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„ACHIEVING SECURITY AND STABILITY IN THE
REGION OF SOUTH CAUCASUS: WHAT ROLE FOR
INTERNATIONAL ORGANIZATIONS?

Study on the role and effectiveness of the UN, the
OSCE, the CIS and the EU in facilitation of the conflict
resolution in South Caucasus“

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CONTENTS

<i>Acknowledgement and dedication</i>	5
INTRODUCTION	6
Chapter I: SOUTH CAUCASUS IN A PERSPECTIVE	12
1. South Caucasus republics after independence: challenges of transition	12
1.1. Democracy, human rights	14
1.2. Elections	18
1.3. Security sector	20
1.4. Economic challenges	21
2. Interests of key players in South Caucasus	28
2.1. Russia	29
2.2. United States	33
2.3. Turkey	36
2.4. Iran	38
2.5. Actors' interactions	39
3. Summing up	42
Chapter II: SECURITY IN THE SOUTH CAUCASUS: Long-standing conflicts in the South Caucasus – “landmines” with delayed action	44
1. Conflict between Armenia and Azerbaijan over the Nagorno-Karabakh region	44
1.1. Roots of the conflict	45
1.2. Contemporary stage of the conflict	49
2. Conflicts within Georgia	52
2.1. Abkhazia	52
2.2. South Ossetia	56
2.3. Russian role in Georgian conflicts and August 2008 war	60
3. Summing up	66
Chapter III: THEORETICAL FRAMEWORK	67
1. Regime theory framework	67
1.1. Actors' interests (concerned powerful actors)	73
1.2. Problem solving capacity	74
1.3. Nature of the problem (problem structure)	76
2. Theoretical approaches to international mediation	78
3. Theoretical approaches to explaining the EU role	80
3.1. Intergovernmentalism	81
3.2. Neofunctionalism	83
4. Summing up	85
Chapter IV. ROLES of the UN and the CIS: ANALYSIS of THEIR EFFECTIVENESS	87
1. United Nations contribution to conflict resolution in the South Caucasus region: the case of Abkhazia	87
1.1. UN role in IDP return	93

2. Commonwealth of Independent States in Abkhazia– convoluted assistance	95
3. Analysis of effectiveness from the prisms of regime theory	101
3.1. First hypothesis: powerful actors’ interests	102
3.2. Second hypothesis: problem solving capacity	108
General conclusions	113
4. Summing up	116

Chapter V. INVOLVEMENT of the OSCE and ANALYSIS of ITS EFFECTIVENESS

1. OSCE as a mediator in the Nagorno-Karabakh conflict between Armenia and Azerbaijan	118
1.1 Nagorno-Karabakh and the CSCE Budapest Summit	123
1.2. Nagorno-Karabakh is on the agenda of CSCE Lisbon Summit	123
1.3. Next stage in the mediation process: The Minsk Group proposals for peaceful resolution	125
1.4. Tet-a-tet: where is the solution?	128
2. OSCE role in South Ossetian conflict	133
2.1. Negotiation formats and peacekeeping	133
2.2. Initiatives for peaceful settlement of the conflict	138
2.3. OSCE contribution to economic development of the region	140
3. Analysis of effectiveness from the prisms of regime theory and theoretical approach to international mediation	144
3.1. OSCE Minsk Group activity in Armenian-Azerbaijani Nagorno-Karabakh conflict through regime theory hypotheses	144
3.1.1. First hypothesis: powerful actors’ interests	144
3.1.2. Second hypothesis: Problem solving capacity	150
General conclusions	151
3.2. OSCE Minsk Group effectiveness/success through theoretical approach to international mediation	153
3.3. Analyzing OSCE effectiveness in Georgia through regime theory hypotheses	157
3.3.1. First hypothesis: powerful actors’ interests	157
3.3.2. Second hypothesis: problem solving capacity	162
General conclusions	164
4. Summing up	166

Chapter VI: ROLE of the EU and EVALUATION of the EU CONFLICT RESOLUTION POLICY TOWARDS SOUTH CAUCASUS

1. European Union – low profile vs. the necessity for stronger role	168
1.1. First period - from “low profile” to increasing attention	168
1.2. Second period - increased role: desired, but volatile	171
2. Evaluating the EU conflict resolution approach	180
General conclusions	185

3. Summing up	188
Chapter VII: NATURE OF THE PROBLEM IN SOUTH CAUCASUS CONFLICTS	189
1. Views of the conflicting parties on the nature of the problem	189
1.1. Azerbaijan and Armenia	191
1.2. Georgia and its breakaway republics	198
2. Principles of territorial integrity and self-determination: the acrimonious debate in international law	203
3. Impact of the nature of the conflict on the effectiveness of the institutions	219
4. Summing up.	223
CONCLUSION	224
BIBLIOGRAPHY	229
Annex A	247
Abbreviations	250

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INTRODUCTION

This scholarly work aims to focus on the *roles of four institutions – the UN, the CIS, the OSCE and the EU – in the process of conflict resolution in South Caucasus and wherever applicable, the analysis of their effectiveness in facilitating the achievement of final settlement*. The reason why the “effectiveness analysis” is specified with the words “wherever appropriate” is due to the fact that [as it will be further described in the work], effectiveness analysis in the case of the latter institution – the EU, which unlike the previous three institutions has until recent times maintained rather distant conflict resolution approach – would risk to bring to fallacious conclusions. In the case with the EU, the overall evaluation of its conflict resolution strategy will be made, instead of the mentioned “effectiveness analysis”.

For the above purpose, this work at the outset will provide the empirical data and historic excursion to the involvement of the four institutions in conflict resolution, well as the overview to the South Caucasus conflicts – Armenian-Azerbaijani Nagorno-Karabakh conflict, Abkhazian and South Ossetian conflicts within Georgia. On the basis of this empirical data, the subsequent analysis of their effectiveness and evaluation of their policies will be conducted. In order to analyze the effectiveness of the UN, the CIS and the OSCE in addressing the conflict cases in the South Caucasus and evaluate the EU involvement in conflict resolution, the assumptions of the “effectiveness” concept of regime theory, theoretical approaches to the study of international mediation and theoretical approaches to the study of European integration [intergovernmentalism and neofunctionalism] are chosen as theoretical frameworks.

Although some scholarly works have been previously written on the subject, the originality to this dissertation is added by virtue of the fact that it attempts to explore the effectiveness and evaluate the policies of these institutions by incorporating various assumptions of regime theory, theoretical approaches to international mediation and theoretical approaches to the study of European integration. Moreover, provided that the in scholarly literature, regime theory and its “effectiveness” concept were mostly researched and applied to international environmental regimes, and study on the effectiveness of non-environmental regimes from the perspective of the regime theory seems lagging behind, this work is one of the humble attempts to fill this gap.

The effectiveness of the UN, the CIS and the OSCE will be attempted to be analyzed from the prisms of two regime theory hypotheses:

1. Actors' interests: *Interests and preferences of the concerned powerful states influence the effectiveness of the UN, the OSCE and the CIS to facilitate the achievement of a final solution to the conflicts in the South Caucasus republics.*

2. Problem solving capacity: *Problem solving capacity of the organizations influence the effectiveness of the UN, the OSCE and the CIS to facilitate the achievement of a final settlement to the conflicts in the South Caucasus republics.*

Problem solving capacity will be measured against three determinants: 1) the institutional setting or the rule of the game; 2) the distribution of power among the actors involved; 3) efforts directed to achievement of cooperative solutions.

The reason why the aforementioned two hypotheses are tested together is because of the fact that they are interconnected, i.e. problem solving capacities of the institutions are to a great extent influenced by actors' interests, therefore, these two hypotheses will be considered in conjunction with each-other. Moreover, it should be especially emphasized that although "actors' interests" element is often seen as one of the determinants of organizations' problem solving capacity, in this work it is taken as an independent variable influencing the effectiveness of the institutions due to the strength of this determinant in the context of the current research.

The mentioned regime theory hypotheses will mostly explain the cases of the UN, the CIS and the OSCE [particularly its role in South Ossetia] effectiveness. However, in the case of the CIS one determinant of problem solving effectiveness [institutional setting/rule of the game] will not be applicable. In the case of the OSCE Minsk Group the first hypothesis of the regime theory [influence of powerful states] cannot really explain the effectiveness of the OSCE Minsk Group, but can help to highlight the internal dynamics within this entity. Only the third determinant [efforts directed to achievement of cooperative solutions] of the second hypothesis [problem solving capacity] will be applicable to this case. This is due to the fact that the Minsk Group is not a full-fledged regime and hence, has no decision making procedures, and power balance within this entity is not disturbed.

The effectiveness/success of the OSCE Minsk Group, which has been doing mediation/facilitation work in Nagorno-Karabakh conflict since 1994 will additionally be evaluated using the suppositions of theoretical approaches to international mediation, owing to the fact that it cannot qualify for a full-fledged regime due to the specifics of its institutional build-up. Theoretical approaches to international mediation assume that the effectiveness/success of the OSCE Minsk Group is contingent upon the following factors: 1) previous relations between the conflicting parties; 2) nature of problem; 3) mediation strategies; 4) impartiality/or perceived bias of the mediators.

What concerns the evaluation of the EU role in conflict resolution, as it was earlier noted, “effectiveness” analysis based on the mentioned two hypotheses from the prisms of regime theory will not be applied to the EU¹, due to the fact that the EU is to be regarded as an aggregate of partial regimes entailing multiple behavioral norms, rules and procedures and therefore, is considered to be a too split system of state and policy interrelations, which disqualifies it as an international regime as such.² Instead, In an attempt to explain the EU approach to the conflict resolution in the South Caucasus region, this work will refer to the relevant assumptions of two theoretical approaches to the study of the European integration - *intergovernmentalism* and *neofunctionalism*, which will be utilized to in explaining different aspects of EU stance towards conflict resolution in the region.³

Intergovernmentalist and neofunctionalist approaches to the study of European integration will explain the EU involvement in the South Caucasus region and its role in facilitating conflict resolution as follows: 1) distant EU approach towards conflict resolution and its indirect role in facilitating conflict resolution is due to the lack of interest on the part of EU members states to dedicate attention to the region [intergovernmentalist assumption]; 2) subsequent increase of EU profile in the region after August 2008 events was due to the initiative and a leading role of an EU member state [intergovernmentalist assumption] 3) EU’s emphasis on the necessity of regional cooperation on practical issues [economy, border issues] and its belief that favorable grounds for conflict resolution are created through economic assistance and stabilization aid, instead of a direct involvement in the mediation of

¹ The third regime theory hypothesis, nonetheless, could be applied also to the EU. The third regime theory hypothesis will be described later.

² Dimitrios N. Chrysoschoou, *Theorizing European Integration*, (Routledge, London and New York, 2009):39. See Chapter IV for more description.

³ It should nonetheless be noted that application of integration theories to EU policy towards conflict resolution in South Caucasus is conditional and different from the EU case. In application to South Caucasus word “integration” is to be interpreted as “cooperation”.

the conflicts is generated by the EU conviction that cooperation/achievement on more practical issues [like economics] will lead to expansion of cooperation on issues of high politics, which subsequently will bring to the attainment of peace in the relevant conflict cases [neofunctionalist assumption].

Despite of the mentioned situations where the above regime theory hypotheses cannot provide full-fledge explanations, it still constitutes the main theoretical framework, since it can be applied to the majority of the researched cases. Moreover, the nature of the problem in South Caucasus conflicts, which is a strong, independent⁴ and external factor impacting the performance and the effectiveness of all the institutions [this time including also the EU] can also be explained through the assumptions of regime theory. This makes the third regime theory hypothesis:

3. Nature of the problem (Problem structure): *Characteristics of the given conflicts influence the effectiveness of the UN, the OSCE, the CIS and the EU to facilitate the achievement of a final solution to the conflicts in the South Caucasus republics.*

In order to fulfill the set objective, this work will be structured in the following way: Chapter I will be dedicated to the general introduction of the South Caucasus region and its transformation processes after the reacquired independence, and the Section 1 will focus on democracy, human rights, elections, security sector reform and economic challenges. Moreover, given its strategic geographic location and ongoing power politics among the influential regional as well as some external players, Section 2 of the Chapter is devoted to the description and analysis of the interests of prominent regional and external players in the region.

In the Chapter II historical background to the Armenian-Azerbaijani Nagorno-Karabakh conflict, Abkhazian and South Ossetian conflicts will be the main subject of discussion, while Chapter III will focus on theoretical frameworks of the dissertation. In Chapter IV the roles of the UN and the CIS in conflict resolution in Abkhazia will be highlighted and subsequently, their effectiveness will be analyzed based on the first and the second regime theory hypotheses. The reason why this chapter discusses the two mentioned institutions in

⁴ Independent - in a sense that it does not depend on problem solving capacity, the interests of powerful actors, or other factors stemming from the internal dynamics of the organizations themselves.

conjunction is due to the fact that the activities of the two actors – the UNOMIG and the CIS PKF - were interrelated to each other.

Chapter V will deal with the OSCE role in Nagorno-Karabakh and South Ossetian conflicts and will evaluate its effectiveness from the spectrum of the first and the second regime theory hypotheses. In case of the OSCE part in South Ossetian conflict, regime theory keeps its relevance and is able to explain the factors influencing the OSCE effectiveness, while in the situation with the OSCE Minsk Group regime theory will only be useful to highlight the internal dynamics within this entity. Therefore, theoretical assumptions to international mediation will be utilized in order to rate its effectiveness/success.

Chapter VI will focus on the EU role and evaluation of EU policy towards the conflict resolution in South Caucasus. As it was qualified earlier, “effectiveness” analysis from the perspective of regime theory will not be applied to the EU due to the specifics of EU as a *sui generis* entity and its policy-making, which disqualifies it as a simple international regime. Therefore, this Chapter will first discuss the nature and evolution of EU policy towards the region of South Caucasus and its conflict cases, and later, will evaluate the EU conflict resolution strategy towards the region from the spectrum of intergovernmentalist and neofunctionalist approaches.

In the Chapter VII, which is the last one, the third regime theory hypothesis will be explored in an attempt to see the impact of the nature of problem [problem structure] in the South Caucasus conflict on the possible effectiveness or the success of the discussed four institutions. Although the previous two hypothesis of the regime theory is not applied to the case of the EU, the propositions and findings of the last-third hypothesis could also be relevant to the EU, which alongside other three institutions has encountered the difficulties and challenges posed by the *nature of problem* in the South Caucasus conflicts. While exploring the nature of South Caucasus conflicts, this chapter will deal with the legal issues and concepts such as the rights of peoples to self-determination, principle of territorial integrity, legality/illegality of secession, correlation of the principles of self-determination and territorial integrity, debate between the conflicting parties over the real nature of the problem and the perceived superiority of one principle over the other. Moreover, this part of the work will also focus on the as well as the contradictions and omissions in some documents of international law about the interrelation of the two principles, which further exacerbate the

real nature of problem in the South Caucasus conflicts. Based on these data, the analysis of the impact of the nature of the problem on the effectiveness of the institutions will be done.

I. SOUTH CAUCASUS IN A PERSPECTIVE

Geographically the South Caucasus region is on the crossroads of Europe and Asia. It stands at the meeting point of the “Eurasian steppe to the north and the Middle Eastern Highlands, comprising the Anatolian and Iranian plateaux, to the south”.⁵ In political terms, “the South Caucasus” is nowadays understood as a common name given to the three republics of the former Soviet Union: Armenia, Azerbaijan and Georgia, that has replaced its predecessor term “Transcaucasus”, which was predominantly used during the Soviet times for the same purpose.

Geographically being situated at the crossroads of Europe and Asia and often referred to as a corridor between the two continents, the region largely came under the impact of the two divergent cultures and thus compounded in itself their differences - a characteristic feature of the region’s uniqueness. This peculiar geographical location of the region through natural flow of historic events made it also a playground of complex geopolitical games among the big powers for the influence in the region. Therefore, the complicated mixture of geographical and geopolitical attractiveness has presented the region countries with the task of preservation of their self-existence - an intricate task alongside being precarious.

1. South Caucasus republics after independence: challenges of transition

With the collapse of the Soviet Union in 1991 the world map was enriched with fifteen newly independent states, which were seeking ways of integration into the world community and striving to gain recognition as sovereign entities that would give them the opportunity of independent membership and representation in international organizations. Obtaining world recognition became a foreign policy priority also for the South Caucasus republics. The independence of the republics created fertile grounds for their integration into the world community.

Their membership in international organizations and the horizons for further integration into different arrangements seem to expand. All three republics are the members of the UN,⁶ and

⁵ Edmund Herzig, *The New South Caucasus: Armenia, Azerbaijan and Georgia*, (The Royal Institute of International Affairs, 1999):1.

⁶ UN membership: Armenia- (2 Mar. 1992), Azerbaijan - (9 Mar. 1992), Georgia - (31 July 1992) (<http://www.un.org>).

participate in the NATO's partnership for peace program.⁷ They are also participants of a number of regional and sub-regional arrangements, such as the Commonwealth of Independent States (CIS),⁸ Black Sea Economic Cooperation (BSEC),⁹ GUAM,¹⁰ etc. From pan-European organizations OSCE became the pioneer to host the republics as members. It was subsequently followed by the Council of Europe, which accepted the republics as full members in the period of seven to nine years after their membership in the OSCE.¹¹ Aspirations for recognition in the common European have intensified these republics' cooperation also with the European Union, a leading body in the process of European integration, which recognized their independence on December 31, 1991.¹²

Nevertheless, international recognition and membership in various international organizations were only the positive and more euphoric part of their independence. Like other former Soviet republics, they had come to grapple with other realities of their re-acquired independence, fraught with many problems and challenges of transition on internal and external levels. Among internal factors inhibiting the smooth transition to democratic and market oriented statehood, the most disturbing were the internal systemic shortcomings - dominance of public sector over the private sector, social inequality, embryonic middle-class, nomenclature leadership that remained from Soviet era, economic underdevelopment and rampant corruption, which had intruded almost in all layers of society. Moreover, the consolidation of

⁷ NATO Partnership for Peace Program. - Armenia (05.10.94), Azerbaijan (04.05.94), Georgia (23.03.94) (Online, available from (<http://www.nato.int/pfp/sig-cntr.htm>). Accessed in August 2008).

⁸ Between December 8 - 21, 1991 Armenia and Azerbaijan joined the CIS (Azerbaijan's parliament, however, rejected ratifying its membership until 1993), Georgia joined in 1993 (Mark Webber, *CIS integration trends in Russia and the former Soviet South*, (London: The Royal Institute of International Affairs, 1997): 20-24) and withdrew a year after Russia-Georgia war in August, 2009.

⁹ The BSEC is composed of eleven participating states Armenia, Azerbaijan, Bulgaria, Georgia, Greece, Moldova, Romania, Russia, Turkey and Ukraine. On June 25, 1992, their heads of state or government signed in Istanbul the summit declaration on the BSEC, which set up a regional structure of cooperation in various fields of economic activity. (Musa Qasimov, *Azerbaijan beynelxalq munasibetler sisteminde*, (Baki: Genclik, 1995):32)

¹⁰ GUAM is the geopolitical bloc that groups Georgia, Ukraine, Azerbaijan and Moldova. In 1997, the leaders of Georgia, Ukraine, Azerbaijan and Moldova (Uzbekistan joined the group later, in April 1999, however, later it withdrew from the group) signed the agreement in Strasbourg, under the auspices of the Council of Europe, on the establishment of a new organization with the aim to counterbalance Russia's political dominance in the Commonwealth of Independent States. (Online, available from (<http://www.eurasianet.org/departments/insight/articles/eav041801.shtml>). Accessed in August 2008).

¹¹ OSCE membership-Armenia, Azerbaijan (30 January 1992), Georgia (24 March 1992). (<http://www.osce.org/>); Council of Europe membership-Armenia (25.1.2001) Azerbaijan (25.1.2001) Georgia (27.4.1999) (<http://www.coe.fr.>)

¹² Irina Komissina, "The Transcaucasian Republics and the European Union: Integration Prospects," *Central Asia and the South Caucasus, Information and Analytical Center*, [journal online], available from (<http://www.cac.org/journale.shtml>). Accessed in April 2008, unpagged.

democratic practices at the decision making level has proved to be restrictive in view of the fact that societies of these republics were accustomed to living under the authority of strong leadership. Decrepit Soviet style management made the development of civil society, rule of law, accountability and transparency all the more difficult.

In addition to those internal factors, external-regional factors became vigorous determinants shaping the process of democratization in these countries. The most troublesome of them was and still remains - the existing conflicts in the region - which generates military build-ups, and sets the hardest task of coping with economic and societal burdens of supporting internally displaced persons. This complex security environment of the region, in ensemble with socio-economic instabilities of transition, created rather pessimistic picture for the fragile balance of their statehood. In an environment dominated by mistrust, security has become a rare commodity in the South Caucasus region. Therefore, by prioritizing security issues and allocating larger share of national revenues to meeting security demands, these states find themselves lagging behind the other set of outstanding issues that are indispensable for democratization process.

All three republics have strong central government and vast authorities endowed on the president, with immature system of checks and balances, and little to no independence of the two other branches of power – legislative and judiciary – from executive branch of power. Lack of proper knowledge and experience of the process of democratization in the countries, which had for decades lived under the Soviet rule, has proved to be a potent factor to slow down the pace of reforms.

1.1. Democracy, human rights

However, each of the three countries claims to have achieved significant progress with regard to delicate issues such as democracy and human rights. These states have demonstrated their commitments to the principles of democracy and human rights through joining numerous international and European human rights conventions, building relations with international and European institutions fostering democratic values, and through making relevant amendments to their domestic legislation in order to harmonize it with the required international standards.

Democratic development processes in the South Caucasus republics were also watched and occasionally disapproved by the international community. The issues such as the respect for freedom of speech, media, and protection of human rights, free and fair elections have repeatedly been the subject of scrutiny and criticism by the EU, the OSCE and Council of Europe election observers. Annual human rights reports of Norwegian Helsinki Committee, Human Rights Watch World and Amnesty International give disavowing overview of the situation with respect to electoral rights, civil liberties, including freedom of assembly, freedom of speech and media, existence of political prisoners, lack of rule of law, transparency and widespread corruption in the economies. Although the real situation is far from being ideal, some improvements are also recognized.

Among the three, Georgia is considered to be on the forefront of the democratic development process, mostly due to the reforms implemented by Saakashvili regime after the latter's assumption of power. Upon the change of leadership, the country started to openly and ardently emphasize its pro-European and pro-Western vocation, which has poured into its foreign policy as well and is commonly accepted as one of the reasons of the West's, especially the US's sympathy towards this state compared to Armenia and Azerbaijan.

Saakashvili administration, who took power as a result of Rose Revolution of 2003 and replaced Shevardnadze, pledged to seek closer integration with the West. He was resolute to demonstrate the declared intentions with the actual deeds, and the most prominent way of doing so was the implementation of democratic reforms that touched upon political, social and economic life of the country, including, but not limited to constitutional changes and the reform of numerous state institutions. Whether the targeted objectives were all reached to its maximum and indeed improved the state of affairs in the above mentioned areas, is a contentious subject within Georgia, as well as beyond its limits, however, the positive achievements in fight against corruption and organized crime, as well as improvements in the area of transport and education during Saakashvili's presidency is acknowledged as an important milestone of democratic state building.¹³

¹³ For example, in 2002 Georgia was ranked 85th out of 102 countries included by Transparency International in its "corruption perceptions index", while in 2007, it was ranked 79th out of 179 countries included. (Neil MacFarlane, "Georgia: Risk and Opportunity," *Canadian Defense and Foreign Affairs Institute*, April 2008, p.4).

Nonetheless, degree of criticism did not bypass his reforms. Local and international observers underlined that certain policies and government practices were implemented out of political considerations rather than in line with principles of democracy, respect for rule of law and human rights, and that certain measures were not in congruence with European and international human rights standards to which Georgia claims to be devoted after the Rose Revolution of 2003. Among the outstanding human rights problems in Georgia, the lack of independence to judiciary, violations of the right to life, torture and ill-treatment, bad conditions in prisons, shortcomings in refugee protection and persecution against human rights defenders are specifically mentioned.¹⁴ However, the major problem was indicated to be related to freedom of expression, since it was estimated that there were more pressure on media than it was before the Rose Revolution, which mostly resulted in self-censorship of media outlets.¹⁵

Furthermore, August 2008 conflict was a notorious culprit affecting the situation with regard to human rights in the country, which caused large humanitarian disaster and human rights violations.¹⁶ Alongside, other indicators with regard to human rights have also relatively worsened after August 2008 events. For example, in the US Human Rights Report of 2009, conspicuous drawbacks in the field of human rights, democracy and media freedom in Georgia is highlighted. The report underlines the negative trends like arbitrary arrest and detention, politically motivated arrests, excessive police violence, government intrusion into judiciary, abuse of prisoners and corruption in higher echelons. It especially focuses on the issue of corruption, concluding that although the level of corruption has fallen, “elite corruption” is still an issue for the country. It is also noted that situation with regard to media freedom has deteriorated and that government has restricted freedom of speech and press. However, the report also emphasizes that new Criminal Procedure Code and amendments to Electoral Code are important steps forward in the democratic development of the country.¹⁷

Likewise, Armenia and Azerbaijan have restated their dedication to and affiliation with Western democratic standards, the process which never was a smooth one. However, being in

¹⁴ “Georgia,” *Human rights in the OSCE region*, IHF Report 2007, p.68.

¹⁵ “Georgia: Sliding towards authoritarianism?” *International Crisis Group*, (Europe Report N 189, 19 December, 2007): 24.

¹⁶ According to the estimations approximately 138, 000 people were displaced in Georgia and up to 37, 000 persons escaped to the southern region of the Russian Federation. (*Report on human rights issues following the August 2008 armed conflicts*, by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, Tbilisi, Sukhumi and Gali, 8 to 12 February 2009).

¹⁷ US Human Rights Report on Georgia, 2009, online, available from (<http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136032.htm>). Accessed on July 23, 2010, unpaged.

a state of war over the Nagorno-Karabakh region and having no political and economic interactions between themselves, the states had further complicated their transition, which could have been relatively seamless in the absence of factors stemming from their mutual hostility. I will focus on this conflict, later in the Chapter, but one thing is certain that had they had good neighborly relations between themselves, those two states would have been better off in terms of their development and achievements.

For Azerbaijan, the most daunting challenge of the war with Armenia is the social burden of meeting the demands of large number of IDPs expelled from their homes, let alone the fact of occupation of one fifth of its territories. For Armenia, its isolation from the benefits of all the ongoing regional economic projects is the hardest effect of its war with Azerbaijan. Armenia's plight is also exacerbated by the country's troubled relations with Turkey due to the ambivalent "genocide" issue, and the latter's trade embargo, its ambivalences with Georgia over Armenian minority in Javakheti region of Georgia, and heavy economic dependence on Russia – all of which became an inhibiting factor in post-Soviet development of Armenia, as well as for undertaking steady reforms.

In the light of the mentioned factors, it is not surprising that these two states are estimated by the international organizations as having relatively worse record of human rights violations as well as in other areas of democratic state building, such as respect for rule of law, free and democratic elections, free media, freedom of assembly etc. In both republics the state of affairs in regard to freedom of speech and press is named by the international observers to be disturbing. For instance, in 2009, the UN Universal Periodic Review of Azerbaijan's commitments to the International Covenant on Civil and Political Rights, expressed its concern over the widespread restrictions to freedom of speech.

Nonetheless, the government does not maintain total censorship on the freedom of expression, inasmuch as the opposition parties has freedom to publish their newspapers, human rights activists are able to work without the threat of punishment.¹⁸ Periodically, the country is accused by the international organizations of the detention of political prisoners for the latter's' exercising their freedom of speech, which is backfired by the county substantiating that those journalists should be regarded as ordinary citizens violating state legislatures, rather

¹⁸ US Human Rights Reports 2009, Azerbaijan, online, available from (<http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136032.htm>). Accessed on July 23, 2010, unpagged.

than political prisoners and that international organizations are maintaining double standards regarding itself on this issue.

Similarly, Armenia is also occasionally blamed for undertaking restrictive measures on freedom of speech. For example, in 2008, European Court on Human Rights stressed that Armenia has violated the Article 10 of the European Convention of Human Rights, concerning the freedom of expression, in respect to broadcast company A+, since the company was prohibited from regaining its license after being closed in 2002. In addition, Armenian National Assembly adopted restrictive amendments to the law of the meetings, the decision which was condemned by the Council of Europe and the OSCE.¹⁹ Within this context, the Parliamentary Assembly of the Council of Europe considered suspension of Armenia's voting rights unless the country undertook necessary measures, *inter alia* being the elimination the restrictive amendments to the law of the meetings, as well as conducting impartial investigation of the events after February 2008 elections and releasing the detainees on political charges. However, after some months, PACE noted progress in several areas, but lamented that the country did not comply with all the requirements.²⁰

1.2. Elections

In evaluation of democratic transition of the South Caucasus republics the electoral process should be given special focus, since elections have been the most vivid portents of the degree of effectiveness the reforms were being undertaken. Throughout the independence of the three states, there have been numerous parliamentary and presidential elections held in each republic. International observes were present in almost all elections, their views and reports were largely diverse and even controversial in elections evaluation, which at the early years of independence mostly contained criticism and strong calls for improvement. Nonetheless, with the lapse of time and with each presidential and parliamentary election, habitual criticism in the reports of the international observers and in the evaluations by relevant organizations has toned down, and greater emphasis on developments and improvements in the election process became subtly distinct. However, irrespective of some positive developments, election process is still in need of considerable improvements.

¹⁹ "Armenia," *Europe and Central Asia, World Report, 2009*, pp.334-336.

²⁰ *Ibid.*,338.

Georgia has been through number of elections since 1999. Parliamentary elections of 1999, presidential elections of 2000, parliamentary and presidential elections of 2003 and 2004 were evaluated negatively by the international observers and numerous procedural irregularities were reported among other privations. Especially the parliamentary elections of 2003, which triggered the Rose Revolution, were estimated as defective and cutting across the democratic standards.²¹ However, with the steady reforms implemented by the new leadership of the country, improvements in this field were noticeable. For example, presidential and parliamentary elections of 2008 in Georgia were characterized as “the first genuinely competitive presidential elections” and the parliamentary elections, which were largely in accordance with international standards.²²

From 1995 Azerbaijan had conducted five parliamentary elections (one is a repeat election of 2005 parliamentary election) and three presidential elections, the last one being conducted in 2008.²³ Evaluation of those elections by international observers was not unambiguous. Although the latest presidential elections of 2008, was estimated by the OSCE election observation mission as having made a noticeable progress “towards meeting OSCE commitments and other international standards”, it was also noted that elections did not meet all of those commitments. In 2005 OSCE’s final observation report for the 2005 parliamentary elections only noted that they did not meet some of the OSCE and Council of Europe commitments.²⁴

Other international observers from Council of Europe Parliamentary Assembly and European Parliament also noted progress in 2008’s elections; however, restricted competition and little media involvement were noted among drawbacks of those elections.²⁵ The latest parliamentary elections, which took place on November 7, 2010 were also evaluated likewise by the international observers. In the joint statement of the OSCE Office for Democratic Institutions and Human Rights, the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe, and the European Parliament it was noted that although the elections were peaceful and all opposition parties took part in the political process, “the

²¹ See: Election documents on Georgia, from OSCE Office of Democratic Institutions and Human Rights, online, available from (<http://www.osce.org/odihr-elections>). Accessed on June 23, 2010.

²² “Georgia,” *World Report 2009*, p.377.

²³ The previous ones were - 1995 parliamentary elections, 1998 presidential election, 2001 parliamentary elections, 2003 presidential election, 2005 parliamentary elections and 2006 repeat parliamentary elections.

²⁴ US Human Rights Reports 2009, Azerbaijan, unpagued.

²⁵ “Azerbaijan,” *Europe and Central Asia, World Report, 2009*, p.339.

conduct of these elections overall was not sufficient to constitute meaningful progress in the democratic development of the country”.²⁶

Despite of the similar efforts for the improvement of electoral legislation in Armenia drawbacks were also observed during the 1995, 1996 and 1998 and partly during 2003 presidential and parliamentary elections. OSCE and PACE observes estimated the campaigns as peaceful, but noted that elections did not meet international standards.²⁷ Presidential elections of February 2008 in the country have become a true test case for democracy. The elections which resulted in victory of incumbent president Serj Sarkisyan, was accompanied by violence and election irregularities. The country experienced one of its biggest civil and political rights crises since its independence, which was brought by extreme use of force by the security forces of the country against the opposition demonstrators who were protesting the results of February 2008 elections. State of emergency was declared, which temporarily restricted freedom of movement, assembly, expression and access to information. These events and the reaction of the government were the subjects for international criticism.²⁸

1.3. Security sector

Reform of the security sector became another outstanding challenge for these states. Among the numerous hurdles for carrying a successful security sector reform, the most painstaking ones were related to the lack of political will, coherent vision as to what exactly security sector reform means, as well as resistance and conservatism to carrying out such a reform. Persisting problems in the area of democratization, human rights and rule of law, establishment of liberal market economy, and existing unresolved conflicts in the region, which make regional stability elusive, are yet other potent factors that bode ill for prospects of efficient security sector reform. The whole process is vexed by volatile dynamics of the region, where the cumulation of changing interaction of international and regional actors over conflicting interests and high tendency for internal instability create feeble grounds for carrying out such reforms.

²⁶ See: “Statement on preliminary findings and conclusions,” online, available from (http://www.osce.org/documents/odihr/2010/11/47506_en.pdf). Accessed on November 23, 2010, p. 1.

²⁷ Hayk Kotanyan, “Armenian security and US foreign policy in the South Caucasus,” *The Quarterly Journal*, (Vol. III, No. 2, June 2004):20.

²⁸ “Armenia,” *Europe and Central Asia, World Report*, 2009, p.334.

Soviet legacy with its notorious residues such as corruption and alien attitude to elimination of political control of the security sector and introducing legalistic controls is yet another factor to obstruct the process of successful security sector reform. Existing shortcomings in the Armed Forces of the republics, such as corruption, shortcomings in accommodation, food quality and infrastructure and other similar problems diminishes the military's effectiveness alongside undermining public trust and support for it.²⁹

However, among the three independent republics Georgia has become the pioneer to carry out and finish its first Strategic Defense Review, (SDR)³⁰ a process which involves substantive reform not only of the Armed Forces, but also other sectors and policies instrumental in state defense. In the context of Georgia's NATO aspirations, this process was closely assisted by the United States, which guidance and substantial military aid through various assistance programs³¹ have become intrinsic for Georgia to outshine its neighbors in this realm. What concerns the SDR process in Armenia and Azerbaijan, this process is still underway. Both countries are benefiting from the US assistance, which aims at teaching the corresponding methodology for conducting the SDR process.

1.4. Economic challenges

Since good economy is the cornerstone for the existence and prosperity of any nation, a little more attention will be devoted to economic challenges faced by the three republics. With their regained independence, transition to market based economy became exigent, and was conspicuous with ups and downs, adding up to the disenchantment of population, who became immediate targets for all the hardships brought by these processes. The economic systems of the republics during the Soviet times were primarily centrally planned economies, with

²⁹ Peter Forster, "The paradox of policy: American interests in the post-9/11 Caucasus," *Security Sector Governance in Southern Caucasus – Challenges and Visions* (Study Groups, Regional Stability in Southern Caucasus, Security Sector reform, Vienna and Geneva, January 2004): 25-26.

³⁰ Strategic Defense Review is a process where substantial reform of Armed Forces and overall defense sector is carried out. The states of South Caucasus have undertaken the task of performing an SDR according to the objectives and priorities contained in their Partnership Actions Plans with NATO. Georgia, with the close assistance by US experts had completed its first SDR process in 2008, however, after the August 2008; it redid the whole process and finalized it in 2009.

³¹ USA has been instrumental in assisting Georgia through number of special programs which it does not specifically offer to other South Caucasus republics. For example, The Georgia Train and Equip Program (GTEP) was an US-sponsored 18-month, \$64-million plan designed to increase the capabilities of the Georgian armed forces, which was implemented from 2002-2004. Another program offering US military assistance was the Georgia Sustainment and Stability Operations Program for preparing Georgian units for operations with the US led Multinational Force Iraq. The program ended in September 2007. (See: "Georgia Train and Equip Program," *Wikipedia: The Free Encyclopedia*, online, available from (http://en.wikipedia.org/wiki/Georgia_Train_and_Equip_Program). Accessed on July 14, 2010, unpagued.

leading authorities in Moscow doing the planning for all of them. Nonetheless, independence of the republics did not immediately result in their economic self-sufficiency and diversification of economic partners. Some more years after independence, Russia still remained the biggest economic partner for all three republics.

Socio-economic situation and incomes in the South Caucasus republics have become more contrasting compared to Soviet times, where in terms of centralized economy and governance, poorer republics had the chance to somehow equally benefit from the proceeds involving resources of other Soviet republics. For example, rich in natural resources Azerbaijan had no ownership and no or little control over the management and export of its resources and goods, since this was done through Soviet leadership. Nevertheless, independence of the republics has brought to them a responsibility for and self-management of their resources, although not to be seen as a positive outcome for all republics. This re-possession of own goods and resources in the states with little to no experience of economic self-management, also brought its challenges in terms of achieving economic transparency and accountability, since underground economy, or the so-called “black market” became one of the unwanted phenomena of the transition.

Socio-economic conditions and indicators in each of three republics differ.³² For example, in the early years of independence, Azerbaijan and Armenia were the only CIS countries to show significant GDP growth in 1998 and 1999. Oil sector was the main driving force beyond Azerbaijan’s economic rise, while Armenia’s stool of hold was predominantly the agricultural sector. In Georgia, however, economic slump was noticeable in 1997-1999, with GDP decreasing from 11 percent in 1997, to 3 percent in 1998 and 2 percent in 1999.³³

Throughout the years that have elapsed since independence, Azerbaijan was the most economically successful among the three; with highest GDP indices and foreign direct investment (FDI) index. From 1991-2001 Azerbaijan’s share of FDI was higher than any

³² Azerbaijan - GDP - real growth rate is 9.3% (2009 est.), GDP - per capita (PPP) is \$10,400 (2009 est.), and GDP - composition by sector: is agriculture: 5.6%, industry: 61.4% and services: 33% (2009 est.).

Armenia - GDP - real growth rate is -15% (2009 est.), GDP - per capita (PPP) is \$5,900 (2009 est.), and GDP - composition by sector: agriculture: 22.5%, industry: 43.5%, services: 34.1% (2009 est.).

Georgia - GDP - real growth rate is -7% (2009 est.), GDP - per capita (PPP) is \$4,400 (2009 est.), GDP - composition by sector: agriculture: 12.2%, industry: 26%, services: 61.8% (2009 est.). (See: *CIA – The World Factbook – Azerbaijan, Armenia, Georgia*, online, available from (<https://www.cia.gov/library/publications/the-world-factbook/index.html>). Accessed on July 21, 2010, unpaginated).

³³ Ben Slay, “Economic change and modernization: South Caucasus,” *Minutes of the Conference on Central Asia and Caucasus: Reorientations, Internal Transitions, and Strategic Dynamics*, (held in April 2000 by National Intelligence Council. Minutes are from October 2000):8.

other former Soviet republic.³⁴ Thanks to its vast natural resources, and the decision of its leadership to open them for international exploitation³⁵, the country was able to sustain itself and prosper even through the hardship of conflict with Armenia and a huge refugee and IDP problem in the country. As a result of oil exploitation policy of Azerbaijan, starting from 1995, economic difficulties were overcome and slowly but surely led to the path of recuperation and development.³⁶ Economic achievement of Azerbaijan was reflected in the reports of international organization, for example, Azerbaijan is ranked 51 in the Global Competitiveness Report for 2009-2010, the best indicator among other CIS countries.³⁷

The biggest challenge for the country though is to wisely manage and direct the proceeds from oil and gas industry.³⁸ In order to ensure transparent spending of oil revenues, and provide economic continuity, State Oil Fund was established in 2001, which is considered to be a stabilization measure for undertaking economic activities, especially in non-oil sector, supposed that oil incomes may diminish in the process of time.³⁹ Azerbaijan's dependency on its energy resources has also made its economy vulnerable to fluctuations of world energy prices, which makes the diversification of the economy a dire necessity. However, some

³⁴ Peter Laurens, "Azerbaijan taking tentative steps toward diversifying economy," *Central Asia-Caucasus Institute*, October 23, 2002, online, available from (<http://cacianalyst.org>). Accessed October 2, 2010, unpagged.

³⁵ The Caspian Sea is famous for its rich oil and gas reserves. Figures for the discovered oil and gas reserves in the Caspian region have proved to be between 5 and 40 billion barrels, and between 6.7 and 9.2 trillion cubic meters, respectively. However, since much of the region is still unexplored, the existence of additional vast reserves is also possible. (See: "Oil from Caspian could match production from North Sea, says IEA Report," *Caspian Oil and Gas* IEA/PRESS (98) 4 Paris, 27 May 1998), online, available from (<http://www.iea.org/new/releases/caspian.htm>). Accessed in December 2007, unpagged). Since 1994, with the signing of the so-called "Contract of the Century" the Caspian has become the focus of attention for foreign oil companies, which opened Caspian oil resources for the international exploration. In September of 1994, the late President Heydar Aliyev, issued a decree to allow the State Oil Company of the Azerbaijan Republic (SOCAR) to sign a contract, Production Sharing Agreement (PSA) with an International Consortium of oil companies. Initially, the contract provided oil developments in the "Azeri", "Guneshli", "Chraq" deposits for 30 years and created favorable investment opportunities for the economy of the republic, which subsequently resulted in signing of new oil contracts and attracted more investments.

³⁶ In 1995-2003, GDP growth was 90,1 %, state budget income increased more than three times, inflation was reduced to 2-3 %, total amount of investments constituted about \$ 20 billion. In 2004-2009 GDP increased for 2.8 times, and amounted to 43 billion USD. GDP per capita rose from 2004 to 2009 more than 2.2 times and amounted 4874.1 USD. (See: "General information on Azerbaijani economy," Azerbaijan Information Portal, online, available from (http://www.azerbaijan.az/portal/Economy/General/general_e.html) within the Ministry of Economic Development of Azerbaijan. Accessed on July 23, 2010, unpagged).

³⁷ "General information on Azerbaijani economy," Azerbaijan Information Portal, online, available from (http://www.azerbaijan.az/portal/Economy/General/general_e.html), within the Ministry of Economic Development of Azerbaijan. Accessed on July 23, 2010, unpagged.

³⁸ At the outset many investors found that investment climate was not sufficiently favorable in the country and numerous bureaucratic barriers, especially in tax, customs and regulatory authorities existed. In order to improve the investment climate as well as the economic performance in the country, Azerbaijani authorities initiated new institutional reforms and new programs in privatization and poverty reduction. (For example, the State Program of Socio-Economic Development of the Regions of Azerbaijan (2009-2013), the State Program of Poverty Reduction and Economic Development in the Republic of Azerbaijan (2008-2015)).

³⁹ Peter Laurens, unpagged.

achievements are also registered in this direction. According to the numbers of first six months of 2010, the growth of non-oil sector in the country equaled to 15 %.⁴⁰

Vast resources and a favorable geographic location have turned Azerbaijan into a reliable contributor to global energy security, supplier of energy resources, as well as a transit for majority of energy and transportation projects in the region. Economic success of Azerbaijan and its central role in implementation of regional energy projects, bestowed on it the role of a hub where geopolitical and business interests of many international players meet and even clash. Global and regional players like the USA, Russia, Iran, Turkey and the EU became engaged in energy geopolitics, each aiming to have a say and a share in the geography of energy transportation routes. Regional political groupings like Turkey-Georgia-Azerbaijan, which is supported by the US, and Russia-Armenia-Iran axis brought new dynamics to the complex geopolitics of the South Caucasus region.

This complex geopolitical constellation of interests has manifested itself during the construction of Baku-Tbilisi-Ceyhan main export pipeline, which came into being in 2006 after the prolonged political and economic considerations. With the support of Western countries, especially, the US and the EU, it emerged to be a politically rather than economically reasonable project, which utter target was to provide the transportation of the Caspian oil bypassing Russia and reducing Europe's dependence on this country.

Similar scenarios happened during the becoming of Baky-Tbilisi-Erzurum gas pipeline, which again was designed to play into political, rather than economic aims. In seeking to diversify the supply of Europe's increasing gas demand and to diminish its dependence on Russian oil, Europe wanted to make sure that the itinerary of gas pipeline bypasses Russia, while for Azerbaijan due to its troubled relations with Armenia, it was imperative that the pipeline also leaves this country aside. Nabucco project, which is initiated by the European Union countries with the same purpose of reducing Europe's dependence on Gulf Oil, also involves great deal of geopolitics between west and Russia. However, since the aim of this Section is different, it will not focus on the dynamics of geopolitical interplays in depth, and these issues will be dealt with in the next section of this chapter.

⁴⁰ “Президент Илхам Алиев:” эти цифры свидетельствуют о том, что экономические реформы в Азербайджане ведутся в верном направлении,” from *Day.az* Information portal, online, available from (<http://www.day.az>). Accessed on July 23, 2010, unpagued.

Despite of declared achievements in socioeconomic realm, Georgia and Armenia have comparatively lower indicators of economic prosperity and limited natural resources. As no hydrocarbon economies, these two states mostly relied on agriculture and service sector.⁴¹ Georgia, thanks to its better relations with Azerbaijan and mutually beneficial cooperation among the two, has done considerably better by becoming a transit country in many regional energy projects involving European economic interests in Azerbaijan. The country has benefited greatly from the existence of natural and financial resources in neighboring Azerbaijan, as well as from impaired relations between Azerbaijan and Armenia, how cynical it would sound, as a result of which Georgia became the main partner and a transit country for the plethora of energy and transportation projects in the region.⁴²

Before the Rose Revolution, the country was suffering from weakened economy, rampant corruption, foreign debt, budget crisis and other sort of economic ailments. As a state which has encountered two civil wars and unconstitutional changes in government, its economy shattered in early 1990s, with GDP dropping by more than 50 percent in 1990-1995 and inflation rising up to 15,000 percent in 1994.⁴³ In 1999-2004, it was a challenge for Georgia to get financial loans from international institutions and half of the population lived below the poverty level. By 2002, Georgian economy had decayed to 38 percent of its GDP purchasing power in 1989; the country had troubles in privatization field, low investment level and high unemployment rate. Since 1989, considerable part of the population has left the country in order to find jobs in neighboring countries, especially, Russia and Ukraine.⁴⁴

Nonetheless, Saakashvili administration was considered to be successful in developing the economy, eradicating corruption, diminishing revenue leakage. In 2003-2005, Georgian incomes increased from 16.2 percent to 23.4 percent GDP and economic growth in 2006 was

⁴¹ See footnote 32, in current chapter.

⁴² For example, only for the construction of BTC pipeline in its territory, Georgia is receiving a 25-years loan from Azerbaijan at \$ 220 million with one percent of annual interest rate.⁴² It was estimated that FDI, which flew into Georgia's economy with BTC pipeline, had reenergized the country's economy to higher energy rates, with 6.5 percent in 2003 and 9 percent in 2004. About 150 mile of the BTC oil and South Caucasus gas pipeline corridor passes through Georgia and is estimated to include the \$ 3.9 billion BTC oil pipeline, which began to be filled in May 2005 and \$ 1 billion South Caucasus natural gas pipeline, which was finalized in 2006.⁴² Baku-Tbilisi-Erzurum gas pipeline had even favorable effect on Georgia's economy, with economic growth rate reaching 12 percent in 2005.⁴² According to the study of the BTC pipeline, this pipeline would add up to \$ 62.5 million annually to Georgia's state budget, diminish the unemployment by 33.3 percent and contribute to the rise of GDP, which would significantly improve its economic prosperity. (from "Energy profile of the Caucasus region," *Encyclopedia of Earth*, online, available from (<http://www.eoearth.org>). Accessed on June 23, 2010, unpagged).

⁴³ Neil MacFarlane, "Georgia: Risk and Opportunity," *Canadian Defense and Foreign Affairs Institute*, April 2008, p.1.

⁴⁴ Ibid.

9.4 percent. Nevertheless, strained relations with Russia and economic embargoes, which was introduced by Russia in 2006 and affected the areas such as gas, electric supply, as well as wine and mineral water - Borjomi industry, have to a considerable extent shrank potential economic well being of the country. This has manifested itself in complicating the lives of myriads of migrant Georgian workers, who financially support their families with the money earned in Russian markets.⁴⁵ Still, the declared economic achievement in economic realm after the assumption of power by the incumbent Georgian president is often challenged by opposition forces, which cast doubts on the declared figures and call them exaggerated in view of Georgia's EU and NATO aspirations.

Armenia is an interesting case due to its heavy dependence on external financial resources, mostly, on diaspora funds. Overall, its economic indicators do not much differ from those of Georgia. The country does not possess vast amounts of exportable natural resources, except for some mineral deposits, such as copper, zinc, lead, iron and most importantly, gold. Her ongoing grievances with Azerbaijan over Nagorno-Karabakh and deteriorated relations with neighboring Turkey over the so-called "genocide" issue, which has resulted in closure of their common border and in no or trivial economic interactions, has left Armenia economically stranded. Under such conditions, the country's leadership commenced a radical restructuring of the economy and a process of decentralization. However, these efforts for the restructuring of the economy were built in the absence of practical skills for carrying out such an undertaking and ended up in further waning of the economy as well as social partitioning, mass migration from the country and entire dependence on external financial and economic donations.⁴⁶

The country had hard times in trying to keep the economy from fallout.⁴⁷ Armenian government undertook intensive measures in order to stop the economic slump, which has been rather steadfast in declining since 1993, when the borders with Turkey were closed. Nonetheless, the government has managed to initiate number of infrastructure projects, such

⁴⁵ "Georgia: Sliding towards authoritarianism?" 13-14.

⁴⁶ "The Republic of Armenia's decade of independence," *Ten Years of Independence and Transition in Armenia*, UNDP National Human Development Report, (Armenia, 2001): 31.

⁴⁷ In the first four months of 2009, Armenia experienced a 9.7 percent of GDP decrease, which lead the government to appeal to external financial institutions, such as the IMF, the World Bank, also Russia. Increasing poverty level has added up to government concerns. ⁴⁷Some harsh measures had still to be taken: in 2010 Armenia reduced its budget, and among other reductions it also cut its military budget by 22 percent. (See: Haroutiun Khachatryan, "Armenia to cut its budget next year despite expected economic recovery," *Central Asia-Caucasus Institute*, (November 11, 2009): 4, available from (<http://cacianalyst.org>). Accessed on April 12, 2010, unpagued).

as Iran-Armenia-Georgia motorway and commissioning new block of Medzamor Nuclear Power Plant, and embarked on measures to improve business climate and stimulate economy. Also, Armenia has managed to keep the level of living standards from deteriorating despite the inhibiting economic challenges.⁴⁸

However, the existence of powerful, rich, politically and economically active Armenian diaspora around the world and their dedicated financial assistance to an infant motherland has become a true salvation for this state. Ring of diaspora organizations throughout the world had been extremely active in rendering Armenia any sort of assistance, economic support being the foremost. Majority of investment programs were initiated by them and substantial part of foreign capital are inflowing to the country from the states with major constellation of Armenian community, such as Russian Federation, USA, Iran, France, etc.⁴⁹

When Armenian economy is the target of discussion, it is rather difficult to overlook the role of the Russian Federation. Russian role in Armenia's economy is very much different from that in the Georgian economy. If with respect to Georgian economy Russia's role is spectacular with economic sanctions, in Armenia a different picture is conspicuous. Alongside its historic political leverage over Armenia, Russia also successfully maintains its economic influence and dominance in this South Caucasus republic. Russian investment is omnipresent in variety of areas – telecommunications, banking system, electricity networks, let alone its monopoly in energy, gas distribution network and the country's hydroelectric plants. Armenia has transferred significant part of its economic assets to government and private Russian companies, including granting to Russian Gasprom biggest share of its largest thermal power plant - Armrosgasprom⁵⁰, a joint venture between Gasprom and Armenian government that manages the transportation and distribution of Russian gas within Armenia. Until the year 2010 the total amount of Russian investments in Armenia equaled to \$ 2.4. billion, which makes this country the largest investor in the Armenian economy.⁵¹

⁴⁸ Haroutiun Khachatryan, "Armenia to cut its budget next year despite expected economic recovery," *Central Asia – Caucasus Institute*, (November 11, 2009):4.

⁴⁹ For example, Las-Vegas based "Lincy" Foundation has been the frontrunner of all the external financial aid programs and its involvements has been instrumental in the country's economic development. Other Armenian diaspora organizations established abroad, such as Hayastan pan-Armenian Fund, Armenian General Benevolent Union, Armenian National Committee are among the diaspora organizations active in delivering economic assistance to their homeland. (See: The Republic of Armenia's decade of independence," *Ten Years of Independence and Transition in Armenia, UNDP National Human Development Report*, (Armenia, 2001):34).

⁵⁰ Maria Raquel Freire and Lichnia Simro, "The Armenian road to democracy," *CEPS Working Document*, (No. 267/May 2007):11.

⁵¹ "Russia is the largest foreign investor in Armenian economy," AKRA News Agency, online, available from (<http://www.akra.am>). Accessed on July 23, 2010, unpagued.

Although Russia's political weight in Armenia has earned it a role of faithful Russian satellite throughout the history, and many has already got used to the existing vertical political dependence of Armenia on Russia, big brother's increasing economic power in this tiny country was often lambasted by opposition forces of the country. Many fear that keeping Russia that close augurs ill for the prospects of Armenia's integration with west. Nonetheless, in view of Armenia's lasting economic isolation in the region, brought by its deeply impaired relations with Azerbaijan, as well as Turkey, over festering issues, maintaining close political and economic ties with Russia seems to be indispensable for this country.

This holds true also against the picture of surging energy infrastructure in the region from which Armenia is getting increasingly isolated. The construction BTC oil and BTE gas pipelines and further of Kars-Tbilisi-Baku railway project between Georgia, Turkey and Azerbaijan further increases Armenia's isolation. As was noted earlier in the section, when engaging upon the lucrative energy projects with international oil companies, Azerbaijan made sure that Armenia is left out, and gets no piece of energy pie of the Caspian, irrespective of the fact that Armenian territory provided shortest and economically most feasible transportation route. This state of affairs is to be expected to persist until the final peace deal on Nagorno-Karabakh conflict is reached. At least, Azerbaijan's immovable attitude in this regard does not promise any positive changes in the foreseeable future.

Within this geopolitical context, Armenia embarked itself on the search for possible allies, which could to some extent alleviate the state of insulation. Its cooperation with neighboring Iran on gas issue since 2005, which ended in construction of Iranian-Armenian pipeline, attests well to this argument. In accordance with the arrangement, initially Armenia will receive 1.08 million cubic meters gas per year, with the prospects of doubling the amount of imports by 2019.⁵² By doing so, Armenia hopes for getting itself out of the regional isolation that it had lived for years.

2. Interests of key players in South Caucasus

Strategic geographic location on the crossroads of Europe and Asia and the possession of hydrocarbon resources make the region of the South Caucasus an attractive hub for the interests of many actors that are eager to access the strategic commodities and benefits that

⁵² "Energy profile of the Caucasus region," *Encyclopedia of Earth*, online, available from (<http://www.eoearth.or>). Accessed on June 23, 2010, unpagued.

the region can offer. Complex interactions and interplay of interests among the main players in the region shape the intricate geopolitical setting of South Caucasus. The following paragraphs are designed to briefly sketch the interests of the key players in the region, which will also be useful in conducting of the effectiveness analysis in the coming parts of the work.

2.1. Russia

It is never easy to give an unambiguous estimation to the Russian role and interests in the region of South Caucasus, taking into account common history that the region states share with Russia and evolving nature of mutual relations that are dramatically different from the past relationship when these states were the constituent parts of the bigger Empire. Having ruled throughout two centuries [during Tsarist Russia and the Soviet Empire] over the states of the South Caucasus region, alongside other regions in the Eurasian continent, Russia had hard times to accept and come to grips with new realities of 1990s that ceased the existence of the USSR and ended its domination over what it considered to be its “sphere of influence”.

When the states of South Caucasus became independent, despite of the fact that Russia had established diplomatic relations and economic contacts with the region republics – a formal acknowledgement of the fact that they are sovereign and independent republics, Russian policy towards the republic had never been free from the emotions of the past and was accompanied by a backstage agenda. In fact, the mainstream of Russia’s South Caucasus policy was and still remains to be the preservation of its control over the state of affairs in the region. This became the underlying cause of Russia’s apprehension over the declared pro-Western orientation of the region republics [especially Georgia] and its resistance to deepening of other external influences in the region, particularly to that of the USA.

The striving to keep the South Caucasus within the orbit of its influence explains many controversial aspects of Russian policy in the region. The region’s rising geopolitical significance has enticed equally great geopolitical interests of other actors that often cross cut with those of Russia’s and have become one of the reasons why Russia is so adamant in pursuing its objectives. Trying by all means to keep the three countries dependent on itself, Russia had employed wide range of instruments – economic, political tools; instigative, coercive measures and even the use of force. Russia was eager to include the states of the South Caucasus into the CIS membership in the early 90s and to station its military bases in

the territories of the South Caucasus states. Unfortunately, unstable South Caucasus fraught with long standing unresolved conflicts presents to be a fertile soil for advancement of Russia's imperialist ambitions.

During Putin's Presidency, Russia increasingly dived into nationalistic policy and any western involvement in what it considered to be its "near abroad" met with strong Russian suspicion and opposition. In order to prevent or at least reduce the external competing influences, Russia did not refrain from overt interference into the internal affairs of its former subordinate republics, South Caucasus states included. For this purpose, it availed of any option to consolidate the dependence of the South Caucasus states on itself and hinder the successful state building process, therefore, greatly incited and manipulated the territorial conflicts in the region⁵³.

At this juncture, it would be useful to do a brief, but targeted description of how Russia is perceived in each of the South Caucasus states, for having a better idea of the concomitant factors serving for entrenchment of Russia's influence in the region. Since the independence of the republics, Russia had a significant role in the instigation of separatists movements in Georgia – Abkhazia and South Ossetia. It is undeniable that without Russian support those breakaway republics had little to no chance to make their way towards their de-facto independence today. If before the August 2008 events, Russian support to South Ossetia and Abkhazia were extended mostly in economic and political terms, - like giving the inhabitants citizenship passports and enabling them for free movement within Russia, supporting the regions economically, - August 2008 events in fact had demonstrated that Russia was more than serious when it came to defending its "grips" of leverage over the region of South Caucasus even if it implied the resort to forceful action.⁵⁴

Georgia is the country which has the most plagued relations with Russia and which in fact had never hid its animosity towards its bigger neighbor and accuses it for openly supporting Georgia's separatist entities. When Abkhazian forces gained a military victory with Russian support in 1993 and expelled Georgian forces as well as the Georgian population from Abkhazia, the then Georgian President Shevardnadze was obliged to accept Russian demands to station its military bases in four strategic sites in Georgia: in Vaziani, surroundings of

⁵³ Svante E. Cornell and Frederick Starr, "The Caucasus: A challenge for Europe," *Central Asia-Caucasus Institute and Silk Road Studies Program* (Uppsala University, 2006): 58.

⁵⁴ See Chapter II for broader description of August 2008 events.

Tbilisi, in Gudauta, Abkhazia, in Batumi, Ajaria, and in Akhalkalaki, which is the center where the Armenian minority live in cluster. These four Russian military bases had been a subject for fervent disputes between Georgia and Russia. In fact, Georgian parliament had not ratified the agreements legalizing the stationing of Russian military bases in Georgia, which left the status of the Russian military forces doubtful. Moreover, in Istanbul Summit of 1999 Russia undertook a commitment to withdraw its forces from these bases and in 2006 Georgia had finally reached an agreement with Russia on the closure of Russian bases in Georgia.⁵⁵

By the end of 2007 Russia had vacated its military bases in Georgia, with the exception of Gudauta base under the pretext that the base is demilitarized, contain no military equipment and only Russian pensioners are living there. Therefore, Russia considers Gudauta base to be also closed, while Georgia continues to demand the full demobilization and transfer of the base to Georgia. This issue was one of the stumbling stones in Georgian-Russian relations. Their relations had further deteriorated and diplomatic relations ceased after the bloody August 2008 events.

As was touched upon in the first section of the chapter, Armenia is the principled Russian ally in the region and is more economically and politically dependent on Russia than Azerbaijan and Georgia.⁵⁶ In fact, Russia by making Armenia greatly dependent on itself, well utilizes it for consolidating its position and keeping the security balance in the region in constant fluctuation. It is known that during the active military hostilities between Azerbaijan and Armenia in the early 90s, Armenia had enjoyed great deal of Russian military and financial support, which made the occupation of Azerbaijani territories possible. By doing so, Russia aimed at perpetuating already deep rooted historic animosity between the two countries, which would allow it to stick to its time proofed motto of “divide and rule”. Even after the end of warfare and the achievement of the cease fire, Russia continued to grant Armenia with armaments without any financial charges. From the known cases, in 1997 it transferred to Armenia armaments that cost 1 billion \$⁵⁷ and in 2008 another transfer of weapons and ammunitions amounting to 800 million US dollars.⁵⁸

⁵⁵ Svante E. Cornell and Frederick Starr, 52.

⁵⁶ See Chapter I, Section 1 for more information on Armenia’s economic ties with Russia.

⁵⁷ Svante E. Cornell and Frederick Starr, 54.

⁵⁸ Statement by the Delegation of Azerbaijan to the Joint Consultative Group, 684th Plenary meeting,, in *Journal of the 684th Plenary Meeting of the JCG*, (January 20, 2009, RESTRICTED):1.

Another reason why Armenia is a propitious partner for Russia interests is because this is the only country of the region, which had hosted Russian military bases on its soil without much pressures on Russian part and up to date expresses no objection in this regard. Russia's military bases in Armenia (102nd military base in Gyumri and air base in Yerevan) beyond serving as a favorable ground for Russian efforts to influence the overall security of the region, have especially destabilizing effect in the context of Armenian-Azerbaijani Nagorno-Karabakh conflict and causes justified apprehensions of Azerbaijan. Russia and Armenia are also strategic partners and have several agreements on strategic partnership.⁵⁹ Besides, it is not only Russia's main economic and political partner in the region, but also a member of the Collective Security Treaty Organization (CSTO), the Russian-led military bloc of the CIS. Neither Azerbaijan, nor Georgia is represented in the CSTO.

As for Azerbaijan, it displays the most moderate attitude towards Russia compared to Georgia and Armenia and have shown that it is better off by maintaining a balanced policy towards its northern neighbor. Russian-Armenian strategic partnership and the "special relations" between the two states doubtlessly present certain concerns for Azerbaijan and it is very well understood in this country that it was due to Russian support that Armenia was able to achieve control over the certain portion of its territory. However, unlike Georgia, Azerbaijan does not embark on an overt verbal war and animosity against Russia for supporting Armenia in its war against Azerbaijan over the Nagorno-Karabakh region. Neither does Azerbaijan evinces its pro-Western orientation as vividly as it is done by Georgia, and instead, prefers to speak in more reserved tones and act likewise, in order not to vex Russia.

Azerbaijan was quite consistent in pursuing relatively independent foreign policy compared to openly pro-Western Georgia and Russia-dependent Armenia. The period of becoming of the Baku-Tbilisi-Ceyhan main export pipeline that lasted throughout the 90s until the year 2006, and Baku's persistence in getting western support to ensure that the pipeline bypasses Russia was a good paradigm of Azerbaijan's endeavor to pursue independent policy freed from Russian interference to a maximum extent. Also, it should not be forgotten that Azerbaijan in fact became the only state in the entire region, which did not allow the stationing of Russian military bases in its territory despite the facts that certain attempts to this end were made on Russia's part during the early years of Azerbaijan's independence.⁶⁰

⁵⁹ There are number of agreements between the two on military and technological cooperation, the agreements on the preservation of Russian military base in Armenia.

⁶⁰ See Chapter IV, footnote 282 for more information.

Having sketched Russia's interests in the region and the nature of its relations with each region state, the next step will be to consider how the said factors influence the effectiveness of the CIS, the OSCE and the UN. That will be done later in the work. It is pretty much perspicuous that the existence of strong Russian interests in the region, first and foremost its desire to keep the region states under its control, certainly pours into various aspects of its state policy, including also its position and response to the events in the South Caucasus region, when those are addressed within the relevant international organizations.

2.2. United States

After the independence of the republics, the United States had also demonstrated an increasing attention towards the region. Being fairly new to the region unlike Russia, at first, the US had rather simple objectives – promotion of democracy in these newly independent states, facilitation of their rapprochement with the western states, in order to balance Russia's domination. To this end, the US backed strongly these states' inclusion into the NATO's Partnership for Peace Program (PfP) in 1994 and contributed economic and other kinds of aid to the republics.⁶¹

However, there were many other reasons standing behind the increasing US presence in the region. *Firstly*, the region is situated in the strategic geographic location between Europe and Asia, Middle East included, which is the region of strategic importance for the US. *Secondly*, rising instabilities in the region due to the persistent conflicts, which became safe heavens for terrorism and other kinds of illegal activities, and have a devastating impact on the security and prosperity of the region necessitated higher US profile and material assistance in the solution of the lingering problems.

Thirdly, and most importantly in this context, after the signing of the "Contract of Century" in 1994 and the opening the Caspian oil and gas resources for international exploration, the South Caucasus had acquired the image of energy-producing region and thus, started to attract the international attention, the US being no exception in this case. Since rich hydrocarbon resources of the Caspian Sea promised to be a good alternative source in Europe's search for

⁶¹ US economic aid to the South Caucasus covers freedom Support Act (FSA) initiatives, food donations, Peace Corps activities, assistance based on the Millennium Challenge Corporation and different kinds of security and democracy building assistance. (See: James Nixey, "The South Caucasus: drama on three stages," America and a changed world, online available from (http://www.chathamhouse.org.uk/files/16492_us0510_nixey.pdf):126. Accessed on January 12, 2011, unpagged).

energy diversification and reducing its dependence on unstable Gulf oil, as well as on Russian exports, the US in support of Europe's quest for alternative sources of energy got particularly interested in developing long-term cooperation on energy field.

The fact that the US extended its full and strongest support for the construction of the Baky-Tbilisi-Ceyhan pipeline, which was politically motivated and was financially more expensive than if the main export pipeline transited the Russian territory, had shown that the US has finally got earnest and tenacious grip of the region. After the terrorist acts of 9/11, which raised the strategic geographic importance of the South Caucasus region for US plans in regard to Afghanistan, Iraq and further Middle East, the US position became even entrenched in the region. Plus, all three states of the South Caucasus became the active participants of the US war against terror and supported allied coalition operation in Iraq and Afghanistan and provided their troops.

Among the three, Georgia was the most ardent supporter of the US presence and policy in the region and was very vocal in expressing its wish for NATO membership to tear itself away even further from Russia. After the assumption of power by the incumbent Georgian President M. Saakashvili through the Revolution of Roses in November 2003, relations between the two states became even closer and reached its cusp with the official visit of the US President George Bush to Georgia in May, 2005. After this date, the US valued Georgia as a harbinger of a democracy in the South Caucasus and rendered active financial assistance to the country in many spheres of its statehood.⁶² Things nevertheless changed for worse after the August 2008 events, where Georgians felt betrayed and not supported by the US against Russian assault and Georgian leadership was often blamed for taking immature decisions by launching the offensive on South Ossetia. Nonetheless, irrespective of this fact, Georgia remains to be the US still extends its unconditional support for Georgia in international arena.

Azerbaijani relations with the US are more balanced and mostly contain the economic element due to Azerbaijan's significance as the oil producing and exporting country. Azerbaijan, being a geopolitical center of the South Caucasus region due to its economic strength has opened itself to cooperation with many interested countries that are ready to invest in its economy and support it in this direction. The US has been no exception in this regard and cooperation on energy issues has constituted the purport of the US-Azerbaijani

⁶² See footnote 31, current chapter.

relations. As was noted above, US support was indispensable in building the Baky-Tbilisi-Ceyhan oil pipeline, which showed that the US attaches great importance to Azerbaijan's potential to offer alternative source of hydrocarbon resources as well as their means of delivery that would reduce Russian dominance in this field, and ensure unhindered transit of oil and gas exports to Europe.

This is what Azerbaijan also strove for: to provide the unimpeded export of its hydrocarbon resources to world markets and to assure that Russia has no control over the export itineraries and does not turn this into another means of political leverage over Azerbaijan. However, irrespective of having the US support for the implementation of its economic endeavors, Azerbaijan still manages to strike the right balance between the US and Russia without too much inclination towards one or the other and does not allow the deployment of military base of any of these two states on its territory.⁶³ Nevertheless, beyond the economic factors, it is also tacitly known that Azerbaijan's geographic proximity to Iran also counts high and is one of the reasons of continual US interest in the country.

The US relations with Armenia are formed neither by Armenia's strong pro-western vocation, nor the possession of vast hydrocarbon resources. In fact, Armenia has large Diaspora and lobby groups⁶⁴ in the US, which can influence any decision concerning Armenia and its relations with the US. The power of Armenian lobby had managed to direct vast amount of US funds for Armenian economy and for years Armenia received large portion of financial assistance⁶⁵ compared to its rival Azerbaijan. Armenia is also the participant of the PfP programme and supported the US in anti-terrorism war, however, Armenia's close ties with Russia is very well understood in the US and the latter therefore, does not count on developing more politically strategic relationship with the country, like with Georgia.

⁶³When the US had to close its air base in Uzbekistan, Azerbaijan was considered as a next location where the US bases could be stationed. But Baky did not agree to the idea of hosting permanent US presence.

One of the stumbling stones in Azerbaijani relations with the US was the Section 907 in the freedom Support Act of US, which considered rendering economic assistance to the newly independent soviet states. By introducing this amendment the US prohibited government-to-government aid to Azerbaijan until it "ceases the economic blockade against Armenia". Azerbaijan was for years very unhappy with this amendment and that remained a constant problem in US-Azerbaijani relations. Finally, when Azerbaijan took active part in US-led anti-terrorism campaign after the 9/11 events, Bush administration issued a yearly waiver of the section, which is renewed every year. Moreover, the US extends training support to Azerbaijan in performing Strategic Defense Review as well as trainings of maritime border guards.

