

**RESOLVING FROZEN CONFLICTS:  
THE CASES OF TRANSDNIESTRIA, SOUTH OSSETIA AND  
ABKHAZIA**

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## **Abstract**

The present thesis analyzes the conflicts that occurred in Moldova and Georgia in the early 1990s at the turmoil of the dissolution of the Soviet Union. These conflicts are labeled as frozen conflicts due to the unsettled condition of their final settlement. The present thesis aims to understand the reasons that hinder the resolution process of the conflicts in Transdnistria, South Ossetia and Abkhazia in spite of the efforts of various third actors engaged in their resolution process.

Although the intrastate conflicts that unfolded on the post Soviet area have attracted attention of many researchers and much is written on the possible causes of these conflicts, little attention has been paid to the conflict resolution process itself in the literature. To uncover the puzzle of the frozenness of these conflicts and to fill out the gap in the existing methodology, the conflict resolution proposals offered by the engaged mediators and the opponent parties are examined in detail in the present thesis. This thesis concludes that the stillness of the resolution of the conflicts in Transdnistria, South Ossetia and Abkhazia is caused by the nature of the disputes.

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## Dedications

*To the memory of my aunt and my grandmother . . .*

# Table of Contents

<b>ABSTRACT.....</b>	<b>I</b>
<b>ACKNOWLEDGEMENTS.....</b>	<b>II</b>
<b>DEDICATIONS.....</b>	<b>III</b>
<b>TABLE OF CONTENTS .....</b>	<b>IV</b>
<b>INTRODUCTION.....</b>	<b>1</b>
<b>CHAPTER 1 THEORETICAL FRAMEWORK.....</b>	<b>4</b>
1.1.    THIRD PARTY MEDIATION AS A CONFLICT RESOLUTION METHOD .....	4
1.2.    TERRITORIAL INTEGRITY VS. SELF DETERMINATION .....	8
<b>CHAPTER 2 BACKGROUND TO INTRASTATE CONFLICTS IN MOLDOVA AND GEORGIA.....</b>	<b>12</b>
2.1.    CONFLICT IN MOLDOVA OVER TRANSNISTRIA.....	13
2.2.    CONFLICT IN SOUTH OSSETIA .....	15
2.3.    CONFLICT IN ABKHAZIA.....	16
<b>CHAPTER 3 CONFLICT RESOLUTION PROCESS .....</b>	<b>19</b>
3.1.    RESOLVING THE TRANSNISTRIAN CONFLICT .....	19
<i>Russia</i> .....	20
<i>Ukraine</i> .....	21
<i>The OSCE</i> .....	21
3.1.1. <i>Conflict Resolution Dynamics</i> .....	22
A. <i>The Russian Proposal</i> .....	24
B. <i>The Joint Statement and Recommendations</i> .....	27
C. <i>The Ukrainian Proposal</i> .....	29
3.2.    RESOLVING THE SOUTH OSSETIAN CONFLICT .....	33
<i>Russia</i> .....	34
<i>The OSCE</i> .....	34
3.2.1. <i>Conflict Resolution Dynamics</i> .....	35
A. <i>The Georgian Peace Initiative</i> .....	38
B. <i>The Proposal of South Ossetia</i> .....	41
3.3.    RESOLVING THE ABKHAZ CONFLICT .....	42
<i>Russia and the CIS</i> .....	43
<i>The United Nations</i> .....	44
3.3.1. <i>Conflict Resolution Dynamics</i> .....	45
A. <i>The UN Vision</i> .....	46
B. <i>The Abkhaz Vision</i> .....	48
C. <i>The Georgian Proposal</i> .....	49
<b>CONCLUSION.....</b>	<b>53</b>
<b>BIBLIOGRAPHY .....</b>	<b>56</b>

## INTRODUCTION

The demise of the Soviet Union is often regarded as a peaceful divorce of fifteen Union Republics; however, even a sketchy historical examination easily undermines such a supposition. In the early 1990s several bloody intrastate conflicts occurred within the Newly Independent States (NIS) - one happened in Moldova and Azerbaijan and two unfolded in Georgia. Similar patterns can be observed when comparing the causes and evolution of these conflicts<sup>1</sup>, but even more striking is the similarity in their end phase, specifically, their unresolved nature. In spite of the similarities between the mentioned four conflicts, in the present thesis I will look at the conflict resolution processes in three of them, that of Transnistria (Moldova), South Ossetia (Georgia) and Abkhazia (Georgia), since one major variable, which is the engagement of the external homeland of one of the ethnic groups engaged in the dispute (Armenia) over Nagorno-Karabakh region that unfolded in Azerbaijan, differentiates this conflict from the other three. The goal of the present thesis therefore, is to explain the reasons why these three conflicts remain frozen.

In the present thesis I will examine the role of mediators in the process of the settlement of the frozen conflicts in the NIS in the post Soviet area. I aim to explore the mechanisms the mediators used to resolve them, and track the stages of the resolution process to see the alternative mechanisms that were developed in cases of failure of the proposed ones. Specifically, I aim to answer the question why in spite of the engagement of international actors in the resolution process of the so called “frozen conflicts” in Georgia and Moldova, these conflicts remain unsettled.

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<sup>1</sup> Michael P. Croissant, *The Armenia-Azerbaijan Conflict: Causes and Implications*, (USA: PRAEGER, 1998): 16

Although scholars have devoted much attention to uncovering the roots and causes of the intrastate conflicts that unfolded as a result of the collapse of the Soviet Union (SU)<sup>2</sup>; nevertheless, less attention has been paid by researchers to the conflict resolution process itself. The present thesis contributes to the existing literature by thoroughly examining and evaluating the resolution proposals offered by the conflicting parties and the engaged mediators in order to settle the disputes by peaceful means. By looking at the proposals of the mediators and the opposing parties, which are often taken for granted and overlooked by analysts and by evaluating positions of the disputing parties, I hope to identify the stumbling blocs in the selected conflict resolution processes that hinder the dispute settlement.

In order to answer the posed question efficiently, I will combine text analysis and process tracing methods relying on empirical evidence from the examined case studies. Specifically, by comparing and contrasting the cases of conflict resolution in Transnistria, South Ossetia and Abkhazia, I hope to determine the pattern of the conflict resolution strategy developed by the engaged parties in the process of the dispute settlement. For the most part my research will be based on analysis of existing scholarly works in the field, primary and secondary publications, official statements and speeches, as well as evaluation of the accessible OSCE reports, UN resolutions and proposals of the mediators. I will also rely on the reports and policy briefs produced by think tanks working on the matter. Consequently, I believe combining the two types of textual data, the concise official documents and analytical works, is a reliable method to properly investigate the set out question and fill in the gap of the methodology in the existing analytical literature about resolution of the frozen conflicts.

The thesis consists of three parts. The first chapter, the theoretical framework, presents core assumptions about mediation as a dispute settlement mechanism; it also

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<sup>2</sup> Charles King, "Benefits of Ethnic War: Understanding Eurasia's Unrecognized States," *World Politics* 53, no. 4, (2001): 524-552

provides general information about the core concepts and definitions of international law (IL) necessary to understand the basics of the conflicts and their resolution process. The second chapter presents brief historical background about each conflict. The third chapter covers the period from the end of hostilities between the opposing sides up to date. In this part of the work, I particularly look at the stages of the negotiation processes; I trace and evaluate the evolution of conflict resolution processes, their dynamics, their successes and failures. Finally, in the conclusion, I aim to answer the research question of the thesis, i.e. why in spite of engagement of international actors in the resolution process of the frozen conflicts in Transdnistria, South Ossetia and Abkhazia these conflicts remain unsettled. I suppose that the static state of all the three conflicts is caused by the nature of the disputes itself. I hypothesize that failure to unfreeze the status quo and settle the disputes lies in conflict of the two concepts - territorial integrity of a sovereign state and a quest towards secession.



## Chapter 1

### Theoretical framework

The conflicts in Transdniestria, South Ossetia and Abkhazia are labeled as frozen conflicts due to the unsettled condition of their final resolution in spite of the efforts of various third actors engaged in their resolution process. In this chapter I talk about the concept of mediation as a method of conflict resolution used to resolve these disputes. In order to understand the positions of the opposing sides at the negotiation table, I find it important to outline the main principles and notions of IL the parties refer to: that of territorial integrity and self determination of people. Consequently, this chapter consists of two sections; the first one provides the main features of the theory of mediation and the debate that exists in the literature about this method of conflict resolution, while the second section provides general outline of the above mentioned principles, based on which the conflicting sides position themselves in the conflict resolution process.

#### **1.1. Third Party Mediation as a Conflict Resolution Method**

Mediation can be described as the engagement of an acceptable and authoritative third party in the dispute settlement between the conflicting sides; often international and regional organizations or respected neighboring states act as mediators. As Bercovitch and Houston define it, mediation is a continuity of the negotiation process, “where third party intervenes with an intention to change the outcome of a particular conflict.”<sup>3</sup> Mediation is a voluntary gesture of the conflicting parties, who are determined to arrive to some form of suitable agreement but are unable to do so without the engagement of third party.<sup>4</sup>

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<sup>3</sup> Jacob Bercovitch and Allison Houston, “The Study of International Mediation: Theoretical Issues and Empirical Evidence,” in Jacob Bercovitch ed. *Resolving International Conflicts: The Theory and Practice of Mediation* (Boulder, CO: Lynne Rienner, 1996): 12

<sup>4</sup> Lawrence Susskind and Eileen Babbitt, “Overcoming the Obstacles to Effective Mediation of International Disputes,” in Jacob Bercovitch and Jeffrey Z. Rubin eds., *Mediation in International Relations, Multiple Approaches to Conflict Management* (Great Britain: Macmillan Press LTD, 1992): 35

A mediator is a facilitator who guides the negotiation process, transmits information from one side to the other, sets out the agenda of the meetings and coordinates them, and recommends proposals of dispute settlement.<sup>5</sup> The proposals of a mediator are not binding; they have a consultative, recommendatory nature, although powerful regional and international actors as mediators can use rewards and punishment techniques to push one or both sides of the dispute to the bargaining table.<sup>6</sup>

The effectiveness of international mediation as a dispute settlement mechanism is a topic of intensive debate in the literature. A major pitfall that exists in the literature on mediation is the ambiguity in defining the success of the mediation; consequently, even more indefinite are the measurement criteria of the effectiveness of mediation outcomes. As Kleiboer notes in this respect, the researchers tend to follow the following three trends. First, they either take the success and failure of mediation for granted and do not bother to provide the characterizations of measurement; or they set their own criteria for evaluating the success of the mediation in particular cases; yet others take the objectives of the mediators or those of the engaged parties as a starting point to evaluate the effectiveness of mediation.<sup>7</sup> In Simkin's words, "the variables in mediation are so many that it would be [impossible] to describe typical mediator behavior with respect to sequence, timing, or use [...] of the various functions theoretically available."<sup>8</sup> The non-static and non-uniform character of international disputes also makes it hard to measure the success of mediation. Consequently, even though conflicts may have similar characteristics and stages that they undergo, all of them "vary in terms of the situation, parties, intensity, escalation, response, meaning, and possible

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<sup>5</sup> Scott Sigmund Gartner and Jacob Bercovitch, "Overcoming Obstacles to Peace: The Contribution of Mediation to Short-Lived Conflict Settlements", *International Studies Quarterly*, Vol. 50 (Dec. 2006): 832 <http://ejs.ebsco.com>

<sup>6</sup> Kyle C. Beardsley and others, "Mediation Style and Crisis Outcomes", *Journal of Conflict Resolution*, Vol. 50, (2006): 58-86 <http://ejs.ebsco.com>

<sup>7</sup> Marieke Kleiboer, "Understanding Success and Failure of International Mediation", *Journal of Conflict Resolution*, Vol. 40, No. 2 (Jun., 1996): 361-362 <http://www.jstor.org>

<sup>8</sup> Jacob Bercovitch and Allison Houston, "The Study of International Mediation", 19

transformation.”<sup>9</sup> The antecedent and intervening variables make each conflict, and consequently, each negotiation process unique, which makes it difficult to lay down a generalized prescription suitable to every case.

