

Conflict Prevention and Conflict Management in Georgia - The Activities of a Personal Representative of the OSCE Chair

On 29 December 1999, the then Austrian Foreign Minister Wolfgang Schüssel appointed me Personal Representative of the OSCE Chairperson-in-Office for Missions in the Caucasus. It was my task to give support and advice to the Chair on all issues involving the conflicts in *Chechnya/the Russian Federation* as well as in *South Ossetia/Georgia* and *Abkhazia/Georgia*. My mandate included the following:

- promoting the efforts of all parties involved and the international community in finding a solution in conformity with OSCE principles;
- developing strategies for comprehensive initiatives to promote respecting OSCE norms and principles in the region;
- advising and supporting the Chairperson-in-Office¹ to advance these efforts being made in the region;
- fostering close contacts with international organizations (the Council of Europe, the European Union, the United Nations etc.) in the name of the Chairperson-in-Office.

The Caucasus was one of the priorities of the Austrian Chair, which led to the decision to appoint a Personal Representative for this region. My mandate ended on 31 December 2000.

On the Instrument of the Personal Representative of the Chairman-in-Office

The "Personal Representative" is one of the OSCE instruments available to the Chair during its year in office. It is designed to provide support to the Chair for a specific task. The appointment of Personal Representatives is a prerogative of the Chair. To underline its priorities, Austria appointed four Personal Representatives during the year 2000 thus placing emphasis on its efforts in the Balkans, in Central Asia and the Caucasus.² In the short history of the OSCE, this instrument has been applied in various ways. Thus before

1 Benita Ferrero-Waldner assumed the post of Austrian Foreign Minister on 4 February 2000 and thus became OSCE Chairperson-in-Office.

2 For the Balkans: Albert Rohan, Secretary General of the Austrian Foreign Ministry; for Central Asia: Ján Kubiš, Secretary General of the OSCE; for Nagorno-Karabakh: Andrzej Kasprzyk, Personal Representative of the OSCE Chairman-in-Office on the Conflict Dealt with by the Minsk Conference; and Heidi Tagliavini for Missions in the Caucasus.

examining and analysing the conflicts that were included in my mandate, I would like to make some fundamental observations on the instrument of the Personal Representative.

In the 1992 "Helsinki Decisions" under point 22, the functions of the Personal Representative are defined as follows:

"When dealing with a crisis or a conflict, the Chairman-in-Office may, on his/her own responsibility, designate a personal representative with a clear and precise mandate in order to provide support. The Chairman-in-Office will inform the CSO of the intention to appoint a personal representative and of the mandate. In reports to the Council/CSO, the Chairman-in-Office will include information on the activities of the personal representative as well as any observations or advice submitted by the latter."³

Although the "Committee of Senior Officials" (CSO) is no longer in existence - at first it was renamed the "Senior Council", however in the meantime, its tasks have to a large extent been assumed by the Permanent Council (formerly Permanent Committee) - procedure has remained the same. In the past, Personal Representatives have been deployed for short-term as well as long-term missions. My one-year term in office as a Personal Representative of the Austrian Chair not only showed me the problems but also the opportunities connected with this office.

Because the Personal Representative according to definition is primarily employed in crisis and conflict settlement, it is an indispensable prerequisite in achieving the goals as they have been defined above, that the conflict parties accept the Personal Representative and his or her mandate. For example, Georgia expressly welcomed the appointment of a Personal Representative and regarded this as a fitting response by the Chair to the problems existing there. In contrast, Russia took the view that in the case of Chechnya, its intervention in this conflict was an internal anti-terror operation. The history of the second Chechnya war shows quite clearly that Moscow rejects any form of international participation in the political settlement of the conflict. Although Moscow allowed a few human rights experts from the Council of Europe into the area, they can only work within an extremely limited mandate and are integrated in Russian structures. With the exception of this effort, the international community is left with a very limited framework in which it can realize humanitarian operations. Moscow's consistent rejection of the activities of a Personal Representative on the Chechnya issue has led to the fact that my mandate in this case was limited to supporting and advising the Chair - an activity which was after all not insignificant. Furthermore, we

3 CSCE Helsinki Document 1992: The Challenges of Change, Helsinki, 10 July 1992, in: Arie Bloed (Ed.), The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993, Dordrecht/Boston/London 1993, pp. 701-777, here: p. 714.

saw an opportunity to make a contribution, although small, to conflict settlement in the creation of an informal network with other organizations that carried out humanitarian tasks or were active in the area of human rights in the North Caucasus.

