



The Geneva Talks over Georgia's Territorial Conflicts: Achievements and Challenges

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Abstract

In October 2008, an international mediation process began over Georgia's breakaway regions – Abkhazia and South Ossetia. To date, the main achievement of this forum has been Russia's decision to withdraw its military troops from Perevi, a small Georgian village beyond the South Ossetian administrative border. Its main failure instead has been the inability to prevent Russia from vetoing the extension of the UN and OSCE missions to Georgia's breakaway regions. After two years, the Geneva talks stand at a crossroads, facing key challenges regarding their format and objectives. Furthermore the scepticism of the conflict parties about the prospect of achieving peace through negotiations is worryingly growing. Nonetheless, the forum remains an unique international mediation platform, which keeps the conflict parties at the negotiating table and in contact with one another.

Keywords: *Georgia / Russia / Bilateral relations / Abkhazia / South Ossetia / Conflict management / Reconciliation / European Union / Organization for Security and Co-operation in Europe (OSCE) / United Nations / United States*

The Geneva Talks over Georgia's Territorial Conflicts: Achievements and Challenges

by Nona Mikhelidze*

In the aftermath of the Georgian-Russian war in August 2008, the Organization for Security and Cooperation in Europe (OSCE) called for the establishment of a mediation forum aimed at security and stability in the South Caucasus. The initiative goes back to the "Six-Point Ceasefire Plan" reached by French (and then EU) President Nicolas Sarkozy and his Russian counterpart Dmitry Medvedev, which brought to an end the military confrontation between Moscow and Tbilisi. The agreement together with its follow-up document of 8 September 2008 envisaged the creation of a new platform¹ involving the EU, the OSCE, the UN and the US, as well as the conflict parties: Georgia and Russia. On Russian request, officials from Abkhazia and South Ossetia were also included in the talks. Moscow's demand coincided with that of the EU and OSCE, the latter also considering that the talks should be all-inclusive. Tbilisi acquiesced.

Thus in October 2008, an international mediation process – the Geneva talks – started over the Abkhaz and South Ossetian conflicts. The negotiations began with high expectations. Predictably, many of these have not been met yet. The main failure of the talks has been the inability to prevent Russia from vetoing the extension of the UN and OSCE missions to Georgia's breakaway regions. After two years, the – already high – level of scepticism amongst the conflict parties of reaching peace through diplomacy has increased. But throwing the baby out with the bathwater would be a mistake. To date, the Geneva talks have achieved limited concrete results: Russia's decision to withdraw its military troops from Perevi, a small Georgian village beyond the South Ossetian administrative border. More broadly, the forum remains an unique international mediation platform, which keeps the conflict parties at the negotiating table and in contact with one another.

1. (Excessively) High Expectations

The macro aim of the Geneva process, outlined in the fall of 2008, was ambitious. The forum aimed at achieving, through negotiations between all state and non-state conflict parties and the mediation of the major international players, a comprehensive agreement on stability and security in the region, conflict settlement and the return of refugees based on the international law. Initially Georgia urged the forum to include also the replacement of Russian military forces with international peacekeepers, EU

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¹ "Six-Point Ceasefire Plan", *Civil Georgia*, 20 August 2008, <http://www.civil.ge/eng/article.php?id=19478>; "New Agreement in Force", *Civil Georgia*, 8 September 2008, <http://www.civil.ge/eng/article.php?id=19435>.

monitoring within the separatist entities (i.e. an extension of EUMM); and the restoration of Georgia's territorial integrity. By contrast, Russia insisted on modifying the mandates of the OSCE and UN missions in the region by opening offices also in South Ossetia and Abkhazia respectively, and making these independent of those in Tbilisi. The parties failed to reach an agreement and the OSCE as well as the UN were forced to leave. As for Georgia's expectations, it was perhaps overly ambitious to discuss the replacement of Russian troops with international peacekeepers in the initial phase of the negotiation. Predictably, the macro objectives have not been met and none of the conflict parties has been able to claim success.

1.1 Limits in Format

The Geneva talks immediately got stuck into the muddy waters of status. The very first meetings of the talks were suspended because of the disputed status of Abkhazia and South Ossetia. The representatives of the breakaway regions declared they would 'participate only as equal participants in the process',² while Georgian side opposed this idea. Hence, initially the conflict parties met separately with international mediators, without face-to-face meetings between Georgians and Abkhaz on the one hand, and Georgians and South Ossetians on the other. In order to break the deadlock, negotiations were divided into two forums: plenary sessions including officials from Russia, Georgia and the US (and not from South Ossetia and Abkhazia), and two informal working groups – one discussing security issues and another tackling IDPs (Internally Displaced Persons) – involving also representatives from breakaway regions. The talks in the working groups would be held under the auspices of the EU, UN and OSCE at the level of special envoys.³ In order to avoid any semblance of international recognition, the working groups would meet "informally" and without mentioning Abkhazia and South Ossetia. Representatives from the entities would be identified on name plates only by name.