Despite the complexity that exists in the literature in defining and measuring the success and failure of mediation in solving international disputes, its efficiency can be best described as a “considerable and positive difference to the management of a conflict and the subsequent interaction between the parties.”<sup>10</sup> Generally, the researchers agree on the following determinants that affect the course of settlement of international disputes: the impartiality of the mediator, leverage of the mediator and the status of the mediator. The impartiality or neutrality of a mediator is a decisive factor in the conflict resolution process<sup>11</sup>, since it defines the level of confidence of the parties toward the mediator. It is often believed that impartiality of mediator increases the likelihood of the acceptance of the proposals advanced by the mediator by the opposing parties; however, some studies also suggest that partial mediators are more likely to influence the course of the settlement primarily because of the mediators’ interests. For example, Carnevale and Arad argue that biased and interested mediators are greater engaged in the dispute settlement primarily because of their interests and are more determined to convince the disputants to compromise using their “influence over the party that most needs to change.”<sup>12</sup> In regard to internal conflicts, however, Jenne states that “third party mediators of ethnic conflicts should not have ties to either party of the dispute [since this] may encourage their protégés to overreach.”<sup>13</sup> If the supported side is the

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<sup>9</sup> Ibid, 15

<sup>10</sup> Ibid,

<sup>11</sup> Marieke Kleiboer, “Understanding Success and Failure of International Mediation”, 369

<sup>12</sup> Peter J. Carnevale and Sharon Arad, “Bias and Impartiality in international Mediation,” in Jacob Bercovitch ed. *Resolving International Conflicts: The Theory and Practice of Mediation* (Boulder, CO: Lynne Rienner, 1996): 42

<sup>13</sup> Erin K. Jenne, *Ethnic Bargaining The Paradox of Minority Empowerment* (New York: Cornell University Press 2007), 190

separatist minority the chances of success of mediation are significantly reduced, because than the “separatist minorities are unlikely to negotiate a settlement with the center.”<sup>14</sup>

The second attribute that determines effectiveness of mediation process is the level of the leverage of the mediator. Some ambiguity exists in the literature in defining the leverage of the mediator; however, it can be best described as the ability of the mediator to pressure and persuade the parties to arrive to some form of settlement. Generally, the mediators refer to the so called carrots (positive sanctions) and sticks (negative sanctions) methods to press the parties to arrive to a solution.<sup>15</sup> The third aspect identified above, the status of the mediator, is also decisive in achieving positive results in the conflict resolution process. It is generally observed that relatively powerful regional or international actors are more likely to be listened to in the process of negotiating the settlement. In this regard, Jenne states that powerful actors and major powers are more likely to succeed rather than less powerful actors, minor powers.<sup>16</sup> However, in the case studies selected in the present thesis, mediation can hardly be evaluated as successful, despite the engagement of powerful international and regional mediators in the conflict resolution process.

At the same time, it is important to emphasize that not only the status and power of a mediator affects negotiation process, but also the status and relative power of the disputing parties sufficiently determine the outcome of conflict settlement. In this respect Gartner observes that dispute settlement is most likely to succeed and be durable when the opposing parties possess “roughly the same level of power and material resources.”<sup>17</sup> Similarly, Kriesberg outlines that successful settlement is likely to take place when the engaged parties

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<sup>14</sup> Ibid, 196

<sup>15</sup> Kyle C. Beardsley and others, “Mediation Style and Crisis Outcomes”, 58-86

<sup>16</sup> Erin K. Jenne, *Ethnic Bargaining*, 190

<sup>17</sup> Scott Sigmund Gartner and Jacob Bercovitch, “Overcoming Obstacles to Peace”, 824

have well defined and more or less equal legitimate, i.e. legal identities.<sup>18</sup> This point is of the greatest importance in evaluating the applicability of mediation as a conflict resolution method with regards to the frozen conflicts selected in the present study, since in all the three cases the conflicts arose between the subjects of international law, i.e. recognized mother states and their territorial units, i.e. unrecognized self-formed states.

Unfortunately, a relatively recent history of third party intervention in the negotiation process when one of the disputants' is not accorded legitimacy by international law illustrates quite a discouraging picture. Failures of mediation are observed in Lebanon, Cyprus, former Yugoslavia and in the former Soviet Union;<sup>19</sup> in all of these cases despite the engagement of multiple authoritative regional and international mediators, the conflicts have not been resolved. The lack of success I think is largely caused by differences in the legal status of the opposing parties. As noted in the introduction of this chapter, to understand the positions of the disputing parties i.e. the secessionist regions and the mother states, it is important to highlight some of the basics of the mentioned principles of IL, which I aim to do below.

## **1.2. Territorial Integrity vs. Self Determination**

Two major principles of IL come together when looking at the conflicts involving secessionist claims, that of the right to self determination of peoples and territorial integrity of a sovereign state. In this part of the chapter I will briefly highlight the major notions of these principles, since the disputing parties, i.e. the mother states and their seceding regions, position themselves based on these very principles in the process of negotiating the settlement. I will start with the concept of "state," list the statehood criteria, since statehood is the primary goal of the seceding republics, and last I will briefly touch upon the correlation

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<sup>18</sup> Louis Kriesberg, "Varieties of Mediating Activities and Mediators in International Relations," in Jacob Bercovitch ed. *Resolving International Conflicts: The Theory and Practice of Mediation* (Boulder, CO: Lynne Rienner, 1996): 222

<sup>19</sup> Ibid

between the concepts of territorial integrity and the right to self determination of people, since the conflicting parties base their claims on these principles.

The primary subject of IL is the state, since it possesses full legal capacity to exercise law-making, as well as executive powers over its territory and population. After the demise of the SU the state borders of Moldova and Georgia were fixed based on the administrative borders of the Union Republics and not based on their internal subunits, i.e. Autonomous Regions, such as South Ossetia or Autonomous Republics, as Abkhazia (Transdnistria did not have a defined territorial status under the Constitution of the USSR),<sup>20</sup> thus these territories constitute integral parts of the recognized states of Georgia and Moldova. The self proclaimed states strive for recognition of “their statehood” by the international community and refer to the right to self-determination of people to justify their territorial claims from the mother states. However, despite an almost two-decade-long “struggle” for their statehood, they are not recognized by any other subject of IL. The abovementioned principle of self determination of people is recognized in the UN Charter, as well as in the Declaration on Friendly Relations and Co-operation, which states that

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 [UN] Charter.<sup>21</sup>

The right to the self determination, because of its ambiguous nature, is often misused and misinterpreted by both the minority groups it aims to protect as well as by the states it is prescribed for. Secessionist groups often abuse this principle and refer to it in order to justify their attempts to secede from an independent state. However, secession is not a legally justifiable act under IL, since it undermines the territorial integrity and sovereignty of a

<sup>20</sup> Constitution (Fundamental Law) of The Union of Soviet Socialist Republics, 1977, *Part III “State Structure”*, Chapter 8, Articles 85, 86 [http://www.servat.unibe.ch/law/icl/r100000\\_.html](http://www.servat.unibe.ch/law/icl/r100000_.html)

<sup>21</sup> United Nations General Assembly (UNGA) – Twenty-fifth Session, Declaration No. (A/RES/2625 (XXV), (1970): 123 <http://daccess-ods.un.org/TMP/9541983.html>

state.<sup>22</sup> This is why in all the provisions, declarations, covenants or other international documents the right to self determination and territorial integrity and sovereignty of an independent state go hand in hand. This is also true in case of the above mentioned UN Charter and the Declaration on Friendly Relations and Co-operation, which in regards to the equal rights and self determination of peoples states that “nothing in the foregoing paragraphs 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.”<sup>23</sup> Generally, the international community urges the states to ensure internal self determination (access to political, cultural and other representation) to their minorities; however, it condemns secession of the minority groups, since secession is regarded as violation of territorial integrity of a sovereign state, which contradicts the UN Charter and poses a threat to regional and world security and order.

Consequently, the problem with the conflicting parties over Transdniestria, South Ossetia and Abkhazia is the application and interpretation of these principles, particularly the following relationship - the secessionist movements that emerged upon the dissolution of the USSR claim territories on the basis of the right of self determination of peoples, whereas the mother states hold on to the principles of sovereignty and territorial integrity of a state respecting internal self determination of people, that is the right to political and cultural representation of minority groups rather than the right to secede.

The mediators engaged in the dispute settlements of the selected frozen conflicts support both principles of IL, i.e. that of the territorial integrity and the self determination of people. Officially they recognize territorial integrity of the mother states, but at the same time restrain themselves from using various levers to push the separatist states to give up their claims for statehood. The difficulty the mediators face in the negotiation process is finding a

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<sup>22</sup> James Crawford, “State Practice and International Law in Relation to Secession”, *British Yearbook of International Law*, (Oxford: Clarendon, 1998): 86

<sup>23</sup> UNGA, Declaration No. (A/RES/2625 (XXV)): 124

neutral line between these two principles. Thus, the positions of the mediators, the correlation of the outlined principles of IL and the dependency of these principles over one another determine the stillness of the resolution process in the selected conflicts.

Now I will provide basic information about the conflicts in Transdniestria, South Ossetia and Abkhazia, which is necessary to understand the positions of the opposing parties in their search for the ways out of the stalled conflicts.



## Chapter 2

### Background to Intrastate Conflicts in Moldova and Georgia

The frozen conflicts dealt within this paper are regarded as ethnic conflicts since they involve the confrontation of ethnically distinct groups. Scholars who study ethnic wars have created a large literature while looking for and trying to understand the grounds and causes of ethnic conflicts. The proposed causes include, but are not limited to, the following: ancient hatreds, uneven distribution of resources, elite manipulation of masses, the so called “security dilemma” ethnic groups face at certain point in time. In the process of looking at the conflicts that took place on the post Soviet space, one comes across a whole set of the likely causes of ethnic conflicts. However the aim of the present thesis is not to identify a true cause of ethnic war, which can be countered by another study, since it is hard to identify one single reason able to explain the complexity of the conflicts that unfolded in Transdnistria, South Ossetia and Abkhazia.<sup>24</sup> Consequently, due to limited volume of the present study, I purposefully leave the debate on the causes of intrastate disputes untouched and move to outline the basic historical developments of these conflicts, which are necessary to understand the consequent process of their resolution. Thus, I will briefly describe and evaluate the conflicts starting with the conflict over Transdnistria, describing the conflict of South Ossetia and last examining the conflict over Abkhazia.

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<sup>24</sup> For further reading on the causes of these intrastate conflicts refer to: Stuart J. Kaufman, *Modern Hatreds: The Symbolic Politics of Ethnic War*, (Ithaca and London: Cornell University Press, 2001); Charles King, *The Moldovans: Romania, Russia and the Politics of Culture*, (California, Stanford: Hoover University Press, 1999); Christoph Zürcher, *The Post Soviet Wars: Rebellion, Ethnic Conflict, and Nationhood in the Caucasus* (NY: New York University Press, 2007); Svante E. Cornell, *Autonomy and conflict : ethnoterritoriality and separatism in the South Caucasus: cases in Georgia*, (Sweden: Uppsala University, 2002); Dov Lynch, *Engaging Eurasia's Separatist States, Unresolved Conflicts and De Facto States*, (Washington DC: United States Institute of Peace Press, 2004); Bruno Coppieters, *Federalism and Conflict in the Caucasus*, (Great Britain: Royal Institute of International Affairs, 2001); and Svante E. Cornell, “Autonomy as a source of Conflict, Caucasian Conflicts in Theoretical Perspective,” *World Politics*, Vol. 54, No 2, (2001); Svante E. Cornell, *Small Nations and great Powers: A Study of Ethnopolitical Conflict in the Caucasus*, (UK: CURZON, 2001).

## 2.1. Conflict in Moldova over Transdnistria

Tensions in Transdnistria began with the wave of ideas dominating the *glasnost* and *perestroika* period, when nationalistic symbolism erupted in all the Union Republics of the USSR. In the years of 1987-1989 Moldovan intellectuals formed “informal groups,”<sup>25</sup> which in 1989 transformed into a strong opposition movement known as the Moldovan Popular Front, which demanded Moldavan to be a state language of the Republic and called for a change from the Cyrillic to the Latin alphabet. These quests were perceived by the minorities living in the Moldavan Social Socialist Republic (MSSR) as a “step toward demands for political dominance by ethnic Moldovans,”<sup>26</sup> especially in Transdnistria, where the majority of the population, including ethnically Moldovans, spoke mostly Russian rather than Moldavan and thus were most threatened by the language reform.

According to the 1989 census, Moldova was mostly populated by ethnic Moldovans, however, the so called “Russophone” population, which was composed of ethnic Ukrainians and ethnic Russians dominated in Transdnistria, making Moldovans a minority in the region.<sup>27</sup> The rumors about a possible unification of Moldova with Romania as the USSR broke down also threatened the Russophone population of Transdnistria, which obviously had stronger ties with the Slavic culture than with the Romanian neighbor.<sup>28</sup> These developments created uncertainty among the minorities of Moldova, especially in the chaotic situation of the 1990s when the Soviet system was collapsing and new state institutions guaranteeing safety and security were not yet formed.

Following the language law reform adopted in 1989, the local elites in Transdnistria rejected the new legislation and in 1990 organized a congress calling for territorial autonomy of Transdnistria within the Union Republic of Moldova; several months later however, a

<sup>25</sup> Stuart J. Kaufman, *Modern Hatreds*, 139

<sup>26</sup> Ibid, 140

<sup>27</sup> Population of Transdnistria in 1989: Ukrainians 28.3 %, Russians 25.5 %, Moldovans 39.9 %, other ethnicities represented the remainder. Charles King, *The Moldovans*, 185

<sup>28</sup> Ibid, 149

second congress took place, which proclaimed “the establishment of a Transdnistrian republic independent of Moldova but within the USSR,”<sup>29</sup> an act that was immediately condemned by the Moldovan SSR and was evaluated as a danger to sovereignty of the MSSR.