The position of the Personal Representative is not unproblematic. As a matter of course, he or she stands between the Chair and the OSCE missions in the conflict areas. Therefore, in the case the Personal Representative has been appointed to a longer-term mission, it is certainly important that the Chair differentiate precisely between his or her mandate and that of the Head of Mission and that he strengthen the Personal Representative's position. It is absolutely necessary that tensions and competition between the Personal Representative and the missions be prevented.

Another difficulty may be presented by the time limitation of a mandate. This is particularly true when the Personal Representative is not appointed for the settlement of an acute crisis,⁴ but - as was true in my case - to create movement in so-called frozen conflicts like the one in South Ossetia/Georgia. It is obvious that the construction of a network of relations and the creation of a relationship based on trust with the actors of a conflict cannot occur from one day to the next. Both however are basic prerequisites to be able to achieve even partial results in the multi-layered and difficult conflicts like those mentioned. In this sense, it would be important for the Personal Representative as well as his or her dialogue partners that his or her mandate not be limited to one Presidency. Probably, the conflict parties would then also become more actively engaged in the talks.

This line of reasoning gives me the opportunity to indicate the positive potential of this instrument as well. It is no secret that one of the weak points of the OSCE is its lack of an institutional memory resulting from the relatively rapid turnover of mission members, frequently with only short deployment periods. Of course, the yearly change in the Chair does not contribute very much to the continuity of conflict prevention and/or management either. The question remains whether the long-term employment of Personal Representatives would not create an important element of continuity.

Co-operation with the United Nations, which is represented in the various conflict areas (e.g. in the Caucasus, in the Balkans and in Central Asia) by the Special Representatives of the Secretary-General, could become better co-ordinated at the level of high-ranking representatives and thus intensified, as was shown in my own case by the example of the conflict in Abkhazia/Georgia.⁵

4 An example of this kind of short-term mission was the mission of the former Spanish Prime Minister Felipe González in Belgrade in December 1996 whose mandate was "to seek information from all political forces and institutions, including the media, and from the judiciary on the facts and events relating to the municipal elections including the annulment of their results".

5 See the section on Abkhazia in this article.

It has become increasingly definite and clear that the conflicts in the Caucasus are linked internally and thus cannot be solved individually. Therefore a regional approach is required. Various politicians within and outside the region have expressed this view. Also the OSCE may have to deal increasingly with this kind of approach as well as developing corresponding activities. A Personal Representative could provide the appropriate instrument to represent the OSCE and co-ordinate its activities in the region and would in this sense be a useful addition to the missions in the field.

In my opinion, there are definitely reasons for the OSCE to retain the instrument of the Personal Representative. However, the problems linked to this function mentioned above, should first be discussed and clarified within the Organization.

The Conflicts in Georgia

In light of the above and on the basis of the concrete activity in South Ossetia and Abkhazia, I will now deal with the contribution a Personal Representative can make within the framework of his or her mandate and considering the given situation in a conflict area.

In examining the conflicts in Georgia, first the difficult domestic and foreign policy situation in this country should be described:

- Economic problems have been increasing.
- Social dissatisfaction has been growing due to poor living conditions (high unemployment, month-long loss of earnings, low energy supply).
- The presence of several hundred thousand refugees (from Abkhazia and South Ossetia, but also Chechnya) has created further unrest and difficulties (humanitarian and social problems, health, education, security etc.).
- The weakness in state structures is practically an invitation to circumvent the law; criminality and corruption as well as pushing through specific interests are no rare occurrence.
- Relations with Moscow, not free of tension, have a direct effect on the process of conflict resolution.

These kinds of internal difficulties do not make it easy for the international community to set things in motion in Georgia. Up to now, Georgia itself has also done relatively little to convince the secessionist areas that a return to the Georgian state would be attractive and advantageous for them. Moreover, a solution to the Georgian conflicts can no doubt occur only if Russian interests are taken into account, which means that both countries have to co-operate.

