the subjects of the federation (see Chapter Two).
10 Cornell, *op.cit.*, p. 167.
11 *Edinenie*, no.5 (014), May 1991, p. 7.
12 Interview 55, Sukhum/i, 4/09/07
13 Kholbaia, Gelantia, Latsuzbaia, Chakhrakia, *op.cit.,* p. 75.
14 Kholbaia, Gelantia, Latsuzbaia, Chakhrakia, *op.cit.,* p. 84.
15 Interview 86, Sukhum/i, 16/11/07; Interview 29, Tbilisi, 24/03/08.
16 The numbers differ from one source to the other. According to Ghia Nodia, there were 34 on the Abkhaz side and 31 on the Georgian side. For Kholbaia *et al.*, the Georgian national movement only had itself to blame for the fact that the representatives of other nationalities mainly sided with the Abkhaz deputies. It "did not carry out the activities needed with the non-Georgian population of Abkhazia. Instead, some

Georgian leaders made highly inappropriate declarations that turned Russians, Armenians, Greeks, and other nationals against the idea of Georgia's independence". Already at the time of the two contradictory referendums in March 1991, a meeting held in Sukhum/i was illustrative of the polarisation within Abkhaz society and the extension of the conflict to new actors. In their 'Address to the Georgian people', Aidgylara and several other non-Georgian organisations (Union 'Abkhazia', the democratic party of Abkhazia, Nartaa youth organisation, the Armenian cultural charity Krunk, the Sukhum society of internationalists, and the society for the protection of the social rights of the workers of Abkhazia) called on the Georgians to recognise that the Abkhaz also had a right to self determination. Kholbaia, Gelantia, Latsuzbaia, Chakhrakia, *op.cit.,* pp. 71, 77-78; *Edinenie*, no.3 (012), March 1991, p. 7; Nodia, *op.cit.*, Winter 1997-1998, pp. 33-34.

17 According to the agreement reached between the parties, the chairman and vice-chairman of the Supreme Council should have been appointed during the same session of the Abkhaz parliament. Unable to find a compromise regarding the candidacy of the Georgian candidate, Tamaz Nadareishvili, the parliamentarians elected only Vladislav Ardzinba. Nadareishvili was eventually elected in the second round, after unsuccessful attempts to find a more acceptable candidate. Another bone of contention emerged with the appointment of the chairman of the Council of Ministers. Contrary to the provision stipulating that the application had to be handed in by the Georgian parliamentarians, the Georgian candidate, Zarandia, was put forward by the Abkhaz side, and elected.

18 The last efforts to federate the Georgian forces in Abkhazia had been fruitless. In May 1992 the Zviadists refused to take part in an all-Georgian congress being held in Sukhum/i. In the final declaration, the members of the congress accused the Zviadists of bringing disorder into the republic by allying themselves with the Abkhaz. As a result of these dissensions, the Council of National Unity was set up without the participation of the Zviadists. Kholbaia, Gelantia, Latsuzbaia, Chakhrakia, *op.cit.,* p. 84.

19 Human Rights Watch, *op.cit.*, p. 23; Lynch, *op.cit.*, 2004, p. 28.

20 Interview 29, Tbilisi, 24/03/08.

21 Zürcher Christoph, "Georgia's Time of Troubles: 1989-1993", in Coppieters Bruno, Legvold Robert (eds), *Statehood and Security. Georgia after the Rose Revolution*, Cambridge, MIT Press, 2005, p 96; Kaufman, *op.cit.*, 2001, p. 117; Nodia, *op.cit.*, Winter 1997-1998, pp. 33-34.

22 Nor was Brezhnev or Gorbachev willing to question status or boundaries. The Brezhnev period was identified as the "era of stagnation (*zastoi*)", in which status quo and stability were maintained. When Gorbachev launched his *glasnost'* and was confronted with Armenian demands for the transfer of Nagorno Karabakh to Armenia, he decided not to touch upon the issue of borders: "reviewing boundaries is unrealistic; that would mean going down a disastrous path, and not only in these regions" he said in July 1988. Beissinger, *op.cit.*, p. 69.

23 Federalism was acceptable in theory for the Iliya Chavchavadze Society, but with the murder of its leader Zurab Chavchavadze in 1989, and the predominance of Gamsakhurdia's Round Table in 1990, those ideas vanished into thin air. Anchabadze, *op.cit.*, 2006, p. 257; Interview 19, Tbilisi, 29/02/08.

24 Let me recall here that Gamsakhurdia's decision to compromise on the electoral law and powersharing in Abkhazia resulted not from a recognition of the legitimacy of the Abkhaz's grievances, but from the concern that Moscow might intervene on their side.

25 Berdzenishvili David, "Tbilisi-Sukhumi: do i posle promezhutoshnogo perioda" (Tbilisi-Sukhumi: Before and After the Intermediate Period), in *Aspekty gruzino-abkhazskogo konflikta: Materialy gruzino-abkhazskogo konferentsii: "Pakt stabilin'nosti na Kavkaze i strategia mirotvorsheskogo protsessa"* (Aspects of the Georgian-Abkhaz Conflict: Materials from the Georgian-Abkhaz Conference "Stability Pact for the Caucasus and Strategy of the Peacemaking Process"), no.7, University of California, Irvine, 2001, p. 142.

26 Lakoba, *op.cit.*, p. 15.

27 Interview 82, Sukhum/i, 22/10/07.

28 Interview 28, Tbilisi, 2/04/08.

29 Berdzenishvili, *op.cit.*, 2001, p. 145.

30 Sharashenidze, *op.cit.*, p. 77.

31 Founded in 1991, the Unrepresented Nations and Peoples Organization (UNPO) defends the rights of nations and peoples at the national and international levels. "Its mission is to assist those peoples to advance their interests effectively through non-violent means, including diplomacy, use of United Nations and other international procedures for the protection of human rights, developing public opinion and other action oriented strategies, and exploring legal options to defend their rights." Georgia was among the founding members of the UNPO in February 1991 while Abkhazia joined the organisation that August. Lord Ennals, Farrar Margery, Pinto Scholtbach Alvaro, Maell Linnart, van Walt van Praag Michael, Hille Charlotte, "Report of a UNPO Mission to Abkhazia, Georgia, and the Northern Caucasus", *Central Asian Survey*, vol.12, no.3, 1993, p. 325.

32 The US and the European Community (EC) were reluctant to recognise Georgia in 1991 given the internal strife characterising Georgia's political life and mistrust of Gamsakhurdia. The EC therefore refused to recognise the country along with Armenia, Azerbaijan, Belarus, Kazakhstan, Moldova, Turkmenistan, Ukraine and Uzbekistan on 31 December 1991. Only after Eduard Shevardnadze had returned there did the EC and the US extend their recognition to Georgia, establishing diplomatic relations with that country in March and April 1992 respectively. Georgia was finally admitted to UN membership on 31 July 1992.

33 A former Georgian parliamentarian living in Tbilisi acknowledged the dependence of the Georgian deputies on Tbilisi. Several former Abkhaz deputies reported that their Georgian counterparts used to walk out of the room when decisions had to be taken, in order to phone the authorities in Tbilisi. An Abkhaz professor explained Tbilisi's reaction by the fact that local Georgians treated the Abkhaz grievances with more understanding and therefore could not be completely trusted by the centre. For a former Abkhaz deputy, this primarily illustrated Tbilisi's desire to establish a centralised state. Interviews 55, 57 and 94, Sukhum/i, 4/09/07, 13/11/07 and 21/09/07 respectively. Interview 16, Tbilisi, 24/04/08.

34 Created in January 1992, the Council was made up of ten political parties, opposition members (but no Zviadists) and intelligentsia from within and outside of the nomenklatura. Acting as a substitute for the Georgian parliament, but with the power only to make recommendations, it had among its tasks to work on the principles to guide relations between the Abkhaz and the Georgians. Wheatley Jonathan, *Georgia from National Awakening to Rose Revolution*, Adershot, Ashgate Publishing, 2005, p. 69.

35 Anchabadze Georgii, "Popytki neitralizatsii gruzino-abkhazskovo konflikta metodami narodnoi diplomatii (na osnovanii lichnovo opyta)" (Attempts at neutralisation of the Georgian-Abkhaz conflict by means of citizen diplomacy (on the basis of personal experience)), in *Rol'neofitsial'noi diplomatii v mirotvorcheskom protsesse, Materialy gruzino-abkhazskoi konferentsii* (Non-official Diplomacy in the Peace Process, Materials from the Georgian-Abkhaz Conference), Sochi, University of California, Irvine, no.1, 1999, pp. 28-29; Anchabadze, *op.cit.*, 2006, p. 217; Berdzenishvili, *op.cit.*, 2001, p. 145; Interview 15, Tbilisi, 31/03/08; e-mail communication with Ivlian Khaindrava, May 2009.

36 Berdzenishvili, *op.cit.*, p. 150; Anchabadze, *op.cit.*, 1999, p. 29.

37 Interview 15, Tbilisi, 31/03/08.

38 Interview 94, Sukhum/i, 21/09/07.

39 Interview 94, Sukhum/i, 21/09/07

40 Hewitt, *op.cit.*, 1993, pp. 308-312.

41 Article 4: "The territory and status of the two sovereign states cannot be changed without their consent, expressed by their supreme organs of government or by a plebiscite (referendum)". Hewitt, *op.cit.*, 1993, p. 310.

42 At the beginning of March 1992 the Consultative Council was replaced by the State Council, which was endowed with both legislative and executive powers and was led by Shevardnadze.

43 Unfortunately, I was unable to find this text. According to Berdzenishvili, the joint agreement likewise stated that Abkhazia would agree voluntarily to unite with Georgia and would possess the legislative and executive powers on its territory apart from powers assigned by the Georgian and Abkhaz Constitutions to the jurisdiction of the Republic of Georgia. The division of powers was to be examined at some point in the future. Berdzenishvili, *op.cit.*, p. 145.

44 "Decree issued by the Supreme Council of the Republic of Abkhazia on Cessation of the legal effect of the Constitution of the Abkhaz ASSR of 1978", 23 July 1992, in Diasamidze, *op.cit.*, 2008, p. 131.

45 "Proekt dogovora ob osnovakh vzaimootnoshenii mezhdu Respublikoi Gruziya i Respublikoi Abkhaziya"(Draft agreement on the principles of mutual relations between the Republics of Georgia and Abkhazia"), Volkhonskii M.A., Zakharov V.A., Silaev N.Yu., *Konflikty v Abkhazii i Yuzhnoi Osetii. Dokumenty 1989-2006* (The Conflicts in Abkhazia and South Ossetia. Documents 1989-2006), Moskva, Russkaya Panorama, 2008, pp. 148-149.

46 According to George Hewitt, discussions between parliamentarians from both sides were held in Sukhum/i on 13 August and were to be resumed on 14 August 1992. Hewitt, *op.cit.,* 1993, p. 291.

47 Moolakkattu John Stephen, "Peace Facilitation by Small States: Norway in Sri Lanka", *Cooperation and Conflict*, vol.40, no.4, 2005, p. 393; Kriesberg Louis, "The Development of the Conflict Resolution Field", in Zartman William I., Rasmussen Lewis J. (eds), *Peacemaking in International Conflict: Methods and Techniques*, Washington, DC, US Institute of Peace Press, 1997, p. 69; Richmond, *op.cit.*, 1998, p. 712.

48 Richmond, *op.cit.*, 1998, p. 713.

49 Mitchell, *op.cit.*, 1995, p. 50.

50 Bercovitch Jacob, Houston Allison, "The Study of International Mediation: Theoretical Issues and Empirical Evidence", in Bercovitch Jacob (ed.), *Resolving International Conflicts. The Theory and Practice of Mediation*, Boulder, Lynne Rienner, 1996, pp. 13-14.

51 Lynch, *op.cit.*, 1998, p. 24.
52 Stewart Susan, "The Role of the United Nations in the Georgian-Abkhazian Conflict", *Journal on Ethnopolitics and Minority Issues in Europe*, Issue 2, 2003, p. 13.
53 According to Sharashenidze, Shevardnadze asked for Russia's help in a letter on 26 September 1993, before the fall of Sukhum/i. He agreed to Grachev's proposal made in Adler to bring in two divisions and to enter the CIS. But no answer from the Russians was forthcoming, probably due to the confrontation between Yeltsin and the Duma. It was only after the fall of Sukhum/i, on 8 October, during a meeting between Yeltsin, Shevardnadze, the Azeri president Gaidar Aliev and Armenian president Levon Ter-Petrossian, that Shevardnadze announced that Georgia would apply for membership in the CIS. Sharashenidze, *op.cit.*, pp. 92-93.
54 In July 1993 the Georgians first declined the offer, regarded as a Russian attempt to occupy the Abkhaz capital city. For the former Georgian Minister of Defence, Sharashenidze, at that time Shevardnadze missed an opportunity to regain at least a part of Abkhazia. "The Russian delegation proposed 1) to place two regiments of Russian troops in Sukhumi; 2) to move the joint control commission from Sochi to Sukhumi, 3) to introduce into Sukhumi one logistics battalion with 30 armored personal carriers (APC). Without any doubt, these real measures could have prevented the seizure of Sukhumi which occurred less than two months after". The second time was in Adler two days after the Abkhaz offensive on Sukhum/i, when Grachev met with Shevardnadze and proposed the introduction of two aerial-landing divisions. Shevardnadze reiterated his refusal. Sharashenidze, *op.cit.*, pp. 87-89.
55 Hopf, *op.cit.*, p. 229.
56 CIPDD, "The Georgian Chronicle", vol.2, available at: http://www.cipdd.org/files/61_265_149437_GeorgianChronicle-September93.pdf, September 1993, p. 3.
57 Ibid., p. 3.
58 A member of the Abkhaz delegation said that his delegation struggled several times with the Russians who held to the preservation of Georgia's territorial integrity and always excluded any other option. The Russians clearly said to the Abkhaz that they wanted considerable autonomy for Abkhazia in order to have leverage over Georgia. Interview 86, Sukhum/i, 16/11/07.
59 Mihai Gribincea, *The Russian Policy on Military Bases: Georgia and Moldova*, Oradea, Cogito, 2001, p. 56.
60 A member of the Security and Defence Committee of the Georgian Parliament recognised that the signing by the ministers had been a mistake. Interview 30, Tbilisi, 21/02/2008.
61 Interview 30, Tbilisi, 21/02/2008.
62 Quoted in Mihai, *op.cit.*, pp. 62-63.
63 Mihai, *op.cit.*, p. 63; Nodia, *op.cit.*, Winter 1997-1998 p. 45.
64 Lynch, *op.cit.*, 1998, pp. 27-28.
65 The first visit, from 12 to 20 September 1992, was headed by the director of the Department of Political Affairs, Gustave Feissel, the second, from 13 to 15 October 1992, by the Under-Secretary-General for Human Rights, Antoine Blanca.
66 United Nations, *Repertoire of the Practice of the Security Council 1993-95, Chapter 8: Situation in Georgia,* available at: http://www.un.org/french/docs/cs/repertoire/93-95/93-95_chap08table.htm, accessed May 2009, p. 4.
67 Similarly, Special Envoy Edouard Brunner arrived in Sochi only a day after the ceasefire agreement was signed on 27 July 1993. UNSC, Resolution 849, S/Res/849, 9 July 1993; United Nations, *Repertoire of the Practice of the Security Council 1993-95, Chapter 8: Situation in Georgia, op.cit.*, p. 6.
68 Tagliavini Heidi, "Conflict Prevention and Conflict Management in Georgia – The Activities of a Personal Representative of the OSCE Chair", in Institute for Peace Research and Security Policy at the University of Hamburg, *OSCE Yearbook 2001*, Baden-Baden, Nomos Verlagsgesellschaft, 2002, p. 208.
69 However, there were times where the Abkhaz officials felt they were treated well, and not only by the UN. The same Abkhaz academic recalled that in January 1994 US President William Clinton was planning to meet the Syrian leader Hafez al-Assad at the Intercontinental Hotel where the two delegations were hosted in Geneva. The head of the Georgian delegation was Jaba Ioseliani, the leader of the paramilitary organisation Mkhedrioni, a figure renowned for being a former bank robber once convicted of murder. As his presence in the hotel was unacceptable to the Americans, he was asked to move to another place, while the Abkhaz delegation was allowed to stay. Interview 91, Sukhum/i, 03/09/07.
70 Richmond, *op.cit.*, 1998, pp. 712-713.
71 UNSC, Letter dated 8 July 1996 from the Permanent Representative of Georgia to the United Nations addressed to the President of the Security Council, S/1996/527, 8 July 1996.
72 Lynch, *op.cit.*, 1998, pp. 22-23.
73 Shevardnadze recalled that at the Moscow meeting all the participants except Ardzinba were ready to sign the agreement. Yeltsin therefore took the Abkhaz leader aside for 20 minutes. When they came back, Yeltsin said: 'Comrade Ardzinba has also agreed'. According to the Abkhaz historian Stanislav Lakoba,

during the first half of the day the parties discussed the withdrawal of Georgian troops from Abkhazia and the return of the Abkhaz authorities to Sukhum/i. But the direction of the talks changed after a meeting between Shevardnadze and Yeltsin. The text they proposed afterwards was no longer open to discussion. Lakoba, *op.cit.*, p. 48; Interview 29, Tbilisi, 24/03/08.

74 Article 9 of the agreement reads as follows: "The Troops of the Russian Federation, temporarily deployed on the territory of Georgia, including in Abkhazia, shall firmly observe *neutrality* and shall not participate in internal conflicts." ("Vooruzhenye sily Rossiskoi Federatsii, vremenno nakhodyashchiesya na territorii Respubliki Gruziya, v tom chisle i v Abkhazii, soblyudayut strogii *neitralitet* i ne uchastvuyut vo vnutrennikh konfliktakh." Italics mine.)

75 Lynch, *op.cit.*, 1998, p. 23.

76 Diasamidze, *op.cit.*, 2008, p. 144.

77 The Georgian and Abkhaz participants had a long discussion about the September 1992 agreement when they met under the aegis of the Institute for Social and Political Research of the Academy of Science in Moscow in November 1992 (see Chapter Four). The Abkhaz side wondered who would say how many Georgian forces were needed "to fulfill the tasks of this Agreement (protection of railway and other determined objects)". Each side also delimited the "zone of the conflict" for the withdrawal of illegal armed groups differently. For the Abkhaz it was the entire territory, while in the eyes of the Georgians it was only Sukhum/i. Vdovichenko L.N. (ed.), *Rabochaya tetrad' po materialam "Kruglogo Stola", "Gruzino-abkhazskii konflikt: puti preodoleniya"* (Working notebook based on the material from the round table "The Georgian-Abkhaz conflict: ways to overcome"), Moskva, Rossiskaya Akademia Nauk, Institut Sotsial'no-politicheskikh issledovanii, 1994, pp. 43-49.

78 O'Balance, *op.cit*, p. 136.

79 "Agreement on principles of settlement of the Georgian-Ossetian Conflict", 24 June 1992 in Diasamidze, *op.cit.*, 2008, pp. 119-120.

80 "Agreement on cease-fire and the mechanisms of its implementation in Abkhazia", 23 July 1993, in Diasamidze, *op.cit.*, 2008, pp. 168-169.

81 UNSC, Resolution 858, S/Res/858, 24 August 1993.

82 Alexseev Mikhail A., "Early Warning, Ethnopolitical Conflicts, and the United Nations: Assessing the Violence in Georgia/Abkhazia", *Nationalities Papers*, vol.26, no.2, 1998, p. 204.

83 At the end of August 1993, seven of the eight districts of Mingrelia were under Zviadist control, further weakening the Georgian forces. According to an Abkhaz deputy who was in Gudauta at that time, the Zviadists came to Gudauta and discussed their future plans with Ardzinba. Interview 55, Sukhum/i, 4/09/07. Alexseev, *op.cit.*, p. 205; Lakoba, *op.cit.*, p. 70.

84 Nine military observers and eight civilian support staff were sent in August 1993. Alexseev, *op.cit.*, p. 204.

85 Sharashenidze, *op.cit.*, pp. 88-89.

86 Summary of the letter from the Deputy Foreign Minister of Georgia to the Security Council in October 1992. United Nations, *Repertoire of the Practice of the Security Council 1993-1995*, New York, available at: http://www.un.org/Depts/dpa/repertoire/, accessed December 2008, p. 467.

87 The Abkhaz government-in-exile, or Government of the Autonomous Republic of Abkhazia, consisted of Georgian officials who had been appointed to the Supreme Council and Committee of Ministers of the Abkhaz ASSR in the pre-war period. From 1993 to 2006 it was based in Tbilisi. The structures were then moved to the village of Chkhalta in the upper Kodor/i valley, where they stayed from September 2006 to August 2008.

88 The Abkhaz negotiator recalled that the Abkhaz delegation received a list with the names and positions of the members of the Georgian delegation. Many were described as being members of the Supreme Council of Abkhazia or of the Committee of Ministers of Abkhazia. In a letter handed to Edouard Brunner and to the Georgian delegation, the Abkhaz representatives announced that they would no longer participate in the talks as long as the other delegation also represented Abkhazia (and not the delegation from Georgia), and they walked out. After one and a half hours, Brunner called them back and stated that the representatives of Georgia were sitting on one side, and the representatives of Abkhazia on the other side. The Abkhaz representatives agreed to these terms and returned to the negotiation table. Interview 86, Sukhum/i, 16/11/07.

89 MacFarlane, Minear, Shenfield, *op.cit.*, 1996, p. 73

90 According to Svante Cornell and a member of the Abkhaz delegation who negotiated the text, in July 1993, the agreement also provided for the return of a "legal government" in Abkhazia, the composition of which would be determined later. Cornell, *op.cit.,* 2001, p. 172; Interview 86, Sukhum/i, 16/11/07; "Final Document of the Moscow Meeting", 3 September 1992 in Diasamidze, *op.cit.*, 2008, pp. 143-144.

91 When the parties met at the end of 1993, the Abkhaz side proposed to hold a referendum on Abkhazia's future status (autonomy within Georgia, confederation or independence) before letting the displaced people return to Abkhazia. The Georgians, who regarded return as a precondition to any referendum,

brushed aside the idea. Lakoba, *op.cit.*, p. 86. Anchabadze Yuri, "Georgia and Abkhazia: the Hard Road to Agreement", in Coppieters Bruno (ed.), *Georgians and Abkhazians: the Search for a Peace Settlement*, Köln, Bundesinstitut für Ostwissenschaftliche und Internationale Studien, 1998, available at: http://poli.vub.ac.be/publi/Georgians/, accessed January 2010.

92 The MoU listed the points of agreements: commitment to the ceasefire, call for additional UN observers, the exchange of all prisoners, the creation of conditions for the return of refugees to their former homes and call for assistance to the population of the conflict zone.

93 UNSC, Resolutions 849, S/Res/849, 9 July 1993; UNSC, Resolution 854, S/Res/854, 6 August 1993; UNSC, Resolution 858, S/Res/858, 24 August 1993; UNSC, Resolution 876, S/Res/876, 19 October 1993; UNSC, Resolution 882, S/Res/882, 4 November 1993. "Terms and Notions, fixed in documents, adopted by the Parties, on the Georgian-Abkhazian conflict", 15 December 1993.

94 "Communiqué on the second round of negotiations between the Georgian and Abkhaz sides in Geneva", January 1994.

95 Ibid.

96 UNSC, Resolution 876, S/Res/876, 19 October 1993.

97 UNSC, Resolution 896, S/Res/896, 31 January 1994.

98 "Draft of the Plan for the reinstatement of the state-legal relations between Abkhazia and Georgia", February 1994; "Abkhaz proposals on the competence and structure of the coordinating organs", February 1994.

99 Under the Georgian proposal, the Abkhaz would be in charge of Abkhazia's resources, energy, economic development, culture, education, local police, budget and courts. Malinverni Giorgio, "Deuxième réunion du groupe d'experts chargé de préparer des recommandations sur le statut politique de l'Abkhazie", Moscow, 8-10 February 1994, p. 4.

100 "Proposals of the Georgian part of the group of experts on the constitutional and legal status of Abkhazia", February 1994.

101 Malinverni Giorgio, "Deuxième réunion du groupe d'experts chargé de préparer des recommandations sur le statut politique de l'Abkhazie", Moscow, 8-10 February 1994, p. 6.

102 In March 1994 the Abkhaz representatives rejected a draft declaration mentioning territorial integrity. The draft stipulated that "During the period of negotiations until a final solution to the question of the political status of Abkhazia is found, the parties will respect territorial integrity within the borders of the former Georgian Soviet Socialist Republic and the Abkhaz Autonomous Soviet Socialist Republic as of 21 December 1991". UNSG, Report of the Secretary-General Concerning the Situation in Abkhazia, Georgia, S/1994/253, 3 March 1994; UNSG, Report of the Secretary-General Concerning the Situation in Abkhazia, Georgia, S/1994/312, 18 March 1994.

103 UNSG, Report of the Secretary-General Concerning the Situation in Abkhazia, Georgia, S/1994/312, 18 March 1994.

104 "Thus, by not acceding to the Council's demand that all concerned recognize the territorial integrity of Georgia, the Abkhaz side is in effect preventing the United Nations from responding to a call for assistance from a Member State and blocking the orderly return of refugees." United Nations, *Repertoire of the Practice of the Security Council, Item 8: Situation in Georgia,* available at http://www.un.org/Depts/dpa/repertoire/, accessed April 2008, p. 34.

105 In an interview on 10 April 1994, Shevardnadze stated that "One should keep in mind that all the documents which we signed in Moscow with Abkhazia's participation and in Sochi and the six or even seven resolutions by the Security Council which have been adopted recently – they state that Abkhazia is an integral part of the Georgian state. I believe, therefore, that at the current stage there was no pressing need to stress this once again. We imply that there can be no other decision." Potier Tim, *Conflict in Nagorno-Karabakh, Abkhazia and South Ossetia: a Legal Appraisal*, The Hague, Kluwer Law International, 2001, p. 126.

106 "Abkhazia has its own Constitution and legislation and appropriate state symbols, such as anthem, emblem and flag." "Declaration on measures for a political settlement of the Georgian/Abkhaz conflict signed on 4 April 1994", S/1994/397 Annex I, 5 April 1994.

107 Berdzenishvili, *op.cit.*, 2001, p. 146.

108 The director of Save the Children, quoted in the report by Kenny Gluck, underlined that the clause served the Abkhaz well, as it enabled them to prevent Georgian men from coming back to Abkhazia. Only women, children and elderly people would be allowed to return. This made the possibility of a productive life questionable. The provision regarding the exemption from immunity in the Quadripartite Agreement could indeed have frightened men into not returning. But in itself the provision did not differ significantly from the 1951 Convention Relative to the Status of Refugees. Article 1(7) of the 1951 Convention reads as follows: "The provisions of this Convention shall not apply to any person with respect to whom there are serious reasons for considering that: (a) he has committed

a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes; (b) he has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee; (c) he has been guilty of acts contrary to the purposes and principles of the United Nations". By comparison, the provision stipulated in Article 3 of the Quadripartite Agreement reads: "Such immunity shall not apply to persons where there is serious evidence that they have committed war crimes and crimes against humanity as defined in international instruments and international practice as well as serious non-political crimes committed in the context of the conflict. Such immunity shall also not apply to persons who have previously taken part in the hostilities and are currently serving in armed formations, preparing to fight in Abkhazia. Persons falling into these categories should be informed through appropriate channels of the possible consequences they may face upon return". Gluck Kenny, "Case Study: International Assistance to Civilians: The Abkhaz-Georgian Civil War", Collaborative for Development Action, March 1995, available at: http://www.cdainc.com/publications/dnh/casestudies/dnhCase06Georgia.pdf, accessed January 2010, p. 14.

109 CIPDD, "The Georgian Chronicle", vol.3, no.4, available at: http://www.cipdd.org/files/61_265_825982_GeorgianChronicle-April94.pdf, April 1994.

110 Twelve military observers were present at that time.

111 UNSC, Resolution 892, S/Res/892, 22 December 1993.

112 In the communiqué on the second round of negotiations in January 1994, the parties "agreed that the establishment of favourable conditions for further progress towards a political settlement and the practical implementation of agreements will be promoted by the deployment of a full-scale peacekeeping operation in Abkhazia". UNSG, Report of the Secretary-General Concerning the Situation in Abkhazia, Georgia, S/1994/80, 25 January 1994.

113 The Russians wanted to provide the future peacekeeping force with troops. It seems doubtful, however, whether they would have agreed to follow the UN practice, whereby no country contributes more than about a third of the strength of a UNPKF, if the deployment of such a UNPKF had been endorsed. UNSC, Letter dated 4 February 1994 from the Representatives of Georgia and the Russian Federation addressed to the Secretary-General, S/1994/125, 7 February 1994; UNSC, 3346th meeting, 9 March 1994.

114 In fact, the deployment of a multinational PKF under non-UN command was among the options presented by the UNSG as early as January 1994. UNSG, Report of the Secretary-General Concerning the Situation in Abkhazia, Georgia, S/1994/243, 3 March 1994; UNSG, Report of the Secretary-General Concerning the Situation in Abkhazia, Georgia, S/1994/529, 3 May 1994.

115 The UN proposed this draft ceasefire and separation of forces agreement in April 1994. The main differences between the draft and the actual ceasefire agreement concerned the nature of the PKF, the delimitation of the security zone and the area of presence of the PKF. The draft agreement provided for the deployment of a UNPKF, not a CISPKF. In the draft, the parties agreed to establish a security zone on both sides of the Ingur/i, from which armed forces and heavy military equipment were to be removed. In the final agreement, a distinction was made between the security zone and the restricted-weapons zone. In the draft, the issue of a permanent observer presence in the Kodor/i valley was envisaged. This provision disappeared from the final agreement, where only patrols were to be organised in the valley. The draft agreement also stipulated the deployment of the PKF beyond the security zone, farther inside Abkhaz territory, a provision that was removed from the final agreement.

116 "Agreement on a Ceasefire and Separation of Forces", 14 May 1994.

117 UNSG, Report of the Secretary-General Concerning the Situation in Abkhazia, Georgia, S/1994/529/Add.1, 16 June 1994.

118 UNSC, Resolution 937, S/Res/937, 21 July 1994.

119 In January 1995 the Russian representative expected that the current CIS operation would be transformed into a UNPKF based on the Russian forces. UNSC, 3488th meeting, 12 January 1995. United Nations, *Repertoire of the Practice of the Security Council, Item 8: Situation in Georgia,* available at: http://www.un.org/french/docs/cs/repertoire/93-95/93-95_chap08table.htm, accessed April 2008, p. 68.

120 UNSC, 3398th meeting, 30 June 1994. United Nations, *Repertoire of the Practice of the Security Council, Item 8: Situation in Georgia,* available at: http://www.un.org/french/docs/cs/repertoire/93-95/93-95_chap08table.htm, accessed April 2008, p. 51.

121 In the letter to the UNSG sent in June 1994, Russia declared that the CIS "was anxious not to supplant the United Nations, but to help create the most favourable conditions for the efforts of the United Nations". Comment of the representative of the Russian Federation at the meeting of December 1993. United Nations, *Repertoire of the Practice of the Security Council, Item 8: Situation in Georgia,* available at: http://www.un.org/french/docs/cs/repertoire/93-95/93-95_chap08table.htm, accessed April 2008, pp. 26, 49.

122 Lynch, *op.cit.*, 1998, p. 30.

123 "Communiqué on the second round of negotiations between the Georgian and Abkhaz sides in Geneva", January 1994.
124 Whitfield Teresa, *Friends Indeed? The United Nations, Group of Friends and the Resolution of Conflict*, Washington D.C., US Institute of Peace, 2007, p. 142.
125 Cox Michael, "The Necessary Partnership? The Clinton Presidency and Post-Soviet Russia", *International Affairs*, vol.70, no.4, 1994, p. 646.
126 Cox, *op.cit.*, pp. 648-649.
127 Whitfield, *op.cit.*, p. 145.
128 United Nations, *Repertoire of the Practice of the Security Council, Item 8: Situation in Georgia,* available at: http://www.un.org/french/docs/cs/repertoire/93-95/93-95_chap08table.htm, accessed April 2008, pp. 58-62.
129 The package approach was used in the negotiation of the Dayton agreement in Bosnia. Fen Osler Hampson called it the 'netting' strategy: "When properly 'netted', the different contractual elements are discharged in such a way that the parties cannot cherry-pick the agreement apart during its implementation". Hampson Fen Osler, "The Risks of Peace: Implications for International Mediation", *Negotiation Journal*, vol.22, no.1, 2006, p. 22.
130 Malley Robert, Agha Hussein, "The Last Negotiation: How to End the Middle East Peace Process", *Foreign Affairs*, May/June 2002.
131 Referring to the Israeli-Palestinian process, Robert Malley and Hussein Agha have underlined that "Steps that might have been easy to win support for domestically if packaged as part of a final agreement were condemned as unwarranted concessions when carried out in isolation". Malley, Agha, *op.cit.*
132 The Special Envoy/SRSG: Edouard Brunner (August 1993-July 1997), Liviu Bota (July 1997- October 1999), Dieter Boden (November 1999-May 2002), Heidi Tagliavini (May 2002-July 2006) and Jean Arnault (August 2006-September 2008). The last SRSG was Johan Verbeke (October 2008-June 2009).
133 Zartman William I., "Conclusions. The Last Mile", in Zartman William I. (ed), *Elusive Peace*, Washington, DC, Brookings Institution, 1995, p. 335.
134 In 1995, Shevardnadze enjoyed both his legitimacy as president elected and benefited from a parliament loyal to him. For Slider, this "combination of democratic legitimacy and dominance over political institutions (…) was unmatched in any of the other former Soviet republics". Slider, *op.cit.*, 1997, p. 189; Nodia Ghia, "Dynamics of State-Building in Georgia", *Demokratizatsiya*, vol.6, no.1, 1998, p. 11.
135 Kitovani was arrested in January 1995 for preparing an attack on Abkhazia with the National Liberation Front, while Ioseliani was detained in November 1995 and charged with treason for his alleged involvement in an attempt to assassinate Shevardnadze with a car bomb three months ealier. More than 200 members of Mkhedrioni were arrested along with Ioseliani at the end of 1995. Zürcher, *op.cit.*, p. 103; Nodia, *op.cit.*, 1998, p. 12.
136 More than ten agreements were signed with regions and *de facto* states from 1993 to 2008. Friendship and cooperation agreements were also signed with the Gagauz republic and Transdniestria in 1993 and with Karachai-Cherkessia and South Ossetia in 2005. A memorandum of cooperation was signed with Nizhni Novgorod and a declaration of friendship and cooperation with Krasnodar in 2006. A memorandum of understanding was signed with Volgograd and a protocol of cooperation with the city of Moscow in 2007.
137 Zartman William I., "Dynamics and Constraints", in Zartman William I. (ed.), *Elusive Peace*, Washington, DC, Brookings Institution, 1995, p. 21.
138 "Human rights group estimates Chechnya civilian death toll 50,000", *AFP*, 16 January 1997; "Researchers Compile Chechnya War Lists Before Poll", *Reuters*, 17 January 1997.
139 Zartman William I., "Dynamics and Constraints", in Zartman William I. (ed.), *Elusive Peace*, Washington, DC, Brookings Institution, 1995, p. 21.
140 According to Michael Doyle, the three other functions of a Group of Friends are usually leverage, legitimisation and coordination. The group may provide resources to complement the action of the UN, and the mere fact that third parties create such a group with the consent of the UNSG confers legitimacy on their acts. Finally, the "friends" can discuss, coordinate and avoid duplication of the work. Doyle Michael W., "UN Intervention and National Sovereignty", in Danspeckgruber Wolfgang F. (ed.), *The Self-Determination of Peoples: Community, Nation, and State in an Interdependent World*, Boulder, Lynne Rienner Publishers, 2002, pp. 88-89.
141 The first US delegation travelled in Abkhazia for a fact-finding mission in April 1996. Hewitt George, "Post-War Developments in the Georgian-Abkhazian Dispute", in Hoiris Ole, Yürükel Sefa Martin (eds), *Contrasts and Solutions in the Caucasus*, Aarhus, Aarhus University Press, 1998, p. 214.
142 In the 1994 Budapest Document, the States expressed "their deep concern over 'ethnic cleansing', the massive expulsion of people, predominantly Georgian, from their homes and the deaths of large

numbers of innocent civilians". This statement was reiterated at the 1996 Lisbon and 1999 Istanbul OSCE summits as well as in the official statement of the Vienna Ministerial Council in 2000. The UNSC, by contrast, never explicitly condemned the Abkhaz for ethnic cleansing. However, starting in May 1995, regular references to the conclusions of the CSCE/OSCE summits in the UNSC resolutions may be regarded as implicit support from the UNSC member states for the CSCE/OSCE statement. CSCE, "Budapest Document 1994: Towards a Genuine Partnership in a New Era", 21 December 1994, p. 7.

143 Interview 30, Tbilisi, 21/02/08.

144 The personal representative of Vladislav Ardzinba, Anri Dzhergenia, made a statement on the internal situation of Abkhazia in February 1995: "Since 19 December 1994, the Abkhaz-[Russian] border has been closed. As a result, the Abkhaz economy has been severly damaged: two thirds of the citrus harvest have perished and deliveries of tea and other agricultural crops, which are the economic mainstray of hundreds of thousands of people, have been disrupted. The ban on the transport into Abkhazia of foodstuffs, petroleum products and medicine purchased in the Russian Federation and other States of the Commonwealth of Independent States, has worsened the already critical situation of the multi-ethnic population of Abkhazia. That regime remains essentially in effect on the Abkhaz-Russian border today." "Statement by the Personal Representative of the President of the Republic of Abkhazia", 27 February 1995.

145 Article 8: "The member-states commit themselves not to support separatist movement of other member-states on their territories, as well as separatist regimes; if such is emerged, they shall not establish political, economic and other relations with them; they shall not provide territory and communication means to them, either financial, economic, military or any other assistance." "Memorandum by the Heads of States of the Commonwealth of Independent States on Maintaining the Peace and Stability in the Commonwealth of Independent States", 10 February 1995, in Diasamidze, *op.cit.*, 2008, pp. 226-227.

146 "Decision of the Council of the Heads of States of CIS of 19 January, 1996", available at: http://www.civil.ge/eng/article.php?id=17293, 7 March 2008.

147 Interview 31, Tbilisi, 20/03/08.

148 Zartman William I., Touval Saadia, "International Mediation in the Post-Cold War Era", in Crocker Chester, Hampson Fen, Aall Pamela (eds), *Managing Global Chaos*, Washington, DC, United States Institute for Peace Press, 1996, p. 452.

149 Coppieters, Kovziridze, Leonardy, *op.cit.*, p. 7

150 In his February 1996 proposal, Ardzinba expressed his readiness to increase this list to include the following areas of responsibility: foreign policy and external economic relations, border control and customs service, energy, transport, postal and telephone communication, the protection of human rights and the rights of ethnic minorities. Chirikba Viacheslav, "Georgian-Abkhazian Conflict and its Aftermath", in Tütüncü Mehmet (ed.), *Caucasus: War and Peace. The New World Disorder and Caucasia*, Haarlem, SOTA, 1998, p. 84.

151 Situated on the shores of the Black Sea, Ajaria is populated by Muslims who speak Georgian and consider themselves Georgian. It is on the basis of this religious particularity that the region was granted the status of autonomous republic in Soviet times. The Ajars themselves, however, were never granted the status of titular nationality. Giorgi Derluguian argues that this allowed the assimilation of the population and explains the absence of secessionist claims in the region. In the early 1990s, Gamsakhurdia threatened to abolish Ajaria's autonomous status. Aslan Abashidze, who came to power in April 1991, worked to keep the status quo. For 13 years he protected the autonomy of the region, and hence his own personal power, by maintaining good relations with Russia and Turkey, developing the local economy and ruling the region with an iron hand. The presence of Russian armed forces in the region also helped to consolidate his power. Silvia Serrano mentions the case of Russian tanks deployed in Ajaria in December 1996 to enable the Ajar authorities to take control of Ajaria's administrative borders and hence prevent troops from the Georgian Ministry of Interior from entering the region. When Saakashvili took over, one of his first tasks was to curb Abashidze's power. After a dangerous conflict escalation, Abashidze eventually fled to Russia in May 2004, and the region was granted a minimal level of autonomy. Derluguian Giorgi M., "The Tale of Two Resorts, Abkhazia and Ajara Before and After the Soviet Collapse", in Crawford Beverly, Lipschutz Ronnie D. (eds), *The Myth of "Ethnic Conflict": Politics, Economics, and "Cultural" Violence*, University of California Press, 1998, p. 269; Cornell, *op.cit.*, pp. 175-177; Serrano, *op.cit.*, p. 96.

152 Potier, *op.cit.*, p. 125.

153 The decision would be adopted only if a simple or qualified majority of the Abkhaz representatives agreed to it, depending on the type of majority required to adopt the decision.

154 UNSG, Report of the Secretary-General Concerning the Situation in Abkhazia, Georgia, S/1995/657, 7 August 1995.

155 Diasamidze, *op.cit.,* 2008, p. 178.
156 A UN official recalls that when the Boden paper was being negotiated, between 1999 and 2001, Russia asked to refer to this document, purportedly to offer alternatives to the Abkhaz regime and probably to ensure Russia's role as guarantor of the future agreement. The request was turned down by the other members of the Group of Friends. Interview 13, New York, 10/04/08.
157 In 2005, a single ministry of defence and a joint military command structure for the armed forces of Bosnia and Herzegovina at the state level replaced the defence ministries at the level of the Republika Srpska and the Bosniak-Croat Federation. Although pushed by the High Representative, according to the International Crisis Group it was one of the most successful reforms adopted in BiH. This gives an illustration of the possible 'refederalisation' of competences. International Crisis Group, *Ensuring Bosnia's Future: a New International Engagement Strategy*, Europe Report 180, February 2007, p. 16; International Crisis Group, *Bosnia's Incomplete Transition: Between Dayton and Europe*, Europe Report 198, March 2009, p. 20.
158 Comments on the Document of 16 November 1994 "Possible Political and Legal Components of Future Status of Abkhazia", 4 February 1995.
159 They agreed on: foreign policy and foreign economic relations, defence policy, border services, federal budget, energy, transport and communications, customs services, the protection of human and civil rights and freedoms, the rights of national minorities, the environment and elimination of the consequences of natural disasters, the service for the prevention and treatment of epidemics and epizootics [and elimination of their consequences]; meteorological service, standards, weights and measures, the metric system and the computation of time.
160 Working Record, 6 May 1995.
161 Negotiations are usually a two-level game held at the official and domestic level. Next to the legitimisation of the agreement, the other stumbling blocks in negotiations were the recognition of Georgia's territorial integrity, the issue of a joint army, and the "characterisation of the union State as federal in nature". UNSG, Report of the Secretary-General Concerning the Situation in Abkhazia, Georgia, S/1995/181, 6 March 1995.
162 "Protocol on a Georgian-Abkhaz Peace Settlement", 24 July 1995 in Diasamidze, *op.cit.*, 2008, pp. 251-252.
163 "Protocol on Georgian-Abkhazian Settlement", 30 June 1995.
164 Tishkov, *op.cit.*, 1997, p. 243.
165 Danilov Dimitrii, "Russia's role", in Cohen Jonathan (ed.), *A Question of Sovereignty: the Georgia-Abkhazia Peace Process*, London, Conciliation Resources, Accord 7, 1999.
166 Simmons Mary Kate, *Unrepresented Nations and Peoples Organisation. Yearbook 1995*, The Hague, Kluwer Law International, 1996, p. 35.
167 Potier, *op.cit.*, p. 115 and 125.
168 Potier, *op.cit.*, p. 126.
169 Interview 28, Tbilisi, 02/04/08.
170 "Protocol on a Georgian-Abkhaz Settlement", 8 February-3 March 1996.
171 "Protocol on a Georgian-Abkhaz Settlement", 17 July 1996.
172 Available at http://www.unpo.org/content/view/713/236/, accessed October 2009; Tsereteli Irakli, "Abkhazia Proposes 'Federal Union' With Georgia", *RFE-RL Newsline*, 15 February 1996.
173 UNSC, "Proposals of Georgia on the Status of Abkhazia, Georgia. Annex", S/1996/165, 5 March 1996.
174 Security Council Secretary Ivan Rybkin, Deputy Premier Valery Serov and Defence Minister Igor Sergeyev were present during the discussions. Lynch, *op.cit.*, 1998, p. 42.
175 Primakov Yevgeni M., *A World Challenged: Fighting Terrorism in the Twenty-First Century*, Brookings Institution Press, 2004, pp. 128-29.
176 Interview 28, Tbilisi, 2/04/08; Interview 30, Tbilisi, 21/02/08.
177 "Protocol to a Georgian-Abkhaz Settlement", 19 July 1996.
178 "Statement on the Meeting between the Georgian and the Abkhaz Sides", 14 August 1997, in Diasamidze, *op.cit.*, 2008, pp. 311-312.
179 "Georgian-Abkhaz Talks Concluded", *RFE-RL Newsline*, 11 September 1997; "Abkhazia to Demand Compensation for War Damage?", *RFE-RL Newsline,* 1 October 1997; Potier, *op.cit.*, p. 113.
180 CIPDD, "The Georgian Chronicle", vol.3, no.6, available at: http://www.cipdd.org/files/61_265_585281_GeorgianChronicle-June94.pdf, June 1994.
181 MacFarlane Minear, Shenfield, *op.cit.*, 1996, p. 42.
182 The anthropologist Paula Garb gave an account of this distrust among the Abkhaz population when she came back from her journey to Abkhazia in 1994-95: "It appears to be quite clear to Abkhazians that vengeance will be taken against returning Georgians, who are regarded as war criminals; Abkhazians thus cannot comprehend why the Georgians would want to return, knowing their fate according

to the rules of blood revenge. Thus, the only way Abkhazians can understand the reasoning of such Georgians who want to return is that their true intention must be to resume the fighting. This is a common theme that runs through conversations with Abkhazians about the possible return en masse of former Georgian inhabitants". Garb Paula, "The Return of Refugees Viewed through the Prism of Blood Revenge", *The Anthropology of East Europe Review*, vol.13, no.2, 1995, pp. 41–44; Interview 86, Sukhum/i, 16/11/07.

