

**Multilateral Third-Party Intervention: Measuring the  
Impact of Civilian Approach in Transnistria, Abkhazia, and  
South Ossetia**

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## Declaration

I hereby declare that no parts of this thesis have been submitted to no other institution different from CEU toward a degree. To my knowledge nor does the thesis contain unreferenced material or ideas from other authors.

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Signature

## Abstract

This thesis seeks to answer the following question: Does civilian intervention produce a more tangible outcome in terms of challenging the *status quo* around secessionist conflicts than traditional mediation? I hypothesize that civilian intervention is more effective in terms of producing a tangible impact on conflict resolution process given specific background conditions involved. To answer that question, I identify the patterns of dynamics produced by intervention by various Intergovernmental Organizations (IGOs) and ultimately conclude that they vary. The mediation (and observation) – the method traditionally employed by the OSCE (and the UN) - appears to be more intrusive, involves direct physical presence on the ground in the conflict zone, is more high-profile and involves sensitive political and politico-military issues, and produces increased competition and power-based mediation on the part of an involved major regional player interested in sustaining the *status quo*. The civilian approach to conflict management employed by the EU, by contrast, entails a less intrusive, more low-key, piecemeal instruments facilitating conflict prevention or conflict management. As such, it is able to alter the context around the conflict, thereby challenging the *status quo*.

I subject to scrutiny the conditions mentioned in the theoretical literature that are necessary for successful mediation and demonstrate that these conditions' theoretical accounts are not sufficient to explain the (in)effectiveness of mediation in the case of secessionist conflicts in the post-Soviet space. Above that, in this research I attempt to demonstrate that under the conditions on the ground involved in the secessionist conflicts in the post-Soviet space one form of intervention yields greater effect in terms of challenging the *status quo* than the other.

## Acknowledgements

It is not easy to conduct research on contentious issues of conflict resolution and conflict management, problems over which politicians, experts, and publics may argue heatedly about. It is even more difficult to explore such issues from the point of view of policy-making – when the basic facts are not known except to a tiny circle of policy practitioners and analysts. I am therefore profoundly grateful to the OSCE Secretariat in Vienna, Austria, the EU Delegation and the UN Offices in Georgia whose officials have helped me to piece together the empirics of conflict management in Moldova and Georgia. These persons have thankfully saved me from some embarrassing oversights and errors, although I am wholly responsible for any that remain. Funding for my field research was provided by the Central European University Foundation, Budapest. I would also like to express sincere gratitude to the staff of the Central European University Library (Budapest, Hungary) and the OSCE archives in Prague. Those in Budapest have allowed me to borrow books in large numbers from the CEU treasure collection, regularly exceeding the established limit. The OSCE staff in Prague have kindly hosted me on my blitz visit to the archives, being extremely helpful in assisting me to sort out the diverse documents of intergovernmental business. Finally, my deep gratitude goes to Professor Matteo Fumagalli for his unfailing support while I worked on this thesis.

*For my mother*

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## Chapter 1: Introduction

The collapse of the Soviet Union brought about a number of intrastate conflicts along its periphery – the Nagorno Karabakh conflict in Azerbaijan, the Transnistrian conflict in Moldova, and two conflicts in Georgia – over South Ossetia and Abkhazia. As the warfare phase of these conflicts was over, the OSCE and the UN opened their missions in the field to facilitate a peaceful settlement of these conflicts.<sup>1</sup> The originally adopted mandates of these international organizations' missions provided for their powers related to facilitating political settlement negotiations and Russian military withdrawal. However, at a later stage, these missions' operation has undergone changes, either *de jure* or *de facto*, with focus shifting from political and military affairs to human dimension, including democratization assistance, economic policy measures, rehabilitation, and humanitarian support. This thesis proposes to address the puzzle of the evolving portfolios of international institutions in the fSU area and namely to answer the question why the less conventional security component has been gaining weight in the security concept of these organizations, as reflected in their field operations.

By answering the above and other related empirical questions that will identify evolving distinct patterns of policies by the international institutions addressing these conflicts in the field, a contribution can be made to the broader, fundamental discussion of the evolving nature of the concept of security across the globe. Above that, resolving the conflicts in question remains vital to address a significant item on the post-Cold War settlement agenda and eliminate the potential sources of instability on the European Union periphery. By

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<sup>1</sup> The European Union did not join any of these settlement processes formally for over a decade.

studying a sample of post-Soviet conflicts, I ultimately hope to contribute to conflict resolution theory and practice.

### ***Literature Review and Theoretical Framework***

The literature related to the topic of conflict resolution appears to abound. However, with all the plentitude of research on conflict resolution, this topic appears to be undertheorized, particularly in what regards the post-Soviet conflicts. Even though the number of works related to resolution of conflicts in the area has been on the rise over the past decade, such research tends to be empirical (e.g. ICG reports 2004, 2006). A number of scholars have undertaken to examine the conflicts as some empirical phenomenon and abstracts from it to create general theoretical statements, thus largely pursuing a middle range theory approach. So, Tocci, Coppietiers et al., for example, examine the EU's role in this process in the area when attempting to conceptualize the EU's role in conflict resolution (Coppetiers et. al. 2004, Tocci 2007). Nevertheless, none of this research attempts to conceptualize conflict resolution processes into some kind of theoretical framework.

Most research addressing conflict resolution in these areas is based on single-case studies or alternatively focuses on a single region. Cornell 2001, Tocci 2004, Coppieters 2007 stand out as the few remarkable exceptions to this rule. With all the valuable empirical material that these works provide, such literature does not allow for drawing comparisons across the region and therefore generalization across cases remains impossible. A few studies take a look at two or several cases but these, again, tend to be empirical and address the problem of conflict resolution from the point of view of specific policy issues without attempting to account for such policy instruments from the theoretical perspective.



The vast majority of research works that discussed conflict resolution prior to 2007 (latest accession round), in particular that which attempted to theorize EU and conflict resolution, covers the topic from the vantage point of an expanding European Union. In these studies, EU membership conditionality was tackled as a tool in conflict resolution (e.g. Coppieters, Emerson, Huysseune et al. 2004, Tocci 2007). Empirical works that were done on the topic concerned states that were candidate countries or potential candidate countries. With the next expansion round apparently put on hold for the next decade, the EU policy toward conflict resolution in these states, being directly linked to EU enlargement, may actually lose this powerful tool. With the EU enlargement fatigue, countries like Moldova, Georgia, Armenia, and Azerbaijan lose the incentive of potential future membership as a conflict resolution technique. Therefore, it appears that neither this part of literature on conflict resolution can help to account for the patterns of conflict resolution in fSU – in these particular conflict zones.

But above that, most conflict resolution theories discuss conflict resolution from the point of view of third party intervention, which includes mediation (Bercovitch and Rubin 1992, Bercovitch 1996, Dixon 1996, Bercovitch 1997, Regan 2000, Regan and Aydin 2007; UN and OSCE: Diehl et al. 1996, Wallensteen 2002, Aksu 2003).

The more empirically-oriented literature on Transnistria and the two conflicts in the South Caucasus has shown that tensions are high between great powers and intervention usually results in no resolution but rather in competition. Russia continues to see the so-called Near Abroad as a sphere of its exclusive influence. The existent political negotiations and peacekeeping mechanisms sustain the *status quo*, rather than challenge it (Lynch 2006). Moreover, the metropolitan states from which these entities originally broke away never

became sufficiently attractive to induce the secessionist regimes to a compromise deal of a reintegrated state. In sum, domestic and international factors, as well as the institutional weaknesses inherent in the mediation *per se*, have made third party intervention a sterile enterprise which at best has helped to prevent things from getting even worse. This project therefore will explore how progress can be made toward resolution of these conflicts through alternative means.

Existent theories on conflict management speaks of reassurance as a key instrument to foster stability and constructive ethnic relations, whereby the rights and position of the minority must be secured. In such conflict-resolution contexts, confidence-building and power-sharing are usually discussed as the measures to be undertaken to advance conflict resolution (Lake and Rothchild, 142-146). In the case of Transnistria, Abkhazia, South Ossetia, these secessionist entities have grown into self-sustained regimes that, even if unrecognized internationally, have achieved sufficient capacity to provide governmental services to their respective populations, run their economies and possess other trappings of statehood which make them full-fledged *de facto* states. Despite the lack of international recognition, these separatist statelets do not have any incentive to re-enter their abandoned states as any power-sharing deal would be short of what they *de facto* already possess.

In my thesis I intend to address the question of evolving strategies pursued by international institutions toward resolving the conflicts in the region – the three conflicts in the South Caucasus and the Transnistrian conflict in Moldova. To account for the shift in policy focus of international organizations from the more traditional political and military issues to the less conventional, a set of empirical puzzles/questions will necessitate an answer. First, the question of what the key root causes of these conflicts are and what conflict resolution

strategies have been pursued in the early stages of the settlement process(es). Second, what are the key determinant factors driving the dynamics of the conflict resolution process in each of these cases. Why the conflicts in question have not been solved so far and what determines the scope and form of conflict resolution effort? Third, why the civilian, non-military component has been prevailing in their approach to solving these conundrums. In this study I intend to identify the factors making the conflicts prone to sustainability of the *status quo*. Overall, one question to be answered is whether the existent theories of conflict resolution can help explain these shifting priorities in conflict management operations. By studying a sample of post-Soviet conflicts, I ultimately hope to contribute to conflict resolution theory.

By answering the above empirical questions that will identify evolving distinct patterns of policies by the international institutions addressing these conflicts in the field, a contribution can be made to the broader, fundamental discussion of the evolving nature of the concept of security across the globe.

## **Chapter 2: Third-Party Intervention: Mediation vs. Civilian Intervention**

Theories of third-party intervention will constitute the key theoretical foundations of this thesis as I explore the impact of intervention by international governmental organizations (IGOs) on a subset of post-Soviet conflicts. By multilateral third-party intervention, which will be the main focus of this thesis, I refer broadly to activities undertaken by international actors in response to issues or events of regional or global significance in the form of financing or diplomatic effort. When trying to establish the relative effectiveness of one method of intervention against another in a particular setting of circumstances, it is logical to introduce a typology of intervention and review the key theoretical tenets of each as a point of departure. In the paragraph that follows, I first introduce the theoretical frameworks for two competing methods of third-party intervention - mediation and civilian intervention - and then examine the literature pertaining to the conditions of successful intervention.

### **2.1 Mediation**

A form of third-party intervention, mediation has been one of the commonly employed tools of conflict management following outbreak of internal conflicts in the post-Cold War era. Secessionist conflicts are the disputes involving a whole series of points of contention between the seceding entity and the metropolitan state and these are usually extremely sensitive matters pertaining to language, culture, economy, political and geopolitical cleavages as well as mutual fears and existential grievances. Therefore secessionist conflicts shall stand as the most challenging test for such a tool of conflict management as mediation. Proponents of mediation claim that it is “an extension of the negotiation process whereby an

acceptable third party intervenes to change the course or outcome of a particular conflict” and assist the parties in conflict to identify a mutually acceptable agreement” (Bercovitch and Houston 1996, 12). Taken by an actor that is not a direct party to the crisis, mediation is “that is designed to reduce or remove one or more of the problems of the bargaining relationship, and therefore facilitate the termination of the crisis itself” (Young 1967, 34). As a conflict management tool, mediation is employed by the UN and the OSCE. This concept of mediation suggests three sets of issues for structuring the analysis of the impact of IGO intervention and its dynamics: interests and stakes; bargaining strength; and the characteristics of the third party that enable successful mediation.

Given the fundamental divergences in the positions of the parties to secessionist disputes, it is important that “mediation is best thought of as a mode of negotiation in which a third party helps the parties find a solution that they cannot find by themselves and that must be made acceptable to the adversaries in the conflict, who must in turn cooperate diplomatically with the intervenor” (Touval and Zartman 2003, 428). At the same time, it may be argued that settlement process tends to move at the speed dictated by the least willing party. Conflicting parties can be motivated to support and promote or alternatively block third-party conflict management efforts. In doing so they can be driven by a series of factors – economic and political interests, the relative strength of their bargaining position, or else interdependence between the position they take and how it reverberates geopolitically across the region.