Another problem regards the "3+3" format of international mediators involved in the Geneva talks: Georgia, Russia and the US on the one hand and the EU, the UN, and the OSCE on the other. Such a formula gives the distinct impression that the first 3 represent the conflict parties and the second 3 the mediators. It also gives the impression that Georgia acts under the patronage of the United States, whereas Russia protects the interests of the separatist entities.⁴

A final challenge related to the format of the talks is specific to the EU and linked to the rotating EU presidency, which has rendered the Union a changing actor whose positions are often hard to discern. In particular, the EU's tone and attitude within the talks have oscillated conspicuously depending on whether the presidency was held by Central and Eastern European member states or by member states more sympathetic to Russia. During the Czech EU Presidency in the first half of 2009, for instance, the EU's comments on the Kremlin's actions were significantly harsher than those made

² "Abkhaz FM: No direct meeting held with Georgian negotiators", *Civil Georgia*, 15 October 2008, <http://www.civil.ge/eng/article.php?id=19763>.

³ "Some details of Geneva format reported", *Civil Georgia*, 11 October 2008, <http://www.civil.ge/eng/article.php?id=19755>.

⁴ The representatives of the breakaway regions are constantly consulted by Russian officials before every single meeting in Geneva.

during the previous French Presidency. This volatility in turn affects the internal balances within the mediation forum as a whole, and also the Russian reactions on the mediators' proposals.

1.2. *The mandate of the forum and issues under discussion*

Aside from the format, the Geneva talks are also riddled with challenges related to the content. The most disputed document of the talks was the draft of the "Agreed Undertakings", which deals with the supply of water, the rehabilitation of housing and damaged facilities as well as the return of refugees and property issues, including restitution and compensation.⁵ The discussion on these topics ended abruptly with the walk-out of the Abkhaz and South Ossetian representatives. It is well known that Abkhazia objects to the return of Georgian refugees to their homes. According to a census of the population living in Abkhazia conducted by the Abkhaz authorities in 2003, out of 214,000 persons only 94,000 were ethnic Abkhazs. The rest were 44,800 Armenians, 23,500 Russians and 43,600 Georgians, who have managed to return to the Gali district.⁶ In such a context, the return of more than 200,000 Georgian IDPs would make the Abkhaz an ethnic minority within Abkhazia once again. The question of return of IDPs is also connected with property rights. Since the early 2000s, Abkhazia has implemented a policy of privatization, excluding however the participation of Georgian IDPs. A considerable part of IDPs property has been sold out. Restitution and/or compensation are thus a highly sensitive issue.

Another highly controversial issue in the Geneva talks is the non-use of force. Russia urges Georgia to sign agreements on the non-use of force with Abkhazia and South Ossetia. Georgia rebuffs that it has already taken this commitment by signing the "Six-Point Ceasefire Plan" and the follow-up agreement of September 8, 2008. Tbilisi does not intend to sign any document with non-recognized entities, which could be seen as recognition of their state status. Tbilisi has instead declared its readiness to sign a bilateral agreement with Russia. Moscow in turn refuses to sign such document, arguing that it is not a party to the conflict. The consensus is far off the horizon. Instead of engaging with Georgians, Abkhazs and South Ossetians on the question of border security, the Kremlin signed border treaties with the breakaway regions.⁷ The agreement with Abkhazia states: 'The Abkhaz side until it forms its own border guard forces delegates authority for guarding its state borders to the Russian Federation in the interest of ensuring its own security'.⁸ A similar provision was included in the Russian-South Ossetian agreement.⁹

⁵ "Highlights of press conference by the co-chairs of the Geneva discussions held at the Palais Des Nations on 11 November 2009", *United Nations in the Heart of Europe*, 11 November 2009, http://unog.ch/80256EDD006B9C2E/%28httpNewsByYear_en%29/FF858202ABB3A5ACC125766B0065417C?OpenDocument.

⁶ International Crisis Group (ICG), "Abkhazia Today", *Europe Report*, No. 176, 15 September 2006, [http://www.crisisgroup.org/~media/Files/europe/176_abkhazia_today.ashx](http://www.crisisgroup.org/~/media/Files/europe/176_abkhazia_today.ashx).

