

The OSCE and EU Actions Towards Georgian Separatist Conflicts The Case of South Ossetia

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Abstract Both the OSCE and the EU got involved in the management of the Georgian-South Ossetian conflict considering it as a testing ground for their capacities to act as security actors and easier to deal with in comparison with the other unsolved confrontations in the Post-Soviet area. By this way, they disregarded the root causes of the conflict and then proved unable to deploy the necessary resources to respond to the security expectations of the two sides, especially since the regional geopolitical environment switched from cooperation to confrontation between Russia and an expanding NATO presence. Following the 2008 War, the EU is left as the only mediating player on the ground but is not recognised as such by the SO side supported by Russia while Georgia has thwarted the possibilities of conflict resolution adopting a punitive ‘Occupied Territories’ narrative.

Keywords De facto States. Post-soviet Conflicts. International Organisations. EU-Russia Relations. Caucasus.

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1 Introduction

This paper originated from a public discussion on the role of the Organisation for Security and Cooperation in Europe (OSCE) in the protracted conflicts organised in the occasion of the closure of the Italian Chairmanship of the Organisation by Ca' Foscari University of Venice in 2018.

The paper put in a comparative perspective the OSCE engagement in the Georgian-South Ossetian conflict in the nineties with the subsequent and today persistent effort of the European Union (EU) in it.

The analysis is structured according to three chronological phases during which the surrounding geopolitical environment came to play a leading role in shaping the dynamics of the conflict. In the first one, after the 1992 ceasefire, the OSCE became, along with the Russian Federation (RF), an external player in an internationalised internal conflict regulated by a mechanism preventing the resort to force on a part of the Georgia's territory (Waters 2013). During this phase, a window of opportunity to reach a negotiated settlement opened but was subsequently closed by the developments following NATO intervention in Yugoslavia and the new opposed geopolitical courses that Russia and Georgia adopted in the aftermath. The changes of governments in Moscow (2000), Tskhinval(i) (2001) and Tbilisi (2003) opened the second phase analysed by the study, a period also marked by the entrance of the EU in conflict resolution efforts in support of the OSCE. The fact that the EU was perceived by all the players on the ground as acting in connection with the US strategy for the region played against its possibilities as a new actor. In the end, negotiations for a peaceful solution mainly assumed a declarative character while acts of confrontation escalated at local and regional levels.

The 2008 war and the following recognition of SO sovereignty by the RF started a third phase, whose dynamics are still continuing in our days. Here, the EU remains as the only international player in an environment that is predominantly determined by geopolitics. The paper analyses the attitude and the instruments employed by EU to interact with conflict dynamics, assessing their unavoidable limited reach in the new conjuncture still dominated by the geopolitical dimension. Although geopolitics objectively reduce the EU possibilities of interaction with Tskhinval(i), there are other factors that make inadequate the current EU strategy toward unrecognised states in the South Caucasus. Chief among these factors is the EU acquiescence for Georgian punitive approach expressed by the 'Occupied territories' formula. This expresses disregard for the internal political dynamics of the *de-facto* state (Broers 2013), notably of their existential security concerns and the parent states' narratives of denial of legitimacy. Overall, international organisations involved in the Georgian-Ossetian dispute failed so far to contemplate it in its historical complexity.

At the opposite, this study maintains that the SO-Georgian stalemate should be considered in terms of the importance of symbolic politics in it (Kaufman 2001). In this perspective, myths and symbols elaborated by the sides are key drivers of the conflicts, more important than actual ethnic hatreds and, at least until 2008, external involvement in it. EU inaction in addressing the Georgian mass narratives denying own responsibility for the conflict as well as the Ossetian right of political existence on Georgian land deprives Brussels of a crucial policy tool for changing the conflict dynamics.

The study draws on the author's long experience on the field, what allowed him to interact with a number of activists from non-profit organisations, Georgian as well as North and South Ossetian political players, the latter met in Vladikavkaz. Interviews with senior diplomats who worked for the OSCE before the 2008 conflict are used as primary sources. Two of them had particularly high position in the Georgian-South Ossetian negotiations and in the OSCE ODIHR, so that they asked to remain anonymous. In addition, the study is supplemented by secondary literature from other available sources, notably reflections produced by diplomats on post for the OSCE.

2 A Short Background of the Georgian-South Ossetian Conflict

In 1991, Ossetians were over 3% of Soviet Georgia's population (164,055 according to the last URSS census). Of these, 65,232 lived in the South Ossetia (SO) Autonomous Region (*oblast'*) created after the annexation of Georgia by the USSR in 1921. The establishment of the Ossetian autonomy was opposed by Tbilisi as a *divide et impera* imposition while there are more grounded reasons to see it as an attempt at conflict resolution after the expulsion of the majority of its Ossetian population by independent Georgia the year before (Saparov 2010). On the other hand, the Ossetian side developed a memory of the 1920 cleansing as an act of genocide. Despite 70 years of Soviet peaceful coexistence that made of the Ossetians the most integrated minority in Georgian society,¹ at the end of the Soviet Union they became the main target of Georgian nationalism. Seeking independence from the USSR, Tbilisi abolished on its way the SO autonomy as an illegal deed of the 'Soviet occupants'. Ossetians reacted upgrading their institutions and maintaining ties with Russia as a guarantee of survival and connection with their ethnic kin living

¹ A co-existence based on the scattered patten of settlement of Ossetians within Georgia, facilitated by the sharing of the Orthodox faith and other traditions, leading to the highest ratio of mixed marriages between the two peoples (Cvetkovski 1999).

in the North. The result of these opposite strategies was a violent inter-ethnic conflict, which from January 1991 to June 1992 ravaged the province that destroyed the integrated social makeup of the two peoples. Clashes bore a sporadic and anarchic character, with uncontrollable militias and criminal formations from both sides looting and committing atrocities against the other, causing up to one thousand deaths and hundreds of missing persons in the event. Among the most devastating consequences of the war, there were waves of Ossetian refugees getting to neighbouring Russian North Ossetia. Flooded with refugees, official Moscow, initially indifferent towards the conflict, had to react and enforce a ceasefire in June 1992. The Sochi (also referred to as Dagomys) Agreement stopped violence installing an international mechanism for its containment but left the conflict 'frozen' given the unresolved status of the province and the division of its territory between Georgian and Ossetian ethnic settlements. Georgia's stability was further shattered before the end of 1992 when another violent inter-ethnic conflict erupted in Abkhazia, which resulted as well in another Georgian defeat and the separation of the region under a peacemaking agreement also run by Moscow with UN endorsement.