Important regional actors can have a stake in the conflict. Western actors have a stake in promoting regional stabilization and conflict settlement. An important regional player, the Russian Federation, on the other hand, has geopolitical interests that make it oppose Western third-party intervention in conflict resolution in its Near Abroad, including by Western IGOs

or, at a minimum, regard it with suspicion. The motives for intervening in a conflict as a mediator may vary. According to Bercovitch, mediators may see the opportunity to engage in a conflict as “a way of extending and enhancing their influence by becoming indispensable to the parties in dispute, or by gaining the gratitude (and presumably political allegiance) of one or both political protagonists” (Bercovitch 1992, 11). Motives for initiating mediation may include, *inter alia*, a desire to be instrumental in changing the course of a longstanding or escalating conflict or mediators may want to do something about a conflict whose continuance could adversely affect own political interests or else mediation may be seen as a way of extending or enhancing their own influence by becoming indispensable to the parties in conflict. To understand the motives it might be helpful to employ a rational-actor approach, using cost-benefit considerations (Zartman and Touval, 2003, 430). Mediators are players in the plot of relations surrounding the conflict, and so they have an interest in its outcome; otherwise they would not mediate. Not surprisingly, they try to avoid terms not in accord with their own interests.

Each mediator involved in the process brings to the mediation situation their own interests, perceptions, and resources and each of them may adopt behavior that ranges from very passive, through the facilitative, to the highly active. A number of scholars posit that the form and character of mediation in a particular international conflict are determined by the context of both the international system and the conflict itself (Bercovitch and Jackson 2001; Touval 1985; Kolb 1989), the issues, the parties involved, and the identity of the mediator. For the context of the secessionist conflicts examined in this thesis, the context of the international system bears a particular significance as NATO’s eastward expansion appears to be correlated with Russia’s reluctance to allow progress in conflict resolution in its Near Abroad. Civil conflicts often involve more than two identifiable groups in conflict. An

internationalized civil war represents a nondyadic pattern, involving more than two actors. Thus as a number of actors in the dispute increases. Therefore there is more potential for spoilers in civil conflicts than in interstate ones (Diehl 2008). Finally, domestic political and economic actors of the metropolitan state as well as other regional states can have concurrent interests as well. Business elites across the region are believed to be profiteering from the economics of unrecognized statehood and therefore have a reason to be opposed to any challenge to the *status quo*. These mean that, as an actor undertaking to directly deal with the parties involved in the dispute and their interests, the mediator is faced with the divergence of interests and stakes. This implies that mediation by a responsible third-party may be faced with the challenge of reconciling the parties' positions and bringing them to a common denominator. This may be next to impossible in the case of diametrically opposed interests of the actors involved. Given that third-party mediation is based primarily on the commitment and good will with the conflicting parties, the mediator is not a position to impose a solution that will be legally binding and hence lacks leverage over the parties. The incompatible political objectives of the actors involved result in a situation in which one party would not recognize the legitimacy of the other, with the ensuing stalemate at the negotiations (Kriesberg 1996, 222) - something to be observed in the three conflicts in question.

The ability of an IGO as a third party to influence the course of conflict settlement and affect the outcome of mediation is contingent upon the bargaining strength of each party and the balance of power between them. Third-party states may have an indirect influence on the conflict resolution process by virtue of their relationship to the primary disputants, thereby strengthening their bargaining status. Erin K. Jenne contends in her theory of ethnic bargaining that nationalist conflicts, often taking the form of a territorially concentrated

minority, often involve one or more external actors providing assistance to the revolting minority (Jenne 2007, 38). She further opines that policies aimed at addressing economic disparities will not de-radicalize minority movements so long as the minorities are receiving external support for their resistance (ibid, 186). In the conflict cases studied in the present research, the secessionist entities have been receiving direct military, economic, political, and diplomatic support from a third-party state which has strengthened their position(s) vis-à-vis the metropolitan state. Separatist minorities are unlikely to negotiate a settlement with the center so long as they enjoy a significant external backing or cross-border support (Jenne 2007, 196). Furthermore, the bargaining position of a revolting minority can be strengthened by the mere fact of its consolidated *de facto* statehood. The *fait accompli* of *de facto* governmental institutions in the examined secessionist regions -- the indigenous capacity of secessionist elites, the ability of the self-proclaimed authorities to enlist the support of the local population, render basic governmental services serving as defining features of a *de facto* state (Pegg in Lynch 2002, 834) -- provide them with an institutional capacity that directly reinforces their bargaining power. Thirdly, the institutional frameworks of conflict resolution may be inherently detrimental to conflict resolution. The settlement frameworks in the conflicts in question have been designed so that the least willing have the veto power enabling them to block any proposal that aims at challenging the *status quo* around the conflict. In the situation where every party has a veto right, the 'least willing' have more bargaining power, it is inevitable that the settlement process continues to move at the speed of those with no political will, something that often amounts to torpedoing the process and its complete blockage.

Aside from contextual and behavioral, and institutional conditions for peace operation success outlined above, a number of inherent characteristics of the institution of mediation



may directly determine its effectiveness. Touval and Zartman offer a resume of a core assumption of mediation: It differs from other forms of third party intervention in conflicts in that it is not based on the direct use of force and it is not aimed at helping one of the participants to win (Touval and Zartman 2003, 428). Two precepts of mediation can be deduced from this theoretical statement: mediation is accepted voluntarily and the mediator has no leverage to impose her services and, secondly, mediation implies neutrality of the intervening party. Neutrality as a concept involves the goals, composition, and activities of the intervenor and compels even-handed actions (Diehl 1993) by it, permitting for impartiality of the latter. Mediators should not have affinities to either opposing party and are “more likely to succeed when they do not have a dog in the fight” (Jenne 2007, 170). Diehl further theorizes that the effectiveness of a multilateral intervention in an intrastate dispute is facilitated greatly by the existence of agreement of all parties to have an outside force impose constraints on the course of the conflict and behaviour of the combatants (Diehl 1993).

The literature also points to the differences between various types of civil wars. Standard distinctions are made between wars in which ethnic fragmentation is involved versus when it is not, and in a related fashion between secessionist conflicts and those in which rebel groups seek to overthrow the government and seize control of the whole country. The evidence is mixed on whether such distinctions affect peace operation success. Heldt (2001) notes that secessionist conflicts are no more difficult to handle than other civil conflicts. Fortna (2003, 2004, 2004) suggests that ethnic conflicts are more prone to reignite, but her results are not statistically significant, and Heldt (2001) actually argues that ethnically divided societies are less war-prone.

Regardless of the type of war or conflict into which a peace operation is thrust, Diehl notes that there is a history between the disputants with which peacekeepers must deal. "History may place constraints on peace operation success" (Diehl 2008, 135). Low levels of hostility, as with more traditional peace operations, assist peacebuilding missions. In the case of the South Caucasus conflicts, the sides have a record of severe mutual violence with sporadic clashes and shoot-outs being a norm. Yet the factors promoting success in tasks beyond violence limitation can be difficult to discern. Mostly due to its longterm nature, this process difficult to identify correlates for success (ibid).

Paris believes that domestic institutions need to be properly strengthened before peacebuilding can succeed (Paris 2004). Similarly Doyle and Sambanis argue that local capacity - namely economic health and resources - is also strongly related to success. Armed conflict and its aftermath are one set of pathologies, but if the patient is also wracked by other diseases, then recovery is going to be difficult (2006, 140). Indeed, a healthy economy and a functioning governance system are seen as paving the way for other peacebuilding activities. Notably, Paris and others do not see democratization as the panacea or the first step in peacebuilding activities. Indeed, for Doyle and Sambanis and others, democratization is a measuring stick for success rather than a causal agent for success. Paris cautions against democratic elections being conducted too soon in the peacebuilding process. According to the scholar, there needs to be opportunity for reconciliation and stability given the risk of handing power to ethnically polarized societies (ibid.)

With respect to behavioral conditions, as the number of actors increases, it may be harder for any settlement to be satisfactory to all parties. Moreover, there is increasing opportunity by every party to undermine the operation (Diehl 2008, 142). Beyond the primary disputants,

most relevant are the actions of neighboring states (Pushkina 2006) or interested major powers (Bratt 1997).

One therefore has to control for these factors – contextual and behavioral - in analysis of effectiveness. Overall, effects may equally vary among different conflicts and different forms of intervention.

## **2.2 *Civilian Intervention***

An alternative method of involvement in conflict resolution is civilian intervention. The European Union emerging as an important foreign policy actor and a normative power (Manners 2002) is seen as the key player exercising civilian patterns of intervention. Francois Duchene (1973) saw the then European Community as a ‘new stage in political civilization,’ a political cooperative that would have a chance to demonstrate the influence that can be exerted in international affairs through ‘essentially civilian forms of power’ (Duchene 1973, 19). The EU actorness conceptually combines ‘civilian’/‘normative’ (Duchene 1973, Manners 2002) and ‘new’ (Buzan et al 1998) styles of security policy including political, social, economic and environmental aspects, as opposed to the respective ‘military’ and ‘traditional’ forms employed by other actors (Henderson and Weaver, forthcoming). The EU views security as being linked to all sectors of public life by portraying them as intertwined. This has a civilian rather than a military rationale, and hence draws on soft rather than hard instruments. The three key elements of a civilian power are: Accepting the necessity of cooperation, deployment of primarily non-military, especially economic foreign policy tools, working with multilateral institutions to manage international problems (Hanns Maull 1990). The physical power in the form of actual empirical

capabilities, especially economic ones shall not be privileged over the power of ideas and norms (Manners 2002, 238).

The central tenets of civilian intervention are that non-military, economic policy measures can fundamentally transform the context around the conflict by instilling change to the parties' interests and stakes. It does not address the sensitive issues of status and military or hard security matters. As a mechanism of promoting peace in the neighborhood, in the process of eastern enlargement, the EU developed its policies of conditionality as a means to transform the governing structures, the economy and the civil society of the candidate countries (Hill 2001). In the absence of accession prospect, the Union's ENP Action Plans...encourage political dialogue on 'regional and international issues...including... the implementation of the European Security Strategy' (Vasilyan 2010, 82). The ensuing indirect effect on conflicts by affecting policy fields is linked to conflict resolution agenda, which can affect the bargaining positions of the conflict parties, by altering decision makers' cost-benefit calculus. Through assistance packages, government agreements, or trade preferences, great powers can create strong incentives for the both parties to cooperate (Jenne 2007, 190). When it comes to conflict resolution, the policy tools within the remit and mandates of the EU are: funding, deployment of technical missions to conflict zones, as well as negotiating conditional trade facilities. Such policies shall be treated as the intervening variables between the original preferences of the players and the ultimate choices that they make.

Conflict and conflict resolution also can be affected through more diffuse mechanisms of social learning and persuasion, taking place through the institutional, political, economic and wider societal contact and dialogue between EU actors and conflict parties. As opposed to mediation, which seeks to amend the parties' positions by directly engaging with them,

civilian intervention rather seeks to amend their perceptions and interests (Tocci 2007, 15). In the case of learning domestic change occurs through a transformation of perceived interests (and possibly identities), as domestic actors voluntarily internalize the norms and logic underpinning the EU system. As a result the conflicting parties may come to alter their substantive beliefs, visions and purposes and they may also alter their preferred strategies (i.e. negotiation, compromise and international law over unilateralism, brinkmanship and political violence) (ibid). Finally, some authors introduce a new term of ‘stealth intervention’ with reference to EU involvement in ethnopolitical conflicts in its neighborhood (Popescu 2009). According to this concept, the EU institutions can engage in low-cost policy actions which, over a long period of time, can yield significant accumulated policy impact. What all these theoretical arguments suggest is that interests and stakes are malleable, can be forged, shaped, amended, and adjusted. By applying exogenous allures of incentives, the third party intervention can produce an impact of modified interests that ultimately results in adjustment of the sides’ bargaining positions. It is notable that this type of intervention does not require engaging with the least willing in the existent vulnerable formats employed by mediation. They are thus able to generate policy outcomes that go beyond what could be intended by traditional methods of intervention.