In August 1991 Moldova declared independence and was recognized by international community within the borders of the former MSSR, i.e. including Transdnistria. In parallel, however, in late 1991, in the self-proclaimed republic of Transdnistria, (from now on referred to in the paper as the Prednestrovskaya Moldavskaya Respublika, PMR), presidential elections were held. After the proclamation of independence by the seceding region, occasional clashes between the Moldovan state police and the Transdnistrian irregulars took place. Major fighting, however, broke out in 1992, as a result of which the separatist forces managed to drive out the Moldovan troops from the region, with the open assistance of the Russian 14<sup>th</sup> army stationed in the region as a SU legacy.<sup>30</sup> In July 1992, an agreement between Russia and Moldova was signed, where the parties agreed to form a tripartite Joint Control Commission consisting of representatives of the disputing parties and Russia, which would ensure a cease of fire between the conflicting sides.<sup>31</sup> Indeed, after the ceasefire agreement was reached violent clashes between the rival groups stopped, however, Moldova continues to regard the territory of Transdnistria as its integral part, while the self-proclaimed regime of PMR insists on its statehood.

This was a short overview and evaluation of the conflict that took place in Moldova in the early 1990s, now I will move to briefly describe the events that happened in Georgia, in its two autonomous units.

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<sup>29</sup> Ibid, 148

<sup>30</sup> Stuart J. Kaufman, *Modern Hatreds*, 152

<sup>31</sup> OSCE Mission to Moldova, official webpage. <http://www.osce.org/moldova/13426.html>

## 2.2. Conflict in South Ossetia

Today South Ossetia (SO) is one of the hot spots on the map of Georgia. The demise of the SU deteriorated relations, which were “free of serious tension until the end of 1988”<sup>32</sup> between the two ethnic groups – Ossetians and the Georgians that resided in Autonomous Region of South Ossetia of the SSR of Georgia. Its status was defined in the Constitution of the USSR and it consequently enjoyed a partial self-rule as did other autonomous regions of the Union Republics throughout the SU. By the early 1990s, SO was mainly populated by ethnic Ossetians. Ethnic Georgians formed the largest minority in the region,<sup>33</sup> but many ethnic Ossetians lived outside the region, they were integrated into Georgian society and lived all across Georgia.<sup>34</sup>

As noted above, relations between the region and the center began to get strained in late 1980s. Tension became particularly obvious as a result of the language law adopted in 1989, which “strengthened the position of the Georgian language in the republic, including in minority areas,”<sup>35</sup> which as in Moldova, was critically evaluated by the minorities of the Union Republic, i.e. the Abkhaz and South Ossetians, who mostly spoke Abkhaz and Ossetian languages, respectively, and Russian as the language spoken in all the Union Republics throughout the USSR.

In response to the new language legislation, violating the procedural code and exceeding its competences, the highest legislative organ of SO declared Ossetian to be a state language in the autonomous region and requested from the Supreme Soviet of Georgia and

<sup>32</sup> Christoph Zürcher, *The Post Soviet Wars*, 124

<sup>33</sup> According to 1989 census, Ossetians constituted about 66 % of total population in SO, ethnic Georgians formed about 29 % there and other ethnicities represented the remainder. Dov Lynch, *Engaging Eurasia's Separatist States*, 30

<sup>34</sup> By 1991 about 65,000 Ossetians lived in the Autonomous Region of SO, about 100,000 Ossetians were spread over other regions of Georgia and enjoyed the same rights as other citizens of Georgian SSR. Document No 14, *Konflikti v Abkhazii i Iujnoi Ossetii, Dokumenti 1989-2006 gg*, Priloženia k “Kavkazkomu Sborniku” Vipusk #1 [*Conflicts in Abkhazia and South Ossetia, Documents 1989-2006, Notes to “Caucasian Collection”*], First edition, (Moscow: Russian Panorama): 42

<sup>35</sup> Svante E. Cornell, *Autonomy and conflict*, 155

the Supreme Soviet of the SU to upgrade its status from Autonomous Region to an Autonomous Republic, an act that was evaluated as a potential attempt for secession and “a threat to the goal of Georgian independence”<sup>36</sup> and which was turned down by the Georgian SSR. In September of 1990, the same legislative body of SO unilaterally adopted a further decision modifying the Autonomous Region into a sovereign South Ossetian Soviet Democratic Republic and requesting from the Supreme Council of the USSR to admit it into the Union as an independent subject of the federation, i.e. bypassing Georgia..<sup>37</sup> This act was condemned by the Georgian SSR, since it violated its Constitution and the Constitution of the USSR and was evaluated as an act threatening the sovereignty and territorial integrity of Georgia.

Consequently, in response, on December 11, 1990 Georgia deprived SO from its status of autonomous region and eliminated its institutional decision-making bodies, which was perceived as an open discriminatory and repressive act against the Ossetian minority by the locals, leading to a subsequent confrontation of the center and its periphery. In 1991-1992 major fighting between Georgian National Guard and Ossetian militia took place ending with the defeat of Georgian forces. In June 1992 an agreement was signed between representatives from Georgia, SO and Russia, establishing a joint peacekeeping force like in Moldova, which “under Russian leadership began monitoring a negotiated cease-fire.”<sup>38</sup>

### **2.3. Conflict in Abkhazia**

Abkhazia has always been inhabited by the two ethnic groups; however, during the Soviet rule, as a consequence of the so called Stalinization policies, large number of ethnic Georgians and other nationalities started to migrate to Abkhazia, significantly altering

<sup>36</sup> Christoph Zürcher, *The Post Soviet Wars*, 124

<sup>37</sup> Document No. 109 and 110, *Konflikti v Abkhazii i Iujnoi Ossetii, Dokumenti 1989-2006 gg*, Priloženia k “Kavkazkomu Sborniku” Vypusk #1 [*Conflicts in Abkhazia and South Ossetia, Documents 1989-2006, Notes to “Caucasian Collection”*], First edition, (Moscow: Russian Panorama): 181

<sup>38</sup> Christoph Zürcher, *The Post Soviet Wars*, 126

proportions of its population.<sup>39</sup> As a result, by the middle of the 20<sup>th</sup> century the Abkhaz were significantly outnumbered by ethnic Georgians and concerns about “Georgian demographic and political dominance and the competition for the resources [...] had caused political friction.”<sup>40</sup> However, if demography may have been the cause that had instigated the feelings of the Abkhaz of their being discriminated against in the middle of 1950s, later it became a trigger used by the Abkhaz to gain privileged positions in all the institutional spheres of the autonomous republic.<sup>41</sup> In fact, by 1980s the Abkhaz gained favorable access to the key political positions and to the resources in the region.<sup>42</sup> Clearly, the obvious favoritism of the ethnic Abkhaz by the Soviet leadership offended the local Georgians, straining the relations.

In 1989, the Abkhaz elites signed the Declaration of Lykhni,<sup>43</sup> demanding to upgrade the status of Abkhazia from Autonomous Republic to the Union Republic. A year later, the Abkhaz Supreme Soviet unilaterally proclaimed the Autonomous Republic of Abkhazia to be a Union Republic within the SU, which meant secession from Georgia and was immediately condemned by Georgia. As Georgia was striving for independence from the Soviet rule, the Abkhaz, fearing to lose the privileges they were granted by the Soviet system, were striving for independence from Georgia.

Nevertheless, despite the increased tensions, the Georgian administration managed to convince the Abkhaz side to sign a power-sharing agreement,<sup>44</sup> which gave ethnic Abkhaz even a larger representation in local parliament. However, as the central government of Georgia was stretched between regulating the preceding South Ossetian conflict and

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<sup>39</sup> By 1989, Georgians represented 46.2% of the population in Abkhazia, the Abkhaz formed 17.3%, Armenians 14.6%, Russians 14.2% other ethnicities represented the remainder. See in *The Georgian Chronicle*, *Caucasian Institute for Peace, Democracy and Development*, Monthly Bulletin, (Tbilisi, December, 1992): 4

<sup>40</sup> Christoph Zürcher, *The Post Soviet Wars*, 120

<sup>41</sup> Svante E. Cornell, *Autonomy and conflict*, 184-185

<sup>42</sup> Svante E. Cornell, “Autonomy as a source of Conflict”, 257; 264

<sup>43</sup> Dov Lynch, *Engaging Eurasia's Separatist States*, 27

<sup>44</sup> Bruno Coppieters, *Federalism and Conflict in the Caucasus*, 22-24

recovering from the civil war, the Abkhaz leadership used the window of opportunity, and breaking the abovementioned power-sharing agreement, “declared Abkhazia to be a sovereign state.”<sup>45</sup> In August 1992, Georgian military forces entered Abkhazia with an intention to enforce control over the Russian border; this act, however, was evaluated by the Abkhaz leaders as an act of aggression and “the encroachment on its sovereignty.”<sup>46</sup> War broke out and lasted for a year, ending with the defeat of the Georgian side as a consequence of the breach of the cease fire agreement by the Abkhaz side. More than 200,000 civilians had to flee Abkhazia and seek refuge within and outside of Georgia.<sup>47</sup> As the cease fire agreement between Georgian and Abkhaz sides was reached, the Russian peacekeeping forces were deployed under the Commonwealth of Independent States (CIS) mandate, separating the confronted sides; also the UN Observer Mission to Georgia (UNOMIG) was launched to monitor their activities along the security zone<sup>48</sup>.

The conflicts that erupted in Moldova and Georgia in the period of the demise of the Soviet system have largely to do with the political transformations of the period. As the mother states, i.e. Moldova and Georgia were distancing themselves from the center, their minority populated regions began to distance themselves from them. At this point, as the basic historical background on each conflict is provided, I move to discuss the following developments over the contested territories in the coming chapter, in which, I analyze and evaluate the dynamics of the conflict resolution processes of the selected conflicts.

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<sup>45</sup> Christoph Zürcher, *The Post Soviet Wars*, 130

<sup>46</sup> The Georgian Chronicle, *The Caucasian institute for Peace, Democracy and Development*, Monthly Bulletin, (Tbilisi: Dec, 1992): 5

<sup>47</sup> “Abkhazia: Ways Forward”, International Crisis Group (ICG), Europe: Report No. 179, 2007  
<http://www.crisisgroup.org/home/index.cfm?id=4619>

<sup>48</sup> United Nations Observer Mission in Georgia, Mandate  
<http://www.un.org/Depts/dpko/missions/unomig/mandate.html>

## **Chapter 3**

### **Conflict Resolution Process**

This chapter of the thesis looks at the developments in Transdniestria, South Ossetia and Abkhazia after the end of hostilities. It provides background on the main third parties involved in the conflict resolution processes and assesses their roles. Due to the little volume of the paper I am unable to give a detailed outlook on geopolitical interests of all the third parties engaged in the conflicts on different levels and will limit myself with brief description of the most involved actors. I will thoroughly examine the conflict resolution processes and try to identify the gaps that obstruct the settlement of the conflicts and make them “frozen”. I will start with the dispute over Transdniestria, proceed with the analysis of the South Ossetian conflict and end the chapter with the evaluation of the conflict over Abkhazia.

#### **3.1. *Resolving the Transdniestrian Conflict***

The conflict resolution process over Transdniestria is quite a dynamic one; several times the parties seemed to be very close to the settlement of the dispute, yet, the conflict remains to be unsettled up to today. The Number of the mediators and their diverse nature also attracts attention; strong regional actors such as Russia, and Ukraine, have been engaged in the settlement process as the guarantor states from the very beginning of the negotiation process, an authoritative regional organization, the OSCE, is also heavily involved in the dispute settlement, and in 2005 the United States of America (US) and the European Union (EU) were invited to participate in the dispute settlement under the status of the observers. Nevertheless, so far the status quo is the greatest achievement of the mediators, placing the dispute in the category of frozen conflicts in the former Soviet space. Before exploring and analyzing the proposals to the dispute settlement offered to the rival parties and identifying



their strengths and weaknesses, I will briefly introduce the roles and positions of the mediators, i.e. Russia, Ukraine and the OSCE.