183 Gluck, *op.cit.*, March 1995, p. 15.

184 Lynch Dov, "Separatist States and Post-Soviet Conflicts", *International Affairs*, vol.78, no.4, 2002, pp. 831-848.

185 Tania, *op.cit.*, p. 23

186 Zartman William I., "Dynamics and Constraints", in Zartman William I. (ed.), *Elusive Peace*, Washington, DC, Brookings Institution, 1995, pp. 9-10.

187 Zartman William I, "The Unfinished Agenda. Negotiating Internal Conflicts", in Licklider Roy (ed.), *Stopping the Killing. How Civil Wars End*, New York, New York University Press, 1995, p. 27.

188 Zartman William I., "Dynamics and Constraints", in Zartman William I. (ed.), *Elusive Peace*, Washington, DC, Brookings Institution, 1995, pp. 9-10.

189 Lynch, *op.cit.*, 1998, p. 32.

190 Georgian Parliament, Resolution on "The Concept of Solidity for Georgia's Social Life, Restoration of Territorial Integrity, Strengthening Security, and Sovereignty", April 1997 in CIPDD, "The Georgian Chronicle", available at: http://www.cipdd.org/files/61_265_126728_GeorgianChronicle-April97.pdf, April 1997.

191 Lynch, *op.cit.*, 1998, p. 36.

192 Interview 105, Tbilisi, 01/04/04.

193 In May 1997 the UNSC endorsed the UNSG's proposals to reinvigorate the role of the UN in peacemaking. For this purpose, Liviu Bota became SRSG, the political element of UNOMIG was strengthened by deploying several legal, political and civilian officers, and the parties were convened to map out future directions. United Nations, *Repertoire of the Practice of the Security Council 1996-99, Chapter 8: Situation in Georgia,* available at: http://www.un.org/Depts/dpa/repertoire/, accessed May 2009, p. 26.

194 Whitfield, *op.cit.*, p. 143.

195 Although they did not participate in the negotiations, a professor belonging to the Abkhaz delegation recalled their presence in the corridors. He remembered that an American representative told the Abkhaz delegation that nobody came to help the Serbs in Croatia. An official interviewed by Teresa Whitfield recalled that the ambassadors "saw the Abkhaz as representing an illegal effort to secede and themselves as ambassadors to the government". "We tried to persuade them that they were ambassadors to the whole country, but it didn't get through… Ardzinba, correctly, understood the Friends of Georgia to be on the side of Shevardnadze". Whitfield, *op.cit.*, p. 145; Interview 91, Sukhum/i, 03/09/07.

196 Interviewing Boris Pastukhov on the presence of the Friends, Teresa Whitfield received the answer: "they were not there, thank God", to which was added, "Brunner was enough". Whitfield, *op.cit.*, p. 147.

197 In January 1998, for instance, the French and US representatives met the Abkhaz leadership in Sukhum/i separately, while in April, the ambassadors of France, Germany and the United Kingdom, together with the representatives of Greece, Northern Ireland and the European Union in Tbilisi visited Abkhazia. UNSG, Report of the Secretary-General Concerning the Situation in Abkhazia, Georgia, S/1998/51, 19 January 1998; UNSG, Report of the Secretary-General Concerning the Situation in Abkhazia, Georgia, S/1998/375, 11 May 1998.

198 Zurab Lakerbaia was its executive secretary. The Commission was instrumental in providing humanitarian assistance to Abkhazia and, more largely, to establish direct contacts between the sides.

199 The following initiatives were implemented: the exchange of hostages and prisoners, the organisation of a meeting of Georgian and Abkhaz elders in August 1999 in Sochi (the project was already in preparation when the organisers were invited to join their respective delegations in Istanbul; the meeting gave them the opportunity to settle the last issues), a BBC training session in Sukhum/i for Abkhaz and Georgian journalists, a summer camp for Georgian and Abkhaz children in the US, the arrival of a representative of the Georgian press agency Caucasus Press to Abkhazia for consultations with Abkhaz counterparts and the convening of the commission for missing-in-action cases. In comparison, the programme of action designed in Yalta in 2001 – fifteen projects supporting joint meetings – remained almost stillborn.

200 Kelman, *op.cit.*, 1996, p. 113.

201 Wolleh Oliver, *A Difficult Encounter. The Informal Georgian-Abkhazian Dialogue Process*, Berlin, Berghof Research Center for Constructive Conflict Management, Report 12, 2006, pp. 77-78.

202 "Concluding Statement on the Results of the Second Meeting of the Georgian and Abkhaz Sides in Geneva from 23 to 25 July 1998", in Diasamidze, *op.cit.*, 2008, p. 286.
203 MacFarlane Neil, "On the Front Lines in the Near Abroad: the CIS and the OSCE in Georgia's Civil Wars", *Third World Quarterly*, vol.18, no.3, 1997, pp. 518-519.
204 Lynch, *op.cit.*, 1998, p. 31.
205 Lynch, *op.cit.*, 1998, p. 35.
206 "Decision taken by the Council of the Heads of States of the Commonwealth of Independent States on Additional Measures for the Conflict Settlement in Abkhazia, Georgia", 28 April 1998, in Diasamidze, *op.cit.*, 2008, pp. 339-341; Fuller Liz, "Shevardnadze's Moral Victory", *RFE-RL Caucasus Report*, vol.1, no.10, 5 May 1998.
207 Lynch, *op.cit.*, 1998, p. 37.
208 *Tbilisi Symposium on Conflict and Humanitarian Politics*, Tbilisi, 7 October 1998, available at: http://repository.forcedmigration.org/pdf/?pid=fmo:2655, accessed January 2010, p. 12.
209 Fuller Liz, "Abkhazia Says Yes to Oil Pipeline", *RFE-RL Caucasus Report*, vol.1, no.28, 8 September 1998.
210 Even during the war the hydropower station was left untouched. In the post-war period, Georgian technicians had no problem crossing the Inguri bridge in their cars. The station was sometimes used as a bargaining chip. More than once, the Abkhaz authorities reduced the electrical supply to the Georgian side to express their discontent (for instance, in 1997, at the decision to route telephone communications through Tbilisi instead of Russia). But overall, the hydropower station was "a model of coerced, but effective, cooperation" in the words of Paula Garb and Whiteley. The EBRD's contribution amounted to over than 40 million euros (a loan of 31 million euros allocated in 1998) and the European Commission's to 9.4 million euros, allocated in 1999. Garb Paula, "The Inguri Power Complex", in Cohen Jonathan (ed.), *A Question of Sovereignty: the Georgia-Abkhazia Peace Process*, London, Conciliation Resources, Accord 7, 1999; UNSG, Report of the Secretary-General Concerning the Situation in Abkhazia, Georgia, S/1997/340, 25 April 1997; International Crisis Group, *op.cit.,* 2007, p. 26; Garb Paula, Whiteley John M., "A Hydroelectric Power Complex on Both Sides of a War: Potential Weapon or Peace Initiative?", in Blatter Joachim, Ingram M. Helen (eds), *Reflection on Water. New Approaches to Transboundary Conflicts and Cooperation*, Cambridge, MIT Press, 2001, p. 215.
211 According to Garb and Whiteley, the pressure exerted by third parties – especially the Russians, who needed electricity for its southern districts, including the city of Sochi – on the Abkhaz and the Georgians also explains the successful cooperation. A third explanation was the sense of community between the Georgian and Abkhaz engineers and managers, which transcended nationality. These people believed they could cooperate and that their work could serve as an example. For a full account of the Georgian-Abkhaz cooperation on the Inguri hydropower station, see Garb, Whiteley, *op.cit.*, pp. 213-237.
212 The needs assessment mission, consisting of representatives of the UNDP, UNICEF, FAO, WFP, the World Bank, USAID, the Government of the Netherlands, the German Agency for Technical Cooperation, the Russian Federation and Greece, was conducted from 14 February until 4 March 1998. The report combined both sectoral programmes (improvements of infrastructure) and area-based ones (revitalisation of communities). It was never implemented (see Chapter Five). UNSG, Report of the Secretary-General Concerning the Situation in Abkhazia, Georgia, S/1998/375, 11 May 1998.
213 "Decision taken by the Council of the Heads of States of the Commonwealth of Independent States on Additional Measures for the Conflict Settlement in Abkhazia, Georgia", 28 April 1998, in Diasamidze, *op.cit.*, 2008, pp. 339-41; Fuller Liz, "Shevardnadze's Moral Victory", *RFE-RL Caucasus Report*, vol.1, no.10, 5 May 1998.
214 Fuller Liz, "Georgia Seeks to Dictate Terms For Return of Displaced to Abkhazia", Caucasus Report, vol.2, no.3, 20 January 1999.
215 In July 1999, in Resolution 1255, the UN Security Council gave its support to "the intention of the Secretary-General and his Special Representative, in close cooperation with the Russian Federation, in its capacity as facilitator, the OSCE and the Group of Friends of the Secretary-General, to continue to submit proposals for the consideration of the parties on the distribution of constitutional competences between Tbilisi and Sukhumi as part of a comprehensive settlement". UNSC, Resolution 1255, S/RES/1255, 30 July 1999.
216 Shevardnadze described him as "an experienced diplomat with a versatile mind". Fuller Liz, "Georgia, UN to Draft New Abkhaz Peace Plan?", *RFE-RL Caucasus Report*, vol.2, no.48, 3 December 1999.
217 Since 1999, the Friends negotiated the resolution with the presence of the representative of the Eastern Group (Ukraine, Bulgaria, Slovakia, Croatia).
218 Interview 13, New York, 10/04/08.

219 Whitfield, *op.cit.*, p. 154.
220 Interview 13, New York, 10/04/08.
221 Interview 6, London, 4/07/07.
222 Coppieters Bruno, "The Georgian-Abkhaz Conflict", in Coppieters Bruno, Emerson Michael, Huysseune Michel, Kovziridze Tamara, Noutchaeva Gergana, Tocci Nathalie, Vahl Marius, Nodia Ghia, Popescu Nicu, *Europeanisation and Conflict: Case Studies from the European Periphery*, 2004, available at: http://www.ecmi.de/jemie/special_1_2004.html, accessed December 2009.
223 Ibid.
224 Interview 18, Tbilisi, 25/02/08.
225 Interview 12, New York, 10/04/08.
226 Coppieters Bruno, "The Georgian-Abkhaz Conflict", in Coppieters Bruno, Emerson Michael, Huysseune Michel, Kovziridze Tamara, Noutchaeva Gergana, Tocci Nathalie, Vahl Marius, Nodia Ghia, Popescu Nicu, *Europeanization and Conflict: Case Studies from the European Periphery*, 2004, available at: http://www.ecmi.de/jemie/special_1_2004.html, accessed December 2009.
227 Antonenko, *op.cit.*, p. 229.
228 Interview 28, Tbilisi, 2/04/08.
229 Trenin Dmitrii V., Malashenko Aleksei V., Lieven Anatol, *Russia's Restless Frontier. The Chechnya Factor in Post-Soviet Russia*, Washington, DC, Carnegie Endowment for International Peace, 2004, p. 124.
230 For an in-depth description of Russia's policy on Georgia and Abkhazia, see Antonenko, *op.cit.*, pp. 231-232.
231 The Russian authorities bypassed the prohibition on having direct contact with the Abkhaz authorities by sub-contracting the distribution of passports to a non-governmental organisation, the Congress of Russian Communities of Abkhazia. Khashig Inal, "Abkhaz Rush For Russian Passports", *IWPR Caucasus Reporting Service,* no.135, 27 June 2002.
232 Interview 13, New York, 10/04/08.
233 Antonenko, *op.cit.*, p. 232.
234 Georgia and Russia signed an agreement on cooperation in border-related problems on 3 November 1998, in anticipation of the transfer of the control over Georgia's borders to Georgian border guards by 1 July 1999. Mihai, *op.cit.*, p. 129.
235 Serrano, *op.cit.*, p. 100; "Army and Society in Georgia", available at: http://www.lib.berkeley.edu/doemoff/slavic/pdfs/army699.pdf, June 1999.
236 Whitfield, *op.cit.*, p. 153.
237 For instance, in January 2000 the parties eventually agreed upon the establishment of a joint fact-finding group to investigate violations of the 1994 ceasefire agreement and acts of terrorism, sabotage and politically motivated acts against civilians in the conflict zone. Along with the weekly Quadripartite meetings, established early after the war, this mechanism, involving representatives of UNOMIG, the CISPKF and the parties, played a positive role in consolidating working relations between the sides.
238 Antonenko, *op.cit.*, p. 234.
239 Shevardnadze also agreed to scrap the compulsory approval of the CISPKF and to prolong it indefinitely unless one of the sides requested its withdrawal. This decision displeased the other Georgian politicians who feared it amounted to a loss of leverage on Russia. The joint Russo-Georgian decision was endorsed by the Council of the CIS Heads of States in March 2003, but since this was done without the consent of Abkhazia, its applicability was questionable. It must be said that the CISPKF had always been at the centre of the Russo-Georgian power struggle. Since the 1990s the force had been criticised for being a guardian of Abkhaz independence and being unable to protect Georgian returnees. Parliamentary requests to withdraw it were therefore made in 1997, 2001, 2002 and 2006 (see below). More than once, the CISPKF had operated without formal authorisation because the Georgians had laid down preconditions for agreeing to a six-month extension of its mandate.
240 According to a Georgian who worked in Shevardnadze's chancellery, Saakashvili had a wonderful opportunity with the appointment of Bagapsh. This was not only because he was more acceptable than Ardzinba, his wife was Georgian and some of his relatives lived in Tbilisi, but most of all because his appointment was unexpected, and unpalatable, to Russia – the Russians had supported his opponent, Ardzinba's protégé Raul Khadzhimba – and because Bagapsh was eventually elected thanks to the support of the Georgian returnees in the Gal/i district. Interview 26, Tbilisi, 26/03/08.
241 The agreement mentioned the withdrawal of heavy weapons and the setting up of a joint control commission whose task would be to ensure respect for the agreement. But it did not refer to Georgia's territorial integrity. In the event, the Abkhaz side did not fulfil its obligations and withdrew only some of its weapons. In September 1993, the Abkhaz forces attacked Sukhum/i.

242 "US Ambassador Promises to Help Abkhaz Side Solve Alasania 'Dilemma'", *Civil Georgia*, 24 February 2005.
243 Interview 12, New York, 10/04/08; Interview 25, Tbilisi, 23/04/08.
244 Georgian Ministry of Foreign Affairs, National Security Concept, http://www.mfa.gov.ge/?sec_id=24&lang_id=ENG, accessed on 18 March 2008.
245 One of the principles of enlargement mentions the peaceful resolution of conflicts. The principle reads as follows (point 6): "States which have ethnic disputes or external territorial disputes, including irredentist claims, or internal jurisdictional disputes must settle those disputes by peaceful means in accordance with OSCE principles. Resolution of such disputes would be a factor in determining whether to invite a state to join the Alliance." "Study on NATO enlargement", 3 September 1995, available at: http://www.nato.int/cps/en/natolive/official_texts_24733.htm, accessed January 2010
246 "Mikhail Saakashvili's Speech in front of the UN General Assembly", *Civil Georgia*, 22 September 2004.
247 Saakashvili did not want his policy to be directed by other actors, such as a bellicose government-in-exile. The longstanding head of the Abkhaz government-in-exile, Tamaz Nadareishvili, was replaced by Temur Mzhavia in March 2004.
248 Lynch Dov, *Why Georgia Matters*, European Union Institute for Security Studies, Chaillot Paper 86, 2006, pp. 38-40.
249 Saakashvili explained Putin's reaction in a televised speech on 24 August 2008. "I phoned President Putin – out of politeness – and thanked him for accepting developments in Adjara with understanding", Saakashvili said. "I remember that conversation very well; in response to my polite remarks, he said roughly: 'Now remember, in Adjara we did not intervene, but you won't have any gifts from us in South Ossetia or Abkhazia.' That's what he said to me." "Saakashvili's Account of Events that Led to Conflict", *Civil Georgia*, 25 August 2008.
250 Georgia has been struggling for more than a decade to have the Russian military presence removed from its territory. At the 1999 OSCE Istanbul Summit, Russia agreed to dismantle two of its four military bases (the 137th military base in Vaziani near Tbilisi and the 50th military base in Gudauta in Abkhazia) by July 2001. Vaziani was handed over on time but the Georgians said they would consider the Gudauta base closed only after an international observer mission had confirmed this. After bitter and lengthy discussions, in a joint statement in May 2005 and in a final agreement in 2006 Russia eventually undertook to withdraw its troops from the two last bases. The bases of Batumi and Alkhalkalaki were vacated in 2007.
251 International Crisis Group, *op.cit.*, 26 November 2004, p. 12.
252 International Crisis Group, *op.cit.*, 26 November 2004, p. 14.
253 International Crisis Group, *Abkhazia: Ways Forward*, Europe Report 179, 18 January 2007, p. 14.
254 For instance in the presidential declaration of August 1997, the conclusions of the Yalta conference on confidence-building measures in March 2001 and several times in the protocols of the Gal/i meetings.
255 "Shamba said allowing Georgians to settle elsewhere at this juncture would only create conditions conducive to 'new conflicts, new bloodshed, and a new war'", Fuller Liz, "Abkhaz Foreign Minister Says Repatriation Should Be Restricted To One District", *RFE-RL Newsline*, 15 December 2005.
256 UNSC, Resolution 1666, S/Res/1666, 31 March 2006.
257 "Resolution of the Georgian Parliament on Peacekeeping Forces Stationed in the Conflict Zones", 18 July 2006.
258 Saakashvili's statement in July 2006. "Saakashvili reiterates peaceful approach to conflicts", *Civil Georgia*, 11 July 2006.
259 In May 2006, on a visit to Abkhazia, the Friends saluted the Russian peacekeeping forces as an "important stabilizing factor". According to the German ambassador, Norbert Baas, "this was our view before the trip and it is our view after the return from Sokhumi and a stopover in Gali", an opinion confirmed by the other members of the delegation. In a similar fashion, at the end of her mandate, SRSG Heidi Tagliavini said that "under the current circumstances, the presence of [Russian] peacekeepers and of the UN Observer Mission [in Georgia – UNOMIG] in the [Abkhaz] conflict zone is the sole deterrent to prevent the situation spiraling out of control". "'Group of Friends Notes Abkhaz, Georgian Sides Willing to Have Dialogue", *Civil Georgia*, 25 May 2006; Fuller Liz, "Outgoing UN Envoy Praises Russian Peacekeepers in Abkhazia", *RFE-RL Newsline*, 23 June 2006.
260 According to the Handbook for the Protection of Internally Displaced People, "Protection monitoring during internal displacement involves collecting, verifying, and analyzing information in order to identify human rights violations and protection risks encountered by IDPs and other affected populations". Global Protection Cluster Working Group, *Handbook for the Protection of Internally Displaced People*, December 2007, available at: http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=4790cbc02&page=search, accessed January 2010, p. 92.

261 UNSG, Report of the Secretary-General Concerning the Situation in Abkhazia, Georgia, S/2000/1023, 25 October 2000.
262 Neil MacFarlane reports that the OSCE intended at first to open a human rights office in Abkhazia on its own. After some discussion with the UN, it was decided to open a joint representation, with the UN as leading organisation. The HROAG was established and its mandate defined by the UNSC. According to the April 1996 report of the UNSG, it aimed at promoting respect for human rights, protecting the human rights of the population of Abkhazia, contributing to the return of the displaced population and reporting on the human rights situation. It reported to the UNSG every three months and to the UN High Commissioner for Human Rights every year. No report was sent directly to the parties. MacFarlane, *op.cit.*, 1997, p. 516; UNSG, Report of the Secretary-General Concerning the Situation in Abkhazia, Georgia, S/1996/284, 15 April 1996.
263 UNSG, Report of the Secretary-General Concerning the Situation in Abkhazia, Georgia, S/2001/59, 18 January 2001; "Protocol of the Working Group 2 of the Coordinating Council of the Georgian and Abkhaz Sides", Chuburkhindji, 20 July 2002.
264 The police were to work closely with the two sides in building trust and cooperation in the areas of law enforcement, good governance and the protection of human rights, and more concretely in helping to create the conditions for the return of the displaced people in Gal/i. Tbilisi's preference was for an effective police force, as stated once again in the 2007 Georgian State Strategy for the displaced people. Government of Georgia, "On Approving of the State Strategy for Internally Displaced Persons – Persecuted", Decree #47, Tbilisi, 2 February 2007, p. 8; Office for the Coordination of Humanitarian Affairs, "Abkhazia Briefing Note", Geneva, 20 January 2004, available at: http://www.reliefweb.int/rwarchive/rwb.nsf/db900sid/JMAN-642FSS?OpenDocument&rc=3&cc=geo, accessed January 2010.
265 According to the International Crisis Group, Shamba asserted that he had proposed to the Georgians to set up a joint working group to prepare a common textbook. International Crisis Group, *op.cit.*, 2007, p. 22.
266 While no progress was made on these issues, an official from an international organisation said that in practice the Abkhaz regime had turned a blind eye to the fact that education in lower Gal/i was in any case being provided in the Georgian language, since there were not enough Russian-speaking teachers. By comparison, in Ochamchira/e and the rest of the Gal/i district, an increasing number of schools have been teaching in Russian. Interview 76, Sukhum/i, 7/11/07.
267 Interview 43, Tbilisi, 30/04/08.
268 There were 480 Abkhaz and 73,340 Georgians in Gal/i according to the official census of 1989. *Edinenie*, no.4 (006), July 1990, p. 1.
269 "Komponent grazhdanskoi politsii OON: za i protiv" (Component of a UN civil police: pros and cons), *Nuzhnaya Gazeta*, 18 January 2006; International Crisis Group, *op.cit.*, 2007, p. 21.
270 International Crisis Group, *op.cit.*, 2007, p. 27.
271 International Crisis Group, *op.cit.*, 2007, p. 28; "Protocol of the Working Group meeting for establishing an international consortium for through train traffic rehabilitation on the Veseloe-Ingiri section", in Diasamidze, *op.cit.*, 2008, p. 602.
272 "Hearings on Abkhaz Railways Unveil Few Details", *Civil Georgia*, 30 May 2006.
273 "Predlozheniya abkhazskoi storony o vseobemlyushchem uregulirovanii gruzino-abkhazskogo konflikta "Klyuch k budushemu – Key to the Future" (Proposal of the Abkhaz side regarding a comprehensive settlement of the Georgian-Abkhaz conflict, "Key to the Future"), available at: http://www.apsnypress.info/documents/5.htm, accessed December 2009.
274 International Crisis Group, *op.cit.*, 2007, p. 28; Anjaparidze Zaal, "Sukhumi's Anti-Georgian Stance Jeopardizes International Economic Initiatives", *Eurasia Daily Monitor*, vol.3, no.132, 10 July 2006.
275 Interview 12, New York, 10/04/08.
276 I thank Natalia Mirimanova for her valuable comment on this point.
277 Interview 12, New York, 10/04/08.
278 For instance, UNSC, Resolution 1666, S/Res/1666, 31 March 2006.
279 Similarly, the usual condemnation of "demographic changes" – namely, the repopulation of Abkhazia with foreign people, an allegation made by the Georgians at the UNSC of January 1994 and taken up in the UNSC resolutions – disappeared. In the resolution of 1994 the sentence appeared as follows: the UNSC "[c]ondemns any attempts to change the demographic composition of Abkhazia, Republic of Georgia, including by repopulating it with persons not previously resident there" (Resolution 896, January 1994). It later took the form of "*[r]eaffirms* the unacceptability of the demographic changes resulting from the conflict". UNSC, Resolution 1615, S/Res/1615, July 2005.
280 Indeed, the UNSC resolution coincided with the time when Montenegro was expected to exercise its right to opt out of the State Union of Serbia and Montenegro, a structure created at the urging of the European Union in March 2002. Montenegro agreed to enter the state union provided it could opt

out and ask for independence three years after the Constitutional Charter came into effect (namely, in February 2006), which it did in May 2006. International Crisis Group, *Montenegro's Referendum*, Europe Briefing 42, 30 May 2006, p. 2; Interview 13, New York, 10/04/08.

281 At the same time, on 20 January 2006, Bagapsh wrote to the UNSC that he was ready to negotiate on everything except Abkhazia's status. He proposed to sign an agreement on the non-resumption of force, to support the lifting of the CIS sanctions regime against Abkhazia, to implement the 2003 Sochi agreement, to support the refugees' return and to negotiate on all relevant issues except status. Whitfield, *op.cit.*, p. 159; Fuller Liz, "Georgia: Abkhaz Leader Unveils New Peace Plan", *RFE-RL Newsline*, 10 May 2006; "Russia: Putin Calls for Universal Principles to Settle Frozen Conflicts", *RFE-RL*, 1 February 2006.

282 "Predlozheniya abkhazskoi storony o vseobemlyushchem uregulirovanii gruzino-abkhazskogo konflikta "Klyuch k budushemu – Key to the Future" (Proposal of the Abkhaz side regarding a comprehensive settlement of the Georgian-Abkhaz conflict "Key to the Future"), available at: http://www.apsnypress.info/documents/5.htm, accessed December 2009; "Tbilisi Unveils Principles of Abkhazia Peace Plan", *Civil Georgia*, 9 June 2006.

283 Ibid.

284 Krivenyuk Anton, "Progress in Abkhaz Peace Talks", *IWPR Caucasus Reporting Service*, no.341, 25 May 2006; Interview 12, New York, 10/04/08.

285 Robert Legvold quoted in De Nesnera André, "Georgian Regions of Abkhazia, South Ossetia Cause Friction Between Moscow and Tbilisi, *Voice of America*, 11 October 2006.

286 "Saakashvili's address at the UN General Assembly", available at: http://www.civil.ge/eng/article.php?id=13622&search=saakashvili%20September%202006, 22 September 2006; UNSG, Report of the Secretary-General Concerning the Situation in Abkhazia, Georgia, S/2007/439, 18 July 2007.

287 This policy was supported by Bagapsh and Shamba. But the vice-president, Khadzhimba, raised doubts about its expediency: "The most important is not the question related to the concepts of 'multivector' or 'univector' foreign policy. What is important is the content of our struggle. Our policy must be pro-Abkhaz. We do not have the resources to disperse in the directions of a multivector policy. "Raul' Khadzhimba: soglashenie, podpisannoe 6 Dekabrya 2004 goda ne govorit o tom, chto ya dolzhen izmenit' otnoshenie k svoim storonnikam i svoi politicheskie vzglyady ili ubezhdeniya" (Raul Khadzhimba: the agreement signed on 6 December 2004 does not mention that I have to change my relations with my supporters, my political views or convictions), *Apsnypress*, 20 June 2008.

288 For instance, the Abkhaz authorities did not react forcefully to the killing of two servicemen and kidnapping of seven near Tqvarchal/Tqvarcheli on 20 September 2007. Tbilisi released the kidnapped servicemen one month later.

289 Cornell Svante E., Popjanevski Johanna, Nilsson Niklas, *Russia's War in Georgia: Causes and Implications for Georgia and the World*, Stockholm, Central Asia-Caucasus Institute & Silk Road Studies Program, Policy Paper, August 2008.

290 Mampaey Luc, "Les pyromanes du Caucase: les complicités du réarmement de la Géorgie", Note d'analyse du GRIP, Brussels, 26 September 2008.

291 "'Countdown Started for Return to Abkhazia' Saakashvili Says", *Civil Georgia*, 6 October 2007.

292 Few official meetings were organized. Merab Antadze, the successor to Khaindrava, met with Sergei Shamba in Sukhum/i on 9 September 2006. A similar visit was organised on 25 October 2007 between Shamba and the new Minister for Conflict Resolution, Davit Bakradze. Bakradze's successor, Temur Yakobashvili, met Shamba in Stockholm in June 2008.

293 The weekly quadripartite meetings were established soon after the war. This mechanism involved representatives of UNOMIG, CISPKF and the parties. The meetings were suspended owing to the Abkhaz refusal to take part in them after the operation in the Kodor/i valley in 2006. UNSG, Report of the Secretary-General Concerning the Situation in Abkhazia, Georgia, S/2007/15, 11 January 2007; UNSG, Report of the Secretary-General Concerning the Situation in Abkhazia, Georgia, S/2007/439, 18 July 2007.

294 Lynch, *op.cit.*, 2006, p. 52.

295 Statement of John Tefft to the Senate Foreign Relations Committee in May 2005, quoted in Lynch, *op.cit.*, 2006, p. 53.

296 Basilaia Ekaterina, "US rebuts denying Shamba US visa", *The Messenger*, 11 April 2007.

297 Whitfield Teresa, *op.cit.*, p. 161.

298 The destruction of UAVs, reportedly by the Abkhaz forces, was also regarded as a violation. UNSG, Report of the Secretary-General Concerning the Situation in Abkhazia, Georgia, S/2008/480, 23 July 2008.

299 Concerning another visa request, at a news briefing in Washington US Spokesman Sean McCormack stated that "It is our hope that following the passage in the coming days of a resolution extending

the mandate of the UN Observer Mission in Georgia, we would see sufficient progress toward an Abkhazian settlement to merit a Geneva-style discussion of Abkhazia in New York, which is apparently the reason why he [Sergei Shamba] was intending to travel to New York. So essentially, you have to solve a process issue in order – in our view – *to merit his travel to the United States*," (italics mine). The Russians accused the US to abusing their rights as host country. "U.S. Responds to Russia's Criticism over Abkhaz Official's Visa", *Civil Georgia*, 11 April 2007; Interview 13, New York, 10/04/08.

300 As a rule, the Georgian authorities do not regard the NGOs in Abkhazia as being independent from the Abkhaz authorities. Interview 33, Tbilisi, 3/03/08.

301 Interview 44, Tbilisi, 3/04/08.

302 Yannis Alexandros, "The EU and the Abkhaz Conflict in Georgia", in Garb Paula, Kaufmann Walter, *Georgian NATO Accession and Potential Impacts on the Georgian-Abkhaz Peace Process*, Heinrich Boell Foundation, University of California, Irvine, vol.14, 2008, available at: http://georgien.boell-net.de/downloads/Georgian_NATO_Accession_ENG.pdf, accessed January 2010, p. 42.

303 Despite the fact that funds were found and both sides had reached a preliminary agreement, the project was never implemented because of Georgia's refusal.

304 Interview 44, Tbilisi, 3/04/08.

305 "Saakashvili's Statement on Tbilisi's Proposals to Abkhazia", *Civil Georgia*, 28 March 2008; "Peace Initiative of the President of Georgia", 28 March 2008.

306 "Predlozhenie gruzinskoi storony. Zayavlenie gruzinskoi i abkhazskoi storon" (Proposal of the Georgian side. Declaration of the Georgian and Abkhaz sides), 2008.

307 As the peacekeeping force was increased to 2,542, Russia claimed it was still below the agreed threshold, namely, 3,000 soldiers. Russian Ministry of Defence, "Rossiskie mirotvortsy v zone gruzino-abkhazskogo konflikta deistvuyut soglasno Mandatu Kollektivnykh Sil SNG" (The Russian peacekeeping in the Georgian-Abkhaz conflict zone act in conformity with the CIS mandate"), available at: http://www.mil.ru/info/1069/details/index.shtml?id=42520, 8 May 2008.

308 Description of the agreement available at: http://www.parliament.ge/index.php?lang_id=ENG&sec_id=1315&info_id=22617, accessed October 2009.

309 The Kodor/i river forms a natural boundary between the eastern districts – Gal/i, Ochamchira/e and Tqvarchal/Tqvarcheli – and the four western ones.

310 "Burjanadze Says was 'Shocked' over Abkhaz 'Carve-Up Plan", *Civil Georgia*, 14 September 2008.

311 "Georgia/Abkhazia. Elements for a Peaceful Settlement of the Conflict", 30 June 2008.

312 "Elements for a peaceful settlement of the Georgian-Abkhazian conflict. Project of the Abkhaz side", 17 July 2008.

313 On 8 July 2008 the Russians proposed a draft to the UNSC on non-resumption and the withdrawal of troops from the Kodor/i valley. Sysoev Gennadii, "Rossiya podpisalas' pod nemetskim planom" (Russia Endorses German Plan), *Kommersant'*, 21 July 2008.

314 "Enhancing the European Role in Conflict Resolution in Abkhazia, Georgia", 7 July 2008.

315 Interview 28, Tbilisi, 02/04/08.

316 Lynch, *op.cit.*, 2004, p. 47.

317 Lynch, *op.cit.*, 2004, p. 48.

318 Fawn Rick, "The Kosovo – and Montenegro – Effect", *International Affairs*, vol.84, no.2, 2008, pp. 282-283.

319 Gogorian Anait, Adleiba Asida, "Stanovlenie NPO Abkhazii: dostizheniya, problemy, perspektivy" (Formation of NGOs in Abkhazia: Achievements, Problems, Prospects), South-Caucasian Integration: Alternative Start, available at: http://southcaucasus.com/index.php?page=current&id=581, accessed August 2009.

320 "International organisations and states are not yet able to recognise our elections because this would also mean recognition of our state," Mr Shamba said to the BBC. "But our objective is to show everyone that we meet modern European standards." Collin Matthew, "Breakaway Abkhazia votes in poll", *BBC*, 4 March 2007.

321 "Abkhazian FM: 'Recognition by Russia would be quite enough'", *Regnum*, 6 July 2006.

322 Gegeshidze Archil, "The Isolation of Abkhazia: a Failed Policy or an Opportunity?", in Griffiths Aaron, Barnes Catherine (eds), *Powers of Persuasion: Incentives, Sanctions and Conditionality in Peacemaking*, London, Conciliation Resources, Accord 19, 2008.

Chapter 4
Contributing to conflict resolution via informal dialogues

Chapter Three has shown how difficult it was to progress in negotiations when the parties were attaching so much importance to status-related considerations. Sukhum/i and Tbilisi assessed how progress on non-status-related issues – such as return, the deployment of a UN peacekeeping force or confidence-building measures – influenced their long-term objective. As a rule, no compromise was possible when the parties expected that an issue would change Abkhazia's *de jure* or *de facto* status in a way that was unacceptable to them.

This chapter is devoted to the study of informal dialogue between the Abkhaz and Georgian officials and middle-range representatives. In Chapter One, the concept of 'informal dialogue' was defined as an informal encounter between middle-range representatives (Track 2) and officials (Track 1.5) speaking in their private capacity and aiming to resolve the conflict through discussion and an exploration of each other's point of view. By "official" is meant a representative of the government, the parliament or another state agency. Middle-range representatives comprise members of local NGOs, intellectuals (scholars, artists, journalists, teachers, etc.), and businessmen. They are usually chosen because they are respected in a particular group or region or have a position of leadership.

Chapter One mentioned some of the contributions made by informal dialogue to official negotiations and conflict resolution. It may provide a low-key atmosphere where middle-level representatives (and officials) can meet and gain new insight into their conflict. Such dialogue may facilitate contacts across the divide and be the place where future activities are discussed. This chapter explores whether the parties' strategies hindered such informal dialogues. Several questions arise in light of the previous chapter: were the Abkhaz and Georgian authorities prepared to accept the setting up of informal dialogue, even when it was not in line with the parties' strategies? Could the organisers prevent the fears of the authorities, or respond to them in a way that appeased them? Were the strategies of the authorities followed, willingly or unwillingly, by the participants or by external actors, such as donors? And did the consequences of the official strategies (such as the isolation of Abkhazia, for instance) hinder the organisation of such dialogues?

This chapter follows the same structure as the previous ones: explanation of the near absence of informal dialogue before and during the war and an examination of whether status-related considerations on the part of the authorities, the participants and donors hindered the organisation of informal dialogue in the post-war period.

1. Quasi-absence of informal dialogue in the pre-war period: dominance of nationalists on both sides of the Ingur/i (1989-1992)

In 1989, although inter-communal tensions were already amply evident, the conflicting issues were left unaddressed at the official level. When the Georgian First Secretary, Givi Gumbaridze, met Abkhaz officials in July 1989, just before the bloodshed, his purpose was not to deal with the sides' claims, but to reduce the looming threat of a civil war. Together with the Abkhaz First Secretary, Vladimir Khishba, he called upon the intelligentsia, whose power had increased since *perestroika*, to find constructive solutions and to alleviate the tension.[1]

Yet, as the – by no means exhaustive – review of the informal dialogues that took place between Georgians and Abkhaz will show, this type of conflict resolution activity was poorly developed in the pre-war period. As illustrated below, this was in large part owing to the involvement of the Abkhaz and Georgian intelligentsia in nationalist mobilisation. To a great extent, the strategies analysed in Chapter Three were of their own making. Many strongly advocated their vision of Abkhazia's desired status and were thus either too unconcerned or too radical to become involved in a constructive inter-communal dialogue. Those who dared to go against the flow and to offer dialogue or conflict-mitigating projects born from dialogue were at best not listened to or, at worst, admonished by the Abkhaz and Georgian national movements.

1.1 Seeking solutions through discussion: three types of dialogue

Historians, writers and academics were among those who tried to reach across the divide between the two communities and who engaged in dialogue. I divide the informal dialogues into three distinct categories based on the nature of the participants: academic, national movements and professional dialogues. A brief analysis of each of them follows.

1.1.1 Dialogues between academics: finding a way to overcome the university split

The conflict over the university prompted both inter-communal and intra-university dialogue and joint action. Dialogue as a tool to defuse inter-communal tensions had already been used in the beginning of the 1980s, when the Sukhum/i Pedagogical Institute was turned into a fully-fledged university as a result of the 1977-1978 Abkhaz revolt. Since the Abkhaz protests had been prompted partly by their dissatisfaction with Georgian historiography, in 1979 the authorities decided to hold a dialogue between Abkhaz and Georgian historians in Borjomi (Georgia), to promote mutual

understanding. Opinions on the helpfulness of those dialogues diverged widely: some found them useful for understanding the historical production by the other side, while others objected that people and topics had been deliberately selected to avoid controversial issues.[2]

The situation within the university inflamed with *perestroika*. On 4 April 1989, in parallel with the beginning of demonstrations in Tbilisi, Georgians students from the Abkhaz State University (AGU) and the Georgian Institute for Tropical Economy, supported by many professors, started to call upon the Georgian authorities to split the AGU. University departments were defined according to the language of instruction: Russian, Georgian or Abkhaz. Under the Georgian proposal, the Abkhaz and Russian branches would remain within the AGU, while the Georgian branch would become part of Tbilisi University. Discussions with both Abkhaz and Georgians indicate that different justifications were put forward at that time, and several motives could have been behind this demand. They included the need for the Georgians to speak their own language and the desire to be appointed to high positions in a new university branch or to take advantage of corruption.[3] Whatever the reason, coexistence was no longer considered possible. In May 1989 the Georgian authorities agreed to establish a new branch of Tbilisi university. In the eyes of the Abkhaz, the division challenged a hard-won privilege gained after the struggle of 1977-1978 and became, according to Viktor Popkov, a "matter of principle", a "question of preserving their nationality".[4]

As soon as the Georgian protest began, several peaceful initiatives were taken to prevent the splitting of the AGU and, once it had happened, to smooth over the division. An appeal was made to teaching staff and students to help find ways to resolve the conflict. The appeal stated that while [r]ecognizing our opponents' right to have a point of view that differs from ours, and respecting it, we call on all those interested in relieving the inter-communal tensions to join forces and push for the adoption of concrete, effective measures to stabilize the situation in the university and throughout the Republic".[5] Two Abkhaz members of the AGU remembered being in a discussion with Georgian strikers in the theatre to prevent the division of the university along ethnic lines.[6]

When the university was eventually divided and the Georgian department of the AGU was transferred to the new branch, Georgian and Abkhaz university members, led by the Abkhaz professor Oleg Damenia, discussed and suggested a compromise. They proposed a common council under which both universities could function autonomously, with unified planning and a common budget.[7] A participant in this project remembered that they also considered the possibility that specialists from the Georgian department might work in the Abkhaz and Russian departments of the AGU, and vice versa.[8]

What happened to the proposal is not entirely clear. Although it seems it was supported by both the Abkhaz authorities and the Council of Ministers of Georgia,[9] it was never implemented. It would probably have helped to overcome the disagreements. But time was not in favour of de-escalating moves. Aidgylara, which was categorically against the university split, reacted strongly to the Georgian decree supporting the proposal. They suspected it of being one more provocation from the Georgian side and warned the authors: "The responsibility for the consequences lies entirely on [you]".[10]

Intra-university dialogue between Georgian and Abkhaz professors was also held under the aegis of high-level officials from Moscow. Indeed, once they learned about the division of their university, a group of Abkhaz parliamentarians went to Moscow to ask the Council of Ministers of the USSR to urge the Council of Ministers of Georgia to cancel the decision. As a result, a commission of the USSR Supreme Council came to Abkhazia and Georgia in early July 1989 to investigate the legality of the Georgian decision.[11] Its members organised a huge meeting of university members in Sukhum/i. They then gathered five professors from each side, including the rector and the pro-rector, to discuss the issues at stake. The meeting, according to an Abkhaz professor who took part in it, was strained, as each person stuck to his or her position.[12]

On 10 July 1989 the Commission finished its work, concluding that the Georgian government should revise its decision to create a university branch in Sukhum/i.[13] But the Georgian authorities, under pressure from the radicals, did not back-pedal. On 15-16 July, the entrance exams for the Sukhum/i branch of Tbilisi University gave rise to the first bloodshed in Abkhazia. Disturbances began on 14 July, and escalated in the next two days. Meanwhile, 30,000 Georgians led by Merab Kostava, a prominent figure of the Georgian national movement, had marched towards Sukhum/i to defend the rights of the local Georgians. The intervention by Tbilisi and Tbilisi-based movements exacerbated the intra-Abkhaz conflict. The USSR reacted by sending in interior troops to restore order and prevent further bloodshed.[14] By 8 August 1989 the troops were able to report that the situation was under control.[15] Nonetheless, if the intervention by the Soviet troops prevented a large-scale armed conflict from breaking out, the tragic events contributed to the radicalisation of the sides.

1.1.2 National movement dialogue: preventing repetition of the July 1989 bloodshed

In an article on his experience at Track 2 in the pre-war period, Giorgii Anchabadze remembered how, together with members of the small Ivane Dzhavakhishvili Society, a liberal movement created in 1988 in the Institute of History of the Georgian Academy of Science in Tbilisi, he sought to contribute to the peace process. Giorgii Anchabadze, Abkhaz and Georgian of origin, tried to act as a mediator between the communities. To this end he met the intelligentsia in Sukhum/i in order to explain the rationale behind the establishment of the Georgian national movement, and offered some ideas to the Georgian First Secretary, Jumber Patiashvili (Gumbaridze's predecessor), for reducing inter-communal tensions in the wake of the Lykhny declaration of March 1989.[16] In his article, he mentions an instance of inter-communal dialogue between the national groups from Tbilisi and Sukhum/i. This was at a time when these groups were not yet in power and dialogue between them could therefore not count as official, Track 1 negotiations.

Shortly before 15 July 1990 Boris Kakubava, the leader of the Georgian Tskhum-Abkhazeti National Committee (TANC), informed Anchabadze that the Abkhaz wanted to commemorate the first anniversary of the bloodshed that had occurred on the occasion of the entrance exam, and that he feared a resumption of violence. Two factors in particular might contribute to the worsening of the situation. The first was

the lack of communication between the three main organisations in Abkhazia, namely Aidgylara and two Georgian organisations, TANC and the regional section of Zviad Gamsakhurdia's Round Table. Since the departure of the Round Table from TANC in May 1990, the two bodies despised each other and were disinclined to remedy the lack of communication between them. The second factor was the potential presence of armed individuals who were ready to leave (or had already left) Tbilisi and the Northern Caucasus for Abkhazia.

The Georgian Coordination Centre of the Georgian national movement, which included the opponents of Gamsakhurdia in Tbilisi, decided to send a delegation to defuse tensions.[17] It appeared to the delegation that although neither side wanted a clash, both were prepared to answer forcefully in the event of a flare-up. The delegation went from one headquarters to the other for discussions with the Abkhaz and the Georgian leaders. In the end, it was agreed that no demonstration, hunger strike or remembrance would take place in the streets of Sukhum/i. The Georgians went to the church in Sukhum/i, while the Abkhaz commemorated the event in the villages where the victims of the 1989 clashes had been buried.

The national groups within Abkhazia met to discuss Georgian-Abkhaz relations on several occasions in the aftermath of the event. For instance, a meeting between Aidgylara and the regional section of the Round Table took place in February 1991. They examined the socio-economic situation as well as the appointment of the prefect of Gal/i (see Chapter Three). The newspaper *Edinenie* stated that the parties officially decided to continue the dialogue.[18]

1.1.3 Professional dialogue: allaying Abkhaz concerns about the 'Georgianisation' of Abkhazia

Many Georgians interviewed expressed regret at the division of the university because of the split of many other inter-communal bodies that ensued. As long as they were not divided along ethnic lines, Soviet creative unions uniting members of the intelligentsia according to their professions (Unions of Journalists, Theatre Workers, Writers, Designers, Composers and Artists, for example) were forums where multi-national dialogue could be held. A Georgian writer provided me with one example of dialogue which took place in the Abkhaz Writers' Union.

During a discussion between Georgian and Abkhaz writers in 1990, Bagrat Shinkuba, a leading Abkhaz writer and former chairman of the Supreme Council (1958-78), came up with two proposals to alleviate the tension. First, he explained that, owing to their demographic situation, the Abkhaz were troubled by the fact that any Georgian could register in any town in Abkhazia, receive a *propiska* (registration of residence) and officially become a citizen of Abkhazia. He thought a solution should be found to stop people from settling spontaneously. The second proposal responded to the pressing concern of the Abkhaz regarding the 'Georgianisation' of the names of cities, towns and villages in Abkhazia, a fact Shinkuba had already lamented in an official letter to the USSR Central Committee in 1947.[19] As Giorgi Anchabadze had earlier advised Patiashvili, Shinkuba suggested quickly resolving this issue by setting up a special commission of experts to study the historical names of the places.[20] The narrator,

who was present during this discussion, related how he met the Georgian leaders in Sukhum/i and passed on these proposals to them. Instead of considering those ideas, the Georgians publicly blamed him for siding with the Abkhaz.[21]

1.2 Intelligentsia as bearers of nationalism: their radicalisation and influence in Georgian and Abkhaz society

1.2.1 Explaining the predominance of radicals in Georgia: inflexibility of the Georgian Communist Party and the April 1989 tragedy

Several elements facilitated the predominance of the radicals in Georgia. These included the nature of the national opposition, the reaction of the Communist regime to the appearance of a national movement, and traumatising events such as the 'April tragedy'. Thanks to the freedom enjoyed by Georgia in the post-Stalin era, the expression of nationalist feelings in official literature, *samizdats* and petitions to the authorities was already much developed well before the appointment of Gorbachev as General Secretary in 1985.[22] With *glasnost'* the remaining restrictions on mobilisation and the articulation of nationalist claims were gradually removed. This increased the opportunity for participation in nationalism and, in the case of Georgia, in concurrent nationalisms.