### **2.3 The Argument**

This thesis does not attempt to refute either existent theory on third-party intervention. Both mediation and civilian intervention constitute important methods of conflict management. However, existent theories appear to account broadly for (in)effectiveness of third-party intervention. This thesis seeks to complement the existent theories on conflict resolution by subjecting to scrutiny the conditions mentioned in the literature that are necessary for

successful mediation and demonstrate that these conditions (or their theoretical accounts) are not sufficient to explain the (in)effectiveness of mediation in the case of secessionist conflicts in the post-Soviet space. Above that, in this research I attempt to demonstrate that under the conditions on the ground involved in the secessionist conflicts in the post-Soviet space one form of intervention is potentially capable of yielding a greater effect in terms of producing greater impact in terms of conflict management.

In this thesis I identify the patterns of dynamics produced by intervention by various IGOs and ultimately conclude that they vary. The form and methods of conflict management employed by international actors explicitly determine the ultimate impact of third-party intervention. The mediation (and observation) – the method traditionally employed by the OSCE (and the UN) - appears to be more intrusive, involves direct physical presence on the ground in the conflict zone, is more high-profile and involves sensitive political and politico-military issues, and produces increased competition and power-based mediation on the part of an involved major regional player interested in sustaining the *status quo*. The civilian approach to conflict management employed by the EU, by contrast, entails a less intrusive, more low-key, piecemeal instruments facilitating conflict prevention or conflict management. As such, it is able to alter the context around the conflict, thereby challenging the *status quo*.

The present research seeks to answer the following question: Does civilian intervention produce more tangible outcome in terms of challenging the *status quo* around secessionist conflict(s) than traditional mediation? I hypothesize that civilian intervention is more effective in terms of challenging the status quo around secessionist conflict(s) given specific background conditions involved.

The array of unique conditions to be observed around the conflicts - the independent variables of context that are mostly similar although occasionally divergent – constitute the factors impeding conflict settlement. First, the *de facto* statehood of the secessionist regions, implying that they have acquired all trappings of statehood over the years of stalemate, offers them the institutional capacity (Jenne 2007, 18) and consolidated statehood (Zurcher 2007) from which to defend their cause and to bargain. Second, the so-called Russian factor, which, apart from Moscow’s military presence, includes economic, political, and diplomatic backing to the regions. Third, Russia’s relations with the West constitute a distinct macro-level determinant *per se*. The chronology of NATO’s eastward expansion and the U.S. missile defense in Europe advances offer a synchronous timeline of the dynamic in the settlement process. Finally, the existent mechanisms of negotiations peacekeeping are vulnerable to the veto of the secessionist entities and the mediator directly supportive of their separatist cause and therefore violating the principle of neutrality of mediation.

As mediators undertake to engage in conflict resolution, they mainly work on highly sensitive issues of political and politico-military nature – related to hard security – as the integral components of their portfolio. Therefore, their efforts stumble upon the series of factors I listed above. However, when civilian approach is exercised, the matters addressed are mostly depoliticized, less controversial and contested, and low-key. Moreover, they are potentially capable of altering the context around the conflict by offering incentives and/or transforming the interests and the bargaining positions of the sides. Thus, there is a greater chance that they will have an impact on conflict resolution by creating a new dynamic in the settlement process.

## 2.4 Case selection and Units of Analysis

To test the validity of my hypothesis(es) with regard to effectiveness of civilian intervention into the post-Soviet secessionist conflicts, I examine the intervention by intergovernmental organizations (IGOs) into the secessionist disputes in Abkhazia, South Ossetia, and Transnistria.

By narrowing the scope of my research to the conflicts in the former Soviet Union, I essentially attempt to bring them under one single group. While each of these cases represents a distinct confluence of grievances and follows its specific trajectory, yet, they all can be said to be shaped by similar factors, trends, and processes, and as such can be said to have a common pattern – and a similar outcome in terms of conflict resolution effort. The peculiar features of this pattern are metropolitan state weakness, secession through violence, entrepreneurs of *status quo*; commitment problems; consolidation of *de facto* statehood by secessionists and their opposite geopolitical tilting, external factors (Russia – dishonest broker; populations as hostages of inefficient peacekeeping and negotiation mechanisms); weakness of elites and derailed consolidation of statehood. Furthermore, the overall dynamics of conflict settlement process is similar and, to a significant degree, is influenced by competing security agendas of Russia and Western players. Therefore, my case selection enables me to control for a vast array of independent variables (specific background factors). Moreover, such set of cases represents an unbroken path for testing such tool of conflict resolution as mediation, in particular by contrasting it with non-traditional tool of civilian intervention.

Perhaps another feature that unifies all three cases in this thesis is the so-called Russian factor. Explaining the variation in the impact of intervention by IGOs requires sensitivity to



the geopolitical specifics of the region. The Russian Federation exerts its expanded influence across all three breakaway statelets and enjoys a dominant role in conflict settlement formats in each case. Russia's relations with the West and its wary attitude toward NATO eastward expansion attach a peculiar type of dynamic to conflict resolution and effect of IGO intervention into the process. Russia continues to see these conflict zones and overall its Near Abroad as the sphere of its exclusive influence and geopolitical interests. Any western IGO intervention in the region encounters Moscow's suspicion and competition.

Hence, the study of these cases of post-Soviet conflicts is justified in that it brings this subclass of cases of internal conflicts to the attention of theorists of internal conflict resolution. Therefore, the questions to be raised by undertaking this research are these: Can there be a specific theory of post-Soviet conflicts? Do existing conflict resolution theories explain the trajectories of these conflict management processes and their outcomes when it comes to these conflicts? Can the study of post-Soviet conflicts resolution contribute to general theory? But also, can it help resolve those conflicts? This research will therefore attempt to arrange an epistemic exchange between general theories of internal conflict resolution and the lessons that the study of conflict resolution in the post-Soviet space will teach.

The vast majority of research works that discussed conflict resolution prior to 2007 (latest accession round, in particular that which attempted to theorize EU and conflict resolution, covered the topic from the vantage point of an expanding European Union. In these studies, EU membership conditionality was tackled as a tool in conflict resolution (e.g. Coppieters, Emerson, Huysseune et al. 2004, Tocci 2007). Empirical works that were done on the topic concerned states that were candidate countries or potential candidate countries. With the

next expansion round apparently put on hold for the next decade, the EU policy toward conflict resolution in these states, being directly linked to EU enlargement, may actually lose this powerful tool. With the EU enlargement fatigue, countries like Moldova, Georgia, Armenia, and Azerbaijan lose the incentive of potential future membership as a conflict resolution technique. Therefore, when trying to account for effectiveness of third-party intervention, what the three conflict cases have in common is the absence of accession incentive as a possible explanation of success.

In this research, I undertake a comparative analysis not of the conflicts *per se* but rather the methods of intervention by IGOs and their outcome. A variety of policy measures is adopted by a single IGO in each case but I aggregate them under a single method of intervention as characteristic of them – to enable comparison between impacts of different methods of involvement. At the same it is necessary to disaggregate the case studies to be able to explore variations in impact in each case. The variation in outcome of a particular type of intervention across the examined cases is to be observed both within each case (over time) and among them (in space). This becomes possible due to the scrutiny of individual intervention by an IGO applied with respect to each of the selected disputes.

There are limitations on one's ability to generalize from findings based on such case selection. If on one hand Russia's intervention into the three conflicts is something that enables bringing them under a single sample of analysis, on the other hand – possibility to export the findings from such analysis to other conflict cases where Russia is not a factor and different geopolitics prevails becomes impossible. Furthermore, by confining analysis to secessionist conflicts, this thesis produces a limited generalizability in terms of their

applicability to cases of IGO intervention into other types of conflicts – inter-state or civil wars.

Case studies are instrumental in identifying the causal mechanisms that link factors to outcomes. They are capable of detecting the links between foreign policy of a third party, for instance, and prolonged stalemate in the conflict settlement process. Furthermore, they are able to track down the dynamics of conflict and reveal how various policies are perceived by different actors. Case studies can also be instrumental in establishing conjunctural factors and effects of factors that may not be captured by statistical techniques, as well as identifying a missing factor. Furthermore, they can demonstrate how developments and actions on the ground instill new impetus or vice versa help cement the *status quo*.

## **2.5 Methods**

Studying the evolution of conflict management processes involves examining the players and stakes involved, their positions, interactions, interests and policy instruments engaged, the institutional mechanisms of negotiation and mediation, as well as the overall state of affairs on the ground and the outcome of policies. In order to study policy-making by the three international institutions – the EU, the OSCE, and the UN, and, specifically, establish the factors behind the outcome of policies to solve the conflicts in Abkhazia, South Ossetia, and Transnistria, I scrutinize empirical data related to my case studies by using process tracing and text analysis methods. By contrasting and comparing the case studies, I am able to identify similar features in the root causes of the conflicts, factors impeding a solution, and the overall dynamics of the conflict settlement process in each of these cases, but also how, where and when they diverge.

While working on my research, it was necessary to get access to internal data for which I interviewed policy –makers involved in their official capacity in the process. Doing research on policy-making *per se* may be challenging in that access to internal policy documents may be restricted. The outward expression of specific policies is usually incomplete and may come through in sporadic media reports and/or public appearance by relevant officials. Moreover, the published legal documents such mission mandates are sometimes one step behind in that they do not reflect *de jure* the policy shift that is already happening *de facto*. Overall, the effect or impact of these policies can only be sensed in the longer run whereas their exact formulation and goals may not be available except to a tiny, restricted circle of officials involved. This justifies the conduct of interviews with decision-makers and experts as a potential valuable empirical data related to the topic. Therefore, semi-structured interviews with IGO officials and experts involved in the conflict settlement processes constitute an important component of my research. In a subsidiary fashion, I resort to examining internal documents of intergovernmental institutions. In addition to primary data, part of my research relied on existent scholarly publications on the topic, official statements and speeches, as well as policy papers by think tanks working in the field of conflict resolution.

## Chapter 3 Transnistrian conflict: OSCE versus EU involvement

### 3.1 Background

The Transnistrian conflict, unlike the conflicts in Abkhazia and South Ossetia, is not a dispute along ethnic cleavages. Of all the three conflicts scrutinized in this thesis, it is commonly considered as the easiest to solve. The points of contention between the conflicting parties are of political and economic nature. The population of both Moldova proper and Transnistria are ethnically mixed, there are no ethnic grievances or existential fears involved – something to be observed in the Caucasus – and the conflict is categorized as elite-led (Kaufman 2001). As Moldova awoke to its rediscovered Romanian identity and moved toward independence in 1991, Transnistrian authorities intent on preservation of the Soviet Union and closer ties with Russia, trumpeted the danger of being absorbed into Greater Romania. Transnistria seceded and declared independence – not recognized by any state. A brief but bloody conflict occurred, claiming the lives of 1,000-1,500 people on both sides. No major violation of the cease-fire has occurred since cessation of violence and signing on July 21, 1992 of the ceasefire agreement brokered by the Russian Federation.

Largely due to active Russian support, but also because of a lack of an active, integrated strategy on the part of the Moldovan Government to resolve the conflict in the 1990s, Transnistria has been able to acquire *accoutrements* of statehood. Although Tiraspol holds physical control of the area, traffic of humans is going on largely unimpeded and international organizations have access to the region and communication with the self-declared authorities. The economics of secessionism features among other things lucrative illicit trade activities with collusion believed to be spilling over across the region, providing disincentives for conflict resolution (King 2000, Lynch 2004). In comparative terms, living

standards are roughly similar on both banks, although Russian policies of subsidizing gas supplies for the region resulted in energy tariffs and consequently basic food items somewhat cheaper in Transnistria.