## Russia

As mentioned above, Russia is one of the first actors engaged in the conflict resolution process over Transdniestria. In fact, because the Russian 14<sup>th</sup> army is stationed in the region, many regard Russia as a party to the conflict rather than a mediator.<sup>49</sup> Moreover, some policy analysts and politicians blame Russia in applying a double standard policy towards the conflict settlement, accusing her in officially upholding the territorial integrity of Moldova, but in practice supporting the unrecognized regime of the PMR. In the academia many researchers explain this duality of the Russian policy toward Transdniestrian conflict settlement within neorealist assumptions. Many identify Russia's ambitions to keep hegemony over the region it once had a control over as the main obstacle towards the dispute settlement and argue that Russia pursues its hegemonic foreign policy towards Moldova through "prolongation of its military presence in a peacekeeping guise".<sup>50</sup> Whatever the underlying motives of the Russian Federation are in resolution of the Transdniestrian conflict, the presence of the Russian troops in the region has been one of the top issues at the negotiation table. Although, following the Istanbul Accords of 1999, (according to which Russia took upon itself responsibility to pull out its heavy weapons and machinery from the region), a significant amount of Russian arsenal was either destroyed or removed from Transdniestria with the assistance of the OSCE, nonetheless, the Russian "military presence continues to be a boon to the Transdniestrians [... and the] unrecognized regime."<sup>51</sup> Officially, as already mentioned, Russia has been engaged in the dispute settlement as a

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<sup>49</sup> Allen C. Lynch, "The Realism of Russian Foreign Policy", *Europe Asia Studies*, (2001): 12, <http://www.jstor.org/>

<sup>50</sup> "Moldova Regional Tensions Over Transdniestria", ICG, Europe Report No. 157, 2004 <http://www.crisisgroup.org/home/index.cfm?id=2811&l=1>

<sup>51</sup> Charles King, "The Benefits of Ethnic War", 540

guarantor state of non resumption of hostilities between the opposing sides since the ceasefire was reached.

## Ukraine

Ukraine has been a guarantor state of non-use of force by the conflicting parties along with Russia. Its' involvement in the dispute settlement has also been criticized. First, critics in general and in Moldova itself, have blamed Ukraine of little action and lack of intensions to get more actively involved in the resolution process. Many have stated that this inaction was largely caused by the interests of the business and political elites of Ukraine, since some of the top officials gained significant profits from the untaxed trade and from other illegal financial operations with the unrecognized republic of the PMR. As the International Crisis Group (ICG) put it, Ukrainian "business circles have become adept at using parallel [PMR] economy to their own ends [...] Some have used political influence to prevent, delay or obstruct decisions which could have put pressure on the [PMR] leadership to compromise."<sup>52</sup> However, after the Orange revolution Ukraine's policy towards the PMR changed. After the continuous insistence of Moldova, Ukraine introduced new customs rules "for the passage of goods across Transdnistrian segment of the Moldovan-Ukrainian border,"<sup>53</sup> which significantly hit the elite circles of the PMR, who had greatly benefited from the uncontrolled passage and later accused Ukraine of pursuing repressive measures towards the PMR. Shortly, if Russia has been regarded by many as an impartial mediator favoring the PMR over Moldova, lately, many began to speak about the partiality of Ukraine in support of Moldova.

## The OSCE

Questions about the impartiality and favoritism of one of the parties to the dispute never arose in regards to the OSCE, however. The OSCE has been engaged in the resolution

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<sup>52</sup> "Moldova: Regional Tensions over Transdnistria", ICG, Europe Report #157, (2004): 1  
<http://www.crisisgroup.org/home/index.cfm?id=2811>

<sup>53</sup> Oleh Protsyk, "Moldova's Dilemmas in Democratizing and Reintegrating Transdnistria," *Problems of Post Communism*, Vol. 53, no 4, (June/August 2006): 29

process since 1993, first with a limited mandate, the primary goal of which was and continues to be facilitation in the restoration of the territorial integrity of Moldova and achieving a durable solution to the conflict. From 1999, its mandate was expanded and covers the coordination of withdrawal and destruction of Russian armament and ammunition from the territory of Moldova. The mission also coordinates the adherence to the “international obligations and commitments regarding human and minority rights,”<sup>54</sup> and provides assistance in monitoring the realization of agreements on settlement.

After this brief outline of the roles and activities of the main mediators of the Transdnistrian dispute, I now move to discuss and analyze the actual proposals of the mediators to the dispute settlement.

### **3.1.1. Conflict Resolution Dynamics**

The first clear steps towards normalization of relations between the disputing parties, the Republic of Moldova and the unrecognized regime of the PMR were made in 1997, when after continuous efforts of the guarantor states and the OSCE, the “Memorandum on the Basis for Normalization of Relations between Republic of Moldova and Transdnistria” was signed. The Memorandum raised high hopes for the final settlement of the dispute, since by signing the document, the parties assured each other of their intentions to solve the dispute through peaceful means, confirmed their interest in further negotiations, and underlining the commitment of the engaged mediators, reaffirmed their consent to address the mediators in case of a violation of this agreement.

It is important to highlight Moldova’s openness and its clear desire to resolve the dispute, since by the document Transdnistria gained the right to

[p]articipate in the conduct of the foreign policy of the Republic of Moldova [...] on questions touching its interests [...] and the right to unilaterally establish and maintain international contacts in the

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<sup>54</sup> CSCE Mission to the Republic of Moldova, Annex 3, Feb 4, 1993, <http://www.osce.org/moldova/13174.html>

economic, scientific-technical and cultural spheres, and in other spheres by agreement of the Parties.<sup>55</sup>

It is noteworthy to emphasize that few sovereign states would agree to give such high degree of freedom to their territorial units. To be on the safe side, Moldova insisted on adding a separate annex to the document, in which the guarantor states and the OSCE reconfirmed their recognition of the “sovereignty and territorial integrity of the Republic of Moldova”.<sup>56</sup>

Although the wording of the text was thoroughly prepared to avoid any misunderstandings, nonetheless, shortly after its signature, the parties diverged in the interpretation of some of the clauses of the Memorandum. In particular, not only did the PMR “abuse its freedom” in the economic sphere by trading with various actors<sup>57</sup> bypassing Moldova, but it also interpreted the last clause of the document regarding building relations with Moldova in the framework of “a common state” as the cooperation of legally equal subjects.<sup>58</sup> The parties found other drawbacks in the document as well; for example, the PMR would not recognize the mentioned annex to the Memorandum, while the status of the document under Moldovan law was also unclear, since it lacked the ratification of the Parliament.<sup>59</sup>

In spite of the misunderstandings, the parties managed to move on and in 1998 an agreement was reached in Odessa, in which the sides agreed to:

- cut the numerical composition of the peacekeeping forces;
- reduce the number of stationary check-points and replace them with mobile patrolling;

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<sup>55</sup> OSCE, “Memorandum on the Basis for Normalization of Relations between the Republic of Moldova and Transnistria”, May 8, 1997 <http://www.osce.org/moldova/documents.html>

<sup>56</sup> Ibid, 3

<sup>57</sup> Graeme P. Herd, “Russia’s Transnistrian Policy: Means, Ends, Great Power Trajectories,” *Russia Re-emerging Great Power*, Roger E. Kanet ed., (New York: Palgrave Macmillan, 2007), 87

<sup>58</sup> Marius Vahl and Michael Emerson, “Moldova and the Transnistrian Conflict,” *Journal on Ethnopolitics and Minority Issues in Europe*, Vol. 5, (2004): 11 <http://www.doaj.org/doaj?func=abstract&id=238518>

<sup>59</sup> The Association of the Bar of the City of New York, “Thawing Frozen Conflict: Legal Aspects of the Separatist Crisis in Moldova,” *The Special Committee on European Affairs, Mission to Moldova*: 18 <http://www.foundation.moldova.org/publications/eng/>

- dispatch the Ukrainian peace-keepers along the security zone, who were present in the region as monitors at that time;
- contribute to a timely withdrawal of Russian military equipment from Transdniestria;
- establish joint programs in various economic fields and other issues aimed to develop cooperation between the sides.<sup>60</sup>

Shortly after, the parties and the mediators issued a joint statement in which the disputants manifested their will to find a “mutually acceptable formula for final settlement [and agreed to] intensify negotiations on the elaboration of the status of Transdniestria.”<sup>61</sup> Common areas of cooperation were specified as well. The parties agreed to develop relations in the fields of common borders, common economic, defense, legal and social spheres. However, the relations did not go further than adding another signed paper to the thick file of Transdniestrian dispute settlement. After several rounds of unsuccessful negotiations, the parties failed to arrive to any kind of compromise regarding the political status of the break-away region. Following a few years of quietness in the negotiation process a new wave of possible solutions began with the proposal offered by the Russian side, which will be analyzed in detail below.

### **A. The Russian Proposal**

The proposal that raised the most debates between the parties and in the relevant societies was introduced by the Russian side in 2003 and is known under the title of the “Kozak Memorandum,” named after its author, the First Deputy of Head of the Russian Presidential Administration Dmitry Kozak. The offer suggested to make structural changes in the constitution of Moldova and to transform it into the Federal Republic of Moldova. The

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<sup>60</sup> OSCE, “Agreement on Confidence Measures and Development of Contacts between Republic of Moldova and Transdniestria”, Odessa, 20 March, 1998 <http://www.osce.org/moldova/documents.html>

<sup>61</sup> OSCE, “Joint Statement of Participants in the Kiev Meeting on Issues of Normalization of Relations between the Republic of Moldova and Transdniestria”, Kiev, 16 July, 1999 <http://www.osce.org/moldova/documents.html>

territory of the Federation would consist of the federal territory, i.e. the territory of the current Moldova without the regions of Transnistria and Gagauzia (a Turkic minority region) and of the territory of the Subjects of the Federation, i.e. the self-proclaimed PMR and Gagauzia. The next clause defined the PMR as the “Subject of the federation, a state entity within the federation,”<sup>62</sup> with its own legislative (the Supreme Soviet of the PMR), executive (the president and government of the PMR) and judicial powers. It also granted the PMR independent budget and tax systems, its own constitution, state property and state symbols as well as other attributes of state status.

The Kozak Memorandum covered the language issue as well. It proposed Moldovan to be a state language of the Federation, however Russian was to be recognized as an official language on its entire territory, other languages also could become official languages if the constitutions of the subjects of the federation so provided.<sup>63</sup> Another important area covered by the proposal was foreign policy. Under the joint competences provided by the Memorandum, the PMR would gain significant control over Moldova’s foreign policy; in fact, the document basically would enable the PMR to block any initiation of Moldova in its foreign policy decision-making.<sup>64</sup> The document provided detailed provisions on the structural formation of the federation, a detailed list of joint competences, electoral laws and other institutional arrangements and called the international community to assist in preparing the draft of the Federal Constitution of the proposed ‘Federation of Moldova’.

Since by agreeing to the Memorandum the PMR would ‘sacrifice’ its claims for recognition, the document provided guarantees that its status and powers would not be confiscated upon the acceptance of the proposal. Some of the ‘guarantees’ raised major concerns in the republic of Moldova and in the international community as a whole. For

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<sup>62</sup> “Russian Draft Memorandum on the Basic Principles of the State Structure of a United State in Moldova” (Kozak Memorandum), Clause 3.5 [http://www.pridnestrovie.net/kozak\\_memorandum.html](http://www.pridnestrovie.net/kozak_memorandum.html)

<sup>63</sup> Ibid, clause 3.7

<sup>64</sup> Ibid, clause 3.11

instance, the issues regarding the military safeguards to the PMR were heavily criticized both by the politicians and the public in Moldova. As noted above, the presence of Russian forces on the territory of Moldova was of a central importance in the dispute settlement of the Transnistrian conflict. The plan called for the creation of unified spaces between the federation and its subjects, and one of these spaces was defense. To ensure stability in the region, Russia offered the placement of its troops for the “transitional period” of up to twenty years<sup>65</sup>, which was evaluated by many as an evident desire of Russia to keep its influence over the region. The OSCE, as a sign of nonsupport, took a neutral stand and let Moldova decide on the proposal.<sup>66</sup>

One of the most important issues was that the Russian Federation included a clause in the Memorandum, which would enable the PMR to legally “leave the federation”<sup>67</sup> if the Federation of Moldova merged with another state or ceased to exist as a subject of IL. This clause was added by the Russian side to ensure the right of the PMR to decide its own fate if Moldova ever decided to ‘re-unite’ with Romania or transform into any other state. The document also included a provision regarding the “departure,”<sup>68</sup> i.e. lawful secession of a subject of the federation, i.e. the PMR from the federation, which would be possible based on the nationwide referendum of the subject of the federation, i.e. territory of the PMR by the majority of the votes of its population. Practically, this clause proposed the recognition of the PMR by Moldova as an equal party, a quasi state, which subsequently would give the PMR a legal right for secession and statehood.

Among the mentioned guarantees, the plan ensured that the laws adopted prior to the ratification of the Memorandum by the PMR regarding state, municipal and private property

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<sup>65</sup> Robert Weiner, “The Foreign Policy of Voronin Administration,” *Democratizatsiya*, (Winter, 2004): 6 [http://findarticles.com/p/articles/mi\\_qa3996/is\\_200410/ai\\_n9466389/pg\\_6](http://findarticles.com/p/articles/mi_qa3996/is_200410/ai_n9466389/pg_6)

<sup>66</sup> Ibid

<sup>67</sup> Kozak Memorandum, Clause 13.3

<sup>68</sup> Ibid, Clause 13.4

would remain unchanged,<sup>69</sup> which basically was a personal guarantee to the elites of the PMR that all the business and property they obtained under an unrecognized regime was to be legalized. These and other economic guarantees that the proposal ensured, in fact, were the foundations based on which the Russian side managed to convince the PMR representatives to regard the idea of a common state instead of the claims for international recognition. The proposal did not, however, contain any provisions that would guarantee Moldova that its subjects of federation, i.e. the PMR and Gagauzia, which practically would gain “coequal status with Moldova,”<sup>70</sup> would not actually secede once they ‘joined’ the proposed Federation of Moldova. In short, the Memorandum suggested the federalization of Moldova on a constitutional basis, placing the disputing parties on equal footing, giving the PMR a right of veto over Moldova’s foreign and security policy. Consequently, the proposal was rejected by the president of Moldova.