In this context, the leadership of the SO refused the authority of Tbilisi and tried to assert themselves as a *de facto* state,² the Republic of South Ossetia (*Husar Iryston*).

3 First Phase of International Involvement: the Conflict as a Key Engagement for the OSCE

The Sochi Agreement internationalised an internal conflict over sovereignty on a given territory where it created a special regime limiting Georgia's governance on it in order to prevent a return to the use of force against the rebel population. The peacekeeping mechanism rested on Joint Peacekeeping Forces (JPKF) formed by tripartite Russian, Georgian and Ossetian units,³ and a quadripartite (including as well North Ossetia) Joint Control Commission (JCC), which was responsible for prevention and response to incidents, post-war reconstruction and refugees return together with negotiations on a political settlement of the SO status within Georgia. Against South

² The Author follows here the definition of *de facto* state given by Pegg (1998, 1): "a secessionist entity that receives popular support and has achieved sufficient capacity to provide governmental services to a given population in a defined territorial area, over which it maintains effective control for an extended period of time".

³ According to Protocol no. 3, the JPKF operated in a circle of 15 km radius from the centre of Tskhinval(i), defined the zone of conflict, and a security corridor of 14 km on both sides of the administrative border of the former South Ossetia Autonomous Oblast.

Ossetia's will, the mechanism presupposed the maintenance of Georgian sovereignty but was quite weak in the definition of its rules of functioning, leaving extended responsibilities in it to the Russian government. The resulting stalemate called for an intervention of international actors. In the conjuncture of the first post-Soviet years, the United States and other Western players had no interest in the Caucasus and thus were eager to *de facto* endorse Russia's role in managing security in Post-Soviet Eurasia. In that context, the involvement of the nascent OSCE (still CSCE at that moment) in the Ossetian conflict, and the parallel UN presence in the Abkhazian one, were expression of a Western will to cooperate with Russia and being present in the redefining post-Cold War system of regional relations. From Vienna's perspective, such an engagement was a task limited in its dimension but important for defining the OSCE ambition to become a security provider.

Thus, this initial stage was marked by the unanimous consensus of all the involved sides for the CSCE presence on the terrain. Georgia saw this as a balance to the preponderance in conflict management of Russia, while the latter was eager to share the burden of conflict resolution expecting CSCE's financial and operational assistance to improve the JPKF mandate in accordance to international standards. Finally, the South Ossetians saw in the CSCE an international forum where to air their position in front of the Western audiences, in order to involve their capitals in the support of the political autonomy of SO to make Tbilisi recognised it consequently.⁴

Established in December 1992, the CSCE Mission to Georgia was the third CSCE effort to establish a field presence in conflict situations (OSCE 1993). Despite the general consensus underpinning its deployment, the definition of the mission's operational procedures was not simple, as they had to fit into an operational environment already set by the letter of the Sochi Agreement. The OSCE succeeded in this, proving able to liaise effectively with all the conflict's players. In the next years the initial mandate was expanded: the Mission joined the JCC as a permanent member in 1996 and opened an office in Tskhinval(i),⁵ which allowed to improve the co-ordination of activities on the ground.

A negotiation mechanism parallel to the JCC, dealing specifically with the political framework for lasting political conciliation, was created, notably, with the full support of Russia. The negotiations proved

⁴ See for instance the memoirs of the first SO *de facto* president Ludwig Chibirov (2003, 155 *et passim*).

⁵ To avoid the politicization of the choice of the name of the SO regional centre, following Gerard Toal (2017), the Author uses the form Tskhinval(i), which, combining the Ossetian (Tskhinval) and the Georgian (Tskhinvali) forms, signifies the contested name of the town without privileging either.

hard as the SO status was approached by the two sides according to the conflicting principles of state territorial integrity and national self-determination. Georgia refused to touch at its state structure and treated the conflict as a question of national minority rights, while the Ossetians insisted on being a separate people entitled to exercise the right of self-determination on the background of the Georgian violent repression and denial of representation in national governance.⁶ Here the OSCE brought a key contribution mentoring Georgia to revise its position to recognise and make concessions to the Ossetian side for a suitable form of autonomy.⁷ Accordingly, Tbilisi took practical steps to mend their relationship, what was visible in Shevardnadze's admission of Georgian responsibilities in the start of the conflict and acceptance of South Ossetia name and territoriality, both totally negated in the previous years. A first OSCE drafted proposal based on the transformation of Georgia from a unitary into a federal state with an SO autonomous republic was refused in 1995 by both sides. Despite this, the OSCE kept the discussion open and through a number of high-level and expert contacts assisted in defining a consensual frame for solving the political status of South Ossetia. Known as the 'Baden process',⁸ this was based on a frame already in use between Transnistria and Moldova and then also proposed for the Abkhaz case, based on the concept of a 'common state' (*obshchee gosudarstvo*), allowing for different but compatible nuances of perception as federation/confederation by the parent and separatist side respectively. In the SO case however, the consensus was complicated by the Ossetian ethnic kin of the North under the RF (also a side in the process), which called for a special regime of connection (possible double citizenship) and the fact that Russia remained the only available guarantor of the agreement. In this regard, this initiative failed to realise also because of the Georgian demand for increasing Western involvement at the expense of Russia role that

⁶ The Ossetians appealed to the Right of Self-determination of peoples as expressed in the International Covenant on Civil and Political Rights (UN G.A. Resolution 2200A (XXI), art. 1, 999 U.N.T.S. 171, Dec. 16, 1966) but this position has always suffered from the absence of a clear definition in international law with regard to the right application and the definition of an entitled population in sub-state regions as SO outside of cases of de-colonisation. See Winters 2013.