South Ossetia

Since the second half of the 19th century, Ossetians who originally came from the North Caucasus have settled in the fertile southern slopes of the Caucasus in Georgia but have never broken off their ties with the North. Completely in harmony with the prevailing spirit of change at the end of the eighties in the 20th century, they demanded a reevaluation of their political status with respect to Georgia. However, this was rejected by Tbilisi and led even then to bloody conflict. Even before the disintegration of the Soviet Union in 1991 and as a reaction to Georgia's declaration of sovereignty with respect to Moscow, South Ossetia announced its secession from Georgia in 1990 and expressed its desire to be annexed to North Ossetia as a constituent republic of the Russian Federation. Terror acts and military clashes caused tens of thousands of Georgian and Ossetian inhabitants of South Ossetia to flee their homes.⁶ In 1992, Russia deployed paratroopers putting a violent end to the bloody clashes in South Ossetia - on the territory of the already independent Georgia - and induced Georgians and South Ossetians to sign an armistice agreement (the so-called Sochi Agreement). Immediately thereafter negotiations were begun with Russia as a mediator and with the participation of the OSCE.

Since 1996, the negotiations have stagnated and thus also weakened the various mechanisms keeping the situation in the region under control.⁷ The following three points are the main obstacles to the settlement of the conflict:

- the question of the territorial integrity of Georgia as well as the status of South Ossetia,
- the state and legal relationships of the two parts as well as
- security guarantees for future agreements, which are to regulate the relations between Georgia and South Ossetia.

To lend new dynamics to the negotiations, at the OSCE Summit Meeting in Istanbul in 1999, the Heads of State or Government encouraged that a meeting of experts take place to further progress on the most important issues in dispute. In addition, the Georgian side demanded that the role of the OSCE be strengthened to balance Moscow's influence, which is seen as too strong. The South Ossetian side, in contrast, was satisfied with the status quo. In this case, the status quo means the threefold Russian presence in South Ossetia

- as a mediator in the political negotiations,
- as commander-in-chief of the peacekeeping forces and moreover

6 The majority of the Ossetians fled to the North Caucasus, while the Georgians living in South Ossetia fled to other areas in Georgia.

7 These are the Joint Control Commission (JCC) as a regulatory organ and the Joint Peacekeeping Forces (JPKF), which consist of Russians and Georgians as well as North and South Ossetians.

- as North Ossetian participant in the negotiations, as the natural ally of South Ossetia so to speak.

The Baden meeting of experts,⁸ promoted in Istanbul, took place in mid-July 2000 and produced the following concrete results:

- For the first time state and legal relationships (territorial integrity of Georgia, the status of South Ossetia and the guarantee question) were dealt with and it was agreed that these issues would in future be handled as a "package", that is, these questions cannot be negotiated individually.
- Furthermore, the parties tasked the Austrian OSCE Chair to begin consultations in co-operation with the Russian Federation on a guarantee for future agreements.

As the Personal Representative of the OSCE Chairperson-in-Office, I thus assumed the following activities for the Chair after the Baden meeting:

- consultations on strengthening the OSCE's role in the Georgian-Ossetian conflict management process;
- consultations on the perceptions of the conflict parties on the guarantee issue;
- confidence-building measures to ease tensions by encouraging concrete suggestions to questions still open (the signing of an overdue economic rehabilitation agreement between the Russian Federation and Georgia, convening the Joint Control Commission to regulate all issues pending alongside the peace process, especially in the security area, separating the peace negotiations from other practical issues etc.).

Since September I have, together with the Representative of the Russian Federation, Ambassador Mikhail Mayorov, and the Head of the OSCE Mission to Tbilisi, Ambassador Jean-Marie Lacombe, conducted three rounds of consultations on these issues in Tbilisi and Tskhinvali (South Ossetia). One may note the following results: Although both sides would be willing to conduct a dialogue on both the question of strengthening the OSCE's role as well as the guarantee issue, as could be expected, the ideas on these problems have varied greatly. Georgia backs the idea that the OSCE Troika be included in the negotiations. South Ossetia is sceptical on this and adheres to the status quo. There are also broad differences in the opinions on the question of guarantees: South Ossetia understands these to be "hard" guarantees, i.e. military security guarantees. In contrast, Georgia goes along with the OSCE, which understands the guarantees as a comprehensive system to secure the economic, social, humanitarian and human rights aspects of future coexistence.

8 Baden near Vienna.

These regular consultations made it possible to introduce a certain dynamic into the conflict resolution process. After the OSCE and the Austrian Chair had for a long period advocated this, the Economic Rehabilitation Agreement was finally signed on 23 December 2000. Hence, the Joint Control Commission could be reconvened. For the first time it met jointly with the EU Commission, which was actively engaged in this conflict financially in the areas of energy and transport, in April 2001. In addition, a schedule was agreed, also before the year ended, on further meetings to continue the political dialogue. In this manner, a dynamic was conferred to the peace process that it would be wise to maintain, particularly because the geopolitical situation in the region has activated tensions, which have negative effects on the willingness to resolve the conflict.