Russian support and geopolitical interests in the region have impeded the resolution of the conflict. The Russian (former Soviet) troops (appr. 1,500) and weaponry (some 20,000 tonnes), along with the Russia-dominated peacekeeping force stationed in Transnistria, have served to cement the *status quo* around the conflict. Even though it rhetorically supports Moldova's sovereignty and territorial integrity, throughout the years, Moscow has offered diplomatic, political, and economic support for the separatist region, with the latter including subsidized natural gas supply and payment of pensions to Transnistrian retirees. The weakness of Moldova's elites and state institutions, corruption and poverty have made it unattractive for Transnistrians in terms of reunification.

The mechanisms of conflict resolution set up after the Moscow-brokered 21 July 1992 ceasefire agreement included the official five-sided negotiation format involving the parties to the conflict – Moldova and Transnistria, as well as Russia, Ukraine, and the OSCE as the mediators. The format was expanded in 2005 to a 'five plus two' as the U.S. and EU joined the process in the capacity of observers at the invitation of the Moldovan Government. A trilateral peacekeeping operation deployed to ensure respect of ceasefire and monitor the demilitarized Security Zone includes Russia, Moldova, and Transnistria, with Ukrainian observers. A Joint Control Commission (JCC) in which Moldovans, Transnistrians, and Russians are represented oversees the Security Zone, with OSCE and Ukraine acting as observers.

In what follows below I look at the key ‘juncture points’ as indicative of the IGO impact as well as producing a peculiar type of dynamic in the conflict settlement process.

### **3.2 *The OSCE Engagement***

The OSCE established a permanent mission to Moldova in February 1993, following the cessation of hostilities. A series of resolutions reconfirmed international support for Moldova’s sovereignty and territorial integrity. The Mission was mandated to facilitate the achievement of a lasting, comprehensive political settlement of the Transnistrian conflict in all its aspects (Moldova Mission mandate 1993). In its conflict resolution activity, it focused primarily on delimitation of prerogatives in a would-be reintegrated state, the removal and/or disposal of aging ammunition stored in Transnistria, as well as the withdrawal of Russian troops and revision of existent peacekeeping arrangements. Both political and politico-military issues of the Transnistrian conflict settlement, however, have stumbled over the years upon lack of political will and reluctance on the part of Tiraspol and Moscow.

At the 1999 OSCE Istanbul Summit, pressured by the international community, Russia assumed a commitment to withdraw its weapons and troops from the sovereign territory of Moldova (and Georgia) by the end of 2001 (OSCE, Istanbul Summit Declaration 1999). The Russian troops stationed in Transnistria constitute an important component of continued Russian influence in the region and serve as its leverage over Moldova. Therefore foot-dragging over withdrawal continued over the years and was to be expected. Indicative of Russian reluctance to withdraw its contingent from Transnistria was its oft-voiced proposition that the withdrawal process was to be synchronized with political settlement of the conflict (luckily enshrined in the 1994 Agreement with the Moldovan Government). With no cooperative stance adopted by Tiraspol over political settlement, the stationing of

Russian troops in the region was secured, even if in violation of Russia's international commitments, infinitely. Moreover, the Russian diplomats used as a pretext that the troops, aside from ensuring respect of ceasefire and overall stability in the region, served to guard the ammunition stored in Cobasna depot - another element of Russian military presence in Transnistria. Similarly a part of Moscow's Istanbul commitments, the aging weaponry and ammunition presented another concern for the international community. Having missed the 2001 deadline for withdrawal, Moscow arranged with Tiraspol a small withdrawal on the eve of each OSCE annual summit – to be able to report 'progress' to the member-states. However, it did not undertake to commence an orderly, complete withdrawal from Transnistria. In line with its 'policy of pretexts', Russia cited Transnistrian reluctance to allow for removal of ammo without compensation – something that has been voiced repeatedly by Transnistrian leaders. Likewise, all OSCE attempts to revise the existent Moscow-dominated peacekeeping arrangements have faced a similar collusion between Russia and Transnistrian leaders. As a state-guarantor who had brought to a halt violence on the Dniester, Russia was in unison proclaimed the sole party able to ensure lasting peace in the region (Russian MFA press statement 2012; PMR "MFA" press releases).

With Russian military presence on the Dniester unshattered, neither Moscow nor Tiraspol had incentive to adopt a more constructive position at the OSCE-led negotiations in the existent format vulnerable to Russian and/or Transnistrian veto. The Moscow-sponsored 1997 Primakov 'common state' Memorandum offered no specifics as to the delimitation of powers in the future reunified state and in fact each conflicting party interpreted the concept to its advantage. The Kiev 2002 federalization proposal supported by all three mediators indeed carried an inherent flaw of one side potentially being outvoted by another federal subject on a regular basis (Neukirch 2003). However, it ultimately died down because of



domestic opposition to the idea *per se* in Chisinau and lack of political will in Tiraspol. Transnistrian and Russian negotiators insisted that Transnistria be treated on equal-footing with Chisinau which *de facto* was a reality. Any status-related proposal tabled over the years by either Chisinau or the mediators was rejected by Transnistria negotiators or blocked by their Russian fellow-colleagues, signaling that anything short of loose confederation was not an acceptable proposition, pressuring Chisinau to admit to the reality of Tiraspol's *de facto* independence.

With NATO expansion round scheduled for March 2004 to include former Warsaw Pact countries and following the circulation by the OSCE Chairman-in-Office in mid 2003 of a non-paper that suggested the deployment in Transnistria of an EU-led peace operation under the OSCE aegis, Russia, fearful of competition in the area, resorted to fast-track negotiations over Transnistrian settlement. President Putin appointed the first deputy of his administration Dmitry Kozak as his special envoy to the Transnistrian conflict settlement process. Bypassing the existent format of negotiations, Kozak, after two months of shuttle diplomacy between Chisinau and Tiraspol, was able to get the parties initial in November a framework Agreement "on the Basic Principles of the State Structure of the United State" (Kommersant 2006). The document providing for the creation of a new Moldovan federal state was ultimately not signed as President Voronin who was alerted at the last moment by the OSCE, U.S., and EU at the highest level of the inherent dangers of the agreement. The document provided for a dysfunctional state structure by granting Transnistria a strong veto power in the federal legislature, implying that the federal parliament would potentially find itself in a gridlock but also essentially perpetuated Russian influence in the region by granting an extension of the Russian military presence in Transnistria for fifteen years. The Kozak Memorandum exposed the dangers of negotiating a settlement unilaterally and demonstrated that any solution has to be

identified in communication with all mediators (Hill conference, 2012). The Kozak Memorandum affair showed on which terms Tiraspol might be willing to accept a deal with Chisinau and that these terms would not provide for a viable Moldovan state. But more importantly, it showed that Moscow as a mediator was unwilling to use the existent format of talks to facilitate a deal that would provide for a viable, reintegrated Moldovan state but rather would opt for a deal hammered out on its own terms and according to its own interests.

Perhaps symbolic and indicative of the feeling of powerlessness and impotence to bring Transnistria into cooperative and fruitful dialog through the existent format of talks was the June 2005 law on the status of Transnistria region adopted by the Moldovan Parliament. The bill represented a unilateral attempt to impose a solution but nevertheless lacked implementation levers and was in fact some wishful thinking in the Moldovan quarters that neglected the reality of *de facto* independence and statehood of Transnistria. In October 2005, following Moldovan calls to expand the negotiation format by allowing the EU and U.S. to join in, a corresponding protocol was signed by the all participants in the talks. Nevertheless, the involvement of the Washington and Brussels (in the capacity of observers) did not attach any new impetus to the conflict resolution process.

Reflecting the skepticism within the Moldovan political circles to strike a deal with Tiraspol leaders, the so-called 3-D proposal – demilitarization, decriminalization, and democratization – originating in the Moldovan NGO circles was launched in 2005, signaling a new approach focusing on creating appropriate conditions in place in Transnistria before any settlement could be achieved. Although potentially addressing a series of root causes impeding a settlement, the proposal faced a similar problem – implementation. Absent a political will on the part of Transnistrian authorities, none of the stipulated conditions for a conflict resolution

appeared to be a feasible proposition. As a further logical fallout of failure to reach a deal directly with Transnistrians, in 2006, Chisinau resorted to direct negotiations with Moscow in circumvention of the Transnistrian leadership - and OSCE. However, neither these have ended in a settlement agreement.

Throughout its activity on the ground, the Mission's role was seen as controversial and allegedly not neutral. To a large extent, this stemmed from the nature of mediation. For Transnistrians, the OSCE was too pro-Moldovan or perhaps not sufficiently pro-Russian and was often countered with charges of double standards (e.g. Tiraspol Times 2007). The Moldovan press, on the contrary, criticized it for being too pro-Russian (King 2000, 198). Due to the nature of its portfolio, the OSCE in its activity in the region had to address the sensitive issues of status and Russian military presence – vital (if not existential) to the separatist regime's survival and that essentially constitute the pillar of Russian geopolitical influence in the area. In its mediation effort, the OSCE had to work in the formats that sustained rather than challenged the *status quo* (Lynch 2006). Finally, the OSCE itself has some major inherent institutional weaknesses: the regional security body operates according to a principle that decision-making is based on consensus. Therefore, if one party is disagreeing, it is sufficient for decision not to be adopted. As an organization that involved the former Cold War rivals Russia and the West, it covered the area formerly occupied by the Warsaw Pact and NATO. This meant that the inertia of the Cold War often paralyzed the work of the organization. Perhaps a direct fallout of the OSCE's vulnerability to the Russian veto but also a vivid indication of the sensitivity of the peacekeeping issue within the Organization was an unofficial taboo of the problem as there were seemingly no discussions of the problem on the margins of the Permanent Council (OSCE archives).

All in all, every status-related proposal tabled by the mediators short of confederation and therefore stripping Tiraspol of its *de facto* independence as well as the proposals dealing with politico-military issues of troop withdrawal, ammunition removal or disposal, as well as revision of peacekeeping arrangements *in situ* and as such depriving the regime of its Russian protection shield have encountered a fierce resistance and obstructionism on the part of the Transnistrian authorities. The persistent obstructionism of the Transnistrians stemming from their perceived bargaining strength - most of it coming from the consolidated *de facto* statehood as well as unfailing Russian protectionism – meant that no proposal from the mediators would receive serious consideration and no concessions were to be expected. As one OSCE official stated in Vienna, the history of the Transnistrian settlement process was littered with vague agreements that were first adopted but then broken amid mutual recriminations (Remler, October 2008). After the debacle of the Kozak memorandum the IGOs would focus on altering the context of the Transnistrian conflict, reflecting the prevalent desperate feelings to achieve progress through the existent conflict settlement frameworks.

### **3.3 The European Union Engagement**

The European Union did not regard Transnistrian problem as its top priority in the Neighborhood and therefore was not directly engaged in the Transnistrian conflict resolution process until 2004, preferring to ensure its security agenda in the region through the OSCE. The EU's relations with Moldova in the 1990s were limited to the European Commission's Technical Assistance for the Commonwealth of Independent States (TACIS) programme. With accession of Romania scheduled for 2007, Moldova was to become an immediate neighbor of the EU. Following the discussions of the European Neighborhood Policy (ENP) in 2002, the EU finally embarked on a course of direct engagement in the resolution of the conflict that was to be on its borders within a few years.