Everywhere in the Soviet Union, the intelligentsia was the first to use the window of opportunity created by *glasnost'*, initially by probing the limits of the central authorities and, once it appeared that the latter were not willing to react with force, to launch a wave of nationalist protests.[23] Ghia Nodia noted that in every Union republic except Georgia, the majority of opposition movements followed the rules set by Gorbachev. In exchange for supporting *perestroika* and not asking overtly for independence or questioning Soviet institutions, the popular fronts in the Baltic States were given the opportunity to organise themselves and to access the mass media, for instance. According to Jonathan Aves, this smoothed the political transition.[24] Georgia was the only republic where the opposition was dominated by radicals who refused to compromise with the authorities.[25] The personalities of the leaders of the national movement, the lack of flexibility of the Communist party in responding to the emergence of nationalist groups, and the way in which the Soviet troops dealt with dissent in April 1989, might all account for the success of the radicals.

First, the radical factions contained dissidents and former political prisoners such as Zviad Gamsakhurdia, Merab Kostava and Giorgi Chanturia. Zviad Gamsakhurdia, who became the first president of Georgia, was the son of Konstantine Gamsakhurdia, a prominent Georgian writer. Silvia Serrano has highlighted how having such a well-known father had a non-negligible influence on Zviad's political success. Giorgi Chanturia acknowledged that the fact that Zviad was the son of Konstantine Gamsakhurdia played a role in his decision to follow him.[26] Zviad Gamsakhurdia pursued an academic career and dissident activities. He was arrested in 1977 together with Merab Kostava, a musician with whom he founded the Georgian Helsinki Group. While Kostava remained in exile until 1987, Gamsakhurdia was released after a public recantation of his activities in 1979.

Unlike in other Soviet countries, these dissidents and political prisoners enjoyed a high degree of political prominence in Georgia when *perestroika* began.[27] Calling themselves 'irreconcilables', they were unwilling to accept compromises with the Communist regime and wanted instead to shake up the situation. They appealed to the population far more than the moderates, whose intellectual circles were either small or strife-ridden. For Ghia Nodia, this attraction for radical ideals might be explained by the Georgian political heritage. He points out how "[d]ecades of communist rule had destroyed the elements of civil society and civic consciousness that had emerged before the forcible Soviet occupation of 1921, and had left the intellectual elite, and the general public, with mostly medieval ideals of political behaviour. The heroic 'irreconcilable' stance had a much stronger appeal than the search for concrete political means of achieving specific ends".[28]

Secondly, the reactions of the Communist party under the leadership of Jumber Patiashvili, who replaced Shevardnadze in 1985, and of this successor, Givi Gumbaridze, help explain why the kind of compromise reached between the Communist party and the popular fronts in the Baltic countries did not occur in Georgia. Patiashvili resisted the creation of organisations independent of the party's authority, whether moderate or not. Gumbaridze, who replaced him after the events of April 1989, is said to have been more tolerant of radical movements.[29] Nodia notes that whereas the authorities did not oppose the forceful seizures of buildings by the radicals, they refused to concede office space to the moderate movements.[30]

A third factor, the 'April tragedy' (referring to the violent intervention by the Soviet troops to stop Georgian demonstrations in Tbilisi in 1989), played a pivotal role as a radicalising force among the national movements and the Georgian population as a whole. In early 1989 the radicals were already a strong force, albeit extremely fragmented. In comparison, the mainstream intelligentsia was still deliberating over where to hold the founding congress of the future Georgian popular front.[31] For Mark Beissinger, the rationale behind the forceful intervention on the night of 9 April 1989 was that the Communist authorities were willing to take action to push back the growing tide of protest that was running high all over the Soviet Union.[32] Given the size of the crowd, larger than expected at 4 a.m., the type and number of forces used – 2,000 special forces units and 500 soldiers – and the warnings that went unheard by the demonstrators, the operation eventually turned into a bloodshed. At least 19 died (mainly women and children), 290 were wounded and thousands poisoned by tear gas.[33] "Every nation has several moments which may be called great", proclaimed the Georgian nationalist leader, Merab Kostava, on the night of the bloodshed. "For Georgia that time has come now."[34]

From then on, Georgians wholeheartedly supported the severing of links with the USSR. Five months after the tragedy, 89 % of Georgians were in favour of independence, more than Estonia at that time.[35] The Communist party became more uncompromising in order not to be outflanked by the radicals, but to no avail.[36] The October 1990 multi-party elections confirmed the radicals' stranglehold on the country. Gamsakhurdia's Round Table won 155 seats out of 250. The Popular Front won 12 seats, while the moderate, liberal intelligentsia (Green Party and DAS-i within the Freedom Bloc) gained none.[37] Georgian politics became highly confrontational and so did

relations between the new authorities and the members of the intelligentsia who were not supportive of the government. According to Stephen Jones, Gamsakhurdia used to scorn them as "a false intelligentsia" linked to the communist "mafia". Fearful, these members of the intelligentsia became more and more isolated and lost their role as *vox populi*.[38]

1.2.2 The Abkhaz intelligentsia organising itself: the creation of Aidgylara

The mobilisation of the Georgians pushed the Abkhaz to step up their own nationalist demands. As soon as it was established, the National Forum Aidgylara, the voice of Abkhaz nationalist claims, petitioned for Abkhazia to be upgraded to the status of a Union republic. Here too the intelligentsia spearheaded the nationalist movement. From the outset, the Forum was characterised by the presence of many members from the creative intelligentsia (writers, poets and artists). Georgians, including Mingrelians, were excluded from leadership positions. Yet the question of their inclusion was raised.

An Abkhaz civil society activist recounted how, on the eve of Aidgylara's creation in 1988, the Abkhaz lawyer Zurab Achba spoke in favour including Svans and Mingrelians in Aidgylara. The proposal was categorically rejected by other influential organisers.[39] Achba eventually agreed to join the presidium of Aidgylara. In 1990 he even became deputy chairman under Sergei Shamba, remaining, until the war, a staunch advocate of dialogue with the Tbilisi- and Abkhazia-based Georgian movements. But this exclusion of Mingrelians and Svans alienated other moderates. The activist who recounted this story refused to join Aidgylara's presidium at that time because of it.[40]

1.2.3 The clash of nationalisms in the media

Under Soviet rule, every article or book had to be screened before publication to ensure that it did not contain "anti-Soviet, nationalistic or politically deleterious" content (although, as the publication of the book by Ingoroqva proved, this principle had exceptions).[41] With the removal of censorship in January 1987, freedom of press became total on both sides of the Ingur/i, for better or worse. In the event, the Russian ethnologist Valerii Tishkov reports that the struggle in the media went on with "far greater ferocity and more insulting language" than before.[42]

Historians on both sides were particularly active in rewriting history to suit political purposes. Georgii Anchabadze testified that rising numbers of professional and amateur historians engaged in the ideological struggle over history. "In Georgia, for example, there have never been so many people working simultaneously in the field of Abkhazology than at present (the nineties)."[43] Georgian scientific productions, which questioned the autochthonous status of the Abkhaz people and had already resulted in Abkhaz protests in the 1950s, 1960s and 1970s, were brought up to date. Pavle Ingoroqva's theory was revived in several publications such as *Mat'iane*, the journal of the Helsinki Group led by Gamsakhurdia.[44]

According to Anchabadze, many Georgian historians, such as the Georgian Mariam Lordkipanidze, opted for the "theory of the two autochthonies" (*teoriya*

dvuaborigennosti).[45] While its proponents acknowledged the presence of two indigenous peoples in Abkhazia – the Georgians and the Abkhaz – they were primarily keen on substantiating the hegemony of the Georgians. They took the presence of the Georgians since antiquity for granted, but regarded the autochthony of the Abkhaz as a mere hypothesis and their presence from the distant as, therefore, open to question.[46]

Recognising the autochthonous status of the Abkhaz, moreover, did not prevent them from questioning the autonomous status of the Abkhaz republic just as the proponents of Ingoroqva did. The following observation by Mariam Lordkipanidze illustrates this: "the so-called independent Abkhazian SSR was an artificially created entity, whose existence in isolation from Georgia was absolutely unnatural and untenable historically and culturally (…)" In her eyes, even "the existence of Abkhazian autonomy in any form within the boundaries in which it took shape under Soviet rule [was] absolutely unjustified".[47]

In an article published in *Zarya Vostoka* on 22 July 1990, historians Georgii Anchabadze, Otar Zhordania, Meri Inadze, Edisher Khoshtaria-Brosse and the linguist Vazha Shengelia criticised the publication of amateurs' articles on historical issues. They asserted that these articles only "worsen[ed] the situation and reinforce[d] the propensity to distrust among the people, which when all is said and done, invariably lead to a further intensification of the confrontation".[48] Not only was it difficult to find people expressing moderate opinions, but the moderate texts themselves had a hard time finding their way into the newspapers. Once Gamsakhurdia came to power in 1991, the muzzling of the press blocked the sharing of diverse opinions and the promotion of divergent thinking. By the end of 1991 only two or three newspapers in Georgia were not subordinate to the Georgian parliament (that is, to Gamsakhurdia).[49] As Ghia Nodia has commented, the newspapers were generally careful not to publish anything critical of the president.[50] In July 1991, the Russian version of Aidgylara's newspaper, *Edinenie*, published a manifesto that had been refused publication in Georgia. Signed by numerous leading figures from the intelligentsia,[51] it condemned Gamsakhurdia's policies in the wake of the conflict in South Ossetia. "Where is she, this democracy, if the government violates human rights, if it leads a veritable racist aggression against one of its minorities? If measures are not taken today, after the Ossetians it will be the turn of the Adzhars, Abkhaz, Meskhetians, Kurds, Greeks, Armenians…"[52]

1.3 The actors' attitudes to dialogue: a summary

In this context, it took courage to stand up to the nationalist mood. A minority on both sides was ready to listen and consider the interests of the other community.[53] Many in the intelligentsia were either too radical to agree to discussions, or too unconcerned to reflect on their own potential contribution to conflict resolution. The radicals generally refused to engage in constructive dialogue on disputed questions. They perceived the other side as being intrinsically unable to understand their viewpoint, and concluded that dialogue was pointless. This was the case of the Abkhaz poet, member of Aidgylara, who dismissed dialogue before the war on the grounds that it would have

been extremely difficult to find a common language with the Georgians, owing to their "psychology", which had been "distorted" under the leadership of Stalin and his henchman Lavrentii Beria, both Georgian.[54]

Another category consisted of all those who were not prepared to sign up for action, not necessarily because they were against the idea of bridging the inter-communal divide, but because the broader context deterred them from doing so. This category included, for instance, the Tbilisi-based intelligentsia, which was too preoccupied with the events taking place in the capital city to pay attention to Abkhazia. As one Georgian historian noted, this related particularly to the peripheral status of Abkhazia. He reported that on returning from Abkhazia he urged some of his Tbilisi-based colleagues to think over how to build a relationship with Abkhazia. Although several showed interest, nobody took the time to do this. They were putting all their energy into the anti-Zviadist opposition.[55] Eventually, as a former Georgian deputy from Abkhazia related, the number of Abkhaz was too insignificant to worry about.[56] The members of the intelligentsia who cherished political ambitions did not see the need to curry favour with a minority who constituted 1.8 % of the total population of Georgia and 17 % of Abkhazia, as against 70.1 % and 45.7 % respectively for the Georgians.

Other Georgians and Abkhaz were willing to relieve tension. The problem was that they focused on the interests of their own communities. As a Georgian analyst who has remained involved in conflict resolution since the war remarked, several Georgian activists who came to Abkhazia to find a peaceful solution in the pre-war period tried to explain to the Abkhaz that Georgia's independence would not endanger their existence. But they did not think in terms of joint state-building. This analyst aptly compared their action to a painkiller: it does not cure; it only removes the pain.[57] An Abkhaz professor from AGU confirmed that a similar diagnosis could be applied to some Abkhaz activists. She revolted and asked for the restoration of the rights of the Abkhaz, for instance after the university split, but acknowledged that she and other activists did not think about the rights of the other communities living in the republic.[58] They wrote letters and called on Moscow, Tbilisi and the international community to protect their own rights, not those of all the inhabitants of Abkhazia.

2. Dialogue amidst violence: round table in Moscow (1992-1994)

"When the guns shoot, citizen diplomacy is silent", wrote the Abkhaz Manana Gurgulia in an anthology of writings on Track 2 activities.[59] Or, as Andy Carl wrote, "when people are dying, suffering the violence of hunger, disease and displacement, it hardly seems an appropriate time for participatory workshops, or promoting indigenous perspectives and capacities".[60] Given that war polarises identities and strains inter-communal relations, wartime may not be conducive to a discussion of conflicting issues by middle-range representatives. War conditions, as underlined in chapter five, do not contribute either. On the other hand, it is because the most devastating results of the conflict become visible – loss of human lives, economic decay among other things – that the need to put an end to the mutual destruction becomes more pressing.

In the case of the Georgian-Abkhaz conflict, wartime did not trigger a significant movement towards dialogue. This was probably because of the prevailing nationalism, which was exacerbated by war, and the relatively short period of warfare (14 months until the fall of Sukhum/i). Only one project seems to match the definition of dialogue as an informal encounter between middle-range representatives (Track 2) and/or officials (Track 1.5) speaking in their private capacity who strive to resolve a conflict through discussion.[61] This was a round table organised in Moscow on 11-12 November 1992 by the members of the Institute of Socio-Political Research of the Russian Academy of Science, who acted as facilitators. Titled "Abkhaz-Georgian conflict: ways to overcome it", the round table consisted of scholars (with some officials on the Abkhaz side) and hoped to achieve somewhat ambitious goals: to move towards conflict resolution and, possibly, towards conflict settlement, with the preparation of a basis for agreement.[62]

Taking place three months after the beginning of the war, the dialogue was passionate. It revolved primarily around the content of the Moscow Agreement, signed on 3 September 1992, and around mutual recriminations (genocide and the burning of the Abkhaz archives). In the end, the participants adopted an appeal to Yeltsin, Shevardnadze and Ardzinba in which they stressed the need for a cease-fire and additional guarantees, such as the separation of troops.[63] They concluded their appeal with the need to work together to resolve the conflict peacefully. "We intend to continue our work within the framework of a joint independent commission and we are ready to use our knowledge to contribute to the search for ways out of the conflict", they declared in the appeal published in the Georgian newspaper *Politika* in 1993.[64] But the independent commission set up after the round table was not convened again.[65] According to the Georgian historian Edisher Khosharia-Brosse, the Abkhaz representatives were dissatisfied with the outcome of its work and were unwilling to go on.[66]

3. Organising informal dialogue in the post-war period: overcoming the concerns of officials and participants (1994-2008)

If activities related to informal dialogue between 1989 and 1994 can almost be counted on the fingers of one hand, their numbers soared in the post-war period. Just after the war, however, dialogue was not among the sides' priorities. The Georgians were trying to recover from defeat, while victory on the Abkhaz side gave an initial impression that there was no need to resolve the conflict. So while a few dialogue projects came to being in 1995-1996, they did not begin in earnest until 1997-1998.

Several factors seem to have played a role in the decision by middle-range representatives to step up their engagement in dialogue. First, time had elapsed since the war. The American anthropologist Paula Garb noted that people became "morally lighter" and there was "a kind of breakthrough" in favour of discussion at the end of the 1990s.[67]

According to a Georgian civil society activist previously living in Abkhazia, the high-level meeting between Ardzinba and Shevardnadze in Tbilisi in August 1997 was

a second factor that gave impetus to unofficial initiatives. The fact that Ardzinba could visit Tbilisi unharmed (even though he was well protected, he was afraid nonetheless) gave several other Abkhaz the impression that they could do the same. Similarly, the Georgians started to go to Abkhazia more freely.[68] A Georgian participant reported that the meeting itself offered food for thought and discussion for the first sessions of the UCI Georgian-Abkhaz conferences (see below). It resulted in parallel research on how the Abkhaz and Georgian populations perceived this high-level encounter.[69] Eventually, the events of May 1998 in the Gal/i district and the deadlock in negotiations were painful reminders of the conflict and of the need to prevent the recurrence of violence.[70]

The remainder of this chapter is structured as follows. First, an overview is given of the informal dialogues conducted between 1994 and 2008. Next, the reactions of the Abkhaz and Georgian authorities to these informal dialogues and to those who took part in them are examined. The question whether donors were concerned about entrenching Abkhazia's *de jure* or *de facto* status is then raised. Finally, the reactions of the participants themselves are explored, especially vis-à-vis the venue for and format of informal dialogues.

3.1 Brief description of the dialogues conducted since the end of the war

As in the previous periods, the dialogues were divided into three categories according to the nature of the participants: social/professional, academic and political. Below, a broad-brush analysis of each category is offered. Three specific projects, one in each category, are more carefully examined. They are the Georgian-Abkhaz programme (social & professional dialogues), the UCI/Heinrich Böll Foundation Georgian-Abkhaz Conferences (academic dialogue) and the 'Schlaining Process' (political dialogue).[71] In examining these, I do not by any means wish to diminish the importance of other activities. The reasons for this selection are twofold. The first is that, taken together, these instances cover a wide range of dialogue (Track 2 and 1.5) and, as discussed below, they complement each other.[72] Secondly, they were pursued continuously during the regimes of Shevardnadze/Ardzinba and Saakashvili/Bagapsh. The experience of their organisers and participants is therefore particularly useful for drawing a comparison between these periods and looking at the continuities and discontinuities.

3.1.1 Social and professional dialogue: the programme of International Alert (1998-2005)

The London-based NGO International Alert (IA) initiated its work with civil society in Georgia and Abkhazia in 1996-1997. It was during the first meeting, held in Moscow in June 1996, that the participants launched the idea of developing a confidence-building programme between the Abkhaz and Georgian societies.[73] Two years later, the EC made funds available through its Technical Assistance to CIS (TACIS). But given the Abkhaz reluctance to meet their Georgian counterparts in a bilateral framework, the meeting format was turned into a pan-Caucasian structure. The Caucasus Forum, attended by more than 40 North and South Caucasian NGOs, was set up in 1998.[74]

In 2001, a new direction was given to the Georgian-Abkhaz programme. Several sectors, independent of each other, were delineated according to specific professional and social groups: young representatives of professional associations (journalists and students of journalism), women, war participants (ex-combatants, writers and people with disabilities), historians and people living in the area of the cease-fire line. Even though the meetings were still ostensibly pan-Caucasian, the Abkhaz and Georgians were appointed local coordinators for each sector and usually constituted the majority at the meetings.[75]

The main objective of the programme, as defined in IA's memorandum, was to create favourable conditions for building peace by the way of "strengthening the potential and the resources of civil society representatives for influencing the people and groups that have power".[76] The programme had three concrete goals: to build trust by giving people across the divide the opportunity to communicate and cooperate in implementing joint projects; to develop the potential of social/professional groups by helping create networks, providing infrastructure (internet, etc.) and meeting their financial needs; and to support civil society initiatives aimed at influencing their authorities.[77] In short, IA committed itself to contributing to confidence-building and capacity-building.

IA's rationale was similar to that of another London-based organisation, Conciliation Resources, which had begun civil society training activities in Abkhazia in 1997 and, at the time of the implementation of the Georgian-Abkhaz programme, was expanding its activities to work with displaced people, journalists and officials. Both highlighted the interplay between inter-communal dialogue and capacity-building with civil society organisations, especially in Abkhazia, where less support was given (see Chapter Five). First, the foreign organisers believed that supporting these local organisations could help them shape a vision for their society and listen to the needs of the grassroots. They could engage in dialogue with the other side and raise issues identified through dialogue within their own society. Then they would go back to their grassroots members and inform them of the outcome of the dialogue. That way, the dialogue would gain both content and legitimacy.[78]

Secondly, helping civil society to implement local projects could bolster its credibility in its own society. In her assessment of IA's activities, Catherine Barnes reported that participants were sometimes criticised for spending time in meetings and discussions that to outsiders seemed purposeless. "[B]y devoting part of their time to work in their own society, the participants demonstrated the legitimacy and significance of their peacebuilding activities."[79] This was especially the case for the Abkhaz representatives, who were often subject to criticism in their society for taking part in dialogue with the 'enemy' and for pushing for internal change.[80]

Thirdly, capacity-building could enable them to carry out initiatives that would tackle the factors perpetuating the conflict in their society, and to conduct advocacy work. IA hoped the officials would end up by listening to what civil society had to say. In the end, the balance between dialogue and capacity-building was also a compromise between the parties' different expectations. As a rule, the Abkhaz preferred unilateral projects while the Georgians favoured bilateral ones.[81]

In the view of Catherine Barnes, who assessed the outcomes of IA's programme, it achieved the following: it gave people psychological, intellectual and practical

preparation, enabling them to participate effectively in peace-building; laid down the conditions for people to interact and cooperate; established a 'social system' capable of reacting if violence broke out; had a demonstrative effect by showing the possibility – and advantages – of meeting the other side; increased understanding between the parties, and produced some concrete results (book, network).[82] The fact that several journalists who took part in these meetings sustained their professional collaboration in *Panorama*, a newspaper published in Georgian and Russian and supported by the Institute for War and Peace Reporting, illustrated the enduring power of relationships.

In December 2005, however, the IA's Georgian-Abkhaz programme came to an end. According to an international observer, the Abkhaz participants were frustrated with Saakashvili's policies, while the Georgian representatives were disappointed that their Abkhaz counterparts were unwilling to help increase the trust of the Abkhaz population in Georgians. Another project in which teams of Abkhaz and Georgian researchers were to study subjects related to human security was designed at the parties' request. The parties had realised that these studies provided a more complex picture of the other society, and raised topics for discussion.[83]

3.1.2 Academic dialogue: Georgian-Abkhaz conferences of UCI/Böll Foundation (1998-2008)

The decision to adopt an academic format for facilitating dialogue between the Georgians and the Abkhaz was originally made by two teams of organisers: Mehmet Tütüncü, who organised a conference in Haarlem (Netherlands) in June 1997, and Bruno Coppieters, Ghia Nodia and Yuri Anchabadze, whose conference was held in Brussels (Belgium) at approximately the same time.[84] In both cases this format aimed at practical cooperation (the production of a book) between Western, Georgian and Abkhaz academics.

They were followed by a cycle of Georgian-Abkhaz conferences initiated by Paula Garb from the University of California, Irvine (UCI), and from 2004 supported by the Heinrich Böll Foundation and, occasionally, by CR and IA.[85] These conferences were the result of a lengthy process which started in 1995. As it was still too early for the sides to meet, ten parallel meetings were organised. It was then decided that the joint meetings would take the form of academic conferences. This format had the dual advantage of being culturally familiar to the middle-range leaders and justifying the participation of the Abkhaz in the eyes of their own society.[86]

Practically speaking, groups of six or seven people from each community, including two or three who participated more or less permanently, were set up with the agreement of each side. They included middle-level representatives (journalists, academics, NGO representatives) and, less frequently, officials. As a rule, a handful of papers describing aspects of a theme mutually agreed upon beforehand were presented and discussed during the conference. In the beginning, the participants were the only ones delivering papers. Starting in 2001, international experts were invited to give their perspective on the topic under review. Since the project began, in May 1998, joint conferences and working meetings have usually been held two or three times a year.

For Paula Garb, the objectives of the project were threefold: "(1) Promote constructive dialogue and interaction between citizens on both sides of the Abkhaz-Georgian conflict; (2) Contribute to theory on conflict transformation by enhancing methodologies for tracking how unofficial diplomacy impacts the stakeholders in this conflict; and (3) Disseminate the results in the region and the international conflict resolution community".[87] In the event, the project succeeded in providing a framework for discussion on and the analysis of topics such as peace-building strategies, Georgia's accession to NATO, migration, and the role of citizen diplomacy. Post-conference public round tables were held on both sides to communicate the results to a broader audience, while papers and ensuing discussions were published as anthologies and read in universities and in ministries.

The fact that such a range of topics, including the issues of return and status, could be discussed openly and without aggressiveness was facilitated by the continuity of this process. For ten years, people met and built trust and, in some cases, friendly relations. Three Georgian participants who took part in the meetings more or less regularly from the beginning witnessed the gradual disappearance of taboos.[88] They underlined how the Abkhaz participants, who had for years striven to present a common front and to avoid showing internal dissent, began to debate issues openly among themselves in front of their Georgian counterparts. A broader range of participants was progressively included. And while the conferences did not succeed in engaging hardliners, displaced people and returnees were involved in discussions with the Abkhaz.

3.1.3 Political dialogue: the Schlaining process (2000-2007)

This last category covers the Track 1.5 processes. Unlike Track 2, they include decision-makers, with or without the presence of middle-range representatives. Such attempts at bringing officials together in an unofficial setting were first made soon after the war. As early as January 1995, the Conflict Management Group invited delegations of Abkhaz and Georgian officials to the Netherlands, along with others from conflict areas. This meeting took place under the umbrella of the Hague Initiative, which was designed to find peaceful solutions to conflicts in the former Soviet Union. Two years later, a bilateral meeting of members of the Abkhaz and Georgian parliaments was hosted by the George Mason University.

The Georgian-Abkhazian Dialogue Process, better known as the Schlaining process, was the longest-running initiative. It took its name from the town of Stadtschlaining in Austria, where the first meeting took place in 1997. Twenty-two Georgian and Abkhaz participants from civil society came at the invitation of the Austrian Study Center for Peace and Conflict Resolution, the Berghof Research Center for Constructive Conflict Management and United Nations Volunteers (UNV), to discuss democratisation in transitional societies. The organisers of this first workshop enquired whether such discussions could be extended to officials from both sides in order to include the different levels of the society in the search for peace.[89] By including officials together with middle-level representatives, the process could expand the peace constituency both vertically, that is, within the sides, and horizontally, i.e. between the

sides. The expectation was that it would increase the potential for the transfer of ideas and proposals into the political field.[90]

Civil society representatives were supportive of the inclusion of officials in a dialogue process. According to Jonathan Cohen from Conciliation Resources, the reasons were threefold: first, it was a way to involve them together with civil society representatives in a debate that was not taking place behind closed doors. Secondly, this could legitimise the idea of dialogue, thereby reducing internal criticism of the Abkhaz NGOs involved in bilateral projects. And thirdly, it could enable the civil society representatives to tackle the root causes of socio-political dysfunctioning in their own societies.[91]

Jonathan Cohen, Norbert Ropers (Berghof Center) and Martin Schümer (UNV) discussed a resumption of the process with both sides. This occurred in 2000 under the auspices of CR and the Berghof Center for Constructive Conflict Management (involved until 2005). From then on, the process included officials, speaking in their individual rather than their professional capacity, together with NGOs and media participants with access to, or influence on, decision-makers.[92] The meetings took the form of problem-solving workshops, that is, closed meetings taking place in a low-key atmosphere facilitating direct communication between the sides. The objective was to create a venue where both sides could meet, jointly analyse the obstacles and opportunities in the peace process, and exchange information in confidence.[93]

Like the UCI/Böll conferences, each group of participants consisted of a core of two or three people who participated more or less permanently, while three or four new participants were involved at each meeting. In this way, the circle of participants grew and evolved in line with the political dynamics in Abkhazia and Georgia.[94] The participants were chosen on the basis of "their relation to the political process within their own communities, their relation to the conflict and peace process and their capacity to engage with the opportunities and obstacles within the peace process".[95] Until the last encounter in July 2007, these week-long meetings were usually held three times a year.

Overall, the Schlaining process gave 120 parliamentarians, officials, presidential advisers, NGO representatives and media participants the opportunity to meet and talk together. The process was complementary to, and not a substitute for, the official negotiations. As a former Georgian minister stated, it was an opportunity to pave the way for political decisions.[96] The organisers' impartiality and neutrality made it easier for the Abkhaz representatives to get involved, and facilitated open discussion. Against the background of physical separation and an information vacuum, many participants found it particularly helpful to get information enabling them to have a better grasp of the political spectrum existing on the other side. One member of the Abkhaz presidential administration said that it confirmed his suspicions about the low level of democracy in Georgia, but that he also learned that there were politicians who were opposed to a military solution and with whom it was possible to negotiate.[97] These meetings also helped them gain insight into the other side's perspective, including its needs and concerns – those "human aspects that are safe to come out in workshops, but are poison in an official process".[98]

Eventually, the participants made use of this process for analysing policy options and gauging the acceptability of proposals. Almost from the beginning, Track 1 players used it to discuss actual documents that were – or were not – negotiated at the official level. Several outcomes are worth noting. They include attitudinal changes taking place in participants such as the former Georgian diplomat who admitted to having been in favour of a forceful resolution of the Abkhaz issue until he met and talked to his Abkhaz counterparts. Furthermore, innovative ideas were fed into the official process: the proposal to develop links between the Abkhaz and their diaspora in Turkey, for instance – voiced by the Abkhaz during the Schlaining process – was relayed by the Georgians in a Friends' meeting. The discussions served as a basis for developing the 'Concept on the Special Status of Abkhazia in the Georgian State'. The Concept was written by several Georgian participants in the Schlaining process and delivered to the Georgian officials in 2003. This initiative is described in greater detail below.

In addition to the Schlaining process, CR also organised several single and joint study visits to Ireland and Scotland from 2002. Each visit revolved around one particular topic (the economy, security, cultural expression, political and constitutional issues), and brought together Abkhaz and Georgian officials and civil society representatives with a common interests in the issues. The study visits aimed "to provide the participants with an opportunity to see how the United Kingdom is managing issues of ethnic diversity and conflict; and to provide an informal space for analysis and dialogue".[99] In 2006 and 2007, the Berghof Center organised two workshops in Cyprus which combined both a study visit component and a bilateral dialogue component. The participants met with Cypriots from different backgrounds and learned about the conflict and its development before discussing topics prompted by the Cyprus case.[100]

3.1.4 Divergence and convergence between the three projects in terms of dynamics and principles

In sum, the three projects under review (IA Georgian-Abkhaz programme, UCI/Böll conferences and the Schlaining process) had both their own internal dynamics and a shared respect for the principles of conflict resolution and transformation.

The projects differed in terms of goals, ground rules and target group. IA favoured a project-based approach, where joint activities and confidence were built up through a sustained dialogue based upon shared experience/status (e.g., ex-combatant, writer). With the UCI/Böll conferences, the organisers desired to contribute through dialogue to a better understanding of the role of Track 2 in conflict resolution. The Schlaining process, by contrast, aimed at changing the way of thinking of influential people through a thorough, systematic analysis of the conflict and information exchange.

The projects also varied in their ground rules – from strict confidentiality in the Schlaining process (the participants agree not to hold each other accountable for what has been said during the workshops) to complete transparency in the UCI/Böll conferences.[101] In the latter case, both the papers and the discussions were published, to counter criticisms directed at the Abkhaz participants and increase societal trust in the process, as a long-time Abkhaz participant underlined.[102] They diverged in terms of target group too, with a focus on particular social and professional groups in the IA

programme, middle-range leaders in UCI/Böll, and officials and influential NGO and media participants in the Schlaining process. That said, much the same civil society participants were found in the three activities.

On the other hand, the organisers of all three projects operated with a conflict transformation approach, acted as facilitators, focused on process rather than on outcomes and encouraged local ownership of these processes. Norbert Ropers defines facilitation as a weaker type of negotiation "where there is no consistent leadership role but there is an emphasis on the procedural side".[103] During the dialogue, facilitators can assist by clarifying the conflict situation, encouraging discussion and empathy, ensuring that the interests of all the parties are discussed and building confidence.[104] In practice, this means involving people from all sides in the process, sometimes by first spending separate time with them to create trust in the project and in the facilitators. Once they are ready to meet, the facilitators must create the conditions for communication. In the three projects, the choice of neutrality with regard to the political outcome was made.[105] The importance of this fact should not be underestimated. If facilitation entails neutrality, in the Georgian-Abkhaz case, this means that the organisers took the opposite position from the Track 1 mediators, who chose to support Georgia's territorial integrity. They treated the Abkhaz and the Georgian participants as equal and considered that it was up to the sides to define the final status of Abkhazia.

Secondly, although certain projects achieved concrete results, these activities were process- rather than outcome-oriented.[106] In official negotiations, only results matter. In Tracks 1.5 and 2, concrete outcomes are less important. What matters is the change in the relationship between the parties. Even in the case of IA projects, which resulted *inter alia* in videos and a book containing stories by well-known South Caucasian authors,[107] what counted most was the ways in which the parties responded to each other and how their attitudes and behaviour changed.[108]

Finally these projects were tailored to the beneficiaries' preferences in order to facilitate local ownership. The initiatives to be implemented by each sector of IA's programme, the themes of the UCI/Böll conferences and the topics to be analysed in the Schlaining process were defined by the participants themselves, although in the latter case the process itself was not in the hands of the local partners, unlike in other CR-sponsored activities. Here, CR was the organiser and made the decisions on participant selection and workshop structure. [109]

3.2 Views of the Abkhaz and Georgian authorities with regard to informal dialogues: from Abkhaz resistance to Georgian opposition

3.2.1 On the Abkhaz side: concern that the status desired for Abkhazia could be jeopardised

When several Abkhaz NGO representatives expressed their willingness to take part in these dialogues in the 1990s, they represented a minority, even among the Abkhaz NGOs themselves.[110] An Abkhaz civil society activist who helped launch dialogue

activities in the 1990s recounted that she and her colleagues had to face considerable opposition from the population. Lacking knowledge about those activities, the Abkhaz population feared they would play in the hands of Tbilisi, give an opportunity for unrepresentative spokespeople to negotiate, or precipitate the loss of traditional values by spreading Western values that were alien to Abkhazia.[111] The criticisms included claims that the participants were not pro-Russian enough or that they were only interested in the leisure or financial aspects of the activities.[112]

Among those voicing these comments were veterans, who had wielded considerable influence over Abkhaz society since the war. In this regard, an IA participant acknowledged that he and other members of the Inva-Sodeistvie Association (AIS) were always careful, when taking part in those dialogues, to represent only themselves. He acknowledged that even within his organisation, which was more open than other veteran movements, the reactions to such meetings were far from unequivocal.[113]

The second major critics were the authorities themselves. Under Ardzinba, the authorities were not greatly in favour of these discussions or, in particular, of the non-governmental involvement in inter-communal dialogues. They feared that they might jeopardise the pursuit of independence. Anri Dzhergenia, Ardzinba's chief adviser during negotiations from 1993 and Abkhazia's prime minister in 2001-2002, felt that no good could come of these projects. He regarded them as helping Georgia recover Abkhazia, and as prime minister he more than once vetoed the holding of joint meetings in Abkhazia, as remembered by an Abkhaz activist who consequently, together with INGOs, had to organise the meetings in third countries.[114] Astamur Tania, a key adviser to Ardzinba, was also critical of civil society's involvement in the dialogues. As he put it in an article published by an Abkhaz NGO in 2003: "donors and international experts possess the technological means to direct the Georgian-Abkhaz dialogue taking place at the level of NGOs in the direction they favour", meaning: towards the reintegration of Abkhazia within Georgia.[115]

The opinion of Ardzinba himself was unclear. Several offensive, anonymous articles against NGOs participating in these dialogues were published in *Respublika Abkhaziya* on the eve of the 2002 and 2004 elections. As this was the newspaper of the office of ministers, everyone took it for granted that they reflected the official position endorsed by Ardzinba.[116] That is why the officials who supported the dialogues usually acted with caution, as did Sergei Shamba, the MFA since 1997.[117] He favoured dialogue and gave his permission for joint meetings to be held on Abkhaz territory (permission that was sometimes later retracted by another high-level official). But he did not voice his support very loudly.

The new Abkhaz president, Sergei Bagapsh, came to power in 2005 with a more 'NGO-friendly' approach. Positive developments ensued for NGOs, such as the holding of several consultations between them and the new administration on various internal problems. In 2007, relations between civil society and the authorities were 'not bad', or 'normal', according to an NGO interviewee working with youth, who emphasised that the authorities would at least listen, even if they disliked what they heard.[118] Owing to the appointment to official posts of former opposition members close to NGOs, the latter's access to decision-making became easier. This increased the potential for the

transfer of ideas generated in dialogues to the official level. A civil society activist from a major NGO noted that she and other activists could knock on the doors of several high-level officials to give them feedback on what they had heard during the UCI/Böll conferences, for instance.[119]

In parallel with the worsening of Georgian-Abkhaz relations came the radicalisation of the non-governmental sector. NGO representatives had always been staunch supporters of Abkhazia's independence. From 2006 onwards they became even more uncompromising than the officials with regard to negotiations, for example – a fact acknowledged, with some pride, by two Abkhaz officials in the presidential administration.[120] In 2007, for instance, Abkhaz NGOs refused to respond to an EC call for proposals because they referred to Abkhazia's belonging to Georgia. They refused to yield, despite attempts by an Abkhaz minister to persuade them to apply (see Chapter Five). Nonetheless, this does not mean that official criticisms of NGOs disappeared. They can still be heard, even in the presidential administration. An activist working with young people did not dismiss the possibility that Bagapsh's government might resort to methods used by Ardzinba's regime, such as the rude condemnation in newspapers and on television, if it perceived the NGOs as a serious threat to their hold on power.[121]

3.2.2 On the Georgian side: worries about increasing the *de jure* status of the Abkhaz officials

When the representatives of Georgian civil society showed their interest in meeting their Abkhaz counterparts, the reactions in their society were extremely negative at first. Paata Zakareishvili recalled that in 2000 some Georgian inhabitants were so angry after the first meetings of the Schlaining process that they wanted to prosecute the participants.[122] However, while the need for unity was preponderant and social control was exercised in an effective manner in Abkhazia, Georgian society was far more open. As Sadzhveladze *et al.* underlined, Georgia already had some experience of political pluralism and free media, and its inhabitants were free to criticise everything and everyone.[123] Moreover, when dialogues started, the authorities did not really pay attention. This indifference turned into interest with regard to the Schlaining process, however. From 2000 to 2006, Georgian officials became involved at increasingly higher levels. A regular participant considered that this indicated that the Georgian authorities, including Shevardnadze, gradually came to believe that engagement with the Abkhaz authorities could lead somewhere.[124]

One significant example of this engagement was the 'Concept on the Special Status of Abkhazia in the Georgian State', elaborated at the suggestion of Davit Bakradze and with the support of Shevardnadze. After having participated in the Schlaining process and study visits in 2002, Bakradze, then a member of the Georgian Security Council, realised that the Georgians did not have a good understanding of the Abkhaz expectations and had never offered a concrete, detailed proposal. An informal group was set up with different experts who all took part in at least one of the dialogue projects.[125] The drafting of what could have been the first well-articulated Georgian offer to the Abkhaz officials was completed in October 2003.

Based on the Annan Plan for Cyprus and on the Catalan example, this extensive, 29-page document provided for the establishment of an asymmetric federation in which the Abkhaz would be regarded as not merely a national minority but as "one of the historical founding subjects" of the Georgian state, and a "sovereign state entity".[126] Because of either an unwillingness to compromise or a fear of public discontent – interviewees were divided on the question – the new administration never made use of the proposal, apart from some ideas that were fed into Saakashvili's March 2008 proposal (see Chapter Three).[127]

This policy of engagement changed gradually after the Rose Revolution in 2003. As noted in the previous chapter, Mikhail Saakashvili was utterly impatient of conflict resolution. He was not only willing to shake up the negotiation format; he called into question non-official initiatives too. As mentioned in Chapter Three, his approach followed four policy lines: involvement by the international community, a change of peacekeeping format, isolation of the Abkhaz regime and the establishment of bilateral negotiations. Rather than seeing informal dialogues as almost the only forum where the parties could meet bilaterally, the Georgian authorities expressed their dissatisfaction with and suspicion of such dialogues and the people involved in them. They favoured a more "coherent line" between official and unofficial initiatives.[128]

In this regard, the Schlaining process was perceived as entrenching Abkhazia's separateness by allowing the Abkhaz officials to reach out to the international community. In the same vein, a Georgian analyst at the Georgian Foundation for Strategic and International Studies (GFSIS) reported that international NGOs organising these processes were sometimes condemned for being biased in favour of the Abkhaz side.[129] Reproaches were made to the UCI/Böll conferences that no concrete results were being achieved and that this was not working in Georgia's interest.[130] An international organiser of informal dialogues recounted that one year after Saakashvili expressed the opinion that an official meeting with the new Abkhaz president Sergei Bagapsh should occur in Tbilisi or Batumi, not elsewhere, the authorities also made the point that informal dialogues ought to take place within the borders of Georgia. [131] This was yet another illustration of the closer links between Tracks 1, 1.5 and 2 promoted by Tbilisi.

These condemnations had already been made in 2005. Although Giorgi Khaindrava and Irakli Alasania, both staunch advocates of these formats, tried to safeguard them, the Schlaining process was hindered by several refusals to participate, due most likely to pressure from above. After the dismissal of Khaindrava in July 2006, the requests to include Georgian officials in the Schlaining process or UCI/Böll conferences were met with a blank refusal. As a result, the last meeting of the Schlaining process was held between parliamentarians in July 2007. Attempts to revitalise it in 2008 failed. Officials also stopped attending the UCI/Böll conferences. One of the organisers said that the authorities had threatened to advise all the Georgian participants strongly not to take part in the conferences, but in the end had decided against doing so.[132]

This went along with a toughening of the isolationist policy. From then on it also became nearly impossible to travel to Abkhazia with the UN: the Georgian Ministry for Conflict Resolution either refused to grant the necessary authorisation, or did not respond to applications.[133]

3.3 Reactions of the Abkhaz and Georgian authorities to the participation of civil society members, officials and the government-in-exile

The previous section suggests that Sukhum/i and Tbilisi examined whether these dialogues were in line with the strategy they had adopted for attaining their desired status. This was especially the case under Ardzinba and Saakashvili. In the following section, I show how the authorities' concerns made it more complicated to involve civil society representatives from Abkhazia, Georgian officials and the Abkhaz government-in-exile in informal dialogues. Interesting insights into these aspects have already been provided in Oliver Wolleh's report on the Schlaining process.[134] I build upon his analysis and add details from interviews and the experience of other dialogue processes.

3.3.1 Civil society participation as seen from Sukhum/i: from a threat to independence to an asset

As noted before, under Ardzinba the authorities were not very supportive of civil society, to say the least. But where participation in dialogue by middle-range representatives was concerned, they had no say. Indeed, the participation of the Abkhaz was not dependent on official authorisation. And however much the authorities may have disliked this, they did not threaten them or prevent them from participating. This reluctance may be partly explained by their desire to ensure national unity on the subject of Abkhazia's desired status. In their struggle for recognition, they did not want discordant voices to reach an international audience and give the impression that some Abkhaz did not want independence.

In fact, what emerged from the discussions with representatives of Abkhaz civil society was a strong dedication to Abkhazia's independence. An Abkhaz organiser of informal Georgian-Abkhaz dialogue explained that while there was no disagreement between the authorities and NGOs in terms of strategy, their tactics differed.[135] NGOs believed in dialogue and cross-conflict engagement with top- and middle-level Georgian representatives. The reasons why they engaged were manifold and most probably evolved over time. They included a willingness to understand the position of the Georgians and, in turn, to clarify their own; to explain their interests and find a mutually acceptable solution; to avert war and strengthen peace in the region via joint/parallel initiatives; and/or to establish good neighbourly relations between two internationally recognised states on the basis of mutual understanding.

Over the years, Abkhaz society in general and the authorities gained, if not full confidence, at least sufficient trust to believe that dialogue was not harmful to Abkhazia's independence and that Abkhaz civil society was as 'patriotic' as the rest of the population. Besides, their involvement in dialogue began to be seen as contributing to the recognition of Abkhazia. In light of the 2002 'standards before status' policy, *de facto* states began to consider that the existence of democratic institutions could facilitate their recognition.[136] Showing the international community that it had a vibrant civil society was a way of demonstrating Abkhazia's progress towards democracy, something the Abkhaz saw as important both in itself and in relation to their bid for independence.[137]

In this regard, Sergei Bagapsh's message to the Abkhaz parliament in 2008 was illustrative of how the authorities interpreted the role of civil society. "In the context of today's reality, the use of the potential of civil society in the implementation of foreign policy is extremely topical for the sound development of a democratic state. Social structures may assist in supporting Abkhaz diplomacy effectively. This includes the presentation of the Abkhaz republic, its position on different issues in international forums, the participation of civil society in activities of international civil society and informal diplomacy".[138]

This partly explains why Tbilisi saw Abkhaz NGOs as GONGOs and started to question the funds allocated to them (see Chapter Five). It also clarifies why Georgian officials began to criticise informal dialogue. Conflict resolution, in Saakashvili's view, should result in the quick recovery of Abkhaz territory. The absence of a shift in the political position of the Abkhaz participants demonstrated the failure of informal dialogue. In the words of John-Paul Lederach, the vision of the future, namely the "desirable social and political structures and future relationships between those groups currently in conflict", was indeed significantly different for the Abkhaz and the Georgians.[139] The same conclusion can be reached about the positions of the Georgian participants, however. Some were ready to accept the idea of an independent Abkhazia, but they constituted at best a handful of people: the vast majority of participants held to their preliminary position, which was that Abkhazia's status must be defined within Georgia. At the same time, an international organiser of dialogue processes underlined that if a surprising or provocative (in the eyes of their own society) statement could be heard, it was from the Georgian, not the Abkhaz, side.[140]

The fact is that Track 2 or 1.5 necessitates the involvement of those who have the ear of the officials and who are strong enough to withstand internal criticism.[141] The Abkhaz participants were key opinion-makers in their own society, as were the Georgian middle-level representatives, even though the latter tended to become more and more isolated from the mainstream of Georgian political society in the last few years. As an IA manager commented, this was because peacebuilding, challenging the image of the enemy (*obraz vraga*) or understanding the Abkhaz's viewpoint were not priorities in Georgia. Internal issues were considered far more important.[142] And a swift settlement was preferred over long-term peace-building.