## **B. The Joint Statement and Recommendations**

In 2004 at the request of the OSCE, the mediators established a set of joint principles of the dispute settlement. They reaffirmed the superiority of the sovereignty and territorial integrity of Moldova and in search of a solution offered the reformation of the Republic of Moldova into a Federal State. According to the joint plan, Transdnistria, as a subject of the Federal State would possess “its own constitution and legislation consistent with the Constitution of the Federal State.”<sup>71</sup> The competences of the Federal State and its subjects were not, however, clearly identified.

The document provided political guarantees to the PMR, such as the right to secede with similar provisions as set out by the Kozak plan and economic and legal guarantees were also set forth. The most important innovations offered in the joint statement were concrete

<sup>69</sup> Ibid, Clause 14.9

<sup>70</sup> Robert Weiner, “The Foreign Policy of Voronin Administration,” *Democratizatsiya*, (Winter, 2004): 6 [http://findarticles.com/p/articles/mi\\_qa3996/is\\_200410/ai\\_n9466389/pg\\_6](http://findarticles.com/p/articles/mi_qa3996/is_200410/ai_n9466389/pg_6)

<sup>71</sup> OSCE, Document CIO/GAL/11/04, February 13, 2004, <http://www.osce.org/moldova/documents.html>



recommendations concerning the military guarantees to the disputing parties. It was proposed to establish “an appropriate multinational military contingent and multinational unarmed observers,”<sup>72</sup> who would replace the existing Russian peacekeepers and ensure stability in the region. The OSCE would provide resources for the contingent, and Russia and Ukraine could also participate in providing military guarantees as the guarantor states. These measures would last for the transitional period, up to the point when mutual trust was re-established, with the final goal of the complete demilitarization of the region.

Although the document granted a wide self-rule to the authorities of Transdnistria and provided some competences in foreign policy making, it was scarce on granting guarantees concerning various types of property and privatization procedures, which as the Kozak Memorandum made clear, were the primary concerns of the ruling elites of the PMR. It also subordinated legislative norms of Transdnistria to the judicial authority of the Federal State.<sup>73</sup> In short, the joint proposal and recommendations provided a high degree of freedom to the subject of the Federal State, i.e. Transdnistria; however, this freedom had to be in consistence with the law of the Federal State and was not welcomed by the break-away entity. Since the joint plan introduced a vague list of shared competences between the Federal State and its subjects, the status of which was unspecified, it was not greeted by Moldova either. Another major gap of the proposal was the absence of the provisions regarding the mechanisms of dispute settlement in case of a dispute between the center and its subjects.<sup>74</sup> Consequently, the proposal was declined by both parties.

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<sup>72</sup> Ibid, 9

<sup>73</sup> Ibid, 5

<sup>74</sup> Marius Vahl and Michael Emerson, “Moldova and the Transnistrian Conflict,” 11

### C. The Ukrainian Proposal

In 2005, President Yushchenko took the initiative into his hands and proposed a Ukrainian plan<sup>75</sup> for the dispute settlement. The plan envisaged conflict resolution through the democratization of the PMR and was welcomed by the mediators; however, as the previous attempts, it was not accepted by the parties, either. As it will be shortly highlighted below, some of the clauses of the Yushchenko plan were similar to those of the Kozak Memorandum; however, greater attention was given to the territorial integrity and sovereignty of Moldova. The plan called for the reintegration of the Republic of Moldova, the preservation of its constitutional system and envisaged the dispute settlement by granting the PMR “a special legal status as a constituent part of Moldova.”<sup>76</sup>

At the same time, as in the Kozak Plan, the proposal also provided certain ‘guarantees’ to the PMR. Particularly, the plan stated that the residents of Transdnistria were entitled to the right of self determination “solely if Moldova loses its sovereignty and independence.”<sup>77</sup> The wording of this clause, however, raised some concerns, since it granted the right of self-determination to the residents of Transdnistria and not people of Moldova. Thus citizens of other states who were residents of the region could determine the fate of the territory of Moldova if it ceased to exist.<sup>78</sup> As opposed to the Kozak Memorandum, the Ukrainian plan was limiting the chances of secession, since it provided that secession could only take place under international monitoring.

According to the Yushchenko plan, free and fair transparent and democratic elections to the Supreme Soviet of Transdnistria would determine legitimate representatives of the Transdnistrian region, who would subsequently cooperate with the Moldovan government in

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<sup>75</sup> “Ukrainian Plan for Settling the Transdnistrian Conflict”, (2005): 1-6

<http://www.ipp.md/comentarii1.php?id=38&l=en>  
[http://www.ipp.md/files/Comentarii/Yushchenko\\_plan\\_eng14.doc](http://www.ipp.md/files/Comentarii/Yushchenko_plan_eng14.doc)

<sup>76</sup> Ibid, Article 2

<sup>77</sup> Ibid, Article 3

<sup>78</sup> Oazu Nantoi, “The Ukrainian Plan on Transdnistria: Pros and Cons,” Eurojournal.org, (June 2005): 8  
<http://www.ceeol.com/aspx/getdocument.aspx?logid=5&id=e80ab4a7-eb60-4627-b94d-02045947a341>

building a united state of the Republic of Moldova. The settlement plan consisted of three stages. First, the legal foundations of the status of Transdniestria were to be defined. The plan called Transdniestria a “special administrative-territorial unit in the form of a republic within the Republic of Moldova.”<sup>79</sup> Transdniestria would have its constitution, which would be in line with the Constitution of the Republic of Moldova and it would also keep its symbols along with the state symbols of Moldova. As the Kozak Memorandum, the Yushchenko plan also provided participation of the legitimate authorities of Transdniestria in the foreign policy making of Moldova on the issues concerning the region. However, the Transdniestrian authorities would have a lesser say in the foreign policy making of Moldova than envisaged by the Kozak plan. The proposal also touched the language issue and offered Moldovan, Russian and Ukrainian to be official languages of the Republic of Moldova.

The second stage concerned the division of competences between the center and the periphery. Details of the relevant legislative acts and provisions were to be drafted with the assistance of the mediators and the observers. The third stage of the proposal dealt with the “legal guarantees of Transdniestria’s Special status within Moldova,”<sup>80</sup> which foresaw formation of a Conciliation Committee consisting of an equal number of representatives from the disputing parties (two from each), and the official mediators i.e. Russia, Ukraine and the OSCE would delegate one representative each. The Committee would be the apparatus to which the parties would appeal in case of a misinterpretation of particular clauses of the document or if any disputes arose in interpretation or adoption of legislative acts concerning the legal status and the consequent competences of Transdniestria.

The main disadvantage of the plan was its ambiguity. It was silent about some of the core aspects of the dispute such as the issue of the Russian troops stationed in the region. At the same time, it provided loose details regarding the competences of the center and the

<sup>79</sup> “Ukrainian Plan for Settling the Transdniestrian Conflict”, (2005): Stage 1, Paragraph a, clause 2 [http://www.ipp.md/files/Comentarii/Yushchenko\\_plan\\_eng14.doc](http://www.ipp.md/files/Comentarii/Yushchenko_plan_eng14.doc)

<sup>80</sup> Ibid, stage 3

periphery, the very idea of granting a special legal status to Transdniestria and at the same time preserving the constitutional system of the Republic of Moldova was an ambitious but yet an unrealistic attempt.

Yushchenko tried to address the major “Moldovan concerns (confirming its sovereignty, territorial integrity, and a unified legal space), but he also took pains not to alienate the Transdnistrians.”<sup>81</sup> Because of the exaggerated diplomacy and intentions to ‘fit’ everyone’s interests, the plan failed to be adopted. If the Kozak plan was evaluated as the pro PMR one, the Yushchenko plan was seen as pro-Moldavian by many among the PMR elites. Nevertheless, the OSCE welcomed the initiative and recommended to work further in the direction to construct an acceptable solution of the dispute settlement, which would be applicable and suitable to both parties of the dispute. Also, representatives of Ukraine and the OSCE welcomed the initiative of Moldova to invite the EU and the US to participate in the constructive resolution of the conflict.<sup>82</sup>

Little progress has been made in negotiation process since then, however, which was largely caused by the deterioration of relations between the PMR and Moldova. In spite of the calls of the mediators to restrain from holding elections to the Supreme Soviet of the PMR, the unrecognized authorities nevertheless did hold them and refused to have any elections into the legislative body that contradicted the constitution of the PMR. This position went against the proposed Yushchenko plan and the general positions of the mediators. In response, Moldova took restrictive measures by passing stricter laws regarding border regulations and taxation of Transdnistrian goods. In addition, enhanced border controls were imposed along the border with Ukraine, which as mentioned above, significantly harmed many in the business and political circles of the PMR. Consequently, the relations between the parties stretched.

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<sup>81</sup> Oleh Protsyk, “Moldova’s Dilemmas in Democratizing and Reintegrating Transdniestria,” *Problems of Post Communism*, Vol. 53, no 4, (June/August 2006): 31

<sup>82</sup> OSCE, Document CIO.GAL/71/05, May 18, 2005, <http://www.osce.org/moldova/documents.html>

After a two year stagnation in negotiations, in the middle of April 2008, the heads of the opposing sides, the president of Moldova and the leader of the self proclaimed PMR met in Bender, Transdniestria and discussed the further relationships of the two entities. Some observers believe that this switch may be a consequence of the preceding declaration of independence of Kosovo, while others call this move a fruit of the imposed sanctions on the PMR regime. The meeting of the leaders undoubtedly is a step forward, an encouraging sign in itself after a two-year gap in communication, although it is not a guarantee of final settlement, since meetings of the so called troikas, the top officials of the disputing parties, have taken place in past as well, but each time “failed to achieve any progress on the question of Transdniestria.”<sup>83</sup>

To sum up, the case has illustrated an important finding: the Kozak Memorandum made it clear that along with other guarantees, as envisaged by the plan and also reflected in the preceding and the following proposals, personal guarantees to the authorities of the self-proclaimed PMR are of the greatest importance in the process of drafting possible solutions. However, the degree of success of future proposals, if any, is nevertheless questionable, primarily because of the nature of the dispute itself. It becomes evident that the matter of disagreement, the political status of the break-away region, is an irresolvable puzzle. As the conflict resolution dynamics shows, the parties to the dispute managed to find areas of cooperation in various fields (economic sphere for instance), however, the subject to the dispute itself - the territorial integrity on the one hand, and the claim for recognition on the other - is the area of mutual disagreement.

Now I will move to discuss the conflict resolution processes of the two other frozen conflicts that of South Ossetia and Abkhazia.

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<sup>83</sup> OSCE, “Transdniestrian Conflict, Origins and Main Issues,” *OSCE Conflict Prevention Centre*, (Vienna, 1994): 5 [http://www.osce.org/documents/mm/1994/06/455\\_en.pdf](http://www.osce.org/documents/mm/1994/06/455_en.pdf)

### **3.2. *Resolving the South Ossetian Conflict***

Bilateral negotiations have dominated the conflict resolution process in SO through the facilitation of authoritative third parties. As highlighted in the previous chapter, the ceasefire agreement known as the Sochi Agreement or the Dagomys Agreement was reached through the active involvement of Russia in 1992 in which the parties agreed to collaborate on negotiating the solution to the dispute through peaceful means. Russia, as the leading regional power continues to be actively involved in the conflict settlement process. By the agreement, the Joint Control Commission (JCC) and a Joint Peace Keeping Force (JPKF) were formed.<sup>84</sup> The JCC operates in a quadrilateral format and includes representatives from Georgia, SO, the Russian Federation and North Ossetia, a federal unit of the Russian Federation on participation of which the SO side had insisted when the Commission was formed. Since then, negotiations between the sides have been taking place within the JCC framework. Subsequent to 1992, the OSCE became engaged in the resolution process as a facilitator with a limited mandate, which later was expanded as will be outlined below. Other actors, such as the EU and the US, have also become involved in the settlement but with lesser degree of engagement. Both the US and the EU support the territorial integrity of Georgia and continue to pursue this stance every time the issue arises on the international arena. However, their engagement in the resolution process as such has been limited to providing financial assistance to the government of Georgia for various purposes mainly aimed to increase security in the region (fight against organized crime, smuggling).

I will now briefly examine the roles of the key intermediary actors, i.e. Russia and the OSCE, in the conflict resolution over SO and afterward analyze the latest events related to the settlement process.