⁷ Potier (2001) reports in detail the OSCE action in this phase stressing the strong condemnation that the OSCE approach received in Tbilisi as 'ill-disposed toward us' (i.e. Georgians). Head of the OSCE during the most productive phase of the negotiations, Ambassador Dieter Boden from Germany was considered to be a 'Russian agent' because he supported SO subjectivity in the process (Interview with then Georgian JCC representative Irakli Machavariani, Tbilisi, 4 July 2019).

⁸ The name came from the place of the final redaction, Baden in Austria, whose then President Benita Ferrero Walden supported the process, while the exact definition was "Agreement (Declaration) on Basic Principles of Political and Legal Relations between the Sides in the Georgian-Ossetian Conflict". See Eiff 2009.

Moscow rejected on the basis of concerns for its internal security and given the amounts of efforts deployed in peacekeeping.

Until the change of the political establishments in Tskhinval(i) and Tbilisi (2001 and 2003 respectively), the conflict's sides were very closed from reaching an institutional settlement.⁹ Apart from facilitating this process, the OSCE involvement in the conflict was positive also in terms of improving life conditions in both areas of SO, contributing to the protection of the residents' human rights and facilitating humanitarian assistance by other international organisations (MacFarlane, Minear, Shenfield 1996).

However, international involvement failed to be conducive to a peaceful outcome of the conflict because of the following set of general problems:

1. the OSCE could not address the problem of the sides' commitment to the advanced proposals. Putting apart South Ossetia's maximalist positions, Tbilisi made several promises of 'the broadest autonomy' for the separatist regions but never created a sound mechanism to implement this.¹⁰ Lacking a credible framework and institutions for the implementation of negotiated settlement, even the most well intentioned leaders of the adverse side would refuse to engage into them.¹¹
2. The lack of SO parent state's commitment was especially evident in relation to the economic situation of the entity (König 2011). Being close to state failure, Tbilisi never fulfilled its financial obligations for post-war reconstruction of the region. As a result, people in SO had to survive through smuggling and other illegal activities, where a number of Georgian actors also became involved. By this way, extended constituencies having an interest in the perpetuation of the conflict emerged and consolidated (Mirimanova, Klein 2006).
3. In such a condition, a part of the amount of resources OSCE and humanitarian relief agencies injected had the effect to provide additional resources for the conflict's players, un-

⁹ This point was confirmed to the Author by a former senior OSCE diplomat facilitating the negotiation process in the nineties, who asked to remain anonymous (Personal interview, Arkyz, Russian Federation, 11 September 2018).

¹⁰ Notably, in the new constitution adopted by Georgia in 1995, the former SO region remained divided between three Georgian districts. This was declared as provisory, allegedly, pending a final agreement with Tskhinval(i) on the status. As observed by a former head of the OSCE mission (Eiff 2009, 42), "by, omitting any clear perspective in the definition of the borders, Georgia failed to convince that it was serious".

¹¹ As observed by Charles King (2001). The author further said that international intervention can itself be a useful resource for the builders of unrecognised states, for even accepting the separatist delegation as a negotiating partner confers some degree of legitimacy on that side's demands.

intentionally strengthening the statehood of the separatists (King 2001).

4. A crucial dimension that went almost completely overlooked was the cultural and historical background of the conflict. Thus, the OSCE did not touch at the roots of the Georgian-Ossetian war, stemming from the opposing narratives used by the two sides to substantiate their positions. In the years in review, Tbilisi continued to insist on “illegal” character of territorial autonomy, developing the historical discourse of ‘Samachablo’, which became dominant among the Georgian public.¹²
5. This mainstream narrative fed into mutual distrust between the sides. Denying the SO legitimacy, the Georgian side never accepted the local rulers of South Ossetia as equal negotiating partners (König 2005). Overall, Western capitals only marginally engaged to make conflict resolution advance, as the Caucasus was during the nineties remote from their interests and the relations with Russia were prioritised. Accordingly, when it came to difficult issues, the international community was only ready to take ‘half-hearted measures’ to what was treated as a minor and transient local problem, where the secessionists were expected to compromise. Thus wavering international engagement seriously limited the OSCE possibilities to make a difference (Vartanyan 2015).
6. Last but not least, with the years, the OSCE action in favour of the conflict resolution came to suffer from the Organisation losing focus on its security ‘fundamentals’ of monitoring and early warning of a still potentially explosive confrontation in favour of different programmes (gender equality, etc.), which ended up making its role less pregnant in steering the GEO-SO negotiations.¹³

¹² The very name ‘South Ossetia’ (Samkhret Oseti) became a taboo in Georgian printing and public space, mainly replaced by a term from the feudal past, ‘Samachablo’, the ‘land of the Machabeli’, from the name of the Georgian feudal family that exerted rule on part of the SO territory in XVI-XVII centuries. Otherwise, the Georgians only refer to SO as ‘Tskhinvali region’.

¹³ As reported to the author by a former head of department at the ODIHR during the years in review, perceptions of the OSCE as a “gender equality promotion institution” emerged on the field (personal interview, Tbilisi, 15 October 2018). Also Broers. Iskandaryan and Minasyan (2015, 1) observed that the OSCE normative dimension, although present since the start, had been growing with the years by “the suffusion of some Western academic funding bodies with a neo-liberal research agenda aimed at propagating Western values in the former Soviet space”.