3.3.1.1 Participation by officials and opposition: Tbilisi's hostility to the raising of the de jure status of the Abkhaz through dialogue

The desire to show unity and to conceal internal divergences with regard to Abkhazia's desired status was also behind the decision of the Abkhaz authorities to object to opposition participation in the early workshops of the Schlaining process.[143] It must be emphasised that at the time these projects began, media and political opposition was barely tolerated in Abkhazia. Until the presidential elections of 1999, self-censorship was the rule in the media, as an Abkhaz journalist has pointed out.[144] Opposition parties did not come into existence until 1999, together with the introduction of free speech. By agreeing to the inclusion of the emergent opposition in the Schlaining process, the authorities feared that these representatives might shatter the image of a population

united by a common longing for independence. This resistance did not last long, however. In 2002, for instance, the historian Stanislav Lakoba, at that time opposed to Ardzinba, was admitted to the seventh meeting.

Under Shevardnadze, the composition of the group of Georgian officials involved in the Schlaining process did not pose any problem. It seems that, until 2005, the authorities never opposed the involvement of officials or put pressure on participants. Generally speaking, the official and unofficial conflict resolution activities were being carried on independently, with informal dialogues trying to influence the officials and the negotiation process, but not the other way around. As mentioned earlier, things began to change under Saakashvili. In 2005, several people withdrew their participation just before the workshops started, probably in response to high-level pressure. From July 2006 the authorities first tried to impose their own participants, later merely refusing any official involvement in the process. The parliamentarians were still willing to meet, and did so in July 2007. But this was a backward step in comparison with the previous level of involvement.

If the reason behind the official refusal to collaborate actually was Georgian uneasiness about the de-isolation of Abkhazia, as noted before, this would reveal the extent to which Saakashvili's policy regarding Abkhazia's *de jure* status pervaded all the tracks (see Chapter Five). The facts tend to confirm that conclusion. As highlighted in Chapter Three, the Georgian authorities were anxious that external actors might disregard the fact that Abkhazia was part of Georgia. This necessity to assert Abkhazia's *de jure* status was behind Shevardnadze's decision to lobby for the 1996 CIS sanctions, Saakashvili's condemnation of people engaging directly with the Abkhaz authorities without the consent of Tbilisi, and the Georgian authorities' refusal to grant the Abkhaz authorities permission to travel to New York, as proposed by the SRSG Jean Arnault, to quote a few examples.

It is likely that this urge to ensure that Abkhazia was seen as a legal part of Georgia also applied to unofficial dialogues. The policy briefings organised by CR at the OSCE headquarters or the British Foreign Office, for instance, allowed the Abkhaz top- and middle-range representatives to present their point of view to a broader audience. For the Abkhaz to have such access to the international community went against Saakashvili's approach to conflict resolution. It is perhaps significant of the impact of the Schlaining process on the Georgian participants, or of their initial openness, but all the Georgian participants interviewed found this condemnation of Schlaining groundless. Some spoke of idiocy or protested that the Abkhaz could not be boxed up and isolated from the international community.

3.3.1.2 The gradual involvement of the Abkhaz government-in-exile, displaced people and returnees

Abkhaz official policy also pervaded the unofficial dialogues. In Chapter Three we saw that, as soon as post-war negotiations began, the Abkhaz officials succeeded in defining the conflict as being over Abkhazia's future status, and not a local conflict of authority within Abkhazia which would not allow them to contest and upgrade its *de jure* status. They therefore demanded to meet the official representatives of Georgia, and not merely

the members of the Abkhaz government-in-exile, namely former members of the Soviet Council and Committee of Ministers of Abkhazia. The same principled position was formulated regarding the Schlaining process.

Yet this principle was challenged during the very first meeting in 2000. Whereas the Georgian and the Abkhaz groups were already in Stadschlaining, an unexpected representative of the government-in-exile was sent, Napoleon Meskhia, probably imposed by the Abkhaz government-in-exile itself. A former member of Shevardnadze's presidential administration remembered how he, together with another Georgian participant, negotiated with two Abkhaz participants to defuse tensions.[145] The fact that the representative enjoyed a good reputation in Abkhazia as a neuro-surgeon and that he was still performing operations at the Abkhaz's request in Sukhum/i or Zugdidi in the post-war period facilitated his inclusion. The decision to change the agenda of the meeting and to hold an academic seminar rather than a dialogue workshop was also helpful.[146] Meskhia regularly took part in the meeting afterwards.

On the whole, representatives of the government-in-exile could be included as long as they were considered 'ambiguous', meaning: if at the same time they worked for an NGO, were not warmongers or disagreed with the confrontational chairman of the government-in-exile, Tamaz Nadareishvili.[147] For instance, the 'conciliatory' nature of Tamaz Khubua, a member of the government-in-exile, made him acceptable to the Abkhaz. He joined in the second meeting and took part in the Schlaining process almost on a permanent basis, especially when the problem of the displaced people was tackled. The participation of Irakli Alasania constituted a further step towards inclusion of the government-in-exile. In April 2005, when he joined in the Schlaining process, Alasania was the head of the Abkhaz government-in-exile, the third since the war (after Nadareishvili and Londer Tsaava).[148] A facilitator of the Schlaining process related that as Alasania's position might have sounded provocative, his parallel status as Special Representative of the President in the Georgian-Abkhaz talks was put forward instead.[149] This considerably eased the discussion with his Abkhaz counterparts.

Outside the Schlaining process, similar resistance to the inclusion of displaced people was met in Track 2 projects. The Abkhaz participants and Abkhaz organisers occasionally opposed the involvement of former inhabitants of Abkhazia on the grounds of "aggressiveness". This was partly the result of the policy of the Abkhaz government-in-exile and Georgian government of portraying the displaced people as aggressive and vengeful, even though they were no more prone to violent solutions than the rest of the population.[150] In doing this the authorities hoped to put pressure on the Abkhaz and to win electoral support from the population.[151] The result, as Laurence Broers observed, was that it closed the door on the analysis of peaceful alternatives among the displaced people.[152] Their depiction as bellicose and hardline also hindered their return as well as their inclusion in conflict resolution activities.

The Abkhaz were similarly reluctant to meet the Georgians returnees living in the Gal/i district. The position of the latter had always been very uncomfortable. They generally shared Tbilisi's point of view with regard to the future constitutional status of Abkhazia. But as long as this issue was not settled, they agreed to live under Sukhum/i's rule. As a result, their identity was contested by both sides. The Abkhaz population and leadership commonly perceived the returnees as a fifth column ready to betray

the Abkhaz regime and to weaken the *de facto* state through uprisings. The Georgians (especially the militias roaming in the conflict zone) disliked their decision to live under Abkhaz rule. Gal/i inhabitants Pridon Chakaberia and David Sigua were most probably victims of their involvement in the Abkhaz institutions. Pridon Chakaberia, Abkhaz head of administration of Kvemo Bargebi in the Gal/i district, was arrested in December 2006 and released by the Georgians in April 2007. David Sigua, the Georgian head of the Gal/i election commission, disappeared in February 2007. His whereabouts are still unknown at the time of writing (January 2010).

For years the main Abkhaz NGOs, based predominantly in Sukhum/i, shared the authorities' suspicion of the necessity to engage with organisations from the Gal/i district. The first joint meetings, in 2003, paved the way for intra-Abkhazia collaboration. It included an IA workshop for civil society representatives from Gal/i in Pitsunda (Abkhazia) and the Women for Conflict Prevention and Peacebuilding project, supported by UNIFEM and local NGOs from both Abkhazia (Gal/i and Ochamchira district included) and Georgia.[153] Several cases of joint intra-Abkhazia projects ensued. These included the joint management of libraries in Gal/i and Sukhum/i supported by Kvinna till Kvinna as well as the newly established Gal/i human rights centre, which opened in December 2007. In June 2008 Georgian returnees took part in a UCI/Böll conference for the first time, something that would have been inconceivable only a few years earlier.

3.3.1.3 Two remaining issues regarding inclusiveness

While these dialogue processes gradually became more inclusive, two main problems remained unsurmountable: the inclusion of radicals and the enlargement of the circle of participants. As stressed by Jonathan Cohen, "[m]oderates may help to initiate dialogue, mainstream participants lend substance to the process, but progress is unlikely without hardliners".[154] Getting the radicals – especially those supporting a forceful resolution of the conflict – on the bandwagon eliminates spoilers that might otherwise undermine the peace process.[155] There was an attempt to bring in a more radical Georgian figure at a UCI/Böll conference, but the results proved inconclusive. One of the organisers recalled that this participant kept silent throughout the whole conference, thereby preventing the other participants from speaking their minds freely.[156]

Enlarging the circle of participants was another challenge for Track 2 organisers. In UCI/Böll conferences and IA programmes, the Abkhaz participants were wary of including new Georgian people with whom trust had not yet been established. They did not wish to return to the emotional discussions of wartime events they had had in the 1990s. As an external organiser commented, the main advantage of the UCI/Böll conferences was that very awkward questions could be tackled frankly. On the other hand, not everyone could be included.[157] On the Georgian side also, the circle, although bigger than in Abkhazia, remained small. As a direct consequence of this, the same participants generally took part in all three projects, thereby restricting the development of a peace constituency.

3.4 Fundraising: absence of status-related considerations among donors

On the whole, it was far easier to find funds for dialogue than for grassroots work. Donors were generally cautious about funding grassroots activities taking place in parallel in Georgia and Abkhazia, or unilaterally within Abkhazia, as the next chapter will show. This was not the case with joint dialogues. Former Programme Head for IA, Anna Matveeva, recalls having some trouble with foundations wary of supporting projects involving Abkhaz participants in 1996-1997.[158] A Dutch foundation, for instance, asked to be given written guarantees that the Abkhaz participants were moderates, and their credentials to prove it. But IA quickly got funds from TACIS to start implementing its Georgian-Abkhaz programme in 1998.

The EU also supported the programmes of IA and CR. The two London-based organisations benefited in addition from the budget line for the Russia/CIS region of the British Global Conflict Prevention Pool (GCPP),[159] and none of CR's other donors, such as the Swiss, Swedes or Dutch, attached conditions to their funds. Paula Garb's project caught the interest of the American Flora and William Hewlett Foundation.

It thus appears that donors did not fear that they might entrench the *de facto* status of Abkhazia or upgrade its *de jure* status by supporting such informal dialogues. There are probably several reasons for this. First, since these activities promote bilateral meetings, donors were not worried about raising Abkhazia's status on the ground. Secondly, some governmental donors had a vested interest in the resolution of the conflict. The UK, for instance, was very open about its aims. The prosperity of the region and the development of former Soviet states into democratic states obeying the rule of law and functioning according to EU standards were deemed necessary for peace and stability on the EU's borders and for enough security to be able to diversify energy supplies.[160] The UK regarded CR and IA, among others, as being able to push forward an agenda they could not promote through official diplomatic channels. As they recognised the territorial integrity of Georgia, the British authorities could not (and were not willing to) take a neutral stance to facilitate meetings as CR did in the Schlaining process, for example. But as an official from the British Foreign Office explained, they believed that although the Abkhaz *de facto* state was not an equal player on the world stage, it was an equal player in conflict resolution and should be involved at both an official and an informal level. [161]

3.5 The participants and status-related considerations

3.5.1 Organising dialogue in Abkhazia and Georgia: endangering one's desired status?

As a rule, dialogues take place in a safe environment where parties can engage in interactions differing from conflict interactions.[162] This usually excluded Georgia or Abkhazia from the list of potential venues, owing to what Oliver Wolleh, in writing about Cyprus, called the factors of 'self-restriction' and 'repression'.[163] Self-restriction relates to the decision by the participants not to go to the other side because of personal

conviction and/or an anticipation of potential criticisms or problems. Repression relates to the impossibility of going owing to concrete threats or intimidation, for instance.

Nothing prevented the inhabitants of Abkhazia from going to Georgia, as the Ingur/i was regarded by the Georgians as a cease-fire line, not a border. Since Abkhazia was considered to be fully part of Georgia, the Abkhaz population could freely come to the other side. There was an office on the Georgian side of the Ingur/i bridge checking who crossed the line, but there was no thorough control, and no forms to fill in. Yet the Abkhaz middle- and top-level representatives were particularly worried that their arrival could be construed as an agreement to living in the same state as the Georgians. As a result, they often showed self-restraint and usually refused to take part in meetings there, especially after the rise of tension between Abkhazia and Georgia in 2006.

Conversely, the Georgian participants had always been very eager to go to Abkhazia. Unlike the Greek Cypriots, the Georgians did not fear that they might 'implicitly recognise' Abkhazia by entering its territory.[164] On the contrary, they wanted to enjoy freedom of movement because they regarded the Abkhaz territory as fully theirs. The Abkhaz authorities, however, regarded the ceasefire line as a state border and regulated entrance to their territory strictly. So while Georgians with relatives in Abkhazia could usually enter once the necessary procedures had been carried out, official visits from Georgia were usually subject to specific approval by higher-level Abkhaz authorities.[165] Cases of illegal crossing were occasionally subject to repression, as shown once again by the arrest of a journalist and two other Georgians in February 2008.

These factors of self-restriction and repression did not always apply (see also Chapter Five). In 1999, the participants at UCI conferences felt confident enough to set aside the less controversial topics favoured until then, such as Black Sea cooperation, and to speak for the first time about their feelings and grievances arising from the war.[166] Following this breakthrough,three Georgian activists and scholars travelled to Abkhazia and took part in a series of public meetings in December 1999. A similar visit to Georgia by six middle-range Abkhaz representatives took place in December 2000. It enabled them to hold discussions with the Georgian public and to try to increase the circle of participants in informal dialogue. Participants reported that the meetings in themselves were very satisfactory. But the fear within the Abkhaz society that Georgian officials could use these encounters for their own purposes, the fighting between Chechen, Georgian and Abkhaz forces in the Kodor/i valley in October 2001, and the hostility of high-level Abkhaz officials towards the initiatives, all frustrated the attempts to organise other such meetings.

That said, other activities involving Georgian participants continued to be organised in Abkhazia. For instance, young people from Georgia and other Caucasian states continued to attend a summer school organised by CR in Pitsunda (Abkhazia), probably because this had been a low-profile, pan-Caucasian activity providing Abkhazia with a window upon the world. Local organisations working with IA still invited Georgians to Abkhazia. Careful organisation was needed with complete transparency about the goal of the visit, or all the organisers of such exchanges might suffer the consequences.[167] And until the escalation of tension in 2006, journalists and other activists from both sides regularly travelled back and forth.

3.5.2 Absence of valid passports: Tbilisi's assistance to the Abkhaz participants

Because, unlike in Cyprus, there was no buffer zone where the parties could meet, most of the dialogue meetings had to take place in neutral countries. The question of travel documents therefore arose.

When these activities began, in the 1990s, Abkhaz inhabitants had only Soviet passports, as the Abkhaz regime refused to regard its citizens as citizens of Georgia and so would not allow them to hold Georgian passports. The Abkhaz authorities initially asked the UN for temporary travel documents modelled on Nansen passports, but Tbilisi did not endorse the idea. First issued in 1922, these passports were used as international identification and travel documents for stateless people. Albeit not stateless, the Abkhaz did not enjoy freedom of movement. In this respect, a Nansen-type document would have allowed them to travel without being subjected to Tbilisi's authority. For Tbilisi, however, this would have been tantamount to accepting the idea that the Abkhaz were not Georgian citizens anymore. And this would have given an additional attribute of sovereignty to the Abkhaz regime, thereby upgrading its *de jure* status.

Given the lack of alternatives, the Abkhaz population could travel only in the former Soviet countries, where their Soviet passport was still valid. The closure of the Russo-Abkhaz border between 1994 and 1996 to men of fighting age posed some problems for the first meetings in Russia.[168] These problems disappeared afterwards, however, and UCI/Böll conferences and IA's programme went on unhindered unhampered in former Soviet countries.

But the lack of recognised documents posed a technical challenge for the Schlaining meetings, which took place in Austria, Germany and United Kingdom, as well as for other activities and conferences organised in Europe and in the US. As a rule, the process was based on a system of laissez-passer. First, Tbilisi gave its permission for the Abkhaz to travel. Then the organisers asked the host country to let the Abkhaz come in without legitimate travel documents. Once they had the authorisation from the host country, they could contact the Russian authorities to ask them to let the Abkhaz out and back in again.[169] In the case of the Schlaining process, the assistance provided by the Georgians under Shevardnadze demonstrated Georgia's degree of flexibility with regard to status-related considerations.

By the time Tbilisi became distrustful of the Schlaining process, the organisers no longer needed to ask for Tbilisi's permission. Indeed, when the opportunity to get Russian passports on the basis of their former Soviet passport arose in 2002, Abkhaz citizens applied en masse to the 'Russian Community' based in Sukhum/i and started to travel as Russian citizens.[170] Travel issues did not entirely disappear, however. Some Abkhaz did not have a Russian passport, such as an NGO member who told me that she was against the idea of having one.[171] Since travel still required Moscow's consent to letting the Abkhaz go in and come back out, authorisation was affected by the political context.

3.5.3 Dialogue format: Abkhaz fear of sending the wrong message on Abkhazia's desired status, and Georgian fears of a pan-Caucasian alliance

The issue of status was among the considerations governing the choice of the meeting format. In the beginning especially, the middle-level Abkhaz representatives were not very enthusiastic about engaging in bilateral encounters with their Georgian counterparts. They did not want to give the wrong impression about their desired status by suggesting that they had agreed to live with the Georgians in one state. In 1998 they therefore presented the IA coordinator, Gevork Ter-Gabrielan, with an "ultimatum" to switch the format of the newly funded bilateral programme on confidence-building between the Abkhaz and Georgian societies to a multilateral, pan-Caucasian one.[172] They justified their demand by saying that there were already other bilateral meetings and that a multilateral framework would be more acceptable in the eyes of the Abkhaz population.

When invited to meet the Abkhaz within this format, the Georgian representatives did not object, but they were concerned that it might lead to a variant of the 1991 Confederation of the Mountain Peoples of the Caucasus, namely an anti-Georgian front. The Abkhaz Manana Gurgulia recalled that these concerns were overcome when the Abkhaz promised not to build an alliance and not to include politicians in the dialogues.[173]

Opinion diverged among the interviewees concerning the effectiveness of a pan-Caucasian format. Many (former) Abkhaz participants underlined the fact that the multilateral framework helped the conduct of meetings, especially when participants resisted face-to-face contact, as in the case of ex-combatants who were reluctant to meet bilaterally before 2005 but who agreed to meet together with other Caucasian participants in Nalchik as early as 1999. This format also helped allay the anxieties of the Abkhaz society about Georgian-Abkhaz encounters. An Abkhaz journalist who took part in IA's meetings stressed that at a time when encounters with Georgians to talk or to build trust were likely to be disapproved of, if not condemned outright, by the Abkhaz society, it was easier to justify their participation by saying they were making contacts at the Caucasian level.[174] Other IA participants interviewed by Catherine Barnes said that it sometimes led to the paradoxical situation where discussions over the Georgian-Abkhaz conflict dominated every pan-Caucasian meeting and where the other participants felt sidelined.[175] Georgians interviewed were also mostly positive about the format. Some Abkhaz, however, were more sceptical. An Abkhaz activist promoting women's rights maintained that as the conflict resolution should occur at the Georgian-Abkhaz level, not the pan-Caucasian one, the meetings should take place at the bilateral level.[176]

This format also had distinct advantages for the Abkhaz representatives, as it gave them an opportunity to break their isolation, reach out to a wider audience and express their positions. Ter-Gabrielan observed that the propensity of some members of the Caucasus Forum to pursue political objectives rather than conflict transformation was one of the obstacles to networking. The Abkhaz participants were among those who seized the chance to voice their political positions in this international setting.[177] After some years, the funds for the Caucasus Forum dried up and the craze for pan-

Caucasian activities faded. Some activities remained pan-Caucasian, however, including IA's project on economy and conflict which involved South Caucasian businesses in promoting cooperation across the conflict divide, and the aforementioned summer school.[178]

The organisers of the Schlaining process and UCI/Böll conferences opted for a bilateral format which was, as a rule, preferable to the Georgian participants. In the case of the UCI/Böll conferences, the participants saw a bilateral format as an opportunity to compensate for the absence of face-to-face dialogue at the community level.[179] In turn, the Schlaining process was an opportunity to facilitate bilateral exchanges in a neutral and impartial manner, in contrast with the official level, where the bilateral channel remained seemingly underdeveloped in comparison with the UN- or Russian-led channels. (Some official discussions were also held in private, but the confidentiality surrounding these bilateral meetings makes it impossible to judge how relevant they were or how far they advanced the negotiations.)

The bilateral format was also acceptable to the Abkhaz as long as these projects were not officially institutionalised. They refused to be in a bilateral organisation, as that might be interpreted as acknowledgement that Abkhazia should be part of Georgia.[180] In the case of UCI/Böll conferences, the Georgian participants were also reluctant to institutionalise the process. They did not wish to divert energy from direct peacebuilding efforts.[181] In fact, only multilateral dialogues such as the Caucasus Forum gave rise to a formal structure, although Paula Garb and Susan Allen Nan regarded the UCI/Böll conferences as 'quasi-institutionalised', given their regularity.[182]

While Russia was so predominant at the official level, no informal dialogue was held with Russian officials. The Russians themselves made no attempt to organise their own informal activities. It was only in 2004 – when the core group of the UCI/Böll participants thought it was time, given Russia's increasing role in the official negotiations, to hold direct discussions with their Russian civil society counterparts – that the UCI/Böll foundation organised two trilateral meetings in Moscow.[183] Several Russian specialists (including political analysts and a sociologist) and human rights defenders were then invited to discuss, among other things, Russia's policy and interests in the Southern Caucasus. The UCI/Böll conferences then shifted to a multilateral format with the inclusion of international experts in the meetings. But at least one or two days were always devoted to bilateral discussions during the conferences, whether trilateral or multilateral.

3.5.4 Feeling of equality between the participants

In terms of status, one of the main differences between official negotiations and informal dialogues is that accepting equality is a precondition for participating in dialogue – equality meaning that all participants are equally important and thus deserve the same treatment. The reason for this is that equal-status interaction is said to encourage listening and facilitate a change of attitude by the participants.

This assumption is based on the tenets of social psychology. Laying the foundations of what became the 'contact hypothesis', Gordon Allport asserted that equal status during the contact period (even if the groups are unequal outside the

meeting), together with the fulfilment of other preconditions – the pursuit of a common goal, the need for intergroup cooperation to reach this goal and the support of authority figures – is likely to modify attitudes, and prejudices in particular, in the long term.[184] Equality is also an end in itself, for the purpose of these dialogues is to advocate for rebalanced relationships. As Adam Curle underlined, the ultimate aim of conflict resolution is to develop peaceful relationships where "(...) there is neither domination nor imposition. Instead, there is mutual assistance, mutual understanding, mutual concern and collaboration founded on this mutuality (...)".[185] Was there a feeling of equality in the informal Georgian-Abkhaz dialogues?

Equality is often translated into 'factual equality', that is, an equal number of participants together with respect for other case-dependent 'unwritten rules' such as an equal balance of men and women, incumbents and opposition, etc.[186] The principles of dialogue (everybody has the right to speak) may also ensure that every participant has the opportunity to express him or herself and that each person's fears and concerns are given equal consideration.[187] Broadly equal representation was sought in the three projects under review. The organisers of the Schlaining process tried to strike a balance between the forces present in Abkhaz and Georgian society.[188] Even in the pan-Caucasian meetings of IA, there were roughly the same number of Georgians and Abkhaz, while other nationalities were sometimes underrepresented owing to lack of funding or difficulty in finding candidates. However, both organisers and participants emphasised that the criterion of equality does not have to be followed to the letter. They pointed out that the right balance depends on the case at hand and on the participants: people who have already worked together for a while pay less attention to such issues.[189]

There are power relations at work in informal dialogue too. They depend on numerous elements, including economic situation, age, gender, and perceptions. At first, the situation in Abkhazia was not conducive to a feeling of equality, to say the least. After the war, the economic situation and educational opportunities there were less developed than in Georgia. Although the Georgian situation was quite bleak, students could receive an education in the West. Some Abkhaz participants acknowledged having felt unequal to the Georgians at that time. Anna Matveeva reported that in 1996 the participants did not share the same level of diplomacy or command of English. Confronted with the Tbilisi elite, the Abkhaz participants felt they had to compensate for their lack of sophistication by maintaining an artificial hostility[190] – a good illustration of the fact that it is easier for a confident party to talk to the other side than it is for one who feels insecure or oppressed, as suggested by an organiser of such activities.[191]An Abkhaz journalist said that she had felt uneasy at first about the gap between the levels of education provided in Abkhazia and in Georgia. But far from obstructing her participation in the project, she felt this as a stimulus to contribute to the development of Abkhazia.[192]

During my interviews, however, the participants raised no issues regarding inequality. It seems likely that the Track 2 activities, which started in the 1990s to increase the Abkhaz top- and middle-range representatives' capacity to engage, were regarded as legitimate in this respect.

4. Summarising and explaining the leeway in informal dialogues

In the pre-war period it was almost impossible to mobilise the intelligentsia to initiate a dialogue that was virtually absent at the official level. The reason was that the intelligentsia was at the root of the dispute about status. Many of its members were radical, unable or unwilling to discuss anything that was not in line with their vision of Abkhazia's future status, and they sometimes prevented others from doing so, thereby obstructing considerably the existing dialogue processes. The situation did not change during the war. This was understandable: wartime is hardly a good time to start informal dialogue.

The post-war period is more instructive. Several dialogue processes were gradually developed and most of the authorities' status-related concerns were addressed by the organisers. Under Shevardnadze, such concerns were absent. The authorities were willing to show flexibility in order to facilitate the organisation of meetings, as illustrated by the case of the passports. Tbilisi rejected Nansen-type passports, which would have strengthened Abkhazia's *de jure* status, representing an acknowledgement that the citizens of Abkhazia no longer belonged to Georgia. But Georgian officials facilitated travel by Abkhaz participants outside the former Soviet space without requiring them to have a Georgian passport. Similarly, even when the Georgian participants would have preferred bilateral meetings (linked to the issue of desired status), they agreed to a pan-Caucasian format when asked by their Abkhaz counterparts.

A number of concerns were voiced by Ardzinba's authorities, who mainly feared a weakening of Abkhazia's position vis-à-vis its desired status. Ardzinba's government was worried about the participation of the opposition and NGOs, who might question Abkhazia's desired status, namely independence. And yet, at a time when opposition was barely tolerated in Abkhazia, its members took part in the Schlaining process. Despite the distrust of the authorities, NGO representatives also took part in many informal dialogues. Similarly, at a time when Tamaz Nadareishvili was *persona non grata* with Sukhum/i, other representatives of the government-in-exile were meeting the Abkhaz officials informally. There was thus considerable latitude for Track 2 initiatives.

Another point brought up in this chapter is the fact that the Abkhaz participants shared Sukhum/i's strategy for achieving recognition of sovereignty. NGO representatives were worried about sending the Georgians a wrong signal about the status they desired for Abkhazia: for instance, they were concerned about meeting their counterparts in Georgia, fearing that this would be construed as a willingness to live with the Georgians in one country. For the same reason, they also preferred pan-Caucasian meetings to bilateral ones. At the end of the day, however, two out of the three longest-running activities carried out were (most of the time) bilateral.

With the election of Sergei Bagapsh, participation by NGOs grew even easier. The Abkhaz authorities saw that the NGOs defended patriotic positions. Furthermore, in light of the 2002 'standards before status' policy, they could play a role in strengthening Abkhazia's *de jure* status. Their presence could illustrate that Abkhazia was on the path to democracy. Sukhum/i could hope to 'score points' with the international community.

At the same time, things were becoming more complicated in Georgia. In 2005-2006, Tbilisi began to analyse non-official initiatives in light of its own approach to conflict resolution. Initiatives enabling the Abkhaz officials to travel and contact outsiders were regarded as a violation of Saakashvili's policy of isolating the Abkhaz regime. Similarly, the Abkhaz NGOs, an asset for the Abkhaz side, became far more of a problem for Tbilisi, as they were fervently pro-independence. As a result, the relative independence of Tracks 1 and 2 (and 1.5) began to be questioned. Some activities were openly criticised. The Georgian authorities preferred closer collaboration, at the risk of compromising the independence of non-official initiatives. One result was that the Schlaining process, despite being hailed by the Georgian and the Abkhaz interlocutors alike, came to an end.

Nevertheless, this chapter has illustrated that informal dialogues were organised and bore fruit. The impact of Track 1.5 on negotiations depended first of all on political will. The Schlaining process was complementary to, not a substitute for, official negotiations. Meaningful information discussed during these meetings was brought to the attention of Sergei Shamba and Shevardnadze's administration. Ultimately, officials were responsible for implementing ideas put forward in these informal meetings. Several ideas were mentioned at the official level. And while the Concept elaborated by several Georgian participants did not lead to a breakthrough, it may have a 'latency effect', to use Nadim Rouhana's term. This means that it may become useful in the future once the situation or the players have changed.[193] The implementation of ideas also depended on the context: after the events in the Kodor/i valley, for example, it became impossible to form a core group in charge of making concrete proposals to the official negotiation process within the framework of the UCI/Böll conferences.

Whether and how Track 2 initiatives contributed to conflict resolution at large is a more difficult question. What is quite clear is that its members performed a function of advocacy for a peaceful resolution of the conflict. This was illustrated in April 2001 when 32 Georgian civil society representatives called upon the Georgian authorities to assess the events that had occurred in the Gal/i district in May 1998. They asked whether Tbilisi was interested in peace or in a hidden war, given the presence of Georgian militias in the security zone.[194] Forty-seven civil society representatives wrote a similar letter after hostilities began in the Kodor/i valley in October 2001. They condemned the operation and asked for an explanation and for measures to prevent future bloodshed.[195] An Abkhaz interviewee told Catherine Barnes that even though their Georgian partners did not influence events, their letter and demonstrations against the military operation did contribute to confidence building.[196] In the same vein, when a Georgian journalist was arrested for illegally crossing the ceasefire line in February 2008, his fellow countrymen contacted their Abkhaz counterparts who in turn pressured their authorities for his release. Eventually, the fact that bilateral meetings withstood the armed conflict in August 2008 provides evidence that strong links were established between Abkhaz and Georgian middle-level representatives.

There are a number of possible reasons why status-related considerations did not usually block the organisation of informal dialogue. First, the low profile of these activities may have helped. They were generally not a threat to the parties. Secondly, the neutrality and impartiality of the facilitators eased the participation of, and the

communication between, the Abkhaz and Georgian participants. As a result, these dialogues became encounters between an increasingly broad range of stakeholders, from veterans to returnees and the Abkhaz government-in-exile. Thirdly, in the case of the Schlaining too the stakes were lower than in the official negotiations, as the discussions were non-committal. Fourthly, external donors expressed their support for these kinds of dialogue. An official from the Foreign Office mentioned that the British authorities had to explain the importance of Track 1.5 and 2 activities in Tbilisi when the latter were the target of Georgian criticism.[197] Finally, one cannot underplay the skills of the people driving these projects, who were able to respond constructively to the concerns of both the participants and the authorities.

It was not possible to avoid all status-related obstacles, however. Formalising these informal dialogues remained unfeasible. The Abkhaz participants were too concerned that institutionalisation could be construed as a sign of their willingness to live in a single state with the Georgians. Consequently, no permanent infrastructure, which could have sustained peace-building in the long run, and initiated or supported grassroots activities, could be set up.

Notes

1 Gumbaridze reaffirmed his trust in the intelligentsia when meeting Abkhazia's officials a day later. "Sovetskaya Abkhaziya", nos 137 and 138, 20 and 21 July 1989, p. 1.

2 Study visit by Euroclio, available at: http://www.euroclio.eu/download/2006/Abkhazia_and_Georgia_mission_history.pdf, accessed February 2009, p. 7.

3 The AGU was, in the words of Mariam Lordkipanidze, "one of the centres where anti-Georgian campaign was carried on openly, with infringement on the rights of Georgians". Another issue was corruption, which was widespread at the AGU. In interviews, several Georgians who lived in Abkhazia before the war stressed that a willingness to benefit from this additional source of finance was among the reasons for demanding the separation. As regards language, the Abkhaz interviewees refuted the idea that there was a linguistic issue. They underlined that Georgians, who made up twothirds of the students, could express themselves in Georgian. A former Abkhaz academic points out that all courses were taught in both Georgian and Russian. Only some (history, accounting, etc.) were taught in Abkhaz. Interviews 60 and 62, Sukhum/i, 14/09/07 and 5/12/07 respectively; interviews 15, 16 and 23, Tbilisi, 31/03/08, 23/04/08, and 21/03/08 respectively. Lordkipanidze Mariam, *Essays on Georgian History*, Tbilisi, Metsniereba, 1994, p. 208.

4 Popkov Viktor, "Soviet Abkhazia 1989: a Personal Account", in Hewitt George (ed.), *The Abkhazians*, New York, St. Martins Press, 1998, p. 105.

5 Gurgulia Manana, "Narodnaya Diplomatiya: real'nost i illusii" (Citizen Diplomacy: Reality and Illusions), in *Rol' neofitsial'noi diplomatii v mirotvorcheskom protsesse. Material'y gruzino-abkhazskoi konferentsii* (Role of Non-official Diplomacy in the Peacemaking Process. Materials from the Georgian-Abkhaz Conference), University of California, Irvine, no.1, 1999, p. 115.

6 Interviews 60 and 62, Sukhum/i, 14/09/07 and 5/12/07.

7 Oleg Damenia, Dalila Pilia, Manana Gurgulia, Tengiz Kuprava, Tamaz Dzimistarashvili were part of this group actively trying to defuse inter-communal tensions.

8 Interview 94, Sukhum/i, 21/09/07.

9 "Decree # 515 issued by the Council of Ministers of the Georgian SSR on Joint Appeal of A. Gorky Abkhaz State University and the Sukhumi Branch of Iv. Javakhishvili Tbilisi State University", 20 October 1989, in Diasamidze, *op.cit.*, 2008, pp. 12-13.

10 "Obrashchenie NF Abkhazii v VS SSSR, SM GSSR, i abkhazskii obkom KP Gruzii" (Appeal of the Popular Forum of Abkhazia to the Soviet Council of the USSR, the Council of Ministers of the Georgian SSR and the Abkhaz Oblast' Committee of the Georgian Communist Party), 5 November 1989, in Chumalov, *op.cit.*, 1995.

11 The commission was made up of four deputies, the first Deputy Chairman of the USSR Committee on State Education, Felix Peregudov, and the Georgian Minister for Education, G. Enukidze.
12 Interview 62, Sukhum/i, 5/12/07.
13 "The Decree issued by the First Deputy Chairman of the Council of Ministers of the Georgian SSR on the establishment of the Sukhumi branch of Tbilisi State University can be considered as an interim measure to handle educational process. Today this measure has become outdated and in practice hinders the educational process, discourages the strengthening of inter-ethnic relations and, moreover – pursuant to the regulation – the authority to make a final decision on such issues lies with the Council of Ministers of the USSR. The Commission has officially informed the leadership of the Georgian SSR of its position." Decree issued by the Presidium of the Supreme Council of the Abkhaz ASSR on the substantive exacerbation of inter-ethnic relations in the Abkhaz ASSR as a result of the unlawful attempt to establish a Sukhumi branch of Tbilisi State University", 15 July 1989, in Diasamidze, *op.cit.*, 2008, pp. 4-6.
14 Kaufman, *op.cit.*, 2001, p. 105.
15 At the end of the month, the authorities reported that 42 had been killed, 600 injured and hundreds arrested. O'Balance, *op.cit.*, p. 103.
16 Together with other members of the Dzhavakishvili Society, he proposed *inter alia* to restore historical Abkhaz toponyms and to propagate the views of the main Georgian historians who described the role the Abkhaz had played in Georgian history. They also suggested translating classical Georgian literature into Abkhaz and Russian, to show how the Abkhaz were perceived in the Georgian collective consciousness at the beginning of the 20th century. None of the proposals was implemented. Anchabadze, *op.cit.*, 1999, p. 24.
17 The delegation was made up of G. Anchabadze, G. Gogbaidze, G. Berishvili, A. Ioseliani and D. Kvizhinadze. Anchabadze, *op.cit.*, 1999, p. 26.
18 *Edinenie*, no.2 (011), February 1991, p. 7.
19 The letter was written together with Georgii Dzindzaria and Konstantin Shakryl. *Abkhazskie pis'ma (1947-1989) Sbornik dokumentov* (The Abkhaz Letters (1947-1989) Anthology of Documents), Volume 1, Sukhum/i, 1994, pp. 81-86.
20 The Supreme Council of Abkhazia eventually renamed the towns and villages according to their Abkhaz names, unilaterally, in December 1992.
21 Interview 23, Tbilisi, 21/03/08.
22 Jeremy Azrael reported that the Georgian authorities, under the leadership of Vasilii Mzhavanadze (1953-1972), were suspected by the central committee of the CPSU of having "encouraged (or failed to discourage) the retention of local resources for local use, the curtailment of immigration by ethnic 'aliens', the preferential treatment of native cadres, the publication of 'nationally pretentious' books and articles, the 'tendentious' designation of historical monuments, the perpetuation of 'archaic' traditions and retrograde survivals of the past and even the lenient treatment of dissident nationalist intellectuals". Even under his successor, Eduard Shevardnadze, Georgia enjoyed greater cultural freedom than other Union republics. J.W.R. Parsons underlined that Shevardnadze was given substantial latitude in cultural matters in exchange for his campaign against corruption. Parsons remarked that "Although ideological aberrations like those of the 1960s [were] not allowed [under Shevardnadze], Georgian literature remain[ed] full of historical novels with nationalist allusions and poetry glorifying the nation". Azrael Jeremy R., "Emergent Nationality Problems in the USSR", in Azrael Jeremy R. (ed.), *Soviet Nationality Policies and Practises*, New York, Praeger Publishers, 1978, p. 377; Parsons, *op.cit.*, p. 561.
23 In his seminal study of nationalist mobilisations in the Soviet Union, Mark Beissinger demonstrated that convictions for "anti-Soviet agitation and propaganda" or for discrediting the Soviet regime dropped from 1983 onwards and almost disappeared in 1987. Beissinger, *op.cit.*, pp. 71 and 80; Wheatley, *op.cit.*, p. 28.
24 Aves, *op.cit.*, p. 162.
25 Nodia, *op.cit.*, 1996.
26 Serrano Silvia, *La Géorgie indépendante et ses voisins caucasiens: enjeux identitaires et recomposition géopolitique (1989-2002)*, Doctorat de langues et civilisations orientales, option relations internationales défendu à l'Institut des Langues et Civilisations Orientales, Paris, 2003.
27 Aves, *op.cit.*, p. 158.
28 Nodia, *op.cit.*, 1996.
29 Nodia, *op.cit.*, 1996.
30 Nodia, *op.cit.*, 1996.
31 Aves, *op.cit.*, p. 159; Beissinger, *op.cit.*, p. 181.
32 Beissinger, *op.cit.*, p. 350.
33 Beissinger, *op.cit.*, pp. 350-352.
34 Beissinger, *op.cit.*, p. 457.

35 Beissinger, *op.cit.*, p. 185.
36 At the end of 1989 the Communists amended the Georgian Constitution to put the land and resources under the ownership of Georgia and to have the right to suspend Soviet laws that clashed with Georgia's interests. In March 1990, after having condemned the annexation of Georgia by Russia in 1921, they declared null and void the May 1921 Union treaty between Georgia and Russia and the subsequent entry of Georgia into the USSR. Serrano, *op.cit*, 2007.
37 Darrell Slider asserted that the members of the Round Table, who did not expect such a landslide victory, tried to include other parties in the parliament. As a result, most of the Popular Front members were eventually elected because candidates from the Round Table withdrew from the second round in order to ensure the victory of other parties. Slider, *op.cit.*, 1997, p. 175; Jones Stephen F., "Georgia: a Failed Democratic Transition", in Bremmer Ian, Taras Ray (eds), *Nations and Politics in the Soviet Successor States*, Cambridge, Cambridge University Press, 1993 p. 297; Wheatley, *op.cit.*, p. 52.
38 Jones, *op.cit.*, 1993 pp. 299, 301.
39 Interestingly enough, a member of the Assembly of the Mountain Peoples of the Caucasus (which was turned into a Confederation in 1991) reported that the same discussion took place during the founding congress of the Assembly, held in Sukhum/i in August 1989, where the same decision was taken. The project was to unite the Northern Caucasus republics and Abkhazia and to revive the Mountain Republic created in 1918. Interview 92, Sukhum/i, 9/10/07.
40 Interview 57, Sukhum/i, 16/08/07.
41 The first anthology by Zurab Anchabadze, Georgii Dzindzaria and Arvelod Kuprava on the history of Abkhazia exemplifies the tumultuous production of a book denounced by both sides for its inappropriate content in the pre-*glasnost'* period when censorship was still severe. The book was to be published under the aegis of the Georgian education ministry. When Zurab Anchabadze died in 1984, criticisms of the manuscript by the scientific community began to be heard in Tbilisi and in Abkhazia. While they had different grounds – the Georgians solicited tighter control of the contents while the Abkhaz requested an entirely new group of writers – the critics were very likely not interested in a history book guided by criteria of academic freedom. The Georgian Ministry of Education gave commissions made up of Georgian and Abkhaz historians responsibility for reviewing each part of the work and the son of Zurab Anchabadze, Georgii, also a historian, the task of discussing the book with each commission. For almost two years Georgii Anchabadze went back and forth between Abkhazia and Georgia to discuss, negotiate and review the work. The book, published in 1986, finally kept the foundation and spirit of the original manuscript and received no further negative review in Tbilisi or in Sukhum/i. What is interesting about this story is that it illustrates the growing opposition between the sides and the tactics they employed to silence undesired publications. Every time one side disapproved of the other's literature, whether for genuine or spurious reasons, it called upon its own authorities – the Abkhaz Obkom or the Georgian Central Committee – to react. In this manner, the Georgians succeeded in prohibiting the publishing of a few Abkhaz books, for instance on the toponymy of the Sochi region. In a similar vein, the Abkhaz historian Stanislav Lakoba reported that, in 1979, the secretary of the Central Committee of the Communist party M. Suslov had informed the Georgians that after the publication of Yuri Voronov's book "In the world of the architectural monuments of Abkhazia", published in Moscow without Georgian permission, Voronov's future manuscripts would no longer be accepted for publication. Lakoba Stanislav, *Abkhazia posle dvukh imperii*, *XIX-XXI vv.* (Abkhazia after Two Empires, XIX-XXI centuries), Slavic Eurasian Studies, Hokkaido University, no.5, 2004, p. 161; Interview 15, Tbilisi, 31/03/08; Anchabadze Zurab V., Dzindzaria Georgii A., Kuprava Arvelod E., *Istoriya Abkhazii* (History of Abkhazia), Sukhum/i, Alashara, 1986.
42 Tishkov, *op.cit.*, 1997, p. 13.
43 Anchabadze, *op.cit.*, 2000, p. 33.
44 Jones, *op.cit.*, 1993 p. 307.
45 For Mariam Lordkipanidze, the Abkhaz and the Georgians form "an equally indigenous population of Western Georgia" even if doubts remain as to when the Abkhaz came to this region (ancient times or from the 17th century, or both). Lordkipanidze, *op.cit.*, p. 206. About the theory of the two autochthonies, see Anchabadze, *op.cit.*, 2000, pp. 33-34.
46 These authors presumed there were massive migrations of Abkhaz-adyghe tribes from the Northern Caucasus to Abkhazia. Whereas the proponents of Ingoroqva assumed the first migrations occurred between the 16th and the 19th centuries, the supporters of the theory of two autochthonies dated them in the 1st Millenium BC and in the middle of 1st Millenium AD and between the 13-18th century. Anchabadze, *op.cit.*, 2000, pp. 33-34.
47 This text by Mariam Lordkipanidze is almost identical with one published in an earlier publication in 1990. Lordkipanidze, *op.cit.*, p. 204.