⁶⁴ For more information on Armenian diaspora see Chapter I, Section 1.

⁶⁵ Under different assistance programs US has until present given Armenia about 2 billion USD in humanitarian and development assistance. (Available from (<http://www.state.gov/r/pa/ei/bgn/5275.htm>). Accessed on January 23, 2011, unpagged).

2.3. Turkey

Turkey values its role in the region and like the previous two states it has both economic and political interests. Economically, Turkey attaches great significance to its share in the ongoing energy projects in the region and participates closely in their development. Its role as a transit country in the construction of the Baky-Tbilisi-Ceyhan main export and Baky-Tbilisi-Erzurum gas pipelines if on one hand attested to the country's efforts to help the countries of the South Caucasus region to further detach themselves from Russia, on the other hand, it was also motivated by Turkey's increasing demand for crude energy.⁶⁶

Rising energy needs turned the country into one of the main markets for oil and gas exports of the Caspian basin and consolidated the economic element in Turkey's relations with the region. Turkey's participation in the becoming of Nabucco gas pipeline that would allow transportation of natural gas from the Middle East and Caspian region [including Iran, Azerbaijan and Turkmenistan] to Western Europe, which would pass through Bulgaria, Romania, and Hungary to end in Austria, enhances its profile as a transit country and the importance it attributes to the region.

Politically, South Caucasus is a favorable spot for Turkey to prove its strength as a player on regional level. The value of the South Caucasus for Turkey's leadership ambitions is augmented given its strategic location of a gateway to Central Asia and Middle East. Moreover, Turkey has good relations with two states of the region, Azerbaijan and Georgia, which are its main economic and strategic partners. Turkey supports the two countries in their efforts to build regional energy projects and regards its own role of a transit country for energy transportation corridors as another opportunity to boost up its regional significance.

It has special relations with Azerbaijan, with which it shares common language, religion and ethnic identity. Therefore, beyond strategic partnership, the two states have closer bounds and often name themselves as being "one nation in two states". In this light, Turkey supports Azerbaijan's regional policy, including its stance in Armenian-Azerbaijani Nagorno-Karabakh conflict, as well as renders its backing to Azerbaijan on international fora to a possible extent. Relations with Georgia are also positive and the countries cooperate on Caspian energy projects as well as Black Sea related issues with the Organization of Black

⁶⁶ In 2003 Turkish government have predicted that energy needs of Turkey will increase about 10% a year for the next 20 years. (Selma Astern, "Turkey' energy and foreign policy," online, available from (http://www.globalization.icaap.org/content/v3.1/03_stern.html). Accessed on January 23, 2011, unpagged.

Sea Economic Cooperation. Besides being involved in developing joint energy projects Turkey, Azerbaijan and Georgia also cooperate on the construction of Baky-Tbilisi-Kars railway.

In this geopolitical context, some words should be devoted to Armenia-Turkey relations. As it was mentioned in the Section 1, Turkish-Armenian border is closed due to existing controversies between the two countries. Turkey closed its border with Armenia in 1993 in support of Azerbaijan, which was in a state of war with Armenia. However, this was not the only reason beyond the cessation of diplomatic relations and closure of state borders between the two countries. Armenia's accusations of Turkey in committing massacres against Armenians in 1915 in Ottoman Turkey and insistence on international recognition of these events as act of "genocide", generates Turkey's enragement, which denies these charges. On the contrary, Turkey argues that Armenia does not recognize Turkey's internationally recognized borders and has territorial claims for Kars region in eastern Turkey.

However, against all odds and mostly under international pressures⁶⁷, Turkey started a process of rapprochement between the two countries. In October of 2009, Turkish-Armenian protocols were signed, which envisage the opening of borders, establishment of diplomatic and economic relations as well as a joint commission of historians, which would research the events of 1915.⁶⁸ This marked the cusp of new era in the relations of the two countries. However, the process was stalemated and the parliamentary approval of the protocols has not yet taken place. This was due to strong rejection of Azerbaijan - Turkey's long time ally - to these developments, plus Turkey's stipulation to further this process in parallel with achievement of progress in the resolution of the Nagorno-Karabakh conflict and withdrawal of Armenian forces from the region. Talks are still carried out towards the ratification of the protocols; however, with the lapse of time, neither Armenia, nor the international community seems to doubt that irrespective of their efforts to separate the two mentioned issues, the process of Armenia-Turkey rapprochement is not expected to be detached from the Nagorno-Karabakh topic.

⁶⁷ Mostly the bigger powers like, the USA, France, Russia and the EU.

⁶⁸ See: Protocol on the establishment of diplomatic relations between the Republic of Armenia and the Republic of Turkey, online, available from (http://www.armeniaforeignministry.com/pr_09/20090831_protocol.pdf). Accessed on November 23, 2010, unpagged.

2.4. Iran

In comparison with the previous three actors Iran played respectively limited role in the region after their independence. However, it also has certain objectives in the region. Having lived in isolation since the Iran Islam Revolution of 1979, and suffered great economic slump in the consequence of Iran-Iraq wars of 1980-88, Iran regarded the countries on its north as potential markets for its energy exports and possible transit for their transportation to world markets. From political perspective, Iran was cautious to see the activism of external players in the region, namely, the US, with which it has troubled relations and therefore, sought to establish bilateral contacts with every state in the region in order to somehow counterweight the US intrusion into the regional affairs.

Iran's relations with Azerbaijan are more complex and often dictated by Iran's apprehension over Azerbaijan's possible influence on Iran's Azerbaijani minority, which is the largest ethnic group in the country.⁶⁹ Although it was never openly acknowledged by Iran, independent and strong Azerbaijan is not thought to be a good example for Iran's Azeri minority, whose cultural rights were often reported not to be properly granted and that had caused several uprisings in demand of respect for their rights and unification with northern Azerbaijan.⁷⁰ In the early years of Azerbaijan's independence a more nationalistic leadership of Azerbaijan led by President Elchibey put much focus on the idea of Azerbaijan's reunification, which further deteriorated Azerbaijan-Iran relations. Nonetheless, during the tenure of President Heydar Aliyev, Azerbaijan took more neutral stance on the issue of Azerbaijan's reunification. Hence, although certain problems still exist⁷¹, Azerbaijan-Iran relations got into a more practical dimension.⁷²

Perhaps it would be right to assert that Iran's main ally in the region is Armenia. As was also depicted in the previous section, Armenia seeking to compensate its non-cooperation with Turkey and Azerbaijan was eager to find a balancing power in order to alleviate its isolation.

⁶⁹ Azerbaijani minority of Iran is about 30 million, which constitute 24 % of the entire population. (Iran: Ethnic and religious minorities, CRS Report for Congress, November 25, 2008, online, available from (<http://www.fas.org/sgp/crs/mideast/RL34021.pdf>). Accessed on January 23, 2011, unpaginated.

⁷⁰ In the 20th century Iran had to suppress three anti-Iranian Azerbaijani freedom movements.

⁷¹ Disagreements over the legal status of the Caspian sea, Iran's precaution over Azerbaijan's good relations with USA and Israel are among the reasons.

⁷² Azerbaijan supports Iran's right to develop nuclear energy for peaceful purposes, and refrains from joining anti-Iran groupings. Besides, the two countries have signed energy agreements, because Azerbaijan considers buying Iranian gas as the Russian gas becomes too expensive. Cultural ties have been developed with the establishment of Iran-Azerbaijan Friendship Association. (See: Kaweh Sadegh-zadeh, "Iran's Strategy in the South Caucasus," *Caucasus Review of International. Affairs*, Vol. 2 (1) (2008): 39).

Iran-Armenia relations therefore developed rapidly, since Armenia's quest for regional partners was reciprocated by Iran who also saw Armenia as a possible force by which it could deter Azerbaijan's potential to become an influential regional player once the solution over Nagorno-Karabakh conflict is reached. Therefore, Iran focused on developing its economic ties with Armenia by embarking on energy and transportation projects⁷³ and making Armenia its main strategic partner in the region.

Relations with Georgia are comparatively less dynamic and also less problematic than relations with Armenia and Azerbaijan. However, after the August 2008 events, Iran engaged on raising its profile in Georgia as well as in the region. In 2010 Iran officials visited Georgia and signed agreements on visa free travel, agreement on regular air connections between the courtiers, etc.⁷⁴ Plans exist to expand bilateral cooperation on energy field, such as the construction of hydro power plant and the development of wind energy via Iran's investments.⁷⁵

2.5. Actors' interactions

Although the geopolitical interplay in the South Caucasus region was slightly described in the preceding section, this part aims to a little bit extend this view. With the presence of so many divergent and often conflicting interests in the region by regional as well as external actors, some words are to be said about the dynamics of the interactions between the influential players. Even though economic factors had currently shaped two main axes in the region - Turkey-Georgia-Azerbaijan backed by the US, and Armenia-Iran-Russia, - when it comes to political issues, this picture gets vague, and does not repeat itself identically.

The US and Russia are the main contenders over gaining major influence in the region with the first trying to drag the region states further away from Russia and the latter working hard to keep its erstwhile control. US's main ally remains to be Georgia, while Russia mainly

⁷³ See page 19 of the current chapter. Also, 90 mile long Armenia-Iran gas pipeline is expected to pump 38 bcf per year, which is planned to be doubled by 2019. (See: Caucasus region energy data, statistics and analysis – oil, gas, electricity, coal, online, available from (<http://www.eia.doe.gov>). Accessed on September 4, 2010, unpagged). Iran and Armenia has agreed to build hydroelectric plant on Iranian part of Araz River, on Armenian-Iran border.

⁷⁴ "Georgia is tightening its relations with Iran," from EastWeek, online, available from (<http://www.osw.waw.pl/en/publikacje/eastweek/2010-11-17/georgia-tightening-its-relations-iran>). Accessed on January 12, 2011, unpagged.

⁷⁵ "Georgian Deputy FM: New stage in Georgia-Iran Relations," from Civil Georgia, Tbilisi 22 May 2010, online, available from (<http://www.civil.ge/eng/article.php?id=22325>). Accessed on January 20, 2011, unpagged.

relied on Armenia. Azerbaijan prefers to keep the proper equilibrium with both sides without further aggravating any of them.

Other regional players Turkey and Iran are loyal towards each other, although often, Iran is not happy about Turkey's export of secular Islam and its rising profile in the region. Moreover, Iran does not like the fact that Turkey is a NATO member and a US ally, plus it enjoys good relations with Israel, which could be also reflected on Turkey's South Caucasus policy. Nonetheless, the two were on good terms and Turkey even regards Iran as a potential exporter for its energy demands.⁷⁶ Turkey has good relations with Georgia, very close ties with Azerbaijan, and problematic relations with Armenia, while Iran has moderate but pragmatic relations with Azerbaijan and Georgia, while having stronger cooperation with Armenia.

Iran does not endorse increasing US weight in the region as an external player which is keen on consolidating Iran's international isolation and also reducing its influence in South Caucasus. Iran therefore, mostly aligns itself with Russia, which also prefers to group with Iran in order to lessen the US role.⁷⁷ Unlike Iran, Turkey has for long time been US's strategic ally, despite the occasional problems that at times blight their relations,⁷⁸ and it also tries to have healthy interaction with Russia by careful picking and choosing of a corresponding policy aspect where it could cooperate with both states. Like the US Turkey wants the states of the South Caucasus to be independent from Russia. However, it does not treat Russia as a country, which should be contained, quite the contrary; it never openly speaks up against Russia and its policy in South Caucasus. This cautious approach to Russia is necessitated by the fact that Turkey's relations with Russia are mainly motivated by economic considerations,⁷⁹ and not by purely political beliefs.

⁷⁶ There is Iran-Turkey gas pipeline built in 2002, which is about 750 miles from Tabriz to Ankara and has the capacity to transfer 495 bcf of natural gas each year. (See: Turkey energy data, statistics and analysis – oil, gas, electricity, coal, online, available from (<http://www.eia.doe.gov>). Accessed on September 4, 2010).

⁷⁷ Russia as a member of the UN Security Council not once spoke against imposing sanctions on Iran or at least, mitigating them.

⁷⁸ Turkey was unhappy about US intrusion into Iraq in 2003 and refused to allow the US to use its territory for this purpose. The fact that Armenian diaspora is very active in promoting the recognition of "Armenian genocide" by the US, which was several times brought to the agenda of the US House of Representatives, and Turkey's recently marred relations with Israel-long time US ally - over Israel's' raid on Gaza aid flotilla that belonged to Turkey are among the reasons that account for the scars in Turkish-US relations. However, the two still remain to be strategic allies, primarily because the US attaches great importance to Turkey as a secular Muslim democracy, and its ally with a growing role in the Middle East.

⁷⁹ Turkey cooperates closely with Russia on gas import issues and the two have embarked on the constriction of Blue Stream natural gas pipeline that transports 565 bcf per year of Russian natural gas to Turkey (See: Turkey

Close to the end of this section, I would also like to illuminate the interrelation of three South Caucasus republics among and between themselves. Due to the complexity of the problems of the region, especially, the intractability of the conflict between the two neighbouring states, the South Caucasus is a largely disintegrated, combustible and war-torn zone. Beyond the need to deal with the burden and consequences of the conflicts, refugee and IDP problem, problems of state-building and transition, the states of the region due to their geographic location of crossroads, have also encountered the necessity of coping with and undertaking appropriate measures against new risks and challenges like terrorism, terrorism financing, money-laundering, trafficking in drugs, arms and human beings, and etc., which have acquired exigency especially after 9/11. These and similar issues of urgency cannot be timely addressed by national governments separately and need to be tackled through the regional cooperation, and commitment to different regional programs.

Irrespective of the necessity of regional cooperation to address these crucial issues, the prospects for trilateral regional cooperation including all states of the region are blocked due to the persistence of the conflict between the two states of the region - Armenia and Azerbaijan, which is the biggest destabilizing factor undermining the chances for mutual trust, confidence and incentives for integration and comprehensive regional cooperation. Lamentably, so far the efforts to promote regional cooperation by different international organizations have ended in failure due to the notorious realities of the region and mostly, Azerbaijan's intransigence to embark on any all-inclusive cooperation before the resolution of the Nagorno-Karabakh conflict.

Therefore, the South Caucasus states carry bilateral format of cooperation in the form of Azerbaijan-Georgia and Armenia-Georgia. Georgia is the only state in the region having contacts with the other two states, since Azerbaijan and Armenia have no diplomatic relations. Azerbaijan and Georgia are strategic allies, predominantly due to their indispensable cooperation on major transportation and energy projects in the region and as it was mentioned above, Georgia benefits greatly from the proceeds offered to it through its participation in these undertakings. What concerns Georgia-Armenia relations, they also seem to be rather stable, although could hardly be qualified as strategic allies. Moreover, in recent years there were intermittent splashes of disagreements between the two due to Armenia's support of its compatriots' clamored rights for self-determination in Georgia's Javakheti region.

energy data, statistics and analysis – oil, gas, electricity, coal, online, available from (<http://www.eia.doe.gov>). Accessed on September 4, 2010.).

Nonetheless, these disagreements are not yet so acute to deal a serious blow on the relations of the two states.

As the preceding paragraphs illustrated, the dynamics among the regional and external players are as complex as their interests in the region and could be further dwelt on for better understanding. However, since the aim of the work is different, this analysis could be a good subject for a separate research. This section, which was devoted to the description of the interests of various actors in the South Caucasus region as well as the relations of the South Caucasus states among themselves, if on one hand was intended to give an overview to the geopolitics of the region, on the other hand will be useful in conducting the effectiveness analysis and while exploring the impact of actors' interests on the effectiveness of the researched four organizations in the following parts of the dissertation.

3. Summing up

This Chapter was designed to serve as a starting point in the author's attempt to analyze the *role of four institutions – the UN, the CIS, the OSCE and the EU – in the process of conflict resolution in South Caucasus and wherever applicable, the analysis of their effectiveness in facilitating the achievement of a final settlement.*

The Chapter aimed to give introduction to the region of South Caucasus, and three independent republics – Armenia, Azerbaijan and Georgia - which emerged after the dissolution of the Soviet Empire. Having taken a quick glance at the transition process of the South Caucasus republics with all its challenges and achievements, this Chapter illustrated the overall picture of internal processes, interactions in and among these countries, as well as the interests of key players in the region. Independence, transition to market economy and democratization – were not the invitees that the three states were easily familiar with and ready to accept smoothly, with no pain. As this Chapter attempted to highlight, many hurdles had to be surpassed by the republics in order to preserve their independence and secure a place in the world, even if this place is still a little fragile and is to be consolidated through further reforms and achievements.

Yet, as this Chapter slightly touched upon, there are still pending security issues in the region – the so-called “frozen conflicts” - that plea for resolution or the region states will hence

continue to be entrapped in the quagmire of conflicts and mutual hostilities, hence relegating to naught their chances for establishing effective statehood and better future. I will dwell on the ongoing conflicts in the South Caucasus region in the Chapter II.

II. SECURITY IN THE SOUTH CAUCASUS: Long-standing conflicts in the South Caucasus – “landmines” with delayed action

Beyond the enumerated geographical and geopolitical factors, the South Caucasus region can daringly be identified as a melting pot of different ethnic units, which throughout history have busted into aggressive conflicts on various prerequisites. Regrettably, this dismaying historical “tradition” remains still alive in the region and makes the South Caucasus as one of the most complex conflict zones in the Eurasian continent by virtue of the number and complicated character of the conflicts. After the independence obtained by the region republics in 1991, leaving behind seventy years of Soviet subordination, latent conflicts of the South Caucasus became unveiled and subsequently exacerbated with a high degree of explosiveness.

Thus, the conflict between two neighboring countries, Armenia and Azerbaijan over the Nagorno-Karabakh region of Azerbaijan; conflicts within Georgia - in Abkhazia and South Ossetia - are nowadays disrupting the stability and development of the whole region. The distinct character of these major conflicts in the South Caucasus is maintained by the fact that none of them has been solved so far, instead they were “frozen” along the volatile cease-fire lines. In order to give a reader an overview of the potential threats they generate for the stability in the region, I will sketch each of them below.

1. Conflict between Armenia and Azerbaijan over the Nagorno-Karabakh region

Among the violent conflicts of the former Soviet Union the Nagorno-Karabakh conflict can be characterized as the most intractable and combustible one, which is pending a solution for almost 20 years. The Armenian-Azerbaijani conflict over the Nagorno-Karabakh region of Azerbaijan, which erupted and was further instigated by the Soviet leadership during the period of political upheavals in the already ramshackle Soviet Empire, was an immediate evidence of historical animosity between the conflicting parties that dates to the beginning of the century.⁸⁰ The following sections are designed to cover the historical background as of the conflict.

⁸⁰ In the beginning of the century, in 1905-06 and in 1918, there were serious clashes between Armenians and Azerbaijanis.

1.1. Roots of the conflict

Nagorno-Karabakh was an Armenian-dominated autonomous region within Azerbaijan before the conflict broke up with Armenia in 1988. The roots of the conflict go deep into the history, with both sides claiming for the original ownership over the region. In such a thorny conflict even history looks messy and becomes the tool in pursuit of political objectives. History books written in Armenia and Azerbaijan tell absolutely different stories as for the roots of the conflict; therefore, the author of this thesis opted for the illustration of both positions.

According to Azerbaijani perspective, from ancient times - from 4th century B. C. to 8th century A.D. - the territory of current Nagorno-Karabakh was one of the provinces of Caucasian Albania, which was the most ancient state of Northern Azerbaijan.⁸¹ Throughout the Middle Ages Karabakh has always been the part of the state entities that existed in the territory of what is now present Azerbaijan and was inhabited by Turkic speaking population. In the course of history, in 18th century this entity turned into an independent Karabakh Khanate – one of numerous independent and institutionalized state formations in the territory of contemporary Azerbaijan. However, as a part of Tsarist Russian expansionist policy, most of the independent state institutions in the territory of modern Azerbaijan – including the Karabakh Khanate had come under the subjugation of Russian Tsarist Empire. The year of 1805 with the signature of Kurakchay Treaty marked the end of the independent Karabakh Khanate.

In order to strengthen its position in the newly acquired lands, the Tsarist government, by all means tried to weaken economic and political positions of the local Muslim population and initiated a policy of resettlement of these territories by Armenians, whom the Tsarist Russia considered religiously and culturally closer to itself. The works of number of Russian and Western historians prove the fact of Armenian immigration to Transcaucasia in keeping with to the provisions of the Russian-Persian Treaties of Gulistan of 1813 and Turkmenchay of 1928. After the Turkmenchay Treaty of 1828, Russian empire started massive deportation of Armenians from Turkey and Iran and their resettlement in Karabakh, as a result of which the Armenian population in the region outnumbered Azerbaijani population. Before that date, 78% of the population was Azerbaijanis and 22% was Armenians. By the time of the census

⁸¹ From the archive materials of the Ministry of Foreign Affairs of the Republic of Azerbaijan.

in the Soviet Union, this number shifted in the opposite direction: Armenians constituted 77%, Azerbaijanis 21%.⁸²

Substantive numbers of Armenians being transferred to Azerbaijani territories were intended to dramatically change the demographic landscape of the region. For example, as per Western sources, between the years 1813 and 1828, 86, 000 Armenians from Turkey and 40,000 more from Iran were moved to the territory of Western Azerbaijan, which was later, conceded to Armenia. Deported Armenians were primarily settled in the territories of Nakhchivan, Irevan and Karabakh Khanates.⁸³ The mass transfer of Armenians to North Azerbaijani territories, including Karabakh, continued even after 1830s. Afterwards, an Armenian province was created in these lands, which was subsequently abolished in 1846.⁸⁴

In general, between 1828 and 1830, roughly 130,000 Armenians were settled in the South Caucasus and at the beginning of 1830 about 18,000 Armenians were resettled in the former Karabakh Khanate. For these newcomers new villages such as Maragali, Janyatag, Yukjhari Chayli, Ashagi Chayli, etc. were established within Karabakh.⁸⁵ The settlement of Armenians into South Caucasus, and primarily in Nagorno-Karabakh increased in the mid-19th century after Russian-Turkish wars. At this time, there were already 900,000 Armenians living in the South Caucasus region.⁸⁶ The fact that Armenians never constituted a majority in the Azerbaijani lands was also noted by Russian scholars. As indicated by some, over 1 million out of 1,3 million Armenians living in South Caucasus were transferred from Iran and Turkey.⁸⁷

Schisms between Azerbaijanis and Armenians over Nagorno-Karabakh continued at different points of history. The beginning of XX century also marked the serious bloody clashed between Armenians and Azerbaijanis, in 1905-06 and 1918-1920, which ended in mass

⁸²“Azerbaijan: the status of Armenians, Russians, Jews and other minorities,” *Department of Justice*, (produced by INS Resource Information Center, 425 I Street, N.W, Washington 1993).

⁸³ Erich Feigl, “Karabagh? Karabagh!” in Fuad Aliyev and Eldar Farzaliyev (eds.), *International Visions: The Armenia-Azerbaijan conflict over Karabakh: from history to future peace prospects*, (Visions of Azerbaijan, 2007): 29.

⁸⁴ Ibid.

⁸⁵ Johannes Rau, *The Nagorno-Karabakh conflict between Armenia and Azerbaijan: A brief historical outline*, (Verlag Dr. Koster, Berlin 2008): 21.

⁸⁶ Crimean war between Russia and Turkey of 1853-1856, wars of 1876-1878. See: Johannes Rau, 23-24.

⁸⁷ Nikolay Shavrov, “*Novaya ugroza russkomu delu v Zakavkazye: predstoyashaya rasprodazha Mugani inorodcam*” (*New threat to the Russian affairs in the Transcaucasus: forthcoming sale of Mughan to strangers*) (St.Petersburg, 1911): 60-61.

killings of civil population.⁸⁸ These clashes even at that time testified the depth of hostilities between the two nations. Each side has its own angle of historical narrative of these events and blames the other side as the culprit.

After the establishment of Soviet rule in Azerbaijan and Armenia in April and in November of 1920 respectively, in order to put an end to dispute over the possession of the region, on July 1921, with Stalin's order, the Caucasus Bureau of the Central Committee of the Russian Communist Party decided to *leave* Nagorno-Karabakh within Azerbaijan SSR. The text of the protocol of the Plenary Session of the Caucasus Bureau of the Central Committee of the Russian Communist Party of July 5, 1921, states the following in this regard:

...Taking into account the necessity of establishing national peace between the Muslims and Armenians, the economic relations between upper and lower Karabakh shall be retained within Azerbaijan SSR and broad autonomy shall be given to Nagorno-Karabakh with Shusha city as an administrative center...⁸⁹

The decision of July 5, 1921 in fact ceased the debate over the ownership of Karabakh until the conflict flared up again after the dissolution of the Soviet Union. As a part of “divide and rule policy” and a next step towards alienation of Nagorno-Karabakh, Soviet leadership after resettling it with Armenians, materialized the idea of autonomous existence for the Nagorno-Karabakh region and thus, on July 1923 Azerbaijani Executive Committee of the soviets issued a decree on the establishment of the Nagorno-Karabakh Autonomous region within Azerbaijan, with the town Khankendi being the administrative center.⁹⁰

Having looked at Azerbaijani perspective of Karabakh's history, let me also give some illustrations on how Armenians interpret the history of Karabakh. Armenia in fact argues that Nagorno-Karabakh has always been the historical part of Armenia throughout different times and names the region as “Artsax”. As stated by the Armenian sources, in 1805 Russian Tsarist

⁸⁸In 1905-06 and 1917-20, there were serious clashes between Azerbaijani and Armenian populations. Azerbaijan claims that Armenians carried out a series of large-scale bloody actions against the Azerbaijanis. The atrocities began in Baku and then extended over the whole Azerbaijan. After the 1917 revolution in Russia, Armenians took advantage of the weakened central authority, and started their plans of annihilation of Azerbaijani population from Baku, Shamakhy, Guba, Karabakh, Nakhchivan, Lankaran and other districts. In these areas civilian population was killed en masse, many national and cultural monuments were destroyed. Both sides claim to be the victim of these events, accusing the other side of perpetrating them.

⁸⁹ Extract from the “Protocol of the plenary session of the Caucasus Bureau of the Central Committee of the Russian Communist Party of July 5, 1921,” *To the History of Formation of the Nagorno-Karabakh Autonomous Oblast of Azerbaijan SSR. 1918-1925: Documents and Materials*, p.92.

⁹⁰ *To the History of Formation of the Nagorno-Karabakh Autonomous Oblast of Azerbaijan SSR. 1918-1925: Documents and Materials*, pp.152-153.

Empire annexed Karabakh, which was also accepted by Iran in the Gulistan Treaty of 1813. Armenian perspective does not accept the facts of resettlement of majority part of Armenians living in Nagorno-Karabakh as well as in the entire South Caucasus. Armenian view suggests that in 1918, about 330,000 Armenians were living within Karabakh, which in their estimation, made up to 95 percent of the total population.⁹¹

Armenians argue that in July 1918, first Armenian Assembly of Nagorno-Karabakh established a National Council and the government in Nagorno-Karabakh, which territory at that time was bigger than what became an autonomous region within Azerbaijan SSR. As for this view, in 1919 Karabakh National Council concluded a provisional treaty agreement with Azerbaijan and built its own attributes of statehood.⁹²

The most irreconcilable controversy is about the July 5, 1921 decision of Caucasus Bureau on Nagorno-Karabakh. Armenia disagrees that this decision actually ruled for *retaining* Nagorno-Karabakh within Azerbaijan SSR and construe this decision as the cause of all the calamities, because it *gave* Nagorno-Karabakh to Azerbaijan. Stalin's decision in favor of Azerbaijan was protested and regarded as a political decision, perhaps even for pleasing and establishing better relations with Turkey, which had close ties with Azerbaijan. However, Armenians never accepted this decision and throughout the later history contested it repeatedly.⁹³

By the time autonomy for Nagorno-Karabakh was created in 1923, pro-Armenian position report that the region had the population of 158,000, and 95 percent of it were Armenians.⁹⁴ They also indicate that from 1923 to 1979 the Armenian population of Karabakh was reduced from 150,000 to 120,000, and Azerbaijani population was resettled and increased in numbers from 7,500 in 1923 to 38,000 in 1979.⁹⁵

Thus, as we see, Armenia denies any relevance of Karabakh to Azerbaijan, telling a completely different story, while Azerbaijan brings other facts, which actually speak for the

⁹¹ "The Nagorno-Karabakh crisis: A blueprint for resolution," *A memorandum prepared by the Public International Law and Policy Group and the New England Center for International Law and Policy*, (June 2000):3.

⁹² *Ibid.*, 2.

⁹³ According to some sources in 1960, 1965, 1966 there were several attempts on Armenian part to petition Soviet authorities with the claims for ownership over Karabakh. (See: *Nagorno-Karabakh: A White Paper*, (Armenian Assembly of America): 6).

⁹⁴ "The Nagorno-Karabakh crisis: A blueprint for resolution," p. 4.

⁹⁵ *Nagorno-Karabakh: A White Paper*, (Armenian Assembly of America): 3.

region's historic pertinence to itself. Both sides are genuinely convinced in the validity of their positions, which further exacerbates the tensions and animosity between them. Both parties view Karabakh as a cradle of their culture and heritage and therefore, have strong sentiments for it. The highlighted above historical overview provided a depiction of the reoccurring confrontations between the two nations over who should control the region, which lamentably, became materialized in our contemporary history.

1.2. Contemporary stage of the conflict

The contemporary stage of the Armenian-Azerbaijani conflict over the region started some years before the dissolution of the USSR, during the tenure of Mikhail Gorbachov who initiated infamous *glasnost* and *perestroika* that had loosened the leverage over the Empire. Armenian community of Nagorno-Karabakh and their representatives at the session of the Soviet of People's Deputies of the Nagorno-Karabakh Autonomous Oblast adopted a decision on secession from Azerbaijan SSR on June 1988. This decision was immediately backed up by Armenia, who clamored for ownership over the region and its subsequent annexation to Armenia, or at least for its independence.

The pretext for such a claim became Armenia's accusations of Azerbaijani government in violating the Karabakh Armenian's rights of self-determination and abusing their human rights by implementing discriminatory policies. However, in the statistical analysis of that time regarding the overall development of Azerbaijan, Armenia, Nagorno-Karabakh and the USSR in general, in many social areas Nagorno-Karabakh had higher indicators than both – Armenia and Azerbaijan, as well as the USSR.⁹⁶

In December 1989, Armenia, at that time still being an integral part of the USSR alongside Azerbaijan, adopted a resolution calling for the "reunification" of Nagorno-Karabakh,⁹⁷ which subsequently was backed by Karabakh Armenians who held a referendum in December 1991 and declared the independent Nagorno-Karabakh Republic in January 1992.⁹⁸ This

⁹⁶ For example, number of doctors with average training per 10, 000 inhabitants for Nagorno-Karabakh was – 122.7, while for Armenia - 93.5, Azerbaijan – 93.5, USSR – 114.7; Number of public libraries – for Nagorno-Karabakh was – 13, while for Armenia – 4.1, Azerbaijan – 6, USSR – 4.1; Hospital beds – for Nagorno-Karabakh was – 101.7, while for Armenia 86.2, Azerbaijan – 97.7, USSR – 130.1, etc.. See: Johannes Rau, 34.

⁹⁷ Musa Qasimov, "Azerbaycan diplomatiyasinin "Daglıq Qarabag meselesi"ni dinc siyasi vasitelerle hell etmek sahesinde fealiyyeti," ("The role of Azerbaijani diplomacy in peaceful resolution of the Nagorno-Karabakh conflict") *Azerbaycan Beynelxalq munasibetler sisteminde*, (Baki, Genclik, 1995): 98.

⁹⁸ Ibid.

action caused a political turmoil in Azerbaijan for which Nagorno-Karabakh was an inalienable part and cradle of its cultural heritage. The parties thus became engaged in the protracted dispute over the historical roots⁹⁹ of the region as well as its political status.

During the active military operations, which lasted from 1988 to 1994, the conflict took 15,000 – 25,000 of lives from both countries, 50,000 people were wounded.¹⁰⁰ One of the harshest consequences of the conflict beyond massive killings and social-economic damage became the huge army of Internally Displaced Persons, as well as refugees on both sides. According to the estimations, by the time the cease-fire agreements were reached in 1994, the conflict created about 300,000 Armenian refugees and about 800,000 Azerbaijani refugees¹⁰¹ and IDPs.¹⁰² The recent estimations, however, cite the number of refugees in Armenia to be 235, 235, in Azerbaijan 8, 606,¹⁰³ while IDPs in Azerbaijan are shown to be about 578, 545.¹⁰⁴

Azerbaijan, nonetheless suffered the most from the active military hostilities - which actually took place on its territory, - and from heavy consequences of the conflict. In the aftermath of the conflict, 20 % percent of Azerbaijani territories came under the control of the Armenian Armed Forces. These territories include the region of Nagorno-Karabakh at first place, and plus other seven adjacent districts to the Nagorno-Karabakh region, such as Aghdam, Gubadli, Zangilan, Fizuli, Kalbajar, Lachin and Jabrayil. These districts which do not have any relevance to Nagorno-Karabakh and which were not the subjects for historic controversies and arguments are kept as “buffer” or “security” zones by Armenia which hopes for maximum gains from what it currently considers to be a “win-lose” situation in its favor.

So far Armenia denies any kind of involvement in the war with Azerbaijan, reemphasizing that it is the dispute between Nagorno-Karabakh and Azerbaijan, and the conflict will not be

⁹⁹ See Section I: Historical background.

¹⁰⁰ Edward W. Walker, “No Peace, No war in the Caucasus: Secessionist conflicts in Chechnya, Abkhazia and Nagorno-Karabakh,” from *Colombia International Affairs Online*, February 1998, unpagued.

¹⁰¹ Azerbaijani refugees are Armenian citizens of Azerbaijani origin, who were expelled from Armenia at the outbreak of the conflict in 1988. Different sources cite the number to be about 200, 000.

¹⁰² Brenda Shaffer, “East of the Oder: One conflict that can be solved,” *Wall Street Journal Europe*, July 26, 2002.

¹⁰³ The significantly reduced number of refugees in Azerbaijan is due to the fact that many of them later had integrated in to Azerbaijani society and got the citizenship. In Armenia, integration of refugees was a bit slower. (See: “Refugees and displaced persons in Armenia, Azerbaijan and Georgia,” *Report Committee on Migration, Refugees and Population, Council of Europe Parliamentary Assembly*, (Doc. 10835, 6 February 2006): 4).

¹⁰⁴ “Refugees and displaced persons in Armenia, Azerbaijan and Georgia,” *Report Committee on Migration, Refugees and Population, Council of Europe Parliamentary Assembly*, (Doc. 10835, 6 February 2006): 4.

solved unless Azerbaijan accepts Nagorno-Karabakh as an independent party in the conflict. Armenia argues that Azerbaijan's unjust attitude towards Karabakh Armenians, attempts for ethnic cleansing and subsequent military aggression against Nagorno-Karabakh in 1991-1994 was Azerbaijani reaction to Karabakh – "Artsakh" Armenians' will for acquiring their independence and their strive for "correcting historical mistakes".

Basing its arguments on the nation's rights for self-determination, Armenia draws analogy between the referendum on independence in Eritrea, which was recognized by the UN in 1993, and the referendum held in the Nagorno-Karabakh. Also, the recent events related to Kosovo's unilateral declaration of independence and its almost immediate recognition by leading world powers has become a living precedent for Armenia in arguing for Nagorno-Karabakh's independence. Therefore, for Armenia the issue number one in the conflict is to convince the world community that Azerbaijan's actions is against the democratic principles, since it is suppressing the Karabakh Armenian's rights for national freedom and independence.¹⁰⁵

Looking at the issue from Azerbaijan's perspective, Armenia is an aggressor state that unleashed undeclared war against Azerbaijan and intruded into its territories, using the Nagorno-Karabakh's so-called "right for self-determination" as a pretext to justify the use of force against another sovereign state. As to the referendum held in Karabakh, in Azerbaijan it was regarded as a very well Armenian prepared scenario to fit the action of aggression under the principles of International Law. Azerbaijan's stance on the issue has been mainly built on the principle of territorial integrity. Any dialogue with Karabakh Armenians is out of question for Azerbaijan, since it does not accept Karabakh as an independent party in the conflict. For Azerbaijan Karabakh Armenians are ethnic minority living within its borders and enjoying the same rights as Azerbaijani majority. Azerbaijan sees the actions of Karabakh Armenians as separatist movements, a tool, which was ignited by Armenia itself in order to prepare a prerequisite for aggression. In a nutshell, for Azerbaijan, Armenia is aggressor and Karabakh does not have a capacity to be an independent party to the conflict.

In reviewing the above stated factors, the issue under discussion comes to the fore with all its complexity. The legal arguments used by both sides define the very nature of the conflict and

¹⁰⁵ Gerard Libaridian and Arif Yunusov "New approaches to Nagorno-Karabakh: A window of opportunity?" *East-West Institute*, (EWI Policy Brief No.3, November, 1998): unpagued.

influences its solvability.¹⁰⁶ However, extreme positions upheld by both parties excluded any possibility of the conflict resolution through bilateral efforts, thus necessitating the involvement of the international community to reconcile the clashing interests and find a compromise.

2. Conflicts within Georgia

Like the case with Azerbaijan, Georgian statehood had similarly encountered enormous challenges to its prosperity and development brought by threats to its sovereignty and territorial integrity. Separatist zones within Georgia – South Ossetia and Abkhazia, largely backed by the external forces – mostly Russian – have since the early years of its independence been a true scourge for Georgia's welfare, progress, and sadly, for its very existence. Following paragraphs are intended to give some overview the said security challenges of Georgia.

2.1. Abkhazia

Out of the two separatist regions in Georgia – Abkhazia is the biggest from territorial point of view. Throughout history, Abkhazians and Georgians have been living side-by-side. However, while Georgians claim for the superiority of Georgian culture over Abkhazian and insist on Abkhazians to have always been the subordinate culture to them, Abkhaz have different interpretations of history. In an attempt to provide a historical backdrop to these two conflicts, I will try to illuminate the views of all parties to the mentioned conflicts, to the extent that the scope of this work allows me to do so.

According to Abkhaz point of view, Abkhazia has been the part of Georgia, for a little period of time in history: between 900 and 1225 ("The Golden Age" of the Georgian kingdom) and from 1936 to 1992 (from the murder of the Abkhaz leader Nestor Lakoba by Lavernti Beria and conflict under the leadership of Ardzinba). Abkhazia was ruled by Mingrelians, and under Ottoman suzerainty.¹⁰⁷ They believe that Georgians do not have the right to claim for Abkhaz lands, since they are not the original inhabitants of these lands, and have started to live in

¹⁰⁶ I will elaborate on the arguments of the conflicting parties, and in this context, the nature of the conflicts in the following chapters.

¹⁰⁷ Donald Rayfield, "Limiting conflict in Caucasus," *Public Policy Research*, (September-November, 2008): 130.

those territories only starting from later history after the deportation of Abkhazians and massive resettlement of Georgians.

The conflict between Abkhazia and Georgia dates back to the year of 1870, when mass resettlement of Abkhazians to Turkey took place after the end of Caucasus war. In 1877 approximately 50,000 Abkhazians were deported from Abkhazia by the Tsarist Russian authorities, as a result of which the number of Abkhaz population in the region further ebbed.¹⁰⁸ However, even after these measures, 1886 census indicated that Abkhazians still equaled to 85 % of the total population of the region.¹⁰⁹

After this resettlement took place, Abkhaz territories were divided and populated by various nationalities, such as Armenians, Greeks, Megrelians and Russians. When Georgia became an independent state in 1918 it sought to maintain its power on what it perceived to be its “historical territories”, as a result of which in Abkhazia and other areas massive resettlement of Georgians began. In 1921, Abkhazia also got a status of independent Soviet Socialist Republic and concluded a treaty of alliance with Georgia. However, in 1931, Georgia repelled its status and declared Abkhazia as an autonomous entity within Georgia.

Abkhazians claim to witness more intensive Georgianization of Abkhazia, its culture, heritage, territory, political management, etc, which was also accompanied by massive resettlement of Georgians to Abkhazia. As a result of this continuous resettlement policy, at the end of 1980s, the share of Abkhazians living in Abkhazia was reduced to 17. 8 percent, while percentage of Georgians increased to 45.7.¹¹⁰ According to some sources, between 1926 and 1979, the share of ethnic Abkhazian population declined from 27. 8 percent to 17.1 percent, which was the basis of concern for Abkhazians.¹¹¹

Pro-Georgian perspective tells a different history for Abkhazia. It argues that Abkhazia has always been the part of Georgia and prior to 1992-1993 war, the question was not about whether Abkhazia should be part of Georgia, but rather, on what conditions, this region is to

¹⁰⁸ Laurence Broers, “David and Goliath and Georgians in the Kremlin’: a post-colonial perspective on conflict in post-Soviet Georgia,” *Central Asian Survey*, (Vol. 28, No.2, June 2009, Routledge Foundation):101.

¹⁰⁹ Pal Kolsto and Helge Blakkisrud, “Living with non-recognition: state and nation building in South Caucasian quasi-states,” *Europe-Asia Studies*, Vol.60, No.3, (May 2008):485.

¹¹⁰ Alexander Krylov, “The Georgian Abkhazian conflict,” *The Security of the Caspian Sea Region*, (Oxford University Press, New York, 2001):282-283.

¹¹¹ S. Neil Macfarlane, et al., “Armed conflict in Georgia: a case study in humanitarian action and peacekeeping,” *Occasional Paper 21*, (January, 1996):9

be an integral part of Georgia. As for Georgia's perspective, Abkhazia emerged in the eighth century in the western part of Georgia; as a result of "Abazgia" conquer of the western Georgian kingdom Lazica. Later, with the inclusion of central territory of eastern Georgia – Kartli, the territory of Abkhazia has further widened. When Georgia became disentangled at the end of the 15th century, alongside other Georgian lands, Abkhazia also became independent and up to 17th century, Abkhazian rulers included Inguri River as well as Gali district under their control.¹¹²

At the beginning of the year 1560, the Ottoman Empire took some parts of Abkhazia under control and by 1810, Tsarist Russia started to invade Abkhaz and Georgian principalities. In order to prevent Abkhazians from resistance against itself, Russia started the deportation of Abkhazians to Ottoman Empire. Later, when Georgia acquired its independence in 1918, it had also set up its rule over the region and granted it with wide self-rule status within Georgia. In 1921, when Soviet rule was established in Georgia, Abkhazian Soviet Socialist Republic was also established in parallel. On December of 1921 a confederation was established between Georgia and Abkhazia with a special Treaty. However, in 1931, Georgian side upholds, Stalin annulled the confederative status of Abkhazia to making it an autonomous region within Georgia.¹¹³

Pent-up grievances of Abkhazians and Georgians were occurring in the course of history¹¹⁴ and finally, when rickety Soviet Empire was near to its demise, in 1988, Abkhazians demanded for re-granting their status of Soviet Socialist republic that it had in 1921-31.¹¹⁵ The conflict broke out in July 1989 in Abkhazian capital Sukhumi in response to the decision of the Georgian Council of Ministers to set up a Georgian language branch of Tbilisi State University in Sukhumi and ended up in severe confrontation.¹¹⁶ Serious discrepancies generated military conflict between the parties in 1989-1993. After being elected as Abkhaz president in 1990, Vladislav Ardzinba became a leader in Abkhazian movement for independence. With Georgia declaring its independence from the Soviet Union alongside other Soviet Socialist republics in 1991, Abkhazians also raised their voices for independence from Georgia.

¹¹² David Phillips, "Restoring Georgia's sovereignty over Abkhazia," *The Atlantic Council of the United States* (Policy Paper, July 2008): 2.

¹¹³ Ibid.

¹¹⁴ In 1957, 1967, 1978 there were some clashes between Georgians and Abkhazians.

¹¹⁵ Alexander Krylov, 282-283.

¹¹⁶ Jonathan Wheatley, "Managing ethnic diversity in Georgia: one step forward, two steps back," *Central Asian Survey*, Vol.28 N.2, (June 2009): p.122.

Abkhaz nationalism and desire to return the old status of the region ended in their unilateral declaration of independence in 1992 and the demand to return to 1925 Constitution, which generated subsequent military reaction by Georgia. However, Abkhazians enjoying military support by Russia maintained control over the whole territory of Abkhazia by the end of 1993, which was followed by massive expulsion of Georgian population living in Gali district of Abkhazia, who became the immediate targets of the conflict in Abkhazia. From summer 1992 to summer 1993 Georgia controlled considerable part of Abkhazian territory, including Sukhumi.¹¹⁷ However, with active Russian help, Abkhaz forces regained the control over greater territory of Abkhazia.

After active military hostilities, cease-fire agreement in Sochi was achieved on July 27 1993 with Russian mediation.¹¹⁸ In April 1994 an interim peace agreement was concluded between the parties, with the mediation of Russia and the United Nations Special Representative for Georgia. This agreement set out general guidelines for the future political settlement, in particular, return of internally displaced persons and the referendum on future political status of Abkhazia.¹¹⁹ After this date, Commonwealth of Independent State Peacekeeping Forces was deployed in the territory of Abkhazia, which in fact consisted mostly of Russian forces. On May 14, 1994, Moscow Agreement was signed between the warring parties, which set up the cease-fire and separation of forces. In line with this agreement a “security zone” of about 12 kilometers on each side of the cease-fire line was created, which considered the ban on military units to be deployed there and allowed only personal units. The agreement also established a “restricted zone” on both sides of the security zone, which inhibited tanks and artillery systems.¹²⁰

In 1997 the parties agreed to refrain from the use of force.¹²¹ The situation was more or less stable with some intermittent violations, until July 2006, when Georgia embarked on what it named to be “anti-criminal operation” in Kodori valley in order to disarm local militia who were threatening Georgia’s constitutional order. This operation further deteriorated the

¹¹⁷ “Abkhazia today,” *International Crisis Group Europe Report No. 176*, (September 15, 2006): 2-6.

¹¹⁸ Ibid.

¹¹⁹ S. Neil Macfarlane, et al., “Armed conflict in Georgia: a case study in humanitarian action and peacekeeping,” 12.

¹²⁰ “UNOMIG’s role,” “UNOMIG’s mandate,” United National Observer Mission to Georgia, online, available from (<http://www.unomig.org>), Accessed on September 21, 2010, unpaginated.

¹²¹ A Stability Pact for the South Caucasus, *Working Document No.145*, unpaginated.

security situation and increased mistrust between the parties.¹²² Conflict is still unresolved and after August 2008 war between Georgia and Russia, it seems to be even more intractable.

One of the harshest consequences of Georgian-Abkhazian conflict was massive resettlement of about 300 000 ethnic Georgian population from Abkhazia. Before the war, Abkhazians constituted majority only in some regions, for example, Gudauta.¹²³ As was stated above in this Section, before the conflict unleashed in 1992, Abkhazians were about eighteen percent of the entire population, while Georgians were about fifty percent. Georgia claims that ethnic cleansing took place during and after 1992-1993 war, as a consequence of which there are no more Georgians living in Abkhazia.¹²⁴ The existence of large number of displaced Georgian population from Abkhazia further aggravated mutual mistrust and hostilities and hardened Georgia's position in Abkhaz conflict.

2.2. South Ossetia

Unlike Abkhazians, who consider themselves to be of superior culture to that of Georgians, South Ossetians were never averse to Georgians living in this land and had the history of their people more intertwined with Georgians. The rate of intermarriages between Georgians and Ossetians were higher compared to Abkhazians. The border between South Ossetia and Georgia was easier to access, with people moving freely through the border and implementing economic and people to people interactions.¹²⁵

However, likewise the previous two conflicts, ambivalent historical argumentations were prominent in South Ossetian conflict as well. For example, Georgians view South Ossetians as aliens to their lands, who moved to South Ossetia from North Caucasus. They believe that Ossetians started to be settled in the lands of Georgian feudals in the 1860s and by 1880, the

¹²²“Abkhazia: ways forward,” *International Crisis Group, Europe Report N 179*, (January 18, 2007):16. The operation in Kodori valley was motivated by strategic-political objectives – due to the valley's geographic proximity to Sukhumi and Georgia's plans to bring the Abkhaz government in exile (consisting of Abkhaz IDPs) from Tbilisi to Kodory. On July 25, 2006, Georgia started what it portrayed as a police operation in the upper Kodori Valley to neutralize a regional warlord. However, Abkhazians claimed that this was not a police operation and that Georgia encroached upon its territory. After this event, in late 2006 UNOMIG did regular patrolling and set up an observation post in North Kodori valley. (See: David L. Phillips, 12.).

¹²³ Dov Lynch, “Russian Strategy towards the Abkhaz conflict,” *Russian Peacekeeping Strategies in the CIS in The cases of Moldova, Georgia and Tajikistan*, (Palgrave Macmillan, 1999): 129.

¹²⁴ Noelle M. Shanahan Cutts, “Enemies through the gates: Russian violations of international law in the Georgia/Abkhazia conflict,” *Case Western Reserve University of Law*, (Vol. 40:281, 2008): 292.

¹²⁵ Pal Kolsto and Helge Blakkisrud, 492.

number of Ossetians living in the historic Georgian lands increased to 52,000.¹²⁶ They argue that South Ossetia is a historical Georgian territory called Samochablo and was ceded to Ossetians by the Bolsheviks in return of Ossetians' assistance to occupy independent Georgian Republic by Soviets in 1920.¹²⁷ Ossetians on the contrary, argue that historically both – South Ossetia and North Ossetia (in the Russian territory) were the parts of common Alan heritage-Skifs-Sarmat-Alans.¹²⁸

Ossetians are mainly Christians and speak the language which is close to Iranian language group. Close to the end of the Soviet period, about 10, 9 % of 600, 000 Ossetians of the Soviet Union were living in South Ossetian autonomous region, while 56 % lived in North Ossetian Autonomous Republic. South Ossetian region also covered several Georgian and mixed Ossetian-Georgian villages.¹²⁹ In 1918-20 when Georgia acquired its independence alongside other South Caucasus republics, South Ossetia also made attempts to become independent, however, useless. During Sovietization of Georgia, South Ossetian Autonomous Region was established within it on April 20, 1922. This added up more to the disenchantment of Ossetians who considered themselves as having equal rights for independence as Georgians.

In 1970, Ossetians constituted 3,2 % of the Georgian population.¹³⁰ The figures of 1989 census report of Ossetians constituting 66%, and Georgians 29 % of the population of South Ossetia (2% were Russians).¹³¹ According to the census conducted during Soviet times in 1989, there were 98, 500 people living in South Ossetia at that time, of which 28, 500 were Georgians and others – were Ossetians, Russian and other nationalities. Despite being in majority in the South Ossetian region, the Constitution of the self-proclaimed Autonomous Republic of South Ossetia recognized Georgian language as a minority language and there was a direct bus connection between the two capitals.¹³²

¹²⁶ Avtanti Sakvarelidze, et al.: *On Ethnic Composition of the Population of the Georgian Republic*, (Tbilisi 1993):26-27.

¹²⁷ Fred Weir et al, "Roots of Georgia clash," *Christian Science Monitor*, Vol.100, Issue 181 (December 2008):unpaged.

¹²⁸ Sergey Markedonov, *The big Caucasus: consequences of the five day war, threats and political prospects*, (International Center for Black Sea Studies, Xenophon Paper, 7, May 2009):25-27.

¹²⁹ Pal Kolsto and Helge Blakkisrud, 487.

¹³⁰ Laurence Broers, 105.

¹³¹ Pal Kolsto and Helge Blakkisrud, 487.

¹³² Sergey Markedonov, 25-27.

However, irrespective of its better relations with Georgia, compared to Abkhazia, South Ossetia was the first conflict spot within Georgian territory. In 1989-1991 Georgian and Ossetian clashes led to the outbreak of the conflict in South Ossetia with Georgians claiming the superiority of Georgian culture and official Tbilisi's authority, and with Ossetians stressing their independence or their right to join North Ossetia in the Russian Federation. In September 1990, South Ossetia declared itself independent republic and in December of the same year Georgian Supreme Soviet rejected this decision and abolished an autonomous status of South Ossetia.¹³³ This further aggravated the situation. Conflict unleashed in January 1991 and the hostilities in the capital Tskhinvali lasted until June 1992.

As a result of active warfare, 1, 000 people were dead, 100 became missing with great number of IDPs fleeing from their homes. In the aftermath, the South Ossetian leadership maintained control over the districts of Tskhinvali, Java, Znauri and parts of Akhagori.¹³⁴ As maintained by the Georgian authorities, about 40, 000 Georgian refugees were expelled from South Ossetia to the Gori region and to Tbilisi. Ossetian sources indicate approximately 100, 000 refugees fleeing from Georgia to North Ossetia.¹³⁵

According to "Agreement on Principles of the Settlement of the Georgian-Ossetian conflict between Georgia and Russia", signed in Sochi in 1992, a ceasefire was achieved. With the same agreement, a Joint Control Commission (JCC) was established with participation of Georgian, Russian, North and South Ossetian representatives, plus the OSCE.¹³⁶ JCC was tasked with numerous undertaking, including coordinating the activities of Joint Peace Keeping Force (JPKF) in the zone of conflict.¹³⁷ On May 29, 1992, before the ceasefire agreement was reached, South Ossetian Parliament adopted a new declaration of independence, which laid the foundation of the de-facto independent state in post-Soviet area.¹³⁸

On April 4, 1994 Georgia and Abkhazia agreed upon a Declaration of Measures for a Political Settlement of the Georgian-Abkhazian conflict and undertook a commitment to strictly

¹³³ Jonathan Wheatley, p.122.

¹³⁴ "Georgia's South Ossetia conflict: make haste slowly," *International Crisis Group Europe Report N 183*, (June 7, 2007): 1.

¹³⁵ S. Neil Macfarlane, et al., "Armed conflict in Georgia: a case study in humanitarian action and peacekeeping," 8.

¹³⁶ JCC and OSCE role in South Ossetia conflict will be covered later in the work.

¹³⁷ "Georgia's South Ossetia conflict: make haste slowly," 1.

¹³⁸ Pal Kolsto and Helge Blakkisrud, 488

observe the cease-fire. A demilitarized security zone was set out along the Inguri River on May 14, 1994.¹³⁹ In the memorandum signed in May 1996, the parties committed themselves to the non-use of force in mutual relations and sought ways for a final settlement.¹⁴⁰ However, these positive events did not alleviate the stalemate that the conflict has ended in due to the absence of a comprehensive solution.

After the ceasefire agreement, South Ossetian front was rather stable with no major confrontation being detected. However, this relative stability lasted until the election of President Saakashvili, who, in words and in deeds declared the restoration of Georgia's territorial integrity as being his supreme objective. He enforced some restrictive measures to the surreptitious and to Georgia's perception, "illicit" trade and economic interactions of South Ossetians with Georgia, which was indispensable for sustaining life in this region. In addition, in 2004 under the slogans of "anti-smuggling campaign", Georgia increased its forces in the region, which generated opposing reactions on the part of South Ossetians. In August 2004, disagreements exacerbated and led up to new tensions and casualties, which ended in conclusion of a new cease-fire agreement in the same year.¹⁴¹

Frequent violations of cease-fire became usual and buttressed by the belligerent statements on Georgian part about returning South Ossetia to Georgia's boundaries.¹⁴² In 2006 next referendum was held in South Ossetia to confirm its independence from Georgia, which was accompanied by a parallel voting among the ethnic Georgians of the South Ossetia, where pro-Georgian representative Sanakoyev was elected as a governor of South Ossetia and the outcome of the voting supported the territorial integrity of Georgia.¹⁴³

Having looked at the historic background of the two conflicts, a certain corollary could be inferred. Both conflicts have ethnicity and nationalism in their historical roots, and from the legal point of view, they are entrapped in the clash of the two principles of international law: territorial integrity and rights of peoples for self-determination. However, the difference between the two conflict lies in the fact that Abkhazians were more ardent in their desire to be independent from both states – Georgia and Russia, while in case of South Ossetians it was

¹³⁹ Noelle M. Shanahan Cutts, 290.

¹⁴⁰ Edmund Herzig, 73.

¹⁴¹ "Georgia's South Ossetia conflict: make haste slowly," 1.

¹⁴² Pal Kolsto and Helge Blakkisrud, 493.

¹⁴³ Jim Nicol, "Russia-Georgia conflict in South Ossetia: context and implications for US interests," CRS Report for Congress, (Congressional Research Service, August 13, 2008):3.

not unambiguous whether they wanted to be independent or integrate with North Ossetian region of the Russian Federation. Moreover, as was noted above, before 2004, South Ossetians could freely travel to Georgia and interact with Georgians, which suggested that before the bloody events of August 2008, South Ossetians were more willing to reintegrate with Georgians than was the case with Abkhazians. And finally, while South Ossetians considered the possibility of joining their ethnic relatives in North Ossetia, Abkhazians did not have a willingness of merging with any member of their ethnic family, such as the Kabardins, Adyghe and Abazinians, which are within North Caucasus part of the Russian Federation.¹⁴⁴

In sum, having looked at the historical background of the conflicts within Georgian territory, their differences and similarities, in the next Section I will briefly sketch Russian role in Georgian conflicts and the events of August 2008, which have become a turning point in upsetting the delicate balance in conflict zone and changing the existing realities on the ground.

2.3. Russian role¹⁴⁵ in Georgian conflicts and August 2008 war

Russian factor is an inalienable element of Georgia's conflicts; therefore, it would not be fair to bypass this issue while describing the roots and causes of conflicts within Georgia. Georgia is assured that in reality it is confronting with its big neighbor – Russia, and not with its secessionist regions – Abkhazia and South Ossetia. Georgians are convinced that as a continuation of conventional Russian “divide and rule” policy, Russia's interests in buttressing Abkhazia and South Ossetia is mostly conditioned with its goal to seize Georgian territories and maintain its influence over its so-called “near abroad”.¹⁴⁶ Indeed, Russian support for the breakaway regions has been instrumental, if not vital.

Georgia blames Russia for rendering all kind of assistance to Abkhazia and South Ossetia. For instance, on July 17, 2006 Georgian Parliament adopted a resolution where it called on Georgian government to start procedures in order to suspend Russian peacekeeping operations

¹⁴⁴ Paula Garb, “The view from Abkhazia of South Ossetia ablaze,” *Central Asian Survey*, Vol. 28, No. 2, (June 2009, Routledge Foundation): 236.

¹⁴⁵ The role of Russia in the region has been depicted in the Chapter I. However, due to specific role of Russia in both –South Ossetian and Abkhazian conflicts this section is aimed to illustrate Russia's role in the given context.

¹⁴⁶ “Abkhazia today,” 7.

in Abkhazia, since they were considered to be one of the main hindrances on the way of conflict resolution.¹⁴⁷ Georgian president Saakashvili went even further in calling Russian peacekeeping presence in breakaway regions as a “gangster occupation” and noted that Georgian separatist regions are being annexed to north and Russian role is indispensable in making this happen.¹⁴⁸ With Saakashvili assuming power, Georgia was adamant and outspoken on international fora in demanding the withdrawal of Commonwealth of Independent States (CIS) peacekeeping forces from Abkhazia, which consisted only of Russian military forces. As a result, in December of 2007, Russia had closed its military bases in Akhalkalaki and Vaziani, while Russian base in Qudauta remained as a stumbling stone in Russian-Georgian relations, up until the events of August 2008, when relations entirely worsened.

Both regions have strong economic interactions with Russia and basically, Russia encourages more political as well as economic contacts with the two regions. Russia’s presence in these regions is so great that – considerable numbers of Abkhazian and South Ossetian people even have Russian passports and thus, free access to Russian markets. They do not want to have Georgian citizenship and Georgia retorts issuing UN travel documents for them. About 80-90 % of Abkhazian people and great majority of South Ossetian people hold Russian citizenship, which gives Russia a pretext to claim about its obligation to protect its citizens and thus, deeply interfere into Abkhazian and South Ossetian matters.¹⁴⁹ Ossetia and Abkhazia, perceive Russia as their main partner in the fight for independence and separation from Georgia.

Russian military forces played even bigger role in Abkhazian conflict, and with the assistance of Russian Defense Ministry Abkhazians felt more motivated and supported. Great numbers of former Soviet mercenaries and volunteers from Northern Caucasus within Russian territory helped Abkhazians with arms and weaponries acquired from Russian military. Russian military forces, which were protecting main transport and infrastructure objects in Abkhazia upon Georgia’s request, were intermittently also attacking Georgian forces. Encouraged by this dubious Russian policy, Abkhazians who are considerably less in numbers – 93,000 Abkhazians against 3.8 million Georgians – were also embarking themselves on numerous

¹⁴⁷ Noelle M. Shanahan Cutts, 283-284.

¹⁴⁸ Ibid.

¹⁴⁹ Paula Garb, 236.

attacks against Georgian forces and thus even achieved to occupy the Abkhaz capital Sukhumi.¹⁵⁰

Georgia, being aware of potent Russian factor in its regions, occasionally negotiated with Russia over issues concerning the quality of life in South Ossetia and Abkhazia. For example, in 1993-2000 Georgia and Russia made agreements on economic rehabilitation of the conflict zones in South Ossetia. However, mutual finger pointing did not circumvent this joint undertaking either. Russia accused Georgia for not fulfilling its responsibility under this agreement, while Georgia saw Russia's dedicated efforts for economic contribution as a chip for getting Ossetia's dependence. For this reason, Georgia was striving for internationalization of the aid for the regions.¹⁵¹

Russia, on the contrary, assures that it is playing more of a stabilizing and pacifying role in the conflicts, and not an instigating and provocative role as Georgia claims. However, the deployment of Russian peacekeeping forces in South Ossetia and Abkhazia had far deeper implications for Georgia than only the consolidation of "security and stability" as portrayed by Russia. With unaided eye one can conclude that the main purpose for Russia's benevolent peacekeeping assistance was to serve its hegemonic ambitions to preserve its power over what it considered to be its zone of influence. Russia's strategic interests in the South Caucasus and its desire for the world to recognize its leading role as the security provider in the former Soviet Union area overshadows its impartial and unequivocal security contributions to the lingering conflicts of the South Caucasus, especially the ones within Georgia.

Therefore, Georgia does not see Russia as an unbiased interlocutor in South Ossetian and Abkhazian conflicts and occasionally, as was said before, made unsuccessful attempts to alter Russia's status in and perhaps, even exclude it from peacekeeping operations and negotiations. Russian factor in Georgia's conflicts is definitely bigger than what was depicted in the paragraphs above and will be highlighted more in relevant chapter, while describing the involved actors' interests in details. However, this issue was important to be addressed in order to give a pre-history of intensive Russian involvement in the August 2008 war.

¹⁵⁰ James Graham, "Russia's policy towards ethnic conflict in Georgia," online, available from (<http://www.historyorb.com/russia/georgia.shtml>). Accessed on July 28, 2010, unpagged.

¹⁵¹ "Georgia's South Ossetia conflict: make haste slowly," 20.

Events of August 2008 have left the world startled in fuzzy questions about the start of new war in the South Caucasus and its long-term implications for the overall security of the region. The ambiguous moment was the instigation of the war in South Ossetia, which among the two separatist regions was on relatively better terms with Georgia.¹⁵² This work will not go into the detailed description of the causes and consequences of this five day war, but will give some background to it in order to highlight the escalation of conflict situations within Georgia.

The war started with a military offensive by Georgia on the night of August 7-8, 2008. South Ossetia blamed Georgia of attacking the separatist republic, while Georgia claimed that the offensive was started from the other side with massive shooting of Georgian villages. Georgia asserts that South Ossetian forces did not agree to Georgia's ceasefire call, instead, they intensified shooting and attack, which made Georgia to send some more troops to South Ossetia and capture Tskhinvali and surrounding areas.¹⁵³ On August 8, 2008, Russia launched a military offensive in response and gained control over Tskhinvali and considerable part of South Ossetia. Russia charges Georgia for committing genocide during its attack on South Ossetia, citing numbers of 2000 civilians killed and 34, 000 displaced.¹⁵⁴ Russian side reports that 13 of its soldiers were killed and 70 were wounded.¹⁵⁵

Who is to blame for the initial launch of armed hostilities is a subject of ardent debate on both sides. Both - Georgia and Russia have some valid points for accusing each other and their argumentative and factual "wrestling" had been ongoing for considerable time even long after the war ended. During 2008-2009, Russian-Georgian debate over who had to bear the brunt of guilt for unleashing the August war became the most contested topic within international forums, especially in the OSCE, with both sides substantiating the legitimacy of their positions.¹⁵⁶ Georgia claimed that its military involvement was prompted in response to the

¹⁵² The historic roots of conflict of Ossetians with Georgians are not as hostile as Abkhazians, which has bigger ambitions for independence, which also displayed itself in massive deportation of Georgians from Abkhazia. Also, among the two self-proclaimed authorities in Georgia – Tskhinvali based - Kokoity administration (backed by Russia) and Kurta-based Sanakoev administration, the latter is prone to negotiation with Georgia and openly supports Georgia's territorial integrity with Ossetia staying as an autonomous entity within it. (See: Georgia's South Ossetia conflict: make haste slowly," 2-4).

¹⁵³ Jim Nicol, "Russia-Georgia conflict in South Ossetia: context and implications for US interests," CRS Report for Congress, (Congressional Research Service, August 13, 2008): 4.

¹⁵⁴ Fred Weir et al, unpagued

¹⁵⁵ Jim Nicol, "Russia-Georgia conflict in South Ossetia: context and implications for US interests," CRS Report for Congress, (Congressional Research Service, August 13, 2008): 9.

¹⁵⁶ See: Statements of the Permanent Representatives of Georgia and Russia at OSCE Permanent Council (PC 730 (August 28, 2008), 732 (September 11, 2008), 734 (September 25, 2008)) and Forum for Security and

provocations on the part of Russian peacekeepers in South Ossetia, while Russia argued that Georgia launched an attack on South Ossetia, killed and wounded noticeable number of Russian peacekeeping personnel deployed in this region and caused unjustified humanitarian disaster and human tragedy. Russian arguments in favor of its military involvement in the conflict was built around the thesis that it was obliged to protect its citizens from ethnic cleansing and stop the forceful annexation of South Ossetia to Georgia.

However, while recognizing that Russian response to Georgia's military operation in South Ossetia was not proportionate – in terms of scale of military hostilities and the consequences, there is a little doubt in political discourse that Georgia bears core responsibility for offensive against South Ossetia that augmented into a devastating war. In pursuit of his declared objective to make the restoration of Georgia's territorial integrity his main goal, Georgian President Saakashvili opted for what he saw to be the easiest solution – to repeat his success in Adjara¹⁵⁷ and thus solve the territorial issues within Georgia once and forever. However, Russian interference turned Georgian initial plan of retaking the secessionist regions by force against itself. Russian and Abkhazian action in the Upper Kodori Valley suppressed out the Georgian troops that were deployed there. Russia undermined Georgian command Centers Gori and Senaki and sank Georgian ships in Abkhazia's coast, which considerably dwindled Georgia's capacity to attack Abkhazia.¹⁵⁸

In the aftermath of the conflict, about 20,000 to 60,000 Ossetians and Abkhazians fled to Tbilisi and were living under harsh conditions. According to UN estimations, another 20,000 have fled to Russia.¹⁵⁹ At least 600 people were dead on both – Georgian and South Ossetian sides and some parts of Georgian territory became occupied by Russian military forces. Georgia lost the territories in Upper Kodori Gorge in Abkhazia, Akhgori district in South Ossetia and other Georgian villages in South Ossetia-such as Liakhvi Gorge in proximity of Tskhinvali, which was under Georgian control before the conflict broke out.¹⁶⁰

Cooperation (FSC 555 - 557 (September 10, 17, 24, 2008, respectively), Special FSC-PC joint meetings 33-35 (September/October, 2008)),etc. from OSCE delegations website (<http://www.delweb.osce.org>)

¹⁵⁷ In 2004, Georgian leader Saakashvili managed to oust Adjarian leader Aslan Abashidze, who refused to obey Georgian authorities, and thus solved Adjarian problem, which was increasingly becoming another separatist entity within Georgia.

¹⁵⁸ George Hewitt, "Abkhazia, Georgia, and the crisis of August 2008: roots and lessons," *Global Dialogue*, Vol. 11, (Winter 2009):20

¹⁵⁹ "South Ossetia: the playfield of Russia-or Georgia?" *New Statesman*, (November 2008), online, from EbscoHost Academic Research.

¹⁶⁰ Jonathan Wheatley, 129.

Russia stationed considerable number of troops in both breakaway republics and recognized their independence. The most lamentable consequence for Georgia - now many seem to tacitly acknowledge – is that both former autonomous regions, at present independent republics of South Ossetia and Abkhazia are unlikely to be integral parts of Georgia again. Apart the problems caused by the large number of casualties and displaced persons, the war has augmented anti-Georgian sentiments in South Ossetia and Abkhazia, which buttresses the assumption that these two regions seems to never henceforth consider the possibility of reintegrating with Georgia again.

On August 25, 2008 Russia's Federation Council and the Duma recommended the Russian president to recognize the independence of Abkhazia and South Ossetia. On August 26, Russian President Medvedyev responded positively and thus, Russia has recognized the independence of two Georgian secessionist regions. On September 17, 2008 Russia concluded Friendship, Cooperation and Mutual Assistance agreements with Abkhazia and South Ossetia.¹⁶¹ Those agreements imply that Russia will hence assist those republics in protecting their borders and entitles Moscow to station its military bases on those territories and double the number of soldiers up to 7600.¹⁶² Later, the independence of Abkhazia and South Ossetia was recognized by more states – Nicaragua, Venezuela and Nauru.

There are some important lessons that August war vividly displayed. The most conspicuous of them was that irrespective of West's growing role in the South Caucasus region, Russia still cannot be ignored when it comes to changing or correcting any realities in the South Caucasus region. Also, the five day war had shown that Russia was absolutely serious about what it considers to be its "zone of influence" and that it was ready to speak from the position of force in order to preserve its interests and achieve its objectives. For West, however, it was a litmus test in highlighting its unreadiness to confront Russia for assisting its ally – Georgia. This had brought to a necessity for the West to rethink over its relations with Russia, as well as undertake a different strategy towards the region of South Caucasus, especially Georgia, which became largely disenchanted over its failure to Russia, in the absence of support by those whom it considered to be its allies.

¹⁶¹ Jim Nicol, "Russia-Georgia conflict in South Ossetia: context and implications for US interests," CRS Report for Congress, (Congressional Research Service, Updated September 22, 2008): 9.