4 Second Phase of International Involvement: the EU Entrance in the Conflict Resolution Field and the 'Unfreezing' of the Hostilities

Apart from the above mentioned points, the key turning point in changing the environment surrounding the conflict and, as a result, the OSCE possibilities to influence its outcome was the reverse in the US Eurasian strategy, which culminated in NATO intervention against former Yugoslavia in 1999. The intervention opened a phase of Western unilateralism in former Communist lands, which started a chain of events bringing about a marginalisation of multilateral organisations (first of all the UN but the OSCE as well), the acceleration of Georgia's pro-Western course and the change of regime in Russia at the end of that year. This key event happened in the mist of the EU transformation into a regional organisation aimed at expressing a unified foreign policy that brought the EU to get interested in the conflict dynamics of the Caucasus, a region until then perceived as too distant and subordinated to a 'Russia-first' approach (Popescu 2007). Towards the end of the nineties, Brussels started to provide some financial assistance (firstly in 1997, when the EU made a first grant of 3.5 million ECU), including support for the working of the JCC, to which, since 2001, participated in sessions on economic issues. From 1997 to 2006, 8 million euros were disbursed for projects mainly concerning economic rehabilitation (König 2011).

The same as for the OSCE case, the EU developed a preference to deal with the SO conflict instead of the Abkhazian one as this was perceived as easier to solve and providing more room for the involvement as a collective institution, given that Abkhazia was already the object of some member states' national foreign policies.¹⁴ In the end, the EU became the biggest international donor to the Georgian secessionist regions (after Russia), implementing a quite wide range of activities, from infrastructure rehabilitation to different forms of dialogue, but lacking focus and trying to avoid any political issue.¹⁵ Despite 19 million euros allocated to this end, little was said on how to reach it besides the usual appeals to political dialogue and confidence building measures.

In the meantime, the 2003-04 period radically changed the EU approach. As a result of the enlargement to Easter Europe, Brussels

¹⁴ Major EU member states as France, Germany and the UK were involved in the mediation of the conflict in Abkhazia as part of the Group of Friends of the UN Secretary General and sceptical of an EU policy involvement in an area where they perceived national interests at stake (Popescu 2011, 71).

¹⁵ The next year (2007), were introduced as well technical assistance to the Georgian Ministry of Conflict Resolution and the secondment of an EU external advisor on minority issues to the Ministry of Civic Integration (Merlingen, Ostrauskaite 2009).

launched the European Neighbourhood Policy (ENP, June 2004) and appointed a Special Representative (EUSR) for the South Caucasus, also supposed “to assist creating the conditions for progress on settlement of conflicts frameworks” (European Council 2003).

These developments, together with the ‘Rose Revolution’ regime change in Georgia, created a fundamentally new basis for the relations with the Caucasian country.¹⁶

However, the new ‘revolutionary’ government of Mihail Saakashvili attempted to overhaul the deadlock around the conflicts and hastily restore Georgia’s territorial integrity. In summer 2004, as a part of its general effort to curb corruption, Tbilisi closed down the Ergneti market, formally to stop illegal trading, in fact to quell South Ossetia resistance as this was the main source of revenue for the *de facto* authorities. However, the move proved mainly detrimental as Ergneti was also a powerful confidence building mechanism making the two peoples cooperate and Ossetians gravitating towards Georgian economy. With the market disappeared again also confidence and Tskhinval(i) was left completely dependent on Russia for its economic survival. Moreover, this step went without any proposal of political dialogue and was followed by a built up of the Georgian security presence in the zone of conflict, which caused the biggest escalation since 1992. As South Ossetians saw in this a new act of aggression from Georgia (Prez Oltramonti 2012), ethnic tensions between the two sides erupted again whipping out 12 years of OSCE efforts at disarmament.¹⁷ Also, the position of the OSCE as a neutral side suffered as Tskhinval(i) criticised the absence of preventive intervention in the crisis.

Further, the Georgian state came out with a number of unilateral initiatives aimed at overcoming the Sochi agreement’s conflict resolution mechanism in order to marginalise the JCC and the Russian role by way of increasing the functions of the OSCE and adding EU and US representatives in it (International Crisis Group 2004). In many occasions, the Georgian government acted unilaterally destabilising the situation. Notably, Tbilisi created an ‘alternative Ossetian’ administration under a defector from Tskhinval(i), Dmitri Sanakoyev,¹⁸ and then tried to promote him in the West as the le-

¹⁶ For instance, in 2004, Georgia also became recipient of the first European Security and Defence Policy (ESDP) Mission in post-Soviet space, the EUJUST THEMIS (Merlingen, Ostrauskaite 2009).

¹⁷ Notably, the Georgian security build-up killed on the birth a key initiative mediated by OSCE as the establishment of a joint Georgian-South Ossetian police centre (König 2005).

¹⁸ Former SO *de facto* premier and defence minister Sanakoyev was elected in the Georgian controlled areas and provided with massive governmental financial support. Alexey Chibirov stated to this Author that the choice followed his refusal for the same

gitimate leader of the ‘real South Ossetia’. By this attempt to further undermine the position of the *de-facto* authorities, denying 12 years of domestic political developments, Tbilisi completely antagonised Tskhinval(i), the indispensable counterpart for a consensual resolution of the conflict.¹⁹ Georgia line made absolute the principle of its sovereignty infringed by the JCC powers in managing SO situation. Lynch (2004, 52) has noted how emphasis on absolute sovereignty is a common feature of all parent states’ positions towards separatists, one clearly implying the option of the use the force to restore it. In fact, lacking a constitutional guarantee from the side of the parent state, the only possibility to engage SO in a perspective of reintegration, was the provision of international political and legal guarantee for its special status within Georgia. However, this implied the intermediary’s readiness to deploy forces on the ground to respond to SO security concerns (Semirechnyy 2006).²⁰ Given a probable veto of Russia for an OSCE full-fledge mission, the EU was the only possible candidate to such a role. However, the EU was absolutely not ready for such a dramatic change, especially since Georgia proved to be a highly divisive issue among the EU member States according to their attitudes towards Russia. At the same time, Brussels already put its political weight behind Tbilisi, doing little to try to moderate its belligerent approach. It is quite paradoxical that an organisation as the EU, supporting principles as federalism, the overcoming of national sovereignty and the refuse of the use of force in international disputes, ended up to be such a staunch supporter of Georgia, unable to balance its unilateral moves and thus to influence the pace of events. The OSCE also appeared as totally passive following, in the words of then Head of Mission to Georgia, Roy Reeve, a ‘self-isolation’ approach.²¹ Because of internal divisions, both organisations had only “half-hearted” actions (Gheballi 2004), lacking focus in their actions and commitment in the pursuit of started deeds. The International Crisis Group (2006) characterised the EU action as “working around the conflict”, not “working on the conflict”.

role, under the payment of a consistent sum to pay for his loyalty. Author’s interview, Vladikavkaz, 23 September 2016.