Abkhazia

During the entire period of Soviet rule, a latent conflict was smouldering between Abkhazia and Georgia that periodically burst into bloody conflict. During the period of perestroika, when Georgia itself was striving for independence from Russia, these tensions reached the peak of their irreconcilability. After Abkhazia's one-sided declaration of sovereignty (immediately annulled by Georgia) in 1990, the Abkhaz Parliament declared independence in 1992, which led the Georgian National Guard to invade Abkhazia. After a little over a year, Abkhazia won the war against Georgia - undeniably, not without outside support. In 1994, an armistice, mediated by Russia and also signed by the United Nations and the OSCE, was concluded in Moscow. Furthermore, an agreement on the regulation of the status of Abkhazia and an agreement with the participation of the UNHCR were signed on refugee return.⁹

Since then a CIS peacekeeping force¹⁰ of around 1,600 men has been deployed in the conflict area to monitor the maintenance of the armistice, which is in turn being observed by the United Nations Observer Mission in Georgia (UNOMIG), a force of around 100 men. The UN also heads the so-called Geneva Process on questions of security, refugee return and economic and social reconstruction. However, Moscow's role in the peace negotiations should not be underestimated. The OSCE is only active in Abkhazia within the framework of its mandate in the human dimension with a few projects on the development of civil society and protecting human rights.

For a time, until 1998, there were no more serious incidents in the conflict area. However in May 1998 after months of tension and provocations on both sides, a short but violent military conflict broke out in the Abkhaz border

9 Massacres of the civilian population, carried out by both sides, had led to a mass exodus out of Abkhazia. Around 250,000 refugees, primarily ethnic Georgians, still live outside Abkhazia today, a large majority in Tbilisi.

10 The CIS Peacekeeping Force falls under a Russian supreme command comprising almost entirely Russian units.

area, the Gali district. This caused the entire population, around 80,000 Mingrels,¹¹ who had in the meantime returned to the area, to flee for the second time since the end of the 1992-94 war. Only thanks to the rapid UN reaction could the so-called May incidents be stopped. However, it could not be prevented that the inhabitants of the area were expelled and there was plundering followed by the burning of houses.

In considering the situation in Abkhazia, one should not underestimate the Russian factor: The common language is Russian, the currency is the Russian rouble, the Russian Federation alone, not jointly with Georgia, controls the border to Russia and the Russian presence, especially in the form of the Russian military, is significant. This shows how far Abkhazia has in all respects distanced itself from Georgia. Thus Abkhazia has become a test case for bilateral relations between Moscow and Tbilisi.

Acknowledging the leading role the UN play in political negotiations, the OSCE sees itself as a supporting organization in the Abkhaz peace process. At the Istanbul Summit Meeting, the Heads of State or Government adopted a declaration stating that the OSCE should play a more active role in Abkhazia. Following a Georgian initiative they appealed to the OSCE Chair to, in co-operation with the UN, deploy a fact-finding mission to investigate the accusation of continued "ethnic cleansing" in the Gali district. The meetings I held in the headquarters of the United Nations in March 2000 revealed initially that the UN, which in their Security Council Resolutions on Abkhazia for a variety of reasons,¹² have always avoided using the phrase "ethnic cleansing", were not willing to co-operate with the OSCE on a mission of this kind. Apart from this, Abkhazia - which would have had to physically allow its deployment - was not interested in this kind of a mission.

On behalf of the Austrian Chair, I then looked for a viable wording, which Georgia could also accept. The fact-finding mission became a Joint Assessment Mission to evaluate the situation of refugees who have already returned to the Gali district with the goal of examining their humanitarian, social, economic and security requirements.¹³ In this manner the OSCE was able to,

11 One of the many ethnic groups in Georgia; they live in the "border area" between the conflict parties and are thus the real victims of this situation.

12 Above all, the UN emphasized the consequences that would result from this kind of condemnation: They would be obliged to bring criminal charges against Abkhazia if in fact ethnic cleansing were ascertained. Without a doubt, UN structures, especially the Security Council with its right to veto, are not suitable to make serious condemnations in this case.