¹⁶² Nona Mikhelidze, "After the 2008 Russia-Georgia war: implications for the wider Caucasus and prospects for Western involvement in conflict resolution," *Background paper of the conference on the Caucasus and Black Sea region: European Neighborhood Policy and beyond*, (Rome, 6-7 February, 2009): 6.

Russia's extreme position on supporting its actions in August 2008 crisis was also manifested later on when she blocked the extension of the mandates of the OSCE and UN Offices in Georgia, demanding for the recognition of the new realities on the ground and establishing the same representations for the "newly independent republics" of South Ossetia and Abkhazia. This gave enough food for thought for the international community, especially the West, that toughness in Russia's stance on the issues concerning its immediate neighborhood was neither ostentatious, nor temporary. Instead, it appeared to be rather continuous and persisting.

As seen from the historical background provided by the Section II, there is a different history behind each of the so-called "frozen conflicts" in the South Caucasus region, as well as their interpretations. For the purposes of objectivity, I tried to highlight ambivalent narratives of the history by the conflicting parties. Despite of the differences amongst the conflict cases, there is however, one common feature for all three conflicts – all of them are complicated by the clash of two principles of international law – territorial integrity of states and right of self-determination of peoples. This legal dichotomy makes all three conflicts more intractable, combustible and a subject for manipulation and jousting with legal argumentation over who has the upper right for the control of certain territory. In closer scrutiny though, territoriality seems to be the deepest underlying cause of all three conflicts. This permanent clash between the two principles affect the nature of all three conflicts, thus, making legalistic discourse over the superiority of one or the other principle inevitable. This issue will be focused on more in the relevant Chapter, while describing the nature of the said conflicts.

3. Summing up

Section II of the Chapter attempted to provide a historical overview to the long-standing conflicts in the South Caucasus region; conflict between Armenia and Azerbaijan over Nagorno-Karabakh region, and conflicts in Abkhazia and South Ossetia within Georgia. This section is imperative for understanding the roots and causes of the festering security problems of the region as well as their complexity, which necessitated international involvement for finding a panacea. In the next chapter I will introduce the theoretical frameworks of the dissertation and focus on the assumptions of regime theory, theoretical approaches to international mediation and theoretical approaches to the study of European integration – intergovernmentalism and neofunctionalism.

III. THEORETICAL FRAMEWORK

This Chapter will be devoted to the exploration of the assumptions of the theoretical framework of the current work. As was noted, the effectiveness of the UN, the CIS and the OSCE will be analyzed from the prisms of the first two hypotheses of the regime theory – interests of powerful actors and problem solving capacity of the organizations. As was noted before, in the case of the OSCE Minsk Group, however, the two regime theory hypotheses will explain its effectiveness/success partially. It will mostly help to explain the internal dynamics within the Minsk Group. Minsk Group effectiveness/success, therefore, will be further explained through theoretical approaches to international mediation.

In explaining the EU approach to facilitation of conflict resolution, nonetheless, the mentioned two hypotheses of the regime theory cannot be applied, since the regime theory gets entrapped when applied to the model of EU integration. Therefore, the assumptions of other theoretical approaches – more specifically, intergovernmentalism and neofunctionalism – will be endorsed in exploration of EU role in and policy towards the conflict resolution in the South Caucasus region.

However, the main framework of the analysis is still chosen to be regime theory and its “effectiveness” concept and the three hypotheses of the work are formulated based on this theoretical framework. What concerns the third hypothesis [nature of the problem, which is developed through the prisms of regime theory, it would describe the general nature of conflict situations in South Caucasus as an impediment to the effectiveness of international institutions and will be applicable to all four organizations, due to the fact that it is an independent and external factor that does not depend on the internal dynamics of any institution.

1. Regime theory framework

At the onset, I will start with regime theory assumptions. The following hypotheses of the regime theory are to be tested in the dissertation:

1. Actors' interests: *Interests and preferences of the concerned powerful states influence the effectiveness of the UN, the OSCE and the CIS to facilitate the achievement of a final solution to the conflicts in the South Caucasus republics.*

2. Problem solving capacity: *Problem solving capacity of the organizations influence the effectiveness of the UN, the OSCE and the CIS to facilitate the achievement of a final settlement to the conflicts in the South Caucasus republics.*

3. Nature of the problem (Problem structure): *Characteristics of the given conflicts influence the effectiveness of the UN, the OSCE, the CIS and the EU to facilitate the achievement of a final solution to the conflicts in the South Caucasus republics.*

As it was illuminated above, the effectiveness of the three institutions – the UN, the CIS and the OSCE are to be evaluated through *the first* [actors' interests] and *the second* [decision making capacity] hypotheses that are developed using the assumptions of the “effectiveness” concept of the regime theory. Although the EU role is not to be analyzed through regime theory, *the third* regime theory hypothesis [nature of the problem] could be applicable to the EU.

For the purposes of clarity, it should be reiterated that regime theory as such will not be the target of broad description and merely its assumptions concerning the evaluation of effectiveness of institutions will be employed.

It has become habitual that in scholarly literature, regime theory was mostly researched and applied to international environmental regimes. Especially when it comes to the concept of “regime effectiveness”, the empirical test of the theory has predominantly lied within environmental regimes. Nonetheless, study and research on the effectiveness of non-environmental regimes from the perspective of the regime theory also seems to gain attention in the academic discourse, although written contributions in this realm is still lacking. As it was stressed before, this work is one of the modest attempts to fill this gap. For evaluating the role and effectiveness of the UN, the OSCE, the CIS in South Caucasus conflict resolution, I will incorporate the concept of “effectiveness” of the regime theory.

Before doing that, however, let me briefly describe what regimes are and whether regime theory could indeed be utilized for evaluating the effectiveness of the four institutions. To start with, it should be noted that regime theory suggests that “international institutions are relatively homogenous with regard to the functions or tasks they are created to perform”.¹⁶³ Regimes are created when certain group of state actors come together in order to improve a collective-action problems. Regimes therefore, are described as “sets of rules or behavioral descriptions designed to allow interdependent actors to avoid joint losses or to reap joint gains”.¹⁶⁴ Regimes often attain organizational capacity as they progress over the time.¹⁶⁵ Regimes are defined to be sets of principles, rules and decision making procedures on which actors’ interests coincide on specific issue areas of international relations.¹⁶⁶

Some theorists distinguish between the regimes and the organizations to suggest that international organizations focus on “structural or institutional arrangements” and international regimes on “the norms and principles laid down by these organizations”.¹⁶⁷ Others emphasize that international organizations are in fact parts of the regimes and therefore, international organizations and international regimes are “coterminous in that of what they do is to monitor, manage and modify the operation of regimes”.¹⁶⁸

It is asserted that international regimes are international institutions and therefore, should be explored as such, and in many situations regimes will serve as basis for creation of an organization, which would buttress the regime in different ways. Although both regimes and international organizations are considered to be types of international institution, the most outstanding difference between the regimes and organizations is stated to be the fact that regimes as sets of principles rules and procedures lack the capacity to act, while organizations are able to do it. However, it is also suggested that some functions of a regime can only be performed if there is an organizational structure inserted in it.¹⁶⁹

Departing from the premise of the above suppositions, it could be suggested that the work of the UN, the OSCE and the CIS as organizations could be analyzed from the perspective of a regime theory as they all operate on a specific issue area and have formal rules and

¹⁶³ Oran Young, *Governance in World Affairs*, Cornell University Press, (London 1999): 24

¹⁶⁴ Ibid.25.

¹⁶⁵ Ibid.7.

¹⁶⁶ Dimitrius N. Chrysoschoou, 39.

¹⁶⁷ Ibid.38.

¹⁶⁸ Ibid.

¹⁶⁹ Andreas Hasenclever et al, *Theories of international regimes*, (Cambridge University Press, 1997):10-11.

procedures. Although there are some perceived differences between the organizations and regimes, no one excludes the fact that there are also many commonalities between the regimes and organizations, since they are both qualified as international institutions. Therefore, regime theory could be applicable to our research.

What concerns the case of the European Union, it is thought that regime theory might not be very successful in application to this *sui generis* entity. The EU is considered to be a too split system of state and policy interrelations which disqualifies it as an international regime as such. Instead, it should be treated in a different way due to the particular cooperation patterns in number of issue areas. The “flexibility clause” of the various EU *acquis* strengthens this suggestion. Therefore, the EU is to be regarded as an aggregate of partial regimes entailing multiple behavioral norms, rules and procedures.¹⁷⁰

Against this backdrop, it appears complicated for the regime theory to explain the role of, for instance, national elites and decision making rules to come to grips with the levels of integration. It fails to elucidate pace and the nature of relations stemming from integration and the overall impact of the specifically structured system [treaties as cores, mutual vetoes, etc.] on the formation of different levels of integration at given times. Regime theory, therefore, gets entrapped in a scattered framework of interactions within the EU community and fails to explain the impact of EU legislation on national behavior of EU member states and other relevant phenomena pertaining to EU governance and decision making.¹⁷¹ Therefore, *the first* and *the second* regime theory hypotheses will not be applied to the analysis of EU effectiveness.¹⁷² Instead, the assumptions of *intergovernmentalist* and *neofunctionalist* approaches will be refereed to in order to analyze the relevant aspects of EU policy towards the conflict resolution in the South Caucasus region.

Returning to the analytical framework of regime theory and the “effectiveness” concept which will be employed, I should state that for current research purposes, I will use three main determinants that are often cited in academic literature to be influencing regime effectiveness: 1 – actors’ interests; 2 – problem solving capacity; 3 – nature of problem/problem structure. Of course, those are not the only determinants that account for regime effectiveness and

¹⁷⁰ Dimitrius N. Chryssochoou, 41.

¹⁷¹ Ibid.

¹⁷² It should be reiterated that the third regime theory hypothesis, nonetheless, could also be applied to the EU, because it concerns the independent and external factor [nature of problem] that is not contingent upon the internal dynamics of the organizations.

different scholars on the field have attempted to analyze divergent factors that are instrumental in evaluation of regime effectiveness. However, despite of the fact that some more determinants are considered to be accounting for regime effectiveness, and this list is not really exhaustive, those three determinants that are chosen by the author are the most common and fundamental ones that are present in the works of the most academicians who explore the theory of regime.¹⁷³ Those three determinants also seem to be able to appropriately cover the phenomenon to be analyzed in the current work,¹⁷⁴ and therefore, constitute the main analytical tool in this context.

Regime theory presupposes that the regime effectiveness is a “measure of the extent to which these arrangements (e.g. regime) succeed in solving the problems that lead to their formation”.¹⁷⁵ In different terms, effectiveness is defined as a degree to which a certain regime “eliminates or alleviates the problem that prompts their creation”.¹⁷⁶ However, the above definition is rather narrow and limits the concept of effectiveness to the achievement of concrete results.

Theorists also define effectiveness in less demanding terms and characterize it as the “contributions that institutions make to solving the problems that motivate actors to invest the time and energy needed to create them”. A regime that changes the behaviors in such a manner as to solve or greatly alleviate the problem that generated its creation is to be considered as a successful regime.¹⁷⁷

¹⁷³ For example, Oran Young defined six determinants of regime effectiveness which he has proposed in his study of the environmental regimes in 1994: 1) problem solving 2) goal attainment, 3) behavioral, 4) process, 5) constitutive and 6) evaluative. (Oran Young, *International Governance: Protecting the Environment in a Stateless Society*, in Peter J. Katzenstein (ed), *Cornell Studies in Political Economy*, (Ithaca and London: Cornell University Press, 1994): 140-160). Moreover, in his further work, he had described five determinants of the regime effectiveness: 1) broader setting 2) regime attributes 3) institutional linkages 4) social practices, and 5) problem structure. (Oran Young, *Governance in World Affairs*, Cornell University Press, (London 1999 a): 117-124). In his work of 1999 “Regime effectiveness: taking stock” (in *The Effectiveness of International Environmental regimes: casual connections and behavioral mechanisms*) Young further specifies the determinants of effectiveness by indicating 1) behavioral effects: 2) rational utility maximizing (unitary and complex actors); 3) coercing compliance; 4) enmeshing states; 5) shaping expectations; 6) problem structure; 7) members and subjects – other non-state actors. In the work of joint authors – Edwards L. Miles, Arid Underdal et al., the authors specify two main determinants of effectiveness – problem structure and problem solving capacity, and included actors’ interests into the problem solving capacity element. (Edwards L. Miles, Arid Underdal et al., *Environmental regime effectiveness: Confronting theory with evidence*, The MIT Press, Massachusetts, USA, 2002).

¹⁷⁴ With some exceptions – the first and the second regime theory hypotheses explain Minsk Group effectiveness partially [only the internal dynamics] and are not applicable to the EU. The third hypothesis is applicable to all cases.

¹⁷⁵ Oran Young, *Governance in world affairs*, Cornell University Press (Ithaca and London, 1999): 109.

¹⁷⁶ Oran Young, *The Effectiveness of International Environmental Regimes: Causal Connections and Behavioral Mechanisms*, (The MIT Press, Cambridge, Massachusetts, London, 1999):4.

¹⁷⁷ *Ibid.*,1-3.

According to this view, there should be decision making, legal, economic, normative and political approaches to effectiveness. Decision making approach is quite straightforward and as was shown above, also quite narrow and identifies regime effectiveness as extent to which the regime is successful in solving the given problem. Legal approach defines effectiveness in terms of degree of compliance with rules, procedures and obligations, without giving enough attention to regime achievements, though. Economics assess effectiveness not only by the attained outcome, but also by the calculations if the outcome was reached at the lowest possible cost. They view the thrifty arrangements as being the more effective. Normative approach to effectiveness conceptualizes it from the prisms of normative principles, like justice, participation, etc. However, this interpretation has not been as popular as an analytical tool.¹⁷⁸

Last, but not least, political approach to effectiveness evaluates the given phenomenon in relatively broader sense and suggests that regime is effective if it brings to the altered behaviors and interests of actors, or the policies of the organizations in such a way that this also assists in the solution of the existing problem. This approach also does consider problem solving, compliance and normative aspects of effectiveness, however, it puts emphasis on behavioral changes and their positive impact on achievement of positive outcome. In more concrete terms, effectiveness in political sense implies stimulating certain activity towards the attainment of the pursued objectives. It suggests that the actions that direct the system in the preferred direction should be seen as signs of effectiveness. Effectiveness in political sense is connected to the notion of effectiveness in decision making sense, so that the regimes that are effective in political terms also become effective in terms of decision making.¹⁷⁹

When it comes to legal or economic effectiveness, political effectiveness does not employ them, since a politically effective regime could be economically inefficient or have low level of compliance with the norms. Therefore, political effectiveness focuses on behavioral influences of regimes and through them, the inputs of the international institutions to problem solving. It is argued that a regime that changes behavior in a way as to solve or improve the problem that necessitated their creation is to be considered as an effective regime. On the contrary, a regime that has achieved marginal behavioral change is an ineffective regime.¹⁸⁰

¹⁷⁸ Ibid., 5-6.

¹⁷⁹ Ibid., 6.

¹⁸⁰ Ibid., 1-6.

My analysis will mostly avail of the suppositions of decision making and political effectiveness, since they possess the relevant tools for appraising the effectiveness of the researched institutions – the UN, the OSCE and the CIS in the chosen issue area. Normative, legal and economic interpretations do not seem to present suitable framework in this regard.

While evaluating the regime effectiveness, some scholars also propose to be less demanding and introduce the concept of “relative improvement”, which is thought to estimate to what extent the regime has actually made difference in the solution of the given problem and came closer to the solution of the problem. There is also a measurement of regime performance against the hypothetical ideal solution – a *collective optimum*¹⁸¹ which indicates to what extent a given collective problem is resolved by the regime. Hypothetical measurements does not end in there and according to it, it is also useful to evaluate the hypothetical state of affairs if regime did not exist at all (*the noncooperative situation*).¹⁸²

Another important evaluation of effectiveness is its measurement in terms of *behavioral* or *functional* effectiveness.¹⁸³ It is established that most regimes that make a positive change in a given problem, in fact fail to provide functionally optimal solutions and therefore, the two standards are proposed to be distinguished from each-other. Most regimes are estimated to do well on attaining behavioral effectiveness, rather than achieving functional effectiveness.¹⁸⁴

1.1. Actors' interests (concerned powerful actors).

The first hypothesis as described above in the section, will explain the research question from the prisms of actors' interests determinant of effectiveness. Regime theory presupposes that regimes are influenced by environment and factors that surround them, inasmuch as they do not exist detached from socio-economic determinants. Their capacity to solve given problems

¹⁸¹ Thought to be a common (defined as satisfying or maximizing) achievement based on the accommodated interests of the parties. Emphasis is mine.

¹⁸² Arid Underdal, “One question, two answers,” in Edwards L. Miles, Arid Underdal et al. (eds.), *Environmental regime effectiveness: Confronting theory with evidence*, The MIT Press, Massachusetts, USA, 2002):8-9. Emphasis is mine.

¹⁸³ Emphasis is mine.

¹⁸⁴ Behavioral effectiveness is defined as a behavioral change of the actors due to regime's performance and functional effectiveness as a real outcome attained by the regime. (Arid Underdal, “One question, two answers,” 435.)

is also effected by the external factors, the existence of tensions among the key players being also in the list.¹⁸⁵

Furthermore, power seems to be a decisive element in addressing malign problems and coercion based solutions could bring to and even surpass technically optimal solutions. Institutional capacity of the given organization is more result oriented when the power is amassed in the hands of pushers [author: for solution], than the opposite. When the capacity of the institution is low, power is more important in leading to behavioral change, and when the capacity is high, power is good at bringing to functional effectiveness. Against this backdrop it is argued that institutions are more dependent on powerful actors than the other way around.¹⁸⁶

Power of a given actor embodies it with the capacity to impose its will on others disregarding what the wish of others. In this context two categories are distinguished: *benevolent* and a *coercive* hegemony.¹⁸⁷ A *benevolent* hegemon is the actor that is able and willing to extent collective benefits at its own expense, while *coercive hegemon* is the actor that influences the events that are important to others due to its control and makes the others to subdue to its control. The likelihood that a certain course of action or a decision will be taken and implemented is dependent on *the extent to which it is perceived to serve the interests of powerful actors*.¹⁸⁸ A powerful actor may be able to change the particular positions of other players by means of different strategies – such as persuasion, manipulation, coercion, or by surreptitious interferences into “foreign games of domestic politics”.¹⁸⁹

1.2. Problem solving capacity.

Some theorists suggest that certain problems are so difficult that procedural regimes cannot address them effectively in an international society, with the exception of solving some trivial concerns.¹⁹⁰ Problem solving capacity is regarded as one of the key determinants of regime effectiveness. It is maintained that some problems are resolved more effectively than others

¹⁸⁵ Oran Young, *International Governance: Protecting the Environment in a Stateless Society*, in Peter J. Katzenstein (ed), *Cornell Studies in Political Economy*, (Ithaca and London: Cornell University Press, 1994): 123.

¹⁸⁶ Arid Underdal, “Conclusions,” Edwards L. Miles, Arid Underdal et al. (eds.), *Environmental regime effectiveness: Confronting theory with evidence*, The MIT Press, Massachusetts, USA, 2002): 450.

¹⁸⁷ Emphasis original.

¹⁸⁸ Emphasis original. Arid Underdal, “One question, two answers,” 29-30.

¹⁸⁹ Ibid., 34.

¹⁹⁰ Oran Young, *Governance in world affairs*, 43.

due to the fact that they are tackled by more potent institutions and because greater efforts are directed to their solution. By making this argument, it is established by some authors that the problem solving capacity is defined by three determinants: 1) the institutional setting or the rule of the game; 2) the distribution of power among the actors involved; 3) efforts directed to achievement of cooperative solutions.¹⁹¹ Although the linkage between the actors' interests within certain institutions and their impact on the decision making capacity of the organizations is also generally acknowledged in the given work, nonetheless, actors' interests and their effect on the performance of the institutions will be considered as a separate hypothesis in the current thesis, for the purposes of clarity and owing to the potency of the powerful actors' influence.

Decision making rule is considered to be one of the significant factors in the capacity of the organization to accommodate differing positions. Consensus decision making is more widespread in international organizations, but some organizations also have some provisions for taking decisions by majority (or qualified majority) voting on important issues. Other conditions taken as equal, it is generally conceived that in the organizations with stronger hierarchy the capacity to accommodate differing positions is higher than in the structures, which operate on unanimity rule. Departing from this premise, it is established that decision rule and procedures are the most important factors accounting for the institutional capacity of the organization to combine different actors' preferences into relevant decisions.¹⁹²

After unanimity rule, consensus decision making is considered to be the most challenging rule in terms of achievement of concrete results. The requirement of *inclusiveness*,¹⁹³ which implies that in order for a certain decision to be implemented all members must participate, brings to the "law of the least ambitious program", or the minimum threshold which could be accepted by the most disinterested party. Since the consensus decision making rule gives every participating actor a right to veto unfavorable or uninteresting decisions, this rule is considered to be a chief limiting factor for achieving international cooperation and adoption of effective solutions.¹⁹⁴ It is argued that number of international regimes turn to weighted majority rule in order to take significant decisions.¹⁹⁵ Use of majority voting is considered to lead to the achievement of more outstanding outcomes. However, since the majority voting

¹⁹¹ Arid Underdal, "One question, two answers," 23.

¹⁹² Ibid., 24.

¹⁹³ Emphasis original.

¹⁹⁴ Arid Underdal, "One question, two answers," 26.

¹⁹⁵ Oran Young, *Governance in world affairs*, 43.

decisions are taken by largely disregarding the interests of other players, the compliance towards the implementation of the adopted decisions will be undermined.¹⁹⁶

It is theorized that if the system has greater decision making capacity, it has more chances to bring to successful outcome. Nonetheless, even high decision making capacity might not be enough for solving deeply malign problems, while benign problems could be addressed even with moderate problems solving capacity.¹⁹⁷ The mixture of a badly perceived malign problem with the institution that has low problem –solving capacity is expected to bring to less effective results.¹⁹⁸ Even the effectiveness of the institutions with strong problem solving capacity is often dwindled when they are encountered with malign problem coupled with uncertainty about their nature. The chances for success of a certain regime are higher when the system with high decision making capacity tackles the benign problem that is well understood.¹⁹⁹

According to regime theorists, all organizations can be arenas, but only little number of organizations could also be characterized as *actors*²⁰⁰ in their own rights. In order to be an actor, the organization must possess a minimum of an internal coherence (unity), autonomy, resources and external activity. In the absence of a necessary minimum of coherence an organization cannot be taken as a unitary actor. Without certain minimum of autonomy (vis a vis its members) the organization will be manipulated by its members. Without a certain minimum of activity in its environment and possession of some resources, actors' capacity of the organization will be diminished. Possession of actor capacity increases the regime effectiveness and its effect in this context, *ceteris paribus* is greater in addressing malign problems than benign problems.²⁰¹

1.3. Nature of the problem (problem structure)

The third hypothesis of this work will be developed around nature of problem (problem structure) determinant of regime effectiveness. Regime theory suggests that problem structure the regime is dealing with impacts its effectiveness. According to regime theory, some

¹⁹⁶ Arid Underdal, "One question, two answers," 26.

¹⁹⁷ Ibid., 64.

¹⁹⁸ Ibid., 309.

¹⁹⁹ Edwards L. Miles, Arid Underdal et al. (eds.), *Environmental regime effectiveness: Confronting theory with evidence*, 443-444.

²⁰⁰ Emphasis mine.

²⁰¹ Arid Underdal, "One question, two answers," 27.

problems on international stage are much more difficult to be solved than others and therefore, problem structure is a significant factor influencing the effectiveness of international regimes.²⁰² Mainstream approaches to the problem regime is dealing with explain the problem structure from different angles. For example, Tübingen approach, identifies the following types of conflicts: *conflict about means*, *conflict about values* and *conflict about interests*. In *conflict about means* the parties have a common objective, but are at dissonance on how achieve it. In *conflict about values* strong and incongruent views of the actors about the validity and plausibility of given action or a practice is the main culprit. And last, but not least, in *conflict about interests*, the actors clash over the same commodity which is in deficiency.²⁰³ According to this approach, among the three types of conflicts serious value conflicts are harder to solve and labeled as “intractable”.²⁰⁴

Another approach, called the Oslo/Seattle approach to problem structure is more parsimonious and classifies the given phenomenon as being “malign” or “benign” according to the degree of their solvability.²⁰⁵ The coordination problem which generates no conflict of interest among the involved actors is seen as being benign problem. Malign problem is the ones which involve “multiple equilibrium” and the actors have cross cutting opinions and preferences with regard to this equilibrium. In the light of this approach’s assumptions, problem malignancy increase with the decrease of the parties incentives to achieve and uphold the cooperative solutions and the gear to maximize their unilateral benefits though uncooperative actions.²⁰⁶

It is established that the regimes dealing with malign problems could be effective only when the following factors are present: 1 – selective incentives for cooperation; 2- linkages for more benign issues and 3 – a system with high decision making capacity. When none of these factors are present, then the success rate of a given organization is equal to naught. However, when at least two of the mentioned elements are present, then the chances for success get higher.²⁰⁷

²⁰² Oran Young, *Governance in world affairs*, pp. 77 and 117.

²⁰³ Andreas Hasenclever et al, 62-64. Emphasizes are original.

²⁰⁴ Oran Young, *Governance in world affairs*, 55.

²⁰⁵ Arild Underdal (Department of Political Science, University of Oslo) and Edward L. Miles (School of Marine Affairs, University of Washington), “Explaining Regime Effectiveness: Combining “Soft” and “Hard” Methodological Approaches,” *SMA Working paper series 2001-2003*, available from (http://www.sma.washington.edu/facultystaff/working_papers/Miles_2001_b.pdf). Accessed on December 23, 2004, unpagued.

²⁰⁶ Oran Young, *Governance in world affairs*, 59.

²⁰⁷ Arid Underdal, “Conclusions,” 445.

When a given institution deals with a malign and poorly understood problem, then the effectiveness rate tend to ebb further. The mixture of a problem malignancy with a degree of uncertainty over the actual nature of the problem is a strong hurdle on the way of obtaining functional effectiveness. Therefore, for malign problems the vagueness in the perception of the issue tends to further complicate the attainment of effectiveness.²⁰⁸

Some regime theorists also argue that problem malignancy is caused and incremented by the divergences in actors' interests and preferences. The closer the interests are to one common denominator, more benign the problem becomes and vice versa – the farther the preferences get apart, more malign the problem turns out to be.²⁰⁹

Malign problems demand more intensive level of cooperation and relevant arrangements, plus more focus on monitoring and enforcement.²¹⁰ Malign problems are also characterized as an interaction of *incongruity*, *asymmetry* and *cumulative cleavages*. Problems of *incongruity* are described to be the problems where cost-benefit calculations of a given actor are continuously being partial for either the costs or the benefits of a certain course of action. *Asymmetry* characterizes the problem in which the involved parties are grouped (or perceive themselves to be) in such a way that their interests and values are fundamentally different. In dealing with multidimensional problems when parties feel themselves to be in the same condition in all dimensions, i.e. - winners (or losers) in one dimension will also win (or lose) in other dimensions – *cumulative cleavages* come to the fore.²¹¹

Judging from specter of the “effectiveness” concept of the regime theory, I will try to appraise the impact of the immediate nature of the conflicts in the South Caucasus on the effectiveness of the discussed four organizations. Below follows a description of theoretical approaches to international mediation, which will be utilized while evaluating the OSCE Minsk Group effectiveness.

2. Theoretical approaches to international mediation

Beyond the suppositions of the regime theory, which is the principal skeleton of the analysis, while examining the effectiveness of the OSCE Minsk Group I will resort to mediation

²⁰⁸ Ibid., 456-457.

²⁰⁹ Oran Young, *Governance in world affairs*, 58.

²¹⁰ Arid Underdal, “One question, two answers,” 14-15.

²¹¹ Emphasizes are mine. (See: Arid Underdal, “One question, two answers,” 19-20.)

theories. More specifically, in the course of evaluation of effectiveness of the OSCE Minsk Group, I will benefit from the analytical framework that was developed by Jacob Bertcovitch and Allison Houston in their work “The study of international mediation: theoretical issues and empirical evidence”,²¹² and apply the ideas therein to my analysis wherever appropriate.

Theoretical approaches to international mediation which are to be employed in order to explain the OSCE Minsk Group effectiveness suppose that the effectiveness of the OSCE Minsk Group is contingent upon the following factors: 1) previous relations between the conflicting parties; 2) nature of problem; 3) mediation strategies; 4) impartiality/or perceived bias of the mediators.

The reason why I chose the mentioned work by the authors is mainly due to the fact that the authors have laid out quite a comprehensive approach to the analyses of the success of the mediation by considering variety of relevant factors. In their work the authors define meditation as being successful when it has made a considerable and positive difference to conflict resolution and interaction between the parties. Mediation is considered to be partly successful when it has initiated dialogue and negotiations between the conflicting states and it is deemed to be of limited success when it has achieved a cease-fire.²¹³

The authors enumerate several factors that influence the success of mediation. For the purpose of my analysis I will focus on the most relevant ones in this context: characteristics of the parties (previous relations between the conflicting parties),²¹⁴ nature of the conflict and the strategies of mediation. Other elements, such as the nature of the mediator, mediation environment will not be discussed, since, in the case of Nagorno-Karabakh conflict, they have less impact on the outcome of the negotiations compared to the elements above, which constitute the core, in this context. *Firstly*, according to the authors, the previous relations between the conflicting parties matter in defining the success of mediation. If the previous relations between the warring sides were friendly, then there are more chances for the mediation to be successful than in the case if the parties had a troubled past.²¹⁵

²¹² Jacob Bertcovitch and Allison Houston, “The study of international mediation: theoretical issues and empirical evidence,” in Jacob Bertcovitch (ed.) *Resolving International Conflicts: The Theory and Practice of Mediation*, (USA, Lynne Rienner Publishers, inc.1996).

²¹³ Ibid.,19

²¹⁴ In “Characteristics of the conflict” I will focus only on the *previous relations between the conflicting parties*, leaving aside *parties’ political context* and *parties’ power*, since they will require more in depth analyses, which is beyond the scope of this paper.

²¹⁵ Ibid.,22

Secondly, the nature of the dispute is defined by the authors as one of the important factors impacting the outcome of the mediation. According to the authors, when vital interests such as sovereignty and territorial integrity are affected, it is much more difficult for the mediators to succeed. Ideology disputes, disputes over the issues of resources and ethnicity have greater possibility to be resolved through successful mediation than security and sovereignty disputes. It is argued that the “the success or the failure of mediation is largely determined by the nature of the dispute”. The nature of problems and their perception have significant impact on chances of achieving effective or ineffective results.²¹⁶

Finally, the *third* element is the strategies of mediation. According to the authors, there are three main strategies that lead the mediation behavior: communication-facilitation strategies, procedural strategies and directive strategies. In communication-facilitation strategies mediators mainly execute the function of communication between the parties with a little control over the substance of the issues. In procedural strategies mediators have a more formal control and may define the technical factors such as mediation environment, number and type of meetings, agenda of the meetings, etc.. Directive strategies though, are more advanced in a sense that the mediators influence the content, substance as well as the process of the mediation. In directive strategies mediators provide incentives, issue ultimatums, offer rewards and punishments, and introduce new proposals. It is argued that the directive strategies are the most successful among others.²¹⁷

As was noted above, mediation theories do not constitute the main framework for analysis, however, the author decided to interject the presuppositions of the mediation theories to the course of analysis as well in order to have a comprehensive picture of the process of mediation by the OSCE Minsk Group in the context of Nagorno-Karabakh conflict. At some relevant occasions [nature of problem] assumptions of mediation theories will be employed in conjunction with regime theory suppositions.

3. Theoretical approaches to explaining the EU role

In an attempt to explain the EU approach to the conflict resolution in South Caucasus region, this work will refer to the relevant assumptions of two theoretical approaches to the study of the European integration - *intergovernmentalism* and *neofunctionalism*, which will be used to

²¹⁶ Ibid., 22-25.

²¹⁷ Ibid., 30

in explaining different aspects of EU stance towards conflict resolution in the region and overall EU approach to the region.²¹⁸ Without going into too much detail on the formation, nature and the critiques of each approach, in the following paragraphs I will focus on the relevant assumptions that might be useful in analyzing the EU policy towards the conflict resolution in South Caucasus.

Intergovernmentalist and neofunctionalist approaches to the study of European integration will explain the EU involvement in the South Caucasus region and its role in facilitating conflict resolution in the following way: 1) distant EU approach towards conflict resolution and its indirect role in facilitating conflict resolution is due to the lack of interest on the part of EU members states to dedicate attention to the region [intergovernmentalist assumption]; 2) subsequent increase of the EU profile in the region after August 2008 events was due to the initiative and a leading role of the EU member state [intergovernmentalist assumption] 3) EU's emphasis on the necessity of regional cooperation on practical issues [economy, border issues] and its belief that favorable grounds for conflict resolution are created through economic assistance and stabilization aid instead of a direct involvement in the mediation of the conflicts is generated by the EU conviction that cooperation/achievement on more practical issues [like economics] will lead to expansion of cooperation on issues of high politics, which subsequently will bring to the attainment of peace in the relevant conflict cases [neofunctionalist assumption].

3.1. Intergovernmentalism

According to the assumptions of *intergovernmentalist* approach, states cooperate amongst themselves on the issues of common interest and in doing so, they retain degree of control over the extent of such a cooperation, which enables them to step back whenever they feel that their national sovereignty is compromised.²¹⁹ From the perspective of European integration, intergovernmentalism explains the dynamics and the nature of the integration process from prisms of decisions and policies adopted by the respective EU member states. The focus of intergovernmentalist approach is mainly on the states and their national interests, which they assiduously defend, especially in specific highly political issue areas

²¹⁸ It should nonetheless be noted that the application of integration theories to the EU policy towards conflict resolution in South Caucasus is conditional and different from the EU case. In application to South Caucasus word "integration" is to be interpreted as "cooperation".

²¹⁹ Neill Nugent, *The Government and Politics of the European Union*, (Duke University Press, 2006): 558.

such as foreign policy, security and defense. Intergovernmentalists do accept that other actors within and outside the states can also have certain impact on issues, but they are not as potent as the influence exerted by states.²²⁰

In the EU context, the most important expressions of *intergovernmentalism* are the following:

- in majority areas of public policy, such as foreign affairs, defense, fiscal policy, education, health, social welfare, justice and home affairs decisions member states try to keep their national authority for certain decision to be taken;
- almost all major decisions and policy priorities of the EU are adopted within the European Council, which is composed of the most high-level senior representatives of the respective national governments. European Council refers to majority voting on rare occasions, and all the significant decisions in the field of EU legislation have to be approved by the ministers in the Council of Ministers, including those relating to constitutional and fiscal issues, which require unanimity voting.²²¹

Whenever the qualified majority voting is possible, however, if any member state expresses that it has national security concerns, efforts are directed to reach a consensus on the given issue; - the supranational²²² EU structures - Commission and the European Parliament are not able to impose any decisions or policies on respective member states, if they are unwilling to accept so.²²³ Although Lisbon Treaty reforms were expected to strengthen EU's supranational nature, still, planned institutional reforms cannot address or fully eliminate divergences of national interests of EU member states.

According to the theorists of intergovernmentalism, rational social behavior, national interests and preferences matter in adopting supranational decisions on community level and national governments play important role in European integration.²²⁴ One of the leading theorists in the field, Andrew Moravcsik and his "liberal intergovernmentalist" theory defines the European Community as a "unique, multileveled, transnational political system", where the national sovereignty of member states have been converted to the European level, while

²²⁰ Ibid., 565.

²²¹ Ibid., 559.

²²² Ibid.

²²³ Supranationalism suggests that in the process of integration states are not able to keep full control over the degree of integration. They might be compelled to accept certain decisions against their will, because they have already delegated part of their sovereignty to institutions. Supranationalism, therefore, asserts that integration brings to delegation of some national sovereignty to relevant institutions. (See: Neill Nugent, 560).

²²⁴ Jani Kaarlejarvi, "New institutionalism and the study of European institutionalism," Paper Prepared for the Second ECPR Conference Section 12: Institutions and Decision making, (September 18-21, 2003, Marburg, Germany), accessed through EbscoHost Academic Research, unpagged.

importance of nation state in bargaining for economic benefits through the EU is still emphasized. He argues that the options to pool or to delegate their sovereignty to international institutions are to be seen as attempts by the national governments to control and restrain each-other.²²⁵

Intergovernmentalism is considered to be useful in exploring the behaviors and policies of the EU member states with regard to the depth and the extent of EU integration process. Three main assumptions of intergovernmentalist theory are emphasized: states are rational actors; they aim at economic gains; and their cooperative arrangements with other states bring to conflict resolution in international relations.²²⁶

Intergovernmentalists argue that the EU is in fact a fora for interstate bargaining and therefore, the member states remain to be the key players at the European level. Policy-making in the EU is also contingent upon the negotiations among the member states or is made “through carefully circumscribed delegations of authority”. In general, intergovernmentalists accept the interests of EU members states as given and focuses on the issue of how these states try to advance their interests through the EU. They argue that member states are extremely careful in delegating their sovereignty and are very particular about keeping their sovereignty vis-a-vis the institutions.²²⁷

3.2. Neofunctionalism

Neofunctionalism is a theoretical approach, which explains the dynamics of European integration, where the interested national and supranational elites stimulate the integration processes. Interests in this case are not taken as given and eternal and could be altered in the process of integration, since the relevant actors also can draw lessons from the advantages of integration and their experiences from mutual cooperation and decision making.²²⁸ Neofunctionalists argue that supranational institutions and non-governmental actors gain

²²⁵ Ludger Kühnhardt, *European Union – the second founding: The Changing rationale of European Integration*, (Germany, 2008):461-462.

²²⁶ *Ibid.*,463.

²²⁷ Paul Pierson, “The path to European integration: a historical institutionalist analysis,” (Center for German and European Studies, University of California at Berkeley, November, 1996), unpagd. Accessed through Colombia International Affairs Online.

²²⁸ Arne Niemann, *Explaining decisions in the European Union*, (Cambridge University Press, 2006):16-17.

increasing authority in the integration process, when nation states and governmental actors tend to lose a degree of their influence.²²⁹

They also argue that membership in such common arrangements change the way national interests are understood in the relevant interest groups and governments. Moreover, after the initiation, institutions turn into supranational entities which become the driving force of further integration and can have an effect on the perception of national interests. Neofunctionalists suppose the predominance of “pluralist politics with multiple and diverse actors”, which do not only act within the confines of their domestic politics, but get into contact with other actors in order to establish common coalitions.²³⁰

One of the important tenets of neofunctionalist approach is the concept of *spillover* that refers to dynamics and development of further integration processes, which maintains that regional integration in one area would lead to the integration in other fields.²³¹ Most importantly, it is assumed that once the process is set, spillover becomes automatic and not geared to other extraneous factors.²³² It is noted that a certain action in respect to a particular goal brings to a situation where the initial objective could be attained only by undertaking subsequent actions, which further creates situation where more integration is needed.²³³

Decisions to embark on economic integration bring to economic and political spillovers, which might be “unintended or unwanted consequences of earlier decisions” and become the driving force for subsequent integration processes. Several types of spillovers are distinguished by different authors,²³⁴ however, the most prevalent ones, which are also relevant to our research are *functional*, *political* and *cultivated* spillovers that will be briefly described below.

²²⁹ Neill Nugent, 562.

²³⁰ Arne Niemann, 15.

²³¹ Ibid., 17.

²³² Andrew Moravcsik, “The European Constitutional Compromise and the neofunctionalist legacy,” in Tanya Börzel (ed) *The disparity of European integration: Revisiting Neofunctionalism in honour of Ernst B. Haas*, (Routledge, New York, 2006):137.

²³³ Ben Rosamond, “The uniting of Europe and the foundation of EU studies: revisiting the neofunctionalism of Ernst B. Haas,” in Tanya Börzel (ed) *The disparity of European integration: Revisiting Neofunctionalism in honour of Ernst B. Haas*, (Routledge, New York, 2006):28.

²³⁴ Some authors describe two forms of spillovers – functional and political (See: Andrew Moravcsik, 136.), while others in addition to functional and political types go deeper to suggest other types of spillovers such as exogenous, social and cultivated spillovers (See: Arne Niemann, 30-42).

According to *functional spillover* effect cooperation in some areas of economy generates certain necessity for expanding cooperation in other relevant fields, thus, further inciting future cooperation. *Political spillover* mostly becomes the consequence of economic integration. It happens when cooperation in some areas enables the relevant supranational officials to undertake a role of “political entrepreneurs” in other realms. Political spillover also denotes that in the consequence of enhanced degree of elite integration and socialization slow but steady approximation of interests and expectations occur.²³⁵ *Cultivated spillover* suggests that once established, supranational institutions turn into the propellants of integration, since they are interested in further development of the process.²³⁶

4. Summing up

This Chapter aimed to introduce the theoretical framework, which is utilized by the author as an analytical tool of the dissertation. The theoretical framework –the “effectiveness” concept of the regime theory – was illuminated in the first Section, where the relevant suppositions of the chosen theoretical framework that are applicable in the explanation of the three hypotheses to the research question were highlighted. However, since regime theory cannot explain the patterns of effectiveness of the OSCE Minsk Group, as well as the role of the EU in facilitation of conflict resolution, more theories were incorporated as analytical frameworks. Some assumptions from the mediation theories that will be useful in evaluation of the OSCE Minsk Group mediation activity and the suppositions of theoretical approaches to the study of European integration – intergovernmentalism and neofunctionalism, which will be referred to in the analysis of EU role in facilitation of conflict resolution in the region of South Caucasus have also been interjected into the work.

In the next Chapter I will focus on explorations of effectiveness of the UN and the CIS through the prisms of regime theory and its first and second hypotheses 1 - *Interests and preferences of the concerned powerful states influence the effectiveness of the UN, and the CIS to facilitate the achievement of a final solution to the conflicts in the South Caucasus republics*; 2) *Problem solving capacity of the UN and the CIS influence their effectiveness to facilitate the achievement of a final settlement to the conflicts in the South Caucasus republics*. Since the UN and the CIS both are involved Abkhazian conflict and their activities are at some occasions very interrelated, these two organizations are analyzed together.

²³⁵ Dimitrius N. Chrysoschoou, 29.

²³⁶ Ibid. and Arne Niemann, 43.

Moreover, the aforementioned two hypotheses are also interconnected, i.e. problem solving capacities of the institutions are to a great extent influenced by actors' interests, therefore, these two hypotheses will be considered in conjunction with each-other.

IV. ROLES of the UN and the CIS: ANALYSIS of THEIR EFFECTIVENESS

This Chapter aims to explore the *roles of the UN and the CIS in South Caucasus conflict resolution process and the factors that influence their effectiveness to facilitate the achievement of a final settlement*. For this purpose the roles played by the UN²³⁷ and the CIS in the resolution of Georgia's Abkhazian conflict. The reason why this chapter discusses the two mentioned institutions in conjunction is due to the fact that activities of the two actors – the UNOMIG and the CIS PKF - were interrelated with each other. At the outset, the chapter will focus on some empirical data in order to give an introduction to the functions of the said organizations, which subsequently will be followed by the analysis of their effectiveness through the first and the second regime theory hypotheses.

1. United Nations contribution to conflict resolution in the South Caucasus region: the case of Abkhazia.

One month after the hostilities were unleashed, the first UN fact-finding mission was sent to Abkhazia in September of 1992. The second mission followed in October of 1992, and in November of 1992 an interim UN office was established in Tbilisi in order to provide contacts between the conflicting parties and keep abreast of the situation.²³⁸ The UN Secretary General appointed his Special Envoy to Georgia, a Swiss diplomat Ambassador Edward Brunner in

²³⁷ The UN became actively involved in mediation only the Abkhazian conflict; it was not involved in the Nagorno-Karabakh and South Ossetian conflicts, leaving it for the CSCE/OSCE, which first took the initiative. Thus, the UN and the OSCE implemented a burden sharing with regard to the Georgian conflicts and the Armenian-Azerbaijani Nagorno-Karabakh conflict. The UN despite adopting some resolutions on the Nagorno-Karabakh conflict, in general, left the leading role to the CSCE/OSCE, a regional body under the Article VII of the UN Charter. However, the UN did still have some role to play in finding solution to the Nagorno-Karabakh conflict, although it could be estimated as being rather perfunctory compared to active mediation efforts of the OSCE Co-Chairs. The most prominent contribution made by the UN in the conflict resolution were the UN Security Council resolutions 874, 822, 853 and 884 adopted in 1993 during the active military hostilities between Armenia and Azerbaijan. All those resolutions demanded the withdrawal of Armenian armed forces from the occupied Azerbaijani territories, which have not been implemented though. Likewise, the recent resolutions initiated by the Azerbaijani side in 2006 during 60th session of the UN General Assembly about the fires in the occupied territories and the resolution called the "Situation in the occupied territories of Azerbaijan," which was adopted during 62th session of the UN General Assembly in March 2008, could also be taken as UN contribution to conflict resolution in Nagorno-Karabakh. However, the initiation of the latter resolution by Azerbaijan and achievement of its adoption derived rather from Azerbaijan's motivation to exert some sort of a pressure on the OSCE Minsk Group Co-Chairs in order them to hasten their mediation activities out of caution that Azerbaijan might become adamant and demand for the change of a negotiation format. In general, UN role in Nagorno-Karabakh conflict has always been confined to supporting OSCE activities. Even most of the UN fact-finding missions that were sent to Nagorno-Karabakh in the early years of the conflict – in March, May, July and October of 1992, were meant to contribute to the OSCE work to find a peaceful resolution to the conflict.²³⁷ (See: Oliver Paye and Eric Remacle, "Contested borders in the Caucasus: UN and CSCE policies in Transcaucasia," online, available from (<http://poli.vub.ac.be/publi/ContBorders/eng/ch0401.htm>). Accessed on September 25, 2010), unpagged. In the coming chapters the effectiveness analysis will be applied only to those organizations, which were implementing the mediation/facilitation activity.

²³⁸ Oliver Paye and Eric Remacle, unpagged.

May 1993, and in 1997 the Special Envoy was substituted by Special Representative Mr. Liviu Bota, who was a Romanian diplomat.²³⁹

About nine months after the end of active military hostilities, the UN Security Council adopted its first resolution, number 849, on Abkhazian conflict on July 9, 1993 in the context of the increasing tensions among the conflicting parties. This resolution entitled the Secretary General and his Special Representative to facilitate the achievement of a cease-fire agreement between the warring parties. This first resolution was followed by other resolutions,²⁴⁰ and with the resolution 858 of August 24, 1993, the UN Military Observer Mission (UNOMIG) was established.²⁴¹ Initially its mandate envisaged verifying the compliance with the 27 July 1993 ceasefire agreement between Georgia and Abkhazia, and was subsequently expanded after the signing of Moscow agreement on May 14, 1994.²⁴²

The revised mandate of the UNOMIG increased the number of its military observers up to 136 and tasked it with monitoring the Moscow cease-fire agreement, observing the CIS peacekeeping force,²⁴³ patrolling the Kodori valley, and assisting in the safe return of refugees and IDPs.²⁴⁴ In 1996 upon the UN Security Council resolution and an agreement reached between the Office of High Commissioner for Human Rights and Abkhaz authorities, UN Human Rights office in Abkhazia was opened in Sukhumi.²⁴⁵

As a permanent member of the Security Council, Russia rejected the deployment of the UN Peacekeeping mission in Abkhazia and therefore, the UN presence in the region was confined to the mentioned unarmed observer mission–UNOMIG. CIS peacekeeping forces, however, which the UNOMIG monitored, consisted only of Russian forces.²⁴⁶ Nonetheless, sending an observer mission instead of a peacekeeping force was mostly due to the loath on the part of the permanent members of the UN Security Council to question Russian monopoly over its

²³⁹ UNOMIG's role", "UNOMIG's mandate", unpagued.

²⁴⁰ Namely, resolutions 854 of August 6, 1993, 858 of August 24, 1993 and Resolution 881 of November 4, 1993.

²⁴¹ "Chapter 1, Genesis of the conflict: 1989-1994", report by the Government of Georgia on the aggression by the Russian Federation against Georgia, online, available from (<http://www.report.smr.gov.ge/content-eng.html>). Accessed on September 28, 2010, unpagued.

²⁴² For information on 1994 ceasefire, see Chapter II, Section 2.

²⁴³ CIS peacekeeping force will be covered in the Section 2 of the Chapter.

²⁴⁴ "UNOMIG's role", "UNOMIG's mandate", unpagued.

²⁴⁵ Ibid.

²⁴⁶ Svante Cornell et al., "Unresolved conflicts and military security in the wider Black Sea region," *The Wider Black Sea Region: an emerging hub in European Security*, (Central Asia-Caucasus Institute, Silk Road Studies Program, December 2006, Washington D.C): 47.

“near abroad”. Plus, this was also stipulated by the perception that UN’s peacekeeping capabilities could not be overstretched by adding one more commitment.²⁴⁷

After UNOMIG’s establishment, efforts were made to launch the civilian police component within it. Abkhazian side, however, retorted it, out of fear that this could help in the establishment of an international civil administration in the Gali region and thus, limit Abkhazia’s control over what it perceived to be its territory. Against this backdrop, UNOMIG proposed to set up a Community Police Training Program in 1998. However, having done a security assessment of the Gali district, with the resolution 1494 of July 30, 2003 of the UN Security Council, a civilian police component was added to the UNOMIG with the aim to contribute to the refugee and IDP return. In 2003 civilian police was deployed only on Georgian side of the ceasefire line and starting from 2007 Abkhazians also agreed to accept them.²⁴⁸

In 1997 the parties started to meet in the framework of the UN-led Geneva process, with the participation of the OSCE, which was facilitated by Russia, and observed by Group of Friends (see below). Since 1997 Secretary General’s Special Representative was based in Tbilisi. It was chairing the Geneva Process and directing the UNOMIG. The Geneva process envisaged establishing three working groups – on non-resumption of violence, refugee and IDP return and socio-economic issues.²⁴⁹

One of the landmarks of the UN contribution became the formation of the Group of Friends of the Secretary General including the representatives from Germany, France, Russia, the United Kingdom and the United States in 1997, with the purpose of balancing Russia’s influence in the process. Nonetheless, these western powers had only consultative role within the Group of Friends, while Russia was a facilitator.²⁵⁰ The Group of Friends became more active in 2003-2006 and by conducting regular meetings in Geneva under the UN chairmanship it offered recommendations for the solution of the conflict. It gathered at Ambassadorial level in Tbilisi and at expert and ambassadorial levels in Moscow and New York. France and Germany held the positions of coordinators and the Group usually drafted Security Council resolutions²⁵¹

²⁴⁷ S. Neil MacFarlane, “The role of the UN,” Conciliation Resources, September 1999, online, available from (<http://www.c-r.org/our-work/accord/georgia-abkhazia/un-role.php>). Accessed on September 21, 2010, unpagged.

²⁴⁸ David L. Phillips, 12.

²⁴⁹ “Abkhazia today,” 7.

²⁵⁰ Svante Cornell et al., 48.

²⁵¹ So far the UN Security Council has adopted about 39 resolutions on Abkhazian conflict. The most recent ones are the resolutions N: 1462, 1494 (2003), 1524, 1554 (2004), 1582, 1615 (2005), 1656, 1666, 1716 (2006), 1752, 1781 (2007), 1808, 1839 (2008) and 1866 (2009) (<http://www.un.org>).

and presidential statements on Georgia.²⁵² Nevertheless, this group was regarded by Abkhazia as being strongly pro-Georgian biased, which supported Georgia's territorial integrity. Therefore, Abkhazian authorities very frequently refused to meet with the representatives of the group.²⁵³

Another negotiation framework of the UN was the Coordinating Council, established in 1997 and tasked to detect the possible areas on which the progress could be achieved until a final peaceful settlement is reached. Within the Council working groups were created on the following issue areas: preventing the resumption of hostilities and addressing security questions, helping in the return of refugees and IDPs and improving economic and social conditions.²⁵⁴ However, its working groups could not give impetus to the activities on the areas they were created, due to persisting disagreements among the parties on the issues of principled importance. Nonetheless, meetings on confidence-building measures, which were held in Athens and Istanbul with the facilitation of the Coordinating Council, achieved good results in terms of fostering the direct bilateral contacts between the warring parties and working out some projects for interaction and cooperation in different issue areas.²⁵⁵

In 2001 the Coordinating Council ceased its activity and did not function for about five years.²⁵⁶ Although in 2006 there were some attempts to reactivate the work of the Coordinating Council, they were not successful. After Georgian operation in upper Kodori valley in 2006,²⁵⁷ Abkhazia refused to continue the negotiations until the situation of pre-July 2006 was re-established and Georgian forces relinquished the Kodori valley. Situation with preservation of the ceasefire worsened and in its September 2006 report, the UN Secretary General noted thirteen violations by Georgia and two violations by Abkhazia of the Moscow cease-fire agreement.²⁵⁸ With that, the chances of reinvigorating the work of the Coordinating Council had vanished.

²⁵² "Abkhazia: ways forward," 4.

²⁵³ Susan Stewart, "The role of the United Nations in the Georgia-Abkhazian conflict," *Journal on Ethnopolitics and Minority Issues in Europe*, Issue 2, (The Mannheim Centre for European Social Research, University of Mannheim Germany, 2003):16.

²⁵⁴ Domitilla Sagramoso, "The UN, the OSCE and NATO," in *The South Caucasus: a challenge for the EU*, *Chaillot Papers*, N. 65, December 2003 (Institute for Security Studies, European Union, Paris): 67.

²⁵⁵ Report of the Secretary-General concerning the situation in Abkhazia, Georgia, S/1999/805, (20 July, 1999):3 and 11.

²⁵⁶ David L. Phillips, 10.

²⁵⁷ See Chapter II, Section 2.

²⁵⁸ See: "Report of the Secretary-General on the situation in Abkhazia, Georgia," S/2006/771, (28 September, 2006):3

Against the backdrop of rising perturbations in the conflict zone and the waning role of the existing frameworks, Georgia started to question the effectiveness of the functioning mechanisms and enunciated more and more openly its desire to change the negotiation format. Like in the case of South Ossetia,²⁵⁹ Georgian authorities insisted on the necessity to engage on a direct dialogue with Abkhazia and to involve more actively the international players, this time also including the EU, alongside the UN and Russia.²⁶⁰ However, there was another reason beyond Georgia's wish to change the negotiation format. By doing so, the country wanted to neutralize Russia's share in peacekeeping as well as in mediation process, which seemed to stay largely unchallenged in view of the cautious position chosen by the international community, especially the UN, to play a stronger role and undertake more result-oriented measures. Tbilisi deemed that international actors were silently approving Russia's assumption of a prominent role in the peace process out of considerations of the shared responsibility in Abkhazian conflict resolution.

The period of 1995-1999 was a difficult one for the UNOMIG in terms of achievement of tangible results in Georgia-Abkhazia conflict settlement. Irrespective of the attempts made on the part of the UN towards conflict resolution, progress seemed to be remote. One of the reasons was that the UNOMIG in its actions favored greatly the solution of the issues related to Abkhazia's political status and IDP return to Gali district. Abkhazian side, having a UN perception as being primarily pro-Georgian was therefore intransigent to negotiate over, let alone accept any proposal.²⁶¹

One of the UN initiatives to facilitate peaceful solution to the conflict became a draft paper on the "Basic Principles for the Distribution of competence between Tbilisi and Sukhumi", otherwise known as "Boden paper" initiated by the UN Secretary General's Special Representative Dieter Boden in December of 2001. This document defined Abkhazia's status on the basis of Georgia's territorial integrity and gave the region vast powers within a federative state that Georgia would look like. Georgia accepted the proposal; nonetheless, it was adamantly rejected by Abkhaz authorities, who refused the idea of existence within Georgia.²⁶² Therefore, the "basic principles" failed to serve as a basis for future conflict

²⁵⁹ See the Section 2.1 dealing with OSCE role in the South Ossetian conflict.

²⁶⁰ "Georgia and Russia: Clashing over Abkhazia," *International Crisis Group Europe Report N 193* (June 5, 2008): unpagd; and Ahto Lobjakas, "Georgia: Minister, seeking EU support, warns war with Russia very close," *Radio Free Europe/RadioLiberty*, May 6, 2008, online, available from (<http://www.rferl.org/content/article/1117418.html>). Accessed on October 14, 2010, unpagd.

²⁶¹ Susan Stewart, 18.

²⁶² Domitilla Sagramoso, 67.

settlement. One of the reasons why this document sank into oblivion was the fact that it emphasized the necessity of a comprehensive settlement, which implied the achievement of parallel results on status issue, the issue of IDP return and socio-economic questions. Moreover, this was done in the light of overt UN support for Georgia's territorial integrity and sovereignty, which aggravated Abkhazia's animosity towards the proposal.²⁶³

There were also proposals for the solution of the conflict coming from the warring parties themselves. For example, in 2006 Georgia worked out a "Road map for a comprehensive, peaceful, political settlement of the conflict in Abkhazia", which stipulated that any solution should be based on the territorial integrity and sovereignty of Georgia, and Abkhazia should be granted wide powers within Georgia. In March of 2008, Georgia prepared another proposal, which envisaged great autonomy for Abkhazia, and the establishment of a jointly controlled economic zone, gradual unification of law enforcement and customs agencies with the region. This proposal considered Abkhazia's right to veto the laws concerning the constitutional structure of the region and the issues related to its culture. Abkhazia, on its part disagreed with Georgia's proposals, which eliminated independence for Abkhazia and in its 2006 "Key to the future" document noted that Georgia should be ready to recognize Abkhazia's independence and start a regional cooperation on security, stability and economic development. However, none of these proposals became the basis for continuation of negotiations, neither were they endorsed by the UN.²⁶⁴

While concluding the description of the UN role in the Abkhazian conflict some elements need to be underscored again. As the example of the "Boden paper" has also revealed, the UN seemed to prefer to address conflict related issues first and leave the status question for the later stage, which in fact coincided with Georgia's position. This largely hindered the whole process, since Abkhazian side was widely averse to such an attitude, which they conceived as being pro-Georgian.

However, after the tragic August 2008 events, the UN Mission had encountered the same notorious fate as the OSCE Mission.²⁶⁵ When the fighting broke out between Russia and Georgia in August 2008, the UN force – the UNOMIG had to withdraw from Kodori Valley,

²⁶³ Susan Stewart, 19-21.

²⁶⁴ See several sources: "Abkhazia: ways forward," 11; "Georgia and Russia: clashing over Abkhazia," unpagged; and Liz Fuller, "Georgia: Abkhazia leader unveils new peace plan" Radio Free Europe/RadioLiberty, May 10, 2006, online, available from (<http://www.rferl.org>). Accessed on September 30, 2010, unpagged.

²⁶⁵ See Chapter II, Section 2.

on which it was implementing a monitoring activity between Tbilisi and Abkhazia.²⁶⁶ With its resolution 1839 the UN Security Council extended the UNOMIG mandate for about four months in the conflict zone.²⁶⁷ Nonetheless, in June of 2009, the UNOMIG had to cease its activity by virtue of the Russian veto on the resolution submitted by Austria, Croatia, France, Germany, Turkey, United Kingdom and the United States to the UN Security Council's 6143rd session,²⁶⁸ which aimed to extend the mandate of the mission. Russia was discontent with the fact that the said resolution reemphasized Georgia's territorial integrity and therefore, refused to endorse the document which it described as disregarding the new changes and being "based on old realities".²⁶⁹

Although UNOMIG's 115 unarmed observers, who did the patrolling of the border between Abkhazia and Georgia, were at time criticized for not being effective, they were nonetheless, the only security institution on the ground, which was monitoring the situation. Its closure had actually created a security void.²⁷⁰ However, other UN agencies like UNDP, UNICEF and some others still do some activity in Georgia, although the UN is no more involved in active conflict resolution activity. It is now, one of the Co-Chairs of the Geneva talks²⁷¹ and chairs the so-called Incident Prevention and Response Mechanism (IPRM) for Abkhazia.²⁷²

1.1. UN role in IDP return

One of the areas where the UN was involved as a facilitator and an assisting force was the IDP and refugee return to Abkhazia. In the same year the ceasefire agreement was reached in 1994, a Declaration on measures for a political settlement and Quadripartite Agreement on "Voluntary Return of refugees and displaced persons" was signed between Abkhazia,

²⁶⁶ "UN role in Georgia unclear as conflict is unresolved," Europe News, October 6, 2008, online, available from (<http://europenew.dk>). Accessed on May 21, 2010.

²⁶⁷ Roman Muzalevsky, "The Russian-Georgian war; implications for the UN and collective security," *OAKA (Orta Asiya ve Kafkasya Arashdirmalari Dergisi*, Vol. 4, N 7, 2009): 35.

²⁶⁸ See: Security Council fails to adopt resolution extending mandate of Georgia Mission for 2 weeks, as Russian Federation votes against the text, Security Council SC/9681, Department of Public Information, online, available from (<http://www.un.org/News/Press/docs/2009/sc9681.doc.htm>). Accessed on October 5, 2010.

²⁶⁹ "UN Mission in Abkhazia and Georgia to close," Current Digest of the Post-Soviet Press, No. 24, Vol. 061, (June 15, 2009), online, available from (<http://diib.eastview.com/browse/doc/20591296>). Accessed on September 28, 2010, unpagged.

²⁷⁰ "Abkhazia: Deepening dependence," *International Crisis Group Europe Report N 202*, (February 26, 2010):14

²⁷¹ See the information on Geneva talks in Chapter V, Section 2.

²⁷² Johan Verbeke, "UN's role in Georgia has fundamentally changed," Radio Free Europe/RadioLiberty, January 27, 2010, online, available from (<http://www.rferl.org>). Accessed on September 30, 2010. IPRM was instituted with the decision of 18 February 2009, within Geneva talks to enable the parties – Georgians and Abkhazians to meet regularly in order to discuss issues related to peace and security and to make joint efforts in order to prevent incidents near the administrative border (See: Abkhazia: Deepening dependence," 14; and "Georgia-Russia: Still insecure and dangerous," International Crisis Group Europe Briefing N 53 (Tbilisi/Brussels, 22 June 2009):12).

Georgia, Russia and the UNHCR.²⁷³ In line with the latter agreement a commission was set up in order to “formulate, discuss and approve plans to implement programs for the safe, orderly and voluntary repatriation of the refugees and displaced persons to Abkhazia from Georgia” and start the repatriation in the Gali region.²⁷⁴ This agreement in fact laid the ground for the UN involvement in IDP return and the UNHCR undertook a role in facilitating the return of IDPs to their places of residence. In its biannual resolutions,²⁷⁵ which note the necessity to work out a timetable for voluntary return of all the refugees and IDPs to the places of residence, the UN Security Council urged Abkhaz authorities to create the favorable conditions for their return.

However, the instability in Gali sector in 1998, caused by criminal and terrorist activities against civilians, peacekeepers and also Abkhaz militia seriously deteriorated the situation in the region, thus also undermining the necessary condition for refugee and IDP return. Although there were some efforts on the part of Abkhaz authorities to stabilize the situation, still they were unable to neutralize the criminal elements, such as robbery, kidnapping for ransom and other criminal acts, which largely disrupted the security environment for the safe return of the expelled population. This condition was also worsened by the fact that the UNOMIG patrolling was limited in the wake of the continuing instabilities in the region.²⁷⁶ Following the turmoil of May 1998,²⁷⁷ as a result of which the population that had returned to Gali district behooved to flee their homes again, the UNHCR moved its personnel from Sukhumi office and focused its activities in Zugdidi.²⁷⁸ However, despite of the mobilized efforts of the UN, hindrances brought by the lack of security preconditions still remained for the return of the population.

²⁷³ “Georgia: International: United Nations,” International Displacement Monitoring Center, Norwegian Refugee Council, (July 9, 2009), online, available from (<http://www.internal-displacement.org>). Accessed on October 14, 2010, unpagged.

²⁷⁴ See: Quadripartite Agreement on Voluntary Return of Refugees and Displaced Persons, online, available from (<http://www.unhcr.org/refworld/pdfid/3ae6b31a90.pdf>). Accessed on October 14, 2010, pp.2-3.

²⁷⁵ The recent ones: The resolutions 62/153 on December 18, 2007; 62/249, on May 15, 2008; 63/307, on September 9, 2009; 64/162, on December 18, 2009, and 64/296 on September 7, 2010. With these resolutions, UN General Assembly recognized the right of return to Abkhazia of refugees and IDPs.

²⁷⁶ Report of the Secretary-General concerning the situation in Abkhazia, Georgia, S/1999/60 (20 January, 1999): 6.

²⁷⁷ The representative of the Abkhaz Government in-exile (which was based in Tbilisi) raised the Georgian flag in the Gali district, which became the initial provocation for the increase of tensions. After this event, the headquarters of the Abkhaz Government in-exile was moved from Tbilisi to Zugdidi. On 19-20 May, military clashed occurred between Abkhaz militia and Georgian armed groups. Abkhazians claimed to defend their territory from Georgians, while Georgians argued that they were defending their population from the attacks of the Abkhaz militia. Against this dangerous security context, thousands of people, including the refugees and IDPs, which were being repatriated under the Quadripartite Agreement had to flee the Gali district. (See: report of the Secretary-General concerning the situation in Abkhazia, Georgia, S/1998/497, (June 10, 1998): 1-2).

²⁷⁸ Report of the Secretary-General concerning the situation in Abkhazia, Georgia, S/1999/60 (20 January, 1999):7.

The UNOMIG in cooperation with the CIS peacekeeping force was unable to take proactive measures against the likely Abkhazian attack, and hence was unable to render a substantial assistance in the process of IDP and refugee return. This was perhaps partly because of the fact that the UN and its specialized agencies involved in assisting returning population were not favorably inclined towards the spontaneous return of the IDPs and refugees without achievement of a political settlement to the conflict. This view stood on apprehension for the security of the returning population in the absence of a comprehensive peace deal.²⁷⁹ However, upon the failure of this planned return more unorganized and spontaneous return of refugees and IDPs took place in 1997. This was partly assumed to be due to the spring planting season; however, most of the IDPs were afterwards estimated to stay and the numbers spoke of about 50, 000 civilians to live in the Gali district at that time.²⁸⁰

Continuing situation in the Gali district as well as the inability of the parties, especially the Abkhazian side to implement the provisions of the 1994 Quadripartite Agreement on the return of the displaced population and create the required conditions, had made the return of the majority of the population to the Gali district impossible. Abkhazia was immensely reserved and cautious about the returnees in order not to let in anyone who were suspected in fighting on Georgian side. Against the backdrop of these developments, the work of the Commission was deadlocked and IDP return to Abkhazia was trivial. Only 311 IDPs were registered to return.²⁸¹ Despite all the shortcomings though, the return to Gali region was considered to be one of the areas where some progress was made, although a very slim one.

2. Commonwealth of Independent States in Abkhazia²⁸² – convoluted assistance

While considering the role played by the Commonwealth of Independent States (CIS) in conflict resolution in the South Caucasus republics, it is impossible to bypass the specific circumstances and conditions influencing the nature of its involvement. At the outset, it should be noted that the CIS was not involved in Nagorno-Karabakh and South Ossetian

²⁷⁹ S. Neil MacFarlane, The role of the UN,” Conciliation Resources, September 1999, online, available from (<http://www.c-r.org/our-work/accord/georgia-abkhazia/un-role.php>). Accessed on September 21, 2010, unpagged.

²⁸⁰ Report of the Secretary-General concerning the situation in Abkhazia, Georgia, p.5.

²⁸¹ “Georgia: International: United Nations,” unpagged.

²⁸² CIS peacekeepers (although serving as a coverage for Russian forces) were present only in Abkhazian conflict. In South Ossetia Russian troops were deployed to the Joint Peacekeeping Force (JPKF – see in Section 3.2 of this Chapter) outside the CIS umbrella. In Nagorno-Karabakh conflict the “Bishkek Protocol” of May 5 1994, set the ceasefire in place and considered the deployment of the CIS Peacekeeping force in the conflict zone. However, later, Azerbaijan refused to the terms, which envisaged the deployment of the peacekeeping force consisting predominantly of Russian forces and hence did not let the Russian forces into its territory out of the caution that it would lead to the Russian interference into its domestic affairs.

conflicts, although occasionally some positions and statements were expressed on declaratory level.²⁸³ Its role in conflict resolution in the South Caucasus region was mainly confined to the peacekeeping activity in Abkhazia, which will be depicted in the given section.

On October 23, 1993, Georgian President Shevardnadze agreed to Georgian membership in the CIS and on 1 December of the same year “Mutual Understanding Agreement” was signed between Georgia and Abkhazia, which envisaged the necessity of deployment of peacekeeping mission in Abkhazia.²⁸⁴ A status of force agreement was signed between Georgia and Russia in October 1993,²⁸⁵ and with that, a prerequisite for deployment of the CIS peacekeeping force in Abkhazia was created. However, Georgia did not forego its quest for an international force to be deployed in conflict zone. In the Communiqué adopted as a result of the negotiations between Georgia and Abkhazia in Geneva on 11-13 January, 1994, parties to the conflict also agreed to let into the zone of conflict the UN peacekeeping forces, or other forces sanctioned by the UN. However, given Russia’s readiness to provide such a force and the ambiguity in UN’s position as for the possibility to deploy the UN sponsored forces, the parties expressed their agreement to using Russian military contingent as a part of such a force.²⁸⁶ Afterwards, an agreement to deploy a peacekeeping force in the conflict zone with the participation of Russian forces, which would also be tasked with repatriation of the IDPs, was reached between the parties by the “Declaration on measures for a political settlement of the Georgian-Abkhaz conflict” on April 4 1994.²⁸⁷

However, due to the differences on the matters of financing of such a force as well as its location, the agreement reached in April was not duly implemented. Only after concluding the 14 May 1994 Moscow ceasefire agreement, the details of the peacekeeping force became known. In May of 1994, in the report of the UN Secretary General to the Security Council, it

²⁸³ Bishkek Protocol of 1994 and the statement of the CIS Summit on Nagorno-Karabakh of April 15 1994, which called the parties to cease the hostilities – are examples of limited CIS involvement in Nagorno-Karabakh conflict. Also, a statement was adopted by the CIS Heads of States on May 17 1996 in Moscow, where the CIS expressed adherence to the OSCE-led Minsk process and the peaceful resolution of the conflict. In the documents of the Summits of the CIS Heads of States and the CIS Parliamentary Assembly there were some references to Nagorno-Karabakh conflict alongside other conflicts in the post-Soviet area. (See: Webpage of CIS Executive Secretariat, <http://www.cis.minsk.by>).