19 In his initial calls for peace to the breakaways, Mihail Saakashvili addressed the ‘people’ of South Ossetia and never their leaders. This could be justified in the rule of law perspective informing the initial phase of the new Georgian regime but not in a conflict resolution one.

20 Aleksander Semirechnyy is a pseudonym used by leading North Ossetian scholar Artur Tsutsiev. Tsutsiev’s observations are particularly relevant since they stemmed from his participation to the JCC discussions and include an assessment of the Georgian stance as it was expressed in that context.

21 Vartanyan (2015) noted that Georgia came out with its new proposal at the same time when the OSCE HoM was engaged in a demarche to revive ‘the Baden process’.

It is important to stress here the problems coming from the missions' staffing, present since the incipit of the activities up to our days (Mirimanova, Klein 2006). Having mostly seconded personnel, often selected on the base of the necessity to quickly man vacant positions, create necessarily some setbacks. The trajectory of the OSCE involvement in GEO-SO also shows how personalities may play a decisive role in the performance of the organisation. For instance, advancements in the nineties were also a reflection of the role of diplomats as Dieter Boden, able to remind all sides about their responsibilities. The same Roy Reeve managed to express a balanced position, notably resisting Georgian push to legitimise Sanakoyev. For this however, he was refused the extension of his post by Tbilisi without resistance from the European capitals (Vartanyan 2014). As recognised by US diplomats, on background of rising tensions of 2007, the exit of Reeve deprived the OSCE of an active leader, able to navigate in the middle of several confrontational issues (Wikileaks 2007). The appointment of Finnish Ambassador Terhi Hakala went in the opposite direction since she followed a distinguished pro-Georgia position and had no influence on the escalation of events. Similar considerations can be made with regards to the role of the second EUSR (appointed in 2006), Peter Semneby from Sweden: when it was a matter to organise the Geneva talks after the war, the EU preferred to appoint an additional EUSR, Amb. Pierre Morel, a personality that was apter to find a common ground with the Russian side.²²

The role of personalities on the terrain is important also in terms of the kind of information that was conveyed to the organisations' headquarters. Enthusiasm for the Saakashvili regime's liberal political course prevailed preventing to see both the increasing authoritarian nature of the regime and how it was exploiting the developments in the larger regional geopolitical environment for its internal needs. The latter was characterised by an increasing tension between an US driven NATO expansion and the parallel reconstruction of the bases of the Russian power under Putin (Toal 2017). Against this background, Tbilisi depicted the conflict in South Ossetia as "a problem between Georgia and Russia" only. The in-between position of Ossetians was overlooked (or assimilated to a Russian instrument according to the Georgian narrative), while the effects of the Kosovo recognition's precedent and Russia's resolution to react to infringements on its security interests were not taken into proper account.

22 As reported by Popescu (2011, 89), the French and a number of other EU member states thought that Semneby was too critical of Russia and a more 'neutral' EUSR was needed; one EU member states commented that "in times of crisis the big EU member states could not let a Swedish diplomat handle such a sensitive dossier".

While its operational environment was radically changing, the OSCE lost grip in bringing both sides together. It excluded itself from the negotiation role to take the much easier one of ‘project manager’, supervising the Western aid for the South Ossetian reconstruction. On the field, the possibilities of analysis and early warning of the OSCE Mission were increasingly restricted and with that conflict prevention role started to falter. When in March 2008 Georgia stepped out of the JCC, the OSCE Chairman-in-Office’s, Alexander Stubb (Finland) effectively endorsed the step, thus contributing to a further lack of confidence (De Waal 2010). In the end, the OSCE authority was so depleted, that no side paid attention to Stubb’s calls for urgent talks in the wake of the final escalation (Vartanyan 2015).

5 Third Phase: The Exit of the OSCE and New EU Role after August 2008 Watershed

The eruption of the war was a grave setback for the OSCE, which was completely overwhelmed by events, also in practical terms, given the presence of three international monitors in Tskhinval(i) under attack. A serious scandal resulted when the OSCE leadership was accused of keeping secret the reports sent by its monitors in order to protect the international reputation of the Georgian leadership.²³ Following Georgian defeat and Russian recognition of the breakaways regions as independent states, SO first proposed to have a separate OSCE mission and, at the predictable OSCE refusal, Russia vetoed the extension of the OSCE and then of the UN missions working on conflicts in Georgia.

As a result of this, the exit of the OSCE from the SO conflict management caused little surprise. More unexpected was the EU taking over with the deployment of the European Union Monitoring Mission (EUMM) and the organisation of a new negotiation mechanism, the Geneva international discussions (GID),²⁴ following the ceasefire mediated by France on behalf of the EU. This was a rather conjuncture development, given to the fact that a major country as France happened to hold the EU presidency during the August 2008 crisis, being able to pull the rest of the EU behind it. Consequently, the EU switched from the role of contributor to others’ initiatives to the one

²³ The deputy head of the OSCE mission, Ryan Grist, warned of Georgia’s military activity before its move into the South Ossetia region. He said it was an “absolute failure” that reports were not passed on by his bosses (BBC 2008).

²⁴ A new mediation process was foreseen by the ‘Six-Point Ceasefire Plan’ reached by French (and then EU) President Sarkozy with his Russian counterpart Medvedev, which brought the 2008 war to an end. As a rule, GID were organised in cooperation with the OSCE and the UN as the other two organisations that were deploying missions in the field (Mikhelidze 2010).

of main mediator of the conflict, the role that previously Russia pretended to perform and it abandoned after the August war to become the guarantor of the two entities' self-determination.