48 They further added that under the present conditions, objectivity was especially "necessary to illuminate the historical past, the present situation and the expectations of both peoples". Anchabadze, *op.cit.*, 2006, p. 146.
49 Jones, *op.cit.*, 1997, p. 519; Slider, *op.cit.*, 1997, p. 189.
50 Nodia, *op.cit.*, 1996.
51 The Georgian deputy Buachidze, the writers Dzhaparidze and Khaindrava, poet Irakli Charkviani, academicians Chavchavadze and Bakradze, director of the Rustaveli theatre Robert Sturua, and cinematographers Tengiz Abuladze and Rezo Esadze.
52 *Edinenie*, no.7 (016), July 1991, p. 2.
53 One can also refer to the Georgian philosopher Merab Mamardashvili and the Abkhaz writer Fazil Iskander, two prominent figures in their own societies who stood up against the nationalist mobilisation. Coppieters, *op.cit.*, 2002, pp. 98-99; Tishkov, *op.cit.*, 1997, p. xiv.
54 Interview 92, Sukhum/i, 9/10/07.
55 Interview 15, Tbilisi, 31/03/08.
56 Interview 16, Tbilisi, 23/04/08.
57 Interview 17, Tbilisi, 25/04/08.
58 Interview 62, Sukhum/i, 5/12/07.
59 Gurgulia, *op.cit.*, 1999, p. 116.
60 Carl Andy, "Supporting Local Capacities for Handing Violent Conflict: a Role for International NGOs?", London, Conciliation Resources, available at: http://www.c-r.org/resources/occasional-papers/supporting-local-capacities.php, accessed October 2008.
61 There were expressions of revolt against the war from members of the intelligentsia, and conferences on the issue of war, but none that could be regarded as dialogue. Niko Chavchavadze, the director of the Institute of Philosophy of the Georgian Academy of Science, condemned the decision to go to war in an address to the Georgian State Council. Naira Gelashvili left this Council when the war started. In Georgia, several members of the intelligentsia, including Giorgii Anchabadze and Vazha Keshekava, created a community called 'Abkhazia' in July 1992. Some 100 people, including doctors, lawyers and engineers from both Georgia and Abkhazia, joined them. They wanted to find a way to defuse the Abkhaz-Georgian conflict. On 17 August 1992 the community published an appeal addressed to the State Council of Georgia and the Supreme Council of Abkhazia in the Georgian newspaper *Sakartvelos Respublika*. They called upon the Abkhaz and Georgian authorities to organize a meeting at the highest level and to set up a commission to normalise the situation in Abkhazia. The appeal went unanswered. Several Russian organisations (the International Fund for Humanitarian Initiatives (MFGI), the International Committee for Citizen Diplomacy (MKGD) and the Citizen Peace association) visited the conflict zone and held conferences on this topic. But they mainly sided with the Georgians. Gurgulia, *op.cit.*, 1999, p. 118; "Mezhdunarodnaya postoyannaya missiya grazhdanskoi diplomatii po konfliktu v Abkhazii (1993-2000): opyt, vyvody, rekomendatsii" (International Permanent Mission of Citizen Diplomacy on the Conflict in Abkhazia (1993-2000): experience, conclusions, recommendations), available at: http://www.citdiplomacy.narod.ru/newfile15.html, accessed March 2009.
62 Vdovichenko, *op.cit.*
63 Khoshtaria-Brosse Edisher V., *Mezhnatsional'nye otnoshenia v Gruzii – prichiny konfliktov i puti ikh preodolenia* (Relations between Nationalities in Georgia – Reasons for the Conflict and a Way to Overcome It), Tbilisi, Metsniereba, 1993, p. 144.
64 Khoshtaria-Brosse, *op.cit.*, p. 144.
65 It consisted of G. Zhorzholiani, L.Mataradze, V. Djorbenadze on the Georgian side, and Y. Voronov on the Abkhaz side.
66 Khoshtaria-Brosse, *op.cit.*, p. 143.
67 Garb Paula, "Politika dobrososedstva – edinstvennyi put' resheniya gruzino-abkhazskogo konflikta" (Politics of Neighbourliness – the Only Way to Resolve the Georgian-Abkhaz Conflict), *Kavkazskii Uzel*, 10 July 2007.
68 Interview 23, Tbilisi, 21/03/08.
69 Interview 101, Tbilisi, 5/04/04.
70 Kobakhia Batal, "Razlichnye urovni diplomatii (ofitsial'noi i neofitsial'noi) po preodolenio abkhazo-gruzinskogo konflikta" [Different Levels of Diplomacy (Official and Non-official) for Overcoming the Abkhaz-Georgian Conflict], in *Rol' neofitsial'noi diplomatii v mirotvorcheskom protsesse. Material'y gruzino-abkhazskoi konferentsii* (Role of Non-official Diplomacy in the Peacemaking Process. Materials from the Georgian-Abkhaz Conference), University of California, Irvine, no.1, 1999, p. 188.
71 A more extensive list of Track 2 activities can be found in the article by Susan Allen Nan and Anna Matveeva. Nan Susan Allen, "Civic Initiatives", in Cohen Jonathan (ed.), *A Question of Sovereignty:*

the Georgia-Abkhazia Peace Process, London, Conciliation Resources, Accord 7, 1999; Matveeva Anna, "Georgia: Peace Remains Elusive in Ethnic Patchwork", in Van Tongeren Paul, Van den Veen Hans, Verhoeven Juliette (eds), *Searching for Peace in Europe and Eurasia: An Overview of Conflict Prevention and Peacebuilding Activities*, Boulder, Lynne Rienner Publisher, 2002, pp. 416-444.

72 This complementarity, increased through formal coordination between international partners, makes it difficult to give any one project credit for a particular result. As Garb and Nan have underlined, it is very likely that an idea generated through joint discussions in one format will eventually take shape in another format. Garb Paula, Nan Susan Allen, "Negotiating in a Coordination Network of Citizen Peacebuilding Initiatives in the Georgian-Abkhaz Peace Process", *International Negotiation*, vol.11, 2006, pp. 7-35; Garb Paula, Nan Susan Allen, "The Dynamism of Shared Success in Abkhaz-Georgian Peacebuilding", March 2006, available at: http://www.allianceforpeacebuilding.org/pdfs/AbkhazGeorgian.pdf, accessed January 2010.

73 In fact, there was a first informal pan-Caucasian meeting on conflict resolution in the former Soviet space in Moscow in February 1996. It was followed by a meeting between Abkhaz, Georgian and policymaking communities in Moscow in June 1996. See Matveeva, *op.cit.*, 2002, pp. 416-444.

74 The Forum registered as an independent organisation, thus becoming independent of the Georgian-Abkhaz programme, in 2003.

75 For instance, meetings between young journalists usually consisted of six Georgians and six Abkhaz and two or three people from other regions.

76 Barnes Catherine, "International Alert – Programma po evrazii. Monitoring proekta" (International Alert – Eurasia Programme. Monitoring of the Project), *Aspekty gruzino-abkhazskogo konflikta. Vremya peremen* (Aspects of the Georgian-Abkhaz Conflict. Time of Change), University of California, Irvine, no.10, 2005, p. 216.

77 Barnes, *op.cit.*, 2005, pp. 225-226.

78 Cohen Jonathan, "Systemic Approaches to Conflict Transformation: Georgia/Abkhazia", unpublished paper, 2005; E-mail communication with Marc Berhendt, International Alert, 30/03/09.

79 Barnes, *op.cit.*, 2005, p. 234.

80 Cohen, *op.cit.*, 2005.

81 E-mail communication with Marc Berhendt, International Alert, 30/03/09.

82 Barnes, *op.cit.*, 2005, pp. 242-244

83 Interview 96, Istanbul, 19/06/08.

84 Another conference organised by Bruno Coppieters followed in November 1997. The participants discussed federal mechanisms and institutions in Europe. The presentation of these mechanisms by experts on federalism contributed to the discussions between the participants. The contributions by the participants were published in a second book, entitled "Federal Practice: Exploring Alternatives for Georgia and Abkhazia". See Coppieters Bruno, "Introduction", in Coppieters Bruno (ed.), *Georgians and Abkhazians: the Search for a Peace Settlement*, Köln, Bundesinstitut für Ostwissenschaftliche und Internationale Studien, 1998, available at: http://poli.vub.ac.be/publi/Georgians/, accessed January 2010; Coppieters Bruno, Darchiashvili David, Akaba Natella, *Federal Practice. Exploring Alternatives for Georgia and Abkhazia*, Brussels, VUB University Press, 1999; Tütüncü Mehmet (ed.), *Caucasus: War and Peace. The New World Disorder and Caucasia*, Haarlem, SOTA, 1998.

85 The organizers were helped by two local coordinators, Arda Inal-Ipa for the Abkhaz side and Paata Zakareishvili for the Georgian side.

86 "At a time when there was strong pressure not to meet alone with Georgians, the Abkhaz agreed to remain in this one bilateral effort because (1) they felt confident that the U.S. team would not force them into joint relationships with Georgians that would compromise them in their communities; and (2) they believed that they could justify a joint effort that had a strong research focus on the efficacy of unofficial diplomacy. The Georgian participants understood and accepted the Abkhaz position and agreed with this approach. Together, all participants carefully planned activities, eliciting suggestions for strategies and making sure at each step that they were developing a voluntary group strategy for research and action". Garb, Nan, *op.cit.*, March 2006.

87 Garb Paula (ed.), "The Role of Unofficial Diplomacy in a Peace Process", Abstract of Papers presented at a Georgia-Abkhaz Conference, Sochi, 1999, available at: http://www.socsci.uci.edu/~cpb/progs/pdfs/english1.htm, accessed January 2010.

88 Interviews 17, 20, 24, Tbilisi, 25/04/08 and 15/03/08 respectively.

89 Cohen, *op.cit.*, 2005.

90 Wolleh, *op.cit.*, 2006, p. 43; Dudouet Véronique, *Transitions from Violence to Peace. Revisiting Analysis and Intervention in Conflict Transformation*, Berlin, Berghof Research Center for Constructive Conflict Management, Report 15, 2006, pp. 65-66.

91 Cohen, *op.cit.*, 2005.

92 There are also two local coordinators, Manana Gurgulia and Paata Zakareishvili, who are responsible for the project in Abkhazia and Georgia respectively.
93 The methodology used for Schlaining closely followed that of Clem McCartney. His model entails fives stages: (1) establishment of face-to-face contact; (2) enhancement of mutual understanding of each other's visions, fears, needs; (3) detailed analysis of specific topics such as the return of refugees or the repercussions of Abkhazia's isolation on the peace process; (4) 'speculative problem-solving' where the participants speculatively discuss an issue outside their positions in order to challenge their beliefs (for instance, the Georgian participants develop a scenario where they defend Abkhazia's independence, while the Abkhaz support the reintegration of Abkhazia within Georgia); and (5) joint action. According to Oliver Wolleh, the four first stages were reached within the framework of the Schlaining process. For a full description of these stages and their implementation in that process, see Wolleh, *op.cit.,* 2006.
94 Cohen Jonathan, "Georgian-Abkhaz Dialogue Facilitation", unpublished paper, 14 August 2007.
95 Jonathan Cohen quoted in Wils, Hopp, Ropers, Vimalarajah, Zunzer, *op.cit.*, p. 60.
96 Interview 25, Tbilisi, 23/04/08.
97 Interviews 90, Sukhum/i, 3/10/07.
98 Chataway, *op.cit.*, 1998, p. 278.
99 McCartney Clem, Cohen Jonathan, Clogg Rachel, "The Georgian-Abkhaz conflict: reflections on four study visits to the United Kingdom and Ireland", February 2003, available at: http://www.c-r.org/pubs/occ_papers/Georgia-Abkhaz_SV.shtlm, accessed January 2010.
100 For more information, see http://www.berghof-peacesupport.org/georgia_abkhazia.htm, accessed August 2009.
101 In the case of the Schlaining process, discussions were confidential and no final reports were written, but short statements were issued after the fourth meeting, in 2001.
102 Interview 57, Sukhum/i, 16/08/07.
103 Ropers Norbert, *Roles and Functions of Third Parties in the Constructive Management of Ethnopolitical Conflicts*, Berghof Research Center for Constructive Conflict Management, Occasional Paper 14, 1997, p. 6.
104 Ropers, *op.cit.*, 1995, p. 49.
105 According to Susan Allen Nan and Paula Garb, there were other peace-building organisations which either implicitly or explicitly supported the territorial integrity of Georgia. Garb, Nan, *op.cit.*, 2006, p. 34.
106 Reimann, *op.cit.*, p. 46.
107 Kavkazskii Forum Nepravitel'stvennykh Organizatsii, *Vremya zhit'. Rasskazy pisatelei Yuzhnogo Kavkaza* (Time to Live. Stories by Writers from the Southern Caucasus), Maikop, Gyripp Adygeya, 2003.
108 Barnes, *op.cit.*, 2005, p. 227.
109 Cohen, *op.cit.*, 2005.
110 A poll of NGO representatives conducted by the Center for Humanitarian Programmes showed that, in a hypothetical case in which their NGO would receive funds, only one respondent in 24 chose to support citizen diplomacy. The other representatives would support medical, humanitarian or educational activities instead. Inal-Ipa Arda, "O prichinakh maloi effektivnosti narodno-diplomaticheskogo protsessa v gruzino-abkhazskom konflikte" (On the Reasons for the Poor Efficacy of the Process of Citizen Diplomacy in the Georgian-Abkhaz Conflict), in *Rol' neofitsial'noi diplomatii v mirotvorcheskom protsesse. Material'y gruzino-abkhazskoi konferentsii* (Role of Non-official Diplomacy in the Peacemaking Process. Materials from the Georgian-Abkhaz Conference), University of California, Irvine, no.1, 1999, p. 171.
111 NGOs in particular were the target of such criticisms, and not so much the officials taking part in the Schlaining process, because in the eyes of the population they were entitled to negotiate. This public distrust played a key role in the decision to publish all the discussions of the UCI conferences. Interview 57, Sukhum/i, 16/08/07.
112 Interview 57, Sukhum/i, 16/08/07.
113 It is therefore not surprising that the veterans were among the most reluctant to meet the Georgians under the auspices of IA. Interview 53, Sukhum/i, 12/10/07.
114 Interview 57, Sukhum/i, 16/08/07.
115 He nonetheless took part in the Schlaining process six times. Tania Astamur, "NPO i vlast': perspektivy sotrudnichestva" (NGO and the Authorities: Prospects for Cooperation), *Perspektivy*, 2003, p. 9.
116 An example of these critical articles was "Why are we looking towards Tbilisi and sharing responsibility with the aggressor?" signed by the "political sections" and published in *Respublika Abkhaziya* on 21-22 February 2002. On the basis of sentences picked in UCI anthologies, for instance,

the author criticised the willingness to remove the 'image of the enemy' as playing into the hands of Georgia and paving the way for defeat. The NGOs replied that "the image of the enemy is probably necessary to those who speculated on this theme for internal use in order to dispose of Abkhazia's resources without control, while at the same time maintaining strict control over their citizens by intimidating them with external threats". The NGO representatives concluded: "In our view, this kind of published works do not discredit those that were aimed at, but the authorities whose publishing house distributed it". The two texts, "Zachem smotret' na Tbilisi i delit' otvetvennost' s agressorom?" (Why are We Looking Towards Tbilisi and Sharing Responsibility with the Aggressor?) and the answer "Zayavlenie predstaviteliei NPO Abkhazii" (Statement of the Representatives of NGOs from Abkhazia) are available at http://www.kavkaz-uzel.ru/articles/16580, accessed March 2009; Interview 57, Sukhum/i, 16/08/07.

117 Sergei Shamba stepped down in June 2004 after the assassination of Garri Aiba, one of the leaders of the veterans' organisation Amtsakhara, which was then fiercely opposed to Ardzinba's regime. He was re-appointed by the new president, Sergei Bagapsh, in January 2005. Gueorgui Otyrba and Igor Akhba replaced him from June until December 2004.

118 Interview 61, Sukhum/i, 25/09/07.

119 Interview 56, Sukhum/i, 21/08/07.

120 Interviews 88 and 90, Sukhum/i, 2/10/07 and 3/10/07.

121 Interview 56, Sukhum/i, 21/08/07.

122 Articles critical of the projects were also published. One of these was by the rector of the S. Tsintsadze diplomatic academy, published in 'Literaturuli Sakartvelo' of February 2002, where he stressed that these dialogues did not at all help conflict resolution. Zakareishvili Paata in Cohen Jonathan (ed.), *A Question of Sovereignty. The Georgia-Abkhazia Peace Process*, London, Conciliation Resources, Accord 7, 1999; Anchabadze, *op.cit.*, 2006, p. 118.

123 Sardzhveladze Nodar, Dzhavakhishvili Daredzhan, Sikharulidze Teimuraz, "Bezhentsy o primirenii, bezopasnosti i vozvrashchenii v Abkhaziyu" (Refugees on Reconciliation, Security and Return to Abkhazia), in *Aspekty Gruzino-Abkhazskogo konflikta. Materialy gruzino-abkhazkoi konferentsii: grazhdanskoe obshchestvo, bezhentsy, gosudarstvennoe ustroistvo* (Aspects of the Georgian-Abkhaz Conflict. Materials from the Georgian-Abkhaz Conference: Civil Society, Refugees, State Structure), University of California, Irvine, no.4, 2000, p. 224.

124 Interview 17, Tbilisi, 25/04/08.

125 Paata Zakareishvili, Archil Gegeshidze, Konstantin Kublashvili and Ivliane Khaindrava (who took part in the Schlaining process only in March 2006) began to work out the details with the help of Davit Bakradze, Tinatin Khidasheli and David Darchiashvili. Another "concept" on economic cooperation was drafted by Vakhtang Khmaladze and Lasha Tugushi, who also took part in the Schlaining process. Interview 18, Tbilisi, 25/02/08; Interview 17, Tbilisi, 25/04/08.

126 "Concept on the Special Status of Abkhazia in the Georgian State", 2004, p. 22-23.

127 According to a Georgian analyst with the GFSIS, the authorities were quite sympathetic to the idea, but did not support it because the right to secession it contained (in the event of a referendum in both Abkhazia and Georgia, among other things) was unacceptable to the Georgian public. In the view of another analyst who took part in the project, the administration was against any kind of concession. Eventually, a Georgian minister explained in 2008 that it was set aside because it was too detailed. He added that Tbilisi preferred to put forward a short text that would be fleshed out on the basis of discussions with the Abkhaz side rather than impose a more elaborate peace plan. Interviews 17, 18, Tbilisi, 25/04/08 and 25/02/08 respectively.

128 Interview 33, Tbilisi, 3/03/08.

129 Interview 18, Tbilisi, 25/02/08.

130 As previously noted, by then the relevance of IA dialogues had already been questioned by the parties. In December 2005 the dialogues gave way to parallel projects.

131 "Saakashvili Ready to Meet Bagapsh in Tbilisi, or Batumi", *Civil Georgia*, 16 March 2005; Interview 35, Tbilisi, 12/03/08.

132 Interview 35, Tbilisi, 12/03/08.

133 Many people took advantage of the fact that UNOMIG used to offer travel to Abkhazia. To prevent UNOMIG from being transformed into a travel agency, SRSG Heidi Tagliavini decided to raise the travel price (except for travel contributing to confidence-building, which was free of charge) and to impose a new condition: those wishing to use UN transportation first had to ask for the agreement of both the Abkhaz and the Georgian authorities. And while Khaindrava usually gave his consent, responses to requests were generally not forthcoming under Antadze or Bakradze. Bakradze's successor, Timur Yakobashvili, said he would not impede travel to the region by international NGOs.

134 Wolleh, *op.cit.*, 2006.

135 Interview 60, Sukhum/i, 14/09/07.
136 As mentioned in Chapter Three, in the case of Kosovo the standards went beyond the establishment of democratic institutions and the rule of law, encompassing for example the right to return and the clarification of property rights, two issues of particular sensitivity for the Abkhaz side.
137 Wolleh, *op.cit.*, 2006, p. 54.
138 "Poslanie prezidenta respubliki Abkhaziya Narodnomu Sobraniyu – Parlamentu Respubliki Abkhaziya. O polozhenii v strane, ob osnovnykh napravleniyakh vnutrennei i vneshnei politiki gosudarstva" (Message of the President of the Republic of Abkhazia to the Popular Assembly – Parliament of the Republic of Abkhazia. On the Situation in the Country, on the Fundamental Directions of the Internal and External Politics of the State), *Apsnypress*, 22 April 2008.
139 Lederach John Paul, *Building Peace. Sustainable Reconciliation in Divided Societies*, Washington, DC, United States Institute of Peace Press, 1997, p. 81.
140 Interview 35, Tbilisi, 12/03/08.
141 Hemmer, Garb, Phillips, Graham, *op.cit.*, p. 134.
142 Interview 96, Istanbul, 19/06/08.
143 The organizers of the Schlaining process consulted the Abkhaz and Georgian authorities and took their opinion into account when choosing the participants, in order to avoid refusals.
144 The first independent newspaper, *Nuzhnaya Gazeta*, was founded in autumn 1995. But before the end of 1999 even independent newspapers supported the government. An independent Abkhaz journalist explained that it was only when the economic and criminal situation became too acute in the republic that the need for internal cohesion disappeared and articles started to criticize the authorities. Interview 63, Sukhum/i, 06/09/07; Tsentr ekstremal'noi zhurnalistki, "Pressa Abkhazii" (Press of Abkhazia), Rep/2002-04/#05, available at: www.cjes.ru/bulletin/files/rep/2002/rep_04_05.doc.
145 Interview 26, Tbilisi, 26/03/08.
146 Wolleh, *op.cit.*, 2006, p. 61.
147 Wolleh, *op.cit.*, 2006.
148 Nadareishvili resigned in January 2004 owing to the pressure of the displaced people and the new government. He died in August 2004. Londer Tsaava (March 2004 to September 2004), Irakli Alasania (September 2004 to March 2006) and Malkhaz Akishbaia (March 2006 to June 2009) followed.
149 Interview 79, Sukhum/i, 2/11/07.
150 Broers Laurence, *Out of the Margins. Securing a Voice for Internally Displaced People: Lessons from Georgia*, London, Conciliation Resources, 2009, p. 28.
151 Broers, *op.cit.*, p. 36.
152 Broers, *op.cit.*, p. 28.
153 It aimed at creating a women's information network and sub-projects on women as leaders and advocates for peace. The project was implemented by NGOs from Sukhum/i, Gal/i and Ochamchira and from Georgia.
154 Cohen Jonathan, "Some Thoughts on NGO Peace Building in the Georgian-Abkhaz Conflict", Conference on 'Resolving Conflicts In The Caucasus And Moldova: Perspectives On Next Steps', National Intelligence Council, 6-7 May 2002, available at: http://www.dni.gov/nic/confreports_resolveconflict.html, accessed January 2010.
155 Stedman Stephen J., "Spoiler Problems in Peace Processes", *International Security*, vol.22, no.2, 1997, pp. 5-53.
156 Interview 35, Tbilisi, 12/03/08.
157 Interview 35, Tbilisi, 12/03/08.
158 Interview 8, London, 6/07/07.
159 From 2001, the Department for International Development (DFID), the Ministry of Foreign Affairs and the Foreign and Commonwealth Office (FCO) coordinated their activities under the umbrella of the GCPP and Africa Pool. Since 2008 the two have been merged into a Conflict Prevention Pool. The GCPP and now CPP fund programmes designed to achieve long-term conflict prevention.
160 Interview 7, London, 5/07/07.
161 Interview 7, London, 5/07/07.
162 Kelman, *op.cit.*, 2000, p. 284.
163 Wolleh Oliver, *Local Peace Constituencies in Cyprus. Citizens' Rapprochement by the bi-communal Conflict Resolution Trainer Group*, Berlin, Berghof Research Center for Constructive Conflict Management, Report 8, 2001, p. 23.
164 Wolleh Oliver, *op.cit.*, 2001, p. 26.
165 According to a Georgian activist from the Gal/i region, when a Georgian wished to visit his or her relatives in Abkhazia, the relatives had to notify the official authorities, the border units and security service. These bodies then issued a registration ('propiska'). Upon arrival, the person had to declare

the place and duration of their stay to the police. They received an invitation ('gostevoi') containing all the relevant information (date, place of residence, etc.). In the case of joint meetings taking place in Abkhazia, the authorisation was given by the MFA or higher officials. Interview 66, Gal/i, 24/10/07.

166 Garb Paula, "Politika dobrososedstva – edinstvennyi put' resheniya gruzino-abkhazskogo konflikta" (Politics of Neighbourliness – The Only Way to Resolve the Georgian-Abkhaz Conflict), *Kavkazskii Uzel*, 10 July 2007.

167 Barnes, *op.cit.*, 2005, p. 245.

168 Anna Matveeva reported that at an IA meeting in 1996 there were only five Abkhaz participants instead of six, as one was unable to cross the border. Interview 8, London, 6/07/07.

169 Interview 3, London, 3/7/07.

170 This passport gave them the opportunity to travel, to receive a Russian pension (far higher than the Abkhaz one), and to participate in Russian elections. While the process attracted the condemnation of the Georgians, this 'passportisation' had its opponents in Abkhaz society too. Before the 2002 elections, the Aytayra movement campaigned on the idea that Russian passports would reduce Abkhazia's sovereignty. It is said that they lost support because of this position. The idea of a Nansen-type passport for the Abkhaz was suggested again by Tsiza Gumba, a member of the Abkhaz parliament, in a letter to SRSG Heidi Tagliavini in January 2004. She pointed out that with the "silent agreement and non-intervention" of UNOMIG, Russia was distributing its passports to the Abkhaz. In 2005 Russia provided more than 80 % of the inhabitants with Russian passports. Skakov, *op.cit.*, p. 162; Peuch Jean-Christophe, "Visiting Abkhaz Leader Continues To Court Russia", *RFE-RL*, 18 August 2005.

171 Interview 58, Sukhum/i, 14/12/07.

172 Ter-Gabrielan Gevork, "Confidence Building in Conflict Zones: Challenges of NGO Networking", *Give & Take*, Spring 2000, p. 11.

173 Gurgulia, *op.cit.*, 1999, p. 122

174 Interview 51, Sukhum/i, 17/08/07.

175 Barnes, *op.cit.,* 2005, p. 232.

176 Interview 55, Sukhum/i, 4/09/07

177 Ter-Gabrielan, *op.cit.*, p. 12.

178 In 2003, IA invited South Caucasian businesses to promote cross-conflict divide cooperation. This led to the creation in 2005 of the Caucasus Business and Development Network, a forum where business partners discuss and cooperate in peace-building activities.

179 E-mail communication with Paula Garb, 19/03/09.

180 Garb, Nan, *op.cit.*, 2006, p. 27.

181 Garb, Nan, *op.cit.*, 2006, p. 27.

182 Garb, Nan, *op.cit.*, March 2006.

183 But even then, time was set aside for bilateral and multilateral (with experts) meetings. E-mail communication with Paula Garb, 19 March 2009.

184 Allport Gordon W., *The Nature of Prejudice*, Cambridge, Addison Wesley, 1954, quoted in Kelman Herbert C., "The Interdependence of Israeli and Palestinian National Identities: the Role of the Other in Existential Conflicts", *Journal of Social Issues*, vol.55, no.3, 1999, pp. 582-583; Malhotra Deepak, Liyanage Sumanasiri, "Long-Term Effects of Peace Workshops in Protracted Conflicts", *Journal of Conflict Resolution*, vol.49, no.6, 2005, p. 910.

185 Curle 1971, pp. 15-16, quoted by Mitchell Christopher, "Beyond Resolution: What Does Conflict Transformation Actually Transform?", *Peace and Conflict Studies*, vol.9, no.1, 2002, p. 15.

186 Wolleh Oliver, *Local Peace Constituencies in Cyprus. Citizens' Rapprochement by the bi-communal Conflict Resolution Trainer Group*, Berlin, Berghof Research Center for Constructive Conflict Management, Report 8, 2001, p. 20.

187 As Herbert Kelman observed in the case of problem-solving workshops, "[a]symmetries in power, moral position, or reputation clearly play an important role in the conflict and must be taken into account in the workshop discussions. But the two parties are equals in the workshop setting in the sense that each party has the same right to serious consideration of its needs, fears, and concerns." Kelman, *op.cit.*, 2000, p. 276.

188 Cohen, *op.cit.*, 14 August 2007.

189 Interview 3, London, 3/07/07; interview 51, Sukhum/i, 17/08/07.

190 Interview 8, London, 06/07/2007.

191 Interview 3, London, 03/07/07.

192 Interview 51, Sukhum/i, 17/08/07.

193 Rouhana, *op.cit.*, 2000, p. 317.

194 Published in *Kavkazskii Aktsent*, in May 2001. Anchabadze, *op.cit.*, 2006, pp. 158-160.

195 A letter published in January 2002 condemned the willingness on the Georgian side to change the mandate of the peacekeeping force. According to 23 civil activists taking part in the peaceful regulation of the conflict, a change without the assent of the Abkhaz would have negative consequences. Published in *Kavkazskii Aktsent* and in *Mostik*. Anchabadze *op.cit.*, 2006, pp. 164-167.
196 Barnes, *op.cit.*, 2005, pp. 250-251.
197 Interview 7, London, 5/07/07.

Chapter 5
Empowering the Grassroots: from intercommunal polarisation to the politicisation of assistance

In the previous chapter it was shown that the organisers were able to persuade the authorities not to impede the organisation of informal dialogues. For ten years they were successful in this. This chapter follows with an examination of Track 3 activities, which "[encourage] interaction and understanding" between the adversarial communities and include "awareness raising and empowerment".[1] They include humanitarian assistance as well as projects developed at the grassroots level, with or without the help of outsiders. As seen in the first chapter, they may contribute in several ways to negotiations and conflict resolution. Among other things, they may promote tolerance and inter-communal coexistence, prepare support for an official agreement and enable the population to voice their preference.

This chapter discusses to what extent the strategies of the authorities complicated the distribution of humanitarian assistance and the development of locally-initiated peace-building projects. Two sets of questions are examined. The first set of questions revolves around the issue of humanitarian assistance: did the strategies of Tbilisi and Sukhum/i and external actors (donors, international (non-) governmental organisations) with regard to status hinder assistance (relief, rehabilitation and development) and how? Humanitarian assistance is often shaped by political considerations. This chapter explores whether it was the case here. A second set of questions concerns local initiatives and ask whether status-related considerations were taken into account by the authorities, donors, local NGOs and grassroots actors when they funded or organised local initiatives.

To the exception of the pre-war period where no humanitarian assistance was provided, each of the following periods is divided in two parts, the first dealing with humanitarian aid and the second with grassroots activities.

1. Growing polarisation during the pre-war period (1989-1992)

1.1 Lack of grassroots activities tackling the conflict

In the course of this research, I did not find evidence of any significant grassroots activities attempting to bridge the inter-communal divide before the outbreak of the war. This naturally does not mean that there were none, but at least they did not stand out in the memories of the people I spoke to. All the same, there were some initiatives, such as calls for restraint or conflict prevention. In July 1989, the Soviet organisations were quite active in peace advocacy. Appeals from Soviet veterans of Abkhazia, the Women of Abkhazia and Georgia and Georgian female journalists calling for restraint were published in *Sovetskaya Abkhaziya*.[2] Given the behaviour of the Communist leadership at that time, it is no wonder these calls were aimed at keeping the status quo.

An Abkhaz interlocutor remembered a successful 'peacekeeping' or conflict prevention operation that was mounted in the mining town of Tqvarchal/Tqvarcheli at approximately the same time. When the first fighting occurred in Sukhum/i in 1989, some residents of Tqvarchal/Tqvarcheli rushed to the police station to get hunting weapons to protect themselves. Fearing that they would storm the station if distribution were refused, he, together with other inhabitants and the local authorities, set up headquarters to manage an orderly distribution of arms and to appoint defenders to protect buildings. No blood was spilt, and mixed teams made of Georgian and Abkhaz inhabitants of the district then visited other villages to explain how their action had acted as a deterrent to violence.[3]

Other interviewees indicated that the Youth Creative Union (*molodezhnoe tvorcheskoe ob"edinenie* – YCU) was a place where various questions, including identity issues, were still discussed among Georgians and Abkhaz in the 1980s. The YCU, established in 1986 on the initiative of young scientists and artists, was the first non-profit organisation set up in Abkhazia.[4] Like many other organisations that followed suit in Abkhazia, the YCU benefited from the restructuring of Soviet politics which resulted in greater freedom for groups to articulate their interests (*plyuralizm*) and express them in media (*glasnost'*).[5] It included both Georgian and Abkhaz young artists and scientists. But its aims were nationalist in nature. Its objectives included the "revival of national culture, rehabilitation of historical memorials, establishment of links with the Diaspora in other countries and celebration of Abkhaz-specific historical dates that were forgotten during Soviet times".[6]

Like many other movements in the Soviet Union, the YCU started with environmental activism, which was more acceptable to the authorities. But their activities had nationalist overtones, as the following example shows. In the late 1980s, Georgians planed to build a new factory on the Gumista river, north of Sukhum/i. For this, an electrical line was to be built and part of the forest destroyed. The YCU opposed the project. Letters were sent, meetings with management organised and people even gathered to prevent a helicopter from the firm from landing on the site chosen for the future factory. A former member of YCU working for one of the main Abkhaz NGOs acknowledged that such activities could already be seen as divisive, as YCU's concerns

were not only ecological. The organisation's members were concerned about changes in the demographic makeup of Abkhazia resulting from this project, as Georgian workers were expected to settle in Abkhazia to build the factory.[7]

As often happened in the Soviet Union, some of these informal groups became increasingly politicised and began to call for policy changes.[8] Several YCU members were among the founders of the Aidgylara national forum. While the latter also aimed to achieve some of the YCU's cultural aims, it focused primarily on political requests. And, unlike the YCU, it no longer included Georgians, thereby removing the opportunity for inter-communal dialogue. Several other organisations, such as the youth organisation Nartaa, the Armenian cultural charity society Krunk and the Internationalist Society of Sukhum/i, also had a clearly nationalist agenda and joined with Aidgylara in calling for respect for the Abkhaz's right to self-determination.[9]

1.2 Some factors impeding the organisation of grassroots activities in Abkhazia

Apart from the fact that mobilisation not sanctioned by the authorities was a new phenomenon in the Soviet Union, the absence of significant grassroots activities in favour of dialogue and the reinforcement of intercommunal relationships may be ascribed to several factors: exacerbated nationalism, the lack of intersection between the communities and the failure of traditional conflict resolution methods.

1.2.1 Nationalism spreads throughout society

The first factor was the overwhelmingly nationalist mood in both Georgia and Abkhazia, where the population became caught up in the tensions that were already running high among the intelligentsia and eventually took sides for one or other of the national projects. Complicating the organisation of informal dialogue (see Chapter Four), the incendiary nationalist propaganda pervading the region ended up influencing the population of Abkhazia.

Building support at the grassroots was obviously the goal of the leaders. Leaders of the Tbilisi-based national movements regularly went to the villages to exhort crowds to take sides. Georgi Derluguian reported that Jaba Ioseliani, the leader of the Mkhedrioni paramilitary force, went to Abkhazia to stress the lack of legitimacy of the Abkhaz grievances, while promising economic privileges for those who enlisted in his force.[10] The fact that Gamsakhurdia constantly stood up for the rights of the Georgians living in autonomous entities won him sympathy among the local Georgian population.[11] As mentioned in Chapter Four, the media played their part in radicalising the population. A Georgian writer who had previously lived in Abkhazia commented that broadcasting the strained debates of the Supreme Council of Abkhazia on television in 1992 did not help to moderate the inter-communal conflict. [12]

1.2.2 Lack of intersection in daily life: Abkhaz and Georgian communities living apart

Many interviewees and authors underlined that the Abkhaz and Georgians lived side by side but did not communicate. Abkhaz psychologist Arda Inal-Ipa highlighted this point at a UCI conference in Sochi. "They can object to us that the Abkhaz and the Georgians often held discussions, and took part in weddings and funerals. Nonetheless, it is well known that joint actions within the framework of ritual actions are far from genuine closeness. (…) It appears that, while living in one society, the Abkhaz and the Georgians almost did not discuss with one another their values, for the sake of which they would be ready to give up their own lives".[13] A Tbilisi-born Georgian activist who worked with displaced people corroborated this lack of communication between the Abkhaz and the local Georgians. They respected each other, he said, but did not talk with each other.[14]

Several observers pointed out that relations between the Abkhaz and the Georgians also depended on the 'origin' of the Georgians – whether they were Georgian tourists coming on holiday, Georgians who had settled under Stalin or came to study at the AGU, or Georgians whose families were from Abkhazia. For the majority of respondents attending focus groups in Tbilisi, in the pre-war period the tension between Abkhaz inhabitants and Georgian tourists was palpable. They noted that the Georgian tourists gazed at the Abkhaz with arrogance, maybe due to a feeling of superiority, and that they resented the fact that the Abkhaz spoke to them in Russian. The Abkhaz, in turn, treated them badly and developed negative stereotypes of the Georgians.[15]

A few Georgian interviewees also made a distinction between those who were born in Abkhazia and those who had come there in their early twenties, usually from Western Georgia, to study in the Abkhaz educational institutions. A Sukhum/i-born Georgian writer underlined that the latter knew little about the Abkhaz population and tended to believe nationalistic propaganda more easily.[16] The level of integration between the Abkhaz and the Georgians also depended on geographical distribution. Kenny Gluck distinguished Sukhum/i, where there was a high level of integration, from Gagra, where they lived in separate neighbourhoods, and mixed Georgian and Abkhaz villages in central Abkhazia. In the latter, the relationships between the communities were functional but tense.[17]

The division of institutions also reduced the opportunities for discussion. As mentioned previously, there was a local conflict of authority between the Abkhaz and the local Georgians over the Soviet system of ethnic stratification (see Chapters Two and Three). It escalated during *perestroika*. Feeling discriminated against by the titular nationality system, the local Georgians began to question the very existence of the Soviet institutions, including the Abkhaz state university. Although not the first institutional division in the republic,[18] the university split marked the onset of a spate of divisions of multinational bodies such as the union of writers, the medical institute and the soccer team. Other divisions ensued: the *Sovetskaya Abkhaziya* newspaper split along identity lines in August 1991. A month later, the Abkhaz started publishing *Respublika Abkhaziya* and the Georgians *Panorama Abkhazii*.[19] *Perestroika* also gave the Abkhaz and Georgians an opportunity to start up their own separate businesses and

organisations.[20] There were still informal places, such as cafés by the sea in Sukhum/i, where diverse groups met and talked. People also continued to work together in a few ministries, such as the Ministries of Health and Culture. But overall there were fewer opportunities for sharing concerns.

An Abkhaz activist who had tried unsuccessfully to organise discussions before the war underlined that the language barrier deepened the lack of understanding.[21] In 1985, Darrell Slider wrote that "relatively few Abkhaz speak Georgian — only 1.4 percent, according to the 1979 census. Even fewer Georgians living in Abkhazia know Abkhaz — 0.3 percent. Instead, both groups tend to learn Russian as a second language. Fully 75 percent of the Abkhaz claim a fluency in Russian, while 56 percent of the Georgians in Abkhazia have the same facility. From this it is apparent that almost 25 % of the Abkhaz and 44 % of the Georgians living in Abkhazia are unable to communicate with one another."[22] Consequently, the Abkhaz and the Georgians were often unable to understand the discussions held in each other's organisations.[23]

1.2.3 Failure of traditional Abkhaz conflict resolution methods

Ultimately, traditional Abkhaz peace-building capacity proved useless when tensions began to mount. According to the anthropologist Paula Garb, who analysed Abkhaz practices in the pre- and post-war periods, the reasons for this ineffectiveness were the difficulty of applying these practices to inter-group conflict and the decreasing influence of the primary mediators, the elders, in Soviet times. Traditional peace-building mechanisms may be useful for preventing a conflict, but they have their weaknesses too. In order for them to be effective, the sides must acknowledge the customary institutions. Consequently, these traditional measures can usually be used within a community, not with outsiders who abide by different customary laws.[24]

And this was the case here, where the Abkhaz methods, for instance, were used in one cultural pattern and at the individual level. They did not lend themselves to preventing a conflict between two cultures, at a societal level. They could have played a role in Abkhaz society, by moderating radical voices, but in fact the elders had very little influence on political issues. They had been discredited before the war, when younger people took the lead. As a result, their non-violent advice was not followed when the situation in the republic deteriorated. [25]

2. Humanitarian assistance and local peace initiatives during the war (1992-1994)

2.1 Absence of status-related considerations on the part of donors, IGOs and INGOs in the delivery of assistance

Until September 1993, the Georgian government did nothing to press donors, international non-governmental organisations (INGOs) or international governmental organisations (IGOs) to refrain from delivering assistance to the Abkhaz population. On the contrary, humanitarian negotiations to deliver assistance to the parties were

held regularly, and were successful. External actors did not take the issue of status into account. Assistance was given according to need and according to the means made available by external countries and organisations. This started to change after the fall of Sukhum/i in September 1993.

The initial humanitarian response to the situation in Georgia and Abkhazia was limited. Other countries were slow to respond to the UN Consolidated Appeal, launched in early 1993, preferring to support Georgia bilaterally. According to the 1993 UN Department of Humanitarian Affairs (UNDHA) report, bilateral assistance from Germany, ECHO and the US was twice the amount of UN aid for that whole year.[26] According to a former UNDHA official, various factors slowed down the distribution of assistance.[27] These included the small number of internationals on the ground, the lack of experience of relief workers in the former Soviet Union, the language barrier, and the absence of coordination between INGOs and IGOs. Besides, there was no budget for local staff to deliver aid. And in the end, internal chaos in Georgia limited the support the authorities could give to INGOs and IGOs.

The ICRC and Médecins sans Frontières began to work in the conflict zone in 1992. A former Georgian Minister for Health recalled that the Ministry of Health of Abkhazia, still staffed with Abkhaz and Georgian civil servants, helped both sides for the first months of war, before the front line was established along the Gumista river between Sukhum/i and Gudauta and the transmission of goods, supplies and wounded became impossible.[28] While the UNDHA delivered assistance in Georgian-controlled Sukhum/I, which was in dire need, people from Zugdidi tried to alleviate the plight of the people in Gal/i.[29] In the Abkhaz-controlled towns of Gudauta and Tqvarchal/Tqvarcheli, the inhabitants used the old Soviet stocks of medical equipment and got supplies from the Russian side and INGOs. A joint UN-Russian supply and evacuation operation for the deadlocked town of Tqvarchal/Tqvarcheli was set up in January-February 1993. A tripartite agreement was reached between the parties and Russia in Sochi on 27 May 1993 on conducting a similar operation in Sukhum/i and Tqvarchal/Tqvarcheli in June.[30]

One can wonder whether the fact that the Abkhaz population received assistance regardless of their status reinforced their *de facto* status and capacity to sustain resistance. According to Neil MacFarlane, this was probably the case.[31] Would it have been better to close one's eyes to the civilians' fate? There is no easy answer to this question. On the one hand, humanitarian assistance may be diverted and used to support the resistance. On the other, lack of it may have terrible consequences for the civilians. The role of humanitarian NGOs is to help the vulnerable regardless of their nationality and to prevent the diversion of aid for 'war' purposes, in line with the 'Do no harm' approach discussed in the first chapter. But this is by no means easy. In the case at hand, MacFarlane believed the consequences of lack of aid would have been particularly grim.

The reason I raise this issue is that attitudes to the delivery of assistance changed in the post-war period, as will become obvious in the next sections. When the cost of enabling the Abkhaz regime to survive was weighed against the danger of withholding assistance, the former sometimes prevailed. Things began to change as soon as the Abkhaz broke the ceasefire in September 1993. The Caucasian Institute for Peace,

Democracy and Development (CIPDD) reported that Kazakhstan had granted Abkhazia 10,000 tons of grain, and that this was considered by Tbilisi a "gesture of support to the separatists", illustrating the debates that subsequently arose around the question of assistance. [32]

2.2 Partisanship & Russia's shadow impeding local initiatives

Peace initiatives were not absent from these months of warfare. A Georgian human rights activist indicated that there were two attempts at demonstrations in Tbilisi by a small anti-war movement launched by students in August 1992.[33] Its members accused both Shevardnadze and Gamsakhurdia of unleashing the war. But, given the tense situation in Georgia, especially with the Zviadist demonstrations held at the same time, there was no room for dissent. The demonstrations were repressed by the security services, and the leaders arrested.

In Abkhazia itself, as communities fought each other, there were individual acts of kindness, such as those by the Georgians who hid Abkhaz inhabitants and promised to protect their homes when Sukhum/i came under Georgian control. There were also inter-village agreements on the non-use of force negotiated between elders, such as the one in Kyndyg and its surroundings (Ochamchira/e district) which lasted for a couple of months, as recalled by a Georgian political analyst and activist.[34] Personal initiatives were taken too.[35]

Three factors might explain why grassroots initiatives were not more numerous or significant. The first factor relates, broadly speaking, to the conditions on the ground, in particular, the war situation. As a rule, the activities of civil society and, more generally, the grassroots, are weak during armed conflicts because of the war and its consequences.[36] There are material consequences such as the lack of infrastructure and communication, the low level of security, lack of resources, (near) absence of free media and (quasi) non-responsiveness of the state structures approached by the organisations. Most importantly, inter-communal relations are severely affected. As noted in the previous chapter, wartime is usually not the time to speak about reconciliation or restoring communication. It is characterized by the flouting of basic human rights, the use of methods (such as torture and humiliation) that lead to the destruction of the social fabric, the erosion of trust and the displacement of people, which makes it impossible to draw on reciprocal networks.[37] Similarly, Stuart Kaufman stressed the need for security and safety before engaging in grassroots activities.[38]

Some of these consequences were visible in the Georgian-Abkhaz war. The population distribution mentioned in Chapter Two, for instance, indicates that in August 1993 few Abkhaz lived on Georgian-controlled territory (1 %), or vice versa (6 %). Furthermore, the capture of Sukhum/i was followed by the massive displacement of the Georgian population to Georgia, tearing the communities even further apart and drastically reducing the opportunities for coordination.

The second, case-specific factor was the striking sense of partisanship among the Abkhaz and Georgian communities. According to the findings of the ICRC-commissioned research on war, nearly three-quarters of Georgian and Abkhaz

respondents aligned themselves with a party to the conflict, more than in any other country surveyed.[39] Both sides saw themselves as fighting a defensive war. The Abkhaz felt they were defending their territory against aggression, while the Georgians saw their role as protecting their fellow countrymen from discrimination and their country from the threat of secession.

A third factor was the fact that many Georgians and Abkhaz firmly believed (as they still do) that the Russians were to blame for the conflict. They were convinced that any initiative would be pointless, as Russia would decide the outcome anyway. This aggravated the sense of victimisation and absence of personal responsibility. By thinking in this way, people absolved themselves of responsibility.[40] One-third of Georgian respondents to a survey conducted by Marina Elbakidze in 1999 expressed a similar point of view. She explained that "the supporters of this position consider that with such a force [Russia], neither the good will of people, nor the hostile mood between the peoples are of importance. The conflict between the Abkhaz and the Georgians would not have flared up, had there been no political influence from outside. In these circumstances, the people are powerless; they turn out to be a toy in the hands of political forces".[41]

These elements help explain why several grassroots initiatives were biased, or at least were perceived as such by the sides. The women's peace train that went from Tbilisi to Ochamchira/e in the summer of 1993, on the initiative of the Georgian organisations White Scarf and the Women's Society of the City of Tbilisi, was one example. While Stephen Shenfield saw it as a peaceful, multi-ethnic initiative of women of all ages who wanted to bring their men back or to give them medical supplies and provisions, Kenny Gluck defined it as a pro-Georgian project aimed at reconciling the Georgians fighting each other in Abkhazia so that they would be more effective in their struggle against the Abkhaz forces.[42]

A second initiative, the Committee for the Salvation of Abkhazia, caused much ink to flow and remained highly controversial in Abkhazia. Formed in January 1993 to "consolidate the population of Abkhazia, in particular the Georgians and the Abkhaz, to unify their force in the struggle for a peaceful political resolution", it attracted mainly mixed Georgian-Abkhaz families.[43] Two Georgian activists who had previously lived in Abkhazia argued that the Committee was helpful in assisting more than a hundred families to flee Abkhazia during the war.[44] The Abkhaz population resented the fact that one of the founding members, Lorik Marshania, an ethnic Abkhaz, was the deputy Chairman of the Council of Ministers, the Georgian executive body established in Abkhazia during the war. A Georgian poet who lived in Sukhum/i in the pre-war period noted that it was particularly intolerable to the Abkhaz that, in this capacity, Marshania rewarded Georgian soldiers for their duty in Abkhazia. Even though Marshania afterwards admitted that that war had been a mistake, for the Abkhaz, the committee was, and has remained, a committee of traitors.[45]

3. Grassroots activities in the post-war period (1994-2008): green light for local initiatives, red light for rehabilitation and development

3.1 Fear of reinforcing the Abkhaz *de facto* state: consequences for relief, rehabilitation and development

The humanitarian situation was particularly severe in post-war Georgia. Yet this was only partly because of the Georgian-Abkhaz and Georgian-Ossetian conflicts. Other significant factors included the civil war that had ripped Georgia apart at the end of Gamsakhurdia's regime in 1991, the disappearance of the centrally planned economy and the authorities' economic mistakes.[46] As an ICRC staff member summed up, "[o]nly 1 out of of 20 Georgians is a casualty of the conflicts. The other 19 are victims of economic collapse. War is not the main hardship, but economic disarray. Everything is collapsing".[47] For Georgia, the main issue in the Georgian-Abkhaz conflict concerned the burden of the displaced people. Approximately 210,000 to 220,000 people from Abkhazia were still displaced by mid-2008. They constituted 4.5 percent of the Georgian population, not counting the host families who took care of them.[48]

Abkhazia had to cope with the consequences of the armed conflict that had taken place on its territory. Most Abkhaz had a member of their family killed or wounded during the war.[49] Abkhazia's infrastructure was largely destroyed, while extensive areas of the territory were unsuitable for life owing to the mines that had been widely planted around Sukhum/i and in the eastern areas.[50] In spite of this, as will be seen, relief was lacking in the immediate post-war years, while large-scale rehabilitation and development only started in earnest twelve years after the end of the war.