²⁸⁴ Alexander Sokolov, “Russian peace-keeping forces in the post-Soviet area,” in Mary Kaldor and Basker Vashee (eds.) *Restructuring the global military sector, New Wars*, (London and Washington: 1997):17. Also available from (<http://www.memo.ru>). Accessed on October 21, 2010, unpagued.

²⁸⁵ Neil MacFarlane et al, “Armed conflict in Georgia: a case study in humanitarian action and peacekeeping,” 60.

²⁸⁶ See: Communiqué on the second round of negotiations between the Georgian and Abkhaz sides in Geneva, online, available from (<http://www.smr.gov.ge>). Accessed on October 16, 2010, unpagued.

²⁸⁷ See: Declaration on measures for a political settlement of the Georgian-Abkhaz conflict, April 4, 1994, online, available from *Conciliation Resources* (<http://www.c-r.org>). Accessed on October 12, 2010, unpagued.

was stated that there were no auspicious conditions in Georgia for the deployment of the UN forces and therefore, this function could be fulfilled by the Russian forces, which could then be integrated into a possible UN force if the latter is stationed. After the hostilities were stopped upon mutual agreement, it was decided that this peacekeeping force would work under the CIS auspices, with UN sanctioning and subsequent monitoring. Russian forces under the CIS umbrella started to operate in Abkhazia from July 26 1994.²⁸⁸ As a regional organization under the Chapter VII of the UN Charter, the CIS peacekeeping force was thus deployed in Abkhazia.

Russian military presence in Abkhazia was legitimized by the decision of the Council of the CIS Heads of States on the “Usage of Collective Forces to maintain peace in the conflict zone of Georgia-Abkhaz conflict” of August 22, 1994. This agreement stipulated that the military contingents of the CIS member states, which are interested to provide such a force should be deployed in Georgian-Abkhaz conflict zone and that Russian military contingent, which was already stationed in the conflict zone shall be taken as a basis for future collective force in the conflict region.²⁸⁹ The mandate of the peacekeeping operation was approved later with a separate decision of the organization, which was adopted on October 21, 1994.²⁹⁰

In the resolution of the UN Security Council (UN SC - S/RES/937) of July 21, 1994, the UN SC noted that the stationing of the CIS peacekeeping forces in Abkhazia was implemented according to the request and approbation of the conflicting parties. The resolution also assessed the efforts of the CIS, especially Russia, positively in maintenance of the ceasefire and the facilitation of the return of the refugees.²⁹¹ One of the reasons why the UN endorsed the CIS peacekeeping operation in Abkhazia was due to its own limitations, while for CIS (although mostly Russian) this undertaking in Abkhazia under the UN umbrella had the value for legitimizing its role as a reliable regional organization capable of contributing to international and regional peace and stability.²⁹²

²⁸⁸ Alexander Sokolov, 17.

²⁸⁹ See: the Decision of the Council of the CIS Heads of States on usage of Collective Forces to maintain peace in the conflict zone of Georgian-Abkhaz conflict of August 22 1994. (See: Webpage of CIS Executive Secretariat, <http://www.cis.minsk.by>), unpagued.

²⁹⁰ See: the Decision of the Council of the CIS Heads of States on approval of the Mandate on peace-keeping operation in the Georgian-Abkhaz conflict zone of October 21, 1994.(See: Webpage of CIS Executive Secretariat, <http://www.cis.minsk.by>), unpagued.

²⁹¹ See: United Nations Security Council Resolution 937 (S/RES/937), adopted by the Security Council at its 3407th meeting on 21 July 1994.

²⁹² Edward Marks, “Dynamics of peacekeeping in Georgia,” *Strategic Forum, National Defense University*, No. 45 (September 1995):4.

However, it appeared that some provisions of the 1994 Moscow ceasefire agreement were not implemented. This was primarily because of the fact that regardless of the agreement's provision that invited all of the CIS members to contribute with their troops, Russia became the only country which actually did so.²⁹³ The CIS itself, failed to participate as an entity, since its other member states did not send any troops and did not render any material assistance to formulate the peacekeeping force under the Russian lead.²⁹⁴ Therefore, Russian soldiers constituted an absolute majority in the composition of the CIS peacekeeping force. The number of the Russian peacekeeping force was about 3000 at the onset, which gradually was reduced to 1800-1100 men.²⁹⁵

The mandate of the CIS peacekeepers was to observe and maintain the ceasefire on both sides of the conflict zone and to assist the safe return of the refugees and IDPs to their places of residence in Abkhazia.²⁹⁶ As was described in the Section I above, the UNOMIG observes monitored the operation of the CIS peacekeeping force on behalf of the international community and in order to support the CIS peacekeeping force, the UN Security Council expanded the mandate of the UNOMIG to entitle it with the task of monitoring the CIS peacekeeping force. Nevertheless, the mandate of the CIS peacekeeping forces like the mandate of the UNOMIG was confined to observing the implementation of the case-fire and other similar tasks for conflict resolution, which would correspond to the objectives of the Chapter VI of the UN Charter, and did not entail any enforcement measures under the Chapter VII of the UN Charter.²⁹⁷

It was decided that alongside monitoring the ceasefire, the CIS peacekeepers would also render their assistance to the return of the IDPs by implementing the policing in "security" and "restricted" weapons zones²⁹⁸ and other areas agreed upon by the parties. When Abkhaz authorities were creating obstacles for the rapid return of the IDPs to their places of residence, Georgia asked for the expansion of the CIS peacekeeping forces mandate in order to enable them to police the entire Gali district. This was rejected by Abkhazian side, with the argument

²⁹³ Edward Walker, unpagued.

²⁹⁴ Dmitry Trenin "Russia," in Trevor Findlay (ed.), *Challenges for the New Peacekeepers*, SIPRI Research report No.12, (Oxford University Press, 1996): 83.

²⁹⁵ Neil MacFarlane et al, 52.

²⁹⁶ See: Decision of the Council of the CIS Heads of States on approval of the Mandate on Peace-keeping Operation in the Georgian-Abkhaz Conflict zone, October 21, 1994.

²⁹⁷ Konstantin Korkelia, "The CIS peacekeeping operations in the context of international legal order," online, available from (<http://www.nato.int>). Accessed on October 12, 2010, p. 31.

²⁹⁸ See Chapter II, Section 2, for information on "security" and "restricted" weapons zones.

that the 1994 agreement obliges the parties to coordinate any decision regarding the extension of the mandate of the peacekeeping force with all the parties involved.²⁹⁹

When it came to assisting the returning IDPs, unfortunately, in the absence of security preconditions for their proper return, the CIS peacekeepers could not be of a big help. The CIS force although performing its tasks with regard to monitoring ceasefire, was seemingly eschewing the involvement in the issue of IDP return, despite that fact that this was a part of its mandate. In spite of the presence of the peacekeepers, there was a trivial return of the IDPs.³⁰⁰ As the Section 1 of this Chapter described, Abkhazian authorities instead of guaranteeing the security preconditions for the return of the Georgian IDPs, further hampered the return process by attacking the population and threatening their security. In such a situation, the CIS peacekeepers failed to act and end the harassment of the returning IDPs. This inaction was on some occasions justified by the CIS force stressing the absence of a policing mandate for the peacekeeping forces.³⁰¹

In fact, Georgian side since 1995 was trying hardly to achieve the extension of the CIS mandate to also include policing functions. Nonetheless, this was rebuffed by Abkhazia, which wanted no inclusion of policing functions into the peacekeepers mandate. They were assured that the returning population should be protected by the local Abkhazian police forces and external interference on this issue was not needed.³⁰²

However, Georgia persisted on its request that the peacekeeping force patrols the areas, which lie outside the borders of security and restricted zones in order to create security conditions for the returning IDPs in Gali and Southern Oчамchire district. In doing so, Georgia put it clearly that if the CIS fails to do the patrolling of the said zones, Georgia would veto the extension of the peacekeeping forces' mandate after the January 1997. Tbilisi also warned to replace the CIS peacekeeping force with the UN or the OSCE mandated forces, or even to consider replacing them with Ukrainian peacekeepers if the CIS fails to provide the repatriation of the IDPs.³⁰³

²⁹⁹ Edward Walker, unpagued.

³⁰⁰ Kornely Kakachia, "Problems of post-conflict public security management in Georgia," in Philipp H. Fluri and Eden Cole (eds.) *From Revolution to Reform: Georgia's struggle with democratic institution building and security sector reform*, (Austrian National Defense Academy and Bureau for Security Policy, July 2005):109.

³⁰¹ Alexander Sokolov, 18.

³⁰² Ibid.

³⁰³ Edward Walker, unpagued.

In view of this recalcitrance on Georgia's part, Russia agreed to the patrolling of Gali and the southern Ochamchire by the CIS peacekeeping forces with the decision of the CIS Summit of March 28, 1997. However, this decision was never implemented, mostly owing to the fact that the CIS peacekeeping force did not have sufficient capacity to undertake the mission of monitoring of wide and troubled areas like Gali district and the southern Ochamchire. Against this picture, Georgia threatened to withdraw from the CIS. However, under Russia's pressure it again agreed to extend the mandate of the CIS peacekeeping force under the pretext that regardless of anything, the peacekeeping force was assisting in the return of Georgians to Abkhazia.³⁰⁴

Georgian position towards the CIS peacekeepers was never unambiguous. Disappointed with the evinced partiality of the peacekeepers, Georgia was criticizing their activity at every auspicious point, demanding their withdrawal and replacement with the international peacekeeping force. This position also poured into the resolution of the Georgian Parliament of 11 October 2005, by which the Parliament called for suspension of the CIS peacekeeping operation in Abkhazia, to withdraw the forces and replace them with international police forces.³⁰⁵

However, the UN was in favor of keeping the CIS presence in Georgia and on April 13, 2007, it adopted a resolution 1752, which underlined the stabilizing role of the CIS peacekeeping force.³⁰⁶ UNOMIG wanted to keep CIS force also because its observer mission was unarmed and keeping the CIS peacekeeping force, which possessed weapons was necessary for the UNOMIG observers to operate. Therefore, the extension of the UNOMIG mandate by the UN was partly also conditioned upon the extension of the mandates of the CIS peacekeepers by Georgia.³⁰⁷

Apart from implementing a peacekeeping function, the CIS occasionally undertook some political steps overall influencing the peace process. For instance, expressing their support to the UN and Russian efforts to facilitate the achievement of a political settlement to the conflict, on January 19, 1996 the Council of the Heads of States of the CIS adopted a

³⁰⁴ Ibid.

³⁰⁵ "See: Resolution of the Parliament of Georgia regarding the current situation in the conflict regions on the territory of Georgia and ongoing peace operations, October 11, 2005.

³⁰⁶ "Situation around Abkhazia and South Ossetia," Historical Overview, online, available from (<http://www.un.int/russia/new/MainRoot/docs/warfare/statement051208en.htm>). Accessed on October 13, 2010, unpagged.

³⁰⁷ Kornely Kakachia, 108-109.

resolution on “Measures for the settlement of the conflict in Abkhazia, Georgia” of January 19 1996, which banned official trade, economic, financial and any other interactions with Abkhazia.³⁰⁸ In the said resolution, CIS criticized Abkhazian side for “setting obstacles to achieving mutually acceptable agreements to political settlement of the conflict, secure dignified return of refugees and IDPs...”³⁰⁹ In this decision the states-members to the CIS also committed themselves to refrain from any trade-economic, financial and other similar activities with Abkhazia and from keeping any contacts with the de-facto authorities in Abkhazia without the consent of Georgia.³¹⁰

UN Secretary General’s Group of Friends had on several occasions recommended to lift the sanctions and the UN Security Council supported this recommendation in its resolution 1781 of 15 October 2007. On March 6 2008, Russia declared that it no longer considered itself to be bound by the provisions of the decision, which imposed sanctions on Abkhazia. On 29 April 2008 in the statement of the Russian Ministry of Defense, Russia announced its decision to increase the CIS Peacekeeping Forces in Abkhazia. This was done against the backdrop of Russian claims about augmenting Georgian military budget, deployment of additional Georgian troops in the conflict zone and “increased pressure from the Georgian authorities on Russian peacekeepers”.³¹¹ In doing so, Russia noted that this was within the limits maintained in the decisions and documents of the CIS Council of Heads of States.³¹²

In the next section, I will explore the effectiveness of the UN (UNOMIG) and the CIS based on the empirical facts provided in the preceding paragraphs.

3. Analysis of effectiveness from the prisms of regime theory

The section above focused on the description of the work done by the UN and the CIS in practical terms. This part will make an attempt to analyze their performance and look into the factors influencing their successful activity. For this purpose, *the first* [powerful actors’ interests] and *the second* [problem solving capacity] hypothesis will be tested where appropriate.

³⁰⁸ “Situation around Abkhazia and South Ossetia,” unpagued.

³⁰⁹ See: Decision of the Council of the Heads of States of CIS of 19 January, 1996, *Civil Georgia*, online, available from (<http://www.civil.ge>). Accessed on October 21, 2010, unpagued.

³¹⁰ See: Decision of the Council of the Heads of States of CIS of 19 January, 1996, unpagued.

³¹¹ “Russia increases number of peacekeepers in Abkhazia,” April 29, 2008, online, available from (<http://www.gerogiandaily.com>). Accessed on October 21, 2010, unpagued.

³¹² Ibid.

3.1. First hypothesis: powerful actors' interests

- *Interests and preferences of the concerned powerful states influence the effectiveness of the UN and the CIS to facilitate the achievement of a final solution to the conflicts in the South Caucasus republics.*

For the beginning it should be emphasized that both organizations have been extremely fragile to the influence of its actors pursuing their separate national objectives and the “interest gap” between the actor eager to play very strong role in the conflict resolution and those who lacked any incentive whatsoever to display similarly higher profile was very big. Lack of parity between the interested and disinterested parties led to the assumption of the major role by a single but a powerful actor – in this case Russia, capable of influencing the effectiveness of organizations and the final products they were to deliver. The nature of Russia’s interests in South Caucasus was described in the Section 2, Chapter I, which focused on the reasons of Russia’s strong feelings for controlling the region.

Russia- UN. Russia had played significant role in influencing the work done by the UN. Being the permanent member of the UN Security Council (UN SC), it had become the participant of each and every UN framework that was developed within the context of UN efforts to facilitate the conflict resolution. For instance, Russia was the main facilitator of the UN Group of Friends of the Secretary General, the UN-led Geneva process, and holding a veto power in the UN SC could influence any resolution on Abkhazia taken within this body.

In fact, it was due to Russia’s rejection as a permanent member of the UN Security Council that the initial plans over the deployment of the UN Peacekeeping mission in Abkhazia was changed and was confined to the deployment of unarmed observer mission–UNOMIG. Plus, the CIS peacekeeping forces, which the UNOMIG monitored, consisted only of Russian forces. However, sending an observer mission instead of a peacekeeping force was also because of the fact that some of the permanent members of the UN Security Council were unwilling to counter Russia over what they also saw to be Russian “sphere of interest”.

Moreover, the UN SC had number of resolutions on Abkhazian conflict, which in general called for the resolution of the conflict and supported Georgia’s territorial integrity. Russian role in the Abkhazian conflict and its support to Abkhazia of course has never been mentioned

in the resolutions, and the language of the resolutions are rather vague, which was designed to accommodate the interests of Russia, a strongly interested party to the conflict and whose support as a permanent member of the Security Council was indispensable for adoption of the relevant resolutions.³¹³ Russia by all means tried to block any resolution within the UN that would mention the respect for Georgia's territorial integrity. No sanctions had ever been employed by the UN for the proper implementation of the resolutions.

A blatant mistake on the part of the UN was the disregard of the fact that Russia was a strongly interested party in the Abkhazian conflict and its role. This therefore, negatively affected overall UN performance towards the conflict resolution. Plus, due to the fact that the role of the Russian peacekeeping force was usually positively assessed in the UN Secretary General's reports and the UN resolutions, their mandate were as a rule extended.³¹⁴ No other UN member state came to contribute with their forces, which preferred to leave this task on Russia, who was keen on carrying out this role.

Against the backdrop of the Russian factor one should not forget that the UN was acting in an environment which could be characterized as being competitive. That said, for years Russia held an influential position in acting as a mediator and facilitator between the Abkhazian and Georgian sides and especially from 1992-1997 it had led the peace process, which later dwindled until 2000 and again reinvigorated in 2003. In this situation, the UN did not seem to be able and even willing to own the mediation process, inasmuch as at numerous occasions it even seemed to be contempt with active Russian involvement, which shared the burden of mediation. From 2006 Security Council's role in Abkhazian conflict resolution has decreased, which to some extent happened under Russia's influence.³¹⁵ The UN had provided only good offices and facilitation without making any attempt to influence the parties. It monitored about 1500 peacekeepers from the CIS by about 120 UN observers and did not have the right instruments to enforce peace.³¹⁶

The existence of potent Russian factor in every aspect of the UN mediation and plus, the unwillingness of the UN to challenge Russia in this regard, if on one hand created an image of Russia's debilitating influence, on the other hand, could also be estimated as an attempt by the

³¹³ Gocha Gvaramia, "Russian policy in Abkhazia and a role of the UN in the conflict resolution process," online, available from (<http://tsxinvali.blogspot.com/2010/01/russian-policy-in-abkhazia-and-role-of.html>). Accessed on October 23, 2010, unpagged.

³¹⁴ Ibid.

³¹⁵ "Abkhazia: ways forward," 10.

³¹⁶ Ibid.,3.

UN to save its face in view of its own reluctance or incapacity to be more active in the Abkhazian conflict resolution process and leaving a *carte blanche* for the implementation of Russia's targeted objectives. However, this way or the other, the effect of Russian influence on UN's performance was the same.

Russia-CIS. Russian influence on CIS does not probably need additional descriptions, except mentioning that it was for Russia that the organization was instituted at first place upon the collapse of the USSR, as a new Russian attempt to pull together the newly independent republics of the former soviet bloc. In reality, through the time that has elapsed since the disintegration of the USSR and almost immediate creation of the CIS in December of 1991, the latter became the most potent tool for the advancement of Russian interests in the former USSR area, including the South Caucasus.

As it was described in details above in the current work, the CIS involvement in the South Caucasus conflict resolution mostly was confined to its peacekeeping function in Abkhazia and the only force contributing state to the CIS in this context was Russia. The participation of the CIS peacekeepers in Abkhazia with Russia being the only contributing state was highly controversial and some viewed it as in fact implementing a "border guard" role instead of the functions of a classic peacekeeping mission.³¹⁷

The presence of vested Russian interests to guard its influence over the South Caucasus region created visible ambiguities in the role and function of the peacekeeping force. In some instances Russian forces seemed to ostensibly lean towards Abkhazians. Russia's biased interests and the existing problems with the fulfillment of the CIS peacekeepers' tasks, like corruption among the personnel and the inability to provide the security of the returning IDPs spread skepticism and mistrust for the Russian role in Abkhazian conflict and spurred doubts about the effectiveness and impartiality of the Russian peacekeeping forces.³¹⁸ In fact, the CIS was often seen as an instrument for Russian policy to prevent the diffusion of its political leverage in the former Soviet states and therefore, its peacekeeping role under the CIS umbrella was heavily marred by Russian Realpolitik.

³¹⁷ "Situation around Abkhazia and South Ossetia," Historical Overview, online, available from (<http://www.un.int/russia/new/MainRoot/docs/warfare/statement051208en.htm>). Accessed on October 13, 2010, unpagged.

³¹⁸ Neil MacFarlane et al, 61.

Rightly so, it is a hard task for any analyst to talk about the effectiveness of the organization, which is largely manipulated by a single actor with its own national security agenda. The facts that Russian forces had their own agenda beyond the peacekeeping function and were accused by Georgian authorities of actually helping Abkhazia to advance its plans instead of maintaining security in the region, were subject to corruption and unwilling to help in the return of the IDPs to the designated areas, made the thoughts about the purported effectiveness of the CIS irrelevant. Given the broader setting in which the CIS had to operate and the dominant role of an openly partial player, the entire performance of the organization is affected and therefore, its ability to effectively contribute to the peace process in Abkhazian conflict is highly questionable.

The UNOMIG and the CIS peacekeepers were mandated to cooperate; however, strong Russian factor impeded the CIS to act as a multilateral organization, instead it turned into an entity, which was deeply utilized for political purposes. This also created problems in the interaction between the UNOMIG and the CIS peacekeepers, since Russian forces were mostly after their national interests, which was opposite to the interests of the international presence, like the UNOMIG. The differences between the understanding of the concept of peacekeeping and the rules of engagement was also the source of controversy. Contrary to traditional concept of peacekeeping and the limited rules of engagement that international forces like the UN usually has, Russian forces had wide rules of engagement and were armed more than it was required.³¹⁹ It was implied that since the UNOMIG was unarmed, the CIS peacekeeping force was to be armed, in order to provide the security of the UNOMIG and its personnel on specific missions.³²⁰ However, this too at times seemed not to be a valid reason for the CIS peacekeepers to be armed more than it was required.

The apex of demonstration of how the organizations are influenced by actors' interests became the closure of the UNOMIG in June of 2009 after the closure of the OSCE Mission in Georgia. As the preceding section illustrated, Russia using its veto power in the UN SC vetoed the resolution by number of western states, which aimed at extending the mandate of the mission. Russia was unhappy that the said resolution underlined Georgia's territorial integrity and therefore, refused to accept the document, which it considered as reflecting the

³¹⁹ Ibid., 58.

³²⁰ Alex Wohlgemuth, "Successes and failures of international observer mission in Georgia," in Philipp H. Fluri and Eden Cole (eds.) *From Revolution to Reform: Georgia's struggle with democratic institution building and security sector reform*, (Austrian National Defense Academy and Bureau for Security Policy, July 2005):140.

old realities that existed before the August 2008 and did not take into account the existence of two new independent states in the South Caucasus. This ended the UN presence in Georgia and became another vivid paradigm of how actors' interests could wreck havoc with the performance and effectiveness of the organizations to make difference in conflict resolution.

Russia's role was enhanced also due to the fact that other UN members by displaying continuing disinterest in taking active stance inadvertently or purposely encouraged Russia's activism in the region and in the peace process. Russia's actions and its participation in August 2008 events had undermined its role in the Group of Friends. However, the credibility of other members of the group – Germany and France due to their strong affiliation with Russia because of their energy dependence, also became questionable. This became vivid after the act of abstention by the United Kingdom, France and Germany from the UN General Assembly resolution (GA/10708), which reinstated the right of refugees and IDPs to return to Abkhazia.³²¹ Since none of the above states wanted to undermine their relations with Russia, which is their economic partner, they rather preferred to abstain.

The Georgian-Russian conflict of August 2008 has actually demonstrated how unprotected and incapable the UN SC could be in the face of diverging interests of its permanent members. On August 7 before entering the Georgian territory itself, Russia urged the Council to respond to Georgian entry into South Ossetia and issue a statement that criticized Georgian action. This proposal was rejected by the western states (the US, UK and others), who wanted to have a language in the text, which would reassure the UN's support for Georgia's territorial integrity. As a result, the process of adoption of the UN resolution or any position on the August conflict was seriously hindered by Russia's position. The inability of the Security Council to pass a resolution on the happenings in Georgia was hopelessly tried to be compensated by the issuance of numerous statements by the UN Secretary General Ban Ki-moon, which called for the respect for territorial integrity, withdrawal of forces and return to negotiations.³²²

Having sketched Russia's behavior in the given context and referring to the assumptions of the regime theory about usage of power by the actors and the notion of *coercive hegemony*³²³, it could be assumed that Russia was acting as a powerful actor and a *coercive hegemon*, who

³²¹ David L. Phillips, 10.

³²² "Russia vs Georgia: the Fallout," *Europe report N 195, International Crisis Group*, (August 22, 2008): 26-27.

³²³ See Chapter III. *Coercive* hegemon is an actor that influences the events that are important to others due to its control and makes the others to subdue to its control.

tried to impose its will on others, or at least influence the situation in such a way as to serve its interests. Since the regime theory also presupposes that the likelihood that a certain course of action or a decision to be taken and implemented is dependent on *the extent to which it is perceived to serve the interests of powerful actors*, the above conclusion seems to be correct in this context.

However, Russia's effect had not always been negative. Russia itself, as a sole actor has managed to achieve quite a lot in the resolution of the conflict. It should not be omitted that Russia has been active facilitator and a mediator between Georgia and Abkhazia and especially in 1992-1997 it had led the peace process. Beyond providing its forces to the CIS peacekeeping force, it has also mediated the signing of the ceasefire agreement in 1994, pulled the parties together when they had negotiated an agreement on non-use of force in 1997, discussed the possibilities to reopen of the railway line linking Sochi to Tbilisi in Sochi, conducted talks over the modernization of the hydroelectric power station at the Inguiri River and the return of IDPs to Abkhazia.³²⁴

In such a competitive external situation, the UN with all its internal complications had little chance to maintain its positions and be able to make more effective contribution to conflict resolution. Despite of the fact that Russia fulfilled a facilitating function between the conflicting parties and some significant breakthrough [i.e.; the achievement of a ceasefire] had anyway happened thanks to Russia, even these efforts were not freed from national security interests of Russia and served its objective to be deeply fortified in the region by monopolizing the peace process. Strong UN in the field did not in fact serve Russia's national interests in the given context.

While evaluating the UN effectiveness from the perspective of the first hypothesis- actors' interests it is natural that our analysis was mainly confined to the description of Russian role in the given premise. Although Georgia has many supporters among the western states – the US and mostly the EU members support Georgia and its position in the Abkhaz conflict and many of them express their unambiguous support for Georgia's territorial integrity – when it came to taking certain specific actions within the UN framework, many of the actors preferred to ascribe main role to Russia.

³²⁴ Domitilla Sagramoso, 67.

³²⁴ Report of the Secretary-General concerning the situation in Abkhazia, Georgia, 69.

This statement found its proof in the fact that despite Georgia's will to replace CIS PKF with a more multinational force none of the western states was willing to provide troops for peacekeeping force under the UN mandate to provide a more direct UN peacekeeping role and Russia therefore undertook this role. Moreover, when Russia held uncompromised position within the Security Council by opposing to emphasize Georgia's territorial integrity, none of the western states was interested in openly challenging it by perhaps employing the same kind of tit-for-tat approach on the issues that are important for Russia, for example initiating the resolution on situation in Chechnya and not indicating the respect for Russia's territorial integrity. But, obviously, other players avoided the risk of ruining their relations with Russia, especially UK and France, who are permanent members of the UNSC and preferred to choose cautious and ambiguous positions on the relevant issues.

Regarding the US, despite of the fact that Georgia is its strategic partner, and unlike the previous two actors the US is not so thrifty to address criticism towards Russia's policies in Georgia, it could also hardly change anything within the UN given the fact that Russia could veto any resolution if it wanted. Perhaps understanding the fact that another UN resolution in a situation where Russia has the most of the control over the situation would not be able to make much difference, the US preferred to focus more on its bilateral contacts with Georgia and on maintaining its own influence in the region than spending energy and resources on achievements of concrete results through the UN framework.

When it comes to the CIS, Russia's dominance in this organization is indisputable. If within the UN other actors at least expressed their divergent positions at times, even if they were not followed by actual deeds, in the CIS (CIS PKF) no actor was even willing to challenge Russia or at least propose another formula for making difference in the solution of the problem. Russia's actions through the CIS could also be qualified as a *coercive hegemony* from the prisms of the regime theory, but on my part I would also add that in this particular case, Russia was acting as an *absolute hegemon*, since no actor had ever challenged it on the given issue area.

3.2. Second hypothesis: problem solving capacity

- *Problem solving capacity of the UN and the CIS influence their effectiveness to facilitate the achievement of a final settlement to the conflicts in the South Caucasus republics.*

It is established by the regime theory scholars that the problems-solving capacity is defined by three determinants: 1) the institutional setting or the rule of the game; 2) the distribution of power among the actors involved; 3) efforts directed to achievement of cooperative solutions.³²⁵ It has been maintained at the outset of the work that although “actors’ interests” element is often seen as one of the determinants of organizations’ problem solving capacity, in the current work it is taken as an independent variable influencing the effectiveness of the institutions due to its potency. However, considering the linkage between actors’ preferences and institutions problem solving capacity, these two hypotheses are thought to be explored in conjunction.

Looking into the problem solving capacity of the UN from the prisms of first determinant of problem solving capacity -*institutional setting – rule of the game* – one observation should be reinstated. The fact that in the UN Security Council each of its members holds a veto power greatly impairs its ability to take effective decisions. As it was seen from the suppositions of the regime theory in the Chapter III, the requirement of *inclusiveness* [which implies that in order for a certain decision to be implemented all members must participate] brings to the “law of the least ambitious program”, or the minimum threshold which could be accepted by the most disinterested party.³²⁶

Since the consensus decision-making rule gives every participating actor a right to veto unfavorable decisions, this rule is considered to be a chief limiting factor for achievement of international cooperation and adoption of effective solutions.³²⁷ Based on these assumptions it could be inferred that the existence of the consensus decision making rule in the UN SC has indeed impaired greatly its capacity to take effective decisions and made it susceptible to the advancement of interests of a *powerful* actor or a *coercive hegemon* – Russia in this case – who was able to block any decision that did not serve its own national interests, greatly undermining UN effectiveness and to the detriment of the overall peace process.

This is to propose that to advance its interests within the UN SC was easier for Russia compared for example, in the OSCE³²⁸, where Russian position were often challenged by other OSCE member state, including Georgia, with which Russia had an equal status without

³²⁵ See Chapter III (Arid Underdal, “One question, two answers,” 23).

³²⁶ See Chapter III (Arid Underdal, “One question, two answers,” 26).

³²⁷ See Chapter III for description of consensus rule through regime theory prisms.

³²⁸ For Russian role in OSCE see the Chapter V.

a privileged “veto” power due to consensus formula. That was greatly different from the UN, where Russia actually had veto power within the Security Council and that is impossible to be altered by other smaller UN members, including Georgia, unless they are protected by other power with a similar prerogative. The strong Russian factor was again the main reason why Georgia was continuously insisting on changing the negotiation format and talking to Abkhazia directly without Russia, plus, also involving more actively other international players, like the EU.

The CIS did not take any political involvement in the conflict resolution, except the activity of the CISPKF. Among the cautious political steps taken by the CIS were the mentioned decision of the CIS member states of January 19, 1996 when the Council of the Heads of States of the CIS adopted a resolution on “Measures for the settlement of the conflict in Abkhazia, Georgia”, which banned official trade, economic, financial and any other interactions with Abkhazia, and which was later unilaterally denounced by Russia.³²⁹ Since the CIS as an entire organization was not involved in conflict resolution this element of the problem solving hypothesis is not applicable to the analysis of the CIS effectiveness.

Even though the UN involvement in conflict resolution no doubt made difference, it was nonetheless, remembered with its ups and downs, where much depended not only on UN’s ability to implement the effective mediation, but also on working and finding a common denominator with the actors involved in conflict resolution, such as Russia, the CIS peacekeeping force, as well as the conflicting parties. The degree of importance attached by the UN to the process of conflict resolution in the South Caucasus republics, definitely had an impact on its policy in the given security context. The preferred UN policy was the avoidance of hard security measures, like UN sanctions or peacemaking operations, hence largely practicing “soft actions” (fact-finding missions, political statements), normative actions (resolutions adopted by the Security Council). Operative measures (diplomatic, economic sanction) were also not undertaken. In the whole history of UN involvement in conflict resolution in the South Caucasus region, Security Council did not impose any diplomatic or economic sanctions on the parties to the conflict.

While analyzing the problem solving capacity of the two organizations from the prisms of the second element, *distribution of power among the actors involved* - the dominant role played

³²⁹ See Section 1 of the current chapter.

by Russia and the lack of incentive on the part of other actors to openly challenge it - should be kept at the thrust of the analysis. Based on the description and findings of the empirical data provided in the relevant section as well as the analysis about the impact of actors' interests on the effectiveness of the explored two institutions, it could well be asserted that the balance in power distribution among the actors in the given context was heavily shifted towards Russia, whose actions often remained unchallenged and even sometimes tacitly connived at by the less interested parties. This became one of the elements debilitating the effectiveness of the UN and the CIS.

However, before judging too negatively the fact of deployment of only Russian forces within the CIS peacekeeping force, one should not forget that when Georgia requested for the UN peacekeeping force, the UN was reluctant to provide it. Since the OSCE also did not provide a peacekeeping mission in Abkhazia, Georgia had to opt for the Russian choice, with all its pros and cons.³³⁰

This element is especially vivid in the case of the CIS which is fully dependent on Russian interests, who held absolute power within this entity and there was no other interplay of interests by other relevant CIS members. The problem solving capacity of the organization is fully geared to the activities and plans of the powerful actor –Russia. The fact that other CIS members did not provide any troops to the CIS peacekeeping force testifies to the fact that the organization in no way addressed the issue with high problem solving capacity. The only actor in the town was Russia-whose biased interests hindered from reaching any functionally optional solutions. In fact Russia well utilized its power and a role of a *coercive hegemon* in order to control the situation and the events that are important to others. *It is argued that institutions are more dependent on powerful actors than the other way around.*³³¹ The case of Russia's manipulation with the CIS is good proof to this statement.

When evaluating the effectiveness of the two entities from the spectrum of the third element - *efforts directed to achievement of cooperative solutions* – one cannot defy the fact that such efforts were made on the part of the UN and the CIS, even if in the latter's case they were limited to its function as a peacekeeping force.

³³⁰ Neil MacFarlane et al, 52.

³³¹ Chapter III, (Arid Underdal, "Conclusions," 450).

Despite all shortcomings, no doubt the UN presence and the CIS PKF made some positive contributions to the overall security situation on the ground. The presence of the UNOMIG and its monitoring of the CIS PKF contributed to transparency and restricted the CIS PKF to advance a unilateral agenda and as was noted above, was instrumental in helping to supply humanitarian aid to the needed areas by providing secure transportation in difficult situations.³³² Also, UN agencies were helpful in delivering stabilization aid.

The presence of CIS PKF and UNOMIG forces was also positive in terms of addressing the needs of the many IDPs in Zugdidi, Kobi and Senakia areas of Mingrelia, which had been in anarchy during and after the defeat of Georgian forces in Abkhazia in 1993. They have considerably helped the stabilization of the situation since 1994 with no major outbreak of violence among the conflicting parties.³³³

The establishment of the security zone up to 12 km along the Inguiri river and demilitarization of the area had good impact on stabilization of the situation. UNOMIG and CIS PKF were also useful in delivering humanitarian assistance help, although this was not the direct responsibility of the given entities. The UNOMIG and the CIS PKF Urals battalion helped with medical assistance and protected to victims of who were expelled by Abkhaz in March 1995. CIS PKF also helped in medical evacuations with providing necessary vehicles. The UNOMIG conducted human rights monitoring and shared information with the UNHCR. However, although they made positive contribution in the overall context, those were the mundane daily functions that were implemented by these entities, which as some analysts estimate, were fulfilled as the expense of their actual tasks, in order to fill the void.³³⁴

CIS PKF and UNOMIG were also not able to help in creating conducive conditions for the safe return of the refugees and IDPs and the burden for his failure was to be carried mainly by the CIS PKF than the UNOMIG, since the latter was not a peacekeeping force, but a monitoring force. When the IDPs were facing violence by Abkhaz military during their return to Gail district neither CIS PKF, nor the UNOMIG made any effort to solve this problem. The interviews with CIS PKF personnel indicated that the understanding of this aspect of the CISPKF mandate on the assistance to the IDP return was very parsimonious and did not

³³² S. Neil MacFarlane, "The role of the UN," Conciliation Resources, September 1999, online, available from (<http://www.c-r.org/our-work/accord/georgia-abkhazia/un-role.php>). Accessed on September 21, 2010, unpaginated.

³³³ Although some clashes had happened in May 1998 and October 2001, in general, the situation was stable. See: Domitilla Sagramoso, 65.

³³⁴ Neil MacFarlane et al, 66-67.

consider the meddling with the work of the local authorities which are processing the relevant documents [*author*: on the basis of which they were allowing some IDPs to return and some were denied from their right to return]. The absence of common understanding of the relevant mandate and the differences in interpretation from one unit to other caused a feeble central command and controls of the CIS PKF units in the relevant fields.³³⁵ This in fact showed that the given problem – the return of the IDPs - was not addressed with high problem solving capacity. Although the IDP return cannot be qualified as a fully *malign problem*³³⁶ and with a little cooperation and energy it could have been addressed effectively.

The UNOMIG operations were also hindered by the absence of necessary security guarantees from Georgian and Abkhaz police forces, and therefore, unarmed UN observes were obliged to rely mainly on the CIS peacekeeping force for proper protection. UNOMIG observes often had to restrict their movements when they were not extended the proper protection.³³⁷

General conclusions

Thus, based on the analysis above, several findings are to be underlined:

- Influence of *coercive hegemons* greatly impair the effectiveness of the UN and the CIS [first hypothesis];
- Judging against the determinants of problem solving effectiveness, the UN and the CIS could be considered as organizations with low problem solving capacity given the features of the institutional settings [consensus/unanimity rule]; disparity of power distribution and shortcomings [although relatively better than the previous two determinants] in their efforts directed to achievement of cooperative solutions.

³³⁵ Ibid., 54-55.

³³⁶ See Chapter III and VII for the description of malign problem. (Malign problem is the ones which involve “multiple equilibrium” and the actors have cross cutting opinions and preferences with regard to this equilibrium. In this light of the assumptions of this approach, problem malignancy increase with the decrease of the parties incentives to achieve and uphold the cooperative solutions and the gear to maximize their unilateral benefits though uncooperative actions. (See: Chapter III, (Oran Young, *Governance in world affairs*, Cornell University Press (Ithaca and London, 1999): 59.)).

³³⁷ Domitilla Sagramoso, 67.

³³⁷ Report of the Secretary-General concerning the situation in Abkhazia, Georgia, 66.

UN³³⁸ could be blamed incessantly for its inactions and failures in the context of conflict resolution in Abkhazia and Russian-Georgian war, for its inability to prevent the emergence of the conflict, for leaving the leading conflict mediation role on Russia and etc. But it should not be forgotten that the UN is not a unitary entity – an actor in its essence and its *actor's capacity*³³⁹ is greatly reduced by the presence of divergent and often conflicting interests of its members, mostly by the *coercive hegemons*, which seek to fulfill their objectives by influencing others, or at least blocking any decisions that are cutting across with its interests. Moreover, since the UN does not possess autonomy vis-à-vis its members and internal coherence, this further diminishes its capacity as an *actor*, although it has some external activity. The fact that Russia was able to block the resolution, which envisaged the extension of the UNOMIG's mandate and with that to end the UN presence in the country, became the vivid proof of the assertion that the UN effectiveness in facilitating a conflict resolution is extremely fragile vis-a-vis the preferences and interests of its powerful players.

Moreover, by employing the regime theory assumptions we would argue that even if the organization was not helpful in reaching *collective optimum* – a commonly accepted solution to the problem, in a hypothetical *noncooperative situation* –if the UN did not exist on the ground at all, - it could be inferred that the UN involvement nonetheless, brought some positive input by monitoring the situation and extending at least some stabilization aid, which alleviated the possible extremeness to which the situation could get in the absence of the given regime.

In the chapter III, it was described that *behavioral* and *functional* effectiveness [Behavioral effectiveness is defined as a behavioral change of the actors due to regime's performance and functional effectiveness as a real outcome attained by the regime] of the organizations should be differentiated, since most regimes that make a positive change in a given problem, in fact fail to provide functionally optimal solutions. Based on this criterion and on our empirical findings it could be maintained that although in terms of *behavioral* effectiveness the UN role

³³⁸ Mostly the UN Security Council, since majority of discussions regarding Abkhazian conflict were conducted in the Security Council. In UN General Assembly the decisions are taken by majority, not by unanimity like in the UNSC.

³³⁹ In order to be an actor, the organization must possess a minimum of an internal coherence (unity), autonomy, resources and external activity. In the absence of a necessary minimum of coherence an organization cannot be taken as a unitary actor. Possession of actor capacity increases the regime effectiveness and the effect in this context, *ceteris paribus* is greater in addressing malign problems than benign problems. (See: Chapter III, (Arid Underdal, "One question, two answers," 27).

could somehow be estimated relatively positively, in terms of attainment of *functional* effectiveness the UN did worse due to the factors that were considered above.

The same also holds true while evaluating the *relative improvement*, [the extent to which the regime has actually made difference in the solution of the given problem and came closer to the solution of the problem] attained by the UN efforts. Our empirical findings suggest that the determinants, which could be evaluated as relative improvement, such as achievement of ceasefire agreement, organization of bilateral negotiations between the warring parties were achieved by Russia's unilateral efforts rather than by the UN as an actor. Therefore, it could be inferred that only some *relative improvement* was attained.

The similar analysis as conducted above in respect to the UN could also be applied to the CIS PKF except the application of *actor capacity* element. Since the CIS participation was confined only to CIS PKF and hence did not contain a stronger political role in conflict resolution, it will not be analyzed in terms of the presence of *actor capacity* in a given organization.

The entire analysis above enables to assume that in presence of certain factors that decreased the problem solving capacity of the organizations and hence diminished their effectiveness, we had the case of regimes with *low problem solving capacity* vs. a *malign problem*.³⁴⁰ According to regime theory, the mixture of a *badly perceived malign problem*³⁴¹ with the institution that has *low problem-solving capacity* is expected to bring to less effective results, and our entire analysis enables us to suggest that the UNOMIG and the CIS PKF in fact had little problem solving capacity in their task to deal with the problem that is malign in nature, and therefore their effectiveness was largely weakened.

Although the UNOMIG and the CIS PKF could bring some improvement to the situation on the ground, they as institutions both came to end their activities being in a far cry from achieving any *relative, functional* effectiveness or providing a *collective optimum*. *Behavioral* effectiveness could be considered to be the only relative progress attained by the two institutions, however, even this achievement was not a full-fledged result given the fact that it

³⁴⁰ This is the part of the third hypothesis and is described in Chapter VII.

³⁴¹ In this case badly perceived malign problem is the debate over the principles of territorial integrity and self-determination and the existence of omissions in international law regarding the correlation of the said two principles. This issue will be described in detail in the Chapter VII.

was mostly owing to Russia's efforts that the warring parties agreed on cease-fire and conducting negotiations.

Therefore, having analyzed the effectiveness of the UN and the CIS from the prisms of the first and the second hypotheses, it could be concluded that the two institutions were not effective in finding a final and optimal solution to the Abkhazian conflict that they were dealing with. Their capacity was greatly limited by the interests of the involved actors and their low problem solving capacity with has encountered the malign problem. However, having scrutinized the conflict case and considered some improvements in providing security on the actual conflict site, the role played by the UN and the CIS could still be evaluated positively assuming that in a hypothetical *nonregime counterfactual*, the situation could have been worse.

Therefore, after analyzing the factors influencing the effectiveness of the two actors, it should be emphasized that although actors' interests and low problem solving capacity affect the effectiveness of the two entities to deliver final peace, they were nonetheless, able to contribute positively to the overall peace process and facilitate the achievement of a final settlement. Therefore, despite of the fact that they were not able to attain a final solution to the conflicts, their activity cannot be labeled as "ineffective". Having considered all the positive and negative factors, their effectiveness could be graded with "low" mark in the "low, medium and high" measurement scale.

4. Summing up

This Chapter intended to explore the *roles of the UN and the CIS in South Caucasus conflict resolution process* and *the factors that influence their effectiveness to facilitate the achievement of a final settlement*. It focused on the previous two institutions due to the fact that their activities were tightly interconnected with each other. Having provided empirical data about their conflict resolution activities in the first section, in the second section, analysis of their effectiveness was conducted testing the first [actors' interests] and the second [problem solving capacity] hypotheses, which were formulated on theoretical assumptions of the regime theory. The conducted analysis suggested that the interests of *coercive hegemons* [actors] and low problem solving capacity [met with malign problem] of the institutions diminished the effectiveness of the two entities to attain final peace. Further, from the spectrum of some general regime theory suppositions it was inferred that the organizations were able to attain some *behavioral* effectiveness, while *functional* effectiveness remained

remote. They brought some *relative improvement* and in a hypothetical *noncooperative situation* their presence had positive effect, although they could not reach *collective optimum*. Despite of the fact that they managed to make some positive changes to the combustible security context in the given conflict case, their overall effectiveness was evaluated with “low” grade in the “low, medium and high” measurement scale.

V. INVOLVEMENT of the OSCE and ANALYSIS of ITS EFFECTIVENESS

Current Chapter is targeted to assess the *role of the OSCE in South Caucasus conflict resolution process and the factors that influence its effectiveness to facilitate the achievement of a final settlement*. After the membership of the South Caucasus republics in the CSCE/OSCE in 1992³⁴², the CSCE/OSCE also became involved in conflict resolution in Caucasus, mainly focusing on South Ossetian and Nagorno-Karabakh conflicts. In Abkhazian conflict the OSCE committed itself to supportive role to that of the UN, which holds primacy in mediation of this conflict. In South Ossetia as a regional organization the CSCE/OSCE took a leading role in mediating conflict settlement among the warring parties, which was supported by the UN. On December 3, 1992, the CSCE/OSCE established a mission in Georgia, for particularly focusing on the conflict in South Ossetia. To mediate and seek the ways for the peaceful settlement of the Nagorno-Karabakh conflict, the CSCE/OSCE created the so-called Minsk Group in 1994. The CSCE/OSCE activity at the early stages of the conflicts was characterized by “soft actions” like sending Rapporteur Missions to the conflict zones.³⁴³ The sub-sections below will illustrate the OSCE role in the Nagorno-Karabakh and the South Ossetian conflicts respectively.

1. OSCE as a mediator in the Nagorno-Karabakh conflict between Armenia and Azerbaijan

Prior to the CSCE/OSCE involvement in the conflict, there were several mediation attempts, by individual states. In 1991-1992 Russia, Kazakhstan and Iran made the first mediation attempts.³⁴⁴ The authors of the first plan for conflict resolution became Yeltsin and Nazarbaev who proposed a cease-fire and the creation of the constitutional government in Nagorno-Karabakh. However, the plan ended in failure, since at the initial stage both of the warring states were trying to maintain their positions through military force.³⁴⁵ International involvement, particularly by the UN was not possible at the outbreak of hostilities, since the conflict started before the breakdown of the USSR. This situation excluded any initiatives by international actors, since it could be interpreted as the interference into the internal affairs of

³⁴² The CSCE/OSCE membership-Armenia, Azerbaijan (30 January 1992), Georgia (24 March 1992). (<http://www.osce.org/>).

³⁴³ The Chairman-in-Office of the CSCE/OSCE, the Czechoslovak Foreign Minister Jiri Dienstbier sent the first Rapporteur Missions to Armenia and Azerbaijan on February 12-18, 1992, to Georgia in 5-22 May 1992. (Oliver Paye and Eric Remacle, unpagged).

³⁴⁴ Ibid.

³⁴⁵ David D. Latin and Robert Grigor Suny, “Armenia and Azerbaijan: thinking a way out of Karabakh,” *Middle East Policy Council*, (Volume VII, October 1999, N 1):unpagged.

a sovereign state. Financial difficulties and workload with regard to other conflicts around the world (mainly in Africa: Namibia, Mozambique, Angola, Rwanda, Somalia, etc.) further complicated the UN involvement in the conflict.³⁴⁶ Therefore, the UN role was not in any way visible until 1993.³⁴⁷ It mandated the CSCE to mediate the conflict, and by doing so, legitimized the CSCE claims for a primary role in solving the regional conflicts under Chapter VII of the UN Charter.³⁴⁸

Thus, the CSCE involvement in the conflict mediation became real, however, it was possible only after the two republics' membership in the CSCE in January 1992.³⁴⁹ At the beginning, the CSCE sent a special mission of rapporteurs under the leadership of Czech diplomat, Karel Schwarzenberg to collect the information about the conflict. Another mission following the first one was led by Mr. Dienstdier, the CSCE Chairman in Office.³⁵⁰ After the Khojaly massacre³⁵¹ on February 26, 1992, the CSCE intensified its involvement in the conflict, which led to the decision of the Ministerial Council dated on March 24 1992, to convene a conference in Minsk on the Nagorno-Karabakh conflict, to work out the a final settlement for the conflict.³⁵² However, because of the failure of this initiative, due to the lack of the agreement between the conflicting parties, the idea of Minsk Conference was replaced with "Minsk Group", which comprised of eleven participating states (Belarus, Czech Republic, Slovakia, France, Germany, Italy, Russia, Sweden, the US, Armenia and Azerbaijan).³⁵³ Later, on 23 March of 1995, the mandate of the Minsk Group co-Chairs was adopted, who were tasked with the actual work of mediation/facilitation between the parties.³⁵⁴

³⁴⁶ "Nagorno-Karabakh- Pawn in the major power game," online, available from (<http://www.oneworld.org/euconflict/guides/surveys/arm.at.htm>). Accessed on November 15, 2007, unpagd.

³⁴⁷ In 1993 UN adopted four resolutions: N 822, 853, 874 and 884 on Nagorno-Karabakh, which confirmed territorial integrity of Azerbaijan and demanding the withdrawal of Armenian forces from the occupied territories, online, available from (<http://www.un.org>).

³⁴⁸ "Nagorno- Karabakh- Pawn in the major power game," unpagd.

³⁴⁹ David D. Latin and Robert Grigor Suny, unpagd.

³⁵⁰ Erjan Kurbanov, "The Armenian-Azerbaijani Conflict over Nagorno-Karabakh and Prospects for OSCE Mediation," in S. Neil MacFarlane and Oliver Tharanert, (eds.) *Balancing Hegemony: The OSCE in the CIS*, (Queen's University Kingston, Ont. Center for International Relations, 1997): 87.

³⁵¹ At night from February 25 to 26 the Armenian armed forces occupied the Azeri town of Khojaly. The occupation was carried out with active support of several units of the Russian Army's 366th regiment. In a few hours 613 innocent and unarmed were killed. Among them were 106 women, 83 children. 8 families were totally exterminated. 25 children were totally, and 130 children were partly orphaned. 476 people became disabled persons (of them 76 were minors). 1275 people were taken into hostage and even though afterwards most of the hostages were released from captivity, the fates of 150 of them are still unknown. (<http://www.khojaly.org/>).

³⁵² OSCE Handbook, 2000:65.

³⁵³ At the beginning the Minsk Group consisted only of the nine participating states, excluding Armenia and Azerbaijan, however, later in the year the two parties to the conflict joined the Group.

³⁵⁴ In the Mandate of the Co-Chairmen of the Conference on Nagorno Karabakh under the auspices of the OSCE ("Minsk Conference") adopted on 23 March 1995, it is stated that: "The Co-Chairmen are appointed by the Chairman-in-Office; The Co-Chairmen will in their work be guided by the objectives of the Minsk Conference,

Perhaps it would be legitimate here to ponder about the reasons that made excluding Nagorno-Karabakh issue out of the CSCE framework as an organization and establishing a separate group to deal with the conflict. One speculation in this regard could suggest that the reason lied in the need to make the process of conflict resolution more effective, which would be exempted from larger discrepancies during the discussion process in the CSCE. Taking into account the consensus decision making within the CSCE, the Minsk Group was deemed to carry out the process more effectively, since it was easier to reach consensus among 11 states than among 50. Therefore, this arrangement seemed to be a more favorable option. To make things even more efficient, there were attempts to change the consensus rule within the Minsk Group for the “consensus minus one formula”, however, the idea was not supported by Armenia and hence, was given up.

However, starting from the earlier days of the OSCE involvement in the conflict, number of events negatively influenced its effective functioning. In November 1992, an agreement-in-principle which implied the deployment of a peacekeeping force in Nagorno-Karabakh was reached within the framework of the Minsk Group. The outcome implied the establishment of the special planning group in Vienna, which had to create the Advance Monitoring Group to be deployed in the region. Furthermore, at the Rome meeting of the Minsk group in 1992 it was decided to send a group of special observers consisting of 600 unarmed military personnel to the region to monitor the situation. However, Armenian attacks in Nagorno-Karabakh at the time complicated the success of the plan. As a contravening measure the

i.e. promoting a resolution of the conflict without the use of force and in particular facilitating negotiations for a peaceful and comprehensive settlement, according to the rules of procedure as these are stated in the decisions of the 10th meeting of the CSO of the CSCE. The Co-Chairmen will realize full co-ordination in all mediating and negotiating activities, harmonizing them into a single coordinated effort within the framework of the OSCE....The Co-Chairmen will: - jointly chair the regular consultations of the Minsk Group, dispatch jointly to the Minsk Group members, documents, information and proposals, including proposals on the dates and venues of the Minsk Group meetings and the set of issues to be discussed; - jointly and continuously inform and consult with the OSCE Chairman-in-Office and jointly; - inform, on a regular basis, the Permanent Council of the OSCE on the progress of their work; - after consultations with the CiO, jointly inform, the President of the United Nations Security Council and the United Nations Secretary-General on the progress of the Minsk process and on all aspects of the situation on the ground, on the implementation of its relevant resolutions as well as on the present and future co-operation between the OSCE and the United Nations in this regard; when necessary, and after appropriate consultation with the CiO, present to the United Nations considerations and proposals concerning new resolutions that might be adopted by the United Nations Security Council in the interests of the peaceful settlement of the conflict; - visit jointly, or when appropriate separately, on an agreed basis, the region of conflict to maintain contacts with parties to the conflict concerning the above-mentioned and other related issues; - upon consultation with the CiO, maintain necessary contacts with the ICRC, the UNHCR and other relevant international and regional organizations and institutions; - jointly chair the Minsk Conference and the preparatory meetings leading to it; - The Co-Chairmen will co-operate with the Personal Representative of the Chairman-in-Office in accordance with provisions contained in the Mandate of the Personal Representative. (See: (DOC. 525/95, Vienna), from the OSCE Delegation Website (<http://www.delweb.osce.org>). RESTRICTED).

CSCE Committee of Senior Officials emergency meeting of April 1992, proposed to adopt a statement condemning Armenian actions. However, the initiative failed due to Armenia's objections, which blocked the decision making using the consensus rule.³⁵⁵

Other reasons halting the OSCE mediation process at this stage were related to the political tensions in Azerbaijan caused by the change of the government, and further activation of the Armenian military operations on the front line.³⁵⁶ This brought to the growing feeling of skepticism in the CSCE Minsk Group's capacity to mediate the process as a whole. Therefore, at this stage the preference of the conflicting states - especially Azerbaijan - for the mediating party shifted from the CSCE to the individual actor, in this sense Russia, which was interested in strengthening her role in conflict mediation.³⁵⁷ Moreover, Azerbaijan's membership in the CIS in the same year created more favorable conditions for the increased Russian mediation efforts in conflict resolution.³⁵⁸

In fact Russian activation in the mediation process did not stem from bona fide intentions. For Russia this was a good opportunity to maintain her position in the South Caucasus. Without coordination with the CSCE, Russian government headed by Victor Chernomyrdin became engaged in the unilateral initiatives by organizing meetings with the conflicting parties and making proposals for a cease-fire. As it also became clear from the President Yeltsin's statements, Russia was trying to pursue its "vital interests" in the territory of the former USSR, therefore active engagement in the Karabakh conflict was a good precondition for the maintenance of Russian position in the Caucasus, part of the post Soviet space.

The former superpower has interest in the outcome of the conflicts in the post-Soviet space. Russian support for territorial separatists has been a major factor in enabling them to fight the legitimate authorities.³⁵⁹ In the period of the decreasing trust in the CSCE mediation, Russia went even further by trying to compartmentalize the mediation of the conflict only in her hands. Instead of the international "monitoring force" with the authorization to use force, she

³⁵⁵ Erjan Kurbanov, 89.

³⁵⁶ In July 1993 Armenian forces captured further Azerbaijani territories, also the city of Aghdam, which was not the part of the Nagorno-Karabakh autonomous region.

³⁵⁷ Russia also was one of the Minsk group co-chairmen, however, it wanted to take unilateral initiative in the mediation process, since it still viewed the conflicting parties as being in the sphere of its vital interests

³⁵⁸ Erjan Kurbanov, 89.

³⁵⁹ Chester A. Crocker, Fen Osler Hampson and Pamela Aall, *Taming intractable conflicts: mediation in the hardest cases*, (United States Institute of Peace Press, Washington, D.C, 2004): 57.

wanted to organize and control the CIS “separation force”, though under CSCE control, which would be able to use weapons for the maintenance of the cease-fire.³⁶⁰

However, since the US was also interested in the international peacekeeping force, they wanted to find a compromise variant which would be acceptable also for Russia. Therefore, US ambassador to the CSCE John Maresca offered to Kasimirov, Russian ambassador in the CSCE seven conditions to supervise a cease-fire³⁶¹ by an international force which would also include Russian forces. Russia’s attitude towards the proposal was ambiguous, which subsequently was evaluated in the West as a “bad faith, which intended to supplant the international negotiating process”.³⁶² Nevertheless, political turmoil in Russia in the fall of 1993 put the Karabakh issue off the political agenda for a time being. This opened a path for the new CSCE initiative under the Swedish co-chair of the Minsk Group, Jan Eliasson, whose main strategy in the conflict was a shuttle diplomacy instead of the organized meetings. However, the revival of CSCE mediation was again halted by the new Armenian attacks on two regions, Zangelan and Goradiz. The primacy in the mediation process again shifted to Russia, who finally brokered the cease-fire, which was signed in May 12, 1994.³⁶³

Although after the cease-fire Russia was trying to dominate in the mediation process, the new balance of power in the region stemming from the new geopolitical realities changed the flow of events. After the signing of the so-called “Contract of the Century” in September, 1994 between the State Oil Company of the Azerbaijan Republic (SOCAR) and foreign oil companies on the exploration of the oil resources of the Caspian basin,³⁶⁴ the Western interests in the mediation of the conflict started to increase.³⁶⁵ Also the positive change in

³⁶⁰ David D. Latin and Robert Grigor Suny, unpagued.

³⁶¹ Cease-fire was not achieved by that time; it was only a project which was prepared by the mediators to cease the hostilities.

³⁶² David D. Latin and Robert Grigor Suny, unpagued.

³⁶³ Ibid.

³⁶⁴ In September of 1994 Heydar Aliyev, President of the Republic of Azerbaijan, issued a decree to allow the State Oil Company of the Azerbaijan Republic (SOCAR) to sign a contract with the International Consortium of oil companies. The Consortium consisted of oil companies like "AMOCO Caspian Sea Petroleum Ltd", "British Petroleum Exploration (Caspian Sea) Ltd.", "Den Norske Stats Oleselskap A.S", "LUKoil" joint stock company, "Mc Dermott Azerbaijan Incorporated", "Pennzoil Caspian Corporation", "Ramco Khazar Energy Ltd.", "Turkish Petroleum A.O." and "UNOCAL Khazar Ltd". The contract provides oil developments in the oil deposits "Azeri", "Chirag" and "Guneshli" in the Azerbaijani sector of the Caspian Sea, with reserves estimated over 500 million tons, with the International Consortium of oil companies for the term of 30 years. (Available from (<http://president.gov.az/oil2.htm>)).

³⁶⁵ Since the Western investments were at stake, stability and the security in the region were of enormous importance for Western powers.

Russia's attitude towards the CSCE³⁶⁶ in view of the NATO's eastern expansion created fertile grounds for the strengthening of the CSCE's role in the mediation of the conflict.³⁶⁷

1.1 Nagorno-Karabakh and the CSCE Budapest Summit

These changes opened a new stage in the CSCE Minsk process. During the CSCE Budapest Summit on December 5-6, 1994, the CSCE participating states except declaring their commitment to the four UN resolutions on the Nagorno-Karabakh conflict, decided to send a multinational peacekeeping forces to the region. The Chairman in-Office was entitled to develop the composition of such a force.³⁶⁸ In order to assist in organizing such a force, Budapest Summit authorized the establishment of a High Level Planning Group (HLPG) "to make recommendations concerning the modalities of such a force".³⁶⁹

The interesting issue was the change in Russia's stance towards the composition of the peacekeeping forces. If before that date Russia was insisting on deployment of predominantly CIS forces in the conflict zone, at the Budapest summit she agreed to participate in multinational peacekeeping forces to be deployed in Nagorno-Karabakh, after the achievement of political agreement. Nevertheless, the absence of the political settlement to the conflict that has not been achieved so far became the harshest hindrance on the way of the immediate deployment of the peacekeeping forces.³⁷⁰ Therefore, although at the Budapest Summit Minsk process seemed to achieve a breakthrough in the mediation process, especially in view of Russia's acceptance to participate in the multinational peacekeeping forces, this decision could not provide substantive progress to the process.

1.2. Nagorno-Karabakh is on the agenda of CSCE Lisbon Summit

Following years, especially 1996-1997 became a period of very important events in the Minsk process. At the next CSCE Lisbon Summit of 1996, the Member States laid down very important three as a legal basis for the peaceful settlement process. The principles are as follows:

³⁶⁶ In view of NATO's eastern expansion, Russia, feeling insecure started to attach more importance to CSCE as a pan-European security organization; therefore she took more positive stance towards the CSCE and decided to refrain from unilateral initiatives in the conflict mediation, for closer cooperation with the CSCE.

³⁶⁷ Erjan Kurbanov, 90.

³⁶⁸ "Intensification of the CSCE action in relation to the Nagorno-Karabakh conflict," CSCE Budapest Document, 1994, from <http://www.osce.org>.

³⁶⁹ OSCE Handbook, 2000, 65.

³⁷⁰ David D. Latin and Robert Grigor Suny, unpagued.

- Territorial integrity of the Republic of Armenia and the Republic of Azerbaijan
- Legal status of Nagorno-Karabakh, defined in an agreement based on self-determination, which confers on Nagorno-Karabakh the highest degree of self-rule within Azerbaijan
- Guaranteed security for Nagorno-Karabakh and its population, including mutual obligations to ensure the compliance by other parties with the provisions of the settlement.³⁷¹

However, the problem at this stage was again caused by the CSCE consensus rule. At the beginning of the summit, the Nagorno-Karabakh conflict was one of the issues to be included into the agenda. All these three accepted principles therefore, had to be reflected in the main Lisbon Document. Nevertheless, although 53 out of 54 participating states accepted the principles, Armenia's rejection to give its consent made the inclusion of the above states principles into the main Lisbon document impossible. In fact Armenia from the beginning was opposing to the adoption of the principles, let alone their incorporation into the main document. Feeling isolated at the thought that the process was being blocked only because of Armenia's intransigence, which was impossible to overcome due to the consensus rule, Azerbaijan took the counter position using the same method. It declared that, in case Armenia would object to the adoption of the principles, Azerbaijan would paralyze the whole process by vetoing the adoption of the Final Lisbon Document.

The tension stemming from the conflicting positions of the warring parties was eventually solved by a compromise which was not to satisfy the interests of either party. The compromise was to include the principles, however, as an Annex to the document in form of the statement of the Chairman-in-Office of the OSCE. Since the major issue in the conflict is the legal status of Nagorno-Karabakh, and the opinions of both parties greatly diverge in this regard, it was crucial to find a mutually agreeable solution on this issue, although this solution was not of help on the way of peaceful resolution of the conflict.

Subsequent flow of events in the mediation process attested to the fact that Lisbon Summit also could not lay reliable grounds to reach a peaceful solution. The adopted at the Lisbon Summit principles are of declaratory characters that do not have legally binding power. Despite of Azerbaijan's strong support to the Lisbon principles, Armenia's dissatisfaction with the principles excluded the achievement of any mutually agreeable arrangement on their

³⁷¹ Statement of the OSCE Chairman-in-Office, Annex 1 to the Lisbon Document, December 2-3, 1996. (Available from (<http://www.osce.org>)).

basis. Therefore, regardless of the fact that the adoption of the Lisbon principles was a visible success of Minsk process, it failed to reach any constructive solution to the conflict. Thus, this protracted Inter-State conflict was left in anticipation of the next steps for the peaceful resolution.

1.3. Next stage in the mediation process: The Minsk Group proposals for peaceful resolution.

In 1997 the composition of the Co-Chairmanship of the Minsk Group, was enlarged³⁷² in accordance with the Chairman-in-Office's decision to include France, the Russian Federation and the United States, which remains unchanged till present time. Immediate result of the change in composition of the chairmanship became the Minsk Group's famous three proposals envisaging possible ways for peaceful solution of the conflict. All three proposals aimed at finding mutually acceptable solution to the conflict, without favoring any of the conflicting parties.

The first proposal called "Comprehensive Agreement on the Resolution of the Karabakh Conflict"³⁷³ was prepared in May and submitted in July 1997. This proposal, which also was known as a "package" variant for the resolution of the conflict, in fact separated the issues of cessation of hostilities³⁷⁴ (Agreement I) and the agreement on the final status of Karabakh (Agreement II). The interesting moment in the proposal was that, both agreements were supposed to be reached in one stage, without dividing the issues into two different stages. However, the achievement of any solution on this proposal became impossible, since the parties shared different views on the importance of the two Agreements (Agreement I and II).³⁷⁵ Although Azerbaijan favorably accepted the proposal, hoping to achieve any progress in the process, Armenia's position towards the proposal remained somehow ambiguous. While on the one hand demonstrating some inclination to continue negotiation on the basis of the proposal, on the other hand Armenia distanced itself from the further discussions, stating that the proposal was unacceptable for the interests of the "Nagorno-Karabakh Republic".³⁷⁶

³⁷² Between 1992 and 1997 Italy, Sweden, Finland and Russia assumed the chairmanship. Today the co-chairmen of the Minsk group are: Robert Bradke (USA), Igor Popov (Russia) and Bernard Fassier (France).

³⁷³ "Minsk Group Proposal ("package deal") July 1997," Conciliation resources, online, available from (<http://www.c-r.org/our-work/accord/nagorny-karabakh/keytexts18.php>). Accessed on December 7, 2007, unpagged.

³⁷⁴ The Agreement I stated: "Armenian armed forces are kept within the borders of the Republic of Armenia, while Nagorno-Karabakh takes its armed forces back to the limits which existed till 1988."

³⁷⁵ Azerbaijan was demanding the withdrawal of Armenian forces from the occupied territories before bringing the status issue under discussion, while Armenia was insisting on the definition of Nagorno-Karabakh's status before any withdrawals from Azeri territories.

³⁷⁶ In 1992, Nagorno-Karabakh still being an autonomous republic within Azerbaijan, declared its independence with Armenia's active support. Although Armenia claims that Nagorno-Karabakh is an independent legal entity,

This strong position by Armenia halted the progress of the mediation process, which subsequently brought to the failure of the first proposal.

The unsuccessful result of the first proposal brought some unanimity to the positions of the co-chairmen and the Armenian and Azerbaijani governments about the fact that the complexity of the issue excludes the possibility of its settlement within one stage.³⁷⁷ Therefore, in the same year the Minsk Group came out with the second proposal for the peaceful settlement. The proposal called “The Agreement on the end of the Nagorno-Karabakh Armed Conflict” was also known as “stage by stage” or “phased” solution of the conflict.³⁷⁸ Although this proposal in fact incorporated the two main issues reflected in the first proposal³⁷⁹, the difference was in the structure of the settlement process. According to the proposal, first of all, the Agreement I³⁸⁰ had to be reached after which the negotiations on the Agreement II³⁸¹ would be started at the second stage. The proposal also implied the creation of the inhabitant-free buffer zone within the borders of Nagorno-Karabakh Autonomous Region of 1988 and the northern and southern parts of the boundary Lachin region of Azerbaijan where OSCE peacekeeping forces should be located. Internally displaced persons of Azerbaijan would return to the territories, which had to be monitored by the multinational forces after the completion of the first stage.³⁸²

This proposal was welcomed by the government of Azerbaijan, which saw the liberation of its occupied lands and the return of Internally Displaced Persons (IDPs) as an encouraging starting point for further discussions on the status of Nagorno-Karabakh. Somehow surprisingly, Armenia was also close to the compromise, which was due to the moderate changes in the Armenian president Levon Ter-Petrosyan’s position towards the ways of conflict resolution. Ter-Petrosyan started to adopt the idea that Nagorno-Karabakh had to be recognized by Armenia as *de-jure* part of Azerbaijan, while Azerbaijan had to assure the

it is not recognized by the international community. (See UN resolutions 822, 853, 874, 884; OSCE Lisbon Document of 1996).

³⁷⁷ Edmund Herzig, 71.

³⁷⁸ Minsk Group Proposal (“step-by-step deal”) December 1997,” Conciliation resources, online, available from (<http://www.c-r.org/our-work/accord/nagorny-karabakh/keytexts19.php>). Accessed on December 7, 2007, unpagued.

¹²⁴ The withdrawal of armed forces from the region and the status of Nagorno-Karabakh.

¹²⁵ Withdrawal of Armenian forces from the occupied territories

¹²⁶ Definition of the status of Nagorno-Karabakh

¹²⁷ “Minsk Group Proposal (“step-by-step deal”) December 1997,” unpagued.

¹²⁸ Ibid., unpagued.

rights of Karabakh Armenians for self-government.³⁸³

This drastic change in the position of Armenian leadership for the first time spurred hopes for the success of the mediation process which could lead to the anticipated peace. However, a new tune in the official position of Armenian government triggered upheavals in Armenia's political apex, which ended in Levon Ter-Petrosyan's resignation. A new government was formed by Robert Kocharyan, the former "president" of Nagorno-Karabakh, who in 1997 was appointed as a prime-minister of Armenia. Few weeks later, after Ter-Petrosyan's resignation Kocharyan became an elected president of Armenia, who immediately took a hard-line position excluding any chance for compromise.