For the EU, performing this mediation function presented major challenges, due to a constantly confrontational regional geopolitical environment with its ramification in the policy followed by Tbilisi. On the larger regional plan, the EU created a new iteration of its regional policy, the Eastern Partnership (EaP). After some years of détente, the EaP resulted in a further exacerbation of the geopolitical rivalry with Russia, which went forward with a parallel proposal of bloc regionalism, the Eurasian Union. As a result, the laceration of the Post-Soviet space in a competitive value-laden dichotomy between "Europeanization" and "Sovereignty" went exacerbated (Broers 2018). In 2013-14, this tension degenerated in a new crisis in Ukraine, which, with the annexation of Crimea, definitely consolidated a 'new cold war' climate across the European neighbourhood.

With regard to Abkhazia and South Ossetia, the EU has defined its policy as one of "Non-Recognition and Engagement" (Fischer 2010). However, the effectiveness of this policy and of all other actions aimed at improving the conflict environment has been severely impaired by the attitude that the Georgian state followed in the aftermath of the war. With the Russian recognition and the establishment of military bases in its former regions, Tbilisi adopted a legal definition of them as 'occupied territories' and their political authorities as 'puppet regimes'. On this premise, Tbilisi implemented legislation to criminalise contacts and projects with both governments and civil societies unless they take place under close supervision of the Georgian authorities. Even after its revision following critics by the Venice Commission of the Council of Europe, the Georgian 'Law on Occupied Territories' restricts the possibility of engagement by international actors. The law's impact is much more perceivable in SO than Abkhazia. Indeed, locals lived the war as a deep psychological trauma, which resulted in the reject not only of Georgia but also of the Western world at large, perceived as exclusively sympathetic to the Georgian stance (Sotieva 2014). As a result, SO opted for a policy of self-isolation behind Russian security presence. Nowadays, while it is possible for foreign citizens to travel to the latter, since Sukhum(i) allows for transit from mainland Georgia, this option is refused by Tskhinval(i) so that the mere act of travelling to Tskhinval(i) through the only opened way (i.e. through Russia) may be considered an offence.²⁵ Accordingly, SO interaction with international organi-

25 Notably, in 2014 Tskhinval(i) adopted the Russian Law on 'Foreign Agents', requiring foreign-funded domestic non-governmental organisations to register as foreign agents in order to discourage contacts between local NGOs and international donors.

sations almost stopped, notably with the EU Delegation which, prior to the 2008 war, supported several projects in the social sphere.²⁶

Against such a background, it does not surprise that, after ten years from their deployment, EU efforts at conflict resolution in Georgia appear themselves in a “frozen” condition. After more than 45 rounds of negotiations since 2008, apart from maintaining an official line of communication open between Tskhinval(i) and Tbilisi, the GID platform has achieved few results: in 2009 it established the Incident Prevention and Response Mechanism (IPRM) mechanism (see below) and then almost nothing followed. As it happened during the second phase, a major obstacle remained the Georgian refusal to sign a non-use of force engagement with the *de facto* states.

Similar considerations can be made for the EUMM: despite its extended presence (four operational centres with more than 200 international officers deployed on the field, for a yearly budget of more than 18 million EUR), the mission has not a dynamics to show. Through its patrolling activities, EUMM stabilised the situation on the Georgian side of the former conflict zone (a function specular to the Russian presence on the SO side); also EUMM assures operative contacts between the sides by way of a hotline and the organisation of the IPRM monthly meetings. At the same time, the mission kept insisting that its mandate include access to Abkhazia and South Ossetia so that following Russia effective blocking of this demand discredited the general credibility of the EU in Georgia (Turashvili 2018). Thus, largely redundant in relation to these limited tasks, EUMM continues to exist with the same extended dimensions of its beginning because its main function is to symbolise the EU’s political commitment to the region and any reduction would send politically ‘wrong signals’.

At the same time, the EUMM unshakable condition reflects the continuous divisions between the member states in relation to Russia. European institutions themselves are divided on the line to follow and are subjected to the Georgian lobbying and propaganda actively supported by the USA (Toal, O’Loughlin 2013). If within the Council there is an understanding that the insistence on the ‘occupation’ theme is clearly detrimental, the European Parliament in 2011 called on the EU institutions to recognise Abkhazia and South Ossetia as ‘occupied territories’ (European Parliament 2011), followed the next year by a similar resolution of the OSCE Parliamentary Assembly. Accordingly, the ‘other sides’ denounce the pretention at neutrality advanced by the EU.

²⁶ In Abkhazia, on the contrary, one can find the European Union, different UN agencies (UNICEF, UNHCR, UNDP, UNFPA), the International Red Cross Committee (ICRC) as well as major INGOs, as the Danish Refugee Council, World Vision, and Action Against Hunger, all sponsoring different kind of projects that worth more than 10 million USD per year. In SO there are barely contacts with ICRC for humanitarian purposes (Comai 2017).