⁷ Furthermore Russia has begun reconstruction of a military base in Gudauta, the naval base in the town of Ochamchire and finally the Bombora airbase near the town of Gudauta, the largest military airfield in the entire South Caucasus. Kremlin deployed S-300 air-defence system in Abkhazia and a Russian energy company Rosneft signed a five-year contract on oil exploration in the Black Sea coast with Abkhaz *de facto* government.

⁸ "Соглашение между Российской Федерацией и Республикой Абхазия о совместных усилиях в охране государственной границы Республики Абхазия" (A treaty between the Russian Federation and

2. Valuable Nonetheless

The Geneva talks are now stuck in a deadlock on questions related not only to status, but also to refugees and security do not bode well. But they can still play a conflict negotiation and/or conflict management role. In fact, despite the persisting difficulties, the parties have reached minor agreements. One is on the “proposals for joint incident prevention and response mechanisms” drafted in February 2009. The document aims at ensuring security and stability on the ground by avoiding incidents and preventing criminal activities; and at guaranteeing the effective delivery of humanitarian aid. The mechanism to reach these goals includes regular weekly meetings between the conflict parties and “joint visits” to the areas of concern, as well as a “hotline” operating on a 24-hour basis.¹⁰ The implementation of this agreement is not without difficulties, as highlighted by the detention of two Georgians by the South Ossetian authorities on the Georgian-South Ossetian administrative border in March 2009, followed immediately by two explosions hitting a Georgian police car (killing one and injuring six officers).¹¹ Although this incident does not undermine the importance of the agreement as such.

Second and perhaps more noteworthy Russia agreed to withdraw its military forces from Perevi, a Georgian village, 30km away from Tbilisi. The agreement was reached in October 2010 and immediately implemented. It was formulated within the context of the EU-brokered Six Point Agreement, which foresaw the retreat of Russian troops to its positions preceding the start of hostilities.¹² The agreement has been interpreted, predictably, very differently by the parties. According to Georgia, the withdrawal from Perevi is a minimal step forward. As argued by the former Georgian Deputy Foreign Minister Giga Bokeria, the village represents a mere 1 percent of Georgia's occupied territories.¹³ Apart from the secessionist entities, Russia continues its military presence also in the Kodori gorge, which had been administrated by Georgia before the August 2008 war.

The EU has also emphasized that the withdrawal from Perevi is only one step in a process. High Representative for Foreign Affairs Catherine Ashton stated: ‘I look forward to further progress towards the full implementation of the EU-brokered Six Point Agreement of 12 August 2008 and its implementing measures of 8 September 2008’.¹⁴ Russia however does not think likewise. A Russian Foreign Ministry statement

the Republic of Abkhazia on border security), Presidency of Russia, Moscow, 30 April 2009, <http://archive.kremlin.ru/text/docs/2009/04/215690.shtml>.

⁹ “Соглашение между Российской Федерацией и Республикой Южная Осетия о совместных усилиях в охране государственной границы Республики Южная Осетия” (A treaty between the Russian Federation and the Republic of South Ossetia on border security), Presidency of Russia, Moscow, 30 April 2009, <http://archive.kremlin.ru/text/docs/2009/04/215691.shtml>.

¹⁰ EU Council, “Proposals for joint incident prevention and response mechanisms”, Geneva, 18 February 2009, <http://www.consilium.europa.eu/uedocs/cmsUpload/mechanismENG.pdf>.

¹¹ “EU monitors condemn attack that killed one policeman”, *Civil Georgia*, 29 March 2009, <http://www.civil.ge/eng/article.php?id=20633>.

¹² “Six-Point Cease fire Plan”, cit.

¹³ “Georgia slams Moscow's ‘cynical’ stance on Six-Point Agreement”, *Civil Georgia*, 20 October 2010, <http://www.civil.ge/eng/article.php?id=22769>.

¹⁴ EU Council, “Statement by EU High Representative Catherine Ashton on the removal of the Russian checkpoint from the village of Perevi in Georgia”, Brussels, 18 October 2010, http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/117147.pdf.

underlined that with the withdrawal of Russian troops from Perevi, the question of 'alleged non-compliance' with the Six Point agreement by Moscow had been 'definitely closed'.¹⁵ The withdrawal from Perevi is thus an important development, but it remains to be seen whether it will be followed by other steps in the same direction.