After the fiasco of the second architecture for the peaceful solution, in November of 1998 the OSCE Minsk Group prepared the third, the most famous "common state" proposal which was called "On the principles for a comprehensive settlement of the armed conflict over Nagorno-Karabakh".³⁸⁴ This proposal was different from the two previous ones. According to the proposal Nagorno-Karabakh would be a state-territorial formation in the form of Republic and would constitute a common state with Azerbaijan within its internationally recognized borders. It would have its own constitution, state attributes (anthem, flag, army, state language Armenian being the first, Azerbaijani the second). Citizens of Nagorno-Karabakh would have an Azerbaijani passport with a special "Nagorno-Karabakh" stamp as a proof of their identity. Azerbaijan and Nagorno-Karabakh would sign an agreement on delimitation of the subjects under their jurisdiction and mutual delegation of responsibilities between the relevant bodies of the state power. The appropriate representative missions of Nagorno-Karabakh and Azerbaijan would be set up in Baku and Stepanakert to maintain contacts. Also Nagorno-Karabakh would have the right to establish relations with political parties and public organizations of foreign states. Nagorno-Karabakh would participate in implementing Azerbaijan's foreign policy on issues which touch upon its interests. Decisions on such issues should not be taken without the agreement of both sides.³⁸⁵

The proposal was accepted by Armenia as a basis for the further negotiations. However, this time, Azerbaijan took irreconcilable stance towards the proposed deal. Azerbaijan rejected the proposal and called the OSCE for a more constructive approach towards the mediation

³⁸⁴ "Minsk Group Proposal ("common state deal") November 1998," Conciliation resources, online, available from (<http://www.c-r.org/our-work/accord/nagorny-karabakh/keytexts20.php>). Accessed on December 7, 2007, unpagged.

³⁸⁵ Ibid.

process without damaging the interest of either state involved in the conflict. Azerbaijan regarded the proposal as largely favoring Armenian interests in the conflict by offering Nagorno-Karabakh the status nearly equal to independence. Azerbaijan vehemently opposed the third proposal calling it as a precondition for its complete capitulation. Thus, the third proposal could not bring the conflicting positions to a zone of agreement as well. Once again the mediation attempts ended without any progress.

But the next question to be addressed here is why the Minsk Group came out with such a proposal being aware of Azerbaijan's strong position about its territorial integrity. Perhaps, in an attempt to achieve a breakthrough, Co-Chairs were hoping that Azerbaijan being squeezed by its refugee and IDP problem would agree to such a deal in return of the resettlement of its IDP population back in the occupied regions.³⁸⁶ However, this is only an assumption, and any answer to this question could be largely debatable, since for Azerbaijan, the solution of IDP problem could hardly be stipulated by the loss of territorial integrity. Factors for this "biased"-according to Azerbaijan's view – approach could be different.

For instance, in view of the last "common state" proposal, speculations about the increasing influence of the Armenian lobby³⁸⁷ on the work of Co-chairmen became widespread in Azerbaijani society. Another factor influencing the work of the Minsk Group in Azerbaijan's perspective is Russia's position in the conflict. Although she is a Minsk Group Co-chairman, for Azerbaijan her neutrality in the conflict was always a big question. Russia, having a strong interest in keeping the conflict unresolved, and thus, the countries of the region weak and dependent, clandestinely has always been supporting Armenia, which is her natural strategic ally in the region.³⁸⁸ In consideration of these factors Azerbaijan was regarding the work of the Minsk Group as less effective and partial, which is shifting from neutrality to side-taking.

1.4. Tet-a-tet: where is the solution?

After the failure of all three proposals, the Minsk Group stopped preparing new proposals, and the next strategy became the organization of tet-a-tet negotiations between Armenian and Azerbaijani leaders to discuss again all three proposals individually. In 1999-2001 the

³⁸⁶ Appendix 2, Article VI of the Proposal entitles the conflicting parties to the cooperation to ensure the safe and voluntary return of Azerbaijan's refugee and IDP population to their homes currently being held under Armenian occupation.

³⁸⁷ In the US and in France Armenian lobby is very strong.

³⁸⁸ Armenia shares common borders with Turkey, which is a NATO member. Therefore, Russia sees Armenia as a favorable strategic location to secure its southern borders against NATO. Also, among the countries of the South Caucasus region Armenia is the only one which has a strategic partnership with Russia and is a member of a Collective Security Treaty Organization (CSTO) of the Commonwealth of Independent States (CIS).

presidents met several times in Washington, Istanbul, Geneva, Davos, Moscow, Yalta, Paris and Key-West to discuss the ways of peaceful solution of the conflict on the basis of all three proposals. The conspiracy of the negotiations between the Presidents was to be followed until the achievement of a peace deal. In fact the peace deal could comprise of the elements of two or more proposals if the Presidents could succeed to achieve any progress.

However, the negotiations were not going smoothly and none of the tet-a-tet talks could produce any result. On the contrary, the parties were diverging from the agreement zone even further, which blocked the progress of individual Presidential meetings as well. One of the immediate factors complicating bilateral negotiations was unequal positions of the parties. The parties were not negotiating on level playing field, with Azerbaijan being in “lose”, Armenia in “win” situation. Therefore, the achievement of a compromise in this “win-lose” situation seemed to be even more protracted process.

One of the shocking events at this stage became the publication of the texts of three Minsk Group proposals, which had been kept in secret. At first the peace proposals leaked in Azerbaijani press in February, 2001, which was followed by similar action in Armenian press.³⁸⁹ However, only the text of the “common state” proposal that was brought to discussion in Azerbaijani parliament in February, displayed the Azerbaijani opposition’s great outrage and dissatisfaction with the provisions of the proposal, which was unveiled to them till that date. The parliamentary discussions of the common state proposal were not of much help, except displaying the increasing tension. After this event, both parties - Armenia and Azerbaijan started to make belligerent statements about the possibility of new military operations, which for them appeared to be the only solution to the conflict, after all mediation and negotiation remedies seemed to exhaust. The parties began to express different views about the overall effectiveness of the Minsk process.

However, despite these crucial changes in the process, the tet-a-tet strategy was not given up. One of the conspicuous meetings between the parties was in Key West, Florida in April 2001, with the mediation of the United States. Nevertheless, optimistic expectations from this meeting were not justified, and it did not produce any tangible results.

After the failure of Key-West talks and subsequent elections in both countries in 2003, the mediators employed a new approach towards the negotiations by establishing contacts mainly

³⁸⁹ OSCE Karabakh Peace proposals leaked, Radio Free Europe, Vol.4, Number 8, February 23, 2001, unpagged.

on ministerial level in order to build proper environment for further negotiations by the presidents. Starting from 2004, the Prague Process, which envisaged direct bilateral negotiations between the Azerbaijani and Armenian Foreign Ministers, was initiated. The Foreign Ministers have met several times; however, little progress is made. In February 2006, the two sides met near Paris with the mediation of French President Jacques Chirac, nevertheless, they could not agree on anything.³⁹⁰

In 2004-2006 there were optimistic opinions about the window of opportunity to achieve a settlement between the election cycles in both countries (parliamentary elections in 2005 and the presidential elections in 2008 in Armenia and Azerbaijan). In 2005 during the presidential meeting in Kazan the Co-chairs proposed the so-called “basic principles” for further negotiation. However, during the meetings of Presidents in Rambouillet in February 2006, Bucharest in June and Minsk in November the same year, they failed to reach agreement on the proposed list of principles.³⁹¹ In 2007, the two Foreign Ministers have met five times,³⁹² and the last one was their meeting at the couloirs of the Fifteenth Meeting of the Foreign Ministers of the Organization for Cooperation and Security in Europe, which took place in November in Madrid. This meeting was remembered with the introduction of the so-called “Madrid principles” that were presented to the parties by the Co-Chairs. These principles, in fact were slightly revised version of the basic principles, which were submitted to the parties in 2006.

In 2008 - 2010 – two Ministers of Foreign Affairs have met in Strasbourg, Moscow, New-York, Paris and within the framework of OSCE Ministerial Meetings in Helsinki and Athens, United Nations General Assembly in New York, World Economic Forum in Davos, during the OSCE Informal Ministerial meeting in Astana, Kazakhstan, at the couloirs of the 65th session of the United Nations General Assembly in New York, and the last one being their short meeting on the margins of NATO Lisbon Summit.

Similarly, in 2008-2010, the Presidents met in Sankt-Petersburg, Moscow, within the framework World Economic Forum in Davos, at the couloirs of the Summit dedicated to Eastern Partnership held in Prague, Kishinyov, Munich, Sochi and in Astrakhan, Russia, with the mediation of Russian President Medvedyev. The planned meeting of the two presidents

³⁹⁰ Armenia/Nagorno-Karabakh/Azerbaijan, *Global Guide*, available from (http://www.countrywatch.com/facts/facts_default.aspx?type=text&topic=SEANA). Accessed on January 12, 2010. unpagued.

³⁹¹ “Nagorno-Karabakh: Risking War,” *Crisis Group Europe Report*, N 187, (November 14, 2007):.2.

³⁹² Ibid.

during the OSCE's Astana Summit, which took place on 1-2 December 2010, eleven years after its penultimate Istanbul Summit, did not unfortunately, happen. In 2011, meeting between the Foreign Ministers, with participation of Russian Foreign Minister S. Lavrov happened in Moscow on January 24-25, and the meeting of the two Presidents took place on March 5, in Sochi with no concrete result either.

The basic principles presented in 2006 and later revised as "Madrid principles" in 2007 are based on a compromise which envisages the withdrawal of Armenian forces from the occupied territories that are adjacent to Nagorno-Karabakh region with special modalities for Lachin and Kelbajar districts and the establishment of interim international security arrangements for the region until the voting on status is conducted.³⁹³ The main controversial elements are the status of Lachin corridor, liberation of Kelbajar district³⁹⁴ and the modalities of a vote on the status of Nagorno-Karabakh. In general, this plan addresses the issues that are immediately solvable, and postpones some most difficult ones to future, including status issue.³⁹⁵

According to the basic principles proposed by the Co-Chairs, the modalities of a referendum or a population vote for defining the future legal status of the region is to be agreed and conducted as a result of a negotiated agreement between Armenia and Azerbaijan and this vote should be conducted in a non-coercive environment in which all the citizens have opportunity to envisage their positions after public debate.³⁹⁶

Nevertheless, the biggest problem with the status issue is the opposing views of the conflicting parties. Azerbaijan generally accepts the idea of a vote, however, it stipulates that all the expelled Azerbaijani IDPs from Nagorno-Karabakh should equally participate in the vote and therefore, should previously be returned to the occupied areas. Also, Azerbaijan argues that according to Azerbaijani Constitution any vote which could result in independence of Nagorno-Karabakh should be a nationwide referendum, since Article 3 of the Azerbaijani

³⁹³ Ibid.

³⁹⁴ Lachin and Kelbajar are the closest to Armenia western districts of Azerbaijan. Without the guarantees for final status determination for Nagorno-Karabakh, Armenia rejects to withdraw from these regions. Lachin is a district which directly links Armenia to Nagorno-Karabakh. This district is considered to be vital for Armenia in maintaining its unlimited contacts with Nagorno-Karabakh. Therefore, it is usually called as "Lachin corridor". Azerbaijan insists on withdrawal of Armenian troops from Lachin and on common use of the corridor, while Armenia is not yet ready to do so. Kelbajar is strategically important for Armenia in order to protect Lachin corridor from possible Azerbaijani attack. However, Azerbaijan rejects keeping hostage of these districts by Armenia in return of solution of status issue and insists on the return of Internally Displaced Persons.

³⁹⁵ Statement by the Minsk Group Co-Chairs to the OSCE Permanent Council, Vienna June 22, 2006 (CIO.GAL/117/06), available from <http://www.osce.org/oscdcl> (restricted), unpagged.

³⁹⁶ Ibid.

Constitution states that any change in country's borders needs to be endorsed by a nationwide referendum. Therefore, a population vote only in Nagorno-Karabakh will not have a legally binding effect for Azerbaijan.³⁹⁷ Azerbaijan, instead of solving the status issue through independence is ready to give the Nagorno-Karabakh region the highest degree of autonomy within its internationally recognized borders.

Armenia, however, views this proposal positively, since the outcome of such a referendum would likely produce the option of independence due to the fact that the region is populated by Armenians. It suggests that the result of the referendum in Nagorno-Karabakh could be any, as well as independence, and Azerbaijan, once being engaged in the peaceful negotiations based on the principles proposed by the mediators should also be ready to make necessary amendments to its Constitution.³⁹⁸

These are the most complicated issues that constitute main stumbling blocks in peace negotiations. Moreover, it is unlikely that the Co-Chairs will come up with new proposals. As they have admitted themselves: "We have reached the limits of our creativity in the identification, formulation and finalization of the principles. We do not believe that additional alternatives advanced by the mediators ...will produce a different result".³⁹⁹

Another issue that should not be overlooked is Kosovo's declaration of independence on February 17, 2008 and its recognition by many states, including first and foremost, USA and the EU. Even before that Kosovo's independence become a *fait accompli*, Armenia was referring to Kosovo case as a possible future precedent for the solution of Nagorno-Karabakh conflict, while Azerbaijan was ardently denying any link between Kosovo and Nagorno-Karabakh issues. Although international community keeps repeating that Kosovo is a "sui generis case" and will not be accepted as a precedent for the solution of other conflicts in other regions, the dilemma between pros and cons of this argument will be hard to eliminate or ignore. This will surely be reflected in the positions of the Armenia and Azerbaijan in future negotiations and no doubt, will further complicate them.

³⁹⁷ "Nagorno-Karabakh: Risking War," 5.

³⁹⁸ Ibid.

³⁹⁹ Statement by the Minsk Group Co-Chairs to the OSCE Permanent Council, Vienna June 22, 2006, unpag.

2. OSCE role in South Ossetian conflict

2.1. Negotiation formats and peacekeeping

Upon the division of labor between the UN and the OSCE, the latter undertook the responsibility for conflict resolution in South Ossetia, while in Abkhazia the UN became the lead organization.⁴⁰⁰ The OSCE involvement in the South Ossetian conflict started after the establishment of the OSCE Mission in Georgia in 1992. Mission was tasked with intensifying the consultations among conflicting parties in finding a durable solution to the conflict, encouraging dialogue among the parties, monitoring the cease-fire, military situation on the ground and the Joint Peacekeeping Force (JPKF) to which all the parties – Georgia, Russia and South Ossetia – have made their force contributions.⁴⁰¹ The initial mandate of the Mission focused on four areas – securing peace, promoting the practical cooperation between the conflicting parties, regulating the future status of South Ossetia; providing humanitarian and other aid and coordinating international contacts for South Ossetia.⁴⁰²

As a part of conflict resolution activity, the OSCE Mission was organizing the negotiations with the leaders of Georgia, South Ossetia, North Ossetia and Russia. OSCE's eight unarmed officers (Military Monitoring Officers - MMO) regularly monitored the zone of conflict independently, as well as together with the JPKF, and gathered information on the military situation on the ground and the violations of the 1992 Sochi ceasefire agreement. Often the MMOs alongside the JPKF undertook the intermediary role in order to diffuse tensions in the zone of conflict.⁴⁰³ Five out of eight unarmed officers were based in Tskhinvali and in 2005-

⁴⁰⁰ That said, it does not mean that the OSCE did not have any involvement in Abkhazian conflict and did not cover any issue regarding the Abkhazian conflict. The OSCE had taken a supportive role for the UN operation in Abkhazia. Often, the issues related to the Georgia-Abkhazian conflict were brought to the attention of the delegations to the OSCE and it was used as a forum for highlighting any developments that were happening in this conflict zone. The Mission contributed its officers to the UN Human Rights Office, which was opened in Abkhazia on July 1, 1997. At the Oslo Ministerial Council of December 1998, the OSCE declared its readiness to help the UN with the implementation of transitional administration in the Gali district of Abkhazia. Since 1994, the OSCE Mission has worked with the UN operations in Abkhazia and has been reporting regularly to the OSCE and its participating States, in order to facilitate the OSCE contribution to the UN-led process. The OSCE participated as an observer in the work of the Coordinating Council. The OSCE Mission to Georgia developed some human rights projects related to Abkhazia. However, leading role in Abkhazian conflict belonged to the UN due to the division of labor between the two in order not to duplicate the mediation efforts. (See: Ermina Van Hoyer, "The OSCE in the Caucasus: long-standing mediation for long-term resolutions," *OSCE Yearbook 1999*, (OSCE Center for Research, Hamburg): 255; <http://www.osce.org>).

⁴⁰¹ "The Georgian Ossetian conflict," OSCE Mission to Georgia (closed), online, available from (<http://www.osce.org/georgia/22955.html>). Accessed on September 25, 2010, unpagged.

⁴⁰² Pamela Jawad, "Conflict resolution through democracy promotion? The role of the OSCE in Georgia," *Democratization*, Vol.15, No.3, (June 2008):618.

⁴⁰³ "The Georgian Ossetian conflict," OSCE Mission to Georgia (closed), unpagged.

2007 MMO activities were hampered by South Ossetian security forces, mostly due to the fact that Ossetians view the OSCE as largely favoring Georgian stance in the conflict.⁴⁰⁴

In order to promote confidence and security building measures, in 1993, with OSCE's efforts the conflicting sides agreed to create three Joint Control Commission (JCC) and three working groups within it on separate issues areas – assisting in the return of refugees and IDPs; addressing military and security issues; and contributing to economic and financial activities. The JCC format included the representatives from Georgia, Russia, North and South Ossetia and the OSCE. This body has been instrumental in achieving certain progress on some fields, such as combating organized crime, restoring transport communications between Tskhinvali and other towns, and establishing cooperation on economic, agricultural and social reconstruction areas.⁴⁰⁵

The JCC was also entitled with administering the observance of the 1992 cease-fire agreement, initiating and implementing conflict resolution measures, fostering mutual contacts and dialogue plus also coordinating the activities of the JPKF.⁴⁰⁶ According to Georgia's perspective, the JCC should have focused on four priority areas: 1) to reduce the security threat in the region and in this context establish joint control over the Roki Tunnel and the Didi Gupta bridge; 2) to take measures to strengthen the prospects for legal movement of people and goods; 3) to prevent the unilateral and illegal smuggling of different goods, including energy, into the separatist areas from the Russian Federation; and 4) to provide an unbiased framework for dialogue and to this end, to initiate direct dialogue between the local communities in the conflict region.⁴⁰⁷

Nonetheless, as a consequence of negotiations within the JCC by the end of 1990s, agreements on the return of refugees and IDPs to their expelled lands and implementation of economic rehabilitation programmes were achieved. However, this progress was stalled at the early 2000, when the return of refugees and IDPs had ceased and economic situation in the region had considerably deteriorated. From 2003, Georgians started to observe and report the military build-up in South Ossetia, which was taking place with intense Russian assistance.⁴⁰⁸

⁴⁰⁴ Georgia's South Ossetia conflict: make haste slowly," 18.

⁴⁰⁵ Domitilla Sagramoso, 79.

⁴⁰⁶ "Georgia's South Ossetia conflict: make haste slowly," 1.

⁴⁰⁷ Remarks by Zurab Nogaideli, Prime Minister of Georgia at OSCE Permanent Council, Vienna, 30 October 2007, (PC.DEL/1044/07, 1 November, 2007):11-12.

⁴⁰⁸ Domitilla Sagramoso, 79.

Noticeable progress in negotiations was achieved at the OSCE's Fourth Meeting of Experts, which was held in Baden, Austria on 11-13 July, 2000. At this meeting "Draft Intermediary Document", which contained the basic principles for streamlining political and legal interactions between the conflicting sides was agreed upon. According to these principles, territorial integrity of Georgia, as well as the existence of special links between South and North Ossetia was recognized, plus the issues such as granting high level of autonomy and international security guarantees for South Ossetia to ensure the implementation of the agreement, were addressed.⁴⁰⁹ Unfortunately, that agreement remained only on paper and was not implemented.

Georgians viewed the JCC as a biased formation where the three other members of the commission pursued similar objectives, thus constituting cross purpose with Georgia's national security objectives. Georgians insisted on limiting Russia's role in negotiations, since they saw it not as a tendentious party. Therefore, Georgia not once insisted on changing the negotiation and peacekeeping formats to a direct dialogue with South Ossetia, where the OSCE, the US and the EU would also take part and Russia would cease to be the main facilitator. Moreover, Georgia highly questioned the mediator's role of North Ossetia after the joint statement of the Heads of the Republic of North Ossetia and the Republic of South Ossetia on 18 September 2005, which underscored the importance of "integration" of the two entities. Georgia, therefore, demanded the exclusion of North Ossetian battalions from the JPKF since its personnel solely consisted of South Ossetian soldiers.⁴¹⁰

Conversely, South Ossetians regarded Tbilisi as the main danger to their interests and objected to any format changes, since it could diminish Russian support and increase the role of western countries through the OSCE and the EU, which do not hide their unequivocal support for Georgia's territorial integrity. They wanted formal guarantees on non-use of force by Tbilisi, however, with no result. Therefore, it repeatedly accused Georgia of not working intensively through the existing negotiation formats and blocking the peace negotiations.

Since 2004 escalation of tensions between the parties⁴¹¹ the JCC mechanism has been less efficient with none of the conflicting sides implementing its decisions. From 2006 several informal talks were held, however, without producing any document and result. After

⁴⁰⁹ Ibid., 78.

⁴¹⁰ "OSCE Mission to Georgia: Spot report: Major outcomes of the JCC Meeting in Moscow on 24-25 October, 2005," *Documents of Conflict Prevention Center*, Vienna 27 October 2005 (SEC.FR/456/05, RESTRICTED):3.

⁴¹¹ See Chapter II, Section 1.2.2.

Moscow meeting of JCC in August 2006, the positions became tougher with Georgia insisting event strongly on the necessity of changing the negotiation format.⁴¹² Russia on the other side, considered the JCC as an important format which decisions should have been implemented and blamed Georgia for attempting to abolish the JCC and avoiding organizing any further JCC meetings even at informal level. It did not accept Georgia's proposal for a new 2+2+2 format for further negotiations, substantiating that such a proposal clearly lacks any legal basis.⁴¹³ Nonetheless, in 2007 Georgia agreed to continue some negotiations within the JCC format.

With the lapse of time, previously discussed wide range of issues within the JCC, such as security, refugee/IDP return, economic cooperation and to some extent also the status issue became overshadowed by a single set of issue – economic rehabilitation – on which the parties seemed to be more able to communicate.⁴¹⁴ In such a situation, Russia, on numerous occasions before the August 2008 events, did not hide its fears that the absence of a proper negotiation process would sooner or later bring to the realization of desires of the militant forces in Tbilisi to solve the conflict through the use of force.⁴¹⁵

As was noted above, the OSCE also monitored the activity of the JPKF, which was composed of Georgian, Russian and Ossetian battalions. The units counted up to 1, 100 troops – 530 Russians, 300 North and South Ossetian brigades and 300 Georgians.⁴¹⁶ Operations within the JPKF had to be considered and approved within the JCC. From the date of its institution until 2003, the JPKF did some noticeable work on the ground and the security situation was relatively stable. However, 2004 clashes became a test case for the effectiveness of the JCC and the JPKF, when these mechanisms displayed their ineptness to prevent confrontations and attached to the interests of their states of origin, rather than serving the interests of one joint command for the achievement of common objectives. Since that date, the JPKF remained passive with increasing Georgian mistrust in its capabilities. Georgia's dissatisfaction with the existing JCC framework was also extended to the JPKF format, which Georgia believed, was

⁴¹² Georgia's South Ossetia conflict: make haste slowly," 9.

⁴¹³ According to this proposal North Ossetia should have been left outside of the peace process and Georgian supported Sanakayev administration and the EU would have been included into the peace talks.

⁴¹⁴ Georgia's South Ossetia conflict: make haste slowly," 9.

⁴¹⁵ Statement by the representative of the Russian Federation at the working session III of the OSCE Annual Security Review Conference, Vienna 2 July, 2008. (PC.DEL/581/08, 3 July 2008):2.

⁴¹⁶ Jim Nicol, "Russia-Georgia conflict in South Ossetia: context and implications for US interests," CRS Report for Congress, (Congressional Research Service, August 13, 2008):1.

abused by other sides to the conflict.⁴¹⁷ South Ossetia, on the contrary, supported the JPKF as the security provider and accused Georgia of breaking its operation and slowing down its effectiveness.

Georgia insisted that the JPKF should fulfill its immediate objective, which was the full demilitarization of the region and be consistent in doing so. Due to Georgia's claims there was a massive flux of illegal weaponry and ammunition into the conflict zone from the north of the country, mostly from the Georgian-Russian state border at the Roki tunnel. Therefore, in order to maintain joint control over this portion of the border, a joint JPKF-OSCE checkpoint at Didi Gupta should have been established. In this context, Georgia also proposed to increase the number of OSCE MMOs in the region in order to bolster OSCE's monitoring capacity.⁴¹⁸ This proposal, nonetheless, had repeatedly been retorted by Russia before the August 2008, which wanted to confine OSCE's role only to its share within the JCC and keep the JCC as the only valid format for the conduct of negotiations on South Ossetian conflict. However, after the break of August 2008 conflict the OSCE decided to increase the number of its MMOs in Georgia up one hundred, (twenty MMOs to be deployed immediately in the areas adjacent to South Ossetia), in order to contribute to the implementation of the Medvedyev-Sarkozi six-point cease-fire agreement.⁴¹⁹ Lamentably, they could not perform any monitoring operations in South Ossetia due to Russia's opposition to let them into the region.

In the resolutions of Georgian Parliament of 11 October 2005, and February 15 2006, it was noted that in case the peace-keeping forces in the territory of South Ossetia do not properly implement their direct obligations, the Parliament of Georgia would demand the cessation of the peacekeeping operation, termination of the relevant international agreements and the closure of the existing structures since February 2006.⁴²⁰ Thus, Georgia has never hidden its dissatisfaction with the existing negotiation format and its desire to change it for a more

⁴¹⁷ It considered the JPKF as an additional chance for Russia to equip the South Ossetian military forces and a possibility for South Ossetians to get advance notice of JPKF or JPKF/OSCE monitoring patrols. (See: Georgia's South Ossetia conflict: make haste slowly," 18).

⁴¹⁸ Statement of the Minister of Foreign Affairs of Georgia, Gela Bezhulashvili at the OSCE Permanent Council Meeting, Vienna 14 June 2007, (PC.DEL/572/07, 14 June 2007):6.

⁴¹⁹ See: OSCE Permanent Council decision No. 861, of 19 August 2008, on increasing the number of military monitoring officers in the OSCE Mission to Georgia, (PC.DEC/861, 19 August 2008):1. Medvedyev-Sarkozi agreement, August 12, 2008 ceasefire deal will be addressed in the Section 4 devoted to the EU role.

⁴²⁰ See: Resolution of the Parliament of Georgia regarding the current situation in the conflict regions on the territory of Georgia and ongoing peace operations, October 11, 2005; and the Resolution of the Parliament of Georgia on the Current Situation in the Former Autonomous District of South Ossetia and Ongoing Peace Process, February 15, 2006, online, available from (<http://www.parliament.ge>), unpagged.

neutral or “unbiased” one for achieving progress in peace negotiations. Calls for internationalization of the negotiation format as well as the peacekeeping structure, which were named as ‘ineffective’, plus the necessity to ensure transparent international monitoring of the Roki tunnel, were ubiquitous slogans in the statements of Georgian officials.⁴²¹

During the subsequent JCC meetings in Istanbul on March 21-22 and Tbilisi 23-24 October in 2007, although the sides discussed some security and economic issues, they still could not come to an agreement on the change of the format.⁴²² Until October 2007 this body had met about 52 times⁴²³ and held number of informal meetings. On October 23-24, 2007, the JCC met in Tbilisi after more than one year’s break and the issues related to the security situation in the zone of conflict, the OSCE-led Economic Rehabilitation Programme,⁴²⁴ law enforcement co-operation as well as next steps in the negotiation process were discussed.⁴²⁵ This became the last JCC meeting before the unleashing of notorious August 2008 events. With that, the OSCE led negotiations between Georgia and South Ossetia broke down.

2. 2. Initiatives for peaceful settlement of the conflict

After the events of 2004 when the situation around the South Ossetian conflict worsened, President Saakashvili initiated peace plans for South Ossetia that offered wide autonomy for the region within Georgia. The first peace plan, which was presented by President Saakashvili at the 59th session of the General Assembly of the United Nations in September 2004, considered carrying the peace process in three stages: demilitarization, economic rehabilitation and political settlement. Later, Prime Minister Nogaidely prepared and presented a detailed road map for the implementation of this plan. At that time, during the meeting with the OSCE Chairman-in-Office Minister Rupel held on October 17 2005, at the Ministry of Foreign Affairs of Russia, South Ossetian leader Edward Kokoity expressed his support for this plan noting that “he was ready to make further efforts towards demilitarization and he was not against examining the status issue”. The plan was also

⁴²¹ Report by the chairman of the Permanent Council on the visit to Georgia by OSCE delegations from Vienna 23 – 29 July 2006, Vienna 7 August 2006, (CIO.GAL/147/06, 8 August 2006, RESTRICTED):2.

⁴²² Georgia’s South Ossetia conflict: make haste slowly,” 10.

⁴²³ Some examples of the most recent JCC meetings - 16-17 March, 14-15 July 2004, 24-25 October, and 27-28 December 2005, and 17-18 August 2006 in Moscow; 27-29 March and 12-13 October 2006 in Vladikavkaz; 30-31 May 2005, 22 June, 14 September, and 28 December 2006 in Tskhinvali; informal JCC on 23 March 2007 in Istanbul, 20 April 2007 in Tskhinvali. (OSCE Delegations Website, <https://delweb.osce.org>, RESTRICTED).

⁴²⁴ Will be covered at a later stage.

⁴²⁵ “OSCE Mission to Georgia, Spot Report: JCC meeting in Tbilisi,” *Documents of the Conflict Prevention Center*, Vienna, October 25, 2007 (SEC.FR/412/07, 25 October, 2007, RESTRICTED):2.

supported by other members of the JCC, including the Russian Federation.⁴²⁶ On December 6, 2005 during the Ljubljana Ministerial Meeting of the OSCE, the peace plan by the Georgian President received wide approval among the OSCE member states.⁴²⁷ After this plan's general acceptance among the OSCE community, Georgia repeatedly called for the implementation of this plan and in this light, also stressed the need to increase the OSCE military monitors in the region.⁴²⁸

However, upon the plan's endorsement by the OSCE community, South Ossetian leader Mr. Kokoity proposed his alternative peace plan on 12 December 2005 that likewise presented a phased approach for conflict resolution. His proposed stages were however, slightly different: demilitarization, confidence building and security guarantees; social and economic command.⁴²⁹ At the JCC meeting held in Moscow on December 28-29, 2005, the parties agreed that the two initiatives – by Georgian President and the South Ossetian leader – contained some common points, since they both proposed a three-staged approach to the conflict settlement process – demilitarization and confidence-building measures, economic rehabilitation, and political issues. There was a general agreement that on the basis of the two initiatives a joint peace plan could be worked out. To this end, the parties proposed to establish a working group, which would draft such a joint peace plan by the beginning of February 2006. However, the idea could not materialize since the JCC Co-Chairs did not reach an agreement over the composition and mandate of such a working group.⁴³⁰

On April 23 2007, Georgian President submitted to the National Security Council of Georgia a new plan for the peaceful resolution of the South Ossetian conflict. This plan envisaged some real steps for setting up a temporary-administrative unit on the territory of the former autonomous district of South Ossetia. Although the plan itself was not made public, in general, the objectives of creation of such an administrative-territorial unit were said to be the

⁴²⁶ "OSCE Mission to Georgia: Spot report: Major outcomes of the JCC Meeting in Moscow 24-25 October, 2005," *Documents of Conflict Prevention Center*, Vienna 27 October 2005 (SEC.FR/456/05, RESTRICTED):2.

⁴²⁷ See: Statement on Georgia, Ministerial Council, Organization for Security and Co-operation in Europe, Ljubljana, 6 December, 2005, (MC.DOC/4/05, 6 December 2005), unpagued.

⁴²⁸ "Georgian prime minister calls for implementation of South Ossetia peace plan, suggests increase of OSCE monitors," *Press-release, OSCE*, (SEC.PR/460/06, 27 October, 2006), unpagued.

⁴²⁹ Georgia's South Ossetia conflict: make haste slowly," 11.

⁴³⁰ "OSCE Mission to Georgia , Spot Report: Major results of the JCC Meeting in Moscow, 27-28 December 2005," *Documents of the Conflict Prevention Center*, Vienna, January 3, 2006 (SEC.FR/3/06, 5 January 2006, RESTRICTED):2.

promotion of human rights, coordination of reconstruction efforts and elaboration of a final status for South Ossetia within Georgia.⁴³¹

According to this plan, the future members of this unit would get the positions of Deputy Ministers in Georgian Ministries of Interior, Economic Development, Finance, Education and Sciences, Health and Social Welfare, Culture, Justice, Agriculture and Environment. These deputy ministers would be given a specific mandate to manage the relevant issues in the territory of the former autonomous district of South Ossetia. Georgian President mentioned that this initiative was made in the context of the necessity to restore the rights of all ethnic Ossetians for self-governance and participation in political life of the country.⁴³² After the establishment of the said provisional-administrative territorial entity in the South Ossetian territory, Georgian plan considered the appointment of Kurta based Dimitri Sanakojev, who was loyal to Tbilisi, to the position of the Head of the Provisional Administration.⁴³³

In July 2007, President Saakashvili issued a decree on the establishment of a commission to work out proposals on South Ossetia's status within Georgia. The Commission included all the interested parties – Georgians and Ossetians living in Georgia, also invited Russia and the South Ossetian leadership to participate. The work of the Commission was divided into five working groups, which were entitled to present recommendations on constitutional, financial, economic, educational and cultural matters.⁴³⁴ Nevertheless, despite the obvious attempts to find a peaceful resolution to the South Ossetian conflict and the initiation of peace plans, these plans failed to serve as a basis for further work and achievement of progress in conflict resolution.

2.3. OSCE contribution to economic development of the region

One of the areas where the OSCE contribution was the most visible was the economic rehabilitation programs for the region of South Ossetia. OSCE officials have also acknowledged the positive role of economic rehabilitation in the process of conflict resolution. OSCE Head of Mission to Georgia Ambassador Roy Reeve also noted that

⁴³¹ Ibid.

⁴³² "OSCE Mission to Georgia, Spot Report: New plan by Georgian President towards the peaceful resolution of the Georgian-South Ossetian conflict," *Documents of the Conflict Prevention Center*, Vienna, April 26, 2007 (SEC.FR/168/07, 26 April, 2007, RESTRICTED):2.

⁴³³ Statement of the Minister of Foreign Affairs of Georgia, Gela Bezhulashvili at the OSCE Permanent Council Meeting, Vienna 14 June 2007, (PC.DEL/572/07, 14 June 2007):4.

⁴³⁴ Remarks by Zurab Nogaideli, Prime Minister of Georgia at OSCE Permanent Council, Vienna, 30 October 2007, (PC.DEL/1044/07, 1 November, 2007):10.

economic rehabilitation was able to strengthen confidence building between the sides, and facilitate the dialogue.⁴³⁵

The OSCE Mission to Georgia had been instrumental in implementation of various economic rehabilitation programmes in South Ossetian region as well as in coordination of foreign assistance for the economic revitalization of the region. The Mission had held numerous workshops and events devoted to the return of refugees and IDPs and the economic rehabilitation of South Ossetian region. For instance, on 6-7 November 1997, the OSCE held a workshop on property rights in cooperation with the OSCE/ODIHR, the UNHCR and the Council of Europe in order to help the Georgian authorities to lay legal foundations for the return of refugees and IDPs to their homes.⁴³⁶ This event was one of several, which were realized by the OSCE efforts.

Economic Rehabilitation Program (ERP) was endorsed by the Georgian-South Ossetian agreement signed in Sochi in 2004 and subsequently was also approved by the JCC in 2006. It focused mainly on economic development by helping to train local farmers in modern agriculture techniques, plus infrastructure rehabilitation.⁴³⁷ During his appearance at the Vienna headquarters of the OSCE, on October 30, Georgian Prime Minister Zurab Noghaidei announced that his government had decided to contribute an additional 250,000 euros to the OSCE-ERP for South Ossetia.⁴³⁸

One of the prominent OSCE contributions to economic rehabilitation in the South Ossetian region became the Needs Assessment Study in the zone of the Georgian-Ossetian conflict and adjacent areas that was conducted at the end 2005 and beginning of 2006 the OSCE. The mission that was composed of the international and local Georgian and Ossetian experts examined the projects for the period of mid-November 2005 – February 2006 in the areas of agriculture, energy, social infrastructure, business development, finance and roads. This became the first international assessment mission, and its goals and objectives were defined

⁴³⁵ “OSCE Mission holds meeting to discuss rehabilitation projects for Georgia-Ossetia zone of conflict,” *Press-release*, (SEC.PR/591/05), 16 December 2005, unpagged.

⁴³⁶ Ermina Van Hoya, “The OSCE in the Caucasus: long-standing mediation for long-term resolutions,” *OSCE Yearbook 1999*, (OSCE Center for Research, Hamburg): 254.

⁴³⁷ Jean-Christophe Peuch, “Georgia Pledges More Aid to Promote South Ossetia’s Reconstruction,” November 4, 2007, online, available from (<http://www.eurasianet.org/departments/insight/articles/eav110507a.shtml>). Accessed on November 11, 2010, unpagged.

⁴³⁸ Remarks by Zurab Nogaideli, Prime Minister of Georgia at OSCE Permanent Council, Vienna, 30 October 2007, (PC.DEL/1044/07, 1 November, 2007):9.

by the concept developed by the OSCE and approved by the JCC at the Moscow meeting on 22-23 June 2005.⁴³⁹

On June 14, 2006, Donors' Conference was held in Brussels, which aimed at undertaking certain responsibility by other members of international community alongside the OSCE for the social and economic rehabilitation of the region. The rehabilitation projects were actually the ones which were identified by the mentioned OSCE-led Needs Assessment Study. The participating states of the conference promised to donate 10 million for the economic rehabilitation in the zone of the Georgian-South Ossetian conflict.⁴⁴⁰ This conference in fact was the first one of its kind for the OSCE where the four Co-Chairs of the JCC also took part.⁴⁴¹ Georgia itself donated 7.8 million euro for the economic rehabilitation of the region and had also initiated a State Commission which was responsible for considering financial and economic plans for the integration of South Ossetian region into Georgia as well as its economic development.⁴⁴²

In general, economy seemed to be the only area on which Georgians, Ossetians, plus Russians seemed to be able to come to an agreement. Nonetheless, not everything was smooth on this field either. Both Georgia and Russia launched their own economic rehabilitation assistance to South Ossetia and at times, the two appeared to be at race over who would make the biggest contribution to the economic rehabilitation of South Ossetia and hence gain bigger influence in the region. There were some accusations towards Georgia that in its economic policy, it was predominantly favoring the Kurta based – Sanokaev administration, while Russia was rendering its own economic assistance to the region bypassing any international – including the OSCE framework, which occasionally caused enragement on Georgia's part.⁴⁴³

⁴³⁹ The OSCE-led Needs Assessment Study in the Zone of the Georgian-Ossetian Conflict and Adjacent Areas, Summary Report, April 2006, (OSCE Mission to Georgia, Press and Public Information Office):1.

⁴⁴⁰ The pledges were: European Commission (two million euros), the United States (two million US dollars), Sweden (one million euros), Belgium (one million euros), Germany (500,000 euros), the Netherlands (500,000 euros), Norway (about 250,000 euros), Spain (200,000 euros) and Finland (200,000 euros). Estonia, Turkey, France, Hungary, the United Kingdom, Lithuania, Italy, the Czech Republic, Croatia, Poland and Andorra pledged amounts up to 150,000 euros, making a total of about 7.9 million euros. See: "OSCE donors pledge more than 10 million euros for economy in Georgia/South Ossetia," *Press release*, (SEC.PR/233/06, 14 June 2006).

⁴⁴¹ "OSCE donors pledge more than 10 million euros for economy in Georgia/South Ossetia," press release, (SEC.PR/233/06, 14 June 2006), unpagd.

⁴⁴² Remarks by Zurab Nogaideli, Prime Minister of Georgia at OSCE Permanent Council, Vienna, 30 October 2007, (PC.DEL/1044/07, 1 November, 2007):14.

⁴⁴³ For example, at 2006 donors' conference, Russia promised to allocate about \$ 3 million for economic rehabilitation of South Ossetia. On Georgia's part it was understood that this aid would be given under the 2000 bilateral Russia-Georgia agreement on economic rehabilitation and in coordination with the OSCE. However, Russia referring to the delays on OSCE part, had directly financed seven projects by the end of 2006, which

After the bloody war between Russia and Georgia and the recognition by Russia of South Ossetia's and Abkhazia's independence, the OSCE was entangled with a thorny task of keeping its presence and role in Georgia in the situation of complete loss of control by the Georgian authorities over the security balance in the country and in its breakaway regions. The mandate of the OSCE Mission to Georgia, which expired at the end of 2008, was not further extended due to a strong opposition of the Russian Federation to give its consent to the continuation of this mission in Georgia, without opening the same representations - in Russia's parlance - also for newly *established states of South Ossetia and Abkhazia*⁴⁴⁴.

Upon OSCE's rejection of Russia's calls "to recognize the new realities" and pursue the policy of "equal representation" in Georgia, South Ossetia and Abkhazia, Russia became more intransigent to agree to the extension of the organization's mandate and hence, the OSCE Mission in Georgia had to put up with its closure starting from the beginning of 2009. Consequently, all the activities implemented by the OSCE Mission in Tbilisi, including its military monitoring activities in the region had to be terminated. Ultimately, following the cessation of the JCC activity at the late 2007, August 2008 clashes and the subsequent closure of the OSCE Mission to Georgia, OSCE's sole mediation of the South Ossetian conflict came to an end.

Subsequent to these dramatic developments, new negotiation format – Geneva talks - which was launched in November of 2008 and hosted by the European Union, became the main forum for the discussion and interaction among the parties to South Ossetian and Abkhazian conflicts, once the UN and the OSCE led processes came to an end. This format, alongside the EU also included the representatives from the UN, OSCE as well as Georgia, Abkhazia, South Ossetia and Russia. About fifteen rounds of talks have been held so far, the last one on March 4-5, 2011, and those talks addressed wide range of issues such as stability and security in the region, return of IDPs and refugees, non-use of force and international security guarantees etc. One of the stumbling blocks of the talks became the status issue, since Tbilisi completely retorts to recognize the independence of the two regions and therefore, denies signing any international agreements with them, including the agreement on non-use of force. The necessity of signing such an agreement had been advocated by Russia and South Ossetia,

caused opposition by Georgia, who also blamed Russia in increasing the payment of salaries and pensions to South Ossetians after the closure of Ergeni market, which was the main market for Ossetians to maintain their economic interactions with Georgia. (See: Georgia's South Ossetia conflict: make haste slowly," 23).

⁴⁴⁴ Emphasis mine.

inasmuch as they consider Medvedyev-Sarkozi agreement not to be sufficient for the independent republics' security from future possible offensive of Tbilisi. Tbilisi on its part maintains that this kind of non-use of force agreement could be concluded only with Russia.⁴⁴⁵

In sum, OSCE's leading role in mediating the South Ossetian conflict came to an end after the August 2008 events, and with the initiation of multi party Geneva talks it started to act as one of the three joint Co-Chairs who undertook the task of mediation of South Ossetian and Abkhazian conflicts. This change of format was actually what Tbilisi was clamoring for since long time, feeling marginalized in the JCC format. However, the price Tbilisi paid for this change happened to be too expensive, since the independence of the regions and their recognition by Russia and few other actors of international law seems to be irreversible.

3. Analysis of effectiveness from the prisms of regime theory and theoretical approach to international mediation

Having provided an overview to the OSCE involvement in the Nagorno-Karabakh and South Ossetian conflicts this section further aims to conduct the analysis of the OSCE effectiveness in dealing with the mentioned conflicts. For this purpose, the two hypotheses [actors' interests and problem solving capacity] based on regime theory assumptions will be tested. Moreover, OSCE role in addressing the Nagorno-Karabakh conflict will also be analyzed from the prisms of mediation theories by virtue of the fact that regime theory cannot explain fully most aspects of OSCE mediation of Nagorno-Karabakh conflict and will largely be useful in highlighting the internal dynamics within the Minsk Group. This is because the Minsk Group cannot be regarded as a full-fledged regime given the specifics of its institutional build-up.

3.1. OSCE Minsk Group activity in Armenian-Azerbaijani Nagorno-Karabakh conflict through regime theory hypotheses

3.1.1. First hypothesis: powerful actors' interests

- Interests and preferences of the concerned powerful states influence the effectiveness of the OSCE to facilitate the achievement of a final solution to the conflicts in the South Caucasus republics.

⁴⁴⁵ "Geneva talks on Caucasus end in deadlock," AbkhazWorld, Wednesday 9 June, 2010, online, available from (<http://www.abkhazworld.com/headlines/489-geneva-talks-june-2010.html>). Accessed on September 23, 2010, unpagued.

At the outset, I will focus on testing the two hypotheses in the case of OSCE Minsk Group activity and for this purpose, will start with illuminating *the first hypothesis* - the role of the *concerned powerful actors* within the OSCE Minsk Group.

Russia. The impact of Russia's interests on the effectiveness of the OSCE is more complex compared to its role in the CIS and the UN given the fact that the organization fundamentally differs from the two in terms of its *raison d'être*, founding concepts, number, geography of its membership, and many other indicators.

This is not to assert that Russia has been very successful in advancing its interests⁴⁴⁶ within the OSCE realm. Not in the least, provided the fact that OSCE membership also includes other potent actors, like the US, the EU member states, and finally, the conflicting parties themselves, which also hold veto power alongside Russia. However, the consensus decision making rule of the organization makes it possible for Russia to undermine any plans, if desired, for a more active OSCE involvement in the conflict resolution in the South Caucasus region if that is attempted by the conflicting parties themselves or by any other interested OSCE state, provided that the remaining OSCE participating states maintain at least neutrality in the given case.

Russia is one of the three Minsk Group co-Chairs⁴⁴⁷ in the mediation of the Nagorno-Karabakh conflict since 1992, and has been participating actively in the formulation of the proposals that were made by the group. As a country that shares several decades of common history with the parties to conflict, and having bigger input into their history and culture, Russia in fact has the earnest potential to make difference in the peace process, if there would be political willingness to do so.

It takes no ingenuity to know that having such a strong economic and political influence on Armenia, it would cost Russia almost nothing to talk Armenia into withdrawing its forces from the occupied territories of Azerbaijan and with that to contribute immensely to the resolution of the Nagorno-Karabakh conflict and establishment of interactions between the two countries. Instead, visually Russia maintains an image of a third-neutral actor, which is

⁴⁴⁶ For more information on Russian interests in the region see Chapter I, Section 2.

⁴⁴⁷ Minsk Group co-Chairs at times will be simply referred to as Minsk Group. In fact, Minsk Group has larger membership than the three co-Chair states, however, since 1997 no meeting of the Minsk Group was conducted and the main work is done by the co-Chairs.

trying to help, but expects that the solution is to be found by the parties themselves. In reality, though, it supports Armenia through all means, up to “granting” it with the free armaments and ammunition, and to Armenia’s disappointment, also sells weapons and heavy artillery to Azerbaijan.⁴⁴⁸

Nonetheless, Russia has actually done quite a notable work of a mediator by facilitating bilateral and trilateral (with the participation of Russian president) meetings between the presidents and hosting them,⁴⁴⁹ when that did not present to be possible by the efforts made within the OSCE, its Minsk group in its entirety or the co-Chairs.

Moreover, it was for Russia that the ceasefire agreement was finally achieved in 1994 between Armenia and Azerbaijan, which ended the bloodshed. Since there are also some achievements that became possible owing to Russia’s participation, analysis of these and similar facts does not make it acceptable to unequivocally claim that Russia’s overall influence on the conflict resolution in the Nagorno-Karabakh conflict was fully biased and served its egoistic national interests. However, it would also be not correct and naive to believe that Russia’s peace activity in the given context did not have a hidden agenda. Often, Russian activism in the conflict resolution process was dictated by its motivation to be monopolize the conflict resolution process, which would facilitate the inculcation of its vision of the peace process or at least to be abreast of all the relevant developments in order to guarantee the flexibility of its policy and be able to “pull the leverage” at the right moment if any, or both of the parties show the signs of constructivism and the desire to agree upon a peace deal.

Against the picture of the aforesaid, it is indeed rather difficult to give a clear cut positive or negative estimation to Russia’s complex game plays in the region and in the solution of its conflicts. Despite of some positive inputs that were possible through Russian efforts, overall, its role as a co-Chair of the Minsk Group has become another forum for the advancement of its own national security interests. Surely, the fact that one of its influential actors has such entrenched interests in the region and pursues a well-thought, but a disguised policy of Realpolitik, debilitates the effectiveness of the given institution and runs the risk of making it

⁴⁴⁸ Open facts about Russian sells of weapons and armaments to both countries are reflected in annual information exchanges conducted within the relevant frameworks of the OSCE and the UN.

⁴⁴⁹ See the first section of the current chapter.

a tool, which would serve the interests of certain actors, and not the purpose of peaceful settlement of the conflict.

United States. The US together with Russia is one of the co-Chairs of the OSCE Minsk Group. General image that the US wants to maintain towards the resolution of the Nagorno-Karabakh conflict is that of a neutral mediator, who is interested in the soonest settlement of the conflict and expect that the solution of the problem is to be achieved by the parties themselves. Although the US is interested in maintenance of security and stability in the region and there is a good understanding of the fact that without the solution of the Nagorno-Karabakh conflict, this will be difficult to achieve, the US is nonetheless, is averse to employing any other coercive measures against the conflicting parties in order to force them for a speedy solution of the problem. The US has repeatedly recognized the territorial integrity of Azerbaijan and in its relevant reports⁴⁵⁰ had acknowledged the occupation of Azerbaijani territories by the Armed Forces of the Republic of Armenia.

Nonetheless, when it came to its function as a Minsk Group co-Chair the US had never voiced unequivocal support for any of the two principles: territorial integrity and self-determination of peoples, and chose to perform a balancing act between the two conflicting states: Armenia and Azerbaijan. If Azerbaijan presents to be a strategic hub for US's economic interests in the region, Armenia counterweights this influence with its powerful Diaspora in the US. In this light, it is hard to conclude whether the US has positive or negative influence on the effectiveness of the OSCE in the context of the Armenian-Azerbaijani Nagorno-Karabakh conflict. Its influence on the effectiveness of the OSCE is more reserved compared to Russia, in this case. However, it is still valuable for Azerbaijan given the fact that Azerbaijan views the US as the only non tendentious Minsk Group co-Chair, compared to Russia and France, which in deeds are more pro-Armenian than the US.

⁴⁵⁰ The United States Department of State, in its human rights report on Armenia for the year 2006, states: "Armenia continues to occupy the Azerbaijani territory of Nagorno-Karabakh and seven surrounding Azerbaijani territories". The similar report on Azerbaijan also emphasizes this fact: "Armenian forces controlled most of Nagorno-Karabakh, as well as large portions of adjacent Azerbaijani territory" and "Armenia continues to occupy the Azerbaijani territory of Nagorno-Karabakh and seven surrounding Azerbaijani territories".(See: *Country Reports on Human Rights Practices, 2006, Armenia, section 1 (a). Country Reports on Human Rights Practices, 2006, Azerbaijan, introductory section*).

France. France as one of the Minsk Group co-Chairs also has a certain role to play in the conflict resolution. France is one of the countries which has vast Armenian diaspora⁴⁵¹ and behind scenes, its neutrality and ability for effective mediation is often questioned by Azerbaijan. Inclusion of France as a Minsk Group co-Chair in 1996 to replace Finland was met with Azerbaijan's concern, while supported by Armenia. Besides Armenian factor France compared to Russia and the US does not have strong interests in the region, which would also influence its mediator's role. However, the existence of vast and influential Armenian diaspora in France, which raises the profile of and the sympathy for Armenians is already estimated as a hindrance for France's neutral mediating efforts. Like Russia and the US, France also prefers to keep its silence on the issue of "territorial integrity" and underlines that the two principles [territorial integrity and self-determination] to which the parties refer have to be equally respected.

Turkey. What concerns Turkey, as the Section 2 of the Chapter I illustrated, this country has special connections with Azerbaijan and supports its position in the Nagorno-Karabakh conflict. It is because of the fact that Azerbaijani territories were occupied, Turkey had closed its borders with Armenia in 1993 and ceased its diplomatic relations with the latter. Although Turkey is not represented in co-Chairmanship institute, it is nonetheless known that Turkey tries to support Azerbaijan's position within the OSCE whenever and wherever possible. Having engaged itself with the practice of joining the common EU statements that are often delivered at the OSCE on various issues, Turkey, however, always issues a statement in national capacity when it comes to Nagorno-Karabakh conflict and does not join the common EU statements, which often omit and carefully bypass to mention the support for the principle of territorial integrity out of considerations to balance the interests of Armenia and Azerbaijan. Turkey conversely, always enunciates its support for the principle of territorial integrity in the given context.

Azerbaijan not once expressed its concern about the fact that the Minsk Group co-Chairs are being partial in their attitude towards conflict resolution and pursuing a policy of double standards by implicitly approving the deeds of the occupier state. Nonetheless, it still does continue the negotiations within this format and has not insisted on the format change. The

⁴⁵¹ The estimated number of Armenians in France differs – but the figures are around 500,000. According to ArmeniaDiaspora.com there are 400,000 Armenians living in France. Mostly they live in Paris (200,000), Lyon (100,000), Marseille (80,000) and Valence (up to 10,000). (from Wikipedia, online Encyclopedia (http://en.wikipedia.org/wiki/Armenians_in_France)).

only change Azerbaijan wanted to bring to the Minsk Group format was the inclusion of Turkey in order to somehow balance the already disturbed in Armenia's favor equilibrium (with France, Russia being openly pro-Armenian countries, and the US having strong Armenian lobby influence). This proposal was lambasted and not accepted by Armenia, who on the contrary argued that Turkey does not have diplomatic relations with Armenia and therefore, could not be a Minsk Group member. Unlike Azerbaijan, Armenia does not want to change anything in the current format.

After getting a general glance at actors that are parts of the OSCE Minsk Group co-Chairmanship institute it is time to move to testing the two hypotheses of the regime theory. In the given case, the interests of powerful actors no doubt influence the effectiveness of the OSCE Minsk Group, in different ways though. From the Chapter III dedicated to the UN and CIS effectiveness analysis we came to conclude that the interests of a single actor – Russia was the main driving force in defining the level of effectiveness of the two institutions to make difference in conflict resolution. Russia's hegemonic role was enhanced by low profile chosen by other members of the two institutions towards the conflict resolution in the South Caucasus and their tacit agreement to leave the leading role for Russia if the latter desired to do so.

In case of the OSCE Minsk Group, Russia, however, is not the only game in town, with the US and France also sharing the burden of mediation activity. It is rather difficult in this case to assert that Russia has managed to entrench its *coercive hegemony* as in the case with the UN and the CIS in the given case, since no decisions are taken within the Minsk Group *per se* and it only fulfills a mediation activity by bringing out proposals to the consideration of warring parties. Surely, Russia's intentions in respect to the region are well known, however, Minsk Group format is not the framework where Russia or any other Minsk Group member could fundamentally influence or change the outcome, due to the fact that Minsk Group is not vested with decision making authority. The best the Minsk Group co-Chairs declare themselves to be able to do is to present the peace proposals to the consideration of parties and shuttle between them for organization of meetings, without taking additional responsibilities for inducing any proposal on any party.

However, in practice Azerbaijan often decries Minsk Group co-Chairs of maintaining unconstructive position in peace process and even conniving at Armenia [especially Russian

influence on Armenia in order for the latter to tighten its position], which it considers to be the occupying state. However, since the peace negotiations are carried out in a highly classified manner, it is difficult to see any real expressions of Russia or any other Minsk Group co-Chair influencing any of the parties to take certain actions. These phenomena is hard to prove, since as it was mentioned, Minsk Group co-Chairs do not have a decision making capacity and backstage political interactions between the co-Chair states and the conflicting parties are often left in the dark and unspoken side of the process.

Paragraphs above lead to the thought that the first hypothesis of the regime theory – *Influence of powerful states* – although applicable to the give case, cannot really explain the effectiveness of the OSCE Minsk Group. As it is seen from the provided empirical data, backstage interactions of the powerful states are not poured into the Minsk Group format, which tries to maintain an image of a third party mediator. It would be erroneous to look for a *coercive hegemon* within the Minsk Group co-Chairmanship, since all co-Chairs have equal status, and again, no decisions are made within the Group. Therefore, although the first hypothesis in the given case could to some extent explain the dynamics within the Minsk Group, it cannot explain the degree of its effectiveness.

3.1.2. Second hypothesis: Problem solving capacity

- *Problem solving capacity of the OSCE influence its effectiveness to facilitate the achievement of a final settlement to the conflicts in the South Caucasus republics*

Regarding the second - *problem solving capacity hypothesis*, it should be recalled that according to regime theory, the problem solving capacity is defined by three determinants: 1) the institutional setting or the rule of the game; 2) the distribution of power among the actors involved; 3) efforts directed to achievement of cooperative solutions.⁴⁵² In juxtaposing the Minsk Group co-Chairs performance against these determinants, we would suggest that only the third element could be applicable in the given context, since the Minsk Group has been quite active in working out different proposals directed to final solution of the Nagorno-Karabakh conflict. The first and the second elements are not really helpful in this case, because firstly, the Minsk Group is not a decision making, but a consultative body, which

⁴⁵² See Chapters III and IV.

does not take decisions as such, and secondly, the power distribution in this case is not upset in favor of any actor.

However, the first element was relevant though, when the Minsk Group attempted to operate on a broader OSCE level given that the OSCE is a consensus organization and any decisions could be blocked by opposing party. As it is seen from the section describing OSCE role in Nagorno-Karabakh conflict, in the initial years of the Minsk Group mediation this is what actually took place with Armenia for instance, blocking the inclusion of certain principles offered by the Minsk Group into the 1996 Lisbon document and Azerbaijan therefore, rejecting the adoption of the whole Final Lisbon Document.

Perhaps understanding the limitations of a consensus rule within the OSCE starting from 1997 the Minsk Group started to operate in a more narrow composition for facilitating the actual work, - only the co-Chair members, - circumscribing itself to the development of some proposals and submitting them to the consideration of parties. Moreover, despite of the fact that Minsk Group actually consists of eleven states,⁴⁵³ no meeting of the group took place since 1997 and the main work was done by the three co-Chairs. No major decision was taken within the larger OSCE context henceforth, despite some standard statements and positions expressed during the OSCE Ministerial meetings.

General conclusions

Hence, the paragraph above helped to clarify that although the OSCE is a consensus organization and regime theory assesses the consensus decision making rule as the factor diminishing the effectiveness of organizations, in the case of the Minsk Group [detached from the broader OSCE context], however, OSCE's consensus decision making was not a hindrance. Thus, the two hypotheses of the regime theory are not fully successful in explaining the OSCE Minsk Group performance in negotiating a solution to Nagorno-Karabakh conflict, and can provide some explanations to the internal dynamics and history of the OSCE Minsk Group. Therefore, for analyzing the effectiveness of the OSCE Minsk Group the assumptions of the mediation theories will be referred to. However, some general regime theory suppositions could still be useful in suggesting the following:

⁴⁵³ See the Section describing OSCE role in Nagorno-Karabakh conflict.

- Like the UN and the CIS, the OSCE in dealing with Nagorno-Karabakh conflict also lacks *actor's capacity* due to the existence of different and often opposing interests of its members. Therefore, in order to increase possible effectiveness, smaller institution, i.e. Minsk Group was created, which has consultative function.
- OSCE through its Minsk Group although has not so far been able to achieve final solution to the conflict [like in the case with the UN and the CIS] – *functional* effectiveness, - it has however, been able to achieve some *behavioral* effectiveness - by bringing the parties to negotiation table, where they talked over the ways of solution.
- What concerns the achievement of *relative improvement*,⁴⁵⁴ the OSCE Minsk group activity could be graded as “satisfactory” in a scale which ranges from “bad, satisfactory, good and excellent”. To put it in more general terms, it could be suggested that there has been some *relative improvement*.
- While measuring the Minsk Group performance against the hypothetical ideal solution – a *collective optimum* [a common achievement based on the accommodated interests of the parties], and the *noncooperative situation* [or *non regime counterfactual* - evaluate the hypothetical state of affairs if regime did not exist at all], it could be suggested that in the first case the result is not very satisfying, while in the latter case, the OSCE Minsk Group had indeed made considerable difference. Had this entity not been in place, the current state of affairs in the peace negotiations would probable have been worse off, or perhaps did not exist at all. Therefore, although the Minsk Group failed to this day to achieve a *collective optimum* solution, it nevertheless, managed to make difference if tested against the *noncooperative situation*.

In the next part, analysis of OSCE Minsk Group activity will be done from the prisms of mediation theories.

⁴⁵⁴ The extent to which the regime has actually made difference in the solution of the given problem and came closer to the solution of the problem.

3.2. OSCE Minsk Group effectiveness/success⁴⁵⁵ through theoretical approach to international mediation

Having concluded that the first and the second regime theory hypotheses cannot fully explain the effectiveness of the OSCE Minsk Group, theoretical approaches to international mediation were chosen as alternative instruments for evaluating the effectiveness of the OSCE Minsk Group. Theoretical approaches to international mediation suggest that the effectiveness of the OSCE Minsk Group is contingent upon the following factors: 1) previous relations between the conflicting parties; 2) nature of problem; 3) mediation strategies; 4) impartiality/or perceived bias of the mediators.

Since achievement of cease-fire the situation on the ground is more or less the same, however, it should be noted that the possible success of the OSCE mediation activities is dependent on a number of different factors that I will describe below.

For the beginning, I will incorporate the theoretical assumptions of mediation theories that were laid out in the Chapter III. One of the factors defined as influencing the success of mediation is noted to be the previous relations between the conflicting parties, since if the previous relations between the warring sides were friendly, then it is assumed that the mediation could be more successful than in the case if the parties had past animosities.⁴⁵⁶

While sketching the success of OSCE efforts from prism of *previous relations between the parties*, one could imagine how the co-Chairs are challenged by mediating between the parties that share a hostile and conflicting past, when hatred and antagonism are the dominant features in their mutual perceptions.⁴⁵⁷ The fact the Armenians and Azerbaijanis have a history of ethnic clashes complicates the achievement of *rapprochement* on the disputed issues thus diminishing the chances for successful mediation.

Another determinant influencing the outcome of mediation is considered to be the *nature of the dispute*. It is suggested that when vital interests such as sovereignty and territorial integrity are affected, it is much more difficult for the mediators to succeed. Therefore, the nature of

⁴⁵⁵ “Effectiveness” and “success” in the case will be used interchangeably.

⁴⁵⁶ See Chapter III (Jacob Bertcovitch and Allison Houston, 22).

⁴⁵⁷ See Chapter II for more information.

problem and its perception by the sides to the conflict have significant impact on chances of achieving effective or the opposite result.⁴⁵⁸

Indeed, looking through the prisms of this statement, it could be argued that the successful mediation of the OSCE in the Nagorno-Karabakh conflict is to a large extent dependent on as many like to refer “intractable” nature of the conflict, which inhibits the chances for achievement of successful results. One of the reasons why the conflict is deadlocked has to do with the usage of two principles of international law by the parties to the conflict: territorial integrity and the rights of peoples to self-determination.

The fact that the two sides to the conflict defend their positions based on these principles, leads to the debate about the norms of international law, inviolability of internationally recognized borders and legality/illegality of putting the rights of peoples (national minorities) to self-determination superior to the preservation of territorial integrity of a state. Before elaborating more on this determinant of mediation effectiveness/success, I should note that this theoretical assumption coincides with the third regime theory hypothesis [nature of the problem] and will be dwelt on in details in the Chapter VII of the dissertation.

The next factor in the given context is the *strategies of mediation*. Three main strategies are believed to lead the mediation behavior: communication-facilitation strategies [function of communication between the parties with a little control over the substance of the issues], procedural strategies [mediators have a more formal control and may define the technical factors such as mediation environment, number and type of meetings, agenda of the meetings] and directive strategies [mediators influence the content, substance as well as the process of the mediation]. Often, in the latter case, mediators provide incentives, issue ultimatums, offer rewards and punishments, and introduce new proposals. It is assumed that directive strategies are more advanced and successful than other strategies.⁴⁵⁹

Based on these assumptions, it could be seen that the OSCE mediation is in rather advanced stage and throughout its involvement in the mediation activity the Organization has used directive strategies. Perhaps, this could be evaluated as being the most important successful element in the overall activity of the Minsk Group. As it was highlighted before in the work, the Minsk Group has initiated three proposals and has elaborated the list of basic principles to serve as a basis for the peaceful resolution of the conflict. All of these proposals are workable

⁴⁵⁸ See Chapter III (Jacob Bertcovitch and Allison Houston, 22-25.)

⁴⁵⁹ See Chapter III (Jacob Bertcovitch and Allison Houston, 30).

and plausible, provided that there is a political will of the parties to arrive at a solution based on mutual concessions.

However, there is one detail in the nature of the Minsk Group affecting the outcome of peace negotiations, which should not be overlooked. The problem about the OSCE mediation is that the Minsk Group has self-confined only to working out new deals and proposals, without undertaking a responsibility for their acceptance by the parties. It has become a tradition that in case if any of the conflicting parties is not satisfied with the proposed deal, the OSCE Minsk Group would still leave it at their discretion, this time preferring communication-facilitation strategy, would wait for the parties themselves to find zones of agreement. The OSCE does not use any other tool (such as incentives, ultimatums, rewards or punishments) in order to influence the position of any party. It is another question whether the OSCE is in possession of those necessary tools; however, this does not change the end result.

Therefore, in terms of providing the parties with food-for-thought and being involved in the substance of the negotiations, the OSCE Minsk Group could be considered as doing a successful job, which, however, I argue is not a full success. Considering the overall picture of peace negotiations between the conflicting sides, the OSCE mediation could perhaps be labeled as being partly successful, since it has indeed succeeded in initiating a dialogue between the parties,⁴⁶⁰ nonetheless, the final peace unfortunately, is yet seems to be unattainable. Yes, the OSCE Minsk Group has initiated intensive bilateral talks and negotiations, it has used directive strategies and provided the parties with new proposals, however, it lacks the capacity to influence behavior of the parties and is fully dependent on their opinions.

In fact the only OSCE structure on the site is the Personal Representative of the Chairman-in-Office, a Polish Ambassador Andrzej Kasprzyk, whose mandate does not include the conduct of direct negotiations. Seventeen years of mediation has been remarkable with the initiation of frequent and continuous bilateral Ministerial and Presidential meetings, preparation of blueprints of future peace deals, which most lamentably, in themselves cannot be taken as signs of success without being underpinned by the achievement of a final peace deal.

⁴⁶⁰ The most visible success during the process - the cease-fire between the parties were negotiated mainly by individual actor, Russia, not by the OSCE

The last but not the least issue that is to be addressed in the given context is the notion of *impartiality of the mediators*. Scholars researching the given phenomena maintain that in many mediation cases impartiality lies in the heart of the successful outcome and the parties tend to trust the mediator which is considered to be impartial.⁴⁶¹

Judging against the above assumptions on bias and impartiality of mediators, it should be recalled that occasionally Minsk group co-Chairs are mostly blamed [especially by Azerbaijan] for not being able to act as neutral and unbiased negotiators, and instead, acting as the representatives of their respective governments due to the presence of certain interests of the mediating states⁴⁶² in one of the conflicting parties [in this case Armenia] and therefore, inclination towards the position of the given state.

Although the Minsk Group co-Chairs try to maintain the image of impartiality and refrain from apparent side-taking to a maximum extent, some concrete examples exist where signs of partiality were discernable. For example, the recent behavior of the mediating states during the discussion of the resolution initiated by Azerbaijan - “Situation in the occupied territories of Azerbaijan – at the 62th session of the UN General Assembly (UN GA) in 2008 attested to the above conjecture that the mediators might indeed be not as impartial as they intended to look. To start with, let me note that most analysts estimated Azerbaijan’s initiation of this resolution for the UNGA as an attempt to exert some pressure on the Minsk Group, which effectiveness was often questioned by it.

Armenia spoke tirelessly against the adoption of this resolution, and described it as Azerbaijan’s attempt to drag the issue from the Minsk Group format. Minsk Group co-Chairs also did not hide their commotion with the fact that Azerbaijan tries to bring the issue to the UN forum. However, when it came to the process of adopting the resolution at the General Assembly on March 14, 2008, all three Minsk Group members actually voted against the resolution alongside Armenia, who was strongly against the adoption of the resolution. This dealt a serious blow on the image of co-Chairs as non-partial mediators.⁴⁶³

⁴⁶¹ Jacob Bertcovitch and Allison Houston, 26.

⁴⁶² See Section 2, Chapter I, and the description of the interests of Russia, France and the US in the current section.

⁴⁶³ The resolution was nonetheless adopted with 29 votes in favor, seven against [Armenia, Russia, the US, France, Vanuatu, Angola and India] and the most UN members abstaining.

The reasons for such a radical position of the co-Chairs could be numerous, but obviously, the co-Chairs did not want the Nagorno-Karabakh conflict to be discussed in a format other than the Minsk Group and therefore, chose to express their position in such a radical manner. However, for that, they could have simply abstained from voting, like many UN members states did, without embarking on radical side taking, which damaged their image of neutral mediators. Later, Azerbaijan did not hide its disenchantment with the fact that co-Chairs and Armenia actually appeared to be in the same front when it came to the issue of Azerbaijan's occupied territories.

Upon conducting the analysis of effectiveness of the OSCE Minsk Group, *firstly* through the regime theory assumptions and *secondly*, through the theoretical approaches to international mediation, the common findings suggest that despite of certain shortcomings in the work of the Minsk Group, it, however, generally managed to facilitate the achievement of a final solution to the Nagorno-Karabakh conflict.

Although the OSCE has the right mechanism to make difference in the conflict resolution process, it does not have the capacity and necessary tools to support this mechanism in bringing results. The OSCE mediation efforts did not in fact make any considerable or positive difference to the conflict resolution process, and therefore, it could not be taken as being fully effective/successful. Moreover, the speculations about the purported partiality of the mediators and the lack of confidence in their work in one of the conflicting sides do not surely add up to their effectiveness and inhibit the success of their mediation activity. Having sketched the mentioned factors, I would like to once again reiterate my evaluation of the OSCE mediation efforts as being *partly effective/successful*.