13 The mandate is as follows:

"Within the framework of the UN-led Geneva Peace Process, to assess conditions relevant to the safe, secure and dignified return of refugees and internally displaced persons (IDPs) and to the reintegration of those who have already returned to their places of previous permanent residence in the Gali district.

The purpose of the assessment mission is to foster greater international support for the process of return, including consideration of the possible provision of assistance to returnees, and to contribute to the general stability in the area."

- win the UN for this operation,
- convince the Abkhaz leader, Vladislav Ardzinba, of the usefulness of this undertaking,
- win over the Georgian side and
- invite a representative number of international organizations to co-operate with it.

The Joint Assessment Mission (JAM) materialized just in time, before the OSCE Ministerial in Vienna in November 2000. Thus, the guidelines of the Istanbul Summit Meeting were met although there were certain limitations. Any other activity in this area would not have been attainable. Specifically, the Joint Assessment Mission

- promoted co-operation between the UN and the OSCE in Georgia, whereby, one must also mention the goodwill of the current Head of the UN Observer Mission, Ambassador Dieter Boden, without whose commitment the Mission would never have been realized;
- offered the opportunity to various organizations to target adequate assistance to a particularly vulnerable group of refugees;
- created the consciousness that the miserable state of refugees can only be sorted out by using practical measures, which - after many years of futile efforts in this direction - in the end, could lead to the establishment of a UN/OSCE Office for Human Rights in Gali to find concrete solutions to the problems of this target group;
- strengthened the role of the OSCE in Abkhazia.

This Mission as well has once again shown that refugees are particularly disadvantaged in post-conflict situations and at least elementary humanitarian assistance is still necessary. Therefore, as long as a conflict has not been solved, in particular, national and international humanitarian organizations will be in demand.

An Initiative to Promote Security and Stability in the Caucasus in a Regional Context: "The Caucasus - Defence of the Future"

As was mentioned at the start, it has become increasingly clear that the conflicts in the Caucasus are linked internally and can therefore not be solved individually. For this reason, various politicians, within but also outside the region, have more or less clearly voiced their opinions in favour of a regional approach to conflict resolution. The Austrian Chair has also studied these ideas with interest. It suffices to mention a seminar, which I encouraged at the *Centre Henry Dunant* in Geneva in April 2000 on "Strategies to Promote Stability in the Caucasus".

It certainly belongs to a regional approach that a dialogue be set in motion between all interested circles in the region on a secure and stable future for the Caucasus. Because the fronts between politicians have become more hardened than not, it is particularly important that this kind of a dialogue is not only conducted by politicians, but in particular also by writers and intellectuals. Together with the OSCE Representative on Freedom of the Media, Freimut Duve, we therefore launched an initiative with the goal of inviting over twenty authors from the region of the North and South Caucasus to present their visions on a secure and stable future for the Caucasus in essays and then publish these as a book. Freimut Duve has already co-ordinated and realized a similar project with authors from the former Yugoslavia.¹⁴

The project seems to be turning into a success: Already by the end of November 2000, the two English and German versions entitled "The Caucasus - Defence of the Future" or "Kaukasus - Verteidigung der Zukunft"¹⁵ were presented to the OSCE delegations and the press within the framework of the OSCE Ministerial in Vienna. In January 2001, presentations of the Russian version¹⁶ followed in Tbilisi, Moscow and St. Petersburg. The book also found a predominantly positive echo in the press. However, even more important: The interest in the region seems to be growing steadily. One can only hope that a regional network made up of personalities that are actively engaged in conflict resolution and prevention will be created similar to the one in South-eastern Europe.

Now after my OSCE activities, we are currently endeavouring to further develop this idea with a continuation programme supported by Switzerland. The plan is to make the necessary funding and instruments available as start-up aid for the construction of a network and to find forms, which bring interested circles (writers and intellectuals) together and prevail upon them to use their tools to work on building consciousness and structuring civil society.

14 Freimut Duve/Nenad Popović, *In Defence of the Future*, Vienna/Bolzano 1999.

15 Freimut Duve/Heidi Tagliavini, *The Caucasus - Defence of the Future and Kaukasus - Verteidigung der Zukunft*, Vienna/Bolzano 2001.

16 Freimut Duve/Heidi Tagliavini, *Kavkaz v poiskakh mira*, *Literaturno-khudozhestvennyi zhurnal "Glagol"*, Moscow 2000.