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<sup>84</sup> The main aims of the JCC are demilitarization of the conflict zone and facilitating negotiations between the opponents. The JPKF (consisting of Georgian, Russian and North Ossetian contingents; the SO forces serve within the North Ossetian Units) ensures the ceasefire.

## Russia

As in case of Moldova, Russia's dual policy towards Georgia, particularly with regard to its seceding regions of SO and Abkhazia, is often evaluated as its hegemonic desire to keep influence over a strategically important region, Caucasus. Russia is directly involved in the settlement of the SO conflict as a mediator (JCC) and an enforcer of the ceasefire agreement (JPKF). Despite this outwardly unbiased position, Russia has been heavily criticized for backing the self-proclaimed regime. Although officially it recognizes the sovereignty of Georgia, nevertheless, its indirect support toward the separatist regime is evident. Russian politicians openly and continuously support the seceding SO, moreover, some of the Russian former officials hold key positions in the government of the self-proclaimed SO.<sup>85</sup> Many in Georgia consider the JCC format to be disadvantageous for Georgia, because at the moment the separatists interests are obviously overrepresented, since North Ossetia, as a unit of Russian Federation obviously upholds the positions of its center, i.e. Russia, which, as noted, itself to a great extent often indirectly backs up the self-stated SO. Georgia continuously calls for changing the existing format by engaging other mediators in the negotiation process but the breakaway region has little interest to do so. Russia is also reluctant to greater internationalize the negotiation process, which only strengthens the argument regarding its impartiality.

## The OSCE

The OSCE launched a mission to Georgia in late 1992. Its task then was to identify the reasons behind the tensions between the opponent sides and to try to eliminate the sources of tension with the aim of ensuring civil order and political stability in the region. Also, it aimed to convince the parties to work in a broader political framework than established by the abovementioned ceasefire agreement in order to reach a constructive political conciliation

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<sup>85</sup> Vladimir Socor, "JCC, 'Peacekeeping' Formats in South Ossetia Shown to be Untenable," *The Jamestown Foundation*, 2005 [www.jamestown.org/edm/article.php?article\\_id=2370394](http://www.jamestown.org/edm/article.php?article_id=2370394)

of the conflict. In addition, the mission was mandated to “initiate a visible [OSCE] presence and [...] establish contact with local authorities and representatives of the population,”<sup>86</sup> as well as with the military commanders of the JPKF.<sup>87</sup> In 1999 its mandate was enlarged<sup>88</sup> and currently the OSCE actively runs various activities in the region aimed to bring the opponent parties closer to the political settlement through confidence building activities covering the areas of economic and infrastructure rehabilitation, human right protection, civil society development, etc. OSCE unarmed border monitors patrol along the security zone of the conflict as established by the ceasefire agreement and ensure adherence to the terms of the agreement by the parties.

### 3.2.1. Conflict Resolution Dynamics

After reaching the ceasefire agreement, little progress has been made in defrosting the status quo situation in SO. Shortly after the end of armed confrontation, the work of the JCC stalled. In 1994, following the recommendations of the OSCE regular communication between the opponent parties was established and the sides agreed to “reactivate the JCC format as a forum for political dialogue, law enforcement, economic reconstruction and the return of refugees”.<sup>89</sup> Moreover, shortly after, the OSCE offered a proposal of conflict resolution to the parties, which provided a constitutional status for SO. According to the plan, the region would become a “functional autonomy”<sup>90</sup> giving the local authorities exclusive rights in the fields of administering local budget, taxation, and cultural rights. Foreign and defense policies would constitute privileges of the government of Georgia, while customs control, fiscal policy, police, judiciary system and education represented the areas of shared

<sup>86</sup> OSCE, 17th CSO meeting, Journal No. 2, Annex 2, 1992 <http://www.osce.org/georgia/documents.html>

<sup>87</sup> From 1999 to 2004 because of increased instability in the neighboring Chechen Republic the OSCE launched a Border Monitoring Operation (BMO) in Georgia. OSCE, Decisions No. 334; 450; 523 <http://www.osce.org/georgia/documents.html>

<sup>88</sup> OSCE, Decision 334, 1999, <http://www.osce.org/georgia/documents.html>

<sup>89</sup> Megumi Nishumura, “The OSCE and Ethnic Conflicts in Estonia, Georgia, and Tajikistan: A Search for Sustainable Peace and its Limits”, *European Security*, (London: 1999): 34

<sup>90</sup> Ibid, 33



competences. Although the initiative was appreciated by the parties, it nevertheless was declined by the parliaments of the both parties.<sup>91</sup> However, the need to establish trust between the parties was realized by all the participating parties in the dispute settlement.

To that end, the OSCE launched several confidence building programs engaging policy-makers, scholars, journalists and representatives of intelligentsia to bring the opponents closer at the negotiation table. As a result, since the ceasefire agreement until up to 2001 when the new, more radical government of the self-proclaimed SO was elected, a number of meetings took place in a bilateral format between the authorized representatives of the rival parties, where the sides re-approved their intentions to continue negotiations towards a political settlement exclusively by peaceful means.

The major advancement in the negotiation process was signing of the “Memorandum on Measures to Ensure Security and Reinforce Mutual Confidence between the Parties to the Georgian-Ossetian Conflict”<sup>92</sup> by the parties in 1996, according to which the sides agreed to demilitarize the zone of conflict, decrease the number of the JPKF and create special expert groups to deal with specific issues. The Signing of the memorandum was seen as a breakthrough and a hope for achieving a final settlement of the dispute; however, shortly after that, presidential elections in SO were held, which the Georgian side did not recognize and the negotiations got stuck again.

One of the accepted explanations of the delayed negotiation process in SO was the private interests of some of the elite groups at that time. Significant evidence indicates that “authorities of both Georgia and South Ossetia benefited from monopolizing trades in alcoholic beverages and weapons;”<sup>93</sup> smuggled goods brought significant profits to the separatist regime, the corrupt government of Georgia and to the peacekeeping forces

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<sup>91</sup> Ibid, 34

<sup>92</sup> “Georgia: Avoiding War in South Ossetia”, ICG, Europe Report #159, (2004): 5  
<http://www.crisisgroup.org/home/index.cfm?id=3128&l=1>

<sup>93</sup> Megumi Nishumura, “The OSCE and Ethnic Conflicts”, 35

stationed along the border line. Thus, the prolongation of the limbo was advantageous for particular groups of the engaged parties.

As a result of political transformations in Georgia in 2003, the democratically elected government took a different stance toward the conflict resolution process in SO. In contrast to the previous government, the new one shifted gears and put more emphasis on developing direct contacts with the population and the civil society of the region. It launched confidence building activities, and provided humanitarian assistance to the population of SO to win the support of the residents. However, in parallel to the “humanitarian initiative”, in 2004 the state authorities of Georgia decided to enforce the rule of law and end the illegal trade in the region,<sup>94</sup> which in spite of a thorough monitoring of the JPKF and the OSCE monitors actively functioned along the border. This also was a radical shift of the policy towards SO pursued by the new government of Georgia, which directly hit the elites of SO, who benefited from illegal trade and smuggling. As a result, the tensions between the parties increased and after a brief exchange of fire, another ceasefire agreement was signed, where the parties agreed on non-use of force.<sup>95</sup>

One significant innovation in the last two years in the resolution process is the formation of the Provisional Administration of SO, representing the voices of those residents of SO who the separatist authorities have little control over. In 2006, parallel to the presidential elections in the self-proclaimed republic of SO, in which the separatist leader Eduard Kokoity was elected as the president, an alternative poll was conducted. Dmitry Sanakoyev was elected by the population living in the ethnically mixed villages of the break-

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<sup>94</sup> Svante E. Cornell and others, “A Strategic Conflict Analysis of the South Caucasus with a Focus on Georgia”, *Institute for Security and Development Policy*, (2005): 21 <http://www.isdp.eu/publications/strategic-conflict-analysis-south-caucasus-focus-georgia%2C-report-swedish-international-de>

<sup>95</sup> “Georgia: Avoiding War in South Ossetia”, ICG, Europe Report #159, (2004): 5 <http://www.crisisgroup.org/home/index.cfm?id=3128&l=1>

away region, which does not support the Kokoity regime.<sup>96</sup> Although, officially Georgia does not recognize legitimacy of either of the elections, it, nevertheless, has built strong connections with Sanakoyev's movement through which Georgia actually manages to implement various confidence-building activities. In 2007, the president of Georgia appointed Sanakoyev as a head of Provisional Administration of SO. Sanakoyev represents part of the population of SO which clearly demonstrates its willingness to cooperate and build a united state with Georgia.<sup>97</sup> However, it is not recognized by the separatist authorities of SO as a 'legitimate' body and does not take part in the JCC.<sup>98</sup>

In general, the conflict resolution process of SO has been proceeding within the JCC format, bilateral meetings between the sides were also regularly held; however, no significant proposals of political settlement of the conflict were offered by the engaged actors before the Rose Revolution of 2003. Below I will touch upon the latest initiatives of the dispute settlement, which presently constitute the main framework of the resolution process.

### **A. The Georgian Peace Initiative**

In 2005, the new government of Georgia proposed a new vision known as the "South Ossetia Peace Initiative"<sup>99</sup> of conflict resolution. The plan envisaged the unification of Georgia by providing a "distinctly broader form of autonomy"<sup>100</sup> to SO than it enjoyed during the SU. In particular, the plan included provisions ensuring constitutional guarantees of the autonomy to SO with democratically elected executive and legislative branches of self

<sup>96</sup> Olga Allenova, "South Ossetia Ripped in Two," *Kommersant*, 2006

[http://www.kommersant.com/p721302/r\\_1/](http://www.kommersant.com/p721302/r_1/)

<sup>97</sup> "The speech of the Head of Provisional Administration of South Ossetia Dimitri Sanakoyev in the Parliament of Georgia", 05.11.2007, <http://www.civil.ge/eng/article.php?id=15101see>

<sup>98</sup> Currently, the Georgian side proposes to change the framework of the JCC to a 2+2+2 format, in which, the Provisional Administration of SO will replace the North Ossetia, also Georgia urges the EU to actively engage in the settlement. Thus, under the new format Georgia, separatist government of the self-proclaimed SO, the provisional Administration of SO, Russia, the OSCE and the EU would cooperate in solving the conflict. David Smith, "2+2+2=6 Progress on South Ossetia", 24 *Saati*, (Tbilisi: March 17, 2008) [www.potomac institute.org/media/mediaclips/2008/Smith\\_24Saati\\_031708.pdf](http://www.potomac institute.org/media/mediaclips/2008/Smith_24Saati_031708.pdf) -

<sup>99</sup> Mikheil Saakashvili, Council of Europe Parliamentary Assembly, (Strasbourg: 2005): 4

<http://www.coe.int/T/E/Com/Files/PA-Sessions/janv-2005/saakashvili.pdf>

<sup>100</sup> Ibid

government. According to the proposal, the Parliament of SO would be empowered with decision-making powers in the fields of “culture, education, social policy, economic policy, public order, the organization of local self governance and environmental protection.”<sup>101</sup> In addition, it provided a provision regarding representation of the “[voices] of the people of South Ossetia [...] in the national structures of government”<sup>102</sup> of Georgia and its judicial branches. In fact, as a confidence building measure, since the mentioned Rose Revolution, several ethnically Ossetians were appointed to the high decision-making positions in the government of Georgia. Besides the mentioned legal guarantees, the plan granted cultural guarantees to the breakaway region, ensuring protection of language rights and providing the decentralization of educational policies.

The initiative included provisions covering the economic dimension as well. In fact, the Georgian government would take responsibility to rehabilitate the economy and infrastructure of the region; the possibility of creating a free economic zone was also envisaged.<sup>103</sup> Most importantly, it granted the authorities of SO the right “to determine and control their economic policies [to correspond to] the local needs, local interests, and local priorities.”<sup>104</sup> Thus economic guarantees and freedom were also offered to the breakaway region. Moreover, issues regarding property restitution were also addressed. The plan also called for providing social guarantees and state sponsored assistance to the population of SO and refugees.

Although not in great detail, security guarantees were covered by the plan. According to the proposal, a three year transitional period was to be established during which mixed Georgian and Ossetian forces under the supervision of international organizations would monitor and secure peace and public order in the region. At the end of the transitional period,

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<sup>101</sup> Ibid, 4

<sup>102</sup> Ibid, 5

<sup>103</sup> Initiative of the Georgian Government with Respect to the Peaceful Resolution of the Conflict in South Ossetia, <http://www.president.gov.ge/?l=E&m=0&sm=5>

<sup>104</sup> Ibid.

the Ossetian forces would gradually integrate into united Georgian armed forces. The plan called for the active involvement of international community in its implementation. Specifically, it urged the COE, OSCE, EU, US and the Russian Federation to assist the parties in rebuilding confidence, trust and peace. Later, a revised version of the plan was presented, which included a provision on establishing a joint commission to investigate war crimes committed during the armed conflict.<sup>105</sup> Indeed, the proposal was welcomed by many in the international community and was evaluated as a constructive step forward towards the peace-building process.