The reason was linked to Abkhazia's *de facto* status. In the case of relief and also rehabilitation assistance, Tbilisi and donors worried that external assistance might consolidate Abkhazia's situation on the ground, thereby enabling the Abkhaz *de facto* state to survive. Combined with sanctions regimes, this withholding of relief, rehabilitation and development assistance had fateful consequences for the work of INGOs (in their freedom of movement and in the distribution of food) and, as a result, for the livelihoods of the people living in Abkhazia.

3.1.1 The role of assistance in the parties' strategies: how aid can contribute to the attainment of desired status

Despite what some INGOs would like to believe, humanitarian assistance is far from impervious to the political context in which it is given. In his report on politics and humanitarian assistance, Neil MacFarlane illustrated how the political considerations of the local parties, neighbouring countries and great powers all inform their response to humanitarian crises, influencing the aid policies of donors as well as the existence and procedures of aid.[51] For the parties, humanitarian assistance is a precious commodity in the pursuit of political aims and a tool to bolster the war effort. Similarly, the fear of legitimising the unrecognised actor or strengthening its control in opponent-held areas may influence the donors' response.[52]

In the case at hand, I will distinguish between the positions of the parties, the INGOs and the donors. Both parties had different expectations of what assistance – especially large-scale rehabilitation and development – could achieve in the region. For the Abkhaz regime, rehabilitation and development should strengthen Abkhazia's situation on the ground and consolidate its statehood. It should be provided, preferably, to every Abkhaz district without discrimination or preconditions. Consequently, two facts generally irritated Sukhum/i. The first was that assistance was granted primarily to the Gal/i district and, to a lesser extent, to the districts of Tqvarchal/Tqvarcheli and Ochamchira/e. They did not understand why Sukhum/i and the northern districts were left out. The second fact was that international donors sought Tbilisi's approval before starting projets in Abkhazia. They regarded Tbilisi's involvement in the decision-making process as a violation of how they defined their *de jure* status, namely, that of a sovereign state.

For Tbilisi, whose goal was the reintegration of Abkhazia into Georgia, assistance should contribute to the widescale return of displaced people to their previous places of residence and should be used to promote closer links between Abkhazia and Georgia. At the same time, Tbilisi feared above all that outsiders might establish substantial contacts with the Abkhaz regime – which could be construed as recognition – or that assistance might consolidate Abkhazia's *de facto* status and enable the Abkhaz regime to last for a long time. For the Georgian authorities, therefore, assistance should be delivered to the Gal/i district, the first area Georgians ought to return to. Moreover, Tbilisi should be kept informed about INGO assistance projects in Abkhazia, while IGOs, such as UN agencies, should preferably ask for its approval.

Their choice of ministry for dealing with international governmental organisations (IGOs) and international non-governmental organisations (INGOs) working in Abkhazia epitomises the two sides' understanding of the purpose of international assistance. Abkhazia's president Ardzinba asked to be consulted about any project led by INGOs or IGOs in Abkhazia in the 1990s, before the Ministry of Foreign Affairs took over. By comparison, it was the ministry in charge of Abkhaz affairs (after 2004, the Ministry for Conflict Resolution/Ministry for Reintegration) that oversaw these projects in Georgia, together with other ministries (of health, refugees, etc.) The same allocation of responsibility applied to the EC Steering Committee (see below).

3.1.2 INGOs' positions on status: neutrality and impartiality

Against this background, INGOs sometimes walked a tightrope. For the most part, they wished to maintain their neutrality and impartiality. I already shed some light on these two concepts with regard to the work of mediators in Chapter Three. Here, however, I review how they are understood by humanitarian players. In doing so I rely on the definition of the ICRC which, as the forerunner of contemporary humanitarian NGOs and the custodian of international humanitarian law, largely shaped humanitarian action.

To the ICRC, for which it is a core principle of action, to be neutral means "not [to] take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature."[53] Denise Plattner explains that neutrality refers to the

duty 'not to do', that is, to refrain from supporting any side in a conflict.[54] Most of the time, the INGOs in Abkhazia did uphold the principle of neutrality. Médecins Sans Frontières (MSF) was at times more vocal than others in criticising the lack of assistance given to Abkhazia, for example in a report in 2002 in which it condemned the effect of the sanctions regime on the Abkhaz population. In an interview in 2006, one MSF representative recommended the creation of an "exceptional category" to facilitate the delivery of assistance to *de facto* states.[55] The other INGOs, by contrast, refrained from voicing any opinion on the conflict or the sides and, in interviews, were usually very careful not to appear biased.

Impartiality is another operational principle usually asserted by humanitarian organisations. In order to be impartial, the ICRC "makes no discrimination as to nationality, race, religious beliefs, class or political opinions. It endeavours to relieve the suffering of individuals, being guided solely by their needs, and to give priority to the most urgent cases of distress".[56] If neutrality involves the duty 'not to do', as Denise Plattner put it, impartiality operates when the organisation 'must do' something – for instance, distribute relief.[57] And when it does, it must respect the requirements of non-discrimination and proportionality of need included in the principle of impartiality.

In the Georgian-Abkhaz context, it was scarcely possible to distribute help according to vulnerability only. As observed by Christine Bigdon and Benedikt Korf, "in the particular environment of complex political emergencies, it might be necessary to abandon a needs-oriented approach (supporting the poorest regardless of ethnicity) in favour of a more ethnically balanced strategy".[58] With each side condemning assistance given to the other 'camp' alone, INGOs often had to favour an approach that balanced the needs between the communities instead of one favouring the vulnerable only. The NRC, for example, strove to balance aid between the different districts, by rehabilitating schools in Gudauta and homes in Gal/i.

INGOs are usually clear that negotiating with an unrecognized entity do not bestow a higher *de jure* status on it. As stated in a manual explaining how to deal with unrecognised actors, "Humanitarian negotiations do not infer any legal status, legitimacy or recognition of the armed group".[59] In Abkhazia, INGOs had to engage the authorities to some extent. They routinely signed Memorandums of Understanding (MOUs) with the Abkhaz authorities, as in 2003 on the continuation of food assistance activities in Abkhazia.[60] Likewise, MOUs were signed when assistance projects were handed over to the authorities to define the latter's responsibilities, inter alia in terms of care and finance.[61] The ICRC also signed Cooperation Agreements for the centralisation of the blood transfusion service in Abkhazia, for instance.[62] It never signed a headquarters agreement with Sukhum/i, as it did with Tbilisi to define the status of its delegation, simply because the issue was never raised. A member of the ICRC pointed out that it would in any case have been unacceptable to the organisation, as headquarters agreements are signed with recognised states.[63]

Until the election of Saakashvili, this necessary trade-off – signing MOUs with the Abkhaz *de facto* authorities – drew no criticism from the Georgian side. Afterwards, things did not go always so smoothly, as the issue of registration showed. When, in October 2005, Abkhazia-based INGO offices had to register with the Abkhaz Ministry of Justice in order to work in Abkhazia, the Georgian authorities voiced their

opposition to this requirement.[64] The INGOs registered nonetheless, with no negative repercussions.

3.1.3 UN and US policy of withholding relief from Abkhazia

If INGOs as a rule tried to remain as neutral and impartial as possible, some donors were concerned that assistance might reinforce the ability of the Abkhaz *de facto* state to upgrade its *de jure* status. In this matter, a distinction can be drawn between the UN agencies and the United States on the one hand, and the European Union on the other.

As mentioned in Chapter Three, UNHCR both chaired the Quadripartite Commission in charge of negotiating return at Track 1 and provided assistance in order to create the conditions for a safe, secure and dignified return at Track 3. Given the deadlock in the repatriation process and the stalemate in the commission, UNHCR resumed its humanitarian mandate in 1995. Instead of providing aid in a neutral and impartial manner, it withheld assistance from the Abkhaz population. In doing so, the agency hoped to avoid consolidating the Abkhaz regime. In an interview with Kenny Gluck, a senior UNHCR field officer justified this policy by saying that a greater UNHCR role in Abkhazia would only prolong the Abkhaz capacity to resist return.[65]

It seems likely that the UNHCR approach of withholding aid to Abkhazia was supported by the UN's political representation in Tbilisi.[66] There was no mention of the humanitarian situation in Abkhazia in the 1994-1995 reports of the UNSG. The heading 'humanitarian assistance' referred solely to the situation of displaced people in Georgia. At first, the UN agencies justified the low level of attention given to Abkhazia by the lack of need and the obligation on the DPA (UN Department of Political Affairs) to target the "hardest hit groups".[67] In reality, as a senior NGO official conceded, no research had been done in Abkhazia to determine the needs of the population. The UN did not allow its Needs Assessment Team to evaluate the situation in Abkhazia in mid-1995.[68] The result was that the issues of food supplies, malnutrition and health-related programmes were more critical in Abkhazia than in Georgia.[69] Likewise, USAID resources were not to be used for humanitarian assistance in Abkhazia in 1994-1995.[70] The European Commission Humanitarian Office (ECHO), however, did not follow this course of action: it supported projects on both sides of the Ingur/i, depending on the vulnerability of the population.[71]

The combination of UNHCR and USAID limitations had disastrous consequences. First, according to Kenny Gluck, it greatly restricted the opportunities for joint projects and initiatives that might reduce Abkhaz opposition to the return of displaced people.[72] Secondly, it deepened the feeling of isolation in Abkhazia, which was already regarded as the result of a lack of impartiality and neutrality on the part of the third parties at the negotiation table. Thirdly, MacFarlane, Minear and Shenfield have suggested that it ran counter to an increased international presence in Abkhazia which could have moderated the conduct of the Abkhaz authorities and accustomed them to international standards.[73] Finally, as summed up by NGO participants in a Tbilisi symposium in 1998, it "reduced the transparency of decision-making over the welfare of civilian populations, increased resentment among insurgent elites, and diminished the credibility of international actors in their attempts to facilitate peace processes" at

the official level.[74] What is striking is that the decision to withhold relief was not due to pressure from Georgia: Tbilisi was not against the delivery of relief to Abkhazia. The same was not true with regard to rehabilitation and development.

The needs assessment conducted by the UNDHA in Abkhazia in July 1996 improved the situation. UNHCR and USAID also modified their policies afterwards, although the latter remained extremely cautious regarding projects implemented in Abkhazia, supporting only small-scale projects on problems such as mines, HIV and vaccines.[75] To the best of its ability, UNHCR restored the principle of impartiality. It also struck a balance between the Abkhaz resistance to an involvement in Gal/i and the Georgian misgivings regarding the extension of aid to non-displaced people.[76] Thus when the Abkhaz side resisted the construction of a school in the Gal/i district, UNHCR balanced the proposal with the construction of another one in Ochamchira/e.[77]

In the meantime, rehabilitation and development activities remained absent from Abkhazia. In 2000, ECHO stopped its assistance to the region, compelling all the NGOs except ICRC and MSF to put an end to their programmes. The agency considered that the situation on the ground had improved and that the time had come to shift from relief to rehabilitation and development projects. In its report, MSF concluded similarly that "[t]heoretically, all these operations should be implemented by the state and become part of the development aid. However, as long as Abkhazia remains banished by the international community in a 'non-war/non-peace/non-state' situation, this aid remains hypothetical".[78] In fact, once ECHO had pulled out, the humanitarian situation in Abkhazia quickly worsened owing to the inability of the Abkhaz authorities to carry out humanitarian programmes and the absence of more significant rehabilitation projects addressing the root causes of vulnerability. Alerted by the ICRC, ECHO resumed its funding at the end of 2002. [79]

3.1.4 Lack of funds for full-scale rehabilitation and development in Abkhazia: conditionality and insecurity

There were two main reasons why large-scale rehabilitation and development activities remained absent from Abkhazia until 2005: conditionality and insecurity. As discussed below, technical and financial assistance aimed at the reconstruction of Abkhazia's economy was made conditional on "the successful outcome of the political negotiations".[80] Wary of strengthening Abkhaz state-building desires, and pressured by Georgia, donors preferred to remain aloof as long as there was no sign of progress on key issues.

To be fair, Georgia and the donors alike were faced with a tough decision. Relief can, at least theoretically, be impartial and non-political, although it may have political consequences. In contrast, engaging in rehabilitation and development activities entails deciding which are the most desirable institutions and being prepared to legitimise the local or national authorities.[81] The decision to link relief to rehabilitation and development therefore depends on the donors' position relative to the beneficiary. In the case at hand, there was no willingness to legitimise the *de facto* Abkhaz authorities.

The second reason is closely related to the first. Rehabilitation and development rely on political stability and security. The situation on the ground must be stable and secure enough to ensure there is no risk of losing all investment in a flare-up of conflict. The absence of a comprehensive agreement on status, and the presence of Georgian militias desirous of reconquering the Abkhaz territory, did not create an environment conducive to stability or, therefore, to large-scale reconstruction.

At the very beginning, before it became clear that a comprehensive settlement was out of reach, the parties negotiated on economic rehabilitation. In January 1994, the Abkhaz and Georgian sides proposed the creation of an international commission that would assist the economic recovery of Abkhazia, including "the restoration of vital facilities, transport, communications, airports, bridges and tunnels".[82] In May 1994 they set up a Coordination Commission to discuss practical matters of mutual interest, such as energy, transport and communication.

As described in Chapter Three, the political negotiations on status quickly stalled. Accordingly, the mediators and donor agencies made rehabilitation conditional on progress in negotiations. The records of the May 1995 discussions indicate that the Russian mediator linked the signing of several agreements ensuring a stable power supply in Abkhazia and the rehabilitation of transport links to the signing of agreements on status and return.[83] This political precondition was confirmed in UNSC resolution 1065 of July 1996, where the UNSC requested the UNSG "to consider the means of providing technical and financial assistance aimed at the reconstruction of the economy of Abkhazia, Georgia, *following the successful outcome of the political negotiations*" [italics mine].[84] This was in line with Tbilisi's position. The Georgian authorities required the postponement of the economic rehabilitation of the Gal/i district until the return of the displaced people was complete – a perspective supported by Yeltsin and reiterated in the decision of the CIS Heads of States in April 1998.[85]

Not until 1997 did the UNSG begin to highlight the needs of the Abkhaz population unmet by the international community.[86] This coincided with the launching of the UN-led Geneva process, which put the status issue aside and instead facilitated progress on issues related to the sides' concerns. These were the return of the displaced people for the Georgian side and economic development for the Abkhaz. One of the first decisions of Working Group III, on economic and social problems, was thus to send a UNDP Needs Assessment Mission to Abkhazia in February 1998, to define needs in the economic and social spheres.

The final report of the mission reveals how differently Abkhazia's economic rehabilitation was regarded in Tbilisi and Sukhum/i. Neil MacFarlane recalled that unlike other reports, it had no statement of the mission's mandate (the aim and objectives of rehabilitation). The sides simply could not agree on the goal of rehabilitation. Sukhum/i wanted an economy capable of sustaining independent state-building, while Tbilisi was disposed to support only economic rehabilitation linking Abkhazia to Georgia.[87] At any event, donors were not ready to de-link rehabilitation from negotiations. Georgian opposition to the mission's recommendation and the flare-up in the Gal/i district buried the report. In May 1998, some 1,400 private houses were destroyed, and two million dollars invested by the international community in

small-scale rehabilitation vanished into thin air.[88] As a result, donors and NGOs scaled back.

From 1998 to 2004, international activities in Abkhazia steadily decreased.[89] The donors' fatigue and risk-averse approach resulted in a subsequent reduction of the work of INGOs. In 2000, the UNSG underlined the precariousness of the situation:

"During the reporting period, the humanitarian situation in Abkhazia, Georgia remained unsatisfactory, with large segments of the population depending on humanitarian assistance for their well-being, while facing serious problems of food security, accommodation and shelter, sanitation and access to health care. The continued deterioration of the infrastructure and the lack of economic development exacerbate the problems, as does the precarious security situation."[90]

3.1.5 Policy reversal on rehabilitation: removing the linkage between rehabilitation and official negotiations

The years 2004 and 2005 marked a turning point in rehabilitation, when several donors decided to rehabilitate a number of Abkhaz districts regardless of progress at the negotiating table. A combination of factors caused this watershed: (1) the security assessment conducted in Gal/i and Zugdidi, (2) the Rose Revolution in Georgia and (3) Tbilisi's policy change.

First, the UN stressed the need to rehabilitate the conflict zone. After a visit to in the Gal/i and Zugdidi regions between October and December 2002, the security assessment team, consisting of UNOMIG staff, UN police monitors and UN Department of Peacekeeping Operation officers, considered the security level high enough for economic programmes to be carried out. The report underscored the close links between insecurity on the one hand and poverty and unemployment on the other, and recommended tackling the latter unconditionally.

The regime change created an environment more conducive to investment. The poor performance of the Shevardnadze regime had been a disappointment to many donors, including the European Commission (EC), as is clear from the 2003 Country Strategy Paper for Georgia. "More than ten years of significant levels of EU assistance to Georgia have not yet led to the expected results. (…) In return for receiving EU assistance, the Georgian government has not yet shown the level of commitment to reaching the policy objectives linked to assistance which the EU may legitimately expect."[91] According to an EC official, the Commission was seriously considering a reduction in assistance.[92] The Rose Revolution and subsequent coming to power of Mikhail Saakashvili resulted in stronger political and financial involvement in Georgia by external players. Given the regime change, the EU responded positively when the Tbilisi-based EC delegation pressed to have more funds to allocate to Georgia.[93]

Finally, and perhaps most importantly, the decision by the new Georgian leadership to de-link the economic rehabilitation of Abkhazia from progress at the official level made it possible for rehabilitation programmes to be implemented.

Not all donors changed their policy, however. The US persisted in their refusal to engage with Abkhaz officials for fear of seeing their actions construed as recognition. Instead they chose to carry on their policy of non-engagement and to support only

small-scale humanitarian projects. Answering a question from the International Crisis Group, the head of the Agency for International Development (USAID) in Georgia acknowledged that the agency would refuse to work directly with the Abkhaz authorities even if asked by Tbilisi.[94] The EU and UN agencies, meanwhile, decided to engage with them constructively, while limiting their support as far as possible to state-building. They opted for a policy based on engagement and non-recognition.

Consequently, three rehabilitation projects were launched by the EC, UNHCR and UNDP at the end of 2005. In October 2005 the Abkhaz and Georgian sides agreed on the 'Strategic Directions' prepared by UNHCR. It comprised basic shelter repair, school rehabilitation, income-generating activities and community mobilisation in the Gal/i district. Two months later, in the eastern districts and Zugdidi, the EC initiated its 'economic rehabilitation programme', which aimed at creating the conditions for economic reconstruction and the safe return of the displaced people.[95] It contributed to improvements in the areas of electricity (Ingur/i hydropower station), public health (hospitals) and basic services as well as local agricultural development.[96] Eventually, the UNDP began to implement its Abkhaz livelihood improvement and recovery programme (ALIRP) for displaced people in Zugdidi and the residents of the eastern districts in December 2005. It included improving the quality of, and access to, water and sanitation, stepping up agricultural production and quality, and capacity-building in local administration to improve water management.

Unlike with previous commitments, assistance was thus de-linked from progress at the official level. UNHCR's Strategic Directions provide a good example of this new flexibility. In 2004-2005 the Georgian Ministry of Refugees, with support from UNHCR and the Swiss government, undertook to verify the number of displaced people from Abkhazia and South Ossetia living in Georgia. In 2005, the parties agreed to conduct a similar exercise in the Gal/i district to verify the number of returnees. Expected to take place in October 2005, the exercise was postponed at Georgia's request until spring 2006.[97] The idea behind the Strategic Directions, at the time of their adoption in December 2005, was first to assess the returnees' needs and then to implement appropriate economic and social projects.

However, when spring came, Tbilisi again refused.[98] At a meeting in July 2006 the Georgian representatives stated that they would resist the verification process unless two preconditions were met. These were the opening of a branch of the UNHROAG office in Gal/i and the presence of international police in the Gal/i district. Since these preconditions were unacceptable to Sukhum/i (see Chapter Three), all the material for the verification exercise already purchased by UNHCR stood idle. Confronted with this impasse, UNHCR simply changed the order of priority, and re-allocated the funds earmarked for the verification to the economic and social projects.

The EC rehabilitation programme was not subject to political preconditions either, and it was implemented regardless of progress in official negotiations. That is not to say that the programme had no political goals. In rehabilitating Abkhazia, the EC had several objectives in mind: (1) to decrease Abkhazia's (financial) dependence on Russia; (2) to create links between Sukhum/i and Tbilisi, thereby promoting reconciliation; and (3) to promote knowledge about Europe.[99] The risk of politicisation of the process diminished owing to the adoption of what Maria Van Ruiten called a 'bottom-up'

approach, contrary to the 'top-down' approach endorsed in South Ossetia.[100] While the Abkhaz and Georgian representatives were expected to meet regularly in the EC Steering Committee, they were not granted veto power. If they disagreed about who should implement a particular project, the donor and implementing partners would decide instead, in order to avoid jeopardising the whole programme. Moreover the Committee confined its work to the level of technicalities and was, in this regard at least, a depoliticised framework, according to a UNDP official.[101]

In South Ossetia, discussions took place in the Joint Control Commission established in 1992 to monitor the ceasefire. The parties had veto power over the EC programme. On the positive side, each decision was a consensus and was thus supported by both sides. On the downside, when tensions mounted, the decision-making process was deadlocked. As a result, whereas the Abkhaz and Georgian representatives were still meeting after 2006, it was increasingly difficult for the South Ossetians and Georgians to do so.[102]

The programme did not progress unhindered, however. The Abkhaz's refusal to negotiate with Tbilisi at the official level reverberated directly on the programme, delaying meetings and project implementation. After the first Steering Committee in December 2005, it took more than a year and a half for the parties to meet again. After 2007, however, the meetings were held on a more regular basis. Given the deadlock that had developed at the official level, this in itself constituted an achievement. According to an EC official, the fact that the EU was not party to the official negotiations at that time may have helped in that regard.[103]

Although the programme met the need for rehabilitation, its exclusive focus on the eastern districts (Gal/i, Ochamchira/e and Tqvarchal/Tqvarcheli) was less welcome to the Abkhaz population, who resented the absence of a similar endeavour in the four other districts. But the fact that the EC complemented the rehabilitation programme with a 'decentralised cooperation programme' in early 2006 may have helped to redress the balance somewhat in the eyes of the Abkhaz. While the former focused on the eastern districts and displaced people, the latter aimed at supporting local NGOs' confidence and capacity-building activities as well as income generation projects outside the conflict zone (districts of Gulripsh/i, Sukhum/i, Gudauta, Gagra) (see below).

3.1.6 Afforded more latitude: INGOs' advantages over IGOs

That said, the unrecognised status of Abkhazia remained an issue for many donors and IGOs. UN agencies such as UNDP are used to partnering with states, and tended to confine their activities to what was acceptable to Tbilisi. This helps explain why some development-related projects that are normally implemented by IGOs remained in limbo, such as law drafting, for instance. Although some Abkhaz officials were willing to adopt laws adapted to the Abkhaz situation, rather than merely keep on Soviet laws, or copy-and-paste Russian ones, the necessary expertise on law drafting was lacking. It is said that the speaker of the Abkhaz Parliament several times called on the OSCE experts for help, but never received an answer.

Advisory services were part of the mandate of the UN Human Rights Office in Abkhazia, Georgia (UNHROAG), but the fear of being seen as advisers of the

authorities and thereby legitimising the *de facto* authorities deterred the UN officials from offering concrete assistance.[104] As another UN official pointed out, other options were still open to them: they could have invited a foreign expert from a country with a similar legislative system to help the Abkhaz legislators, or paid for members of the parliamentary committee to travel to improve their skills in drafting legislation, or they could have trained judges.[105]

In that regard, it is revealing that initiatives deemed too sensitive for risk-averse international agencies were frequently implemented by local or international NGOs. This was the case, for example, with a micro-credit initiative. In 2005, a UNDP assessment identified the pitfalls of implementing such a project. The future micro-credit organism therefore had either to be registered as an NGO in Georgia or to receive a license from the National Bank of Abkhazia as a non-bank credit organisation. In the first case, the organism might have been unable to work in Abkhazia because it would have been regarded as a Georgian initiative, while in the second, it would have come into conflict with the Georgian authorities as "registering and licensing banks [was] the direct responsibility of the National Bank of Georgia (NBG)", as stated by the Parliament Budget Office of Georgia in 1998.[106] The assessment concluded that "meeting the requirements of both parties [would] require careful negotiation and diplomacy and probably an element of risk-taking".

While the UNDP eventually decided not to take up the challenge, the INGO World Vision did it successfully. According to a representative of the latter, its project contributed to empowerment and reduced the vulnerability of 300 clients from Sukhum/i and Gal/i who benefited from micro-credit schemes since 2007.[107] As noted in Chapter Two, such activities are not insignificant. They enable people to survive and provide them with economic security.

By the same token, it was generally recognised that, whatever the future status of Abkhazia, qualified people and effective local government structures would be needed.[108] The first draft of the UNDP ALIR programme included projects that involved building the capacity the of local administration. Most of these references disappeared from the final project, after Georgia's refusal,[109] until only capacity-building in local administration in terms of water management was left. Yet a UNDP official argued that it was in the interest of Tbilisi to face strong Abkhaz ministries, because weak officials would probably adopt more defensive positions.[110]

In contrast, several small-scale capacity-building trainings of local officials were conducted by INGOs. At the invitation of Conciliation Resources, Abkhaz politicians, officials and civil society representatives were invited to Scotland in 2004 to learn about governance and democracy in the United Kingdom. This was followed by a local NGO's project to stimulate cooperation between civil society and local (self-) government structures, where local experts analysed the legislation relating to local government and local self-government in order to work out legal proposals.[111] Giving external support to such initiatives was not without risk: the donor was reproached by several Georgian government officials for its decision to fund this project.

3.1.7 Some repercussions of the parties' strategies on the work of humanitarian organisations

While the INGOs often showed more flexibility than IGOs, the consequences of the battles over Abkhazia's *de facto* and *de jure* status hindered their work. The successive sanctions regimes had an adverse effect on humanitarian action. So did the absence of international status for Sukhum/i airport. These examples are discussed below.

Although this was not deliberate, the sanctions adopted by Russia, Georgia and other CIS countries were detrimental to humanitarian assistance. At the end of 1994, the Russians closed their border with Abkhazia to men of fighting age. Recalling the help given by the Chechens to the Abkhaz insurgents during the war, Moscow feared potential reciprocity. The border closure caused delays in the transportation of food and fuel to Abkhazia.[112] A previous staff member of the French INGO Action Contre la Faim recalled that in 1995 they could still bring in food directly by boat, through the port of Sukhum/i. This option was ruled out when the port was closed to all shipping by order of the Russian government in January 1996.[113]

Later that month, Abkhazia as a whole was subjected to sanctions following the decision of the Council of Heads of State of the CIS. As mentioned in Chapter Three, Tbilisi intended to reach three goals with this sanctions regime, which was revoked by the Russians in March 2008.[114] It sought to compel the Abkhaz officials to adopt a more conciliatory stance and to prevent Abkhazia's development. More importantly, perhaps, it sought to underline the *de jure* status of Abkhazia. Indeed the states, "confirming that Abkhazia is an integral part of Georgia, (…) without consent of the Government of Georgia will not exercise trade-economic, financial, transport or other operations with the authorities of the Abkhaz side; will not engage themselves in official contacts with the representatives or officials of the structures established in the territory of Abkhazia, nor with the members of military formations of Abkhazia".[115]

None of these sanctions regimes prohibited the delivery of humanitarian assistance. The CIS sanctions called upon the CIS countries to contact Tbilisi before making contact officially with the Abkhaz regime, for instance before delivering aid. Yet the isolation of Abkhazia that resulted from the closing of the Sukhum/i port, the cessation of the railway traffic, the lack of trade between Abkhazia and Georgia and Sukhum/i's unwillingness to depend on Tbilisi's authorisation to import goods – all reduced the choice of material available within Abkhazia. Several INGO representatives mentioned that their options in terms of projects had been restricted by what was available on the Abkhaz market.[116] In terms of medicine, too, the choice was limited. Sukhum/i was unable to import drugs or narcotics without Tbilisi's approval, as it did not have international import permits.[117] Smuggling drugs across the Psou river or from Turkey became one way to get medicine into Abkhazia, the other source being the INGOs' and IGOs' supplies.

It is noteworthy that the Abkhaz authorities agreed to consult with the Georgians on this matter. In 1997, at the insistence of the UN, the sides agreed to establish an Abkhaz-Georgian Bilateral Commission. They appointed Zurab Lakerbaia, a representative of mixed Georgian and Abkhaz parentage, as Executive Secretary of the Commission. From then on, dividing his time between his offices in Tbilisi and

Sukhum/i, Lakerbaia and his team facilitated the transit of goods (including drugs and vaccines) between Georgia and Abkhazia and played a role as mediator between the parties.

The lack of a clear status for Abkhazia was also an impediment once the INGOs' projects were handed over to the Abkhaz authorities. The orthopaedic centre for veterans in Gagra, set up under the aegis of the ICRC, had a hard time getting prostheses after the ICRC had left the project in the hands of the Abkhaz. Prostheses were made in Switzerland, and then sent on to Sochi. A person close to the case explained that, in the absence of a law regulating the importation of items, the Russian customs used their discretionary powers to decide whether the material could be brought into Abkhazia or not.[118]

A final example is the case of the Abkhaz airport. The Georgian authorities refused to allow it to be reopened for fear of upgrading Abkhazia's *de jure* status. As a UN official acknowledged, UNOMIG's repeated requests to change the category of Sukhum/i airport, at least for humanitarian purposes, remained unsatisfied,[119] and it never recovered the international status it had previously been granted by the International Civil Aviation Organisation. No fixed-wing aircraft could therefore land in Abkhazia, only helipads. In addition, there were no direct flights between Sukhum/i and Tbilisi: they had to stop in Senaki or, after a military base was established nearby in 2006, in Kutaisi. This situation also had financial and material consequences: air freight remained limited, as helipads obviously had a smaller capacity than fixed-wing aircraft, while the stopover in Senaki/Kutaisi increased travel costs for the UN.

3.2 Grassroots activities by local players: self-restriction by NGOs

It could be asserted that grassroots activities are far less important in the eyes of authorities than assistance is, and rehabilitation and development in particular. The latter were major assets in reinforcing or weakening the situation of the Abkhaz regime on the ground. Grassroots activities, by comparison, are designed to prepare the population, to help them voice their point of view and to facilitate coexistence between communities. They are less politically sensitive than rehabilitation or development. In the case at hand, Sukhum/i and Tbilisi were indeed mostly unconcerned about the influence these initiatives could have on their ultimate goal – respectively, the independence or conquest of Abkhazia. But the following analysis shows that the strategies of the authorities were not just an official policy – they were shared to some extent by NGO representatives, especially on the Abkhaz side.

In the following section, several types of initiatives at the grassroots are briefly explored, showing what had (not) been done in Abkhazia and in Georgia at the local level. Next, the reactions to these activities by Sukhum/i and Tbilisi are examined. There follows an analysis of the reactions of donors and local organisers to joint and unilateral activities, and finally, the consequences of the authorities' strategies for the organisation of grassroots activities are mentioned.

3.2.1 Brief overview of six types of local activities

By defining a new, third track, the field of conflict resolution acknowledges the role of local inhabitants in a peace process and the importance of building a peace constituency. A range of local initiatives were implemented in the Georgian-Abkhaz context from 1994 to 2008. I have sorted them into six categories, on the basis of Celia McKeon's typology:[120] (1) psychosocial rehabilitation to heal trauma; (2) citizenship and peace education to raise awareness about democratic values and conflict resolution at the local level; (3) monitoring activities to oversee state institutions and advocacy to demand better governance, accountability and security, among other things; (4) social and economic development to address social and economic inequality and provide new opportunities through community-building projects and joint business projects; (5) dialogue to bridge the divide at the grassroots and give opportunities for meeting and learning to people in similar situations, or who share a similar past;[121] and (6) justice and reconciliation. For each category, a few examples of joint, parallel and unilateral projects are described.[122]

3.2.1.1 Psychosocial rehabilitation

One of the first changes that can be initiated relates to the destructive effects of the conflict on the physical, emotional, intellectual and spiritual dimensions of an individual.[123] In the case at hand, the need for physical and psychological rehabilitation gave rise to the first joint project. Initiated by the United Methodist Committee on Relief (UMCOR), the project brought together Georgian and Abkhaz women for joint treatment in Armenia in 1995. Other projects took place on both sides of the Ingur/i. In Abkhazia, the Centre for Humanitarian Programmes (CHP), the Youth Houses and the Association Inva-Sodeistvie (AIS) focused on therapy for adults, combatants and children. In Georgia, several local NGOs worked on trauma healing with displaced people, including Atinati, the women's association Consent, and the Foundation for the Development of Human Resources.

These activities seemed insufficient, however, to tackle the needs. In its 2002 report, MSF wrote that only three professionals experienced in providing psychological care were present in Abkhazia.[124] In the same vein, a 2003 OCHA report mentioned the lack of comprehensive initiatives in the field of rehabilitation and insufficient psychological counselling for displaced people in Georgia.[125] But the fact was that if psychological assistance remained key to individual wellbeing, without improvement in the overall living conditions, the state of chronic stress affecting the displaced people and their children might endure, as NRC representatives pointed out.[126] And this, as described at the end of this chapter, was a challenge that had long remained unaddressed.

3.2.1.2 Citizenship and peace education

According to Boutros Boutros-Ghali, "there is an obvious connection between democratic processes – such as the rule of law and transparency in decision-making –

and the achievement of true peace and security in any new and stable political order".[127] The role of NGOs in democratisation may be to take part in the promotion of a democratic culture at the grassroots level, and instil a culture of peace.

In both Abkhazia and Georgia, Youth Houses were instrumental in educating young people about conflict resolution, tolerance and democracy. The two first youth houses were set up in Tbilisi and Sukhum/i with the support of UMCOR in 1998, based on the experience of Bosnia and Tajikistan.[128] Among other things, the Sukhum/i Youth House helped to build a network of youth organisations and organised multi-ethnic peace-building summer camps in the Abkhaz mountains. In the former, the young people were directly involved in the development of civil society and benefited from civic and media education, while in the latter, they took part in joint activities such as simulating UN session or shared decision-making for a town. Another local NGO, World Without Violence, supported youth debates on multiculturalism and inter-ethnic relations.

Joint activities involving Abkhaz and Georgians inhabitants were also run. From 1998 to 2004 the US Academy for Educational Development (AED) organised the 'Caucasus Young Leaders for Peace and Development' project, which consisted of parallel after-school programmes in both Abkhazia and Georgia, and joint peace camps in the US, Armenia and Turkey for the most successful teenagers.[129] The after-school programme focused on peace education, while the institutions hosting the young people during the peace camps provided conflict resolution training and an opportunity for inter-communal contact.[130]

As mentioned in Chapter One, the results of this programme were unexpected. While John Lewis and Anna Ohanyan did not find radical changes in attitude among the young participants, the project did cultivate a willingness to collaborate among them.[131] It also had a 'precedent effect': while young Abkhaz taking part in the AED project were worried that their desire to speak to the Georgians might be viewed with disfavour by their neighbours, those involved in a similar project in 2006 had no such concerns.[132]

Regarding adults, mention has already been made of the project to stimulate cooperation between civil society and local (self-) government bodies. In this case, talk shows and round tables with civil society representatives were held to raise awareness about civic education and public participation in local self-government. In Georgia, Assist Yourself produced an information pack for displaced people, containing information on their rights and on the institutions that were prepared to help them.[133]

3.2.1.3 Monitoring and advocacy

While specialised bodies are usually in charge of overseeing the work of state institutions, a society can push for higher standards in local and national authorities and monitor how the authorities perform their tasks.[134] The creation of the League of Voters for Fair Elections and the monitoring of court cases were two examples of monitoring in Abkhazia. In the first project, some 200 activists with different political viewpoints answered a call in the newspapers to monitor the 2004-2005 presidential elections. They did so successfully, and were redeployed in subsequent elections. The

second project, implemented in 2005-2007, was designed to facilitate access to justice for Abkhaz inhabitants.[135]

From their foundation, the Abkhaz NGOs became involved in advocacy. AIS, for example, which was set up in 1996, struggled against being assisted and advocated for the rights of the disabled, ultimately leading to the creation of the forum of organisations working on disability issues. Advocacy was also among the tasks of the human rights centre established by local NGOs from Gal/i, Sukhum/i and Ochamchira/e in Gal/i in December 2007.[136] One of the centre's members said they intended to keep in regular contact with Bagapsh's representative for human rights, to inform him of human rights violations occurring in the district.[137]

In Tbilisi, right after the war displaced people began to set up NGOs such as Assist Yourself and Consent, to advocate for the rights of displaced people, for changes in the legislation and improvements to their living conditions. A network of NGOs was also set up in 2000-2001 to raise issues relating to their housing and social situation and to lobby officials on them.[138] Its members notably took part in the development of the Georgian State Strategy for displaced people in 2005-2006.

3.2.1.4 Social and economic development

At the grassroots level, business can, among other things, play a role in reconstruction, address the causes of the resentment felt by those who are economically excluded, give people dignity and forge links between communities. With the help of International Alert and the EC, the Union of Businesswomen of Abkhazia (UBA) provided start-up funds and trainings to facilitate access to entrepreneurship for inhabitants, primarily women. According to a UBA activist, in 2007 nearly 50 local business projects, mainly in the Gal/i district, were started thanks to this support.[139] The pan-Caucasian Caucasus and Business Development Network (CBDN), supported by IA, provided an umbrella for local initiatives that included the production of juice in Gal/i for the markets in Western Abkhazia and cooperation between farmers on both sides of the Ingur/i on fighting pests.

Other local initiatives helped develop the capacity of local people and trust-building. The Georgian NGO Consent and the Abkhaz CHP, for instance, provided support for community-based initiatives in different regions of Georgia and Abkhazia by means of small grants. By and large, though, these kinds of community-based projects were rare. In 2007 an experimental social community project was initiated by the INGO World Vision with the help of local NGOs from Gal/i. Its key goal, as a member of WorldVision explained, was to mobilise communities to establish self-help mechanisms.[140] In the medium term, the INGO also planned to include a confidence-building aspect by involving villages consisting of different nationalities and stimulating cooperation between them.

The project started with mixed Mingrelian-Abkhaz and Mingrelian villages in the Gal/i district. In each village, a community initiative group made of people elected by their village assemblies set up and ran a community centre comprising four sections (medical, youth and elderly, women and children, and the economy). Four local NGOs from the district provided related trainings for the members of the community centre,

while World Vision provided the material (medicines, sports equipment, etc.) The objective was to ensure self-sufficiency in less than a year.

3.2.1.5 Grassroots dialogue

At the grassroots level, dialogues involve people who, as highlighted by Norbert Ropers, share the same situation or interests (women, children, trade unionists), or fate (widows), with the intention of facilitating communication and modifying attitudes.[141] A UN official reported that, from 2002 to 2006, UNIFEM assisted in the implementation of various dialogue projects including one between Georgian and Abkhaz women from the Eastern districts organised by the Gal/i Women's Peace Council.[142]

Other projects had a dialogue component. One of the expectations for the meetings of Abkhaz and Georgian mothers in the Commission on Missing Persons set up in 1994 was that it would lead to dialogue. The last discussion, facilitated by the UN and the ICRC, was conducted in 2003. According to a representative of the INGO in charge of the case, the meetings probably stopped as a result of the radicalisation of Abkhaz society and the lack of political willingness on the Abkhaz side to let the mothers meet. [143]

3.2.1.6 Justice and reconciliation processes

While activities were implemented in each of the previous categories, there was a striking absence of international or local projects dealing with justice and truth-seeking. There was an attempt by the Russian MFA to include a provision on these matters in the draft plan of 17 July 1996.[144] According to the provision, the parties would grant an amnesty to those who had taken part in the conflict and would establish a joint commission charged with investigating cases of war crimes and crimes against humanity. Legal proceedings against the guilty parties would then be instituted at the national level. The provision was, however, rejected by the parties. Regarding reconciliation, in 2007 the Human Rights Georgia NGO launched the Sorry Campaign to apologise to the Abkhaz population for the war.[145] The reactions in Georgia by the parliament, the authorities and the government-in-exile were exceedingly negative.[146]

Yet many local and external interviewees, including a UNHCR official, pointed to the necessity of dealing with impunity and coming to terms with the past, especially the origins, development and consequences of the war.[147] This, as an Abkhazia-born Georgian activist stressed, entails the need to clarify 'with a cool head' why the local Georgians did not side with the Abkhaz when Georgian troops entered Abkhaz territory.[148] She considers that, if unaddressed, this failure to examine the past will remain an obstacle to peace. Furthermore, it appears that there was a general willingness to assess past events. According to an ICRC-commissioned study, nearly three-quarters of the Abkhaz and the two-thirds of Georgians believed war crimes should be punished, preferably at the national level.[149]

Both sides saw themselves as victims and therefore refused to take any responsibility for the war. There were mutual accusations, and each side was keen to see

the other brought to trial, but there was no prosecution for war crimes or crimes against humanity on either side.[150] Documentation on human rights abuse was gathered for the purpose of proving the other side's wrongdoings rather than pursuing accountability. As regards symbolic reparations, the Georgian authorities inflexibly opposed any apology, as the Sorry Campaign showed. And while the Abkhaz authorities requested an apology from Tbilisi as a condition for starting negotiations in their 'Key to the Future' proposal in 2006, they showed no readiness to conduct a serious investigation into the wrongdoings of their own side.

3.2.2 The authorities' reactions to grassroots projects: Abkhaz NGOs questioned by Sukhum/i and Tbilisi

As noted in Chapter Four, Ardzinba's regime was not especially enthusiastic about the idea of joint dialogues including NGOs, to say the least. The Abkhaz officials were afraid that such participation by local NGOs, who could speak freely with their Georgian counterparts, might jeopardise Abkhazia's independence. Grassroots initiatives were not greatly appreciated either.

The reason for this was that Ardzinba's regime feared that local NGOs might undermine Abkhazia's national unity by revealing the weaknesses of the regime. This is why human rights activities, in particular, were the target of criticism. An EC official reported that they preferred humanitarian assistance instead, as it was far less threatening to them.[151] A UN official present in Abkhazia at the end of the 1990s remembered that NGOs were expected to report their activities to the authorities.[152] The criticisms were all the more acute as the NGOs were supported by (limited) external funds whereas the authorities were struggling under almost total isolation. The fact that the authorities did not invite the main NGOs to the meeting on confidence-building measures organised by the SRSG, Liviu Bota, in Athens in 1998 was illustrative of the tensions prevailing between them at that time.[153]

It was only in 2001-2002 that the NGOs built networks in order to communicate with governmental structures on an equal basis.[154] This period also saw the creation of organisations in the Gal/i district. The League of Voters for Fair Elections, which emerged from local NGOs and became a large civic movement monitoring the 2004-2005 presidential elections, marked another stage in the development of civil society in Abkhazia. An Abkhaz journalist has pointed out that this resulted in fairer elections and, more significantly, in a broader domestic recognition of the legitimacy of civil society.[155]

Although Bagapsh had a more positive view of NGOs, clearly he also disapproved of projects meddling too much in the functions of the state. The monitoring of court cases in particular unleashed virulent attacks: he said, for example, that he had "no special claims regarding the activities of non-governmental organisations", but that he "could not understand why an international organisation [the funds for the project had been allocated by the EC] was monitoring the activities of the courts and procurators in Abkhazia".[156]

In Georgia, apprehension was also related to the undertakings given by Abkhaz NGOs, perceived as the spearhead of Abkhaz independence. They were voiced under

Saakashvili. More than once, senior Georgian officials, including a minister, expressed opposition to financial support for the main Abkhaz organisations on the grounds that they were governmental.[157] Tbilisi started to pay closer attention to the funds going to Abkhazia and, in particular, to their beneficiaries. The fact that the EC did not rely on Georgian approval when selecting projects for the European Instrument for Democracy and Human Rights (EIDHR), or the decentralised cooperation programme, was thus very unpleasant for Tbilisi.[158]

EIDHR funds, allocated for the first time in 2002, were relatively modest. By contrast, those distributed under the decentralised programme – which aimed to complement the EC rehabilitation programme in supporting local NGOs' confidence and capacity-building activities as well as income generation projects outside the conflict zone, that is, in Sukhum/i and the Western districts – were more substantial and, therefore, more worrying for Tbilisi (see below).[159] An EC official mentioned that several Georgian officials openly acknowledged that they would prefer to see the EU put an end to its funding.[160] Pressure on donors was sometimes effective. An Abkhaz activist recounted how the financial resources allocated by an international donor for the production and distribution of a manual for civic education in Abkhaz schools dried up when Tbilisi discovered that it included references to Abkhaz constitutional human rights provisions. [161]

3.2.3 The organisation of projects: between leeway and self-restriction

This section examines whether donors and local NGOs refused to support or to organise joint and unilateral projects because of their potential repercussions on Abkhazia's status. It also analyses the repercussions of the parties' strategies on the everyday work of local NGOs.