3.3. Analyzing OSCE effectiveness in Georgia through regime theory hypotheses

3.3.1. First hypothesis: powerful actors' interests

- Interests and preferences of the concerned powerful states influence the effectiveness of the OSCE to facilitate the achievement of a final solution to the conflicts in the South Caucasus republics.

As it was described earlier, the OSCE Mission in Georgia, which was established in 1992, was tasked with enhancing consultations among the conflicting parties to find a durable

solution to the conflict, encouraging dialogue, monitoring ceasefire and the JPKF activities. The JCC format set up with OSCE efforts included the representatives from Georgia, Russia, North and South Ossetia alongside the OSCE, and was tasked with administering the 1992 cease-fire agreement, initiating and implementing conflict resolution measures, mutual contacts, dialogue and coordinating the activities of the JPKF.

In the paragraphs below I will focus on the *first* hypothesis - impact of the interests of the concerned powerful actors on the effectiveness of the functioning mechanisms on the ground and on the OSCE level to facilitate the achievement of South Ossetian conflict resolution.

Russia. The fact that Russia pursues certain objectives in the resolution of the South Ossetian conflict within the OSCE-led peace process was the most conspicuous issue brought out by Georgia [during the whole period of the functioning of the JCC mechanism]. Three out of four JCC members (Russia, North and South Ossetia) were after the similar objective – achieve the independence of the South Ossetia from Georgia - and Russia in this case was taken as the main instigator. However, the problem with the JCC and the prospects for stronger OSCE role within it was hindered by the fact that Russia as a participating state of the consensus-based OSCE could block any decision and thus, inhibit any action that the latter could have taken in this regard.

Therefore, Georgia was concerned about the unbalanced structure of the JCC, since the country was left alone against other three actors, which had coinciding interests opposed to those of Georgia's.⁴⁶⁴ Georgians not once insisted on changing Russia's leading role in negotiations, and changing the negotiation and peacekeeping formats to a direct dialogue with South Ossetia, where the OSCE, the US and the EU would also partake and limit Russian role to a certain extent.

The same mistrust was also extended to the JPKF, which likewise, consisted of the mentioned four states. In fact, the OSCE was also tasked to monitor the functioning of the JPKF. However, often, when these mechanisms [JCC and the JPKF] displayed their incapacity to prevent confrontations and became manipulated by the interests of their states of origin, rather than serving the interests of one joint command for the achievement of common objectives, the OSCE was unable to make much difference and direct the efforts to the actual solution of

⁴⁶⁴ Svante E. Cornell et al, 47.

the festering issues. The JPKF remained passive with increasing Georgian mistrust in its capabilities, which the latter believed was largely abused by the other parties.

As was highlighted in the part of the current Chapter reflecting the OSCE role in South Ossetian conflict, another unfortunate example of how Russia could influence the effective work of the OSCE and the JCC mechanism became Russia's uncompromised opposition to increasing the number of OSCE MMOs in the region, which aimed at bolstering OSCE's monitoring capacity. Russia repeatedly rejected this proposal, although it was brought up by Georgia numerous times, and the reason for Russia's stubborn stance on this issue was its desire to limit OSCE's role within the JCC and keep the JCC as the only valid format for the conduct of negotiations on South Ossetian conflict. However, even when after the August 2008 conflict it became possible to increase the number of the MMOs to contribute to the implementation of the Medvedyev-Sarkozi six-point cease-fire agreement, they still were unable to perform any monitoring operations in South Ossetia because of the fact that Russia, having gained absolute the control in South Ossetia and Abkhazia upon the August 2008, did not allow their entry into the region.

Having had a work experience with the OSCE, the author of this work not once had encountered how the initiatives and decisions furthered within the OSCE by Georgia concerning conflict resolution in South Ossetia met with strong Russian position. In fact, Georgia's stance regarding the resolution of the South Ossetian conflict has wide backing among the OSCE participating states, and usually the only state which expresses opposing view and speaks in the name of the breakaway republics [although OSCE is not directly dealing with Abkhazian conflict, often Abkhazia is mentioned alongside with South Ossetia] is Russia. Any action that to Russia's opinion "would jeopardize the rights and interests of South Ossetian people" could easily be blocked by this country, thus decelerating the pace of a peace process and once again proving that in an attempt to preserve its influence in the region Russia will be ardent to whatever extent it takes. Unfortunately, this assumption proved to be absolutely true during the discussions over the extension of the mandate of the OSCE Mission to Georgia that ended in failure after prolonged talks and efforts to persuade Russia to give its consent to further extend the mandate of the mission.

As was depicted earlier, due to Russia's insistence that the OSCE be equally represented in Georgia, South Ossetia and Abkhazia, and its recalcitrance to agree to the extension of the organization's mandate, the OSCE Mission in Georgia had no option but to close its office in

Georgia. This also meant that the OSCE MMOs, who were observing the situation in South Ossetia had also ceased their activity. This ended the OSCE's role as a main mediator in the negotiations and became a lamentable example of how the international organizations' efforts could be relegated to naught and sacrificed to the maximalist interests of its influential actors.

Having analyzed the performance of the OSCE and the mechanisms where the latter was represented, it could likewise be concluded that in the case of OSCE involvement in South Ossetian conflict the effectiveness of the organization was greatly defined by the interests and actions of a powerful state – Russia, who was again acting as a *coercive hegemon*⁴⁶⁵, which tried to influence and hinder the decisions that were not in conformity with its own national interests. Its biased activity in the JCC and the JPKF and efforts to limit the OSCE participation as an actor to a maximum extent [by blocking unfavorable decisions] attests to the assumption that Russia as a powerful actor might and did influence/reduced the effectiveness of the OSCE in the quest for the solution of the South Ossetian conflict.

United States. The US position on Georgian conflicts within the OSCE is more straightforward compared to its role as a Minsk Group co-Chair. The US extends its unequivocal support for the territorial integrity and sovereignty of Georgia and articulates this position very clearly from the tribune of the OSCE whenever there are any discussions on Georgia. It is the foremost country in the western group of states, which blames Russia ardently for not fulfilling its 1999 Istanbul commitments and fully supports Georgia's position on this issue. Although not exactly related to the OSCE itself, nonetheless due to the fact that the CFE discussions are always taking place among the delegations posted to the OSCE in Vienna, and Istanbul commitments of 1999⁴⁶⁶ were taken during the OSCE Istanbul summit, this fact may well be considered in the given context. US Mission to the OSCE have constantly enunciated its disappointment with the lack of progress in implementation of Istanbul commitments.⁴⁶⁷

⁴⁶⁵ It should be reminded that according to the regime theory a *coercive hegemon* is an actor that influences the events that are important to others due to its control and makes the others to subdue to its control. The likelihood that a certain course of action or a decision will be taken and implemented is dependent on the extent to which it is perceived to serve the interests of powerful actors. (See Chapter III (Arid Underdal, "One question, two answers," 29-30)).

⁴⁶⁶ Russia undertook a commitment to vacate its four military basis in Georgia by 2002, however, the process was prolonged which caused the aggravation on the part of Georgia, who was strongly backed by western states.

⁴⁶⁷ Numerous statements made by the US delegation to the OSCE at the Joint Consultative Group and other OSCE bodies (Permanent Council and the Forum for Security Cooperation) on the issue were built on strong US conviction that Russia had to fulfill its Istanbul commitments (from OSCE delegations Website restricted, <http://www.delweb.osce.org>).

The US had also contributed financially to the OSCE Voluntary Fund for Georgia in order to accelerate the withdrawal process.⁴⁶⁸ In fact, the US widely buttressed the OSCE activities in Georgia and was determined to push for the expansion of OSCE activities in South Ossetia in order to press the authorities in the region to take demilitarizing steps. For that, the US widely backed the increasing of the OSCE Military monitors which would be able to access the region.⁴⁶⁹ Often, the OSCE became the battlefield between the Russian and the US positions (backed by the EU) over the state of affairs in Georgia. That became vividly displayed during the UAV incidents in April-May 2008,⁴⁷⁰ August 2008 events and in the period when the negotiations were carried out for the extension of OSCE Mission to Georgia.

It should not be overlooked that the US maintained a higher profile towards Georgian conflicts within the OSCE than the UN. This could perhaps be explained by the fact that the OSCE as a regional organization under the Article VII of the UN Charter was mandated to deal with regional issues [conflict cases] and also had stronger involvement in addressing the outstanding regional issues, especially those related to democratic transition, state building, etc. Acknowledging that the OSCE possesses a more in-depth understanding of the region, and is not burdened with other tasks around the world, like the UN, it was regarded as an appropriate tool where certain inputs could be made and therefore, the US profile in the OSCE vis-a-vis Georgian conflicts [in this case South Ossetia] was more prominent than that in the UN.

After sketching the position of the US within the OSCE in searching for a solution to South Ossetian conflict, and some examples on the nature of the US approach towards the OSCE role in the given conflict, we have the picture where there are two powerful states pursuing opposite policies/interests in the current context.⁴⁷¹ However, the reason why Russia had

⁴⁶⁸ Jaba Devdariani and Blanka Hancilova, "US involvement in Caucasian security architecture grows," *Central Asia-Caucasus Institute Analyst*, online, available from (<http://www.cacianalyst.org>). Accessed on November 12, 2010, unpagued.

⁴⁶⁹ "EU, US. Back increased OSCE role in S. Ossetia," *Civil Georgia*, Tbilisi, December 5, 2006, online, available from (<http://www.civil.ge/eng/article.php?id=14243>). Accessed on January 25, 2011.

⁴⁷⁰ The crisis arose between Georgia and Abkhazia when Georgian unmanned unarmed aerial vehicle (UAV) was shot over Abkhazia. Consequently, Georgia claimed that in fact that was not UAV belonging to Georgia, but MIG-29 aircraft belonging to Russia. This incident created wide debate in the OSCE, with strong US participation in support of Georgia's position.

⁴⁷¹ While there are also other influential actors which alongside the US also largely support Georgia's position against that of Russia's, like the EU member states, it nonetheless, takes the EU longer and more difficult to formulate a common position within itself and many EU members [like France, Germany] do not like to make Russia an open adversary. Therefore, most ardent debates over Georgian issues take place between Georgia, Russia and the US, with EU's acting Presidency often expressing some sort of general support for Georgia's territorial integrity, without engaging on an open polemics.

comparative advantage over the US in this case was due to the fact that the US was not represented in any of the mechanisms that were created under the OSCE auspices and monitored by it – the JCC and the JPKF.

Russia on the contrary was the leading part of each of these formations and thus, could control the degree of OSCE activism within the JCC by successfully manipulating with the consensus decision making and blocking unwanted decisions, which could increase the OSCE profile. Therefore, Russia in this case again qualified under the notion of *coercive hegemon*, while the US could not be named so. Neither could it act as a *benevolent hegemon*,⁴⁷² due to the fact that Russia's *coercive hegemony* was too potent and fortified by its relatively advantageous position - geographic closeness to the region and representation in every possible conflict resolution structure, which the US nonetheless, did not have.

In conclusion, it should be reinstated that the OSCE effectiveness in dealing with the South Ossetian conflict is explained by the first hypothesis of the regime theory.

3.3.2. Second hypothesis: problem solving capacity

- *Problem solving capacity of the OSCE influences its effectiveness to facilitate the achievement of a final settlement to the conflicts in the South Caucasus republics*

In analyzing the OSCE problem solving capacity through the three chosen determinants [1- the institutional setting or the rule of the game; 2 - the distribution of power among the actors involved; 3 - efforts directed to achievement of cooperative solutions], we will get the following picture:

No doubt that the institutional setting - consensus decision making within the OSCE is the factor reducing the problem solving effectiveness of the organization, since consensus rule is accepted as main constraining factor for the achievement of effective results. Our observations of Russia's role above and its ability to block the unwanted decisions using consensus formula actually testified to the weakness and susceptibility of the OSCE as an organization in face of robust position of any of its powerful members. I say "powerful members" referring to my own OSCE experience, since in case if any smaller OSCE member

⁴⁷² A *benevolent hegemon* is the actor that is able and willing to extent collective benefits at its own expense. (See Chapter III, (Arid Underdal, "One question, two answers," 29-30)).

state decide to hinder some decisions that are important to others from being accepted out of certain considerations, that state will be persuaded and exerted a pressure upon by the powerful states, in order to get its consent.

When it is a powerful OSCE state, which does not want the acceptance of a decision, it gets difficult/impossible to coax that state into an agreement. When persuasion is not helpful, bargaining over certain issues often takes place in such cases, however, if the given powerful state is absolutely against the adoption of a certain decision, then, there is nothing more to be done, except forgoing that decision. With this mechanism in place, enhancement of the OSCE role within the JCC format presented to be impossible given that Russia was not interested in doing so.

The second determinant - the distribution of power within the JCC and the JPKF structure were also immensely shifted towards Russia with South and North Ossetia widely backing Russia's position and Georgia left alone. This disbalance in power distribution within these institutions could not be altered although often challenged and criticized by Georgia, which strove for changing the negotiation format to include other international players and limit Russian influence.

The third element - efforts directed to achievement of cooperative solutions – was however, present and became the strongest determinant of OSCE's problem solving capacity. A lot of efforts were directed towards the facilitation of conflict resolution – establishment of the OSCE Mission, the creation of the JCC, monitoring of the JPKF, assigning the OSCE MMOs, etc. The most important OSCE efforts in this filed was, however, its active participation in economic rehabilitation of South Ossetia through different programs and donor conferences.⁴⁷³ It appeared to be the only area, not demanding much political input and where the OSCE did not meet with strong opposition against its increasing role. However, as it was earlier narrated, OSCE had to grapple with competing interests of Russia and Georgia in this field each of which tried to have stronger participation in economic rehabilitation filed in order to further maintain their positions in the region.

⁴⁷³ See Section 2 of the current chapter.

The aforementioned factors in fact greatly limited OSCE's problem solving capacity vis-à-vis a badly perceived *malign* problem.⁴⁷⁴ As it is assumed within the regime theory - the mixture of a badly perceived malign problem with the institution that has low problem-solving capacity is expected to bring to less effective results.⁴⁷⁵ Since it is assumed that even the effectiveness of the institutions with strong problem solving capacity often wanes when they are dealing with malign problem, the institutions with lower problem solving capacity have harder time in coping with a malign problem. Entrenching on these suppositions, it could be asserted that the OSCE had to deal with a problem that is malign in nature with a low problem solving capacity. Therefore, its effectiveness was greatly dwindled.

General conclusions

While illustrating the OSCE role in Georgia's South Ossetia conflict, one could easily discern ambivalent dynamics in positions and interactions among the conflicting parties that influenced deeply OSCE's ability to make matters better. Although OSCE's presence did indeed make difference in terms of the sides' willingness to negotiate and cooperate, new state of affairs brought by the August 2008 war drastically changed the realities the OSCE was accustomed to deal with and brought to the failure of OSCE's efforts to achieve final solution to the conflict.

Having explored the OSCE effectiveness in South Ossetian case through the prisms of the first [actors' interests] and second [problem solving capacity] regime theory hypotheses, it could be concluded that the first and second hypotheses were in fact able to explain the OSCE role and its internal dynamics in the given conflict case. The general findings of the first hypothesis suggest that the existence of a *coercive hegemon* which has vested interests in South Ossetia greatly marred the ability of the OSCE to achieve a final solution or at least increase its role in conflict resolution.

The second hypothesis concluded that although there were some genuine attempts on the part of the OSCE to facilitate the conflict resolution, its consensus decision making rule and unequal power distribution within the existing conflict resolution structures such as JCC and

⁴⁷⁴ The mixture of a problem malignancy with a degree of uncertainty over the actual nature of the problem is considered to be a strong hurdle on the way of obtaining functional effectiveness. For more information See Chapters III and VII.

⁴⁷⁵ See Chapter III (Arid Underdal, "One question, two answers," 309) and Chapter VII.

the JPKF greatly relegated its problem solving capacity. Provided that the OSCE had to address a malign problem with low problem solving capacity, its effectiveness, therefore, was greatly reduced.

At the end of analyzing OSCE effectiveness in South Ossetian case, as usual I will utilize other general suppositions of the regime theory, regarding *actor's capacity*, *behavioral* vs. *functional* effectiveness, attainment of *collective optima* and *noncooperative situation*.

Given the definition of *actor capacity*⁴⁷⁶ of an organization the OSCE could hardly be considered to be a unitary actor, since the organization does not have most of the necessary qualifications of an actor – such as unity, autonomy, and largely depends on its members for possession of resources. It does have external activity though, which is also defined by the common denominator of its members, therefore, often being the least ambitious undertaking. Possessing absolutely no autonomy vis a vis its members the OSCE is always manipulated by its members – especially the powerful ones. It is assumed that possession of *actor capacity* increases the regime effectiveness of any organization, and since from our analysis it could be inferred that the OSCE falls short to qualify under this criteria, its low effectiveness could also be explained by this phenomenon.

In terms of achievement of *behavioral* or *functional* effectiveness, it could be concluded that despite all drawbacks the OSCE was able to bring some *behavioral* effectiveness by forming necessary structures, bringing the parties to negotiations, etc. It was, nonetheless, surely not able to achieve *functional* effectiveness as it ended its sole mediation activity after the closure of its Mission to Georgia. The same finding is also valid in case of non-attainment of *collective optima*. However, when imagining a hypothetical *noncooperative situation* [*nonregime counterfactual*], like in the case of the UN, the CIS and the activity of the Minsk Group, OSCE involvement in South Ossetia doubtlessly made matters better, by at least keeping an eye on the developments on the site, monitoring the situation, organizing the negotiations, initiating economic assistance, etc., which otherwise, perhaps would have not been obtained.

⁴⁷⁶ In order to be an actor, the organization must possess a minimum of an internal coherence (unity), autonomy, resources and external activity. In the absence of a necessary minimum of coherence an organization cannot be taken as a unitary actor. Without certain minimum of autonomy (vis a vis its members) the organization will be manipulated by its members. Without a certain minimum of activity in its environment and possession of some resources actors' capacity of the organization will be diminished. Possession of actor capacity increases the regime effectiveness and the effect in this context, *ceteris paribus* is greater in addressing malign problems than benign problems. (See Chapter III, (Arid Underdal, "One question, two answers," 27)).

Likewise in the case of the OSCE Minsk Group, the OSCE ability to achieve *relative improvement* could also be graded as “satisfactory” in a scale which ranges from “bad, satisfactory, good and excellent”. In more general terms, there has been some *relative improvement*.

Having analyzed the factors influencing the effectiveness of the OSCE to facilitate the achievement of a final settlement to the South Ossetian conflict, my general observations suggest that despite of OSCE’s positive input into a conflict resolution process [like in the case of Nagorno-Karabakh conflict], in the current case, the OSCE was also not able to facilitate the achievement of a final peace to the problem. It had fell into the “precipice” of the interests of a *coercive hegemon*, like in the case of the UN and the CIS, nonetheless, and its overall effectiveness could be graded with “low” mark in the “low, medium and high” measurement scale.

4. Summing up

This Chapter aimed at exploring the involvement of the OSCE in Armenian-Azerbaijani Nagorno-Karabakh conflict and South Ossetian conflict in Georgia. Having provided an empirical-historical perspective of the OSCE involvement in two conflict cases in the first and the second sections, in the third section I have mainly concentrated on the analysis of OSCE effectiveness. In case of Minsk Group activity in Nagorno-Karabakh conflict, it was established that the two hypotheses of the regime theory cannot fully explain the Minsk Group work, given the fact that this institution is not a full-fledged organization. However, the discussed *first* regime theory [powerful actors’ interests] hypotheses can still explain the internal dynamics within the Minsk Group, while only the third determinant [efforts directed to achievement of cooperative solutions] of *the second* hypothesis [problem solving capacity] is applicable to this case. However, some general regime theory suppositions were used to suggest that the OSCE in Nagorno-Karabakh case lacked *actor* capacity, and although the OSCE Minsk Group was able to achieve some *behavioral* effectiveness, it did not achieve *functional* effectiveness. It had brought some *relative improvement* and in a hypothetical *noncooperative situation* its presence brought to positive changes, but it failed to attain *collective optimum*.

Therefore, further analysis was conducted through the prisms of theoretical approaches to international mediation. This analysis has found that the activity of the OSCE Minsk Group could be named as *partly successful* having analyzed its performance from the prisms of four determinants - 1) previous relations between the conflicting parties; 2) nature of problem; 3) mediation strategies; 4) impartiality/or perceived bias of the mediators. Although it was concluded that Minsk Group is not a full-fledged regime, some analysis from the prisms of other [more general] suppositions of the regime theory was also made in respect to the OSCE Minsk Group, which concluded that while yet ineffective in terms of functional effectiveness, in terms of behavioral effectiveness, this institution still made certain difference.

In case of OSCE role in South Ossetian conflict the first and the second regime theory hypothesis could explain the case of its effectiveness. It was established that the interests of *concerned powerful actors* do indeed affect the effectiveness of the organization [first hypothesis], and the *problem solving capacity* [second hypothesis] of the OSCE is dwindled in the face of its consensus rule and the unequal power distribution within the entities [especially the JCC] that were created with the OSCE efforts, despite the fact that there were some genuine efforts on the part of the OSCE directed to the resolution of the conflict. Moreover, OSCE's problem solving effectiveness was diminished in face of *a poorly understood malign problem*.⁴⁷⁷ As an overall conclusion it was noted that like in the case of the OSCE Minsk Group, in Georgian case also OSCE was able to achieve some *behavioral* effectiveness while *functional* effectiveness remained an unattainable task. Although it had brought some *relative improvement* and in a hypothetical *noncooperative situation* its presence had positive effect, it could not reach *collective optimum*. Since the OSCE effectiveness in South Ossetian case was greatly influenced by the interests of a *coercive hegemon*, like in the case of the UN and the CIS, its overall effectiveness could be graded with "low" mark in the "low, medium and high" measurement scale.

⁴⁷⁷ To be discussed in Chapter VII.

VI. ROLE of the EU and EVALUATION of the EU CONFLICT RESOLUTION POLICY TOWARDS SOUTH CAUCASUS

This Chapter aims at evaluating *the EU role, its attempts to facilitate the conflict resolution in South Caucasus and the nature of EU policy towards* conflict resolution in region. For this purpose, at the outset, empirical perspective of the EU role will be given, which subsequently will be followed by the analysis based upon the theoretical assumptions of *intergovernmentalism* and *neofunctionalism*, as appropriate. Since the EU cannot be considered to be a single regime, instead, an aggregation of different regimes, and also it plays a specific and different role in the process of conflict resolution in South Caucasus; its role is explored detached from other three organizations. Therefore, *the first* and *the second* hypotheses of regime theory, which were designed to analyze the effectiveness of the previous three organizations, will not be applied while evaluating the EU role in conflict resolution.

1. European Union – low profile vs. the necessity for stronger role

The EU role in conflict resolution in the South Caucasus region could be assessed in two different periods. I would suggest naming the first period as a period of “from low profile to increasing attention” and marking it as until the year 2003, the appointment of the EU Special Representative for South Caucasus. The second period I would call as the “increased role/facilitation-mediation activity”, which would cover the period since the year of 2003 until present. This is a conditional classification, which is designed by the author for better explaining the EU role. Since EU role in conflict resolution in the South Caucasus region has started to slightly gain momentum after the year 2003, having a quick sketch of the EU profile in the security issues of South Caucasus before that date would be useful.

1.1. First period - from “low profile” to increasing attention

Compared to the previous two institutions, the EU through quite a long time maintained rather distant approach towards facilitating conflict resolution process in South Caucasus. The principled position by the EU towards conflict resolution in the region was mainly a passive political involvement, which was confined to political declarations and communications. Nevertheless, since the independence of these republics in 1991 and entry into force of Partnership and Cooperation Agreements in 1999, the EU actively used its different assistance programs aimed at promoting democracy, civil society, economy and etc. spheres. EU

relations with these countries were also framed by unilateral EU aid to these countries, in the form of financial, humanitarian, food security, rehabilitation and technical assistance.⁴⁷⁸ The EU programmes of TACIS, TRACECA and INOGATE were also tools of EU policy in the region countries.⁴⁷⁹

In Abkhazia and South Ossetia the EU was particularly active in rendering economic rehabilitation and assistance. It aimed to become the largest donor in Abkhazia by raising considerable amount of money (estimated €25 million) to humanitarian, rehabilitation and reconstruction projects in Georgian-Abkhaz conflict. The EU funded projects were depoliticized and were not dependant on the progress on conflict resolution field.⁴⁸⁰ In South Ossetia though, the EU participation was slightly more visible than in Abkhazia. The EU projects in South Ossetia were not limited only to infrastructure, agriculture, economic rehabilitation and etc. projects, which do not have direct relevance to conflict resolution process. In South Ossetia the EU Council adopted three Joint Actions under the CFSP allocating €500,000 which were intended for the OSCE Mission in Georgia, to help the latter to finance the JCC.⁴⁸¹

In order to supervise how the given money was used, the EU Commission started to attend the JCC negotiations since 2001. This did not mean EU's full-fledged participation within the JCC format, although this was Georgia's long time objective. However, the EU managed to employ its financial power to gain at least some political niche in the negotiation process around the South Ossetian conflict, even though rather trivial. Apart from assistance to the JCC activity, the EU has funded the projects in South Ossetia amounting to roughly €8 million between 1997 and 2006, which were directed to rehabilitation activities in various fields.⁴⁸² Nonetheless, as it was said above, irrespective of making such financial contributions, EU did not play a significant political role towards conflict resolution.

In Abkhazia, EU was not involved in any similar ways in the negotiation process, although its three member states – Germany, France and the United Kingdom – were the members of the

⁴⁷⁸ Total EU assistance to Armenia in 1991-2000 was 286.13 million euro (no figures available for 2001-2004); to Azerbaijan in 1992-2003 – 399.674 million euro; to Georgia in 1992-2003 – 369.43 million euro. (http://www.europa.eu.int/comm/external_relations).

⁴⁷⁹ EU has developed the Program of Technical Assistance for Commonwealth of independent states (TACIS) in 1991, Transport Corridor Europe Caucasus Asia (TRACECA) and Interstate Oil and Gas Transport to Europe (INOGATE).

⁴⁸⁰ "Conflict resolution in the South Caucasus: the EU's role," *International Crisis Group Europe Report N 173*, (March 20, 2003):16-18.

⁴⁸¹ Ibid.

⁴⁸² Ibid.

UN Secretary General's Group of Friends.⁴⁸³ The EU assistance in Abkhazia was not directed to changing the conflict settlement process or to contributing to the promotion of cooperation and interaction between the parties. The biggest achievement of the EU in Abkhazia was considered to be its assistance in civil society projects. In general, the EU seemed to attach more importance to having higher profile in South Ossetia, compared to Abkhazia, due to the reasons that the South Ossetian conflict was thought to be easier to solve than the Abkhazian conflict. Moreover, early resolution of the South Ossetian conflict appeared to be more desirable due to the region's geographic proximity to the capital Tbilisi.⁴⁸⁴ What concerns Nagorno-Karabakh, the same pattern of the EU involvement through economic and confidence building programs was not the case, mostly due to the fact that official Baky rejected any such activity before the final solution of the conflict.⁴⁸⁵

This indirect participation in conflict resolution in the South Caucasus republics probably served the EU conviction that fostering the economic development and civil society through such a policy would decrease the danger of the resumed conflicts, thus creating prerequisites for lasting stability. However, compared to other problem-regions, which were at EU's immediate closeness, like Eastern European countries and Balkans, the region of South Caucasus has never been high on EU's external political agenda. There was not a clear EU strategy or policy towards the states of the region, given the fact that the EU agenda has been overburdened with other tasks, like enlargements, EU Constitution, etc. Still, securing some role for itself in the conflict regions through some assistance projects, the EU, however, preferred to continue its political aloofness and confined its political role only to supporting the activities of the UN and the OSCE.

Nevertheless, the political changes in view of the penultimate wave of eastern enlargement were also followed by the revisions in EU's external policy towards South Caucasus. Moreover, with Turkey's possible membership on the horizon, the enlarged EU would have been an immediate neighbor of the region. Therefore, easing the potential threats of the unresolved conflicts in South Caucasus became one of the conspicuous issues on EU's external policy agenda. Increasing EU attention to the region was also conditioned by the presence of EU's economic interests in the South Caucasus region that was steadily becoming a strategic hub due to its vast hydrocarbon resources and the position of a corridor for critical

⁴⁸³ Nicu Popescu, "Europe's unrecognized neighbors: The EU in Abkhazia and South Ossetia", CEPS Working Document No. 260, (March, 2007): 13.

⁴⁸⁴ *Ibid.*, 16-20.

⁴⁸⁵ "Conflict resolution in the South Caucasus: EU's role," 16-18.

energy and transportation infrastructure connecting Central Asia and Caucasus, especially the Caspian basin, with Europe. EU's concern for its own energy security and a goal to diversify its exported source of crude energy necessitated obtaining higher EU profile in the South Caucasus region.

Against this backdrop, the EU intermittently sent some signals to play a stronger role in the region. For instance, there were several debates in the EU starting from 1999 over making the EU role in the region more effective.⁴⁸⁶ The attempts to define the position of the South Caucasus region at EU's political agenda, continued in 2001 as well. At first, the European Parliament called for the EU strategy towards the region under the name of "Southern Dimension". Then, the Swedish presidency of the EU declared South Caucasus as one of the foreign policy priorities in the first half of 2001 and in the same year, the first visit of the EU Troika to the region took place.⁴⁸⁷

In its Security Strategy of 2003, the EU stressed that it should "take a stronger and more active interest in the problems of the Southern Caucasus, which will in due course also be a neighboring region".⁴⁸⁸ Finally, the debate over the EU role in the region has finally brought to the appointment of EU Special Representative (SR) to the South Caucasus region in 2003. This decision had henceforth paved the path for a more active EU mediation/facilitation activity towards conflict resolution in the South Caucasus region.

1.2. Second period - increased role: desired, but volatile

As it was illustrated in the preceding section, it was not until 2003 that the EU undertook a more direct facilitation activity in conflict resolution in the South Caucasus region. The mandate of the Special Representative generally included the tasks to "contribute to the prevention of conflicts..", to "assist in conflict resolution..", "intensify EU dialogue with the

⁴⁸⁶ For instance, a communication on EU relations with the South Caucasus states under the PCA of June 1999 emphasized the persisting conflicts in the region as the root causes of the region's political, economic and humanitarian problems. In the Commission's view, EU assistance could be effective only if the conflicts were settled and the regional cooperation became possible. (Dov Lynch, "The EU: towards strategy," *The South Caucasus: a challenge for the EU, Chaillot Papers* 65, (December 2003):181). Chris Patten and the late Anna Lindh published a joint article in Financial Times on February 20 saying that "the EU cannot afford to neglect the Southern Caucasus," and advocating a more targeted EU political role to support conflict resolution. (Ibid.,184).

¹⁹⁸ Dov Lynch, "The EU: towards strategy," *The South Caucasus: a challenge for the EU, Chaillot Papers* 65, (December 2003):183-184.

⁴⁸⁷ See Article 3 of Council Joint Action, 2003/496/CFSP, concerning the appointment of an EU Special Representative for the South Caucasus, July 7, 2004, unpagued.

⁴⁸⁸ Dov Lynch, 183-184.

main interested actors concerning the region..”, “assist the Council, in further developing a comprehensive policy towards the South Caucasus..” and other similar tasks of assistance.⁴⁸⁹ The institute of Special Representative was tasked to travel to the region several times in a year, conduct meetings with the officials of the conflicting parties, as well as the members of the civil society.

The next milestone in EU-South Caucasus relations became the inclusion of the three republics into the European Neighborhood Policy in 2004. This was a long awaited decision, since at the inception of the ENP these countries were excluded from it and were only mentioned at the footnote of the policy as possible neighbors. However, one can also rightly assume that the decision to include Armenia, Azerbaijan and Georgia into the ENP sooner than expected was to a considerable extent influenced by the Rose Revolution in Georgia in November 2003, which was estimated by the EU as a harbinger of strengthening democratic state-building process in the region. It is noteworthy to also mention that the region was expected to come even closer to the EU border after the membership of Romania, Bulgaria and possible future enlargement to the Balkans, and may be Turkey. Therefore, it could be assumed that the EU could not afford to overlook the South Caucasus region anymore and leave it outside of the EU policy frameworks offering various benefits.

After the inclusion of the South Caucasus states to the ENP in 2004, ENP APs (AP) with these three countries were adopted on 14 November 2006 with the aim of helping them to move closer to European standards.⁴⁹⁰ Nonetheless, despite the obvious attempts by the EU to increase its profile in conflict resolution in South Caucasus, the ENP did not manage to deliver it. Both - the ENP Strategy paper and the individual APs touched upon the issue of conflict resolution, however, in all documents references to conflict resolution were quite ambiguous. For instance, the ENP Strategy Paper is very vague in this regard: “Increased efforts to promote the settlement of the conflicts in the region and to develop good neighborly relations are needed. Concrete steps forwards need to be made by each three countries...ENP should reinforce EU’s contribution to promote these objectives”.⁴⁹¹

⁴⁸⁹ See Article 3 of Council Joint Action, 2003/496/CFSP, unpagged. With the next Council joint action 2006/121/CFSP of 20 February 2006, the Swedish diplomat Peter Semneby has taken over Heikki Talvitye. (Official Journal of the EU, L 49/14, 21/2/2006), unpagged.

⁴⁹⁰ “European Neighborhood Policy,” available from (http://ec.europa.eu/external_relations/enp/index_en.htm). Accessed in September, 2008, unpagged.

⁴⁹¹ “European Neighbourhood Policy: Strategy Paper,” *Communication from the Commission, COM (2004) 373 final*, (Brussels May 12, 2004):11.

The policy could have been more effective and successful had it developed a mechanism or a policy how to increase the EU role in conflict resolution beyond just facilitation and leaving the solution of the problems to the states themselves. Nonetheless, without adding much flesh in this respect, the ENP simply carried on traditionally established distant attitude maintained by the EU towards the problems of the region.

The similar pattern was followed in the ENP APs, which also fell short in making conflict resolution a priority in the EU relations with the involved countries. Conflict resolution was left on the margins of the APs with each of the republics, and was included into the list of many priorities under “political dialogue and reform”. Irrespective of the increasing understanding of the indispensability for the EU to raise its profile in conflict resolution, the thrust of the APs was again on factors that are believed to help with democratization and state building – such as economics and political change.⁴⁹²

ENP also attributes significance to people-to-people contacts, socialization, confidence building measures and regional cooperation, which testifies to the thought that by focusing on dialogue and cooperation EU hopes to create the security environment in which the pending conflicts could be resolved. Therefore, the ENP is evaluated to be an “indirect conflict prevention policy” and another expression of the fact that the EU evades the more direct role in conflict resolution.⁴⁹³

The ambiguity in the EU policy towards the issue of conflict resolution manifested itself very vividly in the designation of the ENP APs. For example, in the AP with Azerbaijan the EU emphasized the importance of respect for sovereignty and territorial integrity, while in the AP with Armenia it underlined the right of self-determination, which testifies the absence of the well-thought EU policy towards conflict resolution in South Caucasus.

The same was also the case in Georgia. Almost in each of its statement the EU expressed unequivocal support to Georgia’s territorial integrity. However, it was beware of undertaking a direct mediation role in conflict resolution before the August 2008, and seemed to be content with leaving this task on other organizations and observing Russia’s growing leverage over the state of affairs. Thus, even if the ENP APs were supposed to make conflict resolution

⁴⁹² “Conflict resolution in the South Caucasus: the EU’s role,” 9.

⁴⁹³ Andrei V. Belyi, “EU External Energy Policies: A Paradox of Integration,” in Jan Orbie (ed.), *Europe’s Global Role: External Policies of the European Union*, (Ashgate Publishing Limited, England, 2009):222.

as one of the priorities for action, the EU at that time was still avoiding direct involvement in conflict resolution. It preferred the APs to focus on soft security approach as a means for conflict resolution - on political and economic reform issues, which would supposedly help strengthen the republics' democratic state building and their ability to resolve the pending conflicts.⁴⁹⁴

As was noted above, another milestone of the ENP is to foster regional cooperation in areas like economy, business, social policy, trade, environment, JHA (particularly on border management, migration and asylum, fight against organized crime, trafficking of human beings, illegal immigration, terrorism, money laundering, etc.), joint infrastructure and security projects in the sectors of energy and transport, civil society development and other issue areas,⁴⁹⁵ which are quite substantial and require strong commitment on the part of the relevant states. While doing so, however, proper differentiation of the relevant regions was not made. For instance, if the regional cooperation could be a useful exercise in the countries of Eastern Europe, in South Caucasus or in the Middle East the effect would be rather opposite, since these two regions differ from the former in terms of their security contexts.

Although in the ENP APs, each of the three republics has indicated its individual priorities for action, and their interaction within ENP format is generally built on these priority areas, the EU does not miss its chance to stress the necessity of regional cooperation, especially in the above mentioned areas, being convinced that this is indispensable in order to achieve better results. The idea of regional cooperation was also mentioned in the AP for each of the three republics. For example, in Azerbaijan's AP strengthening of regional cooperation is put under priority number ten, while being put under priorities number eight and five in Armenia's and Georgia's APs respectively.⁴⁹⁶

In this context and given the obstacles to all-inclusive regional cooperation, it is a bit naive to assume that ENP objective "to foster closer cooperation among the EU's neighbours themselves"⁴⁹⁷ could work out in the South Caucasus region, prior to finding a cure for region's problems. The idea of regional cooperation cannot be promoted equally in the region

⁴⁹⁴ Ibid., 9-11.

⁴⁹⁵ "European Neighbourhood Policy: Strategy Paper," 21.

⁴⁹⁶ EU-Azerbaijan EU-Armenia and EU-Georgia Action Plans, online, available from (<http://ec.europa.eu>).

Accessed on January 2010.

⁴⁹⁷ See Chapter I.

of Southern Mediterranean, Eastern Europe and in the region of South Caucasus without due account of the situation on the ground.

Even beyond the letter of the ENP itself, the EU tries to underline a special niche of the ENP in promoting regional cooperation in the South Caucasus region. For example, in its resolution of May 20, 2010 “on the need for an EU Strategy for South Caucasus”, the European Parliament makes an implicit reference to EU intention to further focus on the issue of regional cooperation within the ENP. The following excerpt from the resolution serves as a good substantiation: “The European Parliament...recognizes regional cooperation as a necessary condition for confidence-building and the reinforcement of security, in accordance with the ENP priorities...”.⁴⁹⁸ In this situation, a lot will be dependent on the ability of the EU to strike the right balance by cooperating with the states of the South Caucasus region on bilateral basis, through the agreed individual APs without pushing for the regional cooperation.

In order to hold the thought of similar policy frameworks as the ENP, let me jump to the year of 2009 and note that alongside the ENP, the Eastern Partnership Initiative (EPI),⁴⁹⁹ a new framework that was set off in May 2009, also seems to be far cry away from designing any clear cut strategy with regard to conflict resolution. The EPI although being a new initiative is often seen as the continuation of the ENP in many dimensions and implies the conclusion of comprehensive free trade agreements with those countries that are eager and capable for deeper economic integration with the EU.⁵⁰⁰

The policy also envisages the extended cooperation in the field of democracy and good governance, energy security, security sector reform, environmental issues, etc. The intended bilateral Association Agreements that are to be the actual realizations of the proposed policy within the EPI are off to be negotiated with each of the six countries.⁵⁰¹ However, in the same vain as the ENP, the EPI also maintained the EU passivity in conflict resolution and further

⁴⁹⁸ European Parliament resolution of 20 May 2010 on the need for an EU strategy for the South Caucasus (2009/2216(INI)).

⁴⁹⁹ Eastern Partnership Initiative was launched in May, 2009 under Czech EU Presidency and aims at deepening bilateral cooperation in number of areas (economy, energy, border management, democratic state building, rule of law etc.) with six countries in the ENP - Azerbaijan, Armenia, Georgia, Ukraine, Moldova, Belarus. ENP and Eastern Partnership Initiative have differences and similarities. There is a view that hence, the ENP will lose its importance for the countries that are involved in Eastern Partnership Initiative, since the latter provides deeper integration opportunities. However, sometimes, it is also referred to as the continuation of the ENP in eastern dimension.

⁵⁰⁰ “Eastern Partnership,” European Union External Action, online, available from (http://eeas.europa.eu/eastern/index_en.htm). Accessed on November 23, 2010, unpagued.

⁵⁰¹ Ibid.

validated EU's inclination to solve the aching conflict issues through economic assistance and stabilization instead of a direct involvement in the mediation of the conflicts. Some evaluate the EPI as another "attempt to camouflage the weakness of the Neighborhood Policy".⁵⁰²

For increasing its visibility, the EU referred to the scopes of European Security and Defense Policy (ESDP) missions and launched the first mission of this kind – the rule of law mission – in the territory of the former Soviet Union, in Georgia in 2004, which primary focus was on policing and civilian administration issues. Furthermore, in 2005 the EU established a small Border Support team in order to provide the monitoring of the Georgian-Russian border, since the OSCE Border Monitoring Mission was ended in 2005 because of the Russian veto. This operation was initiated as a part of the EU Special Representative's efforts in the South Caucasus.⁵⁰³

These missions were also examples of the mainstream EU policy of preference for soft security measures targeted for achievement of long-term results, rather than direct involvement in conflict resolution process. The EU has felt more comfortable with a post-conflict rehabilitation and peace building role and stood cautious to undertake a deeper involvement in conflict resolution process.⁵⁰⁴

Although the calls for increased attention, the appointment of SR and inclusion into the ENP pointed to the fact that there was a degree of intent within the EU to play a more active role in the region, this role was still less influential, compared, for instance, to other actors in the region like the US, Russia, Iran and Turkey. In this context, this policy of "low" profile seems to constitute an apparent contradiction with EU's security and energy interests⁵⁰⁵ in the

⁵⁰² Nona Mikhelidze, "Eastern partnership and conflicts in the South Caucasus: old wine in new skins?" online, accessed via (<http://www.iai.it/pdf/DocIAI/iai0923.pdf>). Accessed on December 12, 2010, p.10.

⁵⁰³ Magdalena Frichova Grono, "Georgia's conflicts: what role for the EU as mediator?" IFP Mediation Cluster, Initiative for Peacebuilding, (March 2010):11, online, available from (http://www.initiativeforpeacebuilding.eu/pdf/Georgia_March2010.pdf). Accessed on November 12, 2010, unpagged.

⁵⁰⁴ "Conflict resolution in the South Caucasus: the EU's role," 2.

⁵⁰⁵ The forecasts point out about increasing EU energy import dependence, which will grow even faster with recent and forthcoming enlargements. For instance, some figures suggested by International Energy Agency (IEA) indicate that the oil demand of the EU will increase by an average of 0.5 per cent annually until 2030, while gas demand will grow at 2.1 per cent annually over the same period (John Gault, "EU energy interests and the periphery," in Roland Dannereuther (ed), *European Union Foreign and Security Policy: Towards a neighbourhood strategy*, (London, New-York: Routledge, 2004):171), while the production will decline from roughly 7 million barrels a day currently to less than 3 million barrels a day by 2030. (Ibid.) The Caspian region is seen as one of the sources among others (Russia and Middle East) where EU energy supply comes from and which may be an alternative source for reducing EU energy dependency on the Middle East. The importance of the energy resources of the Caspian basin is also recognized by the EU itself. The Commission Communication

region. However, this is the topic for a separate research and will not be analyzed in this work.

On the whole, while embarking upon some activities in conflict resolution field, the EU seemed to try to strike the right balance between the necessity to gain more visibility and not threatening Russian interests in the region. Irrespective of the fact that the EU had an interest in maintaining security and stability in the region, it was not a principal actor to take up the task of promoting regional security; this role was left to the OSCE in Nagorno-Karabakh and South Ossetia, and to the UN in Abkhazia.

At this place it should also be noted that out of the three republics, Georgia was the most outspoken and adamant demanding a more direct EU involvement in conflict resolution. It had through long time asked for the EU participation within the framework of the JCC talks, requested for the EU contribution towards border security in Georgia,⁵⁰⁶ and did not miss its chance to employ its pro-European vocation and an image of “progressing democracy” of South Caucasus, to dive the EU more into a greater political role in the resolution of its conflicts. Georgia wanted the EU to commit itself to a direct mediation of the conflicts in Abkhazia and South Ossetia, perhaps also at the expense of possible confrontation with Russia.

However, the EU did not share Georgia’s desire to drag itself deeper into conflict resolution activity and was rather unenthusiastic to be tied up with this role, particularly since it implied possible confrontations with Russia. Despite the fact that the EU has had several resolutions⁵⁰⁷ on the situation in Georgia addressing various events happening in the zones of conflict, a more direct EU involvement did not happen. It was only after the August 2008 that the EU assumed a more prominent role in conflict resolution in Georgia, even though it was

“On the development of energy policy for the enlarged European Union, its neighbours and partner countries” states that “the European Union has a specific interest in the extensive oil and gas reserves of the Caspian Basin which will in the future contribute to security of supply in Europe” (On the development of energy policy for the enlarged European Union, its neighbours and partner countries,” *Communication from the Commission to the Council and the European Parliament, COM (2003) 262 final* (Brussels, 13.05.2003):12).

⁵⁰⁶ Upon the termination of the OSCE Border Monitoring operation in 2005 in Georgia, EU extended the Special representative’s mandate to also cover border related issues with the aim to facilitate confidence building between Georgia and Russia and help Georgia to carry the reform of its border guards. Georgia wanted an EU border assistance mission, which would monitor the Georgian-Russian border. In 2006 Georgia requested the EU to deploy a mission which would estimate the demilitarization in the zone of conflict. However, the EU was rather reluctant to fulfill this request out of the consideration that activities having military or police component could have been taken as a threat on Russia’s part. (See: “Conflict resolution in the South Caucasus: the EU’s role,” 24).

⁵⁰⁷ Some of them are: European Parliament resolutions of 26 October 2006, 29 November 2007, 5 June 2008.

necessitated by the desperation that swallowed the country in the aftermath of the Georgian-Russian war.

After the tragic August 2008 events, the EU had no choice, except being directly involved in conflict resolution in Georgia. The French Presidency of the Council of the EU led by President Nicola Sarkozy negotiated a six point ceasefire agreement on August 12, and after these developments, the EU established an additional EU Special Representative position for Georgia and deployed an EU Monitoring Mission in the Georgian controlled territories. Now, at the multi-party Geneva negotiations⁵⁰⁸ the EU acts as one of the negotiation parties.

The cease-fire agreement, which was brokered by French President Sarkozy included the points such as non use of force, lasting cessation of hostilities, unimpeded access for the humanitarian aid providers, a demand for the Georgian forces - to withdraw to their usual barracks, and for the Russian forces - to step back to their positions prior to the start of hostilities, and the initiation of international discussions on security and stability arrangements for Abkhazia and South Ossetia. Although the achievement of such a plan was a good progress *per se*, it did not contain any deadlines for the intended actions. Therefore, on September 8, the sides concluded a second cease fire plan which indicated concrete measures for the implementation of both agreements.⁵⁰⁹

The EU Special Representative for Georgia Pierre Morel was appointed on September 25, 2008 and his mandate envisaged the preparation of international negotiations considered by the August 12 2008 cease fire agreement, representing the EU at this format and assisting in implementation of August 12 and September 8 2008 ceasefire agreements. What concerns the EU Monitoring Mission (EUMM), it was established upon the EU decision to set up a civil monitoring mission in Georgia, and on October 1, 2008, more than 200 monitors were deployed in Georgia. The Mission's main task was to monitor the implementation of the August and September 2008 agreements and the withdrawal of Russian and Georgian armed forces to their positions held before the war. However, the EUMM could get access only to Georgian controlled territories, despite of the fact that its mandate extended to the entire Georgian territory.⁵¹⁰

⁵⁰⁸ See: Chapter II, Section 2.

⁵⁰⁹ Magdalena Frichova Grono, unpagged.

⁵¹⁰ Ibid. Also see (<http://eumm.eu>). Accessed on November 23, 2010.

The value of the EUMM, have increased significantly after the cessation of the OSCE and the UN presences, especially the OSCE military monitoring observes in Georgia,⁵¹¹ since EUMM came to be the only international presence on the site, which could do at least some monitoring of the situation, in spite of the fact that they were not permitted by Russia to access the breakaway regions.

Hence, the EU started to pursue a direct conflict resolution/mediation activity. Doubtlessly, increased EU mediation activity in Georgia's conflicts was not flawless and suffered the number of limitations and setbacks, which affected the EU role not in the best way. These limitations will be discussed in the coming parts of the dissertation dealing with the analysis of the EU effectiveness.

As for elaborating a cohesive EU policy towards the entire region underlining the nuts and bolts of the EU strategy, this has increasingly become one of the topical issues in EU's approach to this part of the world. In recent years there were several resolutions of the EU calling for a more effective EU policy for South Caucasus. For example, in its resolution of January 17 2008 on "a more effective EU policy for the South Caucasus: from promises to actions", the EU once again validated its adherence to peaceful resolution of the conflicts in the South Caucasus region within the existing formats, through advocating different programs directed at promotion of confidence building and conflict transformation. It expressed its support for sovereignty and territorial integrity of Georgia, as well as Azerbaijan, but once again sent mixed signals by also emphasizing the importance of the right for self-determination, when it came to Nagorno-Karabakh conflict.⁵¹²

In the next resolution of May 20, 2010 "on the need for an EU Strategy for South Caucasus", the European Parliament made another pledge for supporting conflict resolution process through confidence building, reconstruction and rehabilitation activities. Besides, the resolution holds the promise that the entry into force of the Lisbon Treaty would precipitate more EU activism in the region. It praises the work of the EU Monitoring Mission in Georgia and envisages a greater possible EU role in the Nagorno-Karabakh conflict through instituting an EU mandate for the French Co-Chair of the Minsk Group.⁵¹³

⁵¹¹ See Chapter II, Section 2.

⁵¹² See: European Parliament resolution of January 17 2008 on a more effective EU policy for the South Caucasus: from promises to actions (2007/2076 (INI)), unpagued.

⁵¹³ See: Draft Report on an EU Strategy for the South Caucasus, 2009/2216 (INI), European Parliament Committee on Foreign Affairs, January 11, 2010, unpagued.

The most outstanding element of this resolution seems to be the EU call on its High Representative for Foreign Affairs and Security Policy to be “more actively involved in conflict resolution processes”. However, despite of the fact that this resolution is a leap forward in ascribing a more direct role for the EU in conflict resolution in the South Caucasus, it is still pretty vague since it again puts much emphasis on rehabilitation and assistance programs, and the EU contribution to peace-building and conflict management, supporting civil-society projects, etc.⁵¹⁴

Last but not least, it should be once again reinstated that despite all the efforts to increase the EU involvement in conflict resolution in South Caucasus, its role still remains inferior to other regional players, like the US, Russia, Turkey.

2. Evaluating the EU conflict resolution approach

After providing background to the EU relations with the states of South Caucasus region, its fluctuating dynamics and changing trends, this part will be devoted to the evaluation of EU role in the South Caucasus conflict resolution. As described in the Chapter III dealing with theoretical framework of the dissertation, the EU involvement in the South Caucasus region and its role in facilitating conflict resolution will be attempted to be explained through *intergovernmentalist* and *neofunctionalist* approaches to the study of European integration:

1- distant EU approach towards conflict resolution and its indirect role in facilitating conflict resolution is due to the lack of interest on the part of EU members states to dedicate attention to the region [intergovernmentalist assumption]; 2 - subsequent increase of EU profile in the region after August 2008 events was due to the initiative and a leading role of an EU member state [intergovernmentalist assumption]; 3 - EU’s emphasis on the necessity of regional cooperation on practical issues [economy, border issues] serves the EU conviction that cooperation on more practical issues will lead to expansion of cooperation on issues of high politics, which subsequently will bring to the attainment of peace in the relevant conflict cases [neofunctionalist assumption].

The fact that the EU through quite a considerable amount of time kept low profile in the conflict resolution in South Caucasus region was mostly due to the unwillingness of the EU

⁵¹⁴ Ibid.

member states to undertake more commitments in a larger geographical area, which transcends its own playground. For a long time South Caucasus was a “white spot” on EU foreign policy agenda, with no EU interest whatsoever to have a say in regional issues. As was already noted, there was not a clear EU strategy or policy towards the states of the region, because of the other priorities on EU’s external agenda like the security in Balkans and Eastern Europe, enlargements, EU Constitution, etc. did not leave a room for South Caucasus.

Even after the increasing economic and strategic significance of the region, which mostly gained speed after 1994 oil agreements where many European oil companies also become shareholders, the EU kept its silence up until the end of 90s and the beginning of 2000s when it finally started to show the wish to undertake a more active stance in the region. Still, this role was not prominent and despite of the declared desire to commit to a more active involvement in the regional issues, its role was limited to assistance, facilitation and promotion of different kinds of aids, programs, etc., allowing other regional players and organizations to do the work.

This brief historical summary of the genesis of EU policy towards South Caucasus was aimed for explaining *the first intergovernmentalist assumption*. We know that from the perspective of European integration, intergovernmentalism explains the dynamics and the nature of the integration process from prisms of decisions and policies adopted by the respective EU member states. The thrust of intergovernmentalism is mainly on states and their national interests, which they defend, especially on highly political issue areas such as foreign policy, security and defense.⁵¹⁵

Intergovernmentalism suggests that distant EU approach towards conflict resolution and its indirect role in facilitating conflict resolution was due to the lack of interest on the part of EU member states to dedicate attention to the region. Indeed, intergovernmentalism has always been strong in external domain of the EU, which is very much dependent on the interests and preferences of its member states.

Plus, difficulty of attaining political solidarity and convergence of interests on the issues related to foreign policy has always been EU’s Achilles heel. However, in this particular case, it would perhaps be erroneous to assume that there was a certain debate and divergence of opinion over the necessity of taking stronger EU commitment to the region among the EU

⁵¹⁵ See Chapter III (Neill Nugent, 565).

member states as a result of which EU for longer time kept low profile. Conversely, the problem mainly laid in the fact that there was no interest whatsoever on the part of the EU member states to engage with the region on a more dynamic pace, which was subsequently reflected in the formation of overall EU policy vis-à-vis the region and a distant EU role in South Caucasus issues, including conflict resolution. Thus, referring to the *first* intergovernmentalist assumption and using intergovernmentalist focus on national governments and their preferences as a starting point, it becomes possible to explain the nature and fluctuations of EU's South Caucasus policy.

Developing further on intergovernmentalist suppositions, it could be maintained that even when the EU decided to show more activism in the region in view of the region's rising economic and strategic significance, its conflict resolution strategy more or less remained the same – maintaining distant and indirect approach. It could be assumed that the underlying reason for such a disparity between the increasing EU role in the region on one hand and a limited commitment to conflict resolution issues on the other hand, was largely conditioned by avoidance of the EU states to encroach upon what Russia considered to be its zone of influence and any probable conflicts that could have emerged with Russia on this prerequisite. This supposition seems particularly valid given the fact that some of the core EU member states such as France and Germany did not want to jeopardize their close economic cooperation with Russia over the tiny region.

Moreover, some EU member states [France, United Kingdom and Germany] were acting in their national capacities as the members of the Group of Friends of the Secretary General of the UN on Georgia and as the co-Chair of the OSCE Minsk Group [France] to mediate Nagorno-Karabakh conflict. Given their separate roles within other organizations, there was no desire on the part of these and also other member states to also engage the EU in active conflict resolution in South Caucasus and they sufficed with supporting the work of other existing formats in the field. Against this backdrop, it is a germane occasion to hypothesize that the interests of the EU member states account for EU policy fluctuations towards the region.

A more direct EU role in the conflict resolution in the South Caucasus, which followed the August 2008 events, could be seen as rising EU profile in conflict resolution. However, I would argue that this change was in fact necessitated by the extreme conditions in which Georgia was in the aftermath of Russian offensive, when none of other organizations, such as

the UN, the OSCE [not to mention Russian-led CIS] could mediate peace and establish a representation in the conflict area due to strong Russian influence on their decision-making.⁵¹⁶

Nonetheless, many analysts afterwards suggested that EU's achievement to mediate August 12, 2008 ceasefire agreement was mostly due to personal initiative of French President Sarkozy and France holding the Presidency in the Council of the European Union, rather than a well-thought and desired policy option of the entire EU as such. It was later observed that Sarkozy did not miss the occasion to underline that the achievement of ceasefire was due to France's efforts and not those of the EU. For instance, in his statement at a pre-election meeting in Nimes he noted: "...if Georgia was not wiped from the map...that is because France, while it held the presidency of the European Union shouldered its responsibilities so that Europe could take action...".⁵¹⁷

Further, in his article in "Washington Post" he described in detail how he achieved ceasefire between Georgia and Russia and convinced Russians to agree to withdrawal of their forces from Georgia. He maintained: "...At the behest of French presidency, Europe put itself on the front lines from the outset of hostilities to resolve this conflict.... It was the European Union through France that created a space for diplomacy by quickly proposing reasonable terms for a cease-fire and rendering the political cost of pursuing war exorbitant for both parties...".⁵¹⁸

The reflection on the aforesaid paragraphs on the more direct EU role, which became possible with President Sarkozy's mediation efforts leads to the reasoning that even when there was a dire necessity for action in the region, it became possible due to individual initiative of EU member states, in this case France, which president beyond attempting to ease the conflict, also aimed to strengthen the image of his country – France, likewise his own. It is believed that Sarkozy grabbed the momentum to put France back on a track of prestige after his predecessor Jacques Chirac surrendered France's erstwhile eminence in the

⁵¹⁶ In the previous Chapters dealing with the UN, the CIS and the OSCE effectiveness, Russian role in these organizations has been described.

⁵¹⁷ "Sarkozy: Europe's peacemaker or was it all a spin?" Sarkozy statement at a pre-election meeting in Nimes, May 5, 2009, in Charlemagne's Notebook Blog, the Economist Website, (June 8, 2009). Accessed on December 23, 2010, unpagged.

⁵¹⁸ Nicolas Sarkozy, "Europe gets started on quelling a crisis," Washington Post, August 18, 2008, online, available from (<http://www.washingtonpost.com>). Accessed on February 18, 2011, unpagged.

EU and on international fora.⁵¹⁹ Thus, the second intergovernmentalist assumption, which suggested that subsequent increase of EU profile in the region after August 2008 events was due to the initiative and a leading role of an EU member state, seems to be valid and relevant.

General landscape of the overall EU approach towards conflict resolution was drawn around the EU belief that conflict resolution in the South Caucasus region will be best attained through long-term objectives and commitments to promotion of democracy, development and most importantly, regional cooperation and dialogue.

EU persistence on approaching the region of South Caucasus through various institutional arrangements such as ENP and EPI, by means of which it tries to promote various forms of reforms and regional cooperation on many areas, could be perhaps be evaluated by *neofunctionalist* logic, which argues that membership in common arrangements change the way national interests are understood in the relevant interest groups and governments. Besides, having been initiated, institutions turn into supranational entities which become the driving force of further integration and can have an effect on the perception of national interests.⁵²⁰

Moreover, it was described earlier that irrespective of the specific security situation on the ground and the unwillingness of some states to engage on all-inclusive regional cooperation, the EU insists on promotion of regional cooperation in South Caucasus through the ENP in areas like economy, business, social policy, trade, environment, border management, joint infrastructure and security projects in the sectors of energy, transport and other areas.

This EU approach is seemingly based on the notion and logic of *spillover* of neofunctionalism, according to which further cooperation might follow on other areas of economy and relevant fields [*functional spillover*], which might also lead to the increased elite integration and socialization with gradual approximation of interests [*political spillover*]. This in its turn will make it easier for the respective governments to negotiate and come to a common position, which might eventually result in the achievement of a peaceful solution to their lingering conflicts.

⁵¹⁹ Ari Indyk, "Nicolas Sarkozy's mediation of the crisis in the Caucasus," PiCA, A Global Research Organization, online, available from (http://www.thepicaproject.org/?page_id=124). Accessed on February 14, 2011, unpagged.

⁵²⁰ See Chapter III (Arne Niemann, 15).

Besides, it could also be suggested that the EU focus on promotion of various forms of policies and instruments [ENP, EPI] towards various regions, South Caucasus included, corresponds with the *cultivated spillover* type, according to which once established, supranational institutions will become the driving forces of integration, since they are interested in further development of the process.⁵²¹ To conclude this analysis, it should nonetheless be once again reiterated that application of integration theories to EU policy towards conflict resolution in South Caucasus is different from the EU case, since in application to South Caucasus word “integration” is to be interpreted as “cooperation”.

The reason why the EU hoped to bring peace to the region via assistance policy in various areas, and other indirect tools targeted at democracy, state-building and civil society development was because of its conviction that such changes will make the parent states more attractive for their secessionist parts, which might then seek for reintegration. However, this “conviction” was the declared or the visible side of distant EU attitude towards the conflict resolution, while underlying implication could be related to higher geopolitical considerations, such as EU member states’ reluctance to clash or interfere with Russia’s deeply entrenched leadership role in the regional issues.⁵²²

General conclusions

After briefly analyzing the EU role in conflict resolution in South Caucasus, *firstly*, its distant attitude and afterwards increased role in Georgian conflict; *secondly* importance it attaches to the role of institutions and various instruments in promotion of stability, cooperation and conflict resolution, the following general conclusions are drawn regarding the EU role in South Caucasus conflict resolution:

- Due to the reluctance of the EU member states to commit themselves to the promotion of regional security in South Caucasus and the priority attached to its direct neighborhood in Balkans and Eastern Europe, the region and its problems have long been discarded in EU’s foreign policy agenda [first intergovernmentalist assumption]. Increase of EU role in Georgian conflicts was due to the initiative of individual EU member state [second intergovernmentalist assumption]

⁵²¹ Relevant description of all three spillover types are given in Chapter III.

⁵²² Nona Mikhelidze, “Eastern partnership and conflicts in the South Caucasus: old wine in new skins?” p. 3.

- Despite of the fact that following the August 2008 war the EU had to undertake stronger role in South Caucasus conflict resolution, its role is still lower than other regional actors, such as Russia, Turkey, the US.
- EU approach to the South Caucasus through various institutional arrangements such as ENP and EPI is dictated by its belief that by fostering various reforms, regional cooperation on many areas, and the effect of *spillover* that such cooperation patterns might create it will be easier for the respective governments to negotiate and come to a speedy peaceful resolution of respective conflicts [neofunctionalist assumption].
- Even the above described European Parliament resolution, which underlines a necessity for a stronger EU role in conflict resolution and is a leap forward in ascribing a more direct role for the EU in conflict resolution in the South Caucasus, is still pretty vague since it again puts much emphasis on rehabilitation and assistance programs, and the EU contribution to peace-building and conflict management, supporting civil-society projects, etc.⁵²³
- In Nagorno-Karabakh conflict, the EU role unfortunately did not much change even after the appointment of the EU Special Representative, and the increased EU role in Georgia after August 2008. As it was noted above, the EU Special Representative mainly performs facilitation/assistance activity, without bringing weightier input, which would generate direct EU involvement in conflict resolution beyond the facilitation and rendering support for the OSCE led process. EU's role is predominantly confined to some political declarations and expressing support to the efforts of the Minsk Group.
- Increased EU visibility in mediating the South Caucasus conflicts has thus been left narrowed down only to Georgian conflicts and did not apply to Nagorno-Karabakh conflict, towards which the EU supposedly tries to maintain a balanced approach by avoiding any partiality in favor of either of the parties – Armenia or Azerbaijan. The EU unremittingly evades expressing any support for the territorial integrity of Azerbaijan, without making equal references to the right of self-determination. This has turned into a stumbling stone in the EU-Azerbaijani relations, since Baky does not hide its disappointment with EU's reticence on this issue. This is evidently different from

⁵²³ See: Draft Report on an EU Strategy for the South Caucasus, 2009/2216 (INI), European Parliament Committee on Foreign Affairs, January 11, 2010, unpagued.

Georgian case; where EU never hid its perspicuous support for the territorial integrity and sovereignty of Georgia.

- Mainstream EU policy revolves around the promotion of various institutions, such as ENP and EP through which EU hopes to attain regional cooperation on many areas and thus assist the states themselves to find a solution to their conflicts [see above: neofunctionalist assumption/spillover effect]. However, the issue of regional cooperation and continuous focus on its promotion may also be a challenge to effectiveness and success of the ENP, and the overall EU policy in South Caucasus, if the EU continues to employ the ENP as another instrument to promote all-inclusive regional cooperation in the South Caucasus region under the present circumstances, which is dominated by the absence of fundamental preconditions such as security and stability, mutual trust and confidence. This aspect may be one of the main hurdles for the policy's opportunities to be exploited to the maximum in the states of the South Caucasus region.
- Despite all the limitations and shortcomings, however, the institute of EU Special Representative has done a positive work in shuttling between the conflicting parties and facilitating the dialogue.
- Having relatively lesser role compared to other more prominent actors, and limiting its increased mediation activity only to Georgian conflicts, the EU keeps on offering its traditional model for peaceful solution of conflicts, which is through confidence building, cooperation, cohabitation and respect for diversity.
- That said, conventional European approach to conflict resolution through cooperation and confidence building aimed at final peace through gradual rapprochement, seems unfortunately, not to be a viable option in South Caucasus today. This is mostly due to the fact that the conflicts in South Caucasus are far more deep rooted than it is understood in Europe, and the traces of grievances are yet sore in the hearts. On the other hand, perhaps the nations of the South Caucasus states need some more time to accommodate the idea of traditional European approach to conflict resolution through cooperation and confidence building, something new that they got to familiarize in depth after reacquiring their independence. Whatever could be the reason, though, hopes should not be foregone that the EU could still make a difference in conflict resolution in the entire South Caucasus

region employing at least the mentioned traditional model, even if this contribution may not be as target oriented and effective as a more direct involvement and active conflict resolution efforts.

- What concerns the EU participation in Geneva talks alongside the UN and the OSCE, the process is yet new with no concrete results so far. Of course, it is yet early to judge about the effectiveness or ineffectiveness of this format given the fact that it has been operating for a shorter time span. As was earlier stated, there are many controversial issues discussed within this format – the most adamantly debated one being Georgia's demand to conclude a non-use agreement with Russia, which the latter rejects. Whatever could be the outcome of these talks, it remains to be a subject for a future extensive research.

3. Summing up

This chapter was devoted to the analysis of EU role in conflict resolution in South Caucasus. Since EU role in South Caucasus conflict resolution process is mostly different from the previously researched three organizations, and regime theory cannot be applied to the EU case, theoretical suppositions of intergovernmentalism and neofunctionalism were employed. Three major aspects of the EU policy in conflict resolution were assessed: 1- distant EU approach towards conflict resolution and its indirect role in facilitating conflict resolution is due to the lack of interest on the part of EU members [intergovernmentalist assumption]; 2 - subsequent increase of the EU profile in the region after August 2008 events was due to the initiative and a leading role of an EU member state [intergovernmentalist assumption]; 3 – EU believes that the regional cooperation on practical issues will lead to expansion of cooperation on issues of high politics, which subsequently will bring to the attainment of peace in the relevant conflict cases [neofunctionalist assumption].

While analyzing the empirical data, the above assumptions proved to be valid. Moreover, in addition to the findings based on intergovernmentalist and neofunctionalist suppositions, some general conclusions and observations related to EU policy were also underlined.

VII. NATURE OF THE PROBLEM⁵²⁴ IN SOUTH CAUCASUS CONFLICTS

As was reiterated throughout the dissertation, the thrust of this work is to analyze the *roles and effectiveness of the UN, the CIS, the OSCE in facilitating the achievement of a final settlement to South Caucasus conflict resolution process and the evaluation of the EU role and approach towards South Caucasus conflict resolution process*. This Chapter will be devoted to the exploration of the last-third regime theory hypothesis, which unlike the previous two hypotheses [actors' interests and problem solving capacity] can also be applied to the EU case. Thus, it is suggested that *nature of the problem in South Caucasus conflicts influence the activity and effectiveness of the involved institutions to facilitate the achievement of a final solution to the conflicts in the South Caucasus republics*. For conducting this analysis, which necessitates the assessment of relevant legal issues, in this chapter I will firstly, cover the views of the conflicting parties on the nature of the problem and secondly, highlight the debate on self-determination and territorial integrity under international law, which is the crux of the nature of the South Caucasus conflicts. This would help me in the next-third step to evaluate the impact of the nature of the problem on the effectiveness of the institutions.

1. Views of the conflicting parties on the nature of the problem

Having taken a glance at the background of the conflicts in the South Caucasus region, – the Armenian-Azerbaijani Nagorno-Karabakh conflict, conflicts in Abkhazia and South Ossetia in Georgia, – it is a germane occasion to refresh the conclusions made at the end of the Chapter I about the commonalities of all three conflicts⁵²⁵ and to expand more on this topic. As we already know, despite of the differences in the history as well as the causes of all three conflict cases, there is however, a shared feature for all of them – a thorny issue concerning the juxtaposition of the two principles of international law – territorial integrity of states and right of peoples to self-determination.

In all conflicts, irrespective of their historical background and divergent international mediation dynamics, this legal bifurcation has floated to surface and continues to do so, constituting an inalienable part of the very notion and the perception of the South Caucasus

⁵²⁴ The words “nature of the problem” will sometimes be used interchangeably with the words “problem structure”.

⁵²⁵ See Chapter I, Section 2.

conflicts. This statement does not intend to overlook other factors that may as well complicate their nature, such as divergent historic narratives and grievances. However, neither ambivalent historic interpretations, nor deep-rooted animosity of the parties make the matters as intractable as when it comes to dealing with the complex legal issues of territorial integrity and self-determination.

In order to better illustrate the depth of the problem, I will illuminate the positions of the conflicting parties and their argumentations in favor of each of the above mentioned two principles. My general observations allow me to argue that although in all three discussed conflicts the nature of problem is identical and stumble over the discrepancies as for the importance of any of the mentioned two principles, the intensity of legalistic discourse is not the same in all cases.

Legal dispute in the Nagorno-Karabakh conflict is more ardent and ubiquitous than in Abkhazian and South Ossetian conflicts. One reason lies in the fact that there is no bitter debate among the actors of Georgian conflicts when it comes to the issue of ownership over Abkhazian and South Ossetian regions. In the Armenian-Azerbaijani Nagorno-Karabakh conflict both Armenia and Azerbaijan claim for historic ownership over the region, which explains the existing affluence of legal appraisals on the nature of the conflict describing the opposing positions of Armenia and Azerbaijan.