Despite the broad rights and freedoms offered to the breakaway region, it nevertheless was rejected by the self-proclaimed authorities. A possible explanation to the denial of the plan may be uncertainty and the lack of personal guarantees to the current authorities. Since the rights to administer the region as proposed in the plan are granted to the authorities democratically elected by the population of the region, the self-proclaimed government must have feared that as a result of the proposed elections, the abovementioned Provisional Administration of SO and not the current separatist government of SO would gain the seats in the administration of the proposed 'broad autonomy.' As the Transnistrian case has illustrated, personal guarantees, assurances are of a significant importance to the current separatist regimes. However, this supposition is not voiced by the separatists, who insist on their right for independence and recognition. Anyhow, the proposal was declined by the separatist authorities, who shortly after the Georgian proposal, made a declaration on their vision towards settlement, as outlined below.

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<sup>105</sup> Zurab Nogaideli, OSCE Conference, October 2005  
[http://www.osce.org/documents/pc/2005/10/16754\\_en.pdf](http://www.osce.org/documents/pc/2005/10/16754_en.pdf)

## B. The Proposal of South Ossetia

In late 2005, in response to the peace initiative offered by Georgia, the head of the self-proclaimed SO made a statement proposing his view towards conflict settlement. To the great surprise of the observers, the three step peace plan, labeled as ‘a new approach’ towards the conflict settlement greatly coincided with the Georgian proposal. The SO approach envisaged demilitarization, the development of confidence-building programs and also covered issues concerning property restitution and compensation of damage payable by Georgia, as well as the rehabilitation of the region and its infrastructure. The head of the secessionist region proposed the establishment of working groups dealing with particular tasks. However, the stabilization of relations between Georgia and SO was presented as the cooperation of two legally equal entities. The head of the break-away region demanded negotiations ‘on the top level’<sup>106</sup>, where the presidents of the JCC parties (Georgia, SO and Russia) would meet and discuss the possibilities of the political settlement of the dispute. This demand was rejected by the Georgian side, which does not recognize the presidency of the breakaway region. Georgia, however, offered to send the Prime Minister to meet with the leader of the self-proclaimed republic, who rejected the offer in his turn, insisting on the legitimacy and equality of the two entities, i.e. Georgia and SO and the equal legitimacy of the governments. As a result, the peaceful initiatives did not advance further.<sup>107</sup>

To sum up, the separatist authorities of SO firmly insist on their right to statehood<sup>108</sup> and decline the proposals of the Georgian side on reunification with Georgia in spite of the offered broad competences. The self-proclaimed government became even more radical in its already inflexible position regarding the status of SO after the mentioned alternative

<sup>106</sup> “S.Ossetian Leader Pushes Joint Plan For Conflict Resolution,” Civil Georgia, 13.12.2005  
<http://www.civil.ge/eng/article.php?id=11328>

<sup>107</sup> “South Ossetia Talks Stalled, as Tbilisi Rejects Moscow’s Controversial Proposal”, Civil Georgia, 18.11.2005  
<http://www.civil.ge/eng/article.php?id=11171>

<sup>108</sup> “Kokoity Rejects Saakashvili peace plan”, Civil Georgia, 26.01.2005  
<http://www.civil.ge/eng/article.php?id=8892&search=Kokoity%20peace%20plan%20rejected%20by%20Georgia>

Provisional Administration was formed. On the other hand, the unification of the territorial integrity of Georgia is the first priority and a matter of national interest and security for Georgia. Consequently, recognition of the self-proclaimed regime of SO by Georgia is out of question. The role of the mediators engaged in the resolution process has been decisive, particularly that of Russia. Support from particular circles of Russian political elites increases the inflexibility of the separatist authorities and provokes their unwillingness to compromise. On the other hand, though the OSCE continuously encourages the parties to move towards developing a constructive dialogue, its role in the political settlement of the conflict is nevertheless limited to offering normative guidelines, which are not always successfully accomplishable in practice. Consequently, Georgia ends up with a frozen conflict on its territory.

Overall, the negotiations on finding an acceptable solution to the SO dispute have led to little success in spite of various political changes in Georgia and its new approaches toward the resolution process. As can be observed, the negotiations mainly proceed in a bilateral format within the framework of the JCC, in which basically Russia acts as the sole mediator, who limits its mediating functions to organizing the negotiation rounds; the role of the OSCE in actual mediation process is limited to facilitating normalization of relations between the sides and does not extend further.

### **3.3. *Resolving the Abkhaz Conflict***

The resolution of the Georgian-Abkhaz conflict received a greater attention from the international community than that of SO; nevertheless, reaching a mutually acceptable way out from the status quo situation towards conflict settlement so far has proved to be unworkable. Authoritative states such as Russia and the US, as well as regional and international organizations such as the UN, the CIS and to a lesser degree the EU and the

OSCE, are engaged in the conflict resolution process; however, non-use of force is the most the parties have managed to agree upon, which too is violated at times.

The engagement of the OSCE in tackling the Georgian-Abkhaz conflict has been limited to improving confidence building between the parties with the emphasis on the human rights area, supporting the NGO sector in Abkhazia and providing assistance for the economic rehabilitation of the conflict zone. The EU is also concerned with the instability that the frozen conflict creates in its neighboring region. However, its engagement in the actual resolution process is scarce, although significant funds are being provided for different civil society development programs. The US supports the territorial integrity of Georgia and is involved in the resolution process within the framework of the UN led mediation process known as the Geneva process and participates in it as a member of the Group of Friends, which also includes France, Germany, UK and Russia. It also provides significant financial aid to both parties of the conflict by running different programs through different agencies. Another regional organization, the CIS is involved in the resolution process as well. Its forces are stationed in the security zone as peacekeepers (Collective Peacekeeping Force, PKF) and ensure the ceasefire.

As noted above, the conflict over Abkhazia has drawn attention of major powers, such as the US and the EU largely because of their geopolitical interests. However, foreign policy of these actors is not the goal of the present paper and is examined elsewhere, thus as in the previous two cases, I will briefly describe the roles of those third parties which are directly engaged in the dispute settlement process, i.e. Russia and the UN, and then analyze the dynamics of the conflict resolution process.

### **Russia and the CIS**

The question of the impartiality of Russia in the settlement of the Georgian-Abkhaz conflict is continuously raised. In fact, if in the SO case Russia is often blamed for indirectly



pursuing a double policy to the advantage of the secessionists, when discussing the Georgian-Abkhaz conflict many accuse Russia in its direct involvement in the conflict.<sup>109</sup> A number of sources provide evidence that Russian forces provided military armor and equipment and even fought on the separatists' side during the war.<sup>110</sup> However, since the end of hostilities Russian peacekeepers are stationed in the region under the CIS mandate.<sup>111</sup> Because of poor performance of their mandate, which is -ensuring security and safety in the conflict zone<sup>112</sup> - a question about the termination of their mandate and their replacement with international peacekeeping force has been raised by the Georgian side a number of times. However, due to various geopolitical reasons this has not happened up to today. Official Russia participates in the negotiation process between the mother state and its breakaway region as a mediator.

### The United Nations

The UN has been engaged in the conflict resolution process from the early stages, since the end of the hostilities. In 1993 it launched a mission (UNOMIG), in the mandate of which it

reaffirm[ed] its commitment to the sovereignty and territorial integrity of the republic of Georgia, and the right of all refugees and displaced persons affected by the conflict to return to their homes [and expressed its intention to assist] to reach a comprehensive political settlement of the conflict, including on the political status of Abkhazia.<sup>113</sup>

Among other functions, the UNOMIG performs the following ones: it monitors and ensures implementation of the ceasefire agreement, observes the operation of the CIS peacekeeping force and coordinates their cooperation with the UN military observers; it

<sup>109</sup> Svante E. Cornell, *Small Nations and great Powers*, 169-174. see also "Declaration of the Council of Europe Parliamentary Assembly on Unilateral Decision by the Russian Federation to Legalize Ties with the Georgian Regions of Abkhazia and South Ossetia", Decision No. 408, 2008

[http://www.mfa.gov.ge/index.php?lang\\_id=ENG&sec\\_id=496&info\\_id=6381](http://www.mfa.gov.ge/index.php?lang_id=ENG&sec_id=496&info_id=6381)

<sup>110</sup> Christoph Zürcher, *The Post Soviet Wars*, 124; Svante E. Cornell, *Small Nations and great Powers*, 169-174

<sup>111</sup> Bruno Coppeters, "The Georgian-Abkhaz Conflict", 2

<sup>112</sup> Irakli Alasania, Special Representative of the President of Georgia to the UN, New York, January 26, 2006

[http://embassy.mfa.gov.ge/index.php?lang\\_id=ENG&sec\\_id=151&info\\_id=1072](http://embassy.mfa.gov.ge/index.php?lang_id=ENG&sec_id=151&info_id=1072)

<sup>113</sup> UNSC Resolution No. 937, (1994) <http://www.un.org/Docs/scres/1994/scres94.htm>

maintains contact with the parties to the conflict, and regularly reports to the Secretary General about any developments on the ground.

The UNOMIG officials continuously call the parties to demonstrate a greater commitment towards the political settlement of the conflict. They particularly appeal to the Abkhaz side to show more flexibility when considering the questions regarding the status of the unrecognized entity.<sup>114</sup> The UN, together with other international organizations, provides financial and humanitarian assistance with the purpose to rebuild confidence between the societies on both sides of the border.

### 3.3.1. Conflict Resolution Dynamics

As was outlined in the previous chapter, the Georgian-Abkhaz war ended in 1993 with the defeat of Georgia. As a result, over 200,000 residents of Abkhazia, mostly ethnic Georgians have fled the region, majority of who currently are dispersed throughout Georgia and enjoy the status of Internally Displaced Persons (IDP). Those who left the territory of Georgia received refuge in the neighboring countries, mainly Russia. The issue of the return of the IDPs and refugees is one of the major issues discussed at the negotiating table by the parties.<sup>115</sup>

In May 1994, with active collaboration of the Russian Federation, an Agreement on Ceasefire and Separation of Forces, also known as the Moscow agreement, was signed between the parties, according to which the sides formalized their commitment on the non-use of force. They also established the security zone separating the opponents and agreed to station the abovementioned PKF along it and to deploy the UN military observers to monitor their activities. Moreover, the parties agreed on “a step-by-step, comprehensive settlement,

<sup>114</sup> UN, Report No. 59 of the Secretary-General, (2001): 5  
<http://www.un.org/Depts/dpko/missions/unomig/unomigDrp.htm> See also OSCE, Document No. PC/DEL/106/04, (Feb, 2004):2 <http://www.osce.org/georgia/documents.html>

<sup>115</sup> “Quadripartite agreement on voluntary return of refugees and displaced persons” signed in 4 April 1994, *United States Institute of Peace*, Peace Agreements Digital Collection: Georgia, [http://www.usip.org/library/pa/georgia/georgia\\_quad\\_19940504.html](http://www.usip.org/library/pa/georgia/georgia_quad_19940504.html)

with a continuation of the return of refugees and displaced persons.”<sup>116</sup> This agreement is the foundation of the unproductive conflict resolution process.

After the agreement, until 2001, as a result of the active commitment of the mediators, regular meetings took place aimed to normalize relations; however, they stalled each time the question of political status was raised. According to the Georgian side, an asymmetric federalization of Georgia, in which Abkhazia would have the greatest rights and power of self-rule compared to all other regions of Georgia, was the way out. However, this vision had been continuously declined by the Abkhaz, who insisted that this was an unworkable solution since it already had enjoyed the autonomous status during the SU, and the conflict still arose.

In 2001 within the framework of the Geneva Process headed by the UN, the parties signed a declaration regarding the need for confidence building between the sides known as the Yalta Declaration. They reaffirmed their commitment to the non-use of force and a gradual return of the refugees. The declaration basically represented a detailed list of the areas in which the parties should cooperate in order to develop mutual trust, which is a precondition of the peaceful settlement of the conflict. Attention was emphasized on the need to develop contacts between the civil societies through the engagement of NGOs from both sides. The need to develop bilateral negotiation received particular attention in the declaration.<sup>117</sup>

### **A. The UN Vision**

In 2001, the Special Representative of the Security-General for Georgia, Dieter Boden introduced a list of principles that the opposing sides should follow in search for a solution. This document is known under the name of the “Basic Principles for the Distribution of Competences between Tbilisi and Sukhumi” and also as the Boden document. The document,

<sup>116</sup> UN, Document No. 5/94/583, clause 3, 14 May, 1994 <http://www.unomig.org/documents/relevant/>

<sup>117</sup> UNOMIG, Document No. S/2001/242, 15-16 March 2001: 4-6 <http://www.unomig.org/documents/relevant/>

however, was not adopted and does not have any legal power; it simply sets out the guidelines and basic prepositions on how the problem can be tackled. The document attempted to find a compromise between the two, in this case contradictory, principles of IL – territorial integrity and the right to the self-determination of people.