3.2.3.1 Reactions of Abkhaz NGOs and participants to joint projects

As a rule, joint projects between Georgia and Abkhazia were the ones preferred by donors, because of their trust-building aspects. Like bilateral dialogue (see Chapter Four), they were also the preferred option of Georgian local organisations, for which they embodied their desire to re-unite their country. The Abkhaz, on the contrary, preferred parallel projects (which they also called 'symmetric projects'),[162] which had the advantage of being implemented separately on either side of the Ingur/i and of developing their own society. These projects could not be interpreted as implying Abkhaz agreement to living with Georgians. By comparison, joint activities were often regarded as sending the wrong message about the status they desired for Abkhazia or as "an attempt to reconcile the Abkhaz with the Georgians without addressing their demands for self-determination", as John Lewis and Anna Ohanyan noted in their assessment of the aforementioned AED-financed youth programme.[163]

In the beginning especially, when there was almost no donor support to assist Abkhaz civil society, the Abkhaz complained that assistance was given only for trust-building. For instance, after the UMCOR-financed rehabilitation programme in

Armenia, donors expressed their willingness to support additional psychological rehabilitation projects provided they were jointly organised. As Batal Kobakhia, the director of the Centre for Humanitarian Programmes, underlined:

> "It would be really sad to think that assistance for disabled people or veterans in Abkhazia would be possible only in case of an agreement for a joint treatment. I assume that the war invalids in Georgia did not have those preliminary conditions and that many of them had already the possibility for physical or psychological rehabilitation outside their borders without the participation of another side, in this case the Abkhaz side".[164]

Limited travel and education opportunities, together with their interest in explaining their position to the Georgian side, influenced the decision of the Abkhaz to engage nonetheless in joint projects. Many of these projects were even funded by INGOs and IGOs at the request of the NGOs themselves, like the partnership between the Abkhaz Women's Association and the Georgian NGO Fund Sukhumi. And Abkhaz society, at first very distrustful of such projects, became gradually more tolerant.

In this context, the latitude for organising joint projects that ran counter to the official strategy of Abkhazia is worth mentioning. This was the case of the programme of the Academy for Educational Development (AED) mentioned earlier. For three years in a row, children from Abkhazia were quietly given Georgian visas to fly to the US and take part in joint peace camps run by AED. This conflicted with the official policy of the Abkhaz regime, which refused to be regarded as a part of Georgia. This arrangement was known only to the children's parents and to the Abkhaz authorities in charge of the practicalities of travel. The fact that it was publicly revealed in Abkhazia only after three years indicates that the benefit of such travel – namely, the opportunity to fly to the US – presumably far exceeded, for the authorities and the parents, the cost of accepting a Georgian visa.

This example shows that under-the-radar cooperation was possible, whereas too much politicisation was, predictably, detrimental to these joint initiatives. A trip to Georgia by Abkhaz children in 2004 was loudly condemned in Abkhaz society. The fact that the group was received by Saakashvili and other Georgian officials probably explains this negative reaction.[165]

With tensions running high, the organisation of joint activities became more politicised. Before the Kodor/i operation in 2006, people were still moving across the ceasefire line to meet. While joint meetings were still held afterwards, organising them in Georgia or in Abkhazia was not more manageable. Leaders' rhetoric became more uncompromising, and Abkhaz society became more intolerant of people going to Georgia. An Abkhaz journalist, and a teacher who used to go to Tbilisi for seminars, reported that it became harder to do this. Many INGO heads of mission told me that their Abkhaz staff simply refused to cross the ceasefire line to meet their Georgian counterparts or take part in joint trainings.[166] Joint grassroots meetings within Abkhazia or Georgia proper were liable to incur the disapproval of the Abkhaz authorities. A UNDP official reported that their requests to organise a joint meeting of youth who had been given parallel trainings in agricultural skills were turned down by the Abkhaz authorities.[167]

An Abkhaz teacher who had been increasingly criticised by her family and friends for participating in trainings in Tbilisi correlated the level of opposition with Abkhazia's degree of independence.[168] She explained how her family and relatives had accepted her travels back and forth to the Georgian capital city some years before, and how in recent years they had come to believe that contacts with Georgians were no longer needed In her view, they agreed as long as Abkhazia was weak and exchanges between Abkhaz and Georgians might prevent war. Since Abkhazia had grown stronger, they no longer saw any point in going to Tbilisi.

3.2.3.2 Funds for unilateral projects: status-related considerations

Abkhaz NGOs did not have the same abundant external funds as their Georgian counterparts for organising unilateral projects, that is, initiatives taking part solely in Abkhazia. Two reasons for this were the lack of donors and the decision by Abkhaz NGOs to prioritise the defence of Abkhazia's independence over funds.

Many local Abkhaz NGOs started their activities with financial help from family and friends. Although not a real donor, the United Nations Volunteers (UNV) played a role in the early development of Abkhaz civil society.[169] From 1996 to 2004, the UNV contributed "to improved relations between ethnic groups and the establishment of good governance in Abkhazia" by promoting the concept of civil society, providing training on peace-building, on budgeting and proposal writing, and by assisting with reporting, among other things.[170] Small grants were also given to NGOs.[171] According to the assessment made in 2004, local NGOs trusted this organisation, which did not impose political views and was neutral with regard to the status of Abkhazia, took the interests of all into account, was the most open UN institution and had a permanent office in Abkhazia.

That said, the UNV had limited resources. Its assistance was complemented by that from INGOs such as Conciliation Resources and International Alert. As underlined in Chapter Four, these organisations believed that involving representatives of Abkhaz civil society would help them shape a vision for their society and listen to the needs of the grassroots, bolster their credibility in their own society and thereby sustain their participation in joint dialogues and, ultimately, enable them to implement initiatives tackling the factors perpetuating the conflict in their society.[172]

The major donors, however, remained absent. Some of the reasons voiced were insecurity and the language barrier. First, the situation in Abkhazia was not deemed sufficiently secure to allow access to the region and project implementation. After the climax of the May 1998 hostilities, humanitarian INGOs working in the region reported that donors had simply cut off funds to local NGOs. They said this was perceived as a kind of "collective punishment", as if the local NGOs were a front for the Abkhaz authorities.[173] Secondly, language was a barrier since few people in Abkhazia spoke English, making it more difficult to contact donors and to answer calls for proposals. UNV tried to overcome this hurdle by providing English classes for NGO representatives.

When funds became available, they were not always accepted. When calls for proposals included conditions or statements that could be construed as an acceptance

that Abkhazia was part of Georgia, the Abkhaz NGOs refused to apply, for example if they required the registration of the applicant in Georgia, the sending of the file to Tbilisi, or even statements too explicitly supporting Georgia's territorial integrity. The CHP thus refused to apply for TACIS funds in 1996 because the organisation would have had to register in Tbilisi.[174] An NGO activist remembered that the same condition had applied to the first call for the EIDHR in 1999, when Abkhaz NGOs also refrained from applying.[175]

Following a change of staff, the EC delegation decided to adopt a different approach when the EIDHR call was reissued in 2002. The rule of origin was widened to include NGO registration anywhere in Georgia and an account in any bank, 'illegal' or not, was deemed sufficient.[176] This time, Abkhaz NGOs applied. The same flexibility was shown from 2003 by INGOs working in humanitarian assistance. Whereas 'traditional' INGOs (such as MSF and the ICRC) were not keen to support peace-building activities or to link with civil society, this was not the case with the newly arrived humanitarian and developmental NGOs (e.g. World Vision and the INGOs implementing the Strategic Directions), who usually had 'maximalist' goals, using assistance to transform the conflict and build trust between the communities.[177]

Financial assistance grew more significant over time. In 2004-2005, the EU went a step further in its support for Abkhaz civil society with its 'decentralised cooperation programme'. The involvement of CR and UNV probably paved the way for greater involvement by showing that it was possible to engage Abkhaz civil society. As in the case of EIDHR, the EU issued a specific call for proposals whose title referred directly to Abkhazia and not to Georgia. Even though it came within the framework of EC funds allocated to Georgia, the fact that this was not made explicit made the call acceptable to the Abkhaz NGOs. As a result, eleven three-year projects were supported, involving a total of 950,000 euros, a considerable sum for the region. An analyst from the International Crisis Group underlined that greater financial resources were then available for projects in Abkhazia than in South Ossetia or Nagorno-Karabakh. [178]

In 2007, a new call for proposals was issued and 500,000 euros were to be earmarked for capacity-building in Abkhaz civil society. But this time, the EC asked the delegations not to make exceptions to the rule and to put the name of the country, not of regions, on the first page of the call for proposals. According to an EC official, this was merely for the sake of uniformity.[179] Consequently, Abkhazia came only under the heading 'Georgia and/or selected region of the beneficiary country'. The Abkhaz authorities proved more flexible than Abkhaz NGOs. Indeed, NGOs refused to apply despite encouragement from an Abkhaz minister to do so.[180] The minister probably believed the NGOs should close their eyes to the reference to Georgia.

USAID faced a similar problem with joint projects. As noted before, the agency had always been extremely careful not to support the Abkhaz regime. In 2007 for the first time the US agency did issue a call for proposals for joint Abkhaz-Georgian projects. In its request for applications, it recalled that the United States supported conflict-resolution activities that preserved Georgia's territorial integrity.[181] The main Abkhaz NGOs sent a letter to USAID in which they drew attention to what they perceived as an incompatibility between the goal of confidence-building and the restriction to projects supporting the territorial integrity of Georgia.[182] USAID back-

pedalled and replied that participants were not required to share their official policy line and that projects would be selected on merit alone.

Even the fact that Georgia might in some way be involved in the process could be a reason for refusing. A UN official revealed that UNHROAG had a hard time collaborating with local NGOs once they learned that the UN High Commissioner for Human Rights had signed a Technical Cooperation Agreement with Georgia detailing UNHROAG's activities before the office started its activities at the end of the 1990s.[183]

3.2.3.3 Repercussions of the parties' strategies on the work of NGOs

NGOs' working conditions were adversely affected by the unsettled status of Abkhazia and sanctions regimes. First, the restrictions and lack of recognised passports that hindered travel by Track 2 participants (see Chapter Four) also applied to the movement of grassroots leaders outside the former Soviet Union. Communication between Georgian and Abkhaz NGOs was made difficult by Georgian interference with telephone lines out of Abkhazia in 1995-1998.[184] Even the installation of internet capacity in Abkhazia, to facilitate contact between Georgian and Abkhaz partners, raised status-related issues. It was, however, successfully resolved. According to Paula Garb and Susan Allen Nan, Abkhaz civil society representatives who were discussing the possibility of installing the internet with their Georgian counterparts were concerned that such a step might be construed by the Abkhaz as bringing Abkhazia closer to Georgia. The Georgian side, in turn, feared that the Georgian population might perceive it as bypassing the isolation imposed on Abkhazia. After a long process consisting of negotiations between Abkhaz middle-level representatives and the director of the Open Society Georgia Foundation, followed by negotiations between the latter and the Georgian and Abkhaz authorities, the first internet café eventually opened in Sukhum/i in 2001.[185]

The struggle over the *de jure* status of Abkhazia raised other issues for initatives such as joint business activities. Most of the economic projects that could have been implemented by Abkhaz and Georgians came up against the presence of the sanctions regime, the absence of joint customs and the issue of the place of registration. Ideas were voiced in the Caucasus Business Development Network about how to legalise activities between Abkhazia and Georgia, such as the trade of tangerines, that were labelled smuggling because of the nonexistent relations between the two regions.[186] As this could not be resolved at the individual level, International Alert pushed the Georgian and Abkhaz partners to challenge the officials working on economic policy to facilitate joint cooperation.[187]

This brought up many issues. To legalise such trade, the origin of the goods needed to be known. A customs house therefore needed be established at the Ingur/i. Since this would equate to recognition, the Georgian side refused. In Chapter Three I mentioned that they agreed, however, with the idea of having Georgian customs officials both at the Ingur/i and at Psou (Russo-Abkhaz border). This proposal was rejected by the Abkhaz officials, however, as it would challenge their exclusive authority over the territory. The idea of a free-trade zone was launched within the framework of CBDN. But the Abkhaz side wanted a customs regime, to protect its sovereignty.[188]

No wonder joint business initiatives, which could act as powerful confidence-building measures between the communities, were almost impossible to set up.

Eventually, the fact that Abkhazia was a *de facto* state complicated the work of human rights NGOs. As noted in Chapter Two, the Abkhaz regime had to comply with human rights norms. This obligation was repeatedly mentioned in the UNSC resolutions of 1996-2000. That said, Abkhazia was not a party to human rights conventions.[189] Consequently, the Abkhaz regime did not have to submit regular reports documenting its compliance with human rights norms to the UN Human Rights Committee, or justify its deeds before the European Court of Human Rights, or tolerate visits by UN rapporteurs or the Committee for the Prevention of Torture. A local human rights NGO member acknowledged that this made it harder for them to appeal to those principles in their everyday work.[190]

A UN official stressed that there were feeble attempts by the authorities to respect human rights. As noted before, this may have been a reaction to the 2002 'standards before status' policy which, in the case of Kosovo, stipulated that negotiations over status (and, in time, recognition) would come once the standards, including several democratic criteria, had been met. He added that the UN could force them to do more in this field, but that, realistically speaking, the Abkhaz regime lacked the financial capacity to do so.[191] The authorities had only one prison, not several establishments with different regimes (for youth, adults, etc.). In some Abkhaz courts there was no separate place for hold the accused and the witnesses, and sometimes no premises at all, not to mention computers, a store for the archives or fully qualified staff.[192] This is not to imply that lifting the CIS sanctions regime and settling the status issue would have resulted in more accountable, transparent authorities. But it is likely that the unrecognised status of Abkhazia did have an adverse effect on the human rights situation.

3.3 Displaced population and returnees: impact of the parties' strategies on their participation in conflict resolution and political life

Finally, I examine how the sides' strategies on status prevented assistance to returnees and displaced people as well as their participation in conflict resolution activities. Displaced people and returnees were caught in the middle of the battle over status. Those who returned to Abkhazia faced instability and insecurity resulting from the use of tactics to destabilise Gal/i (Tbilisi's tactics) and to prevent a mass return (Sukhum/i's tactics). This complicated their involvement in conflict resolution activities. Those who remained in Georgia were not given the opportunity to integrate fully into Georgian society or to voice their concerns. This was mainly because of Tbilisi's concern that integration might jeopardise the achievement of their ultimate goal.

3.3.1 The attitudes of Tbilisi and Sukhum/i to returnees

According to MacFarlane, Minear and Shenfield, in 1993-1995 the international response to displacement was quick and significant. If issues arose, they were mainly of a logistical nature, such as the dispersion of the displaced people whose number

and needs were difficult to assess and to meet, the lack of roads, the inexperience and weakness of the Georgian authorities, extortion and insecurity.[193] Despite the insecurity prevailing in the Gal/i district, where the first phase of the return was to take place, since 1995 several thousand people had decided to go back to their homes. Some 40,000 flew back to Georgia again when their houses were looted and burnt by the Abkhaz militias and Abkhaz armed groups in May 1998.[194] Although reliable figures are difficult to obtain, given the circulation of displaced people between Abkhazia and Georgia, an estimated 45,000 people had returned to the Gal/i district by the end of 2007.

The sides were ambivalent towards returnees. It seems safe to say that, since the war, the Gal/i district remained a zone neither Sukhum/i nor Tbilisi was willing or able to stabilise, and both were likely to sacrifice stability in order to attain their desired status. For the Georgian authorities, the unconditional return of displaced people had been a priority since the war. In their view, the future status of Abkhazia should be defined only once the Georgian population, who had made up the majority in the pre-war period, had returned to Abkhazia. As long as this return was not possible, destabilising Abkhazia remained one of their tactics for weakening the situation of the Abkhaz *de facto* regime on the ground and recovering the territory of Abkhazia. Gal/i was a pathway to this, as the events of May 1998 and October 2001 illustrated. To this end, as MacFarlane has pointed out, 'patriots' (militiamen) were deliberately mixed in with the bulk of returnees.[195]

This had considerable implications for the returnees. First, the Abkhaz inhabitants regarded them as a fifth column (see Chapter Four). Secondly, as one former IA organiser recalled, it was sometimes quite a challenge for people from Gal/i to go north and meet the other inhabitants of Abkhazia.[196] Some of them feared being labelled as traitors by the Georgian militiamen if they were seen heading to Sukhum/i or Pitsunda for meetings. Some found ways to bypass the problem: they drove first to Georgia before coming back into Abkhazia over the Ingur/i bridge and heading towards Sukhum/i via the main road.

In 2004, Saakashvili decided to reject his predecessor's policy. As a result of US pressure, he cut off Georgia's official support to the guerrilla units such as the Forest Brothers and White Legion that operated in the conflict zone. This was followed by a parallel decision by the Abkhaz authorities to stop backing illegal formations in the region. While the overall security situation improved, an Abkhaz human rights NGO representative confirmed that destabilisation activities did not totally disappear. Even after 2004, the security situation remained dire in the lower part of the Gal/i district. This in turn had a clear impact on the aid provided for the returnees. Even in 2008, few INGOs or UN agencies dared to work in lower Gal/i (the region along the Ingur/i river), for instance.[197]

On the other hand, Tbilisi was willing to favour return as long as it was not politically detrimental to its interests. The presence of Georgians in the Gal/i district was in Georgia's interest to the extent that it prevented protest from the displaced community. But as the episode of the verification exercise illustrated, the Georgian authorities were reluctant to acknowledge that some of the displaced population had actually returned to Abkhazia. Such an acknowledgement would have implied that

the Abkhaz authorities had at least partly implemented their international duties. They could thus score some points for good behaviour. Secondly, it could have given the international community a reason to disengage and to relieve the pressure on the Abkhaz regime, which was not in Georgia's interest.

The Abkhaz authorities also had an ambivalent policy toward the returnees. On the one hand, Sukhum/i desired to demonstrate that they were allowing displaced people to return to Gal/i. This was not seen as too painful a compromise given that before the war the district had been almost exclusively populated by Mingrelians. On the other hand, the Abkhaz regime was not prepared to welcome too many returnees as this might jeopardise their future status. Many shared the opinion, held by an Abkhaz academic and an international official working in Gal/I, that the Abkhaz officials were not willing to improve security or stability in the region.[198] It was also said that Sukhum/i would have been ready to exchange Gal/i for recognition.

The Abkhaz officials rejected the measures proposed by the 2000 Joint Assessment Mission and the follow-up 2002 Security Assessment. These included the opening of a branch office of the HROAG in Gal/i, the resolution of the issue of the language of education in Gal/i district schools and the inclusion of a small civilian police component in UNOMIG, because they might infringe upon their sovereignty and weaken the Abkhaz *de facto* state. Instead of proving that they could indeed ensure a safe environment for the returnees, the Abkhaz police used to send the most uncontrollable law enforcement officers to the district and never tried to rein in criminality. All in all, one might reasonably wonder whether the policy of the Abkhaz regime towards the region was intended to prevent the extensive return of displaced people to Abkhazia.

In the end, concerns about involuntarily upgrading the *de jure* status of Abkhazia held UNHCR back from performing some of its tasks. Since the implementation of the Strategic Directions in 2005, UNHCR had been able to conduct bimonthly meetings with the organisations in charge of protecting the returnees in Gal/i (UNHROAG, ICRC and some other NGOs). However, a UNHCR official admitted that the agency could not ask for the electoral rights of the returnees to be respected when Abkhaz elections were conducted in the district, as such a statement could be construed as recognition of the legitimacy of the elections. [199]

3.3.2 The lack of integration of displaced people: defending the interests of Tbilisi and the Abkhaz government-in-exile

Because the return of displaced Georgian people was a key tactic for recovering Abkhazia, their integration into Georgian society was not an option under Shevardnadze. Although the Georgian authorities were less straightforward than the Azeri officials in asserting that if they resettled the displaced people, the international community would forget about their conflict, the Georgian and Azeri approaches did not greatly diverge.[200]

The politicians of the government-in-exile, namely the Georgian representatives elected in Abkhazia in the pre-war period (the Council of Ministers and Supreme

Council of Abkhazia), were also against integrating the displaced people and allowing them political participation, but for other reasons. Laurence Broers has listed them. First, the existence of these institutions depended on the existence of a displaced community. Consequently, the government-in-exile strongly rejected the idea integrating them into Georgia, thereby temporarily preventing an improvement of their living conditions.[201]

Secondly, as long as return was out of sight, the head of the government-in-exile, Tamaz Nadareishvili, and the other officials from the government-in-exile tried to secure their privileged position. They did so by using the displaced people in a way that favoured the incumbents, for instance by pushing them to vote for Shevardnadze's ruling party.[202] Finally, Nadareishvili was a vocal proponent of forceful resolution of the conflict, giving the false impression that the whole community was in favour of military action.[203] As a result, the displaced people did not have the opportunity to say what they expected from conflict resolution.

Accordingly, the displaced community was isolated from Georgian society. Living in community centres, displaced people had their own health services, schools and representatives bodies.[204] They were also kept from participating fully in the political life of the country. Until 2001, they did not have the right to vote in local or parliamentary elections in the majoritarian election system and consequently could not run as candidates.[205] They were already represented. Elected in 1992, the deputies from the Abkhaz Supreme Council were allowed to remain in the Georgian parliament "until the jurisdiction of Georgia [was] fully restored in Abkhazia and necessary conditions [were] established for elections of Members of the Parliament of Georgia".[206] The fact that they did not have to pass the test of elections facilitated the lack of representation and accountability of the government-in-exile.

As Francis Deng, Representative of the UNSG on Internally Displaced Persons, pointed out: "[I]t was feared that if the displaced persons were to have a stake in the political processes in the areas where they resided, this would encourage their local integration and they would consequently lose the impetus to return to the territories of Abkhazia and South Ossetia".[207] UNHCR frequently repeated, to no avail, that while displaced people have an inalienable right to return to their place of origin, they also have the right to integrate into the host community as long as this return is unfeasible.

Many psychological consequences and economic hardship eventually ensued from the displacement and people's feelings of alienation. A psychologist working with displaced people said that the broken promises of Georgian politicians about an early return created intense feelings of frustration.[208] Many interviewees, including two members of the Norwegian Refugee Council (NRC), portrayed what Laurence Broers called the two realities in which the displaced people lived: the physical reality and the "mythologized reality of the homeland".[209] Some, as one NRC representative recalled, dreamt of seeing the peacocks of the Aitar Hotel, where UNOMIG was based.[210] Representatives of UNICEF and the NRC working with this vulnerable population stated that all these factors resulted in a "sustained state of limbo" for the displaced people.[211] The psychologist highlighted that victimisation, dependency and feelings of hopelessness and powerlessness, increased by the lack of full citizenship rights, hindered their recovery of economic self-reliance.[212]

The Georgian authorities began to modify the laws on the electoral rights of displaced people in the early 2000s. Before 2007, however, the return of the entire displaced population was the only solution considered by the authorities.[213] As stated in the State Strategy for Internally Displaced People (IDPs), "Since 1999, with the initiative of international organizations, the approach towards IDPs started to change with the aim that humanitarian assistance should be gradually replaced by development and other programs focused on self-reliance. However, until this time [February 2007], no joint vision has existed for addressing problems related to IDPs".[214]

Saakashvili clearly departed from Shevardnadze's (non) policy in this matter. First, he carried out a wide-ranging reform of the government-in-exile, including the removal of parliamentarians from Abkhazia from the Georgian legislative body. The move was positive as the deputies had failed to fulfill their role as representatives of the displaced community. But the displaced people now found themselves without any political representation. Secondly, he supported the development of a new strategy regarding the displaced people. The state strategy that was adopted in February 2007 supported the idea of decent living conditions for displaced people and their participation in the Georgian society.[215] But by the time of the August 2008 war, the action plan implementing the strategy was still awaited.[216]

4. Summarising Track 3: the politicisation of assistance, return and displacement to freedom of action for local initiatives

This last chapter closes the examination of how the strategies of the parties, analysed at length in Chapter Three, obstructed non-official initiatives such as the delivery of assistance and the organisation of grassroots activities.

While middle-level representatives can be agents for change thanks to their particular position in society, in particular their links to the top and the grassroots, the pre-war situation in Abkhazia showed the extent to which their polarisation could also impede conflict resolution activities at different levels. Nationalist articles in the press, the broadcasting of highly charged parliamentary debates and restless meetings of national movements in the region ended up polarising the population. This high level of polarisation was confirmed by the ICRC-commissioned report indicating that two-thirds of the population had taken sides by the time the war started.

Aid was, however, delivered to the vulnerable without discrimination in wartime. This contrasts with the situation in 1994. It must be said that, in terms of humanitarian assistance, the Abkhaz authorities in a way had less at stake than the Georgians. Aid was mostly positive, as it compensated for the weakness of the *de facto* state. INGOs delivered services the authorities would have been unable to provide. The Abkhaz authorities complained about assistance given predominantly to Gal/i and the other eastern districts, but it did not jeopardise their control over territory or their institutions. If some projects were unacceptable, they could simply refuse.

In comparison, the Georgians were in a more uneasy position. Aid certainly looked far more menacing to Tbilisi, as it could consolidate Abkhaz institutions. On the other hand, Tbilisi had to authorise the INGOs and IGOs to create the conditions for

the return of the Georgian population waiting on the other side of the Ingur/i and to improve the wellbeing of the returnees.

What happened therefore was that Tbilisi allowed assistance as long as these projects (1) did not allow contact between the Abkhaz regime and the international community (since donors and organisations could bestow a higher *de jure* status on the Abkhaz regime) and (2) did not to consolidate the existence of the Abkhaz regime (*de facto* status). This explains the absence of rehabilitation and development before 2004 and the lack of rehabilitation beyond the eastern districts. Some donors followed a similar policy line with more zeal than Tbilisi. This was the case of UNHCR, which withheld relief from the Abkhaz in the first post-war years, and USAID, whose head admitted that he would refuse to become involved with the Abkhaz authorities even if asked by Tbilisi.

This chapter shows that INGOs had more leeway to implement certain projects than UN agencies. Tbilisi and Sukhum/i usually asked to be kept informed of their projects, but the INGOs did not need approval. They could thus launch projects regarded as too sensitive by other organisations, such as micro-credit schemes. However, obstacles to assistance arose not only from Georgia's refusal to support specific projects: INGOs and IGOs had to deal with the consequences of Georgia's and Abkhazia's policies on the ground. The absence of an international airport, the presence of sanctions regimes, or simply the fact that the Abkhaz elections were unrecognised, made the work of INGOs and IGOs more difficult. Instability in the Gal/i district complicated the delivery of humanitarian assistance, especially in lower Gal/i. In the absence of a final agreement, Tbilisi saw Gal/i as a tool for undermining the consolidation of Abkhazia and to reconquer the territory. The Abkhaz officials' unwillingness to improve the security situation, probably to avoid mass return by the displaced people, did not help the situation either.

With regard to local post-war initiatives, fewer problems were reported. As with humanitarian assistance, the working conditions of local NGOs were to some extent negatively affected by Abkhazia's *de facto* status. The lack of recognised passports and communication problems hindered their travels and activities. By and large, however, joint projects were carried out without much trouble. As a rule, donors were eager to support projects that favoured trust-building between the communities. And the AED programme illustrated that Sukhum/i and Tbilisi were able to overcome their status-related reservations in order to facilitate youth exchanges.

Getting donors' funds for unilateral projects was, however, much more of a problem. One of the reasons was that the Abkhaz NGOs had a principled position vis-à-vis external funds which did not facilitate project funding. They turned down any funding that might allude to the principle that Abkhazia was part of Georgia. This included selection procedures in which the Georgian authorities would have a say or projects where they would not be on a par with Georgian NGOs. In this matter, they were sometimes even more radical than the Abkhaz authorities themselves.

In turn, Saakashvili's government did not like funds that could consolidate the key Abkhaz NGOs, especially funds allocated without Georgia's consent. This was in line with the trend observed in Chapter Four. Tbilisi increasingly paid attention to Track 2 and 3 donors and beneficiaries in order to analyse whether they were jeopardising their

conflict-resolution approach. The EC decentralisation programme and EIDHR were thus implemented much to Georgia's discontent.

Ultimately, the fear that third parties might forget about Georgia also affected the displaced people adversely. The Georgian authorities felt that allowing them to settle and integrate would be to run the risk that the international community might lose interest in Georgia's position, with the result that the displaced people were left in a state of limbo for years.

Notes

1 Berghof Handbook for Conflict Transformation, "Glossary of Terms", http://www.berghof-handbook.net/std_page.php?LANG=e&id=41&parent=3.
2 "Sovetskaya Abkhaziya", no.137 & 138, 20 and 21 July 1989, p. 1.
3 Interview 89, Sukhum/i, 6/05/08.
4 Open Club of Non-Governmental Organisations, *Directory of Non-Governmental/Non-Profit Organizations in Abkhazia*, Sukhum/i, 2005.
5 Lane David, *Soviet Society under Perestroika*, Boston, Unwin Hyman, 1990, pp. 13-15; Saltmarshe Douglas, *An Evaluation of the UNV Abkhazia Programme, 1996-2004*, United Nations Development Programme, February 2005, p. 16.
6 Open Club of Non-Governmental Organizations, *Directory of Non-Governmental/Non-Profit Organizations in Abkhazia*, Sukhum/i, 2005, p. 7.
7 A similar case occurred in Georgia at approximately the same time. In June 1987, hundreds of writers, artists and scientists wrote Gorbachev a letter objecting to the creation of a New Transcaucasian Railway across the Caucasus mountains. They claimed that it would damage the environment. In fact, it seems that the Georgian authorities saw as much danger for their demographics as for the environment, as it would lead to further immigration to Georgia. This would also have led to the destruction of Georgia's cultural heritage. Kaufman, *op.cit.*, 2001, p. 100; Coppieters, *op.cit.*, 2002, p. 96.
8 Evans Alfred B. Jr, "Civil Society in the Soviet Union?", in Evans Alfred B. Jr., Henry Laura A., MacIntosh Sundstrom Lisa (eds), *Russian Civil Society. A Critical Assessment*, New York, M.E. Sharpe, 2006, p. 45.
9 On 10 March 1991, in an 'Address to the Georgian people', Aidgylara, the popular union 'Abkhazia', the democratic party of Abkhazia, the youth organisation Nartaa, the Armenian cultural charity society Krunk, the internationalist society of Sukhum/i, and the society for the protection of the social rights of the workers of Abkhazia called upon the Georgians to recognize that the Abkhaz also had a right to self-determination, and asked the Georgian population in Abkhazia to give up violent actions. *Edinenie*, no.3 (012), March 1991, p. 7.
10 "Ioseliani forcefully insisted that Gagra was no less Georgian land than any other, calling Abkhazes a backward subset of Georgians whose provincial ego was deliberately boosted by Moscow's attempt to dominate Georgia. He furthermore announced the pending privatisation of land and the resorts of Abkhazia under the post-socialist reforms of the independent Georgian state, and hinted that membership in his paramilitary movement would count a lot in the privatisation of Soviet-era assets. The emboldened villagers joined en masse, receiving Mkhedrioni badges, pre-authorised titles to property, and a few guns. Two years later these villages would be burnt to ground by the joint Abkhaz and Chechen forces (…)" Derluguian Georgi, "Abkhazia: A Broken Paradise", in Narula Monica, Sengupta Shuddhabrata, Bagchi Jeebesh, Sundaram Ravi (eds), *Sarai Reader 07: Frontiers*, New Delhi, Impress, 2007, pp. 74-75.
11 Aves, *op.cit.*, pp. 166-167.
12 Interview 23, Tbilisi, 21/03/08.
13 Inal-Ipa, *op.cit.*, 1999, p. 175.
14 Interview 100, Tbilisi, 14/04/04.
15 Elbakidze Marina, "Otnoshenie k narodnoi diplomatii (rezultaty sotsiologicheskogo issledovaniya)" [Relations to Citizen Diplomacy (Results of a Sociological Survey)], in *Rol' neofitsial'noi diplomatii v mirotvorcheskom protsesse. Material'y gruzino-abkhazskoi konferentsii* (Role of Non-official Diplomacy in the Peacemaking Process. Materials from the Georgian-Abkhaz Conference), University of California, Irvine, no.1, 1999, pp. 256-257.

16 Interview 23, Tbilisi, 21/03/08.
17 Gluck, *op.cit.*, p. 4.
18 The theatre was divided in 1979 into the Abkhaz one (Chanba) and the Georgian (K. Gamsakhurdia). But the new building for the Gamsakhurdia Theatre was not opened until 1982. Anchabadze Zurab V., Dzhindzharia Georgii A., Kuprava Arvelod E., *Istoriya Abkhazii* (History of Abkhazia), Sukhum/i, Alashara, 1986, pp. 246-247.
19 http://www.cjes.ru/bulletin/?bulletin_id=21
20 Interview 23, Tbilisi, 21/03/08.
21 Interview 57, Sukhum/i, 16/08/07.
22 Slider, *op.cit.*, p. 55.
23 Interview 57, Sukhum/i, 16/08/07.
24 But as Volker Boege underlined, it may be possible to re-frame the group in order to include the adversaries and make it more difficult for one side to walk away, for instance through marriage. Boege Volker, "Traditional Approaches to Conflict Transformation – Potentials and Limits", Berghof Handbook for Conflict Transformation, July 2006, p. 10.
25 Garb, Nan, *op.cit.*, March 2006; Garb Paula, "Mediation in the Caucasus", in Wolfe Alvin W., Yang Honggang (eds), *Contributions of Anthropology to Conflict Resolution*, Athens, University of Georgia Press, vol.29, 1996.
26 ECHO began work in June 1993. In total, the EEC gave almost $10 million to Georgia (including funds for Médecins Sans Frontières and for a private hospital in Sukhum/i) in 1993. Germany allocated $12 million and the US $8 million. The level of international assistance increased dramatically after the exodus of local Georgians in September 1993 resulted in an acute humanitarian crisis. Swift assistance provided by governments and the UN prevented a tragedy, even though the presence of displaced people increased the burden on Georgia. United Nations Department of Humanitarian Affairs, *Georgia. DHA Activities in 1993*, 1993, p. 24.
27 Interview 49, Tbilisi, 26/02/08.
28 Interview 31, Tbilisi, 20 /03/08.
29 Interview 49, Tbilisi, 26/02/08.
30 It was implemented on 19 June 1993. United Nations Department of Humanitarian Affairs, *op.cit.*, p. 11.
31 MacFarlane Neil S., *Humanitarian Action: The Conflict Connection*, The Thomas J. Watson Jr. Institute for International Studies, Occasional Paper 43, 2001, p. 14.
32 CIPDD, "The Georgian Chronicle", vol.2, no.12, available at: http://www.cipdd.org/files/61_265_696776_GeorgianChronicle-December93.pdf, December 1993.
33 Interview 21, Tbilisi, 27/02/08.
34 Interview 17, Tbilisi, 25/04/08; Gurgulia, *op.cit.*, 1999, p. 119.
35 Georgians and Abkhaz remembered Victor Popkov, from the Russian organisation "Omega", who came alone to Abkhazia during the war, lived in Ochamchira/e and became involved in organising direct negotiations between representatives of non-governmental organisations and the authorities, to no avail. He was killed during the second Russo-Chechen war. Interview 17, Tbilisi, 25/04/08; Interview, 89, Sukhum/i, 6/05/08.
36 Paffenholz, Spurk, *op.cit.*, p. 11; Harvey Paul, "Rehabilitation in Complex Political Emergencies: Is Rebuilding Civil Society the Answer?", *Disasters*, vol.22, no.3, 1998, pp. 206-207.
37 Paffenholz, Spurk, *op.cit.*, p. 11.
38 Kaufman Stuart J., "Peacebuilding and Conflict Resolution", Conference, "Living Together After Ethnic Killing: Debating the Kaufmann Hypothesis," Rutgers University, New Brunswick, 14 October 2000, p. 21.
39 According to the ICRC-commissioned study, 71 % of the Georgian public and 74 % of the Abkhaz said they supported a side. The interviewees included people from all sections of society, including combatants, displaced people, journalists and elderly people. Nine focus groups, 21 in-depth interviews and a quantitative national survey of 1,033 respondents were conducted in Abkhazia and in Georgia. Similar research was conducted in Afghanistan, Bosnia-Herzegovina, Cambodia, Colombia, El Salvador, Israel, the Occupied Territories and the Autonomous Territories, Lebanon, Nigeria, the Philippines, Somalia and South Africa. Greenberg Research, *People on War. Country Report Georgia/Abkhazia*, Geneva, ICRC, November 1999, p. 19.
40 Gluck, *op.cit.*, p. 8.
41 Elbakidze, *op.cit.*, p. 256.
42 Shenfield Stephen D., "The Georgian Abkhaz Conflict Past, Present, Future", Johnson's Russia List Research and Analytical Supplement, no.24, May 2004, available at: http://www.cdi.org/russia/johnson/8226.cfm, accessed January 2010; Gluck, *op.cit.*, p. 7.
43 Quoted in Konstantin Dumaa's book, which is an example of vigorous criticism against the Committee.

Dumaa Konstantin, *Apostoly gruzinskogo shovinizma* (Apostles of Georgian Chauvinism), Alashara, Sukhum/i, 1997, p. 46.

44 Interviews 111 and 21, Tbilisi, 15/04/04 and 21/03/08 respectively.

45 Criminal proceedings against 14 members of the Committee for high treason were instituted in 1993 and some were still ongoing in 2008. A resolution of the Abkhaz parliament, drafted by veterans and adopted on 20 October 1997, condemned the members of this Committee and prohibited their participation in state institutions. In 2008, the veterans' organisation Aruaa condemned the fact that former members of the Committee were working in governmental bodies. They demanded the resumption of the judicial inquiry and the publication of the names of the Committee's members. Bagapsh deflected the criticism, saying that it was intolerable to make unfounded accusations before the criminal proceedings were over. "Aruaa trebuet vozobnovleniya rassledovaniya ugolovnogo dela v otnoshenii chlenov 'Komiteta spaseniya Abkhazii'" (Aruaa demands the resumption of the investigation in relation to the criminal case concerning the members of the 'Committee for the Salvation of Abkhazia'), available at: http://www.aruaa.org/statment/statement_28.10.07.html, accessed November 2009; "Prezident Abkhazii vystupaet isklyuchitel'no za pravovoe reshenie voprosa lits, sostoyavshikh v 'komitete spaseniya Abkhazii', v period gruzinskoi okkupatsii v 1992-1993 godakh" (The President of Abkhazia appears exclusively in favour of a legal judgement on the issue of the people who were part of the 'Committee for the Salvation of Abkhazia' during the period of Georgian occupation in 1992-1993), *Apsnypress*, 26 February 2008; Gurgulia, *op.cit.*, 1999, p. 117.

46 Jones, *op.cit.*, 1997, p. 526; MacFarlane, Minear, Shenfield, *op.cit.*, 1996, pp. 16-17.

47 MacFarlane, Minear, Shenfield, *op.cit.*, 1996, pp. 16-17.

48 There is little information available on the percentage of displaced people living with host families. Usually they were simply said to be living either in collective centres or with host families/in rented apartments, with no further breakdown. According to an assessment of the situation of young displaced people in Georgia, in 2006 some 45 % still lived in collective centres (previously schools, hospitals, hotels, military barracks, factories, etc.). Scarborough Gregory, Tavartkiladze Tamar, Arganashvili Anna, *Rapid Assessment on the Protection and Livelihoods situation of Internally Displaced Children and Youth Living in Collective Centers in the Republic of Georgia*, NRC and UNICEF, October 2006, p. 8.

49 According to the Committee for Human Rights of Abkhazia quoted by Human Rights Watch, 4,000 people died, 8,000 were wounded and 122 were missing. On the Georgian side, 4,000 were killed, 10,000 wounded and 1,000 were missing. Human Rights Watch,*op.cit.*, p. 5.

50 According to HALO Trust, more than 18,000,000 sq. m. were in need of clearance after the war.

51 MacFarlane Neil, *Politics and Humanitarian Action*, Thomas J. Watson Institute for International Studies and the United Nations University, Occasional Paper 41, 2000; Ofstad Arve, "Countries in Violent Conflict and Aid Strategies: The Case of Sri Lanka", *World Development*, vol.30, no.2, 2002, p. 166.

52 MacFarlane, *op.cit.*, 2000, p. 41.

53 The Fundamental Principles of the ICRC, available at: http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/57jmft?opendocument, January 1995.

54 Plattner Denise, "ICRC Neutrality and Neutrality in Humanitarian Assistance", *International Review of the Red Cross*, no.311, 1996, pp. 161-179.

55 The head of the Médecins Sans Frontières mission to Georgia said to Tom Parfitt that "The main problem here is that without international recognition Abkhazia is a place in Europe that is as little known as Bhutan, and it has almost no access to direct bilateral aid. Funds for humanitarian work are channelled through the UN or NGOs like ours but at the end of the day we are micro-geopolitical players. This is still in a world where states are the biggest actors." Médecins Sans Frontières, "Old and Frail in the Shadow of the Embargo", December 2002, available at: http://doctorswithoutborders.org/publications/reports/2003/abkhgb.pdf, accessed January 2010; Parfitt Tom, "Years of 'Frozen Conflict' Leave Abkhazia Isolated and Poor", *The Lancet*, vol.367, April 2006, p. 1045.

56 The Fundamental Principles of the ICRC, available at: http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/57jmft?opendocument, January 1995.

57 Plattner, *op.cit.*, pp. 161-179

58 Bigdon Christine, Korf Benedikt, "The Role of Development Aid in Conflict Transformation: Facilitating Empowerment Processes and Community Building", in Austin Alex, Fischer Martina, Ropers Norbert (eds), *Transforming Ethnopolitical Conflict. The Berghof Handbook*, Wiesbaden, VS Verlag, 2004, p. 362.

59 Mc Hugh Gerard, Bessler Manuel, *Humanitarian Negotiations with Armed Groups: a Manual for Practitioners*, New York, United Nations, 2006, p. 14.

60 United Nations Development Programme, *Report of UNDP-Led Feasibility Mission to Gali District and Adjacent Areas of Abkhazia, Georgia*, Tbilisi, Bureau for Crisis Prevention and Recovery, April 2004, p. 6.

61 As of 2006-2007, international NGOs reduced their assistance for health care and social services. The International Committee of the Red Cross and Médecins Sans Frontières, which had been assisting

vulnerable groups in Abkhazia since 1992, were gradually handing over their activities to the Abkhaz authorities.

62 UNDP, *op.cit.*, April 2004, p. 6.
63 Interview 68, Sukhum/i, 19/10/07.
64 "Regulation on the Registration Procedures of the Branches and Missions of International NGOs in the Republic of Abkhazia", Approved by Decree of the President of the Republic of Abkhazia, 20 October 2005.
65 Gluck, *op.cit.*, pp. 19-20.
66 MacFarlane, Minear, Shenfield, *op.cit.*, 1996, p. 43.
67 MacFarlane, Minear, Shenfield, *op.cit.*, 1996, p. 90.
68 MacFarlane, Minear, Shenfield, *op.cit.*, 1996, p. 45.
69 MacFarlane, Minear, Shenfield, *op.cit.*, 1996, p. 43.
70 MacFarlane, Minear, Shenfield, *op.cit.*, 1996, p. 44.
71 Between 1993 and 2007, the European Community Humanitarian Aid department (ECHO) allocated 99.35 million euros to Abkhazia, South Ossetia and Georgia.
72 Gluck, *op.cit.*, p. 18.
73 MacFarlane, Minear, Shenfield, *op.cit.*, 1996, p. 43.
74 *Tbilisi Symposium on Conflict and Humanitarian Politics*, Tbilisi, 7 October 1998, available at: http://repository.forcedmigration.org/pdf/?pid=fmo:2655, accessed January 2010, p. 12.
75 Ibid., p. 7.
76 MacFarlane, *op.cit.*, 2000, p. 40, 51-52.
77 Interview 5, Oxford, 4/07/07.
78 In its 2002 report, Médecins Sans Frontières wrote that only those two international NGOs were present to support 18,700 indigents. Médecins Sans Frontières, *op.cit.*, p. 21.
79 ECHO decided to renew its financial support and allocated 1.3 million euros to Western Georgia, including Abkhazia, in December 2002. Première Urgence reopened its office in November 2002 while Acción Contra el Hambre reactivated its programme in January 2003, launching rehabilitation and some development-related programs.
80 UNSC, Resolution 1065, S/1996/1065, 12 July 1996.
81 Macrae Joanna *et al.*, "Conflict, the Continuum and Chronic Emergencies: A Critical Analysis of the Scope for Linking Relief, Rehabilitation and Development Planning in Sudan", *Disasters*, vol.21, no.3, 1997, p. 226.
82 "Communiqué on the second round of negotiations between the Georgian and Abkhaz sides in Geneva", January 1994, in Diasamidze, *op.cit.*, 2008, pp. 183-185.
83 The decision of the CIS Heads of States provided for the rehabilitation of the Adler-Samtredia-Baku-Erevan railway once the issue of the return of displaced people was settled. "Working Records of the Meetings on a Georgian-Abkhaz Settlement", May 1995; "Decision issued by the Council of the CIS Heads of States on proposals on reconciled operations for the conflict settlement in Abkhazia, Georgia", 26 May 1995, in Diasamidze, *op.cit.*, 2008, p. 221.
84 UNSC, Resolution 1065, S/1996/1065, 12 July 1996.
85 The decision reads as follows: "The measures for economic revival of the region and normalization of the border and customs regime shall be carried out only in connection with the organized return of refugees and displaced persons." "Decision taken by the Council of the Heads of States of the Commonwealth of Independent States on Additional Measures for the Conflict Settlement in Abkhazia, Georgia", 28 April 1998, in Diasamidze, *op.cit.*, pp. 211-212.
86 UNSG, Report of the Secretary-General Concerning the Situation in Abkhazia, Georgia, S/1997/827, 28 October 1997.
87 Interview 5, Oxford, 4/07/07.
88 In November 1998, the US government expressed its willingness to allocate up to $15 million to Abkhazia's rehabilitation if substantial progress could be seen in the peace process. UNSG, Report of the Secretary-General Concerning the Situation in Abkhazia, Georgia, S/1998/647, 14 July 1998; UNSG, Report of the Secretary-General Concerning the Situation in Abkhazia, Georgia, S/1999/60, 20 January 1999.
89 Office for the Coordination of Humanitarian Affairs, "Abkhazia Briefing Note", Geneva, January 2005, pp. 4-5.
90 UNSG, Report of the Secretary-General Concerning the Situation in Abkhazia, Georgia, S/2000/1023, 25 October 2000.
91 European Commission, "Country Strategy Paper. TACIS National Indicative Programme 2003-2006. Georgia", Brussels, 23 September 2003, p. 21.
92 Interview 39, Tbilisi, 22/02/08.