The first direct involvement by the EU in Transnistrian conflict resolution came in early 2003 with the introduction of the twin EU-U.S. visa ban against Transnistrian leadership. The sanctions against the key representatives of the Tiraspol regime were adopted over their obstructionist stance impeding any meaningful negotiations and thereby sustaining the *status quo* (EU Council press release 2003). Later on, in 2004, the EU (with the U.S.) expanded the joint visa ban to an additional group of Transnistrian officials held responsible for the attempted closing of Romanian-language schools with the instruction in the Latin script as opposed to Cyrillic *officially* adopted in Transnistria, regarded as a human rights violation (EU Presidency press release). Aside from the travel ban, Western governments contemplated a freezing of assets of Transnistrian authorities in Europe. This, however, did not come to fruition given the difficulty of detecting the accounts many of which were registered for alien names. Nevertheless, the effect of the travel ban, meant to increase the cost of the *status quo*, was next to nil. Although initially alarmed by the ban announcement, Transnistrian leaders did not revise their line of obstructionism at the negotiations. Overall, the lack of impact from putting pressure and attempts to paint the separatists into a tight corner on the local authorities implied that coercion was not to produce desired effect and therefore different methods of intervention were to be looked for.

### **3.3.1 The EUBAM: Decreasing the benefits of the status quo or increasing the cost of the status quo**

The early signals that sustaining the *status quo* around Transnistrian conflict is a lucrative enterprise were voiced by western scholars who pointed to direct connection between the lack of progress in the settlement process and business interests across the region (King, Basa 2000; 2001). The porous borders between Transnistria region and Ukraine as well as

corruption among Moldovan and Ukrainian customs and border guards have led to what was believed a widely practiced smuggling and trafficking of goods, weapons, and human beings through the Transnistrian segment of the Moldovan-Ukrainian borderline (ICG 2004). These illicit trade flows involving *en masse* export/import and re-export schemes largely made possible by the 1996 Chisinau-Tiraspol Protocol, according to which goods destined for Transnistria were not to be taxed either in Moldova or Ukraine, were estimated to result in tens of millions of euros of annual lost profit for both Moldova's and Ukraine's budgets, ending in the pockets of officials involved in the collusion (ibid). By 2002-2003 there was a wide recognition both in the Moldovan Government and the international community that these illegal trade practices by the Transnistrian authorities involving a wide web of profiteers in Moldova, Transnistria, Ukraine, and Russia - a "darker version of the Pareto efficiency" (King 2001) - constituted one of the key impediments to progress in the conflict settlement process.

With no movement in the discussions on securing the Transnistrian border segment from the Ukrainian soil under President Kuchma whose diplomats were playing the cat-and-mouse game on the issue with western diplomats working in the region, the 2004 Orange Revolution in Kiev which swept the pro-reform President Yushchenko to power has changed it all. In their June 2, 2005 joint letter to the EU leadership Presidents Voronin of Moldova and Yushchenko of Ukraine invited Brussels to institute an 'international customs control arrangement and effective border monitoring mechanism along the Transnistrian portion of the Moldovan-Ukrainian state border' (letter original). Officially launched on November 30, 2005 by the then EU Commissioner for External Affairs and the High Representative for CFSP, European Border Assistance Mission (EUBAM) was seen as a major effort to curb the illegal trade activities in the region and thereby undermine the economic basis of the

separatist regime and by doing so to contribute to wider security and stability in the area [...] and help identify a sustainable solution to the Transnistrian conflict (EU Presidency Statement 2005). In an effort to make its activity more efficient, the Mission's original strength has since then been doubled to 122 personnel, its budget nearly tripled to EUR 24 million, and its inspection prerogatives expanded (EUBAM FAQ).

The exact ultimate impact of EUBAM is unknown, but there is no doubt that its strengthened border management has made it much more difficult for both Transnistrian authorities and *elites* across the region to make profits from smuggling, significantly curtailing the benefits of the existent state of affairs and therefore challenging the *status quo*. Overall, EUBAM was a civilian measure on the part of the EU: it was presented as a technical support and capacity building enterprise (EU FAQ), was led by the European Commission, and made part of the EU's so-called low-politics activity (Popescu, 56) which meant that attempts were made to have it depoliticized (EU FAQ).

### **3.3.2 EU Visa and Trade facilities: Increasing the Benefits of Reintegration**

Another major effort on the part of the EU to change the context around the Transnistrian conflict came as part of the thesis that Moldova proper should be made more attractive for Transnistria(ns) (ICG 2006) before any reintegration deal was to come about. After years of fruitless talks with Transnistrian leaders, this was yet an attempt to target average Transnistrians and segments in the local business elite but also bypass Russia as it did not require Russian involvement -- to make them see that there might be benefits from reintegrating the Moldovan state and profits could be gained in a legal environment if Transnistria was to be brought back into the Moldovan legal fold. In 2007, the EU concluded a visa-facilitation agreement with Moldova, according to which many categories of average

Moldovan citizens could benefit from a less restrictive visa regime with the European Union (ICG 2006). The EU-offered incentives produced immediate effect in terms of Transnistrians seeking cooperation with the Moldovans in that the Transnistrian Chamber of Commerce filed an official request with Chisinau authorities that Transnistrian businessmen be covered by the facilitated visa regime (provided they submitted Moldovan passports as part of their visa application (Ministry of Reintegration 2007). This has led to an increase in the number of Transnistrians who otherwise use their Transnistrian internal or Russian passports who applied for Moldovan passports.

A yet another important EU incentive directly facilitating operation of Transnistrians in the Moldovan legal space and thereby making reintegration with Moldova more attractive came in the form of EU trade liberalization with Chisinau. Beginning 2006, Moldova has been granted preferential trade regime with the EU, which included GSP - Generalized System of Preferences, GSP Plus, and later on ATP – Autonomous Trade Preferences – non-reciprocal, one-sided facilities, the closest to full-value free trade regime). Under the granted trade facilities, the Moldovan companies were exempt from customs duties when exporting their goods to the EU countries. This made exporting to the EU as a Moldovan company more profitable than doing so as a Transnistrian economic entity (for which maximal duties were to be applied as on goods of non-specified origin) or even as a Russian or Ukrainian company since these countries did not enjoy a similar trade regime with the EU. The impact of these EU policies could be directly observed: the number of Transnistrian economic entities that registered with Chisinau authorities saw a steady increase between 2006-2010 and was reported to be above 600 (on a permanent basis) and over 400 (on a temporary basis) (OSCE 2006; Moldovan Ministry of Reintegration 2008; EUBAM Annual Report 2010). At the same time, the OSCE reported a 59 per cent increase in Transnistrian exports in 2006-2007



following the introduction of the new trade regime in early 2006 (Remler 2008), most of which apparently was to be accounted for the EU. As of mid 2010, the Moldovan Ministry of Reintegration reported 40 per cent of Transnistrian region's exports went to EU states (Osipov 2010). The effectiveness of EU measures in the context of conflict resolution was tangible as the incentives offered by the new trade regime have brought about direct interaction of the Transnistrian businesses with the Chisinau authorities, thus making a step toward *de facto* (or *de jure*?) merging of the Transnistrian and Moldovan economic spaces. The explicit recognition that the EU's civilian policies were having an impact on the ground came from the OSCE – the long-time, leading IGO working on conflict resolution in Moldova. While no negotiations were ongoing between Chisinau and Tiraspol and the OSCE had no activity falling under its direct immediate responsibility, EUBAM was seen by the organization as the most positive new factor in the settlement process which did not allow one to speak about the absence of progress (Remler, April 2008). Beginning 2008-2009, while not dropping its immediate responsibilities related to mediation and negotiation, the OSCE would revise its existent pool of conflict management tools on the ground by expanding significantly its set of confidence-building measures - largely civilian policy instruments.

### **3.4 Conclusions**

The conditions on the ground in Transnistrian conflict settlement – the *fait accompli* of *de facto* statehood of the Transnistria region, unarguably strengthening its bargaining position, as well as the Russian Federation's geopolitical interests in the region buttressed by its military presence on the sovereign territory of Moldova – have clearly affected the effectiveness of conventional tool of conflict management employed by the OSCE – the mediation. Unlike the OSCE which had to work on most sensitive political and politico-

military issues, which, by virtue of its key function of mediation, required Russian participation, the EU had the advantage of being able to work without Russian consent but also due to the nature of its portfolio facilitate change of context of conflict resolution on the ground, challenging the *status quo* around the conflict and attaching a new impetus to the settlement process through civilian, soft security measures. The civilian policies of border management, travel and trade facilitation by the EU have unarguably had an important impact on the dynamics of the conflict settlement process. The EU is better at tackling shadow-trade war economies and curbing economic motives underlying conflicts than engaging in hard-security issues (Weiss 2008, 13). Therefore, most operations by the EU have addressed such problems as customs and border management, rule of law, police training, security sector reform (Gross 2011). Even if these instruments of conflict management did not produce a final settlement of the dispute *per se*, they, no doubt, facilitated *de facto* (if not *de jure*) reintegration of the Moldovan economic space and helped make Moldova somewhat more attractive for Transnistrians. With the Russian Federation continuing to play a major role in the settlement process remaining unchallenged due to its dominating role in the peacekeeping operation deployed in the region as well as the continuing stationing of its troop contingent in Tiraspol, the separatist authorities will not have an incentive to adopt a more conciliatory line in their dialogue with the Moldovan Government. This means that the OSCE Mission on the ground will continue to face major challenges in its major mission - mediation effort involving primarily status-related issues and politico-military problems of peacekeeping, ammo removal or disposal and troop withdrawal. In the longer run, however, the newly created dynamic in which Moldova is seen as more attractive to Transnistrian business circles and average citizens and important tangible links are maintained in the economic sphere, could lay the foundation or context for reintegration of the country in the future.

As far as the political issues of the status for Transnistria region and politico-military issues of peacekeeping and troop withdrawal are concerned, these have created the highest level of tension and resistance on the part of the Russian Federation and Transnistrian regime as constituting the pillar of their prolonged influence in the region and sustainability of the *status quo* respectively. As such, they have allowed for little progress to be made when both the OSCE and the EU intervened. The EU (along with the U.S.) gaining the status of observer to the negotiation format did not instill any momentum to the negotiation process in particular and the overall conflict settlement in general. Just as in the case of the EU-U.S. visa ban, Transnistrian authorities did not cease their obstructionist conduct in the settlement process. Neither did the Russian Federation cease its open support for the Transnistrian regime. On the contrary, it continued to maintain its military presence in Transnistria thus continuously failing to live up to its OSCE Istanbul commitments, showed a deaf ear to any proposals to revise the existent peacekeeping arrangements in which it plays a dominant role and occasionally put economic pressure on Moldova in retaliation over its policies on Transnistria (tantamount to blockade). Neither did the EU's attempts to achieve agreement on a new peacekeeping operation in Transnistria to replace the current Russia-dominated arrangements come to fruition. Therefore, in the absence of political will with the secessionist authorities in Tiraspol and Russia continuously showing an adamant attitude when it came to cooperation, civilian policies – to have an effect in the longer run -- may be gaining weight as a tool of conflict management. Perhaps an explicit empirical support of this argument is a joint ongoing confidence-building effort by the EU, OSCE, and UN in Moldova to address conflict management in secessionist Transnistria. A largely civilian exercise, it may yet stand as a vivid demonstration that the conventional conflict management tool of mediation as a theoretical proposition may not necessarily hold when it comes to Russia's periphery.

## **Chapter 4: Georgia: The South Ossetian and Abkhaz Conflicts**

### **4.1 Background**

The Abkhaz and South Ossetian conflicts feature ethnic and political cleavages, opposed geopolitical tilting as well as the intricate geopolitics of the South Caucasus in general. Abkhazia enjoyed the status of an autonomous republic (ASSR) within Georgia during the Soviet times. At that time, its population of some 525,000 was mixed: Georgians constituted the largest group at some 45 per cent, some 18 per cent were Abkhaz, and remaining 40 per cent mainly Armenian and Russian (see Zurcher 2007, 117). At present, the population of the region is estimated at 200,000 (ICG 2006). South Ossetia, in contrast, was more ethnically homogenous, with Ossetians comprising some 66 per cent of about 100,000. Georgians made up the largest minority at 29 per cent (Zurcher 117). Another 335,000 Ossetians lived in North Ossetia – now part of the Russian Federation. Prior to the 2008 war, South Ossetia was experiencing a demographic crisis, with population estimates varying between 30,000-70,000 people.