According to the Boden document, the powers between Georgian and Abkhaz authorities were to be laid down in the federal constitution in a way that Abkhazia would not be subordinated to Georgia, but both would be equally subordinated to the Constitution. This complex formulation of the distribution of competences would combine the interests of both sides. In particular, Georgia's territorial integrity would be upheld, since the document excluded the option of a confederation. At the same time, Abkhazia would enjoy the status of “a sovereign political entity but not a fully sovereign state.”<sup>118</sup> Thus, the document proposed resolving the political status of Abkhazia by creating a partly sovereign entity within a sovereign state, upholding the territorial integrity of Georgia. Thus, the Abkhaz quests for independence were ruled out and consequently, the document was not considered by them. The complexity of the proposed constitutional model raised uncertainties in Georgia as well and was also not greeted. Another disadvantage of the document was that it did not lay out any international guarantees in the areas of security and defense, the provisions about the distribution of powers and various state-building institutions were poorly provided as well.

From 2001 until 2006 the negotiations got to a deadlock due to various political circumstances. In 2006, as a result of the continuous lobbying of the new government of Georgia about its readiness to propose an acceptable solution to its seceding region, the Abkhaz authorities took initiative and introduced the plan of normalization of relations, which will be elaborated on below.

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<sup>118</sup> Bruno Coppieters, “The Georgian-Abkhaz Conflict”, *Journal on Ethnopolitics and Minority Issues*, 2004 [www.ecmi.de/jemie/download/1-2004Chapter5.pdf](http://www.ecmi.de/jemie/download/1-2004Chapter5.pdf)

## **B. The Abkhaz Vision**

In early 2006 the Abkhaz side unveiled their vision of the dispute settlement, known as “The Key to the Future.” According to the plan, the key to the peaceful coexistence of the two people and the two “states”, i.e. Abkhazia and Georgia lies in the recognition of Abkhazia by Georgia. Only then could one talk about the cooperation of the parties in various fields such as economy, fight against organized crime, partnership within various unions and international organizations.

The importance of the international community in the confidence building measures was also outlined. The plan called the international community to get engaged in the creation and development of various mechanisms able to guarantee the non-use of force, which would contribute to stabilization of the relations between the two “countries”. Economic cooperation could be developed through the integration of Abkhazia into the development processes of the Black sea region and the perspectives of cooperation within the European Neighborhood Policy (ENP) were outlined as well. The Abkhaz side recognized the limitations of the plan and stressed the need for further elaboration.

This peace initiative was partially welcomed by the Georgian side, which agreed on the need to identify the areas of mutual cooperation. Difficulties, however, were raised regarding the format of the cooperation. The Abkhaz side proposed developing relations in an inter-state format, which certainly contradicted Georgia’s views, which views Abkhazia as its integral part and excludes any other interpretation. Thus, the so-called ‘key,’ i.e. recognition, which would open the door of peace, as proposed by the Abkhaz, was completely intolerable and unacceptable to Georgia. Besides, another disadvantage was emphasized - the offer was silent about the return of refugees. Soon after, Georgia proposed its vision of peaceful settlement of the dispute, which I will discuss below.

### C. The Georgian Proposal

In 2006 the new Government of Georgia presented its vision towards the peaceful resolution of the conflict. The base the plan stood on was the preservation of Georgia's territorial integrity within internationally recognized borders. This very foundation, however, is an unacceptable part of the proposed solution to the opponent party as will be described later.

The plan envisaged granting Abkhazia a broad autonomy within the state of Georgia on the basis of federalism, where Abkhazia would enjoy broad sovereignty in maintaining its internal affairs. It promised a “dignified representation”<sup>119</sup> to Abkhazia in the executive, legislative and judicial branches of the government of Georgia. The government of Georgia also considered the call of the opposing side to engage Abkhazia into the Euro-integration process so it can benefit from the ENP; cultural and linguistic freedoms were guaranteed as well. The proposal also included issues regarding the gradual return of all the displaced persons and the refugees to their places of habitat; attention was paid to the need of launching confidence-building activities upon their return.

The plan, however, was rejected by the separatist authorities, who firmly insist on the independence of Abkhazia and its right to statehood. The authorities of the unrecognized Abkhazia are inflexible in this regard and do not consider negotiations regarding political status of Abkhazia other than a sovereign state as possible. The issue regarding the return of the displaced persons is also a matter of continuous debate. As noted, the Georgian side insists on the right of the voluntary return of all the refugees who fled from the region under the threat to their lives. The Abkhaz side, however, envisages the possibility of the return of refugees from a different viewpoint as provided below.

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<sup>119</sup> “Tbilisi Unveils Principles of Abkhazia Peace Plan”, Civil Georgia, June 2006  
[www.civil.ge/eng/article.php?id=12789](http://www.civil.ge/eng/article.php?id=12789)

Since the ethnic Abkhaz formed a minority in Abkhazia before the war and were largely outnumbered by ethnic Georgians, the return of all the refugees will again create a significant demographic imbalance between the two groups. This, in spite of guarantees proposed by Georgia, obviously creates the fear of being discriminated against among the Abkhaz and the separatist authorities of losing their decision-making power. Thus, the self-proclaimed Abkhaz authorities consider the return of the IDPs possible only to the Gali region, which before the war was mostly populated by ethnic Georgians. In fact, as a result of the mediation process, many have returned there.<sup>120</sup> Their stay, however, is often of a temporary nature, since in spite of the patrolling of the JPK the security is often distracted by armed Abkhaz militants. Consequently, the Abkhaz side rejected the proposal and radicalized their previous offer. The Abkhaz leader, Sergei Bagapsh, as a ground of normalization of relations, demanded an official apology from Georgia to the Abkhaz people for the injustices they had suffered from. As a result, the relations between the parties deteriorated and the negotiations stalled.

In the past couple years because of various internal and external political developments in Georgia, the relations between the parties got tense. However, recently, in March 2008, the president of Georgia proposed a more detailed follow-up plan to the Abkhaz side. Georgia offers “unlimited autonomy” guaranteed by the constitution to the seceding region, but again on federative bases, i.e. within the integral borders of Georgia. The key innovations of the plan are the creation of a post of Vice President of Georgia specifically for the Abkhaz, “the right to veto legislation related to the constitutional status of Abkhazia [and providing] international guarantees of the Abkhaz autonomy,”<sup>121</sup> the establishment of a joint

<sup>120</sup> Bruno Coppieters, “The Georgian-Abkhaz Conflict”, 2004 [www.ecmi.de/jemie/download/1-2004Chapter5.pdf](http://www.ecmi.de/jemie/download/1-2004Chapter5.pdf)

<sup>121</sup> Mikheil Saakashvili, “Georgia Offers New Peace Plan for Abkhazia,” 28 March, 2008 <http://www.president.gov.ge/?l=E&m=0&sm=1&st=10&id=2569>

free economic zone in the Gali region and the “gradual merger of Abkhazian and Georgian law enforcement agencies and customs services.”<sup>122</sup>

However, as the previous offers regarding coexistence within a single state, this offer was also rejected by the Abkhaz authorities, who particularly after the declaration of independence by Kosovo, radicalized their positions even more and have disregarded any offer but the recognition of statehood. Consequently, the inflexibility and disagreement of the parties on the key issue - the political status of Abkhazia - makes the resolution process impossible.

As the previous two case studies, the conflict resolution process of Abkhazia also demonstrates the failure of the involved parties to arrive at a settlement primarily because of the conflict between the mentioned principles of IL. The state of Georgia insists on the inviolability of frontiers and its territorial integrity, while the secessionist authorities persist on their ultimate recognition. The negotiation process between the two sides is facilitated by a regional power – Russia and the community of other authoritative states within the framework of the Group of Friends. Although the mediators welcome the peaceful initiatives of the parties, nevertheless, their activity in the process itself is somewhat limited. They mostly assist the parties in organizing the meetings and negotiation rounds; however, their role in transmitting the proposals and providing assistance to the parties to consider the proposals of the opponents’ is small. These limitations of international mediation, as well as the frozenness of the conflict resolution processes itself, as in the previous two cases, can be explained by the nature of the dispute itself.

In general, we can suppose that international mediation is ineffective when a dispute arises between parties having different legal status, which is the case in the cases selected in the present study. The major powers of the world, be they a state or an international

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<sup>122</sup> Ibid.



organization, are careful in ‘resolving’ conflicts involving breach of the principles of IL. As the cases have illustrated, even Russia, which in all the three conflicts is often blamed for its impartiality and favoritism of the break-away regions, officially recognizes the superiority of the territorial integrity of the mother states. At the same time, the international community of states also expresses due respect to the right of self-determination of people. Therefore, it appears that the inability to find a middle-ground between the two principles incapacitates the engaged international mediators to offer a sustainable and durable solution that is acceptable to the disputing parties.

## Conclusion

The aim of this thesis was to identify why in spite of the engagement of authoritative international actors in the resolution process of the conflicts in Georgia and Moldova these conflicts remain frozen. The contribution of this thesis to the literature on the intrastate conflicts on the post Soviet space is the analysis of the official documents and the proposals of the parties and the mediators in search of the settlement, which is often overlooked in the existing literature. As these cases show, the mediation of third parties, being they state or non state actors, such as international or regional organization, fail to succeed when two concepts of international law – the territorial integrity of a state and a quest for secession backed up by the right to self determination of people – collide.

As the thesis has demonstrated, because the opposing parties diverge on the core issue, i.e. political status of the breakaway regions, the efforts of the mediators are deemed to failure. In addition, the analysis of the resolution processes has illustrated that international mediation appears to be ineffective when it comes to the resolution of intrastate conflicts, where the disputants have unequal legitimate status and the conflict involves claims for secession. Thus, the failure of resolution of the conflicts of Transdniestria, South Ossetia and Abkhazia obviously indicate the limitations of mediation as a conflict resolution technique applicable to the intrastate conflicts. At the same time, it is important to underline that the present claim regarding the inefficiency of third party mediation in solving intrastate disputes involving secessionist claims is limited to the three case studies analyzed in the thesis and is not to be understood as a general statement valid for all intrastate disputes, since such a declaration requires a more fundamental analysis, which goes beyond capacity of the present study. However, this issue should merit attention in future research.

These assumptions regarding inefficiency of mediation can be backed up by briefly analyzing the major elements of mediation, which are: impartiality, leverage and status of the

mediator, as was pointed out in the first chapter. As it was stressed earlier, the impartiality of a mediator is one of the possible factors determining the success/failure of mediation process. Nevertheless, the resolution of the selected disputes, in which both, partial and impartial mediators can be identified, show that they all have failed to persuade the sides to compromise and give up the very basic ideas the sides uphold, i.e. the territorial integrity of the mother states and the recognition of statehood of the break-away units.

The second element of international mediation, the leverage of the mediator on the disputing parties has brought little success as well. In all the three cases the mediators have used positive (economic rehabilitation) and/or negative sanctions (enhanced customs control) at some point in time, nevertheless, they had little effect on changing the outcome of the resolution process.

The third aspect of the mediation, the importance and efficiency of the status of the mediator also becomes questioned when one looks at the frozen conflicts in the post Soviet area. As highlighted in the first chapter, most of the studies on international mediation suggest that mediation is more successful when authoritative and powerful actors are guiding the mediation process. In all the selected case studies powerful states and international organizations have been evolved in the conflict resolution processes, nevertheless, none of them managed to succeed in the final settlement of the disputes. Overall, the major achievement of the mediators' remains the non-resumption of hostilities between the opposing sides.

Different explanations may be brought up to explain these failures. One of them may be the number and roles of the mediators. Since mediation is a form of peaceful settlement which involves the engagement of an external third party, by agreeing on mediation the parties also express their consent to internationalize the problem, thus the conflict leaves the dimension of locality and becomes a matter of international concern. This in fact may be one

of the stumbling stones, however, since because the mediators do not pursue a single consolidated policy towards the resolution, the negotiation process becomes an arena of competition between the mediators. Moreover, as the case over Transdniestria has illustrated, competing geopolitical and strategic interests of the mediator countries, Russia and Ukraine, significantly affect the conflict resolution process. The same can be observed in the case of Georgia's disputes, where the interests of the major powers, the US, EU and Russia conflict. Regrettably, however, due to limited volume of the present paper, the conflicting geopolitical and strategic interests of particular regional and international powers were not explored in the paper, which represents its limitation, but is an attractive topic for future research.

In conclusion, as was shown throughout the paper, the resolution of the frozen conflicts in Moldova and Georgia are of little success primarily because of the inability of the mediators to persuade the parties of the conflict to compromise and give up their quests. This failure, however, is not caused by the lack of commitment of the mediators, but can rather be explained by the differences in the legal status of the disputants and by the conflicting correlation of the mentioned principles of IL as was hypothesized. Consequently, the stillness of the conflicts, their frozenness itself, is the most the mediators and the disputing parties managed to achieve in resolving the frozen conflicts.

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