European divisions are also observable in operational terms on the Georgian field where the EU action is splintered on three branches. Along with EUMM, the EUSR continues to have a separate office in Tbilisi from where he is supposed to provide political guidance in issues related to the conflict. The EUSR is the only EU institution directly approaching the separatists but he has only limited power to act as a mediator between the conflict parties. He only visits South Ossetia four times a year and, because of the self-isolation line of Tskhinval(i), his contacts do not extend to civil society actors. It is to be noted that the EUSR action in relation to SO has been invested by the Georgian punitive approach at least twice, the last time in May 2017, when meeting in Tskhinval(i) with the just elected SO new leader, Anatoly Bibilov, EUSR H. Salber congratulated him on assuming the function. In response, Tbilisi raised a diplomatic scandal that ended up with the substitution of Salber in the coming months, not without further prejudice to the EU role as mediator (Jam News 2017). Moreover, the EUSR does not have at its disposal concrete material leverage to influence the situation on the terrain, what is true for the EUMM as well. The potential levers are in the hands of the third member of the EU 'family' on the Georgian field, the EU Delegation, the only disposing of budget funds to engage players. However, contrary to what happens in the Moldova-Transnistria case,²⁷ the EU Delegation to Georgia is, first, separated from the conflict dynamics and, second, it does not have at its disposal the needed personnel to run and monitor similar activities. As a result, the latter are outsourced to the UN, with whom the EU launched a 'Confidence Building and Early Response Mechanism' (COBERM), a grant programme that is currently in its third phase (2016-18).²⁸ Among different activities, including promoting tolerance and supporting vulnerable communities, COBERM aims at enhancing people-to-people contacts between the sides. However, despite adequate funding (5 millions for projects up to 150,000 €), COBERM projects' impact is questionable, mainly because of the mentioned absence of contacts with separatists' side: as a consequence, they have to resort to the few Georgian NGOs maintaining relations 'on the other side'. Most of these have been active for years, with the results that the contacts principally take place in narrow circles of old acquaintances.

As a matter of fact, SO as a whole, both *de facto* authorities and civil society, is completely isolated from Georgia and the Western world

²⁷ To compare, the EU Delegation to Moldova takes part (as an observer) in talks with Transnistria, which is also visited on weekly basis within the framework of confidence-building events and autonomous projects. Moreover, Transnistria's *de facto* authorities are also consulted during the projects' implementation stage, although they are not involved in their strategic development (Axyonova, Gawrich 2018, 416).

²⁸ The first phase had a budget of 4.87 million € over two years from 2010 to 2012 (COBERM).

to which the latter claims to belong. This situation of self-assumed limitation leaves no room for a positive transformation of relations and prevents the EU from acting when opportunities arise from the field. This was evident during the SO political crisis of winter 2011-12, when the establishment was contested by a street movement (a proof of the fact that even such a small polity is not completely determined from outside), which appealed to European institutions but found no one able to react.²⁹ The only road open for SO is that of further absorption into Russia's legal, economic and political space. In the context of the current regional geopolitical confrontation, as a partially recognised state, South Ossetia provides to Russia valuable services acting as a connecting element with the Donbas insurgency and an overall counterbalancing outpost against military encroachment from the side of NATO and the spreading of EU supported values.³⁰

6 Conclusions: the Need for a Clear Change in the Western Approach

As it happened with the OSCE before, the current EU action towards the transformation of the Georgian separatist conflicts is set to remain inconsistent unless serious corrections are introduced in its overall approach.

First of all, the EU should revise its position and attitude towards the Georgian overall strategy. As demonstrated by Toal and O'Loughlin, the conflict and South Ossetia separation are first of all "a measure of the failure of Georgian policies toward their own ostensible citizens in this region over the last two decades, a failure the Georgian government locates elsewhere" (2013, 138). Since the beginning of its engagement in the conflict, the EU action has supported Georgian failing approach, giving absolute value to the principle of territorial integrity in name of the proclaimed goal to join the Euro-Atlantic community. Given the lack of results, the EU would have more than one reason to balance this position. First, following it, the EU had to accept a number of Georgian derailments from the

29 Lawrence Broers (2013, 4) rightly observed that this moment was exemplary of how international institutions overlooked "situations where societies in de facto states of the South Caucasus have defied the compliance expected of them by Russian patrons", adding that "even the smallest, assumed to be most under Russia's thumb, is willing to express desires for genuine political transition when the immediate security threat is removed".

30 SO is acting as a financial offshore zone for transaction between Russia and the Ukrainian separatist regions, what allows RF economic actors to circumvent Western sanctions (Troianovski 2018).

proclaimed pro-Western values.³¹ Still nowadays, Georgian push towards Euro-Atlantic institutions continues to be more driven by the desire to achieve territorial integrity than a sincere sharing of values and strategic goals.³² More European awareness in this sense should result in overcoming the main obstacle standing on the way of the transformation of the conflict: the 'Occupied Territories' narrative and its punitive attitude. The very use of this concept excludes any possibility of reconciliation. First of all, this narrative confirms the Georgian side in the role of victim, hence it inhibits it from reckoning with its responsibilities, the necessary step to establish a dialogue with the Ossetian side, while further feeding tendencies of aggressive nationalism present within the Georgian society. Then, the occupation theme plainly denies every agency to the population of the region, disregarding their aspirations, as they are deemed as mere tools in Russia's hands, thus preventing any initiative to reach out to them. Such an approach is needed only in the framework of a geopolitical interpretation of the conflict, which is dangerous since it feeds confrontation with Russia and makes an instrumental use of the Western presence as a tool in reclaiming territory back.

For sure, all of this bound the EU to rhetorical statements preventing the creative moves and the flexibility in its engagement it could have as a third party external to the conflict and able to balance growing Russian influence in both *de facto* states. Hence, as argued by Cooley and Mitchell (2010), in specific conditions, the EU should be ready to act surpassing Tbilisi veto, even at the cost of a diplomatic struggle. This even more since the EU does not need to renounce the principle of non-recognition. The latter presents a variety of policy options because, as observed by Coppieters (2018), a non-recognised entity is not a legal nullity and it can accordingly be accepted as signatories of pacts. This could notably be the case with the non-use of force arrangement, whose adoption would greatly contribute to unlock the stalemate at the Geneva discussions.³³ Next, the EU should engage more directly with Tskhinval(i) authorities in return of cooperation in issues of European concern (de Waal 2018). In particular, it should encourage the establishing of different international links with the breakaway regions, through which their popula-

31 This was most evident during the Saakashvili regime, when the EU was taking at face value a number of the Georgian government's declarations against the background of a reality of social control, dissent's repression and impunity of the security agencies.

32 See reflections of Jesse Driscoll (2015, 179), significantly stating: "the blunt truth is that many in the Georgian political class continue to plan for a war with Russia".