The conflict over Abkhazia in 1992-1993 produced more than 10,000 casualties on both sides. The war ended with the defeat of the Georgian troops and expelling of most ethnic Georgians from the region. Some 50,000-60,000 were allowed to return to the southern region of Gali since. The 1992 South Ossetian conflict claimed perhaps one thousand lives (De Waal 2010, 139).

In August 2008, in hope to regain control over the separatist entity, Georgian President Mikheil Saakashvili recklessly moved into South Ossetia after indiscriminate shelling of its

capital Tskhinvali, launching a full-scale army assault on the region. Experiencing attack on its peacekeepers deployed in the region but also wary of NATO's possible expanding role in the region, the Russian Federation moved its North Caucasus contingents into South Ossetia, expelling the Georgian army from the region. Ethnic Georgians were expelled from the region while their villages were destroyed by South Ossetian militia. Abkhazia struck against Georgians to gain control over Georgia-controlled Upper Kodori area. The warfare was brought to a halt by the EU-brokered ceasefire on August 12. Russia recognized the independence of Abkhazia and South Ossetia on August 26 (Russian President press release 2008). In the following months, Nicaragua, Nauru, and Venezuela, and Tuvalu followed suit. No recognition came from any traditional Russian ally in the CIS or Europe. The 2008 war likewise witnessed the expelling of the absolute majority of ethnic Georgians from both Abkhazia and South Ossetia. Some 50,000 have returned to south-most parts of Abkhazia at their own risk.<sup>2</sup>

Both Abkhazia and South Ossetia have been experiencing strong political, military, and economic support on the part of the Russian Federation before and after the 2008 war and are at present under its *de facto* control. *De facto* integration of the two secessionist entities into the political and economic space of Russia has been taking place. The Russian ruble is the official currency in Abkhazia and South Ossetia and Moscow finances payment of pensions there. Some ninety-seven per cent of South Ossetia's budget is reportedly financed by Moscow.<sup>3</sup> The Russian Federation has been issuing *en masse* its passports to the residents of the two secessionist regions. The highest-ranking officials of South Ossetia and Abkhazia are appointed by Russia.<sup>4</sup> Even though South Ossetia and Abkhazia are occasionally able to make their own bidding, this is limited to micro issues (*ibid*). Moscow also offers

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<sup>2</sup> Interview with an UN official, Tbilisi, May 2012.

<sup>3</sup> Interview with an OSCE official. Vienna, April, 2012.

<sup>4</sup> Interview with an OSCE official. Vienna, April 2012.

significant military support, with Russian soldiers patrolling the boundary lines separating the two regions from Georgia proper. The official Moscow's multi-faceted cooperation with the two entities which it recognized as independent in the aftermath of the 2008 war is enshrined in numerous accords that Russia signed with them since then (RF MFA; Kremlin 2011). All in all, while they were *de facto* independent and unrecognized before 2008, after the war and recognition then Abkhazia and South Ossetia have outsourced their *de facto* independence to Russia (Popescu 2006). Nevertheless, assessments on the ground suggest that Abkhazia is seeking outright independence while South Ossetia is intent on closer integration with Russia and its ethnic kin in North Ossetia in the first place.<sup>5</sup>

Prior to the 2008 war between Russia and Georgia, peace in Abkhazia was maintained by a Russian-dominated peacekeeping operation (Moscow Agreement 1994). This peace operation was monitored by UNOMIG – United Nations Observer Mission in Georgia. OSCE had its Mission to Georgia based in Tbilisi and was the IGO in charge of conflict resolution in South Ossetia. A Russian-led peacekeeping force was similarly deployed in South Ossetia. Nominally, the peacekeeping force consisted of South Ossetian, North Ossetians, Russian (1000 troops), and Georgian troops, but *de facto* was South and North Ossetian troops were manned by Russian citizens. It is notable that criticism of the peace operations in Moldova and South Ossetia was voiced by some senior Russian defense officials as early as in 1992 to the extent that these operations were only freezing the conflict and failing to move to real conflict resolution (Lynch 2000, p. 98). These frameworks were terminated by Russia after it occupied the conflict zones militarily and recognized the two secessionist republics' independence following the 2008 Russian-Georgian war. Russia *de facto* enjoyed a monopoly over peacekeeping and other conflict settlement frameworks'. All

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<sup>5</sup> Interviews with IGO officials and experts, Tbilisi, May 2012.

these conflict settlement mechanisms were vulnerable and dysfunctional. Their work was often paralyzed – business as usual - in that they were subject to veto either by Russian or secessionist representatives delegated to these bodies.

## **4.2 *Ante Bellum***

### **4.2.1 The OSCE Involvement in South Ossetia**

In Georgia, the South Ossetian conflict has been firmly the focus of the OSCE. Following an invitation of the Georgian Government, the Permanent Council decided on the establishing of a permanent presence in Georgia in November 1992. The Mission was based in Georgia (an Office in Tskhinvali was opened at a later stage) but was to cover in its activity both Georgia proper and conflict resolution in South Ossetia. The OSCE adopts a broad concept of security (Freire 2003, 10; Galbreath 2007, 35) and therefore the Mission's mandate envisaged a broad range of activities – from politico-military dimension of security which included conflict resolution, destruction of surplus stockpiles, assisting police reform, border management – to the human dimension of security and environmental dimension of security. The human dimension included assisting the Georgian Government in fulfilling its OSCE commitments on human rights, rule of law and democratization. The Mission monitored and supported the protection of human rights and fundamental freedoms in Georgia, including in South Ossetia and Abkhazia, and promoted the building of civil society and democratic institutions (OSCE Mission Survey, website). With regard to conflict resolution, the Mission was specifically mandated to promote negotiations between the conflicting parties aimed at reaching a peaceful political settlement (Georgia Mission mandate 1992).

In March 1994, the Permanent Council decided on expanding the Mission's mandate, adding important functions pertaining to conflict resolution in South Ossetia and Abkhazia. In relations to the Georgian-Ossetian conflict, the Mission was further mandated *inter alia* to facilitate the creation of a broader political framework, in which a lasting political settlement (...) can be achieved on the basis of CSCE principles and commitments; make recommendations ... aimed at the resolution of the conflict, including the definition of the political status of Southern Ossetia. Further, the Mission was assigned a monitoring role concerning the joint peacekeeping forces, gather information on the military situation, investigate violations of the existing cease-fire; be actively involved in the reconvened Joint Control Commission in order to facilitate co-operation with and among the parties concerned.

Leading the talks to identify the status for South Ossetia constituted an important component of the OSCE work in Georgia. The participants in the settlement process pursued a 'step-by-step' approach. Just like in the case of Moldova/Transnistria, the metropolitan state maintains its position of preserving the sovereignty and territorial integrity of the Georgian state whereas the secessionist regions are keen to either become independent (Abkhazia) or integrate with Russia (South Ossetia). The Georgian Government sees eventual resolution of the two conflicts by offering the two regions a status of broad autonomy.

The attempts to bridge the sides' diametrically opposed positions within the OSCE-led mechanisms of conflict resolution have failed to produce a solution due to the non-conciliatory positions adopted by the secessionists. Decision-adopting within both the format of negotiations and the JCC was based on consensus (Sochi Agreement 1992) and therefore was vulnerable to veto by both Russia, which was keen on preserving its influence in its Near Abroad, and the secessionists, with the two often acting in tandem. Throughout the years, the



representatives of the breakaway regions regularly and firmly rejected settlement-related proposals tabled by the mediators that were short of recognition of their *de facto* independence. Russia's unfailing support and the strengthened *de facto* statehood of Abkhazia and South Ossetia providing them with institutional capacity were the two factors that reinforced the separatist authorities' bargaining position. This bargaining gambit is informed by perceptions of relative power, which in turn are driven by perceptions of external support and institutional opportunities (Jenne 2007, 18).

Another substantial contribution of the organization regarded border management. In December 1999, the OSCE Border Monitoring Operation (BMO) with a strength under 150 was mandated with monitoring and reporting on movement across the Russian-Georgian borderline. There was a serious concern in Moscow that Chechen fighters were using South Ossetia as a base and that weapons and other resources were coming through its territory (Galbreath 2007, 76). The BMO was closed however in December 2004 as Russia, in demonstration of its interests in Georgia, vetoed the regular biannual extension of its mandate (OSCE 2004). The Russian move was partially puzzling given that BMO's area of operation was expanded in December 2001 from the originally approved borderline segment between Georgia and the Chechen Republic to the Ingush and Dagestan (in December 2002) segments of the Georgian-Russian border. Given the timing of the move - the Orange Revolution in Ukraine but also upcoming NATO eastward expansion, the priority of foreign policy and external security concerns over domestic security agenda for Russian policy makers stands out clearly.

As talks over political issues, including that of status were stagnating, there was a recognition, similar to the Moldovan case, that the Russian-led peacekeeping was a major

impediment to conflict resolution and an important element sustaining the *status quo* and, beginning 2004, official Tbilisi started its diplomatic campaign on replacing the existent peacekeeping operation in which Russia played a dominant role with an international force in which Moscow would retain a role but will no longer be a dominant party in it (OSCE 2004). In a mirror scenario of the Moldovan case, Moscow staunchly opposed any attempts to internationalize the peacekeeping format in place as potentially depriving it of its monopolistic influence over conflict resolution process. The Georgian Government hoped that international actors would join in the newly deployed peacekeeping operation (OSCE 2004). However, both the OSCE and the UN – vulnerable to Russian veto - chose not to engage. The issue of peacekeeping in Georgia did not even appear on the agenda of the OSCE Permanent Council meetings throughout the period. The EU (member states), likewise, refrained from getting involved, choosing to not even engage in discussions on the issue (Popescu 2011), apparently driven by unwillingness to irritate Russia.

All in all, the OSCE's impact on the South Ossetian conflict resolution prior to the 2008 war was important but minimal. Deploying its primary tools of mediation it assumed important functions in the settlement process related to political and hard security matters. Maintaining physical international presence on the ground *per se* was not merely symbolic but allowed the Organization to keep relative stability and peace as well as contain large-scale violence. However, at best, the OSCE was able to prevent matters from getting worse. In its attempts to challenge the *status quo* it was faced with staunch resistance on the part of Moscow and the secessionist authorities, falling prey to its own institutional mechanisms as both resorted to their veto right to prevent significant progress no significant progress made in terms of conflict resolution. Moreover, as tensions were increasing on the regional scale due to

geopolitical rivalries, even the OSCE's mechanisms of monitoring turned out to be powerless to prevent the break out of another full-scale war.

#### **4.2.2 The UN Involvement in Abkhazia**

The Abkhaz conflict did not fall under the remit of the OSCE. The UN remained the dominant international body, even though the OSCE did get involved in the UN-led negotiations from 1994. After Geneva talks held under the aegis of the UN, with the participation of the OSCE, and involvement of the Russian Federation as an intermediary, a ceasefire was signed in December 1993. After the signature in Moscow in April 1994 of the Declaration on the Measures toward a Political Settlement of the Georgian-Abkhaz Conflict, a deployment of a peacekeeping operation in Abkhazia was authorized. In spite of the UN involvement in the talks, no traditional UN peacekeeping force was dispatched but the force was deployed under the CIS aegis and was Russia-dominated.

The UN was tasked with leading the negotiations over a peaceful settlement of the Abkhaz conflict. The organization still acts through traditional third-party mediation tools even though it is undergoing significant changes and is developing prevention diplomacy tools (Baird 1999). The organization was to fulfill its functions through UNOMIG (United Nations Observer Mission in Georgia) originally established on 24 August 1993 by Security Council resolution to verify compliance with the ceasefire agreement between the Government of Georgia and the Abkhaz authorities in Georgia with special attention to the situation in the city of Sukhumi. The Mission had the authorized strength of 88 military observers, was to report directly to the Secretary General, and had the hard security powers to investigate reports of ceasefire violations and to attempt to resolve such incidents with the parties

involved (UNSCR S/RES/858 August 24, 1993). This mandate was invalidated by resumed fighting in Abkhazia.