93 The EU funds were always allocated to Georgia, even if they were eventually earmarked for Abkhazia.
94 This policy contrasts with the US policy on Nagorno-Karabakh. In the latter case, Congress grants were allocated directly to Nagorno-Karabakh, in contradiction with US State Department policies. Shaffer Brenda, "US Policy", in Lynch Dov (ed.), *The South Caucasus: a Challenge for the EU*, European Union Institute for Security Studies, Chaillot Paper 65, December 2003, p. 59; International Crisis Group, *op.cit.*, 18 January 2007, p. 25.
95 The EC allocated €3.96 million to support rehabilitation and reconstruction in the conflict area (district of Gal/i, Ochamchira, Tqvarchal/Tqvarcheli, and Zugdidi), and adjoining areas and to create the conditions for the repatriation and reintegration of IDPs and refugees. The UNDP and UNOMIG were the main implementing partners. European Commission Delegation in Georgia and Armenia, "EC rehabilitation programme for the Georgian-Abkhaz zone of conflict", Tbilisi, April 2006.
96 Van Ruiten Maria, "The European Commission and Post-Conflict Rehabilitation in Georgia – Lessons Learned", *Security and Human Rights*, vol.20, no.2, 2009, pp. 165-174.
97 International Crisis Group, *op.cit.*, January 2007, p. 20.
98 Ibid.
99 Popescu Nicu, *Europe's Unrecognized Neighbours. The EU in Abkhazia and South Ossetia*, Brussels, Centre for European Policy Studies, Working Document 260, March 2007, p. 14.
100 In South Ossetia, where a 'top-down' approach has been favoured, the implementation of every project was made conditional on the agreement of the parties in the Steering Committee. Van Ruiten, *op.cit.*, pp. 165-174.
101 Interview 36, Tbilisi, 13/02/08.
102 Discussion in Brussels, March 2009.
103 Interview 38, Tbilisi, 11/02/08.
104 The mandate of the UNHROAG includes providing advisory services on the drafting of laws and information on laws and legal systems in various other countries. It also includes providing seminars and expertise for law enforcement officials, including police and prison officials; strengthening the independence of the judiciary and the protection of human rights through seminars and the provision of expertise for judges, lawyers and the procurator; fellowships to increase expertise in international human rights law, and sponsoring the participation of people from Abkhazia in international human rights seminars and conferences.
105 Interview 81, Sukhum/i, 11/12/07.
106 Wilson Tamsin, *Assessment of Opportunities for Developing a Microfinance Project in Abkhazia*, United Nations Development Programme, March 2005, p. 5.
107 The micro credits averaged 10-15,000 rubles (312-470 euros in 2007) and the repayment rate was 100 %. Interview 74, Sukhum/i, 13/08/07.
108 Saltmarshe, *op.cit.*, p. 25.
109 Interview 36, Tbilisi, 13/02/08.
110 Ibid.
111 A seminar was also held to present models of local self-government and public participation in use in Western and Eastern Europe.
112 CIPDD, "The Georgian Chronicle", vol.4, n 1, available at: http://www.cipdd.org/files/61_265_631991_GeorgianChronicle-January95.pdf, January 1995.
113 Hewitt George, "Post-War Developments in the Georgian-Abkhazian Dispute", in Hoiris Ole, Yürükel Sefa Martin (eds), *Contrasts and Solutions in the Caucasus*, Aarhus, Aarhus University Press, 1998, p. 204.
114 The Russians started to open the Psou border in 1999-2000, before formally revoking the CIS decision in March 2008. In a MFA statement, the Russians declared themselves not bound anymore by the CIS decision due to the changes in circumstances. In their view, there was no more ground for pressuring the Abkhaz authorities to accept the return of the IDPs and refugees as a "majority of Georgians" had already returned to the Gal/i district. "Lifting of the sanctions on Abkhazia is in keeping with the general practice of gradual softening and lifting of forceful measures if a target [of sanctions] is taking steps to fulfill the demands of the international community". "Russia Quits Abkhazia Sanctions Treaty", *Civil Georgia*, 6 March 2008.
115 Diasamidze, *op.cit.*, 2008, p. 259.
116 George Hewitt underlines that until the end of 1995, the Abkhaz were still able to travel to Trabzon to purchase goods. But the passenger-boat was stopped owing to Georgian pressure. Some goods were still coming from Turkey, while others were traded illegally at the Psou and sold at high price. Hewitt George, Abkhazia, Georgia and the Circassians, available at http://www.circassianworld.com/Hewitt_G.html
117 Parfitt, *op.cit.*, p. 1043.

118 Interview 68, Tbilisi, 19/10/07.
119 Interview 75, Sukhum/i, 19/09/07.
120 McKeon Celia, "From the ground up: exploring dichotomies in grassroots peacebuilding", paper presented at an international conference on "Post-conflict, development and peace", organized by the Department of Political Science at the Javeriana University in Bogota, Colombia in November 2003.
121 Ropers Norbert, "From Resolution to Transformation: the Role of Dialogue Projects", in Austin Alex, Fischer Martina, Ropers Norbert (eds), *Transforming Ethnopolitical Conflict. The Berghof Handbook*, Wiesbaden, VS Verlag, 2004, p. 263.
122 I realise that this selection does not give credit for all the work that has been done, but a more accurate listing is beyond the purview of this research. For additional details about the projects implemented in 2001-2005, see OCHA's Abkhazia briefing notes. They are available on the following website: http://www.reliefweb.int/rw/dbc.nsf/doc104?OpenForm&rc=3&cc=geo, accessed August 2009.
123 Lederach John-Paul, *The Little Book of Conflict Transformation*, Intercourse, Good Books, 2003, p. 24.
124 Médecins Sans Frontières, *op.cit.*, p. 21
125 Office for the Coordination of Humanitarian Affairs, "Georgia Humanitarian Situation and Strategy 2004", Geneva, 20 November 2003, available at: http://www.reliefweb.int/rwarchive/rwb.nsf/db900sid/SKAR-649JP6?OpenDocument, accessed January 2010, p. 24.
126 Interview 108, Tbilisi, 6/04/04.
127 This link between democracy and peace must be qualified. According to the study based on data from 152 countries in the period 1816-1992, strong democracies are less prone to civil war. However, "democratising" states are more prone to political violence. The authors conclude that "the most reliable path to stable domestic peace in the long run is to democratize as much as possible". Hegre Havard, Ellingsen Tanja, Gates Scott, Gleditsch Nils Peter, "Towards a Democratic Civil Peace? Democracy, Political Change, and Civil War, 1816-1992", *American Political Science Review*, vol.95, no.1, 2001, p. 44; Boutros-Ghali Boutros, *An Agenda for Peace*, New York, United Nations, 2nd edition, 1995, pp. 61-62, quoted in Hemmer, Garb, Phillips, Graham, *op.cit.*, p. 136.
128 Two additional houses were then established in Zugdidi in 1999 and Ochamchira/e in 2001. The goals were to foster community development and dialogue via psychosocial rehabilitation, social and educational development (such as English classes, conflict resolution training) for youth from both sides of the Ingur/I, and to support and professionalise these four local NGOs. Watson Charlotte B., Rukhadze Natia, Gabrielashvili Tamar, Dvali Shalva, *Georgia Youth Houses and Youth Clubs Final Evaluation*, Tbilisi, United States Agency for International Development, December 2004, p. 3.
129 The goal of the AED was to develop "a cadre of future young leaders from both sides of the Georgia-Abkhaz conflict who would demonstrate the potential to be future leaders in their respective communities and who would establish a foundation of trust, confidence and understanding between them". In total, 510 young people took part in the peace camps. Five NGOs in Georgia and nine in Abkhazia were established on this basis. They developed educational programmes (English classes, computer courses and conflict transformation trainings) and small-business activities. Academy for Educational Development, "Young Leaders for Peace and Development", available at: http://www.aed.org/Projects/ylpd.cfm, accessed March 2008. Watson, Rukhadze, Gabrielashvili, Dvali, *op.cit.*, pp. 12, 19.
130 Ohanyan, Lewis, *op.cit.*, pp. 60-62.
131 Ohanyan, Lewis, *op.cit.*, p. 73.
132 Garb Paula, Nan Susan Allen, "The Dynamism of Shared Success in Abkhaz-Georgian Peacebuilding", March 2006, available at: http://www.allianceforpeacebuilding.org/pdfs/AbkhazGeorgian.pdf, accessed January 2010.
133 Matveeva Anna, "The Conflict Prevention Capacities of Local NGOs in the Caucasus", in Lund Michael, Matveeva Anna, Tiberghien-Declerck Christine, Tishkov Valery, *Conflict Prevention in the Caucasus*, London, FEWER, December 2001, pp. 91-115.
134 Bell Edward, Klein Diana, *Peacebuilding in the South Caucasus: What Can the EU contribute?*, London, International Alert, September 2006, p. 18.
135 The monitoring part of the EU-financed project consisted in physically monitoring the material situation of the courts; observing judicial investigation procedures; and assessing the fulfilment of the criteria for access to a fair trial.
136 As the Abkhaz regime resolutely refused to open a UNHROAG office in Gal/i – one of the preconditions set by the Georgians for starting the verification exercise – several NGOs from Abkhazia decided to open an NGO centre for human rights. Supported by the UN, the project was run by five NGOs from Sukhum/i, five from Gal/i and one from Ochamchira. According to one of its founders, the centre aimed at providing legal services for the population as well as general information via a library and internet access. One of the rooms in the centre was occupied by a UNHROAG representative. Interview 66, Gal/i, 24/10/07.

137 Interview 66, Gal/i, 24/10/07.
138 Broers, *op.cit.*, pp. 20-21.
139 Interview 50, Sukhum/i, 10/10/07.
140 Interview 74, Sukhum/i, 13/08/07.
141 Ropers, *op.cit.*, 2004, p. 263.
142 Interview 69, Sukhum/i, 10/08/07.
143 Interview 119, Tbilisi, 31/03/04; Interview 68, Sukhum/i, 19/10/07.
144 "Protocol on a Georgian-Abkhaz Settlement", 17 July 1996.
145 Part of the appeal reads as follows: "Sorry for not preventing the war. Sorry for not having prevented the disaster. Sorry for every word that inspired the war; for every bullet that was shot. We are fully aware that there are always reasons for war to break out; both opposing sides had provokers and encouragers who supplied them with weapons to kill each other. Some are more to blame than others – but everybody is guilty of the war." "An Appeal to the Abkhazian People", available at: http://www.apsni.org/index.php?a=pg&pid=2&lang=en, accessed January 2010.
146 The statement by Saakashvili exemplified reactions inside the government: "They cut off the heads of Georgians, kicked them out of their houses, destroyed Georgian monuments, left Georgian children on the pass from Abkhazia to Svaneti in winter, and they crashed Georgian helicopters. After all these events, do you want us to apologize? Which international organizations do the people represent who are working on projects that consider expressing repentance towards Abkhazians? Who gives them grants for doing such stupid things?" "Mikhail Saakashvili does not have the right information on the Sorry Campaign", available at: http://www.apsni.org/index.php?a=detailed&type=0&nid=3&lang=en, 30 January 2008; Gulua Eka, "Reactions of MPs on Sorry Campaign", Human Rights Georgia, available at: http://www.humanrights.ge/index.php?a=article&id=1668&lang=en, 28 May 2007.
147 For more information, see Frichova Magdalena, *Transitional Justice and Georgia's Conflicts: Breaking the Silence*, International Center for Transitional Justice, May 2009; Interview 45, Tbilisi, 7/02/08.
148 Interview 106, Tbilisi, 24/03/04.
149 The authors report that the Abkhaz and the Georgians had more faith in their national institutions than the nationals of other countries surveyed by the ICRC. Both the Abkhaz and the Georgians were suspicious of international courts. Only 15 % of them were in favour of letting international courts try wrongdoers. Greenberg Research, *People on War. Country Report Georgia/Abkhazia*, Geneva, ICRC, November 1999, pp. 27-28.
150 Back in in October 1992, the Georgians had called on the UNSC to establish a war crimes commission to collect evidence of atrocities.
151 Interview 39, Tbilisi, 22/02/08.
152 Interview 81, Sukhum/i, 11/12/07.
153 Kvarchelia Liana, "Nepravitel'stvennye organizatsii i narodnaya diplomatsya (na primere abkhazo-gruzinskikh vzaimootnoshenii)" [Non-governmental Organizations and Citizen Diplomacy (in the Case of Abkhaz-Georgian Interrelations)], in *Rol' neofitsial'noi diplomatii v mirotvorcheskom protsesse. Material'y gruzino-abkhazskoi konferentsii* (Role of Non-official Diplomacy in the Peacemaking Process. Materials from the Georgian-Abkhaz Conference), University of California, Irvine, no.1, 1999, p. 185.
154 Open Club of Non-Governmental Organizations, *Directory of Non-Governmental/Non-Profit Organizations in Abkhazia*, Sukhum/i, 2005, p. 8.
155 Interview 63, Sukhum/i, 6/09/07.
156 "Prezident Abkhazii schitaet aktual'nym sotrudnichestvo vlastiei s NPO" (The President of Abkhazia considers that cooperation between the authorities and NGOs is topical), *Kavkazskii Uzel*, 22 April 2008.
157 Interview 33, Tbilisi, 3/03/08.
158 "Since EIDHR projects are, in contrast to Tacis, not negotiated with the government, they can be used as tools for support to civil society initiatives on the whole territory of Georgia, including areas not controlled by the government such as Tskhinvali region/South-Ossetia and Abkhazia." European Commission, "Country Strategy Paper. Tacis National Indicative Programme 2003-2006. Georgia", Brussels, 23 September 2003, p. 18.
159 The European Commission's delegation in Georgia, "Overview of European Commission Assistance in Abkhazia and South Ossetia", December 2006.
160 Interview 38, Tbilisi, 11/02/08.
161 Interview 58, Sukhum/i, 14/12/07.
162 Dbar Roman, "Tema ekologii v grazhdanskoi diplomatii na primere abkhazo-gruzinskikh postvoennikh otnoshenii" (The Topic of Ecology in Citizen Diplomacy in the Case of Abkhaz-Georgian Post-War Relations), in *Rol' neofitsial'noi diplomatii v mirotvorcheskom protsesse. Material'y gruzino-*

abkhazskoi konferentsii (Role of Non-official Diplomacy in the Peacemaking Process. Materials from the Georgian-Abkhaz Conference), University of California, Irvine, no.1, 1999, p. 145.

163 Kvarchelia, *op.cit.*, 1999, pp. 180 and 182; Nan Susan Allen, "Civic Initiatives", in Cohen Jonathan (ed.), *A Question of Sovereignty: the Georgia-Abkhazia Peace Process*, London, Conciliation Resources, Accord 7, 1999. Ohanyan, Lewis, *op.cit.*, p. 65.

164 Kobakhia, *op.cit.*, p. 196.

165 Interview 118, Tbilisi, 16/04/04.

166 Interview 59, Sukhum/i, 16/08/07; Interview 80, Sukhum/i, 7/11/07.

167 The UNDP supported the parallel creation of youth clubs in eight villages in Zugdidi and nine Abkhaz villages. The local partners (Atinati in Zugdidi, and Ochamchira/e Youth House in Abkhazia) improved the young people's agricultural skills and assisted them in drawing up their business plans and implementing their projects. But when the time came to bring them together to share their experiences, the UNDP faced the refusal of the Abkhaz MFA to send Abkhaz to Georgia, and their reluctance to allow Georgians into Abkhazia. Interview 56, Sukhum/i, 21/08/07.

168 Interview 80, Sukhum/i, 7/11/07.

169 The agency began to work in Georgia in 1995. At that time, it focused only on Georgian NGOs and the humanitarian community. The first UN volunteer, Greg Hansen, resigned out of frustration at INGOs' lack of commitment to conflict resolution. In an assessment, he proposed not focusing disproportionately on Tbilisi NGOs but instead to foster links between Abkhaz and Georgian NGOs. As a result, the UNV started to work directly in Abkhazia in 1996 with the UN volunteer Martin Schumer, who continued to be highly regarded by the Abkhaz and international aid workers for his dedication. For instance, he helped initiate the first meeting in Stadschlaining in 1997 and the subsequent Schlaining process. This programme is one of the few examples in the world of a separate UNV program. Although it operated under the aegis of the UNDP, the UNV had a separate funding stream and was administered by a volunteer. It was shut down at the end of 2004 owing to the starting up of UNDP's ALIRP and the support given to local NGOs by others such as UNIFEM and the EC's decentralized programme. Saltmarshe, *op.cit.*, p. 13; Gluck, *op.cit.*, p. 24

170 Saltmarshe, *op.cit.*, p. 29.

171 Seventy-two projects over $1,000 were funded (the average grant size for 2004: $3900). Saltmarshe, *op.cit.*, p. 10.

172 Cohen, *op.cit.*, 2005.

173 *Tbilisi Symposium on Conflict and Humanitarian Politics*, Tbilisi, 7 October 1998, available at: http://repository.forcedmigration.org/pdf/?pid=fmo:2655, accessed January 2010, p. 7.

174 Kalimova Galiya, "Financial difficulties of NGOs in Abkhazia", in Abkhazian United Nations Association, *The Role of International Organizations in the Process of Post-Conflict Peace-Building in Abkhazia*, Maikop, s.n., 1997, p. 26.

175 Interview 53, Sukhum/i, 12/10/07.

176 The branches of Russian banks established in Abkhazia were regarded as illegal in the eyes of the Georgians, as they were not registered in Georgia. Wilson, *op.cit.*, p. 5.

177 Weiss Thomas G., "Principles, Politics, and Humanitarian Action", *Ethics and International Affairs*, vol.13, 1999, pp. 1-22.

178 Interview 37, Tbilisi, 31/07/07.

179 Discussion in Brussels, March 2009.

180 European Commission, "Non-State Actors and Local Authorities in Development. Actions in Partner Countries. Georgia. Guidelines for Grant Applicants", Ref. EuropeAid/126966/L/ACT/GE, available at: http://www.delgeo.ec.europa.eu/en/proposals/proposals.html, 2007, p. 7.

181 Part of the call reads as follows: "The U.S. Government (USG) is actively engaged in supporting the peaceful resolution of conflicts in the Georgian separatist regions of Abkhazia and South Ossetia, in a manner that maintains Georgia's sovereignty and territorial integrity within its internationally recognized borders. With this RFA, USAID seeks proposals for confidence building measures between ethnic Georgians and ethnic Abkhaz and Ossetes including activities which promote civil society, and public and/or private sector linkages of a technical, cultural, social, or economic nature; joint education projects; information access; and cooperation on regional issues of mutual interest, such as infectious diseases and animal health." Request for Applications (RFA) No. 114-07-009, Confidence-building activities in Georgia, 31 August 2007.

182 "It is impossible to talk about confidence building when peaceful resolution is interpreted exclusively as satisfying political ambitions of one party to the conflict, namely Georgia. In our view confidence building should help the societies both in Georgia and Abkhazia to create conditions that will promote the establishment of justice, stability and security in the region," asserted Liana Kvarchelia from the CHP. She added that "there cannot be a question of confidence when the solution for a peaceful

resolution of the conflict is understood as the restoration of the territorial integrity to please the political ambitions of the Georgian authorities". Kvarchelia Liana, "Nashe ponimanie mirotvorchestva otlichaetsya ot podkhoda USAID" (Our Understanding of Peacemaking Differs From the Approach of USAID), *Nuzhnaya Gazeta*, no.39, 2 October 2007, p. 1.

183 Interview 81, Sukhum/i, 11/12/07.

184 Matveeva, *op.cit.*, 2002, p. 426.

185 Garb, Nan, *op.cit.*, 2006, p. 21.

186 Interview 40, Tbilisi, 20/02/08.

187 Interview 96, Istanbul, 19/06/08.

188 Interview 40, Tbilisi, 20/02/08.

189 Georgia is a party to several human rights conventions and is thus arguably responsible for human rights on the whole territory, Abkhazia included. There are some exceptional circumstances under which a state is considered unable to exercise jurisdiction in some parts of its territory. In the Ilascu case, the European Court of Human Rights noted that this might be the case when another state effectively controls part of the territory or supports the installation of a separatist regime. For Kjetil Mujezinovic Larsen, "The Court does not appear to allow for a 'vacuum' in the human rights protection, which would have been the result if a State was relieved of its obligations without there being another State to take over these obligations. Thus, there must at all times be at least one State that exercises jurisdiction over an area within the legal space of the ECHR". Larsen explained that even though the European Court recognized that Moldova had reduced jurisdiction in Transniestria, it considered that the state retained positive obligations. Hence, it should secure human rights on this part of the territory by all diplomatic and legal means available. Larsen believes that the same conclusion applies to Georgia with regard to Abkhazia. Since the Court has never ruled on Abkhazia and an in-depth analysis of this issue would be beyond the purview of this research, I will not examine this issue further. Larsen Kjetil Mujezinovic, "'Territorial Non-Application' of the European Convention on Human Rights", *Nordic Journal of International Law*, no.78, 2009, pp. 73-93.

190 Interview 52, Sukhum/i, 6/11/07.

191 Interview 81, Sukhum/i, 11/12/07.

192 According to a human rights NGO member who monitored the courts, the situation was especially worrying in Gudauta and Gal/i. Interview 52, Sukhum/i, 6/11/07.

193 MacFarlane, Minear, Shenfield, *op.cit.*,1996, p. 34.

194 UNSG, Report of the Secretary-General Concerning the Situation in Abkhazia, Georgia, S/1998/647, 14 July 1998. Internal Monitoring Displacement Centre, "Georgia: New IDP strategy awaits implementation", 11 October 2007, p. 17.

195 Interview 5, London, 4/07/07.

196 Interview 37, Tbilisi, 31/07/07.

197 Acción Contra el Hambre was the first organisation to launch programmes in lower Gal/i. Others such as Première Urgence, the Danish Refugee Council, Norwegian Refugee Council and WorldVision followed suit. But Médecins Sans Frontières, for instance, did not work there. At the level of UN agencies, the UNDP did not implement programmes in this region, but UNHCR did.

198 Interviews 62 & 78, Sukhum/i and Gal/i, 5/12/07 and 24/10/07 respectively.

199 Interview 87, Sukhum/i, 6/11/07.

200 Interview 5, Oxford, 4/07/07.

201 Broers, *op.cit.*, p. 16.

202 Broers, *op.cit.*, p. 16.

203 Broers, *op.cit.*, p. 29.

204 Broers, *op.cit.*, p. 7.

205 Under Georgian law, citizens must vote in their place of permanent residence, which, for the displaced people, was Abkhazia. Voting in their temporary place of residence was not allowed on the grounds that they already had eight elected deputies in the Georgian parliament. Thanks to amendments made to the Election Code in 2001, this discrimination was removed and displaced people were now allowed to vote in their place of residence. In 2003 they were allowed to take part in the majoritarian component of parliamentary elections. Internal Monitoring Displacement Centre, "Georgia: New IDP strategy awaits implementation", 11 October 2007, p. 11; Brookings Institution, Johns Hopkins SAIS, "The Voting Rights of Internally Displaced Persons: the OSCE Region", November 2004, p. 32.

206 International Crisis Group, *Abkhazia Today*, Europe Report 176, 15 September 2006, p. 22.

207 Deng Francis M., "Prepared Statement of Dr Francis M. Deng, Special Representative of the United Nations Secretary-General on Internally Displaced Persons", in Commission on Security and Cooperation in Europe, *Internally Displaced Persons in the Caucasus Region and Southeastern Anatolia. Hearing before the Commission on Security and Cooperation in Europe*, Washington, DC, US Government Printing Office, 2003, p. 40.

208 Interview 101, Tbilisi, 05/04/04.
209 Broers, *op.cit.*, p. 7.
210 Guram Odisharia, a Sukhum/i-born Georgian writer, shared with me the story behind the title of his 1995 book "Return to Sukhumi" where he wrote about the history of the displaced people and the Abkhaz nation. Soon after having finished his manuscript, he met a friend, also a displaced person, who told him that for two years he had been unable to sleep. His stress disappeared once he started to imagine himself returning to the Abkhaz seaside, drinking champagne and spending time at the Amra café. By doing this, he had found his own way to return to Sukhum/i.
211 Interview 102 and 108, Tbilisi, 26/03/04 and 06/04/04.
212 Interview 101, Tbilisi, 05/04/04.
213 Bokuchava Irakli, *The State Strategy for Internally Displaced Persons – Persecuted in Georgia? And The Action Plan on Implementation of the Strategy*, Tbilisi, Social Programs Foundation, November 2008, p. 8.
214 Government of Georgia, "On Approving of the State Strategy for Internally Displaced Persons – Persecuted", Decree #47, Tbilisi, 2 February 2007, pp. 2-3.
215 The Strategy aimed to improve the social and housing conditions, health and economic status of the displaced people.
216 The Action Plan was adopted in 2009.

Conclusions

The main contribution of this research is a reconceptualisation of the status issue. What is at the core of the Georgian-Abkhaz conflict is the definition of the status of Abkhazia. The Abkhaz authorities saw themselves as sovereign and longed for this sovereignty to be recognised by others, whereas the Georgian side preferred Abkhazia to be an entity that belonged to Georgia but had a certain degree of autonomy. In that regard, the Georgian-Abkhaz sovereignty conflict could be defined as a clash between incompatible 'desired statuses'.

In fact, this study has shown that the opposition between the parties ran deeper than that. Tbilisi and Sukhum/i held incompatible positions not only on the status they desired for Abkhazia, but also on Abkhazia's *de facto* or *de jure* status. This distinction helps explain the intractability of the Georgian-Abkhaz conflict.

What this research has revealed is that there are three ways to define the 'status' of an unrecognised entity: desired, *de jure* and *de facto* status. Desired status is the status the parties wish to attain. *De jure* status relates to the status of the entity according to the dominant interpretation of international law: in this instance, Abkhazia has generally been regarded as part of Georgia. *De facto* status reflects the situation on the ground at a given time. Abkhazia has been, in chronological order, a federated state, an insurgency and a *de facto* state.

In order to come closer to their desired status, the Georgian and Abkhaz sides adopted strategies that consisted of changing or preserving Abkhazia's *de facto* and *de jure* status. Moves or initiatives that might upgrade Abkhazia's *de jure* status (such as participation in UNSC meetings) or consolidate its situation on the ground (e.g. rehabilitation projects) were prioritised by the Abkhaz side and more often than not turned down by the Georgian authorities. In turn, decisions that might help Georgia gradually recover Abkhazia (for instance, a peacekeeping force deployed on all or part of the Abkhaz territory) and underline the fact that Abkhazia was part of Georgia (such as the CIS sanctions regime) were actively supported by Tbilisi and vehemently rejected by Sukhum/i.

Abkhazia's use of tactics to alter its *de facto* and *de jure* status was not sufficient to reach its ultimate goal, its desired status. Recognition of sovereignty remains a discretionary right of each sovereign state. But these tactics did help Sukhum/i to draw closer to its goal by fulfilling three short-term objectives. First, for an insurgency or a *de facto* state, *de facto* status that is too weak means defeat and conquest by the central authorities. Strengthening its *de facto* status helped the Abkhaz regime to sustain its viability. Secondly, an increase in power capabilities meant a great deal more weight in

negotiations. Thirdly, the Abkhaz regime hoped that recognition would result from the fulfilment of the criteria for statehood. The 'standards before status' policy adopted by the UN in relation to Kosovo only reinforced these expectations.

In breaking down the concept of status into different dimensions, this dissertation adds complexity to the study of sovereignty conflicts. Status has not one meaning, but three. And each of these is a locus of contestation. This distinction is also valuable as an analytical tool for understanding the obstacles met by those who sought to develop conflict resolution initiatives. These obstacles arose at the level of procedure and content.

The first set of problems occurred at the procedural level and concerned the definition of the status of the Abkhaz side, or Abkhazia, in these (in)formal activities. Tensions arose from the way in which the organisers (mediators, facilitators), donors, Tbilisi, Sukhum/i and the participants answered this question. This proved to be highly problematic for the organisation of these activities. In 1994, the Abkhaz negotiators walked out of the UN-led talks in Geneva in protest at the status of the different participants. They refused to sit with representatives of the Abkhaz government-in-exile since this would imply that the conflict was a local, intra-Abkhazia conflict, rather than a Georgian-Abkhaz conflict over status. They came back only when the UN Special Envoy decided that the delegations represented the Georgian and the Abkhaz sides respectively.

More than a decade later, in 2007, the Track 1.5 Schlaining process came to an end after the refusal of several Georgian officials to take part in it. A Georgian tactic for reiterating Abkhazia's *de jure* status was to force third states to ask for Tbilisi's consent before contacting Sukhum/i. Because it occasionally enabled the participants to meet European decision-makers, the Schlaining process was regarded as an opportunity for the Abkhaz officials to reach out to the international community. It was therefore opposed by Tbilisi.

The organisation of the Geneva talks set up in the wake of the August 2008 conflict between Russia and Georgia indicated that these obstacles had not disappeared. Through these talks, the co-chairs (UN, EU and OSCE) hoped to reach agreements that would ensure security and stability in the region as well as the return of displaced people. The talks broke down on the very first day because of procedural obstacles. The Abkhaz and South Ossetian representatives refused to sit down at the negotiating table unless they received the same status as Georgia. Pierre Morel, the EU Special Representative for the Crisis in Georgia, found a way out by proposing to hold discussions in two informal working groups rather than a formal plenary session and to identify all the participants – Abkhaz, Russian, South Ossetian and Georgian representatives alike – by their names only.

These obstacles did not always result from the uncompromising stance adopted by officials. Abkhaz NGOs turned down several calls for proposals in which there were mentions or conditions that could be construed as an acceptance that Abkhazia was a component of Georgia. They applied only when such mentions disappeared or when the *de jure* status of Abkhazia was not made explicit.

The second range of problems appeared at the level of content. They had to do with the way in which the parties' strategies hindered negotiations. This study revealed

connections made by the parties between what were *a priori* non-status-related issues and status (i.e. desired/*de jure* and/or *de facto* status). Examples abound.

For instance, despite their support for a UN peacekeeping operation, in 1994 the parties were unable to reach agreement on its mandate or area of deployment. Sukhum/i argued in favour of a peacekeeping force deployed in the immediate area of the Ingur/i in order to entrench the separation and help the Abkhaz to consolidate their *de facto* status. Tbilisi, on the contrary, insisted that a force should be deployed throughout the Abkhaz territory in order to establish external control over it. This would have impeded Abkhazia's political consolidation and facilitated the return of the displaced people prior to elections and the establishment of new organs of power. Moscow took advantage of the stalemate to deploy a CIS peacekeeping force. The peacekeeping operation thus ended up being led by a state with obvious vested interests in the region.

Likewise, Sukhum/i was not prepared to allow the displaced community to return en masse to Abkhazia without an agreement over the region's future status. In the first place, the Abkhaz officials were nervous about the return of a 'fifth column' whose aim would be to destabilise their control over the territory. More importantly, the return of the Georgian majority to Abkhazia would make it impossible for the Abkhaz to attain their desired status.

As Pierre Morel aptly noted, procedure and content issues are closely linked in sovereignty conflicts. Regarding the Geneva talks, he remarked: "We face procedural issues. (…) In these kinds of cases, procedure and substance can quickly intermingle. While we can separate them in principle, in practice they influence one another constantly".[1] The reason was that both Tbilisi and Sukhum/i saw these talks about procedure and content as a way to make a point about the final status they desired for Abkhazia. The remark made by an Abkhaz official to the International Crisis Group in December 2009 clearly confirms this. According to this official, the "only reason we are participating in the Geneva discussions is because every time we sit down at the table, it is another act of recognition of our independence".[2]

Unofficial initiatives and status

A second main finding is that while the organisers of informal dialogue (Track 1.5 and 2) had to deal with procedural obstacles, they generally managed to overcome them and to favour equality, trust and inclusiveness, three attributes that were rarely found in official negotiations, partly owing to status-related obstacles. One of the main reasons for this success was the informal nature of these activities.

While the definition of the Abkhaz side's status in negotiations was highly controversial and was only too liable to spark conflict, as illustrated in the examples above, participants in informal dialogue were considered *equal*. This made it easier for the Abkhaz side to engage. I believe such equality was acceptable to Tbilisi because these dialogues could not lead to structural changes. At the procedural level, the meetings were informal. They could not translate into formal equality. At the level of content, the participants could not take decisions involving economic or political transformations. These were non-committal talks. The stakes were thus lower. Such

low-key contacts facilitated the analysis of policy options and sometimes resulted in concrete proposals. They produced changes in attitude among senior officials. They enabled the facilitators to gain a better grasp of the conflict and to share their analyses with mediators and officials on either side. But they did not translate directly into structural changes.

Informal dialogue was also *more inclusive* than official negotiations. Scholars and practitioners usually favour inclusiveness in negotiations, based on the assumption that any group/movement you exclude from negotiations may spoil the peace process. In the case of Abkhazia and Georgia, it was almost impossible to involve the representatives of the Abkhaz government-in-exile at the official level. The Abkhaz regime refused to meet them as they believed that would turn the conflict into a local dispute about authority within Abkhazia, which would not have allowed it to contest or upgrade Abkhazia's *de jure* status.

Yet the organisers of the Schlaining process managed to include them. If the Abkhaz officials remained doubtful about Irakli Alasania's commitment and agenda as long as he remained chairman of the government-in-exile, they did come to respect him. This improvement in relations created an unparalleled renewal of the dialogue between Tbilisi and Sukhum/i. Involving the Georgians who returned to the Gal/i district in Track 2 meetings was more arduous. But it was achieved in the end.

Once again, inclusiveness was made possible because of the informal character of these dialogues. The fact that the facilitators could choose whom to include as participants made it easier too. They could select representatives of the government-in-exile who were acceptable to the Abkhaz side. These were people considered 'ambiguous' because they worked at the same time for an NGO, were not warmongers or disagreed with the first chairman (until 2004), Tamaz Nadareishvili.

Trust between the Abkhaz and Georgian sides was also more easily established at Track 2. After years of negotiations, in 1997-1998 the trust between the parties was at its lowest ebb. The negotiating process stalled while the hostilities in the Gal/i district in May 1998 increased mutual distrust. A similar situation occurred in 2006-2007. The Abkhaz-Georgian relations reached a low point in July 2006 when the Georgian forces recovered the Kodor/i valley. As a result, the Abkhaz regime refused to negotiate with Tbilisi until its withdrawal from the valley. In both cases, mediators decided to favour discussions over political trust-building measures.

Such measures agreed at the official level could have represented a first step towards engagement and cooperative relationships. But even these measures could not be agreed upon most of the time. Tbilisi was generally convinced that the Abkhaz *de facto* regime would benefit from any confidence-building measure to consolidate its control over the territory. Or it worried that Sukhum/i could present it as its own achievement. The Abkhaz officials, for their part, argued that it was up to Tbilisi to take the first step –when they did not reject these measures out of hand because they did not contribute to state-building. As a result, measures such as facilitating trade between the those on either side of the ceasefire line, or the resumption of transport links between Abkhazia and Turkey or Georgia, were never implemented.

By contrast, interviewees suggested that informal dialogues helped build working relationships and, to some extent, trust. Gestures such as the condemnation of the

hostilities in the Kodor/i valley in 2001 by more than forty Georgian civil society representatives contributed to trust-building.

In these instances, one can say that there is complementarity between the official negotiations and informal dialogues (Tracks 1.5 and 2). The organisers of unofficial dialogues could not always avoid the issue of status, however. First, these dialogues could not be formalised. The Abkhaz participants were worried that the institutionalisation of such bilateral dialogues could be construed as a sign of their willingness to live in a single state with the Georgians. True, structures are not always the best option as they may lack the flexibility to adjust to change. Furthermore, some Track 2 activities, such as the UCI/Böll conferences, were 'quasi' institutionalised, as they were held regularly. However, organised structures generally have better lobbying capacity and quicker de-escalatory responses to crises. Secondly, Track 1.5 initiatives ultimately depend on collaboration with the authorities. If the latter oppose them – as Tbilisi did, because they ran counter to its strategy – these processes no longer have a *raison d'être*.

In contrast, large-scale rehabilitation and development projects were much more difficult to implement. The reason is that, unlike informal dialogue, they entailed structural changes. To Tbilisi, assistance to Abkhazia looked menacing since it could consolidate Abkhazia's *de facto* status. This explains the problems encountered in the delivery of relief in the first post-war years as well as the absence of large-scale rehabilitation and development projects until 2004-2005. The same holds true for economic projects involving those on both sides of the ceasefire line. In this case, Sukhum/i and Tbilisi disagreed on the place of registration. Tbilisi rejected the idea that business partners could register in Sukhum/i since that would imply an upgrade of Abkhazia's *de jure* status, whereas Sukhum/i regarded registration in Tbilisi as a violation of its sovereignty.

Finally, there were few status-related problems in organising local peace initiatives at Track 3. As a rule, the authorities did not impede or prevent these initiatives for status-related reasons. The main problems encountered concerned the self-restriction of local NGOs in funding matters, as illustrated above, and the indirect repercussions of the *de facto* status of Abkhazia on the working conditions of these NGOs (e.g. troubles with communication lines in the 1990s). It seems safe to say that these initiatives were of far less strategic importance in the eyes of Tbilisi or Sukhum/i. And although an in-depth assessment of the outcomes of these activities is beyond the purview of this dissertation, the evidence does not suggest that their contribution to conflict resolution was significant either. The Abkhaz and Georgian people were cut off from the process, and the projects implemented could not rectify this.

Consequences of the lack of engagement

The final conclusion to be drawn from this research concerns the problems arising from the lack of engagement with a *de facto* state. The Georgian authorities were so concerned that any decision in favour of Abkhazia (such as the establishment of maritime communications between Abkhazia and Turkey) might end up supporting

Abkhaz state-building that they often preferred not to engage at all. In the 1990s, third parties generally followed suit.

However, as soon as an unrecognised entity is *de facto* separated from the central authorities, it is already closer to its ultimate goal. It needs separation to assert itself as a *de facto* independent state. On the one hand, Tbilisi succeeded, in that the Abkhaz regime never received substantive recognition. At the same time, its strategies of isolation or forced rapprochement entrenched the separation between Abkhazia and Georgia.

In their article on *de facto* states in the Southern Caucasus, Pal Kolsto and Helge Blakkisrud have already pointed out that an uncompromising stance by the central authorities increases the probability of survival of a *de facto* state.[3] They took South Ossetia before 2004 as an example. Economic cooperation and the low level of tension between the Georgian and Ossetian regimes delayed state-building endeavours in South Ossetia. The closure of the Ergneti market in 2004 and the subsequent hostilities changed this. Although the issue of illegal trade at the market did need to be addressed,[4] its sudden closure resulted in the polarisation of the situation and in a 'rally-round-the-flag' effect in South Ossetia.

The present analysis indicates that the lack of engagement deepened the divide between the two sides of the ceasefire line. The lack of rehabilitation and goods, thanks to conditionality and the sanctions regimes, alienated the Abkhaz population. The absence of joint business projects was a missed opportunity for trust-building. Because the authorities on both sides did not strive to safeguard inter-communal relations, the links between Abkhazia and Georgia slowly dissolved.

This lack of engagement was particularly problematic because a third player was interested in taking advantage of the situation. Isolated and unwilling to bow to pressure from Georgia, the Abkhaz regime sought an ally in the region. Russia was there to fill in the gap. If Tbilisi and the international community were too reluctant to engage the Abkhaz side for fear of consolidating the *de facto* state – thereby enabling it to last – or bestowing a higher *de jure* status on it, Moscow clearly had no such reservations.

The second Chechen war may be regarded as a watershed in Russia's approach to the Georgian-Abkhaz conflict in that regard. The Russian authorities resented Shevardnadze's lack of support and his indulgence of the presence of Chechens in the Pankisi gorge, while Georgian officials were displeased by the failure of Yeltsin (and later Putin) to re-establish Georgia's territorial integrity. Furthermore, in the light of the growing involvement of the Western powers in the Southern Caucasus, Abkhazia's strategic significance increased. Without officially questioning Georgia's right to territorial integrity, Moscow gradually started to assist Sukhum/i in consolidating its capabilities.

Consequently, Sukhum/i had less and less reason to engage with Tbilisi. The higher the tension between the two sides of the ceasefire line, the greater was the dependence of Abkhazia on Russia. And the greater the dependence, the higher the tension, with the result that the Russo-Georgian conflict gradually superseded the Georgian-Abkhaz one. An engagement strategy might have limited Abkhazia's reliance on Moscow.

Policy implications

I now end the interpretation of my findings to discuss their policy implications. Several lessons can be learnt from this journey into conflict resolution activities and, in particular, from the features of the activities that enabled the parties to work together. If we take a closer look, we can see that these activities were generally:

- Informal. The aforementioned examples indicated the advantages of the informal nature of dialogue;
- Under the radar. For three years, young Abkhaz had the opportunity to visit the US under the AED programme. To do so, they had Georgian visas. This procedure was later condemned in Abkhazia – however, this kind of project facilitated joint dialogue. While these first AED participants were worried that their desire to speak to the Georgians might be viewed with disfavour by their neighbours and friends, these fears were absent from those involved in a similar project later on. Abkhaz society came to accept the fact that people wanted to talk to and cooperate with the Georgians;
- Technical. This is the lesson to be drawn from cooperative efforts over the Ingur/i hydropower station. Cooperation was able to go ahead despite the lack of clarity about the status of the power station itself. It is a particular case because of the parties' mutual interest in safeguarding their share of the deal. It highlighted the significance of involving lower-ranking officials or technicians to deal with concrete matters and, hence, 'depoliticising' issues when cooperation is possible;
- Less dependent on the authorities. Analysis of Track 3 initiatives indicated that some UN agencies were grappling with the question of status, for example in the context of implementing a micro-credit scheme in Abkhazia. The UNDP refused to take the risk of setting up a controversial project that seemed to necessitate tortuous discussions with the authorities on both sides. World Vision then implemented it without much problem. The project did not serve the Abkhaz authorities, but benefited those who needed a small loan to start up a business, including Gal/i residents.

The fact is that the UNDP relied more on approval from Tbilisi. By contrast, Tbilisi and Sukhum/i usually asked to be kept informed of the projects of INGOs, but the latter did not need their formal consent. Resorting to INGOs cannot be a one-size-fits-all solution for every project to be implemented. It can work for smaller-scale initiatives. But ways to lessen the influence of Abkhaz and Georgian officials in projects of governmental organisations can be found. The EC's 'bottom-up' approach to the decentralised cooperation programme is an example. Sukhum/i and Tbilisi, although involved in the decision-making process, were not granted veto power in the EC Steering Committee. When they could not agree on an issue relating to rehabilitation, the decision was made by the donors and implementing partners.

In none of these cases did the fears of the Abkhaz or Georgian authorities materialize. Neither of these initiatives upgraded Abkhazia's *de jure* or downgraded its *de facto* status. Georgian visas granted to young Abkhaz to allow them to go to the

US did not lead to Abkhazia's becoming part of Georgia. Nor did micro-credit schemes bestow recognition on the Abkhaz regime.

Informality, a lesser dependence on authorities and remaining at the technical level and under the radar: these are ways of dealing with the procedural obstacles to future negotiations. This is obviously not all, however. Mediators must keep an eye on changes at the global and regional level to know whom to include in talks/working groups. They still need to motivate the parties to accept new talks: derive the expected benefits and find mutual interests. They have to take into account the parties' distrust of the law and fears stemming from the legacy of Soviet rule and past negotiations. And of course, they must find acceptable topics of discussion.

Some of these features have already been applied at the official level. As mentioned above, the co-chairs of the current Geneva talks drew on lessons from Track 2 methodology to overcome procedural obstacles. These principles may also be used to establish conflict-resolution mechanisms. Conflict resolution is a process of social and political change. If finding concrete solutions to a conflict is necessary, it is essential to create "platforms able to generate ideas", as John-Paul Lederach puts it, and mechanisms capable of dealing with conflicts as soon as they arise.[5] The most resilient mechanisms before the August 2008 conflict were low-level, technical bodies such as the joint fact-finding group. The incident-prevention and response mechanism, agreed on during the Geneva talks in 2009, is based on the same rationale. These principles could be applicable to other areas where progress can be made, such as trade. The less importance attached to the talks, the less relevant the battle over Abkhazia's status.

Notes

1 "Nous faisons face à ces difficultés de procédure. (…) Dans ce genre de situation la procédure et la substance peuvent se mêler très vite. Et s'il on arrive à les séparer en principe, en réalité l'une pèse sur l'autre constamment." "Summary of remarks – Launch of Geneva discussions, Geneva", 14-15 October 2008, available at: http://www.consilium.europa.eu/showPage.aspx?id=1523&lang=FR, accessed April 2010.

2 International Crisis Group, *Abkhazia: Deepening Dependence*, Europe Report 202, 26 February 2010, p. 14.

3 Kolsto, Blakkisrud, *op.cit.*, p. 507.

4 Champain, Klein, Mirimanova, *op.cit.*, p. 207.

5 Lederach John-Paul, T*he Moral Imagination: The Art and Soul of Building Peace*, Oxford, Oxford University Press, 2005, p. 182.

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Notes

1 This bibliography does not mention the reports of the UN Secretary-General, UN General Assembly resolution, UN Security Council resolutions, presidential statements or (draft) peace agreements. References of these can be found in the text.