To date, the Geneva forum is far from achieving its macro objectives. It is rife with problems and limitations. These are inherent in its format, in which the role and positions of some stakeholders are not clearly defined, and in the topics it tackles. The legal status of the breakaway regions, IDPs return and the non-use of force are likely to remain highly divisive issues. In view of this, the conflict parties are increasingly sceptical of the prospect of a peace agreement through negotiation. Abkhazia and South Ossetia, but particularly Georgia, believe that the prospects of reconciliation depends on the foreign policy goals of and bilateral relations between the international mediators – the US and Europe – and Russia, rather than on Geneva talks themselves. Georgia has always believed that the conflict is one between itself and Russia, downplaying the role of the breakaway regions. In view of this, Tbilisi has conceived conflict settlement as an exercise of shifting power dynamics, whereby its relative weakness would be compensated by the engagement of the "West" in the South Caucasus. Hence, Georgia's single-minded focus on entering NATO. Unfortunately, Western actors have fed Georgian illusions. As long as Tbilisi continues to declare its ambitions for NATO membership and NATO officials and the US Secretary of State continue to stress that NATO's door remains open for Georgia,¹⁶ they will continue antagonizing Russia, making the Kremlin more reluctant to make concessions in the framework of Geneva talks.

Despite all their limits, the negotiations do offer some potential to reverse the conflict dynamic. First and related to the format, the process may contribute to breaking out the deadlock. The Geneva talks represent the only forum in which all conflict parties meet around (albeit separately at times) a negotiating table. It also offers to the external powers the opportunity to play a constructive peace-building role, moving away from the current geopolitical "zero-sum game" in which the EU, but in particular the US, have been embroiled without being able to develop a coherent diplomatic strategy towards the region. The Geneva talks provide a platform for all internal and external parties to meet and to formulate specific policies. As declared by the former Georgian Deputy Minister of Foreign Affairs G. Bokeria: 'The most important thing is that for the first time we have a format [providing] talks between Russia and Georgia on the problems existing between us and here we have respected international organizations. That was our objective for many years'.¹⁷ In other words, although the EU, the OSCE and the UN have neither the resources nor the power to press Russia to make concessions, the

¹⁵ Ministry of Foreign Affairs of the Russian Federation, "Statement of the Russian Ministry of Foreign Affairs on the Withdrawal of the Russian Border Post from Perevi Village on the Border between Georgia and the Republic of South Ossetia", 19 October 2010, http://www.mid.ru/brp_4.nsf/0/3B35661CE9984FC5C32577C100540C51.

¹⁶ "NATO Chief says Alliance committed to Georgia", *Radio Free Europe/Radio Liberty*, 1 October 2010, http://www.rferl.org/content/NATO_Chief_Says_Alliance_Committed_To_Georgia_Membership/2173742.html. "Clinton reaffirms Georgia's 'steadfast' support", *Civil Georgia*, 5 July 2010, <http://www.civil.ge/eng/article.php?id=22484>.

¹⁷ "Geneva talks suspended", *Civil Georgia*, 15 October 2008, <http://www.civil.ge/eng/article.php?id=19765>.

existence of Geneva forum internationalizes mediation efforts and generates institutional and political incentives amongst the external actors to elaborate concrete positions. At the same time it increases the scope for the much-needed “de-geopolitization” of the region.

Second and related to the content, while progress on status questions is not on the horizon, the Geneva talks provide an institutional forum to discuss more piecemeal reconciliation initiatives. Notable in this respect is Georgia's “State Strategy on Occupied Territories: Engagement through Cooperation” released January 2010. The Strategy includes the promotion of joint economic projects, freedom of movement, trade and infrastructure, cultural-educational programmes as instruments to foster rapprochement between the conflict parties and to break the isolation of the secessionist regions.¹⁸ As such these initiatives could induce long-term reconciliation. Despite the scepticism of the breakaway entities the Strategy and its Action Plan could contribute substantially to the peace-building efforts if brought to the negotiating table in Geneva.

Considering the strong dependence of the breakaway regions on Russia, Tbilisi has a fairly limited room for action. Notwithstanding this hard reality, Georgia has no choice but to proceed with gradual reconciliation through pragmatic initiatives. The Geneva forum may help in this respect. The talks could initially focus on elaborating small business projects, which would empower the private sector and civil society, promoting people-to-people contact and citizens' diplomacy. The negotiation could support this process by involving representatives from civil society with working groups. Abkhazia and South Ossetia may have little interest in initiatives of this sort. However, their awareness of asymmetrical relations with Russia and of Russia's lack of interest in their actual independence in the long-run could pave the way for a more constructive dynamics with Georgia, provided of course that Georgia gives evidence of its will to provide security and guarantee individual and collective rights of all. Establishing a “direct line” between Georgia, Abkhazia and South Ossetia is of the essence. The Geneva forum is one context in which this goal can be advanced.

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¹⁸ “State Strategy on Occupied Territories: Engagement through Cooperation”, *Government of Georgia*, <http://www.smr.gov.ge/uploads/file/SMR-Strategy-en.pdf>.



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