Given also the fact that Nagorno-Karabakh has not been accepted as an independent party to the conflict and the interactions are maintained only between Armenia and Azerbaijan, both states are tirelessly after justifying their positions. In Georgian conflicts, however, Georgia recognizes Abkhazia and South Ossetia as parties to the conflicts, which in fact grants the regions themselves a status of freestanding parties to negotiations. Another actor, Russia, which is strongly backing Georgia's breakaway republics, unlike Armenia in the case with Nagorno-Karabakh does not openly allege that the regions historically belonged to itself and suffices with extending its support to the separatist regions under the pretext of protecting its citizens and the necessity of respecting the will and the right of peoples of South Ossetia and Abkhazia to self-determination. These factors perhaps account for the lower intensity of legal debate on Georgian-Abkhaz and Georgian-South Ossetian conflicts, compared to Armenian-Azerbaijani Nagorno-Karabakh conflict.

1.1. Azerbaijan and Armenia

In the Armenian-Azerbaijani Nagorno-Karabakh conflict the parties - Armenia and Azerbaijan claim their rights to the region, the former state emphasizing its righteousness using the principle of self-determination, while the latter substantiating its position referring to the principle of territorial integrity. Armenia portrays the conflict in Nagorno-Karabakh as a struggle for independence of the local people, while Azerbaijan asserts that the conflict is the act of aggression imposed by Armenia and directed against its territorial integrity.

Azerbaijan asserts that Armenia has occupied part of its territory with the purpose of its annexation and manipulates with the principle of “self-determination” for the achievement of its targeted objective. Self-determination does not entail the right for unilateral secession of any parts of the territory and is a legitimate process, which should be exercised peacefully within the existing norms and principles of international law and in conformity with national legislation, without violation of a state’s territorial integrity. Azerbaijan believes that Armenians of Nagorno-Karabakh are not independent subjects of international law and may exercise their rights to self-determination only together with the entire population of Azerbaijan, of which they constitute a part.

Therefore, Nagorno-Karabakh can only exercise its right to self-determination within Azerbaijan, and this is possible only through peaceful, democratic and legal process with immediate participation of the entire population of the Nagorno-Karabakh region, including also the inhabitants of Azerbaijani origin. For this purpose, Azerbaijan insists that first of all, the fact of occupation should be eliminated, which entails the withdrawal of the Armed Forces of the Republic of Armenia and demilitarization of the region, after which the Azerbaijani population could return to Nagorno-Karabakh and other adjacent districts.⁵²⁶

Following the return of the population to the liberated areas, the creation of the necessary conditions for life and peaceful co-existence of Armenian and Azerbaijani communities, it would be possible to initiate a constructive dialogue on the corresponding model of self-government for the Nagorno-Karabakh region, within Azerbaijan. The biggest compromise Azerbaijan suggests it could make is to grant the Nagorno-Karabakh region the highest possible degree of autonomy. Otherwise, Azerbaijani side argues that attempts to secede from

⁵²⁶ General conclusion using archives of the Ministry of Foreign Affairs of the Republic of Azerbaijan, statements and position papers of the MFA officials of Azerbaijan.

the state unilaterally is unconstitutional and are pursued in deepest negligence of and disrespect for international law, including those which prohibit forceful annexation of territories and the use of force.⁵²⁷

Referring to international legal instruments such as the UN Security Council resolutions 822, 853, 874 and 884, the Council of Europe resolution of 1416, which call for the liberation of the occupied Azerbaijani territories, restoration of its sovereignty and territorial integrity, Azerbaijan asserts that its position is also underpinned by the international community. Azerbaijan keeps on underlining that it wants and hopes for the settlement of the conflict in conformity with the principles enshrined in the Helsinki Final Act,⁵²⁸ based on respect for territorial integrity and sovereignty of Azerbaijan. It has been and is still very adamant in tirelessly emphasizing that Azerbaijan does not and cannot accept any compromises when it comes to its territorial integrity, although it is committed to peace talks, if they do not bring any results, the country may and will resort to any other means in order to restore its territorial integrity.⁵²⁹

Azerbaijan argues that the Paris peace conference, which was held in 1919 had in fact recognized Nagorno-Karabakh as a part of Azerbaijan Democratic Republic (ADR- 1918-1920) and after the establishment of the Soviet regime Nagorno-Karabakh similarly remained within Azerbaijan.⁵³⁰ According to the Article 86 of the USSR Constitution autonomous entities stayed within the boundaries of the socialist republics. In the Article 87 of the USSR Constitution, all eight autonomous entities that existed in the USSR were enumerated and Nagorno-Karabakh Autonomous Region (NKAR) was indicated to be within Azerbaijan Soviet Socialist Republic (Azerbaijan SSR). The status of Nagorno-Karabakh as an autonomous oblast within Azerbaijan SSR was stipulated in the Constitutions of the USSR of 1936 and 1977⁵³¹ and according to the Constitutions of the USSR and the Azerbaijan SSR, the legal status of NKAR was governed by the Law "On the Nagorno-Karabakh Autonomous Oblast", which had been adopted by the Supreme Soviet of Azerbaijan SSR on 16 June

⁵²⁷ Ibid,

⁵²⁸ See Chapter V, Section 1.

⁵²⁹ See: Speech of the Minister for Foreign Affairs of Azerbaijan, Mr. E. Mammadyarov, "Towards peace in the Nagorno-Karabakh region of the Republic of Azerbaijan through reintegration and cooperation," (2005), Conciliation Resources, online, available from (<http://www.c-r.org/our-work/accord/nagorny-karabakh/reintegration-cooperation.php>). Accessed on September 23, 2010, unpagged.

⁵³⁰ See Chapter II, Section 1.

⁵³¹ Constitution of the USSR (Moscow, 1936), p.14, Article 24; Constitution of the USSR (Moscow, 1977), pp. 13-14, Article 87.

1981.⁵³² The population of the region enjoyed all the social economic and political rights and in fact, living standards in Nagorno-Karabakh region was much higher than that of the remaining part of Azerbaijan.⁵³³

The procedure of changing the borders of the socialist republics was precisely laid out in the constitutions of the USSR and the socialist republics themselves. In this light, Azerbaijan maintains that according to the Article 78 of the USSR Constitution, the territory of the Socialist republic cannot be altered without the consent of the republic concerned. The borders between the soviet socialist republics could only be the subject to change upon the mutual agreement of the relevant republics, and this decision was to be further approved by the Union of the Soviet Socialist Republics. This provision was also enshrined in the Constitutions of Azerbaijan and Armenian SSRs.⁵³⁴

Azerbaijan argues that the decision of the regional Council of NKAR of June 12, 1988 to secede from Azerbaijan SSR was a violation of the USSR Constitution as well as the Constitution of Azerbaijan and the Article 42 of the Law of Azerbaijan SSR on “Nagorno-Karabakh Autonomous region”, according to which the Council of the deputies of the NKAR could take the decisions only within the authorities that it was given by the legislation of the Azerbaijan SSR. Besides, the Article 42 of the aforesaid law allowed revoking the decision of the regional Council if a certain decision did not correspond to the legislation of the socialist republic. The Supreme Council of Azerbaijan SSR therefore, adopted a decree, which stated that the June 12 decision to secede from Azerbaijan was legally null and void.⁵³⁵

Azerbaijan maintains, the whole process of separation of Nagorno-Karabakh from Azerbaijan SSR in favor of Armenia SSR, was accompanied by the apparent violation of the USSR Constitution, and, therefore, bore no legal value and consequences. Azerbaijan assured that the actions of the NKAR were dictated by Armenia, which abated the Nagorno-Karabakh Armenians for unconstitutional and illegal deeds. Alongside other illegal decisions of Armenian SSR in regard to the NKAR, the most famous one was the decision of December 1, 1989 on “Unification of Armenian SSR and Nagorno-Karabakh”,⁵³⁶ which envisaged undertaking measures for fusion of political, economic and cultural structures of Armenian

⁵³² Law of the Azerbaijan SSR "On the Nagorny Karabakh Autonomous Oblast," 16 June 1981 (Baku: Azerneshr, 1987), p. 3, Article 3.

⁵³³ T. Musayev, Legal aspects of the Nagorno-Karabakh conflict (Правовые аспекты Нагорно-Карабахского конфликта), (East-West Publishing House, Baky, 2001):17.

⁵³⁴ Ibid.

⁵³⁵ Ibid., 18-19.

⁵³⁶ See Chapter II, Section 1.

SSR and Nagorno-Karabakh. Azerbaijan believes that this was a convincing fact attesting to the territoriality of the Nagorno-Karabakh conflict.

Azerbaijan rebuffs Armenian argument that the proclamation of the "Republic of Nagorno-Karabakh" was in conformity with the Law of the USSR "On the Procedures for Resolving Questions Related to the Secession of Union Republics from the USSR" of 3 April 1990.⁵³⁷ The purpose of this Law was to regulate mutual relations within the framework of the USSR by establishing a specific procedure to be followed by Union republics in the event of their secession from the USSR. A decision by a Union republic to secede had to be based on the will of the people of the republic freely expressed through a referendum, subject to authorization by the Supreme Soviet of the Union republic. Moreover, this law also envisaged that in a Union socialist republic containing autonomous republics, autonomous provinces and autonomous regions, the referendum had to be held separately in each autonomous unit. The people of these autonomous entities retained the right to decide independently whether they want to stay within the USSR or secede from the given soviet socialist republic, as well as to raise the question of their own state-legal status.⁵³⁸ However, the secession of a Union republic from the USSR was to be seen as legal only after the completion of complex and time consuming procedure, and the approval of the relevant decision by the Congress of the USSR People's Deputies.⁵³⁹

Nonetheless, after the famous Belovejsk Agreements of 8 December, 1991 the Soviet Union ceased to exist as a subject of international law and the mentioned Law was without legal effect, since no Union republic, including Azerbaijan and Armenia, had ever referred to the procedure for secession stipulated in it. Therefore, until the Republic of Azerbaijan attained full independence and was recognized by the international community, the territory on which the NKAR of Azerbaijan SSR existed before 26 November 1991⁵⁴⁰, had remained as a part of Azerbaijan. NKAR could have exercised its right to conduct an independent referendum and legalize its outcomes only if Azerbaijan had referred to the Law "On the Procedures for

⁵³⁷ Archives of the MFA, Azerbaijan, position papers on Nagorno-Karabakh conflict. Law of the USSR "On the Procedures for Resolving Questions Related to the Secession of Union Republics from the USSR," 3 April 1990. Bulletin of the Soviet of the USSR, 1990, №15, pp. 303-308.

⁵³⁸ See: Law of the USSR "On the Procedures for Resolving Questions Related to the Secession of Union Republics from the USSR," 3 April 1990. Bulletin of the Soviet of the USSR, 1990, №15, pp. 303-308.

⁵³⁹ T. Musayev, "From territorial claims to belligerent occupation: legal appraisal," *World of Diplomacy, Journal of the Ministry of Foreign Affairs of the Republic of Azerbaijan*, (N 18-19, 2008):35.

⁵⁴⁰ On November 26, 1991, Azerbaijan SSR revoked the autonomous status of the Nagorno-Karabakh region and thus, the decree of Azerbaijani Central Executive Committee of July 7, 1923 on the creation of Nagorno-Karabakh autonomous region was also repelled.

Resolving Questions Related to the Secession of Union Republics from the USSR" of 3 April 1990 in order to secede from the USSR. Otherwise, Azerbaijan upholds that NKAR referendum on unilateral secession and subsequent decisions of Armenia supporting NKAR and its unification with Armenia is to be considered as a violation of international law and as an encroachment on territorial integrity and sovereignty of Azerbaijan.⁵⁴¹

Moreover, Azerbaijan asserts that when the Soviet Union ended its existence the former socialist republics were de-jure recognized by the international community. When Azerbaijan also became independent, in accordance with the principle of *uti possidetis juris*⁵⁴² its state borders were accepted as being the same as the former administrative borders of Azerbaijan SSR, which also included NKAR. This principle is also clearly underlined in the four mentioned UN Security Council resolutions on the conflict between Armenia and Azerbaijan.

In finalization of legal argumentations of Azerbaijan, it should especially be noted that Azerbaijan does not accept the generally established cliché about the “clash of two principles of international law: territorial integrity and self-determination” and retorts that there is any conflict between the two principles, referring to the Helsinki Final Act of 1975, which delineates clear borders of the two principles and defines the niche of the right to self-determination within the territorial integrity and internationally recognized borders of states.⁵⁴³ It asserts that the so-called clash or conflict of two principles of Helsinki Decalogue is an artificial statement, since all principles of Helsinki Final Act are equal and interconnected and that peoples while exercising their rights to self-determination should act in conformity with the purposes and principles of the UN Charter and with the relevant norms of international law, including the principle of territorial integrity, as enshrined in the Helsinki Final Act.⁵⁴⁴

Conversely, Armenia’s position is built on Armenia’s conviction in the necessity of recognizing the Nagorno-Karabakh Armenians’ rights to self-determination. Contrary to the legal substantiations of Azerbaijan, Armenia makes its case around the argument that the League of Nations in fact did not recognize Nagorno-Karabakh as a part of the first Democratic Republic of Azerbaijan (ADR 1918-1920). In this light, Armenia continues to

⁵⁴¹ T. Musayev, 25.

⁵⁴² Broader information on this principle will be given later in the chapter.

⁵⁴³ Helsinki Final Act, Articles IV (territorial integrity) and VIII (self-determination).

⁵⁴⁴ Talking points by the Delegation of Azerbaijan at the Opening Session of the Annual Security Review Conference, June 23, 2009, (PC.DEL/486/09, June 23, 2009, RESTRICTED):2.

assert that Azerbaijan had never had the ownership and “effective control” over Nagorno-Karabakh. Since today’s Azerbaijan Republic is not a legal successor of Azerbaijan SSR (1920-1990), but of ADR and the latter never had Nagorno-Karabakh as its constituent part, then from legal point of view, this meant that Azerbaijan’s claim for Nagorno-Karabakh is groundless. This point is substantiated by Armenia referring to Stalin’s 1921 decision, which according to Armenian interpretation had “granted” Nagorno-Karabakh to Azerbaijan SSR.⁵⁴⁵ The conclusion is that due to historic misfortune Nagorno-Karabakh had only been the part of Azerbaijan SSR. Therefore, neither ADR had, nor the successor of the ADR contemporary Azerbaijan has the right to claim for Nagorno-Karabakh.⁵⁴⁶

Armenia maintains that on August 30, 1991, Azerbaijan SSR adopted a “Declaration on re-establishment of the national independence of the Republic of Azerbaijan”, which laid the ground for Azerbaijan’s secession from the USSR. Nagorno-Karabakh actually took the similar decision four days later by adopting “Declaration of the Republic of Nagorno-Karabakh”, which was fully in compliance with international and the existing Soviet law.

Armenia argues that according to the Law of the USSR "On the Procedures for Resolving Questions Related to the Secession of Union Republics from the USSR" of 3 April 1990, autonomous entities within the USSR were entitled for self-determination and secession from the union republic to which they previously belonged if the given republic was to secede itself from the USSR. Thus, the judicial mechanism envisaged in the above law conferred the population of the Nagorno-Karabakh region the right to determine their future status. According to Armenia’s position, this action of Nagorno-Karabakh Armenians was also to be seen as legal since Azerbaijan had declared its intention to secede from the USSR before the actual collapse of the USSR, by adopting the Constitutional Act on Independence in October of 1991. Therefore, the referendum on independence, which was held in NKAR in December 10, 1991 had a legal value, because Nagorno-Karabakh had exercised the right for which it was eligible under the existing legal documents and procedures.⁵⁴⁷

⁵⁴⁵ See Chapter II, Section 1.

⁵⁴⁶ Sergey Minasyan, “Pacific illusions in Armenia and “balance of threats,” in Karabakh conflict,” December 7, 2005, online, available from Archives of (<http://www.regnum.ru/news/556167.html>). Accessed on August 23, 2010, unpagued.

⁵⁴⁷ Report of the Minister of Defense of the Republic of Armenia on Nagorno-Karabakh problem during Parliamentary hearings, March 29-30, 2005, online, available from (<http://www.regnum.ru/news/437271.html>). Accessed on August 2010, unpagued.

Thus, Armenia asserts that the conflict between the Articles 70 (self-determination) and 78 (territorial integrity of Union republics) of the USSR Constitution was eliminated by the said law of April 3, 1990. In this light, the independence of Azerbaijan from the USSR was the first, while the independence of Nagorno-Karabakh from Azerbaijan SSR was the second level of decolonization from the USSR. Therefore, Nagorno-Karabakh's secession from Soviet Azerbaijan was fully legal.⁵⁴⁸ Similarly, Armenia maintains that the principle of self-determination as enshrined in the Helsinki Final Act also applies to Armenians in Nagorno-Karabakh and that all ten principles in the Helsinki Final Act should be regarded as being equal. That said, Armenia denies the formulation in the Helsinki Final Act, which states that principles of self-determination should be interpreted within the principle of territorial integrity of states and should not be seen as a right to secede.⁵⁴⁹

Armenia believes that Armenians of Nagorno-Karabakh are entitled for exercising their rights to self-determination, also due to the fact that they are ethnically, linguistically, religiously and culturally different from Azerbaijanis and the region itself has a long history of being an autonomous territorial unit. Nagorno-Karabakh's referendum on declaration of independence held in December, 1991, was in fact a response to the abolition of the autonomous status for region by Azerbaijan on November 26, 1991.

Developing this logic, Armenia upholds that since Azerbaijan drastically rejected Nagorno-Karabakh's just right to self-determination, and consequently committed an aggression against it, Nagorno-Karabakh had no option except defending itself referring to the Article 51 on self-defense of the UN Charter. Against the backdrop of hostilities that lasted until 1994, Nagorno-Karabakh forces refuted Azerbaijan's aggression and also, occupied seven adjacent district as "security zones" to insure from future similar attacks of Azerbaijan. In this context, the violation of the principle of territorial integrity had happened in regard to Azerbaijan only when Nagorno-Karabakh forces had to control other seven districts around Nagorno-Karabakh in the course of compulsory repulse of Azerbaijan's aggression.⁵⁵⁰

Nowadays Armenia also maintains that during the years that have lapsed since the independence of Azerbaijan, the latter never had any control over Nagorno-Karabakh. After

⁵⁴⁸ *Nagorno-Karabakh: A White Paper*, (Armenian Assembly of America):12-13.

⁵⁴⁹ Ibid. For the formulation in the Helsinki Final Act, see Section 2. of the Chapter.

⁵⁵⁰ Report of the Minister of Defense of the Republic of Armenia on Nagorno-Karabakh problem during Parliamentary hearings, March 29-30, 2005, unpagued.

exercising its right to self-determination, Nagorno-Karabakh although still not recognized internationally, has proven to be a de-facto independent state by establishing the necessary attributes of statehood, which makes the independence of Nagorno-Karabakh irreversible. According to this view, the longer Nagorno-Karabakh lives with its de-facto acquired independence, the more difficult it will be to deny in the international recognition of its independence. Armenia repeatedly asserts that Nagorno-Karabakh conflict is not about seizure of territories, but about self-determination.⁵⁵¹

In general conclusion, Armenia believes that Azerbaijani Republic, which gained independence in 1991 in fact returned to the existing legal circumstances of 1918-1920 and became the successor of the state, which did not have under its supervision the territories that belong to Nagorno-Karabakh. Even Azerbaijan's international recognition and membership in international organizations became the result of the "inertial international legal responsibility of the USSR" and did not mean that Nagorno-Karabakh was recognized as part of Azerbaijan.⁵⁵²

Azerbaijan bears the burden of blame for unleashing and exacerbating the Nagorno-Karabakh conflict and Armenia had no choice but to interfere in order to protect ethnic Armenians living in the region in their quest for self-determination. Armenia, therefore, construes the right to self-determination in a nationalist sense claiming that ethnic group living in cluster in a given territory may and should realize its right to self-determination and create its own nation state.⁵⁵³ According to Armenia's legalistic estimation, Nagorno-Karabakh conflict is neither territorial, nor ethnic. Rather, it is the conflict for self-determination and self-government.

1.2. Georgia and its breakaway republics

As was depicted above, legalistic discourse in Georgia's conflicts has lower intensity, compared to Armenia-Azerbaijan Nagorno-Karabakh conflict. Nonetheless, this does not

⁵⁵¹ Vartan Oskanyan, "Old states and new: shifting paradigms and the complex road to peace in Nagorno-Karabakh," (2005), online, available from (<http://www.c-r.org/our-work/accord/nagorny-karabakh/old-states-new.php>). Accessed on January 24, 2010, unpagued.

⁵⁵² Mikhail Aghadjanyan et al, *Azerbaijan against the people of Karabakh: politico-legal consequences of aggression and the influence of those consequences on the prospects of regional security*, ("Nairi" Publishing house, Yerevan, 2007):134.

⁵⁵³ Armenia, Nagorno-Karabakh, Azerbaijan, Country Watch, online, available from (<http://www.countrywatch.com>). Accessed on September 12, 2010, unpagued.

change the actual nature of the problem in Abkhazian and South Ossetian conflicts. Both regions claim for independence from Georgia, while for Georgian authorities the regions' demands for independence is a secessionist movement that should be suppressed. Here again we see the clash of the above-mentioned two principles, which the parties use as a legal pretext to gain support for their respective positions in the conflict.

Both – Abkhazia and South Ossetia view themselves as ethnically and culturally distinct people, with different historical experience and statehood traditions. By putting the blame on Soviet leadership, which according to these entities defined the status of the two regions within Georgia, they believed that time was ripe for them to use their rights to self-determination and create their independent states again.

In Georgian – Abkhazian conflict, Abkhazian side claims that it became the part of the Soviet Union detached from Georgia and at the outset it was an independent Union Republic on equal status with Georgia. Only in 1931 it was subjected to Georgian rule by Stalin, who was of Georgian origin. Abkhaz maintain that when Georgia declared its independence in 1991, Abkhazia had to avail of the opportunity to regain its independence.⁵⁵⁴

While Georgia was gaining international recognition as an independent state, Abkhazia argued that it also had the right to claim for the same treatment and restore its 1925 constitution according to which “Republic of Abkhazia” had a federative relationship with Georgia. Based on this Constitution and given the fact that Georgia declared its independence from the USSR, Abkhazia’s declaration of independence was fully legal.⁵⁵⁵ On July 23 1992, Supreme Soviet of Abkhazia abolished 1978 Constitution and decided to return to 1925 Constitution. Against this decision, Abkhazians argue, Georgians reacted with the use of force, which was intended “to destroy Abkhaz statehood and suppress the aspiration of the Abkhaz people towards self-determination”.⁵⁵⁶

In Abkhaz stance, “Declaration on the state sovereignty of Abkhazia and resolution on legal guarantees for the protection of Abkhaz statehood” of August 25, 1990 had declared that the

⁵⁵⁴ See Chapter I for the history of Abkhazian declaration of independence.

⁵⁵⁵ Levan Ramishvili, *Conflict resolution in Georgia – A synthesis analysis with a legal perspective*, online, available from (<http://www.shimerli.livejournal.com/78603.html>). Accessed on January 1, 2011, unpagged.

⁵⁵⁶ Historical-Legal Factors of Georgian –Abkhazian relations, “Ministry of Foreign Affairs, Republic of Abkhazia,” Sukhumi, 2002, online, available from (<http://www.abkhazworld.com/articles/analysis/3-historical-legal-factors-.html>). Accessed on December 12, 2010, unpagged.

decisions of the Supreme Soviet of the Georgian SSR taken between 1989 and 1990 on the inclusion of Abkhazia into the Georgian SSR had no legal effect, since Georgia could not unilaterally change the nature of its relations with Abkhazia. Further, Abkhazian position suggests that according to the Law “On the Procedures for Resolving Questions Related to the Secession of Union Republics from the USSR” of 3 April 1990, the autonomous entity had the right to decide whether it wanted to remain within the USSR if the socialist republic to which they belonged took the decision to secede. In the referendum, which was held on March 17, 1991, Abkhazians voted for the preservation of the USSR and the results of the referendum was confirmed by the Central Commission of the USSR.⁵⁵⁷

Georgia, on the contrary held a referendum on March 31, 1991, which resulted in a positive vote for Georgia’s secession from the USSR. Abkhazia did not participate in the latter referendum and therefore, does not consider itself to be bound by its outcome. Since after this referendum Georgia restored its independence and declared itself to be the successor of the 1918-1920 Georgian Democratic Republic (GDR), and Abkhazia still remained as a part of the USSR upon the outcome of its referendum, Georgia and Abkhazia ceased their common existence and became two different subjects of international law. Abkhazia continued to be part of the USSR until 21 December of 1991, the actual collapse of the USSR. Moreover, Abkhaz side also argues that when Georgia was admitted to the UN, it already had no ownership over Abkhazia, therefore, the recognition of Georgia within the borders of the former Georgian SSR had no legal effect.⁵⁵⁸

Abkhaz demands for independence based on right to self-determination had also manifested itself in the statements of Abkhaz de-facto officials. For instance, on 25 July 2000 the chairman of Abkhaz Parliament stated that Abkhazia is independent, since it has passed the act of independence, and non-recognition does not matter. Abkhaz constitution which was approved by the referendum in November 1994 notes that Abkhazia is “sovereign, democratic state based on law, which historically has become established by the rights of nations to self-determination”.⁵⁵⁹

Regarding Abkhazian claims, Georgia maintains that Abkhazia is an inalienable part of Georgia and has never been independent republic during Soviet years. All changes to

⁵⁵⁷ Ibid.

⁵⁵⁸ Ibid.

⁵⁵⁹ Dov Lynch, “Separatist states and post-Soviet states,” *Journal of International Affairs* 78, 4 (2002): 837.

Abkhazia's status and demography were done by Soviet leadership and Georgia has not to be blamed for this.⁵⁶⁰ Georgia also asserts that during Soviet times Abkhazia was an autonomous entity within the Georgian SSR and this was also maintained by the Soviet Constitution. Georgians argue that Abkhazians are not the only or the biggest minority group in Georgia, since upon the dissolution of the USSR the number of people belonging to Armenian, Azerbaijani, Russian and Ossetian ethnicities was more than that of Abkhazians. On this ground, Abkhazian claims for independence based on ethnicity factor meets with strong Georgian opposition, which is cautious of dangerous precedent that could be spread among other ethnic groups.⁵⁶¹

Concerning the unilateral declaration of independence by South Ossetia, Georgia asserts that like Abkhazia, this region also does not have the right to external self-determination,⁵⁶² to the extent that these regions get recognized as independent after the August 2008 events. South Ossetia's right to internal self-determination has not been recently abused by Georgia, with some minor examples that took place in early nineties during the tenure of President Z. Gamsakhurdia. Georgia's territorial integrity was recognized by all international community, including Russia, after the collapse of the USSR with South Ossetia and Abkhazia being its integral parts.⁵⁶³

Georgia on numerous occasions pledged to give South Ossetia higher autonomous status, which was rejected by the region. Moreover, Georgia does not recognize the outcome of the so-called referendums of independence that were held in 1991 and 2006 in South Ossetia, arguing that it did not consider the votes of minorities living there and the decision on the secession of some parts of state's territory should be taken in a nationwide referendum, i.e. the entire Georgian nation. By this token, it is affirmed that South Ossetia's claim for self-determination is precarious.⁵⁶⁴

According to Georgia's position, under international legal practice, self-determination could be realized in forms of federative or autonomous arrangement, which would give Abkhazia

⁵⁶⁰ Ghia Nodia, "Georgian perspectives," (September 1999), online, available from (<http://www.c-r.org/our/work/accord/georgia-abkhazia/georgian-perspectives.php>). Accessed on December 24, 2010, unpagged.

⁵⁶¹ Ibid., unpagged.

⁵⁶² For the description of rights for external and internal self-determination see Section 3 of the Chapter.

⁵⁶³ Inge Snip, "South Ossetia and self-determination," (August 14, 2009), online, available from *Evolutsa.net*, (<http://www.evolutsa.net/south-ossetia-and-self-determination>). Accessed on January 3, 2011, unpagged.

⁵⁶⁴ Ibid.

and South Ossetia self-government.⁵⁶⁵ Georgia asserts that neither Abkhazia, nor South Ossetia has legitimate claims as for applicability of the principle to self-determination to their cases. Self-determination does not grant the right to secede and could be achieved only through negotiated solutions. Like Azerbaijan, Georgia in response to the regions' claims of self-determination also asserts that it is ready to grant the regions with the "highest level of autonomy" within Georgia and that Georgia's Constitution is to be applicable to the regions too.⁵⁶⁶ Georgia suggests that the future political status of Abkhazia and South Ossetia within Georgia is to be defined through peaceful and negotiated process after the return of the IDPs to their places of origin and liberation of the occupied Georgian territories.⁵⁶⁷ However, Abkhazia is especially ardent in demanding independence or at least, equal – confederative status with Georgia.

Georgia maintains that according to its constitution, minorities are entitled to specific rights. That said, Article 14 of its constitution allows for the national minorities legal equality, irrespective of their ethnic or linguistic identities. With regard to Abkhazian language, Article 8 of the Georgian constitution states that the state language in the Autonomous Republic of Abkhazia is Abkhazian. There is no, however, similar provision for accepting the South Ossetian language as official in South Ossetia, although South Ossetia also enjoyed autonomy regarding its language and culture. However, Georgia argues that Article 8 of the Constitution in fact indicates that Georgia is able to accommodate more than one language within a certain territorial unit and that South Ossetia was free to use its language. However, cultural freedom given to its administrative units did not imply their rights for secession. According to Article 38 of Georgia's Constitution, the implementation of the rights of minorities should not cross cut with the territorial integrity of states.⁵⁶⁸

Separatist claims of Georgia's Abkhazia and South Ossetia regions with the usage of the principle to self-determination are widely backed by Russia, which by virtue of its own interests consistently supports the entities.⁵⁶⁹ In this light, Georgia's accusations of violation of its territorial integrity often are directed against Russia, rather than Abkhazia and South Ossetia, since Georgia is convinced that without Russian support, the two regions would have

⁵⁶⁵ Levan Ramishvili, unpagued.

⁵⁶⁶ Edward Walker, unpagued.

⁵⁶⁷ State Strategy of the Government of Georgia on Occupied territories: Engagement through Cooperation, online, available from (http://www.government.gov.ge/index.php?lang_id=ENG&sec_id=225). Accessed on December 23, 2010, p.5.

⁵⁶⁸ Levan Ramishvili, unpagued.

⁵⁶⁹ Russia's interests are covered partly in Chapters I and II, and will be discussed in detail in Chapter IV.

not been able to further their claims, achieve their de-facto independence and even international recognition, although trivial.

Georgia also asserts that the war of August 2008, which was accompanied by Russian invasion, was a flagrant violation of international law – the principles of territorial integrity and sovereignty. In October of 2008 the Georgian Parliament passed a “law on Occupied Territories”, which regulates the legal regime, as well as international norms and arrangements in relation to two regions. It asserts that sovereignty and territorial integrity of Georgia and inviolability of its internationally recognized borders must be respected.⁵⁷⁰

Although the de-facto authorities in Nagorno-Karabakh, Abkhazia and South Ossetia have repeatedly conducted referenda, the results of which were in favor of independence, these referendums have never been monitored by any observers and therefore their outcome is highly questioned by the legitimate authorities to which these regions belong. The positions of both Georgia and Azerbaijan lies in the assertion that the right of self-determination does not imply the right for secession; and national minorities could still enjoy their right to self-determination within the territorial boundaries of the existing state. This should not jeopardize territorial integrity of states as firmly enshrined in the Helsinki Final Act of 1975 and other fundamental documents of international law governing relations among states.

On the opposite verge Armenia (backing Nagorno-Karabakh), Abkhazia and South Ossetia (backed by Russia) continue to perpetuate self-determination argument as a purport of their pursuit after secession of territories. This never-ending debate is augmented against the backdrop of existing inconsistencies in some of the international legal documents regarding the correlation of the right to self-determination with the principle of territorial integrity and the notion of secession, which increases the chances for political interpretations of the given legal concepts. The latter issue is the subject of the section below.

2. Principles of territorial integrity and self-determination: the acrimonious debate in international law.

From the preceding section it could be inferred that the real nature of the problem is interpreted by the conflicting parties based on two principles of international law: territorial

⁵⁷⁰ State Strategy of the Government of Georgia on Occupied territories: Engagement through Cooperation, p.5.

integrity of states and right of peoples to self-determination. Some would describe this as a clash or irreconcilability of the two principles, since reference to these principles makes the positions of parties more immutable and inflexible.

Whether there is indeed a so-called clash between the two principles, or the existing extremeness in the positions of the concerned parties has political connotations and is predominantly strengthened by the ambiguity and omissions in some documents of international law regarding the principle of self-determination as such, and its interrelation with the principle of territorial integrity, will be the subject for discussion in the coming paragraphs of the given section. To this end, the section will be limited to the quest for the interrelation of the principles of self-determination and territorial integrity under international law, plus the notion of secession in this context, without going deeper into the history of the principles as well as their thorough legal assessment.

Due to the vagueness of the existing language on self-determination in international law, the principle nowadays has become the frequent subject for ambivalent academic and political discourse that are designed for justification of political motivations. It is not fully clear from the existing provisions under international law if and under which conditions the principle also entails the right to secede, although the general understanding has developed around the assertion that the principle of self-determination should not be construed as a green light to violate the territorial integrity of states. Territorial integrity of states and inviolability of the internationally recognized borders are generally considered to be principled tenets of the very existence of states, and norms and principles of international law governing the relations among the states.⁵⁷¹

The principle of self-determination in fact was mostly being associated with the process of decolonization and the creation of new states after 1945 and was reflected in the relevant provisions in the UN Charter. However, Articles 1, (2) and 55 of the UN Charter are quite ambiguous about the essence of the right itself. For instance, Articles 1 (2) and 55 of the UN Charter state the following about the right to self-determination:

⁵⁷¹ Article 2 (4) of the UN Charter, relevant provisions of the 1970 Declaration on Friendly Relations, 1960 Declaration on the granting of independence to colonial countries and peoples, Articles III and IV of the Helsinki Final Act 1975 (and reference to this principle in numerous occasions in the document), 1933 Convention on Rights and Duties of States, 1948 Charter of the Organization of American States, 1963 Charter of the Organization of African Unity, etc.

Article 1 (2) - To develop friendly relations among the nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace.⁵⁷²

Article 55 – With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote: a) higher standards of living, full employment, and conditions of economic and social progress and development; b) solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and c) universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.⁵⁷³

As evinced by the quoted paragraphs on self-determination above, the description of the principle itself is rather vague, and does not give the definition of what the right actually implies and whether indeed this right serves as a legal justification for secession, which makes almost impossible marrying it with the principle of territorial integrity. Nonetheless, there was a common acknowledgement of the fact that the principle of self-determination applied merely to nations who were under colonial domination and “whose destinies had to be resettled in one way or another, because they had been unsettled by the War” and hence had the right to determine their future. It is understood that the notion of “self-determination” was a political formula and had therefore, to be seen in the context of political circumstances that necessitated its usage. That said, self-determination applied only to those areas that finally had to define their destiny upon the end of their colonial dependence.⁵⁷⁴

Articles 73 and 76 (b) of the UN Charter further consolidates this assertion and links the principle of self-determination with the notion of self-government for the territories freed from the colonial domination. Consequently, Article 73 states the following:

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories.⁵⁷⁵

⁵⁷² UN Charter, Article 1 (2), Chapter I (Purposes and Principles).

⁵⁷³ UN Charter, Article 55, Chapter IX (International Economic and Social Co-operation).

⁵⁷⁴ Gilbert Murray, “Self-determination of nationalities,” *Journal of the British Institute of International Affairs*, Vol. 1, No.1. (January, 1922, pp.6-13), online, available from (<http://links.jstor.org/sici=1473-7981%28192201%291%3A1%3C6%3ASON%3E2.0.CO%3B2-W>). Accessed on December 23, 2010, pp.10-11.

⁵⁷⁵ UN Charter, Chapter XI: Declaration regarding non-self-governing territories, Article 73.

Article 76 of the Charter furthermore specifies the contents of the said Article 1 (2) of the Charter to suggest that:

The basic objectives of the trusteeship system, in accordance with the Purposes of the United Nations laid down in Article 1 of the present Charter, shall be: to further international peace and security; to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement.⁵⁷⁶

As the paragraphs above illustrated, the right to self-determination is reflected from two different angles in the UN Charter –as a general right and a basis of international and economic cooperation (Articles 1 and 55), and as a right in the context of decolonization (Articles 73 and 76). However, the precise definition of the right itself, or at least differentiation of its various aspects is lacking, which leads to controversial interpretations.

The UN Charter also makes explicit references to the importance of the principles of territorial integrity and non-use of force against the sovereignty and territorial integrity of states. Nonetheless, given the realities of the time when the Charter was born into life, especially because the right to self-determination was designed in the de-colonization context, for objective reasons it contains no relation or correlation between the principles of self-determination and territorial integrity. The following is said regarding territorial integrity and non use of force in the UN Charter:

All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.⁵⁷⁷

With the growth of the UN membership of Afro-Asian origin in 1960s, the principle of self-determination was more and more seen as a right of people living under colonial domination. Although the idea of enshrining the right of self-determination as a legal right was rebuffed by the colonial powers at that time, later, they also came to accept the right and the concept of self-determination, which hence was linked to the context of de-colonization. In *Namibia* and

⁵⁷⁶ UN Charter, Chapter XII: International Trusteeship System, Article 76.

⁵⁷⁷ UN Charter, Article 2 (4), Chapter I (Purposes and Principles).

Western Sahara Advisory Opinions of the International Court of Justice, the Court also establishes the relevance of the right to the context of de-colonization and with that, the concept of self-determination as a right of people living under colonial domination to decide their future was reinstated.⁵⁷⁸ However, it should be reinstated that although the right was recognized in light of de-colonization, the language in the UN Charter (Articles 1 and 55) and in the later documents⁵⁷⁹ remain pretty much vague as for its interaction with the principle of territorial integrity.

The principle had further been mentioned in other international documents and conventions, such as 1960 Declaration on Granting of independence to Colonial Countries and Peoples, 1966 Covenants on Civil and Political Rights and Economic, Social and Cultural Rights and 1970 Declaration on Friendly Relations among the States. These documents in fact marked certain alteration and evolution of the principle of self-determination out of colonial context into being a human right⁵⁸⁰ by generally maintaining that peoples' rights to self-determination allows them to freely determine their political status and freely pursue their economic, social and cultural development.⁵⁸¹

⁵⁷⁸ Judge Rosalyn Higgins, "Self-determination and secession," in Julie Dahlitz (ed.), *Secession and International Law, Conflict Avoidance, Regional Appraisals* (United Nations, New York and Geneva, 2003): 26-27.

⁵⁷⁹ Examples are: 1960 Declaration on Granting of independence to Colonial Countries and Peoples, 1966 Covenants on Civil and Political Rights and Economic, Social and Cultural Rights and 1970 Declaration on Friendly Relations among the States – see in the coming paragraphs.

⁵⁸⁰ Judge Rosalyn Higgins, 26-27.

⁵⁸¹ - *Preamble* - "Conscious of the need for the creation of conditions of stability and well-being and peaceful and friendly relations based on respect for the principles of equal rights and self-determination of all peoples, and of universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion;" Article 2- "All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development." (*1960 Declaration on the granting of independence to colonial countries and peoples, Adopted by general assembly resolution 1514 of 14 December 1960*);

- *Article 1* - "...All peoples have the right for self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development..." (*International Covenant on Civil and Political Rights, Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 entry into force 23 March 1976, in accordance with Article 49*).

- "Convinced that the principle of equal rights and self-determination of peoples constitutes a significant contribution to contemporary international law, and that its effective application is of paramount importance for the promotion of friendly relations among States, based on respect for the principle of sovereign equality;" "Every State has the duty to refrain from any forcible action which deprives peoples referred to in the elaboration of the principle of equal rights and self-determination of their right to self-determination and freedom and independence;" "By virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development, and every State has the duty to respect this right in accordance with the provisions of the Charter;" "Every State has the duty to promote, through joint and separate action, realization of the principle of equal rights and self-determination of peoples, in accordance with the provisions of the Charter, and to render assistance to the United Nations in carrying out the responsibilities entrusted to it by the Charter regarding the implementation of the principle, in order;" "The establishment of a sovereign and independent State, the free association or integration with an independent State

Although likewise the UN Charter these documents also contain general references to the right itself at first, without explicitly linking it to colonial context and slightly enriching it with human right component, further clarifications in these documents indicate that despite some evolution of the concept of self-determination as a human right, it is not completely taken and seen out of the context of de-colonization.⁵⁸²

Two of the above documents (1960 declaration and 1970 Declaration) also maintain the importance of territorial integrity, prohibition of non-use of force in this regard⁵⁸³ as a primary principle of international law, however, only 1970 Declaration on Friendly Relations among the States made a subtle attempt to highlight the correlation of the principles of self-determination and territorial integrity of states in the following provisions:

or the emergence into any other political status freely determined by a people constitute modes of implementing the right of self-determination by that people.” (*Declaration on principles of international law friendly relations and co-operation among states in accordance with the Charter of the United Nations*, 1970).

⁵⁸² - Article 5 – “Immediate steps shall be taken, in Trust and Non-Self-Governing Territories or all other territories which have not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or colour, in order to enable them to enjoy complete independence and freedom.” (*1960 Declaration on the granting of independence to colonial countries and peoples, Adopted by general assembly resolution 1514 of 14 December 1960*).

- Article 1 – “...The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations...” (*International Covenant on Civil and Political Rights, Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 entry into force 23 March 1976, in accordance with Article 49*).

- “Convinced that the subjection of peoples to alien subjugation, domination and exploitation constitutes a major obstacle to the promotion of international peace and security,” “The territory of a colony or other Non-Self-Governing Territory has, under the Charter, a status separate and distinct from the territory of the State administering it; and such separate and distinct status under the Charter shall exist until the people of the colony or Non-Self-Governing Territory have exercised their right of self-determination in accordance with the Charter, and particularly its purposes and principles.” (*Declaration on principles of international law friendly relations and co-operation among states in accordance with the Charter of the United Nations*, 1970).

⁵⁸³ - Article 6 - “Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations” (*1960 Declaration on the granting of independence to colonial countries and peoples*);

- Preamble – “Recalling the duty of States to refrain in their international relations from military, political, economic or any other form of coercion aimed against the political independence or territorial integrity of any State;” “Considering it essential that all States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations;” “Convinced in consequence that any attempt aimed at the partial or total disruption of the national unity and territorial integrity of a State or country or at its political independence is incompatible with the purposes and principles of the Charter;” - Text - “The principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations;” “Every State has the duty to refrain in its international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations.” (*Declaration on principles of international law friendly relations and co-operation among states in accordance with the Charter of the United Nations*, 1970).

Nothing in the foregoing paragraphs [author: *paragraphs on the principle of self-determination in the section “The principle of equal rights and self-determination of peoples”*] shall be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples as described above and thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed or colour. Every State shall refrain from any action aimed at the partial or total disruption of the national unity and territorial integrity of any other State or country.⁵⁸⁴

Helsinki Final Act of 1975 further attempted to fill this gap and to underline appropriate niche for the principle of self-determination by overtly stating that the principle should only be understood and applied within and without detriment to the principle of territorial integrity of states. Helsinki Final Act states the following with regard to the principles of territorial integrity (Article IV) of States and equal rights and self-determination of peoples (Article VIII):

The participating States will respect the territorial integrity of each of the participating States. Accordingly, they will refrain from any action inconsistent with the purposes and principles of the Charter of the United Nations against the territorial integrity, political independence or the unity of any participating State, and in particular from any such action constituting a threat or use of force.⁵⁸⁵

The participating States will respect the equal rights of peoples and their right to self-determination, acting at all times in conformity with the purposes and principles of the Charter of the United Nations and with the relevant norms of international law, including those relating to territorial integrity of States.⁵⁸⁶

The principle of refraining from the threat or use of force, which was once again fortified in the Helsinki Final Act also focused on the principle of territorial integrity of states, once more proving its role and place within the system of interstate relations:

The participating States will refrain in their mutual relations, as well as in their international relations in general, from the threat or use of force against the territorial integrity or political independence of any State, or in any other

⁵⁸⁴ Declaration on principles of international law friendly relations and co-operation among states in accordance with the Charter of the United Nations, 1970.

⁵⁸⁵ Article IV of the Declaration on Principles Guiding Relations between Participating States, Conference on Security and Co-operation in Europe, Final Act, Helsinki 1 August 1975.

⁵⁸⁶ Article VIII of the Declaration on Principles Guiding Relations between Participating States, Conference on Security and Co-operation in Europe, Final Act, Helsinki 1 August 1975.

manner inconsistent with the purposes of the United Nations and with the present Declaration.⁵⁸⁷

This specification of the right to self-determination in the context of the principle of territorial integrity was expanded in the Charter of Paris for New Europe of 1990, which once again defined the contemporary right of self-determination taken out of colonial context to fall within the territorial integrity of modern nation states:

We reaffirm the equal rights of peoples and their right to self-determination in conformity with the Charter of the United Nations and with the relevant norms of international law, including those relating to territorial integrity of States.⁵⁸⁸

Alongside reemphasizing the principle of territorial integrity as one of the cornerstones of interstate relations, the Charter of Paris also underscores the unacceptability of the threat or use of force against territorial integrity of any state:

Although the threat of conflict in Europe has diminished, other dangers threaten the stability of our societies. We are determined to co-operate in defending democratic institutions against activities which violate the independence, sovereign equality or territorial integrity of the participating States.⁵⁸⁹

In accordance with our obligations under the Charter of the United Nations and commitments under the Helsinki Final Act, we renew our pledge to refrain from the threat or use of force against the territorial integrity or political independence of any State, or from acting in any other manner inconsistent with the principles or purposes of those documents recall that non-compliance with obligations under the Charter of the United Nations constitutes a violation of international law.⁵⁹⁰

In fact, the principle of territorial integrity is tightly linked with other principles of international law, like prohibition of the threat or use of force, non-intervention in the internal and external affairs of states, peaceful settlement of disputes, etc., and self-determination belongs to the list of many principles. It is due to the importance of the principle of territorial integrity that international community generally does not accept the plausibility and eligibility of certain group of peoples for secession availing from the right of self-determination. Peoples

⁵⁸⁷ Article II of the Declaration on Principles Guiding Relations between Participating States, Conference on Security and Co-operation in Europe, Final Act, Helsinki 1 August 1975.

⁵⁸⁸ Charter of Paris for New Europe of 1990, Paris, 19-21 November, 1990.

⁵⁸⁹ Ibid.

⁵⁹⁰ Ibid.

who are granted an internal right to self-determination and living on equal rights without any discrimination do not seem to have the right to secede.⁵⁹¹

Having sketched the cited paragraphs on self-determination in the given section it should not be overlooked that the definition of the people or nation to which the right becomes applicable is another contentious issue as there are no objective criteria in this regard. According to some, these criteria should include shared ethnicity, religion, history, language and territory; however, they too are indicated to be relative, since sometimes these criteria do not necessarily and automatically testify to the existence of sense of national identity. Common language, religion and etc. may and may not be the indicators of the presence of the sense of national identity. It is argued that belonging to a certain category of “people” has to do with a psychological feeling of being the part of a larger group of people and since international law does not support the rights based on such subjective criteria as sentiments and feelings, and maintains a concrete and factual approach, it is rather difficult to discern the borders of the notion of “people” to whom the right to self-determination is applicable.⁵⁹²

As was previously discussed, another hotly debated issue in regard to the concept of self-determination is if this right constituted a legitimate basis for secession by a national minority living in a certain part of a state’s territory. Although the linkage of the concept of self-determination with the principle of territorial integrity and notion of secession is established in some of the mentioned international documents (i.e. Helsinki Final Act and 1970 Declaration and Paris Charter to some extent), some ambiguity under international law regarding the interrelation of the concept of self-determination and the right to secession still do exist. Taken out of the context, certain provisions on self-determination contained in the aforementioned international documents, are nowadays interpreted from a political spectrum, which equals and associated the notion of self-determination mentioned therein with the acceptability and legality of secession.

In common acceptance, the end of colonial system did not end states’ existence as main players of international law and the significance of territorial integrity. Rather, it set up the

⁵⁹¹ Butler, W. E., “Territorial integrity and secession: the dialectics of international order,” in Julie Dahlitz (ed.), *Secession and International Law, Conflict Avoidance, Regional Appraisals* (United Nations, New York and Geneva, 2003): 112-113.

⁵⁹² Levan Ramishvili, unpagged.

idea of self-government within the existing state borders.⁵⁹³ Article 6 of the 1960 Declaration on Granting Independence to Colonial Countries clearly maintains that the right to self-determination must not be seen as a basis for secession, and states: “Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations”.⁵⁹⁴ Although some international legal documents do shed some light on the stance of the principle of self-determination vis-a-vis the principle of territorial integrity, political interpretations are not fully absent from the context.

Existing divergences of opinions and the attempts to politicize legal concepts have brought controversial legal estimations of the acceptability of secession in the context of self-determination. Some lawyers believe that self-determination as seen in the context of decolonization does not entitle for the right to secede, because it implied that colonialists should free the territories and peoples under colonial domination, and did not imply that people should secede from the rulers. Therefore, any arguments about the national minorities’ rights to secede through the right to self-determination beyond colonial context, which emerged within colonial context, are highly ambivalent, although much debated and referred today.⁵⁹⁵ These statements will be further explored below.

However, some lawyers believe that provisions of international legal documents and state practice do approve the legality of secession. According to them, secession is not compulsorily to be seen as an end-state of exercising the right to self-determination; however, it is approved only in some cases and within the scope of the right to self-determination. According to the UN practice and other subsequent documents, such as Declaration of 1970 and the Vienna Declaration and Program of Action of 1993, secession could be seen as a legitimate element of self-determination only in four cases – 1) if it is in relation to the peoples in the territories to be de-colonized; 2) if it is enshrined in the constitution of a given state; 3) if the territory where certain population lived, was annexed after 1945 (in the context of Arab people of Palestine); 4) if certain people live in the territory of a state, which does not

⁵⁹³ Valerie Epps, “Evolving concepts of self-determination and autonomy in international law: the legal status of Tibet,” *Legal Studies Research Paper Series, Research Paper 08-33*, (Suffolk University Law School, Boston, Massachusetts, October 21, 2008): 8.

⁵⁹⁴ Article 6, 1960 Declaration on Granting of independence to Colonial Countries and Peoples.

⁵⁹⁵ Judge Rosalyn Higgins, 36.

respect the principle of equal rights and self-determination and which does not guarantee the representation of all its peoples in the governance of the state.⁵⁹⁶

Other views that offer justifications to secession propose to increase the number of cases under which secession is legal and state that when there is no agreement between the state and the seceding entity about the act of secession, the international community may recognize secession provided that following five [author: quite controversial though] criteria are met: 1) the people of the seceding territory are linguistically, culturally and historically different; 2) the people have a historical claim to the territory they live; 3) the territory where the secessionist people live became the part of the parent state as a result of unjust historical event; 4) the will for secession of the given people have been supported by a referendum; 5) human rights of the people have been deliberately suppressed and they are refused to participate in the governance of a state from which they want to secede.⁵⁹⁷

Nonetheless, some authors offer to shorten this list and argue that state practice and the resolutions of the UN do endorse territorial separation only in two cases, which are 1) subjection of peoples to alien subjugation, domination and exploitation, and 2) colonialism.⁵⁹⁸ Other plausible and acceptable cases for secession are noted to be the following: if a decision to secede was taken by the whole population of the state to secede peacefully and if the national boundaries have been rearranged as a result of war and a subsequent peace treaty.⁵⁹⁹

However, despite of these rather divergent views, which maintain that secession could be accepted in certain circumstances, nowadays, no international mechanisms or concrete norms of international law exist, which would arrange the relation of secessionist movements with the state concerned or which could be referred to in arguing whether certain population has the right to secede.⁶⁰⁰ There is also no agreement within the legal discourse on the issue of interrelation of secession with the principle of self-determination. Some believe that the

⁵⁹⁶ Stanislav V. Chernichenko and Vladimir S. Kotliar, "Ongoing global legal debate on self-determination and secession: main trends," in Julie Dahlitz (ed.), *Secession and International Law, Conflict Avoidance, Regional Appraisals* (United Nations, New York and Geneva, 2003): 78-79.

⁵⁹⁷ A.A. Idowu, "Revisiting the right to self-determination in modern international law: implications for African states," *European Journal of Social Sciences*, Vol. 6, No. 4 (September, 2008):49.

⁵⁹⁸ Dinah Shelton, "Self determination and secession: the jurisprudence of international human rights tribunals," in Julie Dahlitz (ed.), *Secession and International Law, Conflict Avoidance, Regional Appraisals* (United Nations, New York and Geneva, 2003): 52.

⁵⁹⁹ Johan D. Van der Vyver, "Self-determination of the peoples of Quebec under international law," *Transnational law and policy*, Vol. 10:1 (Fall, 2000), online, available from <http://www.law.fsu.edu/journals/translational/vol101/vyer.pdf>. Accessed on December 23, 2010, pp. 22-26.

⁶⁰⁰ Stanislav V. Chernichenko and Vladimir S. Kotliar, 78-79.

concept of self-determination also encircles secession, and that secession is the last destination within this purview, if the existing state fails to provide the necessary human and citizen rights of the people in question. Therefore, the question of secession should not be detached from the principle of self-determination.⁶⁰¹

Protagonists of merging secession with self-determination argue that the concept of self-determination is not a right to secede from the given state. They maintain that the concept of self-determination is applied to peoples, while secession has to do with a certain territorial unit. Because the right to self-determination is mostly envisaged against the backdrop of the principle of territorial integrity, it should not include a right to secession.⁶⁰² If the concept of self-determination is seen in the context of territorial integrity of states and inviolability of borders, then secession cannot be regarded as an offspring of the concept of self-determination. The right to self-determination therefore, is a right to enjoy equal rights and freedoms and the right for equal representation in the governance of a given state, which as such, excludes the right to secession.⁶⁰³

Opponents of linking secession with the right to self-determination maintain that from the recent examples of emergence of some entities as sovereign actors through secession from the body of existing states, it could be concluded that contemporary state practice accepts the legitimate secession of certain territories. Nevertheless, in the given context this right to secession is a freestanding right, without further linkages with the concept of self-determination.⁶⁰⁴

Although not manifested perspicuously in the international legal documents whether self-determination makes eligible for secession or not, general legal discourse suggests that self-determination of national minorities also does not allow for a secession of a territorial unit as such and the independence of the minorities from the parent state. Instead, the international documents and conventions, such as 1960 Declaration on Granting of independence to Colonial Countries and Peoples, 1966 Covenants on Civil, Political, Economic, Social and Cultural Rights and 1970 Declaration on Friendly Relations among the States, as well as the Helsinki Final Act of 1975 - imply that minorities' rights to self-determination is generally

⁶⁰¹ A.A. Idowu, 51.

⁶⁰² Johan D. Van der Vyver, pp. 28-29.

⁶⁰³ Ibid., 12.

⁶⁰⁴ Ibid.

confined to exercising their rights for economic, social and cultural development and freedom within the boundaries of a state to which they originally belong, hence excluding the right for secession. This message is firmly entrenched in the positions of Azerbaijan and Georgia, which inexorably continue to emphasize that population of their breakaway regions are entitled to exercise their minorities rights within the existing state boundaries, which excludes any possibility of their secession.

The opponents also maintain that even the peoples who are subjected to discrimination of their political rights are not entitled to secede. In such cases the state in question should eliminate the suppressive and discriminatory policies. Therefore, self-determination is described as a right making peoples eligible for national independence from colonial rule or foreign domination, participation in the political life of a state and sovereignty of peoples to keep their group identity, all of which exclude any damage to territorial integrity.

Irrespective of the existing differences of opinions and contradictions with regard to the essence of the right to self-determination, generally, two aspects of self-determination is underlined: 1) internal aspect, according to which “all peoples have the right to pursue freely their economic, social and cultural development, without outside interference”; and 2) external aspect, which states that “all peoples have the right to freely determine their political status and their place in the international community based upon the principle of equal rights and exemplified by the liberation of peoples from colonialism and by the prohibition to subject peoples to alien subjugation, domination and exploitation”.⁶⁰⁵

Some analysis suggest that when the realization of the external aspect of self-determination was finalized, as there were no longer any colonies left, internal aspect of self-determination became a more and more debated issue. According to this view, internal self-determination became the right of people already living within an independent state to choose their political institutions and even to secede from their state in order to form a new state or join another state. These developments befuddled many scholars of international law as to whether the concept of self-determination was confined only to the colonial context, or this right has now been applicable to ethnic groups, nations or peoples who live in independent states and the exercise of this right could threaten sovereignty and territorial integrity of states.⁶⁰⁶

⁶⁰⁵ T. Musayev, 7.

⁶⁰⁶ A.A. Idowu, 45.

The secessionist movements in Kashmir, Basque region, Quebec, Chechnya, Uyghur region of Xinjiang Province, South Ossetia, Abkhazia, Nagorno-Karabakh and etc. all have to different extents referred to the principle of self-determination. The process of disintegration of the former USSR as well as former Yugoslavia, which resulted in the creation of new nation-states, had added new spirit into the perception and meaning of the principle. Sometimes separation can happen peacefully, on the basis of consent of the concerned parties, thus gaining the acceptance of international community and legitimacy under international law.

Vivid examples are the separations of Czech Republic and Slovakia in 1993 and Serbia and Montenegro in 2006 through the so-called “Velvet revolution” or a “peaceful divorce”. However, mostly these separatists movements are accompanied by conflict and bloodshed in order to forcefully detach from greater territory to which they belong, such as Eritrea which became independent from Ethiopia in 1993, East Timor, which gained independence from Indonesia in 2002,⁶⁰⁷ and the most recent examples being the independence of Kosovo from Serbia in 2008 through unilateral declaration, South Ossetia and Abkhazia which independence was recognized by a handful of states in 2008.

In highlighting the right to self-determination in and out of the colonial context, several words should be devoted to the principle of *uti possidetis*. This principle consolidates the sanctity of previous administrative borders, both within and outside the colonial context, and suggests that the existing administrative borders remain unchanged also at the moment of independence as the nations gain independence. The principle is connected to two other principles of international law – right to self-determination and non-interference in internal affairs of states.⁶⁰⁸

Although the principle was in wide usage during the period of de-colonization when the wave of states in Latin America (in 1810-1824) and Africa (in 1960s) became independent,⁶⁰⁹ state practice has established the validity of the principle outside of the colonization context.⁶¹⁰ Upon the dissolution of the USSR, various agreements reflecting the new developments, - such as the Agreement on establishment of the CIS of December 8, 1991, Alma-Ata

⁶⁰⁷ Valerie Epps, 2-3.

⁶⁰⁸ Enver Hasani, “Self-determination and territorial integrity within the Yugoslav context,” National Defense Academy, Institute for Peace Support and Conflict Management, Vienna, online, available from (http://www.bmlv.gv.at/pdf_pool/publikationen/hasa03.pdf). Accessed on December 21, 2010, p.17-19.

⁶⁰⁹ Ibid., 20 and 24.

⁶¹⁰ T. Musayev, 31.

Declaration of December 21, 1991 and the declaration on the Guidelines on Recognition of the New States in Eastern Europe and the Soviet Union of December 16, 1991, - reinstated respect for territorial integrity and inviolability of the borders of newly independent states, which emerged instead of a big empire. With that, the principle of *uti possidetis* was invoked and the previous administrative borders of the socialist republics became their new state borders.⁶¹¹

For example, in opinion No 2. of the Arbitration Commission, which considered Serbia's questions as to – whether “the Serbian population in Croatia and Bosnia-Herzegovina, as one of the constituent peoples of Yugoslavia, have the right to self-determination” and whether “the internal boundaries between Croatia and Serbia and between Bosnia-Herzegovina and Serbia be regarded as frontiers in terms of public international law” – concluded that “the right to self-determination must not involve changes to existing frontiers at the time of independence (*uti possidetis juris*), except when the states concerned agree otherwise” and that “Serbian population in Bosnia-Herzegovina and Croatia is entitled to all the rights accorded to minorities and ethnic groups under international law”.⁶¹² However, according to the view of some researchers, the rule *uti possidetis* is in contradiction with the principle of self-determination and has increased the occurrence of ethnic conflicts and civil wars.⁶¹³

However, the debate over the right of self-determination, its correlation with the principle of territorial integrity and whether this right paves the legitimate way for the secession of the territorial units of the states is far from being consummate. Certain questions are yet open for appraisal, for instance: Do the secessionist movements in different parts of the world (Chechnya, Nagorno-Karabakh, Abkhazia, South Ossetia, Albanians in Serbia and Macedonia) have valid grounds to refer to the principle of self-determination as a justification for secession? Do the recently acquired independence of Kosovo and its subsequent recognition by many world powers, recognition of independence of Abkhazia and South Ossetia, although by a very little number of states, indeed constitute the violations of international law and its peremptory principle of territorial integrity?

⁶¹¹ Ibid.

⁶¹² Ibid., 30.

⁶¹³ Valerie Epps, 8.

What about ICJ's Advisory opinion on Kosovo, which says that Kosovo's unilateral declaration of independence was not the violation of international law?⁶¹⁴ Or these developments attest to a new state practice in the process of establishment and changing trends in the doctrinal approaches to the principle of territorial integrity and self-determination? What are the limits and addressees of the principle of self-determination? What is its interrelation with the notion of secession and the principle of territorial integrity? Is it trumped by the superiority of the principle of territorial integrity, or this assertion is geared to independent cases?

Existence of contradicting narratives with regard to the right to self-determination, secession, territorial integrity manifest the fact that concept of self-determination has undergone changes throughout the history and that applicability of the concept to certain cases is conditioned upon the specifics of the given situation. The evolution of the concept of self-determination cannot leave untouched the principle of territorial integrity too. Although the principle of territorial integrity still continues to preserve its significance among the peremptory norms of international law, and this was firmly reinstated under international law, recent cases of secession of certain territorial parts of states with the demands for self-determination arises the thought that the principles of territorial integrity and sanctity of borders have not emerged intact in a constant juxtaposition with the concept of self-determination.

Still, it is rather difficult to argue or assert that the changing trends in international law are in favor of this or other principle, since both of them still preserve their importance as principles of international law. However, it could be concluded that any debate or problem involving the two principles at a time and necessitating to find a common denominator for accommodating both of them, has been, continues to be and will be complicated. This holds true in the light of the problem that is under question in the given dissertation.

As Chapter II of the dissertation and the Section 2.1 of this Chapter illustrated, the nature of the problem in the South Caucasus conflicts has to do with the usage of the two mentioned principles and their conflicting interpretations. Given that some international documents are not fully articulate, quite the contrary, rather ambivalent with regard to the principle of self-determination and the notion of secession, especially their correlation with the principle of

⁶¹⁴ On July 22, the ICJ issued its opinion on the question "is the unilateral declaration of independence by the Provisional Institutions of Self-Government of Kosovo in accordance with international law?" and ruled that in the given circumstances the Kosovo's declaration of independence was not violation of international law.

and territorial integrity, secessionist entities in Abkhazia, South Ossetia and Armenia-Azerbaijan Nagorno-Karabakh conflicts extrapolate well on the fluidness of the said concepts for justification of secessionist claims. This, no doubt gets adequate backlash from the parent states, which by any means try to preserve their territorial integrity.

3. Impact of the nature of the conflict on the effectiveness of the institutions

According to the regime theory analysts, problem type is the main reason for variance in effectiveness and problem solving skills. As was previously described in the Chapter III dedicated to theoretical framework, *malign* problems demand more intensive level of cooperation and relevant arrangements, plus more focus on monitoring and enforcement. It is further conceptualized that a *benign* problem is the one over which the relevant actors have similar preferences and vice versa – remoter the interests get from common denominator more *malign* the problem becomes.⁶¹⁵ *Problem malignancy* increase with the decrease of the parties' wishes to achieve and uphold the cooperative solutions and the objective to maximize their unilateral benefits though uncooperative actions. It was also noted that *malign* problems are characterized as an interaction of *incongruity*, *asymmetry* and *cumulative cleavages*.⁶¹⁶ When an institution deals with a *malign* and *poorly perceived problem*, then the chances for effectiveness of the organization further diminish. In this sense, the aggregation of a *problem malignancy* with a degree of *uncertainty* over the real nature of the problem is considered to be a major impediment on the way of attaining functional effectiveness.⁶¹⁷

Based on the above assumptions of the regime theory, which presupposes that some problems are more difficult to be solved than others and hence, could be classified as *malign* problems, and considering the ambivalent characteristics of the South Caucasus problems, I would suggest that the conflicts in the South Caucasus region are *malign* in nature and therefore, much more difficult to be solved.

⁶¹⁵ Arid Underdal, "One question, two answers," 15.

⁶¹⁶ Problems of *incongruity* are described to be the problems where cost-benefit calculations of a given actor are continuously being partial for either the costs or the benefits of a certain course of action. *Asymmetry* characterizes the problem in which the involved parties are grouped (or perceive themselves to be) in such a way that their interests and values are fundamentally different. In dealing with multidimensional problems when parties feel themselves to be in the same condition in all dimensions, i.e. - winners (or losers) in one dimension will also win (or lose) in other dimensions – *cumulative cleavages* come to the fore. (See Chapter III, (Emphasizes are mine. (See: Arid Underdal, "One question, two answers," 19-20)).

⁶¹⁷ See Chapter III (Arid Underdal, "One question, two answers," 59).

International organizations researched in the current dissertation (the UN, the OSCE, the CIS, and the EU) have found themselves in the middle of confronting legal debates of the warring parties, which have also been embedded in the parties' political stances regarding the ways of conflict resolution, with Azerbaijan and Georgia adamantly insisting on keeping their territorial integrity, Abkhazia, South Ossetia and Armenia⁶¹⁸ tirelessly invoking the principle of self-determination. This legal dilemma accounts for the intransigence of the parties' positions and their irreconcilability, which also affects the conflict resolution/mediation efforts of the said organizations.

Having reviewed the positions of the conflicting parties – Armenia, Azerbaijan, Georgia, South Ossetia, Abkhazia, plus Russian factor in all three conflict cases, - and legal conundrum encircling the whole debate over the righteousness of this or that position, it is not difficult to imagine how apart remain the positions of the involved actors from each other. This is a prominent indicator of the problem malignancy in South Caucasus conflicts.

Given the above illuminated debate between Armenia and Azerbaijan, Georgia, and its separatist entities over the principles of territorial integrity and self-determination, plus the lack of clarity in some documents of international law on the correlation of the two principles and existing loopholes over the concept of self-determination, who is eligible for the right, and whether this right actually legitimizes secession, the nature of South Caucasus problem could also well be clarified as being *malign problems* coupled with *uncertainty*. Since it is also known from the assumptions of the regime theory that vagueness in the perception of the malign issue tends to further complicate the attainment of effectiveness, it could be asserted that *poorly understood problem malignancy* is a powerful impediment on the way of attainment of effectiveness of the researched four institutions.

It is also assumed that while addressing malign problems the regimes with decision making rules of unanimity and consensus usually bring to less effective results than the regimes with majority or qualified majority rules.⁶¹⁹ This assumption could be well applied to the cases of the OSCE and the UN Security Council,⁶²⁰ which consensus decision making was well manipulated by the concerned powerful states in order to block the adoption of unfavorable

⁶¹⁸ Nagorno-Karabakh is not a party to negotiations.

⁶¹⁹ Arid Underdal, "One question, two answers," 26.

⁶²⁰ But not applied to the CIS and the EU, because the conflicts have never been extensively discussed within these institutions.

for them decisions, the adoption of which could have brought good contribution to the conflict resolution process.

Besides, both regime theory and theoretical approaches to international mediation suggest that “conflicts about values” are relatively harder to solve than others, in conflict about values there is a strong divergence of views between the actors about the validity or rightness of given action or a practice.⁶²¹ Mediation theories further maintain that when vital interests such as sovereignty and territorial integrity are at stake it is much more difficult to succeed. Ideology disputes, conflicts over the issues of resources and ethnicity have greater possibility to be resolved through successful mediation than security and sovereignty disputes.⁶²² The conflicts in the South Caucasus region could well be classified as *conflicts about values* due to the specifics of their problem structure, and therefore, it could be inferred that the nature of the problem in the South Caucasus conflict is a real culprit depleting the effectiveness of the international organizations to facilitate the achievement of a final peace.

The selected suppositions of the mediation theories that were stated in Chapter III and later utilized in Chapter V for analyzing the OSCE Minsk Group effectiveness, repeat the conclusions inferred through the prisms of regime theory about the impact of the problem structure/nature of problem on the effectiveness of the institutions. So that, according to the theory of conflict mediation as defined by the authors in their mentioned work, the nature of the dispute is one of the important factors determining the outcome of the mediation and it is an uphill challenge for the mediators to succeed when vital interests such as sovereignty and territorial integrity are at stake.⁶²³ It would be redundant to repeat the obvious fact that the conflicts of the South Caucasus are about vital security interests of sovereignty and territorial integrity confronted by the equivocal principle of self-determination, which is increasingly becoming one of the most debated and also evolving principles of international law.

Being entrapped in this set of issues that open up Pandora’s box about the whole legal arguments of the conflicting parties on sovereignty and territorial integrity vs. the right of self-determination, the organizations, frankly speaking, had a little chance to make any

⁶²¹ See Chapter III (Arild Underdal and Edward L. Miles, “Explaining Regime Effectiveness: Combining “Soft” and “Hard” Methodological Approaches,” unpagged).

⁶²² See Chapter III (Jacob Bertcovitch and Allison Houston, “The study of international mediation: theoretical issues and empirical evidence,” in Jacob Bertcovitch (ed.) *Resolving International Conflicts: The Theory and Practice of Mediation*, (USA, Lynne Rienner Publishers, inc.1996):22-25).

⁶²³ See the first section of the chapter.

difference, inasmuch as the positions based on these two principles seem unlikely to be changed or influenced by the efforts of the third party, unless the parties themselves are ready for mutual compromises. In this sense, the nature of the problem in the South Caucasus conflicts has overwhelmingly affected the achievement of success by the discussed organizations and their effectiveness.