33 Coppieters observes that non-recognition is 'status-denying' but does not deny the *de facto* authorities' control over a territory. By the way, this implies that the unrecognised entity has the right not to be attacked by the state from which it has broken away in force of the prohibition of the use of force in the UN Charter.

tions could better understand European positions and their diversity from American ones, presenting a perspective alternative to total dependence on Russia. SO activism and presence in the international sphere of the last two years created a positive background for similar demarches, reducing the opportunity for Russia to veto further diversification of these international ties.³⁴

In parallel, the EU should remind Georgia of its part of responsibility for the conflict so as to facilitate a revision of its policies, first of all in terms of the official narrative and the treatment of history, which remains the root cause of the conflict. Any dialogue between Tbilisi and Tskhinval(i) is doomed to fail insofar as the Georgian side will not recognise the Ossetian legitimate grievances related to the violence they endure in the early nineties and twenties. So far, Georgian narrative has forgotten this in a distorted and self-absolving line based on selective memory referring the divisions only to the 'hand of Moscow'. Here the issue is again intertwined with the concept of 'illegality', which provides for a denial of South Ossetia's historical legitimacy, even proscribing its very name (in favour of 'Samachablo'). After 30 years of constant reiteration on all the media, this discourse has been interiorised by the Georgian public. Nevertheless, this should be addressed as the core of the conflict,³⁵ and the EU side would be well fitted for that. Unfortunately, the conflict background and the local nature of the Ossetian people resistance are largely overlooked by the EU functionaries and this severely impairs the stance of the EU institutions as the Ossetians perceive them as indifferent to their past sufferance and security concerns.

Third, it is clear that the EU should streamline and better coordinate the multitude of actors on the ground (EUMM, EUSR, Delegation, Brussels based players and the member states) and the profusion of their initiatives that, as observed by Broers (2018), often "embed fracture rather than dilute it through inclusivity" (Broers 2018, 89). Notably, there is a need for a better defined mandate for the EUSR to lead efforts in mediation and dialogue, with his coordinating role in EUMM activities and full support of the Delegation's resources.

A practical way to act for conflict transformation remains bringing people together by way of the economy and trade connections. Most promising in this sense is the perspective of re-opening the Transcau-

³⁴ The main case in point is the unofficial visit of *de facto* Ministry of Foreign Affairs Dimitry Medoyev to the European Parliament to participate to a political forum what was used by representatives of SO civil society to ask for the removal of existing imposed hindrances to their contacts with Europe (Kelekhsayeva 2017).

³⁵ As such it was identified already in 2004 by the ICG (2004), past grievances and ambitions "unless they are addressed, efforts to re-integrate South Ossetia into Georgia are almost certain to lead again to violence".

casian transit corridor running through South Ossetia (International Crisis Group 2018; Comai 2018b). The latter represents the best land connection between the North and the South of the Caucasus, as such vital for Armenia's economy and with a great potential for trade between Russia and Iran. In the framework of the WTO, Georgia and Russia already negotiated the conditions for the re-opening of this connection and this bears the potential to be a game-changer for regional relations. To this regard, it could be recalled that the first EU approach to the region (1993) was through the TRACECA (TRANsport Corridor Europe-Caucasus-Asia) programme, which, still existing today, could be extended to Russia (considering for instance that Iran, also initially excluded, in 2009 was accepted, although with no effects because of the sanctions) and thus serves as a confidence building mechanism at the larger scale instead of the geopolitical instrument it resulted to be.

As one can see, the task of restructuring EU action to be effective in Georgian-separatists mediation, as the SO case study reveals, is objectively a complex one, which will take time to come about, if ever. In the meantime, the role of OSCE could also be reconsidered. Indeed, in itself, the OSCE continues to represent a privileged platform for security dialogue between European and Eurasian states, the only one where Moscow's legitimate concerns regarding the South Ossetian knot can be discussed at the proper level. In addition, as an organisation, the OSCE commands a unique experience and a well-established conflict management toolkit, being still the main provider of peace monitoring and support to the conflict resolution processes in the post-Soviet space at large. Moreover, at the difference of other Western actors, the OSCE can approach a region like SO as a part of its wide geographic space not only as an external issue subordinated to Georgian territorial integrity (Caspersen, Herrberg 2010). Finally, for Tskhinval(i), the OSCE remains the first platform opening the international arena and whose proactive mediation process brought fruits in terms of peace advancement in the nineties. Hence, there is much room for the return of the OSCE in playing a role in rebuilding contacts around the Georgian-Ossetian conflict, creating dialogue between Moscow and Tbilisi on regional security issues, possibly associating Tskhinval(i) and Sokhum(i) in order to discuss the crucial issue of external guarantee for their status and security.

Such a perspective does not appear as self-evident in the current conditions but may result realistic in the changing environment of the EU-RF 'shared neighbourhood'. Since 2008, the post-Cold War model of Euro-Atlantic security, based on the extension of the liberal institutions proper of the West, reached its limits, both geographically and conceptually (Mankoff 2016). The Ossetian case stands as an example of the resistance of generally traditional societies to the extension of such a model. Against such background, Western organ-

isations should assess their strategies in the region taking into account the ongoing crisis of the liberal order and the related validity of a normative approach based on values. Thus, it could be expected that the OSCE will be less a conveyor of Western liberal norms to post-Soviet nations (Broers, Iskandaryan, Minasyan 2015) and more focused on traditional concepts of security and peacekeeping to make its original mission of guardian of the peace in Europe again prominent.³⁶ Such a revision would be well accepted by the largest number of players in the ‘shared neighbourhood’ since Russia also is clearly unable to act as the core of an alternative regional order and the need for a shared platform of negotiations will remain in high demand.

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36 As observed by Broers, Iskandaryan and Minasyan (2015, 1), the OSCE normative dimension, although present since the start, had been growing with the years by “the suffusion of some Western academic funding bodies with a neo-liberal research agenda aimed at propagating Western values in the former Soviet space”.

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