The interim mandate adopted in November 1993 authorized UNOMIG to maintain contacts with both sides to the conflict and with Russian military contingent, and to monitor and report on the situation, with particular reference to developments relevant to UN efforts to promote a comprehensive political settlement (UNSCR S/RES/881 November 4, 1993). Moreover, the UN welcomed the assistance of the Russian Federation as a facilitator “to carry forward the peace process with the aim of achieving an overall political settlement” (ibid). After the signature in May 1994 by the Georgian and the Abkhaz of the Agreement on the Ceasefire and Separation of Forces, the UNSC reaffirmed its commitment to Georgia’s sovereignty and territorial integrity and authorized the increase in UNOMIG's strength up to 136 military observers (UNSCR S/RES/937 July 27, 1994). Furthermore, it ruled that the mandate of an expanded Mission specifically include the following important politico-military functions: observing of the CIS peacekeeping operation; verifying the demilitarization of the Security Zone; monitor the withdrawal of troops of the Republic of Georgia from the Kodori Valley to places beyond the boundaries of Abkhazia, Republic of Georgia; Regular patrolling of the Kodori valley. Above that, UNOMIG had the authority to probe into violations of the Cease-fire Agreement and attempt to resolve such incidents as well as “to maintain close contacts with both parties to the conflict and to cooperate with the CIS peacekeeping force and, by its presence in the area, to contribute to conditions conducive to the safe and orderly return of refugees and displaced persons” (ibid).

A yet another important contribution to peace operation in the region came with the establishment on December 10, 1996 of the United Nations Office for the Protection and

Promotion of Human Rights in Abkhazia, Georgia (UNSCR S/RES/1077 October 22, 1996). The Office was jointly staffed by the Office of the High Commissioner for Human Rights (OHCHR) and the OSCE. The Human Rights Office made part of UNOMIG and reported to the High Commissioner for Human Rights. In July 2003, UNSC endorsed the recommendations by the Secretary-General that "a UN police component of 20 officers be added to UNOMIG, to strengthen its capacity to carry out its mandate and in particular contribute to the creation of conditions conducive to the safe and dignified return of internally displaced persons and refugees" (UNSCR S/RES/1494 July 30, 2003).

Despite an impressive array of mechanisms deployed in the region by the UN and the comprehensive range of politico-military measures, the cease-fire did not last. There was an escalation of the situation and resumption of fighting in September 1993 and international actors had to assist the parties reach another ceasefire. Throughout, UNOMIG maintained an observer status, did not engage in mixed monitoring activities with the CIS peacekeepers, thereby refraining from direct participation in the peace operation in the region. Early on, the UN apparently refused to consider a peacekeeping operation until the establishment of a lasting cease fire (Lynch 2000, 136). The limiting by the UN of its role to that of the 'observer mission', meaning that it was documenting the developments, verifying compliance and occasionally investigating violations but not steering the developments on the ground - on the one hand reflected the weakness of the mediation institution. On the other hand, it also gave Russia – by no means an impartial mediator – a free hand to pursue its foreign policy objectives in the region, some of which had nothing to do with maintaining stability in the area. It comes as no surprise therefore that in the run up to the 2008 war, there was a serious destabilization in the secessionist regions: tensions were high and mutual

provocations, which included shooting and violation of air space, intensified. Meanwhile, Moscow was beefing up its military presence in Abkhazia and South Ossetia.

#### **4.2.3 The EU's Involvement in South Ossetia and Abkhazia Conflicts**

In an apparent reluctance to irritate Moscow, the EU limited its contribution to conflict resolution in the 1990s to rehabilitation assistance to the conflict areas. Projects to this extent were financed by the European Commission beginning 1997. These entailed humanitarian assistance and economic rehabilitation, including potable water supply reconstruction, natural gas networks, electricity, and railways, the rebuilding of schools and hospitals, as well as support for agriculture development. In Abkhazia, the Commission also supported civil society development and confidence-building measures. All in all, within ten years, EC pledged EUR 25 million and EUR 8 million for Abkhazia and South Ossetia respectively. The projects directly related to politics – the financial support for the Joint Control Commission's operation and the confidence-building measures – have yielded little fruit against the background of high-level tensions around Abkhazia and South Ossetia (Popescu). Although by 2006-2007 the EC had become the largest international donor, this aid had to compete with Russia's clandestine aid in the form of payment of pensions, direct budgetary injections, as well as weaponry supply(ies). The latter are estimated to have been larger than the EU aid (ibid).

Despite the fact that these projects are humanitarian in nature or deal with economic rehabilitation and have been financed by the European Commission, it is difficult to treat them as completely detached from politics. By pursuing these projects in the conflicts zones, the EU clearly sought to fulfill its broader objective of achieving stability in the area – part of its conflict prevention and resolution effort. The mere involvement of the EU in the region is

to be interpreted as having political rationale and making part of broader conflict management agenda.

### **4.3 *Spiraling to War***

As Russia became increasingly assertive on the international arena – a development mostly prompted by record-high oil prices – it attempted to regain its waning influence in the so-called Near Abroad. This foreign policy objective came into conflict with Georgia's NATO aspirations, actively promoted by Washington which saw the South Caucasian state as a 'beacon of democracy' and therefore its key ally in the region in the aftermath of the 2003 Rose Revolution. At the NATO Bucharest Summit in April 2008, promises were made to admit Georgia (along with Ukraine) to the alliance. Earlier in the year, Kosovo declared unilaterally its independence from Serbia – a move supported by the U.S. and the majority of EU states. Russia responded by threatening to recognize the independence of South Ossetia and Abkhazia (but not Transnistria). Against this background but also tough competition between Russia and the West over control over Caspian energy resources Russia's relations with both Georgia and the U.S. saw a severe exacerbation.

Georgia's NATO bid was undermined by the existence of the two separatist conflicts on its territory. Moscow at the same time was willing to prevent Georgia's adherence to the alliance. In the aftermath of Kosovo independence declaration, Moscow beefed up its military presence in Abkhazia and South Ossetia. Tensions were high and mutual provocations, which included shooting and violation of air space, intensified. European leaders traveled to Abkhazia and Georgian President paid a visit to Moscow but diplomacy failed to yield fruit. The OSCE as a collective body of governments failed in one of its major functions - early warning.

#### **4.4 Post Bellum**

The EU was instrumental in mediating a cease-fire agreement between Russia and Georgia, with France which held a rotating presidency of the EU taking the lead. The agreement was signed on August 12 by Presidents of Russia and France. An EU fact-finding mission IIFFMMG (aka Tagliavini Commission) which included international law experts produced by September 2009 a report that highlighted numerous violations of IHL and IHRL by all parties during to the war, but also, importantly, set the record straight in terms of which side started the war on the night of August 7, 2008. The Commission explicitly blamed Tbilisi for the indiscriminate shelling of Tskhinvali thereby opening warfare (IIFFMMG 2009). Apart from that, the Report stated the illegality under international law of Moscow's policy of the issuance of passports to residents of Abkhazia and South Ossetia, thereby undermining the legitimacy of the Russian intervening militarily into Georgia on the pretext of protecting its citizens (ibid). The aftermath of the report publication witnessed Russia and Georgia interpreting its contents to their own advantage, with their controlled media outlets highlighting respectively the portions of the report which reflected negatively on the other party, but omitting the ones that revealed their own misconduct during the war and immediately after.

Another important contribution of the European Union in the post-war period came when it deployed EUMM – EU Monitoring Mission consisting of civilian observers. EUMM was tasked with ensuring the observance of the cease-fire and mandated with monitoring the entire territory of sovereign Georgia – to include the two conflict zones. However, EUMM was barred from entering Abkhazia and South Ossetia after the 2008 war and was only able to fulfill its functions on the Georgia-controlled territories. The secessionist authorities and



Moscow which recognized them do not recognize Georgian jurisdiction over the regions (RF MFA; South Ossetia “MFA”; Abkhaz “MFA”).

In December 2008, Russia exercised its veto right on the United Nations Security Council and in the OSCE Permanent Council to close down UNOMIG and the OSCE Mission to Georgia respectively. Once Russian diplomats insisted that the UN and the OSCE essentially recognize Abkhazia and South Ossetia by granting their corresponding missions in the two conflict zones a separate status – an *a priori* unacceptable proposition for other UN member and OSCE participating states - the non-extension of the two missions’ mandates and their withdrawal from Abkhazia and South Ossetia was largely a foregone conclusion.

Overall, in the post-2008 war period, access by IGOs to and freedom of movement within Abkhazia and South Ossetia remained a key concern for conflict resolution activities. As of this writing, access remains very difficult, if not impossible. Limited (and intermittent) access is available to Abkhazia which is independence-intent. Travel to the area by IGOs involves pre-clearance and pre-approval, with visit arrangement and procedures serving as impediment rather than facilitation. No access to IGOs accredited in Tbilisi is available to South Ossetia which is keen to integrate with Russia. The only international organizations enjoying (limited) access to South Ossetia at this point are ICRC (through Vladikavkaz, North Ossetia) and OSCE (a limited list of officials).<sup>6</sup> Given the EU’s statement on non-recognition of Abkhazia and South Ossetia, it is not allowed to enter. Local population are allegedly allowed to cross the boundary line provided they pay a bribe and carry Abkhaz papers on them (ibid). Freedom of movement of population is reported to be either very limited or inexistent. Perhaps a vivid reflection of the fragility of the situation on the ground

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<sup>6</sup> Interview with an UN official, Tbilisi, May 2012.

and existent tensions, in April 2012, the secessionist authorities of Abkhazia declared the Head of EUMM *persona non grata* on their controlled territory. The UN is able to maintain a relatively small Office in Abkhazia. Despite its limited personnel strength IGOs working in Georgia see it as symbolic international presence in the breakaway region.<sup>7</sup>

Following the collapse of pre-2008 conflict settlement mechanisms, the Geneva Format of Talks on Security and Stability in the South Caucasus was established in October 2008. The framework is expanded and involves Abkhazia, South Ossetia, Georgia, Russia, the U.S. (represented at the level of DFMs), with the UN, the OSCE, and the EU serving as co-facilitators. The format meets several times a year to discuss mostly political and politico-military, hard security issues, related to the non-use of force, freedom of movement, military exercise in the region, and other. Two working groups – on security issues and humanitarian issues - meet regularly. The latter discusses issues of refugees, IDPs as well as confidence-building measures. Even though status-related issues are not intended for explicit discussions, due to the nature of problems discussed these come involved as well. Specifically, Russia does not consider itself a party to the conflicts and insists that Tbilisi sign the agreement on the non-use of force with the breakaway entities whose independence it does not recognize. Overall, the Geneva discussions are highly politicized and the debates, often technical, are characterized as painful and heated.<sup>8</sup> This results in the impossibility to achieve any progress not only on the fundamental items of the agenda but also on the issues of purely humanitarian character. The Geneva discussions are extremely heated as the sides continue to hold diametrically opposite, irreconcilable positions on any substantive subject. Failure of the participants to identify a common denominator on the majority of issues fuels skepticism in

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<sup>7</sup>Interview with an EU official. Tbilisi, May 2012.

<sup>8</sup> Interview with an OSCE official. Vienna, April 2012.

terms of their ability to achieve any agreement.<sup>9</sup> A direct offspring of the Geneva discussions is the Incident-Prevention and Reaction Mechanism – IPRM – which addresses hard security matters arising along the boundary line between the breakaway regions and Georgia proper. Overall, the work of the Geneva framework can be said to be aimed at stabilization of the military-political situation in the border areas.