Also, *problem malignancy* is estimated to be dependent on the decision rule and actor's capacity to reach the effective solutions.⁶²⁴ As was described earlier, in the Chapter III, the regimes that are dealing with malign problems could be effective only when the following factors are present: 1 – selective incentives for cooperation; 2- linkages for more benign issues and 3 – a system with high problem solving capacity. For a given regime to be effective at least two of the mentioned elements should be present, otherwise, regime's efforts will be ineffective.⁶²⁵ Judging against the backdrop of these suppositions it could be inferred that in the example of the four institutions which had a role in conflict resolution only the first determinant was present to some extent. The four organizations⁶²⁶ unfortunately, did not possess the latter two determinants, which in its turn, inhibited their effective operation.

In conclusion, for the purposes of clarity, the applicability of this hypothesis to the EU case is to be once again qualified. It could be rightly argued that the mentioned regime theory suppositions on the nature of the problem are not applicable to the EU [and its problem solving capacity]. However, the fact that there is such an ardent debate among the conflicting parties over the nature of the problem, existence of many controversial and moot questions on this issue, in itself presents to be a “given” problem, which is not subdued to the influence or the internal cuisine of the institutions as such. From this perspective, the factor explored through the third regime theory hypothesis, could be considered as also influencing the success of EU conflict resolution policy in South Caucasus.

In the light of the above said, it is established by the author that the effectiveness/success of the organizations dealing with conflict resolution in the South Caucasus republics is affected by the nature of the problem/problem structure of the given conflicts in the South Caucasus region. Thus, as *the third* regime theory hypothesis suggests, the *nature of the problem in the*

⁶²⁴ Arid Underdal, “One question, two answers,” 28.

⁶²⁵ See Chapter III (Arid Underdal, “Conclusions,” 445).

⁶²⁶ As it was repeatedly stressed in this work, although the previous two regime theory hypotheses were not applied to the EU, this hypothesis could also be applied to it given the fact that this hypothesis deals with an independent and external factor not depending on the internal dynamics of any organization.

South Caucasus conflicts influence the activity and effectiveness/success of the UN, the OSCE, the CIS and the EU to facilitate the achievement of a final solution to the conflicts in the South Caucasus republics.

4. Summing up.

This Chapter aimed at exploring *the last-third* hypothesis of the regime theory – the nature of the problem in the South Caucasus conflicts as a factor influencing the effectiveness of the UN, the OSCE, the CIS and the EU to facilitate the achievement of a final solution to the conflicts in the South Caucasus republics. To this end – the views of the conflicting parties regarding the nature of the problem (self-determination and territorial integrity) in all three conflicts, as well as the existing legal controversies in international law with respect to the principles of self-determination and territorial integrity were explored. The analysis of the nature of the problem in the South Caucasus conflicts enabled me to conclude that the conflicts are to be seen as *malign* coupled with *uncertainty* due to the conflicting narratives among the warring parties based on the principles of territorial integrity and self-determination, as well as the existing legal loopholes under the international law vis-à-vis the principle of self-determination, secession and territorial integrity. This in its turn affects the effectiveness of the involved international organizations, which had to address poorly understood malign problem with low problem solving capacity.

Although the first and the second regime theory hypotheses were not applied to the case of the EU, *the third* hypothesis, nonetheless, could be considered as relevant in the latter case, owing to the fact that the nature of problem in the South Caucasus conflicts is an independent, external and a very potent factor not contingent upon the internal dynamics of any institution, which influences their performance and effectiveness/success.

CONCLUSION

This work attempted to explore the *roles of four institutions – the UN, the CIS, the OSCE and the EU – in the process of conflict resolution in South Caucasus and wherever applicable, the analysis of their effectiveness in facilitating the achievement of final settlement*. In the case with the EU, the overall evaluation of its conflict resolution strategy was made, instead of the mentioned “effectiveness analysis”.

In analyzing the stated phenomenon some suppositions of the “effectiveness” concept of the regime theory, theoretical approaches to the study of international mediation and theoretical approaches to the study of European integration [intergovernmentalist and neofunctionalist assumptions] were employed.

Following regime theory hypotheses were tested in the work:

1. Actors’ interests: *Interests and preferences of the concerned powerful states influence the effectiveness of the UN, the OSCE and the CIS to facilitate the achievement of a final solution to the conflicts in the South Caucasus republics.*

2. Problem solving capacity: *Problem solving capacity of the organizations influence the effectiveness of the UN, the OSCE and the CIS to facilitate the achievement of a final settlement to the conflicts in the South Caucasus republics.*

3. Nature of the problem (Problem structure): *Characteristics of the given conflicts influence the effectiveness of the UN, the OSCE, the CIS and the EU to facilitate the achievement of a final solution to the conflicts in the South Caucasus republics.*

Throughout the work *the first* and *the second* regime theory hypotheses were explored together because of the fact that they are interconnected. *The first* and *the second* hypotheses were employed in analyzing the effectiveness of the UN, the CIS and the OSCE, while not applied to the EU case due to the fact that the EU is an aggregate of partial regimes, multiple behavioral norms, rules and procedures and therefore, is considered to be a too split system of policy interrelations, and not an international regime. *The third* hypothesis, however, is also applied to the EU, owing to the fact that nature of problem is an independent, external and

potent factor, not depending on the internal dynamics of any organization, but nonetheless, influencing their effectiveness/success.

In order to fulfill the targeted objective this work was divided into seven chapters and several sub sections. In the Chapter I, the general introduction of the South Caucasus region and its transformation processes after the reacquired independence, as well as the ongoing power politics among the influential regional and some external players were highlighted. In the Chapter II historical background to the Armenian-Azerbaijani Nagorno-Karabakh conflict, Abkhazian and South Ossetian conflicts was provided. Chapter III introduced the theoretical frameworks of the dissertation: regime theory, theoretical approaches to international mediation and theoretical approaches to the study of European integration.

In the Chapter IV the roles of the UN and the CIS in conflict resolution in Abkhazia were highlighted and subsequently, their effectiveness was analyzed based on *the first* and *the second* regime theory hypotheses. The reason why this chapter discussed the two mentioned institutions in conjunction is due to the fact that the activities of the two actors – the UNOMIG and the CIS PKF - were largely interconnected. The general findings suggested that the interests of a *coercive hegemon* [first hypothesis] and low problem solving capacity of the institutions [second hypothesis] that had faced the malign problem diminished their effectiveness to attain final peace. Despite of the fact that they managed to make some positive changes to the combustible security context in the given conflict case, their overall effectiveness was evaluated with “low” grade in the “low, medium and high” measurement scale.

Chapter V has dealt with the OSCE role in Nagorno-Karabakh and South Ossetian conflicts and evaluated its effectiveness from the spectrum of *the first* and *the second* regime theory hypotheses. In case of the OSCE Minsk Group activity in Nagorno-Karabakh conflict, it was established that the two hypotheses of the regime theory cannot fully explain the Minsk Group work, given the fact that this institution is not a full-fledged organization. However, the discussed *first* regime theory [powerful actors’ interests] hypothesis could still explain the internal dynamics within the Minsk Group. Only the third determinant [efforts directed to achievement of cooperative solutions] of *the second* hypothesis [problem solving capacity] was applicable to this case, given the fact that the Minsk Group was quite active in initiating proposals and meetings, and power balance within this entity is not disturbed [there is *no*

coercive hegemon]. Therefore, theoretical assumptions to international mediation were utilized in order to rate its effectiveness/success. This analysis has concluded that the activity of the OSCE Minsk Group could be named as “partly successful” having analyzed its performance from the prisms of four determinants - 1) previous relations between the conflicting parties; 2) nature of problem; 3) mediation strategies; 4) impartiality/or perceived bias of the mediators.

In case of OSCE role in South Ossetian conflict *the first* and *the second* regime theory hypothesis could explain the case of its effectiveness. It was concluded that the interests of *concerned powerful actors* do indeed affect the effectiveness of the organization [first hypothesis]. Moreover, the *problem solving capacity* [second hypothesis] of the OSCE is reduced because of its consensus rule and the unequal power distribution within the entities [especially the JCC] that were created with the OSCE efforts, irrespective of the fact that there were some targeted efforts on the part of the OSCE towards the conflict resolution. OSCE’s problem solving effectiveness was also diminished in the face of *a poorly understood malign problem*. Since the OSCE effectiveness in this case was greatly influenced by the interests of a *coercive hegemon*, like in the case of the UN and the CIS, its overall effectiveness was also graded with “low” mark in the “low, medium and high” measurement scale.

Some general regime theory suppositions were still utilized to suggest that the UN and the OSCE did not have an *actor* capacity in addressing the Abkhazian, Nagorno-Karabakh and South Ossetian conflicts respectively. The CIS was not analyzed against this element, given that it bore no political involvement in conflict resolution, and its input into the conflict resolution was only restricted to the CIS PKF. Moreover, it was inferred that almost all three organizations – the UN, the CIS and the OSCE [including the OSCE Minsk Group] had managed to achieve some *behavioral* effectiveness while *functional* effectiveness remained an unattainable task. They all had made some *relative improvement*, and in a hypothetical *noncooperative situation* their presence brought to positive changes, but all of them had failed to attain *collective optimum*. In the Annex A the general outcomes of the conducted analysis is highlighted in more succinct terms.

Chapter VI focused on the EU role and evaluation of EU policy towards the conflict resolution in South Caucasus. As it was qualified earlier, “effectiveness” analysis from the

perspective of regime theory was not applied to the EU due to the specifics of EU as a *sui generis* entity and its policy-making, which disqualifies it as a simple international regime. Therefore, this chapter at first discussed the nature and evolution of EU policy towards the region of South Caucasus and its conflict cases, and later, evaluated the EU conflict resolution strategy towards the region from the spectrum of intergovernmentalist and neofunctionalist approaches.

Three major aspects of the EU policy in conflict resolution were assessed: 1- distant EU approach towards conflict resolution and its indirect role in facilitating conflict resolution was due to the lack of interest on the part of EU members [intergovernmentalist assumption]; 2 - subsequent increase of the EU profile in the region after August 2008 events was due to the initiative and a leading role of an EU member state [intergovernmentalist assumption]; 3 – EU believes that the regional cooperation on practical issues will lead to expansion of cooperation on issues of high politics, which subsequently will bring to the attainment of peace in the relevant conflict cases [spillover effect/neofunctionalist assumption]. In addition to the findings based on intergovernmentalist and neofunctionalist suppositions, some general conclusions and observations related to the EU conflict resolution policy towards South Caucasus were also underlined.

In the Chapter VII, which is the last one, the third regime theory hypothesis was explored and this time the EU was also covered. Although *the first* and *the second* regime theory hypotheses were not applied to the case of the EU, *the third* hypothesis, nonetheless, could be considered as relevant in the latter case, due to the fact that the nature of problem in the South Caucasus conflicts is an independent, external and a very potent factor not contingent upon the internal dynamics of any institution, and influencing their effectiveness/success.

In exploring the nature of South Caucasus conflicts and its impact on the effectiveness of the institutions the views of the conflicting parties regarding the nature of the problem (self-determination and territorial integrity) in all three conflicts, as well as the existing legal controversies in international law with respect to the principles of self-determination and territorial integrity were explored. The analysis of the nature of the problem in the South Caucasus conflicts enabled me to conclude that the conflicts are to be seen as *malign* coupled with *uncertainty* due to the conflicting narratives among the warring parties based on the principles of territorial integrity and self-determination, as well as the existing legal omissions

in the international law vis-à-vis the principle of self-determination, secession and territorial integrity. This in its turn affects the effectiveness of the involved international organizations, which had to address poorly understood malign problem with low problem solving capacity.

In conclusion, the described analysis suggested that the effectiveness of the UN, the CIS in Abkhazian conflict and the OSCE in South Ossetian case was “low”, while OSCE Minsk Group mediation of the Nagorno-Karabakh conflict was “partly successful”. EU has maintained distant conflict resolution attitude towards South Caucasus, which although slightly changed over the past two years, still remains more or less the same.

What concerns the EU, the UN and the OSCE jointly sponsored Geneva talks that started off after the August 2008 war and present the format where both Abkhazian and South Ossetian cases are discussed, the reason why this format is not extensively analyzed in terms of “effectiveness” or “mediating success” is because of the fact that this process is yet new with no concrete results so far. As was highlighted in Chapter V, there are many controversial issues addressed within this format, but it is yet early to analyze the effectiveness of this format and look for failures given the fact that it has been operating only for about three years. Whatever could be the outcome of these talks, it remains to be a good subject for a future research of a similar kind.

BIBLIOGRAPHY

Books, journals, reports

- “Abkhazia: Deepening dependence.” *International Crisis Group Europe Report N 202*. February 26, 2010.
- “Abkhazia today.” *International Crisis Group Europe Report No. 176*. September 15, 2006.
- “Abkhazia: ways forward.” *International Crisis Group, Europe Report N 179*. January 18, 2007.
- Aghadjanyan, Mikhail et al.. *Azerbaijan against the people of Karabakh: politico-legal consequences of aggression and the influence of those consequences on the prospects of regional security*. “Nairi” Publishing house. Yerevan: 2007.
- Archives of the Ministry of Foreign Affairs of the Republic of Azerbaijan, statements and position papers of the MFA officials of Azerbaijan.
- “Armenia.” *Europe and Central Asia, World Report, 2009*.
- A Stability Pact for the South Caucasus. *Working Document No.145*.
- “Azerbaijan.” *Europe and Central Asia, World Report, 2009*.
- “Azerbaijan: the status of Armenians, Russians, Jews and other minorities.” *Department of Justice*. Produced by INS Resource Information Center, 425 I Street, N.W, Washington 1993.
- Belyi, V. Andrei. “EU External Energy Policies: A Paradox of Integration.” in Jan Orbie (ed.). *Europe’s Global Role: External Policies of the European Union*. Ashgate Publishing Limited, England: 2009.
- Bertcovitch, Jacob and Allison Houston. “The study of international mediation: theoretical issues and empirical evidence.” in Jacob Bertcovitch (ed.). *Resolving International Conflicts: The Theory and Practice of Mediation*. (USA, Lynne Rienner Publishers, inc.1996.
- Broers, Laurence. “David and Goliath and Georgians in the Kremlin’: a post-colonial perspective on conflict in post-Soviet Georgia”. *Central Asian Survey*. Vol. 28, No.2, June 2009. Routledge Fondation.
- Butler, W. E.. “Territorial integrity and secession: the dialectics of international order.” in Julie Dahlitz (ed.). *Secession and International Law, Conflict Avoidance, Regional Appraisals*. United Nations, New York and Geneva: 2003.
- Chernichenko, V.Stanislav and Vladimir S. Kotliar. “Ongoing global legal debate on self-determination and secession: main trends.” in Julie Dahlitz (ed.). *Secession and*

International Law, Conflict Avoidance, Regional Appraisals. United Nations, New York and Geneva: 2003.

- Chryssochoou, N. Dimitrius. *Theorizing European Integration*. Routledge, London and New York: 2009.
- “Conflict resolution in the South Caucasus: the EU’s role.” *International Crisis Group Europe Report N 173*. March 20, 2003.
- Constitution of the USSR. Moscow, 1936.
- Constitution of the USSR. Moscow, 1977.
- Cornell, E. Svante and Frederick Starr. “The Caucasus: A challenge for Europe.” *Central Asia-Caucasus Institute and Silk Road Studies Program*. Uppsala University, 2006.
- Cornell, Svante et al. “Unresolved conflicts and military security in the wider Black Sea region.” *The Wider Black Sea Region: an emerging hub in European Security*. Central Asia-Caucasus Institute, Silk Road Studies Program, Washington D.C.: December 2006.
- Country Reports on Human Rights Practices 2006, Armenia. Section 1 (a).
- Country Reports on Human Rights Practices 2006, Azerbaijan. Introductory section.
- Crocker, A. Chester, Fen Osler Hampson and Pamela Aall. *Taming intractable conflicts: mediation in the hardest cases*. United States Institute of Peace Press, Washington, D.C: 2004.
- Cutts, Noelle M. Shanahan. “Enemies through the gates: Russian violations of international law in the Georgia/Abkhazia conflict.” *Case Western Reserve University of Law*. Vol. 40:281, 2008.
- Declaration on principles of international law friendly relations and co-operation among states in accordance with the Charter of the United Nations, 1970.
- Declaration on the Granting of Independence to Colonial Countries and Peoples, 1960.
- Declaration on Principles Guiding Relations between Participating States. Conference on Security and Co-operation in Europe. Final Act, Helsinki 1 August 1975.
- Draft Report on an EU Strategy for the South Caucasus, 2009/2216 (INI). European Parliament Committee on Foreign Affairs. January 11, 2010.
- EU Council Joint Action, 2003/496/CFSP, 2006/121/CFSP. Official Journal of the EU. L 49/14, February 21, 2006.
- “European Neighbourhood Policy: Strategy Paper.” *Communication from the Commission, COM (2004) 373 final*. Brussels May 12, 2004.

- European Parliament resolution of 20 May 2010 on the need for an EU strategy for the South Caucasus (2009/2216(INI)).
- European Parliament resolution of January 17 2008 on a more effective EU policy for the South Caucasus: from promises to actions (2007/2076 (INI)).
- Extract from the “Protocol of the plenary session of the Caucasus Bureau of the Central Committee of the Russian Communist Party of July 5, 1921”. *To the History of Formation of the Nagorno-Karabakh Autonomous Oblast of Azerbaijan SSR. 1918-1925: Documents and Materials*, pp.152-153.
- Feigl, Erich. “Karabagh? Karabagh!” in Fuad Aliyev and Eldar Farzaliyev (eds.). *International Visions: The Armenia-Azerbaijan conflict over Karabakh: from history to future peace prospects*. Visions of Azerbaijan, 2007.
- Forster, Peter. “The paradox of policy: American interests in the post-9/11 Caucasus.” *Security Sector Governance in Southern Caucasus – Challenges and Visions*. Study Groups, Regional Stability in Southern Caucasus, Security Sector reform, Vienna and Geneva: January 2004.
- Garb, Paula. “The view from Abkhazia of South Ossetia ablaze.” *Central Asian Survey*. Vol. 28, No. 2, Routledge Foundation, June 2009.
- Gault, John. “EU energy interests and the periphery.” in Roland Dannereuther (ed). *European Union Foreign and Security Policy: Towards a neighbourhood strategy*. London, New-York: Routledge, 2004.
- “Georgia and Russia: Clashing over Abkhazia.” *International Crisis Group Europe Report N 193*. June 5, 2008.
- “Georgia-Russia: Still insecure and dangerous.” International Crisis Group Europe Briefing N 53. Tbilisi/Brussels: 22 June 2009.
- “Georgian prime minister calls for implementation of South Ossetia peace plan, suggests increase of OSCE monitors.” *Press release, OSCE*. SEC.PR/460/06. 27 October, 2006.
- “Georgia’s South Ossetia conflict: make haste slowly.” *International Crisis Group Europe Report N 183*. June 7, 2007.
- “Georgia.” *World Report 2009*.
- “Georgia.” *Human rights in the OSCE region*. IHF Report 2007.
- “Georgia: Sliding towards authoritarianism?” *International Crisis Group. Europe Report N 189*. 19 December, 2007.
- Hammarberg, Thomas. *Report on human rights issues following the August 2008 armed conflicts*. Tbilisi, Sukhumi and Gali, 8 to 12 February 2009.

- Hasenclever, Andreas et al. *Theories of international regimes*. Cambridge University Press, 1997.
- Herzig, Edmund. *The New South Caucasus: Armenia, Azerbaijan and Georgia*. The Royal Institute of International Affairs, 1999.
- Hewitt, George. "Abkhazia, Georgia, and the crisis of August 2008: roots and lessons." *Global Dialogue*. Vol. 11. Winter 2009.
- Higgins, Rosalyn. "Self-determination and secession." in Julie Dahlitz (ed.). *Secession and International Law, Conflict Avoidance, Regional Appraisals*. United Nations, New York and Geneva: 2003.
- Idowu, A.A.. "Revisiting the right to self-determination in modern international law: implications for African states." *European Journal of Social Sciences*. Vol. 6, No. 4. September, 2008.
- International Covenant on Civil and Political Rights, 1966.
- Jawad, Pamela. "Conflict resolution through democracy promotion? The role of the OSCE in Georgia." *Democratization*. Vol.15, No.3. June 2008.
- Kaarlejarvi, Jani. "New institutionalism and the study of European institutionalism." Paper Prepared for the Second ECPR Conference Section 12: Institutions and Decision making. September 18-21, 2003, Marburg: Germany. Accessed through EbscoHost Academic Research.
- Kakachia, Kornely. "Problems of post-conflict public security management in Georgia." in Philipp H. Fluri and Eden Cole (eds.). *From Revolution to Reform: Georgia's struggle with democratic institution building and security sector reform*. Austrian National Defense Academy and Bureau for Security Policy, July 2005.
- Kolsto, Pal and Helge Blakkisrud. "Living with non-recognition: state and nation building in South Caucasian quasi-states." *Europe-Asia Studies*. Vol.60, No.3, May 2008.
- Kotanyan, Hayk. "Armenian security and US foreign policy in the South Caucasus." *The Quarterly Journal*. Vol. III, No. 2, June 2004.
- Krylov, Alexander. "The Georgian Abkhazian conflict." *The Security of the Caspian Sea Region*. Oxford University Press, New York: 2001.
- Kühnhardt, Ludger. *European Union – the second founding: The Changing rationale of European Integration*. Germany: 2008.
- Kurbanov, Erjan. "The Armenian-Azerbaijani Conflict over Nagorno-Karabakh and Prospects for OSCE Mediation." in S. Neil MacFarlane and Oliver Tharanert, (eds.). *Balancing Hegemony: The OSCE in the CIS*. Queen's University Kingston, Ont. Center for International Relations, 1997.

- Latin, D. David and Robert Grigor Suny. "Armenia and Azerbaijan: thinking a way out of Karabakh." *Middle East Policy Council*. Volume VII, October 1999, N 1.
- Law of the Azerbaijan SSR. "On the Nagorny Karabakh Autonomous Oblast." 16 June 1981. Baku: Azerneshr, 1987.
- Law of the USSR. "On the Procedures for Resolving Questions Related to the Secession of Union Republics from the USSR." 3 April 1990. Bulletin of the Soviet of the USSR, 1990, №15. pp. 303-308.
- Libaridian, Gerard and Arif Yunusov. "New approaches to Nagorno-Karabakh: A window of opportunity?" *East-West Institute*. EWI Policy Brief No.3, November, 1998.
- Lynch, Dov. "The EU: towards strategy." *The South Caucasus: a challenge for the EU, Chaillot Papers* 65. December, 2003.
- _____. "Russian Strategy towards the Abkhaz conflict." *Russian Peacekeeping Strategies in the CIS in The cases of Moldova, Georgia and Tajikistan*. Palgrave Macmillan, 1999.
- _____. "Separatist states and post-Soviet states." *Journal of International Affairs*. Vol. 78, 4, 2002.
- MacFarlane, Neil. "Georgia: Risk and Opportunity". *Canadian Defense and Foreign Affairs Institute*. April, 2008.
- _____ et al.. "Armed conflict in Georgia: a case study in humanitarian action and peacekeeping". *Occasional Paper* 21. January, 1996.
- Markedonov, Sergey. *The big Caucasus: consequences of the five day war, threats and political prospects*. International Center for Black Sea Studies. Xenophon Paper, 7, May 2009.
- Marks, Edward. "Dynamics of peacekeeping in Georgia." *Strategic Forum, National Defense University*. No. 45. September 1995.
- Mikhelidze, Nona. "After the 2008 Russia-Georgia war: implications for the wider Caucasus and prospects for Western involvement in conflict resolution." *Background paper of the conference on the Caucasus and Black Sea region: European Neighborhood Policy and beyond*. Rome: 6-7 February, 2009.
- Moravcsik, Andrew. "The European Constitutional Compromise and the neofunctionalist legacy." in Tanya Börzel (ed). *The disparity of European integration: Revisiting Neofunctionalism in honour of Ernst B. Haas*. Routledge, New York: 2006.
- Musayev, Tofiq. *Legal aspects of the Nagorno-Karabakh conflict* (Правовые аспекты Нагорно-Карабахского конфликта). East-West Publishing House, Baku: 2001.

- Muzalevsky, Roman. "The Russian-Georgian war; implications for the UN and collective security." *OAKA (Orta Asiya ve Kafkasya Arashdirmalari Dergisi)*. Vol. 4, N 7, 2009.
- *Nagorno-Karabakh: A White Paper*. Armenian Assembly of America.
- "Nagorno-Karabakh: Risking War." *Crisis Group Europe Report, N 187*. November 14, 2007.
- Niemann, Arne. *Explaining decisions in the European Union*. Cambridge University Press, 2006.
- Nicol, Jim. "Russia-Georgia conflict in South Ossetia: context and implications for US interests." CRS Report for Congress. Congressional Research Service, August 13, 2008.
- _____. "Russia-Georgia conflict in South Ossetia: context and implications for US interests." CRS Report for Congress. Congressional Research Service. Updated September 22, 2008.
- Nugent, Neill. *The Government and Politics of the European Union*. Duke University Press, 2006.
- "On the development of energy policy for the enlarged European Union, its neighbours and partner countries." *Communication from the Commission to the Council and the European Parliament, COM (2003) 262 final*. Brussels, May 13, 2003.
- OSCE Handbook, 2000:65.
- OSCE Karabakh Peace proposals leaked. Radio Free Europe. Vol.4, Number 8, February 23, 2001.
- "OSCE Mission to Georgia: Spot report: Major outcomes of the JCC Meeting in Moscow on 24-25 October, 2005." *Documents of Conflict Prevention Center*. Vienna 27 October 2005. SEC.FR/456/05. (RESTRICTED).
- OSCE Permanent Council decision No. 861, of 19 August 2008, on increasing the number of military monitoring officers in the OSCE Mission to Georgia. PC.DEC/861. 19 August 2008.
- "OSCE Mission to Georgia, Spot Report: JCC meeting in Tbilisi". *Documents of the Conflict Prevention Center*. Vienna, October 25, 2007. SEC.FR/412/07, 25 October, 2007. (RESTRICTED).
- "OSCE Mission to Georgia: Spot report: Major outcomes of the JCC Meeting in Moscow 24-25 October, 2005." *Documents of Conflict Prevention Center*. Vienna 27 October 2005. SEC.FR/456/05. (RESTRICTED).
- "OSCE Mission to Georgia, Spot Report: Major results of the JCC Meeting in Moscow, 27-28 December 2005." *Documents of the Conflict Prevention Center*. Vienna, January 3, 2006. SEC.FR/3/06. 5 January 2006. (RESTRICTED).

- “OSCE Mission to Georgia, Spot Report: New plan by Georgian President towards the peaceful resolution of the Georgian-South Ossetian conflict.” *Documents of the Conflict Prevention Center*. Vienna, April 26, 2007. SEC.FR/168/07. 26 April, 2007. (RESTRICTED).
- “OSCE Mission holds meeting to discuss rehabilitation projects for Georgia-Ossetia zone of conflict.” *Press-release*. SEC.PR/591/05. 16 December 2005.
- “OSCE donors pledge more than 10 million euros for economy in Georgia/South Ossetia.” *Press release*. SEC.PR/233/06. 14 June 2006.
- Philipp H. Fluri and Eden Cole (eds.). *From Revolution to Reform: Georgia’s struggle with democratic institution building and security sector reform*. Austrian National Defense Academy and Bureau for Security Policy, July 2005.
- Phillips, David. “Restoring Georgia’s sovereignty over Abkhazia.” *The Atlantic Council of the United States*. Policy Paper, July 2008.
- Pierson, Paul. “The path to European integration: a historical institutionalist analysis.” Center for German and European Studies, University of California at Berkeley, November, 1996. Accessed through Colombia International Affairs Online.
- Popescu, Nicu. “Europe’s unrecognized neighbors: The EU in Abkhazia and South Ossetia.” CEPS Working Document No. 260. March, 2007.
- Qasimov, Musa. *Azerbaijan beynelxalq munasibetler sisteminde*. Baki: Genclik, 1995.
- Raquel Freire, Maria and Lichnia Simro. “The Armenian road to democracy.” *CEPS Working Document*. No. 267/May 2007.
- Rau, Johannes. *The Nagorno-Karabakh conflict between Armenia and Azerbaijan: A brief historical outline*. Verlag Dr. Koster, Berlin: 2008.
- Rayfield, Donald. “Limiting conflict in Caucasus.” *Public Policy Research*. September-November, 2008.
- “Refugees and displaced persons in Armenia, Azerbaijan and Georgia.” *Report Committee on Migration, Refugees and Population, Council of Europe Parliamentary Assembly*. Doc. 10835. 6 February 2006.
- Remarks by Zurab Nogaideli, Prime Minister of Georgia at OSCE Permanent Council. Vienna, 30 October 2007. PC.DEL/1044/07. 1 November, 2007.
- Report by the chairman of the Permanent Council on the visit to Georgia by OSCE delegations from Vienna 23 – 29 July 2006. Vienna 7 August 2006. CIO.GAL/147/06. 8 August 2006. (RESTRICTED).
- Report of the Secretary-General concerning the situation in Abkhazia, Georgia. S/1999/805. 20 July, 1999.

- Report of the Secretary-General on the situation in Abkhazia, Georgia. S/2006/771. 28 September, 2006.
- Report of the Secretary-General concerning the situation in Abkhazia, Georgia. S/1998/497. June 10, 1998.
- Report of the Secretary-General concerning the situation in Abkhazia, Georgia. S/1999/60. 20 January, 1999.
- Resolution of the Parliament of Georgia regarding the current situation in the conflict regions on the territory of Georgia and ongoing peace operations. October 11, 2005.
- Rosamond, Ben. "The uniting of Europe and the foundation of EU studies: revisiting the neofunctionalism of Ernst B. Haas." in Tanya Börzel (ed). *The disparity of European integration: Revisiting Neofunctionalism in honour of Ernst B. Haas*. Routledge, New York: 2006.
- "Russia vs Georgia: the Fallout." *Europe report N 195, International Crisis Group*. August 22, 2008.
- Sadegh-zadeh, Kaweh. "Iran's Strategy in the South Caucasus." *Caucasus Review of International. Affairs*. Vol. 2 (1), 2008.
- Sagramoso, Domitilla. "The UN, the OSCE and NATO." in *The South Caucasus: a challenge for the EU. Chaillot Papers*. N. 65, Institute for Security Studies, European Union, Paris: December, 2003.
- Sakvarelidze, Avtanti et al. *On Ethnic Composition of the Population of the Georgian Republic*. Tbilisi: 1993.
- "South Ossetia: the playfield of Russia-or Georgia?" *New Statesman*. November 2008. Online. Accessed from EbscoHost Academic Research.
- Shaffer, Brenda. "East of the Oder: One conflict that can be solved." *Wall Street Journal Europe*. July 26, 2002.
- Shavrov, Nikolay. *"Novaya ugroza russkomu delu v Zakavkazy: predstoyashaya rasprodazha Mugani inorodcam" (New threat to the Russian affairs in the Transcaucasus: forthcoming sale of Mughan to strangers)*. St.Petersburg, 1911.
- Shelton, Dinah. "Self determination and secession: the jurisprudence of international human rights tribunals." in Julie Dahlitz (ed.). *Secession and International Law, Conflict Avoidance, Regional Appraisals*. United Nations, New York and Geneva: 2003.
- Slay, Ben. "Economic change and modernization: South Caucasus." *Minutes of the Conference on Central Asia and Caucasus: Reorientations, Internal Transitions, and Strategic Dynamics*. Held in April 2000 by National Intelligence Council. Minutes are from October 2000.

- Statement by the Delegation of Azerbaijan to the Joint Consultative Group, 684th Plenary meeting in *Journal of the 684th Plenary Meeting of the JCG*. January 20, 2009.
- Statement by the representative of the Russian Federation at the working session III of the OSCE Annual Security Review Conference. Vienna 2 July, 2008. PC.DEL/581/08. 3 July 2008.
- Statement of the Minister of Foreign Affairs of Georgia, Gela Bezhulashvili at the OSCE Permanent Council Meeting. Vienna 14 June 2007. PC.DEL/572/07, 14 June 2007.
- Statement on Georgia. Ministerial Council, Organization for Security and Co-operation in Europe. Ljubljana, 6 December, 2005. MC.DOC/4/05. 6 December 2005.
- Statement of the Minister of Foreign Affairs of Georgia, Gela Bezhulashvili at the OSCE Permanent Council Meeting. Vienna 14 June 2007. PC.DEL/572/07. 14 June 2007.
- Stewart, Susan. "The role of the United Nations in the Georgia-Abkhazian conflict." *Journal on Ethnopolitics and Minority Issues in Europe*. Issue 2. The Mannheim Centre for European Social Research. University of Mannheim Germany, 2003.
- Talking points by the Delegation of Azerbaijan at the Opening Session of the Annual Security Review Conference. June 23, 2009. PC.DEL/486/09. June 23, 2009. (RESTRICTED).
- The OSCE-led Needs Assessment Study in the Zone of the Georgian-Ossetian Conflict and Adjacent Areas. Summary Report, April 2006. OSCE Mission to Georgia, Press and Public Information Office.
- "The Republic of Armenia's decade of independence." *Ten Years of Independence and Transition in Armenia, UNDP National Human Development Report*. Armenia, 2001.
- "The Republic of Armenia's decade of independence." *Ten Years of Independence and Transition in Armenia, UNDP National Human Development Report*. Armenia: 2001.
- "The Nagorno-Karabakh crisis: A blueprint for resolution." *A memorandum prepared by the Public International Law and Policy Group and the New England Center for International Law and Policy*. June 2000.
- Trenin, Dmitry. "Russia." in Trevor Findlay (ed.). *Challenges for the New Peacekeepers*. SIPRI Research report No.12. Oxford University Press, 1996.
- Underdal, Arid. "One question, two answers." in Edwards L. Miles, Arid Underdal et al. (eds.). *Environmental regime effectiveness: Confronting theory with evidence*. The MIT Press, Massachusetts, USA: 2002.

- _____. “Conclusions.” in Edwards L. Miles, Arid Underdal et al. (eds.). *Environmental regime effectiveness: Confronting theory with evidence*. The MIT Press, Massachusetts, USA: 2002.
- United Nations Charter
- Walker, W. Edward. “No Peace, No war in the Caucasus: Secessionist conflicts in Chechnya, Abkhazia and Nagorno-Karabakh.” *Colombia International Affairs Online*. February 1998.
- Webber, Mark. *CIS integration trends in Russia and the former Soviet South*. London: The Royal Institute of International Affairs, 1997.
- Weir, Fred et al. “Roots of Georgia clash.” *Christian Science Monitor*. Vol.100, Issue 181. December 2008.
- Wheatley, Jonathan. “Managing ethnic diversity in Georgia: one step forward, two steps back.” *Central Asian Survey*. Vol.28 N.2, June 2009.
- Wohlgemuth, Alex. “Successes and failures of international observer mission in Georgia.” in Philipp H. Fluri and Eden Cole (eds.). *From Revolution to Reform: Georgia’s struggle with democratic institution building and security sector reform*. Austrian National Defense Academy and Bureau for Security Policy, July 2005.
- Young, Oran. *Governance in World Affairs*. Cornell University Press. London: 1999.
- _____. *International Governance: Protecting the Environment in a Stateless Society*. in Peter J. Katzenstein (ed). *Cornell Studies in Political Economy*. Ithaca and London: Cornell University Press, 1994. pp. 140-160
- _____. *The Effectiveness of International Environmental Regimes: Causal Connections and Behavioral Mechanisms*. The MIT Press, Cambridge, Massachusetts, London: 1999.

Internet resources

- Astern, Selma. “Turkey’ energy and foreign policy.” Online. Available from (http://www.globalization.icaap.org/content/v3.1/03_stern.html). Accessed on January 23, 2011.
- Armenia/Nagorno-Karabakh/Azerbaijan. *Global Guide*. Online. Available from (http://www.countrywatch.com/facts/facts_default.aspx?type=text&topic=SEANA). Accessed on January 12, 2010.
- Armenia, Nagorno-Karabakh, Azerbaijan. Country Watch. Online. Available from (<http://www.countrywatch.com>). Accessed on September 12, 2010.
- Caucasus region energy data, statistics and analysis – oil, gas, electricity, coal. Online. Available from (<http://www.eia.doe.gov>). Accessed on September 4, 2010.

- Chapter 1, Genesis of the conflict: 1989-1994”. Report by the Government of Georgia on the aggression by the Russian Federation against Georgia. Online. Available from (<http://www.report.smr.gov.ge/content-eng.html>). Accessed on September 28, 2010.
- *CIA – The World Factbook – Azerbaijan, Armenia, Georgia*. Online. Available from (<https://www.cia.gov/library/publications/the-world-factbook/index.html>). Accessed on July 21, 2010.
- Communiqué on the second round of negotiations between the Georgian and Abkhaz sides in Geneva. Online. Available from (<http://www.smr.gov.ge>). Accessed on October 16, 2010.
- Decision of the Council of the Heads of States of CIS of 19 January, 1996. *Civil Georgia*. Online. Available from (<http://www.civil.ge>). Accessed on October 21, 2010.
- Decision of the Council of the CIS Heads of States on usage of Collective Forces to maintain peace in the conflict zone of Georgian-Abkhaz conflict of August 22 1994. Online. Available from (<http://www.cis.minsk.by>). Accessed on December 12, 2010.
- Decision of the Council of the CIS Heads of States on approval of the Mandate on peace-keeping operation in the Georgian-Abkhaz conflict zone of October 21, 1994. Online. Available from (<http://www.cis.minsk.by>). Accessed on December 12, 2010.
- Declaration on measures for a political settlement of the Georgian-Abkhaz conflict. April 4, 1994. Online. Available from *Conciliation Resources* (<http://www.c-r.org>). Accessed on October 12, 2010.
- Devdariani, Jaba and Blanka Hancilova. “US involvement in Caucasian security architecture grows.” *Central Asia-Caucasus Institute Analyst*. Online. Available from (<http://www.cacianalyst.org>). Accessed on November 12, 2010.
- “Eastern Partnership.” European Union External Action. Online. Available from (http://eeas.europa.eu/eastern/index_en.htm). Accessed on November 23, 2010.
- Election documents on Georgia, from OSCE Office of Democratic Institutions and Human Rights. Online. Available from (<http://www.osce.org/odihr-elections>). Accessed on June 23, 2010.
- “Energy profile of the Caucasus region.” *Encyclopedia of Earth*. On-line. Available from (<http://www.eoearth.org>). Accessed on June 23, 2010.
- “Energy profile of the Caucasus region.” *Encyclopedia of Earth*. On-line. Available from (<http://www.eoearth.org>). Accessed on June 23, 2010.
- “European Neighborhood Policy.” Available from (http://ec.europa.eu/external_relations/enp/index_en.htm). Accessed in September, 2008.
- EU-Azerbaijan EU-Armenia and EU-Georgia Action Plans. Online. Available from (<http://ec.europa.eu>). Accessed on January 2010.

- “EU, US. Back increased OSCE role in S. Ossetia.” *Civil Georgia*. Tbilisi: December 5, 2006. Online. Available from (<http://www.civil.ge/eng/article.php?id=14243>). Accessed on January 25, 2011.
- Frichova Grono, Magdalena. “Georgia’s conflicts: what role for the EU as mediator?” IFP Mediation Cluster, Initiative for Peacebuilding. March 2010. Online. Available from (http://www.initiativeforpeacebuilding.eu/pdf/Georgia_March2010.pdf). Accessed on November 12, 2010.
- Fuller, Liz. “Georgia: Abkhazia leader unveils new peace plan.” Radio Free Europe/RadioLiberty. May 10, 2006. Online. Available from (<http://www.rferl.org>). Accessed on September 30, 2010.
- “General information on Azerbaijani economy.” Azerbaijan Information Portal. Online. Available from (http://www.azerbaijan.az/portal/Economy/General/general_e.html). Accessed on July 23, 2010.
- “Geneva talks on Caucasus end in deadlock.” AbkhazWorld. Wednesday 9 June, 2010. Online. Available from (<http://www.abkhazworld.com/headlines/489-geneva-talks-june-2010.html>). Accessed on September 23, 2010.
- “Georgia Train and Equip Program.” *Wikipedia: The Free Encyclopedia*. Online. Available from (http://en.wikipedia.org/wiki/Georgia_Train_and_Equip_Program). Accessed on July 14, 2010.
- “Georgia is tightening its relations with Iran.” EastWeek. Online. Available from (<http://www.osw.waw.pl/en/publikacje/eastweek/2010-11-17/georgia-tightening-its-relations-iran>). Accessed on January 12, 2011.
- “Georgian Deputy FM: New stage in Georgia-Iran Relations.” *Civil Georgia*. Tbilisi: 22 May 2010. Online. Available from (<http://www.civil.ge/eng/article.php?id=22325>). Accessed on January 20, 2011.
- “Georgia: International: United Nations.” International Displacement Monitoring Center. Norwegian Refugee Council. July 9, 2009. Online. Available from (<http://www.internal-displacement.org>). Accessed on October 14, 2010.
- Graham, James. “Russia’s policy towards ethnic conflict in Georgia.” Online. Available from (<http://www.historyorb.com/russia/georgia.shtml>). Accessed on July 28, 2010.
- Gvaramia, Gocha. “Russian policy in Abkhazia and a role of the UN in the conflict resolution process.” Online. Available from (<http://tsxinvalid.blogspot.com/2010/01/russian-policy-in-abkhazia-and-role-of.html>). Accessed on October 23, 2010.
- Hasani, Enver. “Self-determination and territorial integrity within the Yugoslav context.” National Defense Academy, Institute for Peace Support and Conflict Management, Vienna. Online. Available from

- (http://www.bmlv.gv.at/pdf_pool/publikationen/hasa03.pdf). Accessed on December 21, 2010.
- Haroutiun Khachatrian. “Armenia to cut its budget next year despite expected economic recovery.” *Central Asia-Caucasus Institute*. November 11, 2009. Available from (<http://cacianalyst.org>). Accessed on April 12, 2010.
 - Helsinki Final Act, 1975. Online. Available from (www.delweb.osce.org).
 - Historical-Legal Factors of Georgian –Abkhazian relations. “Ministry of Foreign Affairs, Republic of Abkhazia.” Sukhumi, 2002. Online. Available from (<http://www.abkhazworld.com/articles/analysis/3-historical-legal-factors-.html>). Accessed on December 12, 2010.
 - Indyk, Ari. “Nicolas Sarkozy’s mediation of the crisis in the Caucasus.” *PiCA, A Global Research Organization*. Online. Available from (http://www.thepicaproject.org/?page_id=124). Accessed on February 14, 2011.
 - “Intensification of the CSCE action in relation to the Nagorno-Karabakh conflict.” CSCE Budapest Document, 1994. Online. Available from (<http://www.osce.org>.)
 - Iran: Ethnic and religious minorities, CRS Report for Congress. November 25, 2008. Online. Available from (<http://www.fas.org/sgp/crs/mideast/RL34021.pdf>). Accessed on January 23, 2011.
 - Komissina, Irina. “The Transcaucasian Republics and the European Union: Integration Prospects.” *Central Asia and the South Caucasus, Information and Analytical Center*. [journal on-line]. Available from (<http://www.ca-c.org/journale.shtml>). Accessed in April 2008.
 - Korkelia, Konstantin. “The CIS peacekeeping operations in the context of international legal order.” Online. Available from (<http://www.nato.int>). Accessed on October 12, 2010.
 - Laurens, Peter. “Azerbaijan taking tentative steps toward diversifying economy.” *Central Asia-Caucasus Institute*. October 23, 2002. Online. Available from (<http://cacianalyst.org>). Accessed on October 2, 2010.
 - Lobjakas, Ahto. “Georgia: Minister, seeking EU support, warns war with Russia very close.” *Radio Free Europe/RadioLiberty*. May 6, 2008. Online. Available from (<http://www.rferl.org/content/article/1117418.html>). Accessed on October 14, 2010.
 - MacFarlane, S. Neil. “The role of the UN.” *Conciliation Resources*. September 1999. Online. Available from (<http://www.c-r.org/our-work/accord/georgia-abkhazia/un-role.php>). Accessed on September 21, 2010.
 - Mandate of the OSCE Minsk Group Co-Chairmen. DOC. 525/95, Vienna. Online. Available from the OSCE Delegation Website (<http://www.delweb.osce.org>). RESTRICTED.

- “Minsk Group Proposal (“package deal”) July 1997.” *Conciliation resources*. Online. Available from (<http://www.c-r.org/our-work/accord/nagorny-karabakh/keytexts18.php>). Accessed on December 7, 2007.
- Minsk Group Proposal (“common state deal”) November 1998.” *Conciliation resources*. Available from (<http://www.c-r.org/our-work/accord/nagorny-karabakh/keytexts20.php>). Accessed on December 7, 2007.
- Minasyan, Sergey. “Pacific illusions in Armenia and “balance of threats” in Karabakh conflict.” December 7, 2005. Online. Available from Archives of (<http://www.regnum.ru/news/556167.html>). Accessed on August 23, 2010.
- Mikhelidze, Nona. “Eastern partnership and conflicts in the South Caucasus: old wine in new skins?” Online. Accessed via (<http://www.iai.it/pdf/DocIAI/iai0923.pdf>). Accessed on December 12, 2010.
- Murray, Gilbert. “Self-determination of nationalities.” *Journal of the British Institute of International Affairs*. Vol. 1, No.1. January, 1922. pp.6-13. Online. Available from (<http://links.jstor.org/sici=1473-7981%28192201%291%3A1%3C6%3ASON%3E2.0.CO%3B2-W>). Accessed on December 23, 2010.
- “Nagorno-Karabakh- Pawn in the major power game.” Online. Available from (<http://www.oneworld.org/euconflict/guides/surveys/arm.at.htm>). Accessed on November 15, 2007.
- Nixey, James. “The South Caucasus: drama on three stages.” *America and a changed world*. Online. Available from (http://www.chathamhouse.org.uk/files/16492_us0510_nixey.pdf). Accessed on January 12, 2011.
- Nodia, Ghia. “Georgian perspectives.” September 1999. Online. Available from (<http://www.c-r.org/our/work/accord/georgia-abkhazia/georgian-perspectives.php>). Accessed on December 24, 2010.
- “Oil from Caspian could match production from North Sea, says IEA Report.” *Caspian Oil and Gas*. IEA/PRESS (98) 4 Paris, 27 May 1998. On-line. Available from (<http://www.iea.org/new/releases/caspian.htm>). Accessed in December 2007.
- Oskanyan, Vartan. “Old states and new: shifting paradigms and the complex road to peace in Nagorno-Karabakh.” 2005. Online. Available from (<http://www.c-r.org/our-work/accord/nagorny-karabakh/old-states-new.php>). Accessed on January 24, 2010.
- Paye, Oliver and Eric Remacle. “Contested borders in the Caucasus: UN and CSCE policies in Transcaucasia.” Online. Available from (<http://poli.vub.ac.be/publi/ContBorders/eng/ch0401.htm>). Accessed on September 25, 2010.

- Peuch, Jean-Christophe. "Georgia Pledges More Aid to Promote South Ossetia's Reconstruction." November 4, 2007. Online. Available from (<http://www.eurasianet.org/departments/insight/articles/eav110507a.shtml>). Accessed on November 11, 2010.
- Protocol on the establishment of diplomatic relations between the Republic of Armenia and the Republic of Turkey. Online. Available from (http://www.armeniaforeignministry.com/pr_09/20090831_protocol.pdf). Accessed on November 23, 2010.
- Quadripartite Agreement on Voluntary Return of Refugees and Displaced Persons. Online. Available from (<http://www.unhcr.org/refworld/pdfid/3ae6b31a90.pdf>). Accessed on October 14, 2010.
- Ramishvili, Levan. *Conflict resolution in Georgia – A synthesis analysis with a legal perspective*. Online. Available from (<http://www.shimerli.livejournal.com/78603.html>). Accessed on January 1, 2011.
- Report of the Minister of Defense of the Republic of Armenia on Nagorno-Karabakh problem during Parliamentary hearings. March 29-30, 2005. Online. Available from (<http://www.regnum.ru/news/437271.html>). Accessed on August 2010.
- Resolution of the Parliament of Georgia regarding the current situation in the conflict regions on the territory of Georgia and ongoing peace operations. October 11, 2005.
- Resolution of the Parliament of Georgia on the Current Situation in the Former Autonomous District of South Ossetia and Ongoing Peace Process. February 15, 2006. Online. Available from (<http://www.parliament.ge>).
- "Russia increases number of peacekeepers in Abkhazia." April 29, 2008. Online. Available from (<http://www.gerogiandaily.com>). Accessed on October 21, 2010.
- "Russia is the largest foreign investor in Armenian economy." AKRA News Agency. Online. Available from (<http://www.akra.am>). Accessed on July 23, 2010.
- Sarkozy, Nicolas. "Europe gets started on quelling a crisis." *Washington Post*. August 18, 2008. Online. Available from (<http://www.washingtonpost.com>). Accessed on February 18, 2011.
- "Sarkozy: Europe's peacemaker or was it all a spin?" Sarkozy statement at a pre-election meeting in Nimes, May 5, 2009. in Charlemagne's Notebook Blog. *The Economist Website*. June 8, 2009. Accessed on December 23, 2010.
- "Security Council fails to adopt resolution extending mandate of Georgia Mission for 2 weeks, as Russian Federation votes against the text." Security Council SC/9681, Department of Public Information. Online. Available from (<http://www.un.org/News/Press/docs/2009/sc9681.doc.htm>). Accessed on October 5, 2010.
- "Situation around Abkhazia and South Ossetia." Historical Overview. Online. Available from

(<http://www.un.int/russia/new/MainRoot/docs/warfare/statement051208en.htm>).

Accessed on October 13, 2010.

- Snip, Inge. “South Ossetia and self-determination.” August 14, 2009. Online. Available from *Evolutsa.net*, (<http://www.evolutsa.net/south-ossetia-and-self-determination>). Accessed on January 3, 2011.
- Sokolov, Alexander. “Russian peace-keeping forces in the post-Soviet area.” in Mary Kaldor and Basker Vashee (eds.). *Restructuring the global military sector, New Wars*. London and Washington: 1997. Also available from (<http://www.memo.ru>). Accessed on October 21, 2010.
- Speech of the Minister for Foreign Affairs of Azerbaijan, Mr. E. Mammadyarov. “Towards peace in the Nagorny-Karabakh region of the Republic of Azerbaijan through reintegration and cooperation.” 2005. *Conciliation Resources*. Online. Available from (<http://www.c-r.org/our-work/accord/nagorny-karabakh/reintegration-cooperation.php>). Accessed on September 23, 2010.
- State Strategy of the Government of Georgia on Occupied territories: Engagement through Cooperation. Online. Available from (http://www.government.gov.ge/index.php?lang_id=ENG&sec_id=225). Accessed on December 23, 2010.
- Statement by the Minsk Group Co-Chairs to the OSCE Permanent Council. Vienna June 22, 2006 (CIO.GAL/117/06). Online. Available from (<http://www.osce.org/oscdel>) (RESTRICTED).
- Statement of the OSCE Chairman-in-Office, Annex 1 to the Lisbon Document, December 2-3, 1996. Online. Available from (<http://www.osce.org>).
- Statements of the Permanent Representatives of Georgia and Russia at OSCE Permanent Council (PC 730 (August 28, 2008), 732 (September 11, 2008), 734 (September 25, 2008)) and Forum for Security and Cooperation (FSC 555 - 557 (September 10, 17, 24, 2008, respectively), Special FSC-PC joint meetings 33-35 (September/October, 2008)),etc. from OSCE delegations website (<http://www.delweb.osce.org>)
- “Statement on preliminary findings and conclusions.” Online. Available from (http://www.osce.org/documents/odihr/2010/11/47506_en.pdf). Accessed on November 23, 2010.
- The Georgian Ossetian conflict.” OSCE Mission to Georgia (closed). Online. Available from (<http://www.osce.org/georgia/22955.html>). Accessed on September 25, 2010.
- Turkey energy data, statistics and analysis – oil, gas, electricity, coal. Online. Available from (<http://www.eia.doe.gov>). Accessed on September 4, 2010.
- Underdal, Arid and Edward L. Miles. “Explaining Regime Effectiveness: Combining “Soft” and “Hard” Methodological Approaches.” *SMA Working paper series 2001-2003*. Available from

(http://www.sma.washington.edu/facultystaff/working_papers/Miles_2001_b.pdf).

Accessed on December 23, 2004.

- “UN role in Georgia unclear as conflict is unresolved.” Europe News. October 6, 2008. Online. Available from (<http://europenew.dk>). Accessed on May 21, 2010.
- “UN Mission in Abkhazia and Georgia to close.” Current Digest of the Post-Soviet Press. No. 24, Vol. 061. June 15, 2009. Online. Available from (<http://diib.eastview.com/browse/doc/20591296>). Accessed on September 28, 2010.
- Minsk Group Proposal (“step-by-step deal”) December 1997”. *Conciliation resources*. Available from (<http://www.c-r.org/our-work/accord/nagorny-karabakh/keytexts19.php>). Accessed on December 7, 2007.
- “UNOMIG’s role.” “UNOMIG’s mandate.” United National Observer Mission to Georgia. Online. Available from (<http://www.unomig.org>). Accessed on September 21, 2010.
- US Human Rights Report on Georgia, 2009. Online. Available from (<http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136032.htm>). Accessed on July 23, 2010.
- US Human Rights Reports on Azerbaijan, 2009. Online. Available from (<http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136032.htm>). Accessed on July 23, 2010.
- Verbeke, Johan. “UN’s role in Georgia has fundamentally changed.” Radio Free Europe/RadioLiberty. January 27, 2010. Online. Available from (<http://www.rferl.org>). Accessed on September 30, 2010.
- Van Hoya, Ermina. “The OSCE in the Caucasus: long-standing mediation for long-term resolutions.” *OSCE Yearbook 1999*. OSCE Center for Research, Hamburg. Online. Available from (<http://www.osce.org>).
- Van der Vyver, D. Johan. “Self-determination of the peoples of Quebec under international law.” *Transnational law and policy*, Vol. 10:1. Fall, 2000. Online. Available from (<http://www.law.fsu.edu/journals/transnational/vol101/vyer.pdf>). Accessed on December 23, 2010.
- <http://www.un.org>.
- <http://www.nato.int/pfp/sig-cntr.htm>.
- <http://www.eurasianet.org/departments/insight/articles/eav041801.shtml>.
- <http://www.osce.org/>
- <http://www.coe.fr>.
- <http://www.state.gov/r/pa/ei/bgn/5275.htm>
- <http://www.un.org>

- <http://www.cis.minsk.by>
- <http://www.osce.org/>
- <http://www.un.org>
- http://en.wikipedia.org/wiki/Armenians_in_France
- http://www.europa.eu.int/comm/external_relations
- <http://www.khojaly.org/>
- <http://president.gov.az/oil2.htm>
- <http://www.day.az>

Annex A					
<i>Theories</i>	<i>UN</i>	<i>CIS</i>	<i>OSCE in South Ossetia</i>	<i>OSCE in Nagorno-Karabakh</i>	<i>EU</i>
Regime theory – first hypothesis [powerful actors’ interests]	Applicable. Case of <i>Coercive hegemon</i> – influence on effectiveness is negative	Applicable. Case of <i>Coercive hegemon</i> – influence on effectiveness is negative	Applicable. Case of <i>Coercive hegemon</i> – influence on effectiveness is negative	Partly applicable – Explaining the internal dynamics within the Minsk Group	
Regime theory – second hypothesis [problem solving capacity]	Applicable. Low problem solving capacity due to – 1)consensus/unanimity formula; 2) unwillingness by other members to challenge the power of the interested coercive hegemon; 3) some [not the maximum] efforts directed to achieving cooperative solutions	Applicable. [except the first determinant] Low problem-solving capacity due to 2) unwillingness by other members to challenge the power of the interested coercive hegemon; 3) some [not the maximum] efforts directed to achieving cooperative solutions.	Applicable. Low problem solving capacity due to – 1)consensus/unanimity formula; 2) unwillingness by other members to challenge the power of the interested coercive hegemon; 3) some [not the maximum] efforts directed to achieving cooperative solutions	Only the third element applies [efforts directed to achievement of cooperative solutions] given that the Minsk Group has been quite active in the past years. Other two determinants do not apply, because Minsk Group is not a decision-making, but a consultative body. Power distribution is not upset.	
Regime theory – third hypothesis [nature of problem]	Applicable. Malign problem coupled with uncertainty. Addressed with low problem-solving capacity.- Result- low effectiveness	Applicable. Malign problem coupled with uncertainty. Addressed with low problem-solving capacity.- Result- low effectiveness	Applicable. Malign problem coupled with uncertainty. Addressed with low problem-solving capacity.- Result- low effectiveness	Applicable. Malign problem coupled with uncertainty. Addressed with low problem-solving capacity.- Result- low effectiveness	Applicable. Although regime theory and its hypotheses are not applied to the EU, this hypothesis is relevant to the EU case, given the fact that the

<i>Theories</i>	<i>UN</i>	<i>CIS</i>	<i>OSCE in South Ossetia</i>	<i>OSCE in Nagorno-Karabakh</i>	<i>EU</i>
					nature of problem is an independent and external factor, not depending on the internal dynamics of the organizations
Functional vs. behavioral effectiveness	Some behavioral effectiveness – no functional effectiveness		Some behavioral effectiveness – no functional effectiveness.	Some behavioral effectiveness – no functional effectiveness.	
Collective optimum and noncooperative situation	No achievement of collective optimum, but positive contribution vis-a-vis noncooperative situation.	No achievement of collective optimum, but positive contribution vis-a-vis noncooperative situation.	No achievement of collective optimum, but positive contribution vis-a-vis noncooperative situation.	No achievement of collective optimum, but positive contribution vis-a-vis noncooperative situation.	
Relative improvement	some	some	some	some	
Actor capacity	no		no	no	
Overall effectiveness in the “low, medium, high” measurement scale	low	low	low		
Mediation theory (for OSCE Minsk Group)				Partly successful	

<i>Theories</i>	<i>UN</i>	<i>CIS</i>	<i>OSCE in South Ossetia</i>	<i>OSCE in Nagorno- Karabakh</i>	<i>EU</i>
Theoretical approaches to European integration [intergovernmentalism and neofunctionalism]					Rather distant approach to South Caucasus conflicts and subsequent increase of EU attention is due to its member states' preferences [intergovernmentalist assumption]; emphasis on fostering institutions and cooperation on various areas are directed at achievement of rapprochement on political issues, including conflict resolution [neofunctionalist assumption]

ABBREVIATIONS

ADR	Azerbaijan Democratic Republic
BSEC	Black Sea Economic Cooperation
BTC	Baky Tbilisi Ceyhan
BTE	Baky Tbilisi Erzurum
CIS	Commonwealth of Independent States
CISPKF	Commonwealth of Independent States Peacekeeping Force
CSTO	Collective Security Treaty Organization
CSCE	Conference for Security and Cooperation in Europe
ENP	European Neighborhood Policy
ENP APs	European Neighborhood Policy Action Plans
EPI	Eastern Partnership Initiative
ERP	Economic Rehabilitation Program
ESDP	European Security and Defense Policy
EUMM	European Union Monitoring Mission
EU	European Union
FDI	Foreign Direct Investment
GDP	Gross Domestic Product
GDR	Georgian Democratic Republic
IDP	Internally Displaced Persons
INOGATE	Interstate Oil and Gas Transport to Europe
JCC	Joint Control Commission
JPKF	Joint Peacekeeping Force
MMO	Military Monitoring Officers
NATO	North Atlantic Treaty Organization
NKAR	Nagorno-Karabakh Autonomous Republic
ODIHR	Office for Democratic Institutions and Human Rights
OSCE	Organization for Security and Cooperation in Europe
UN	United Nations
PACE	Parliamentary Assembly of the Council of Europe
SDR	Strategic Defense Review
TACIS	Technical Assistance for Commonwealth of Independent States
TRACECA	Transport Corridor Europe Caucasus Asia
UAV	Unmanned Aerial Vehicle
UN GA	United Nations General Assembly
UN SC	United Nations Security Council
UNOMIG	United Nations Observer Mission in Georgia
UNHCR	United Nations High Commissioner for Refugees
USA	United States of America
USSR	Union of Soviet Socialist Republics

Abstract

This scholarly work focuses on the *roles of four institutions – the UN, the CIS, the OSCE and the EU – in the process of conflict resolution in South Caucasus and analysis of their effectiveness in facilitating the achievement of final settlement*. Since the EU, unlike the previous three institutions has until recent times maintained rather distant conflict resolution approach in South Caucasus, in case with this institution the overall evaluation of its conflict resolution strategy is made, instead of the mentioned “effectiveness analysis.”

Although some scholarly works have been previously written on the subject, the originality to this dissertation is added by virtue of the fact that it attempts to explore the effectiveness and evaluate the policies of these institutions by incorporating various assumptions of regime theory, theoretical approaches to international mediation and theoretical approaches to the study of European integration. Moreover, provided that the in scholarly literature, regime theory and its “effectiveness” concept were mostly researched and applied to international environmental regimes, and study on the effectiveness of non-environmental regimes from the perspective of the regime theory seems lagging behind, this work is one of the humble attempts to fill this gap. Regime theory constituted the main theoretical scope of this work.

The effectiveness of the UN, the CIS and the OSCE were analyzed from the prisms of two regime theory hypotheses, which suggested that 1- *Interests and preferences of the concerned powerful states influence the effectiveness of the UN, the OSCE and the CIS to facilitate the achievement of a final solution to the conflicts in the South Caucasus republics* [first hypothesis-powerful actors’ interests]; and 2- *Problem solving capacity of the organizations influence the effectiveness of the UN, the OSCE and the CIS to facilitate the achievement of a final settlement to the conflicts in the South Caucasus republics* [second hypothesis – problem solving capacity].

The effectiveness/success of the OSCE Minsk Group was additionally evaluated using the suppositions of theoretical approaches to international mediation, owing to the fact that the Minsk Group cannot qualify for a full-fledged regime due to the specifics of its institutional build-up. What concerns the evaluation of the EU role in conflict resolution, “effectiveness” analysis based on the mentioned two hypotheses from the prisms of regime theory was not be applied to the EU, because the EU is to be regarded as a compilation of multiple regimes and therefore, is considered to be a disintegrated system of state and policy interrelations, which disqualifies it as an international regime as such. Therefore, in an attempt to explain the EU

approach to the conflict resolution in the South Caucasus region, this work used the relevant assumptions of two theoretical approaches to the study of the European integration - *intergovernmentalism* and *neofunctionalism*.

Unlike *the first* and *the second* regime theory hypotheses the last - *third regime* theory hypothesis - *Characteristics of the given conflicts influence the effectiveness of the UN, the OSCE, the CIS and the EU to facilitate the achievement of a final solution to the conflicts in the South Caucasus republics* – was also applied to the EU, owing to the fact that the nature of problem in the South Caucasus conflicts is an independent, external and a very potent factor not contingent upon the internal dynamics of any institution, but nonetheless, influencing their effectiveness/success. The analysis of the nature of the problem in the South Caucasus conflicts enabled me to conclude that the conflicting narratives among the warring parties based on the principles of territorial integrity and self-determination, as well as the existing legal omissions in the international law vis-à-vis the principle of self-determination, secession and territorial integrity makes the achievement of a solution harder and affects the effectiveness of the involved international organizations.

In conclusion, the described analysis suggested that the effectiveness of the UN, the CIS in Abkhazian conflict and the OSCE in South Ossetian case was “low”, while OSCE Minsk Group mediation of the Nagorno-Karabakh conflict was “partly successful”. EU has maintained distant conflict resolution attitude towards South Caucasus, which although slightly changed over the past two years, still remains more or less the same.

Abstract

Der Fokus dieser Forschungsarbeit richtet sich auf die Rolle von vier Institutionen – der Vereinten Nationen, GUS, OSZE und EU im Konfliktlösungsprozess im Südkaukasus und die Analyse ihrer Effektivität bei einer endgültigen Regulierung. Da die EU im Unterschied zu anderen drei Organisationen eine bis vor kurzem ziemlich distanzierte Haltung zur Konfliktlösung im Südkaukasus zeigte, wurde in ihrem Fall eine umfangreiche Bewertung ihrer Konfliktlösungsstrategie statt der oben erwähnten „Effektivitätsanalyse“ vorgenommen.

Obwohl bereits einige wissenschaftliche Arbeiten über diese Frage geschrieben worden sind, besteht die Besonderheit dieser Dissertation darin, dass bei der Untersuchung der Effektivität sowie bei der Policy-Bewertung dieser Organisationen die Regimetheorie, die theoretischen Ansätze über die internationale Vermittlung und europäische Integrationsstudien einbezogen wurden. Während sich in der Fachliteratur die Regimetheorie und das „Effektivität“-Konzept vornehmlich mit Blick auf internationale Umweltregimen beziehen bildet die Untersuchung der Effektivität der Nicht-Umweltregimen aus der Sicht der Regimetheorie eher ein Forschungsdesiderat. Dabei ist diese Arbeit ein bescheidener Beitrag, diese Lücke zu füllen. Regimetheorie bildet mithin die theoretische Grundlage dieser Arbeit.

Die Effektivität der Vereinten Nationen, GUS und der OSZE wurden anhand der zwei Regimetheorie-Annahmen untersucht: 1. *Die Interessen und Präferenzen der mächtigen Mitgliedsstaaten beeinflussen die Effektivität der Vereinten Nationen, OSZE, GUS bei der Ermöglichung einer endgültigen Lösung der Konflikte im Südkaukasus* und 2. *Die Problemlösungskapazität dieser Organisationen beeinflusst die Effektivität der Vereinten Nationen, OSZE und GUS bei der Ermöglichung einer endgültigen Lösung der Konflikte in den Südkaukasischen Republiken.*

Die Effektivität/der Erfolg der Minsk-Gruppe der OSZE wurde zusätzlich mithilfe der theoretischen Ansätze über internationale Vermittlung evaluiert, weil die Minsker Gruppe aufgrund ihrer institutionellen Besonderheit nicht als ein vollwertiges Regime angesehen werden kann. Auf die Bewertung der Rolle der EU bei der Konfliktlösung wurden die oben genannten zwei Annahmen nicht angewendet, weil sie als Bündel multipler Regimen und damit als ein desintegriertes System der Wechselbeziehungen zwischen Staat und Policy zu betrachten ist, was wiederum die EU als ein internationales Regime disqualifiziert. Daher werden beim der Analyse der EU-Haltung zur Konfliktlösung im Südkaukasus die relevanten

Annahmen der zwei theoretischen Ansätze der Forschung über die Europäische Integration Intergouvernementalismus und Neofunktionalismus verwendet.

Anders als die ersten und zweiten Regimetheorie-Annahme wurde die dritte Annahme - *der Charakter der gegebenen Konflikte beeinflusst der Vereinten Nationen, OSZE und GUS bei der Ermöglichung einer endgültigen Lösung der Konflikte in den süskaukasischen Republiken* – auch im Falle der EU angewendet, weil der Charakter der Konflikte im Südkaukasus ein unabhängiger, externer und sehr wirksamer Faktor ist, der zwar nicht von der internen Dynamik einer Organisation abhängig ist, jedoch ihre Effektivität/ihren Erfolg beeinflusst. Die Charakteranalyse der Konflikte im Südkaukasus führte zur Schlussfolgerung, dass die konkurrierenden Narrativen der Kriegsparteien, die auf die Prinzipien der territorialen Integrität und Selbstbestimmung basieren, sowie die vorhandenen rechtlichen Lücken im Völkerrecht mit Blick auf Prinzipien der Selbstbestimmung, Sezession und der territorialen Integrität erschweren eine Lösungsfindung und beeinflussen die Effektivität der involvierten internationalen Organisationen negativ.

Abschließend weist die Analyse darauf hin, dass die Effektivität der Vereinten Nationen und der GUS beim Konflikt um Abchasien „gering“ gewesen ist, während die Minsk-Gruppe der OSZE bei der Vermittlung im Bergkarabachkonflikt als „teilweise erfolgreich“ betrachtet werden kann. Die EU hat eine zurückhaltende Haltung zur Konfliktlösung im Südkaukasus eingenommen, die zwar in den letzten zwei Jahren leicht variiert hat, aber mehr oder weniger diese bleibt.

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EDUCATIONAL BACKGROUND

2000-2001	Central European University (Budapest, Hungary), International Relations and European Studies Department, Master of Arts (with merits) <i>MA Thesis:</i> "EU and Caucasus: Prospects and Implications"
1996-2000	Baky State University, International Relations and International Law Faculty, Bachelor (with honors)
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PROFESSIONAL EXPERIENCE

July 2001- December 2005	Ministry of Foreign Affairs, Department of Security Affairs. Started as a Desk officer, got promoted to Third Secretary by August 2005. Worked in different Units of the Security Affairs Department: International Security Issues Unit, Regional Security Issues Unit, as well as Arms Control Issues unit. During this time dealt with wide range of issues - disarmament issues, such as anti-personnel mines, small arms and light weapons, CFE Treaty, NPT Treaty, UN related issues, issues of combating terrorism, conflict resolution, peacekeeping, within the framework of the UN, political issues within the EU and the OSCE related issues Participated in a number of seminars, professional trainings and international events.
January – March 2002-	Graduate of the "19 th Special Course for Young Diplomats" at Diplomatic Academy, Vienna, Austria, Graduation with Honours.
February – April 2003	Graduate of the George Marshall European Center for Security Studies, Garmisch, Germany.
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Third (later Second) Secretary of the Mission of
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Dealt with the politico-military dimension of the OSCE, namely, issues within the Forum for Security Cooperation (FSC), issues with the OSCE Security Committee, especially anti-terrorism issues, as well as the Joint Consultative Group (JCG) and CFE Treaty related issues.

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First Secretary, Ministry of Foreign Affairs of
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PUBLICATIONS

“NATO in South Caucasus: a view from realist perspective,” in World of Diplomacy, MFA Azerbaijan quarterly, December 2003 issue.

“European Neighbourhood Policy in the South Caucasus: initial perceptions and political challenges” in World of Diplomacy, MFA Azerbaijan quarterly, No 28/December 2010 issue.

RESEARCH INTERESTS

Conflict resolution

International organizations and their roles in conflict resolution

Relations between the European Union and the states of South Caucasus

Arms control regimes and instruments

Security sector reform

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