The limited access to the conflict zones and the tensions between the conflicting parties which are still running high imply that in the post 2008 period, the activities of the OSCE, UN, and EU are largely focused on economic rehabilitation and humanitarian assistance, and (to the extent possible) confidence-building – the civilian policies pursued by the EU prior to 2008. The UN runs a project on schools in Abkhazia related to rehabilitation and infrastructure as well as a project on HIV.<sup>10</sup> As part of its confidence-building tool, the OSCE has potable and irrigation water projects in South Ossetia which are run out of Vienna.<sup>11</sup> The EU is able to run in Abkhazia a number of projects related to education, healthcare, agricultural development, and small enterprise development.<sup>12</sup> All in all, these activities are characterized internally as ‘low impact intervention’.<sup>13</sup> Even financially, the total financial pledge of IGOs in Abkhazia and South Ossetia is assessed as much more modest compared to the ongoing massive Russian investment into the regions.<sup>14</sup> Overall, all three IGOs stress the necessity to avoid politicization of their work in the conflict zones to get an ‘entry ticket’ for activity in the region.<sup>15</sup> On the one hand, the IGOs have to avoid any status-related activity as the latter might be interpreted by the secessionist regime as tantamount to its recognition. On the other hand, they cannot engage in any work that could

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<sup>9</sup> Interview with an OSCE official. Vienna, April 2012.

<sup>10</sup> Interview with an UN official, Tbilisi, May 2012.

<sup>11</sup> Interview with an OSCE official. Vienna, April 2012.

<sup>12</sup> Interview with an EU official, Tbilisi, May 2012.

<sup>13</sup> Interview with an EU official, Tbilisi, May 2012.

<sup>14</sup> Interview with an EU official, Tbilisi, May 2012.

<sup>15</sup> Interviews with EU and UN officials in Tbilisi, May 2012.

be interpreted by Tbilisi as nation-building in the conflict zones. As one EU official has put it: “It’s more about how you do things, not what you do.”<sup>16</sup>

#### **4.5 Conclusions**

Overall, the activities of the UN, EU, and OSCE on the ground at the moment are seriously constrained, limited and what comes as feasible is mainly related to civilian measures of post-conflict rehabilitation and humanitarian assistance. This includes the confidence-building measures run by the OSCE in South Ossetia. The constraints and limitation in the scope of work that can be carried out are precipitated on the macro-level by the highly fragile and tense security situation following the war in 2008. On the micro-level, the IGOs are constrained by the lack of physical access to and freedom of movement within the secessionist regions. The hard security situation, namely the reinforced Russian military presence in Abkhazia and South Ossetia in the aftermath of 8/8/8 as well as the tense character of the situation implies that these impediments are likely to remain in place at least short-term. Even the Georgian Government policies toward IGOs following the 2008 war have toughened after the adoption of the State Strategy on Occupied Territories in January 2010.

Both the UN and the OSCE focused on important aspects of conflict resolution – the status for the secessionist regions and the hard security problems. However, they were unable to register significant progress given the inherent weaknesses of the institution of mediation, their own institutional weaknesses and the vulnerabilities of the existent conflict settlement frameworks. An outstanding, macro-level determinant of their success shaping the entire

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<sup>16</sup> Interview with an EU official, Tbilisi, May 2012.

dynamic of the process was the geopolitical context on the ground. Just as in Moldova, Moscow supported the two secessionist regions militarily, diplomatically, economically, and politically, thereby violating the neutrality conventions of the institution of mediation. Against the background of geopolitical storms, the UN and the OSCE were unable to exert influence on the security situation through their conventional politico-military mechanisms. The EU played an important role in halting the 2008 war and stabilizing the situation on the ground. However, prior to the war, it had remained largely uninvolved and had had no tangible impact upon security matters on the ground. It was not part of the conflict settlement frameworks of the negotiations, the peacekeeping, and the JCC. The economic projects it ran in Abkhazia and South Ossetia prior to the war, no doubt, were able, importantly, to alleviate poverty and hardships in these areas, but they were not able to allay tensions on the ground.

In the post-war context, all three IGOs -- the UN, the OSCE, and the EU appear to be seriously restrained by the security situation on the ground, Russia's full and firm control of the conflict zones -- especially South Ossetia -- as well as both breakaway entities' resolute course toward non-reunification implies that IGOs' impact for the meanwhile will be limited to engaging in projects that address vital issues related to post-conflict rehabilitation and humanitarian matters around the conflict, involving pledge of significant funding on the part of the IGOs. Otherwise, all three appear to be impotent in terms of influencing security situation on the ground at the moment, if only marginally -- by reducing tensions. By securitizing civilian, piecemeal issues to address conflict resolution in the region, the IGOs will be able to have even if long-term impact on the security context in the South Caucasus.

As far as making Georgia more attractive is concerned -- the classical tenet of soft power, Brussels had no economic incentives to offer to these regions as, unlike Transnistria, they

have no trade links with the EU. But aside from that, there appears to be consensus that this proposition is more relevant to the case of Moldova/Transnistria.<sup>17</sup> Unlike in Transnistria where the war was short because nobody wanted to fight,<sup>18</sup> in Georgia ethnic aspects were much deeper entrenched and given the protracted history of violence between the populations and, importantly, the war of August 2008, expectations that higher democratic standards or prosperity of Georgia would make people in the conflict zones sink in oblivion their memories of mutual violence is at a minimum naïve and at most cynical. It appears that given the present security situation on the ground as well as the fresh memories of the 2008 war – the attractiveness thesis shall be put on hold in the meanwhile. Most funding and effort will have to be dedicated to stabilization - preventing the situation from escalating and addressing immediate security and humanitarian concerns in the area.

By and large, civilian policies undertaken by EU intervention prior to 2008, all in all, compared to Moldova, has had a more modest effect in Georgia. Its policies of civilian intervention have been unable to alter the overall dynamic of the two conflicts for two reasons. The logic of the two conflicts is different and is mainly determined by the record of mutual ethnic violence and political confrontations. On the macro-level, the pattern of the two conflicts and related conflict resolution efforts is shaped by the larger geopolitical environment marred by the deterioration in relations between players on the regional level and beyond, ultimately leading to the exacerbated security situation on the ground. In the post-war period, all international players involved will have but pursue humanitarian and rehabilitation agenda of civilian nature given that conditions on the ground display much more tension, danger of violence is higher, and it will take considerable time before confrontation between Russia and Georgia subsides.

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<sup>17</sup> Interviews in Tbilisi, May 2012.

<sup>18</sup> Interview with a Moldovan official. Chisinau, June 2003.

## 5 Conclusions

In this thesis I hypothesized that the unique conditions available on the ground around the secessionist conflicts along Russia's periphery invite the employment of civilian policy measures in addition to such conventional tools of conflict management as mediation. The findings based on minutiae scrutiny of the empirics of conflict resolution in Moldova and Georgia have shown that different methods of intervention indeed produce different outcomes and different patterns of dynamics. The mediation – the method traditionally employed by the OSCE and the UN - appears to be more intrusive, involves direct physical presence on the ground in the conflict zone, is more high-profile and involves sensitive political and politico-military issues, and produces increased competition and power-based mediation on the part of an involved major regional player interested in sustaining the *status quo*. The civilian approach to conflict management employed by the EU, by contrast, entails a less intrusive, more low-key, piecemeal instruments facilitating conflict prevention or conflict management. As such, civilian intervention is in fact potentially capable of yielding greater impact in terms of conflict management.

The effectiveness of mediation is largely determined by the availability of a number of conditions. In the case of Moldova and Georgia, the effectiveness of mediation is lowered by the lack of good will with the secessionist authorities. It is further lowered by the specific geopolitical context and international system. Given NATO's potential eastward enlargement, Russia treats the secessionist regions as a *cordon sanitaire* and it is its geopolitical interests to reserve its influence in those regions. Therefore, Moscow has acted as a spoiler in the examined settlement processes, exercising sponsorship of separatism along its own periphery. The two principles of mediation – neutrality and consent were not respected in all three conflict cases. Russia as a mediator violated the conventions of

neutrality of the institution of mediation by being an unimpartial actor in the settlement process and offering direct support for the rebellion minority, thereby preventing progress in the conflict settlement process through the tool of mediation. The *fait accompli* of *de facto* statehood of the secessionist regions constitutes a micro-level impediment to successful mediation by virtue of providing the secessionist minorities with an institutional capacity and therefore strengthening the bargaining positions of the secessionist regimes. Consequently, mediation as a conventional method of conflict management displays institutional vulnerability in the face of resistance on the part of an unimpartial mediator and strengthened rebellion minorities enjoying its support. On the micro-level, effectiveness of mediation may be impeded by the weakness of the existent peacekeeping and negotiation formats. Given the veto power provided by the institutional frameworks of conflict management to every participant in the format, both the unimpartial mediator – acting as a spoiler - and the secessionist minorities are able to block the settlement process. Moreover, the intervening mediator may itself be vulnerable to the spoiler's torpedoing its effort at conflict resolution given its own inherent institutional weaknesses. Finally, such is the division of labor that mediation is called upon to address the most sensitive issues of political and politico-military nature which are existential for the secessionist regimes' survival but also the geopolitical interests of an important regional player -- and therefore no progress is to be registered on these hard security matters. Neither the involvement of another impartial intervenor who is less vulnerable to the spoiler's destructive behavior appears to be capable of helping to bring about any progress on any such issues.

Civilian intervention does display a degree of effectiveness in the case of the secessionist conflicts. However, there appears to be variation across cases and civilian intervention's success and/or applicability appears to be contingent upon the availability of specific



conditions. In the case of Moldova my hypothesis holds, whereas in the case of Georgia it does not, at least in the short term. Both contextual and behavioral determinants are responsible for the diverging outcome. In fact, divergences in context are responsible for behavioral bifurcation on the part of the spoiler in the cases of Georgia and Moldova. The divergent outcomes for my hypothesis across cases can be explained by the different security contexts in Moldova and Georgia. On the macro-level, the success of civilian intervention or rather its applicability is determined by the international system or geopolitical context, clearly having an impact on the conflict resolution process and the examined conflicts are shaped by the geopolitical intricacies of the Near Abroad. Moldova has no NATO aspirations. This determines the largely soft security agenda of conflict resolution in Transnistria. Georgia, on the other hand is NATO hopeful, hence Russia is more assertive in the region and conflict resolution contexts are largely defined by hard security. This makes civilian policy measures more feasible and appropriate conflict management tools when it comes to conflicts defined by soft security issues, but less so in the case of hard security conflicts.

Civilian intervention *per se* employs the concept of attractiveness – the classical tenet of soft power. The applicability of the thesis of attractiveness and therefore of the success of civilian intervention largely depends on the root causes and nature of the conflict. Civilian intervention appears to have more applicability and show more effectiveness where conflicts have been elite-led. This is supported empirically by the relative effectiveness of civilian intervention in the case of the Transnistrian conflict in Moldova. In the case of the so-called mass-led conflicts shaped by ethnic fears and grievances as well as a record of protracted or repeated mutual violence, the concept of attractiveness appears to have less space – something that can be observed in the case of the Abkhaz and South Ossetian conflicts. In

such contexts, civilian intervention turns out to assume a different function – rather than of stabilization through addressing rehabilitation and humanitarian concerns.

The full and firm control by the secessionists of the conflict zones means that multilateral third-party intervention is impeded and constrained and intervening intergovernmental actors may be unable to have an immediate impact on the security situation in the conflict zones. Nevertheless, the civilian, soft security, piecemeal policy measures may stand as an appropriate proposition for soft-security, elite-led conflicts. In the mid-term, long-term, civilian intervention will continue to constitute an important component of conflict management in soft security, elite-led conflict in Moldova where it appears to be having an impact in terms of altering the context of the conflict by helping the sides to make small steps toward reintegration. In the case of conflicts that are more mass-led and are defined by hard security matters, civilian policies by IGOs appear to be incapable to have an immediate impact on the security matters on the ground. Yet, by securitizing civilian, piecemeal issues as part of their strategies of conflict resolution in such conflict zones, the IGOs may well be able to have even if longterm impact on the security situation by defusing tensions, allaying hardships - through addressing rehabilitation and humanitarian concerns. Absent a major change on the ground, such will be the conflict management agenda in the South Caucasus in the foreseeable future.

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