

# The Limits of International Conflict Management in the Case of Abkhazia and South Ossetia<sup>1</sup>

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## 1. Introduction

In August 2008, Georgia and Russia clashed in a five-day war after Georgian troops attempted to assert full control over the break-way region on South Ossetia, in contravention of a 1992 ceasefire agreement brokered by Russia and policed by Russian troops in the guise of CIS peacekeepers. French President Nicolas Sarkozy, at the same representing the EU Presidency, offered an impressive example of leadership and diplomacy and helped broker a ceasefire between the two countries after five days of fighting. Despite the quick end of military hostilities, the political situation escalated further, culminating in the Russian recognition of South Ossetia's and Abkhazia's independence on 26 August 2008. Sarkozy's diplomacy was not only that of a political leader who saw an opportunity to leave his mark on the European and global stage but also reflects the significance of unresolved conflicts over statehood issues that date back to the break-up of the Soviet Union. Alongside the conflicts over Transnistria (in Moldova) and Nagorno-Karabakh (in Azerbaijan), the two conflicts in Georgia—Abkhazia and South Ossetia—are of critical importance especially to the EU, and its member states, as the Union engages with the region as part of its neighbourhood through its European Neighbourhood Policy and the Eastern Partnership. The implications of these conflicts over unrecognised states for European and EU security have also been recognised by the EU Security Strategy of 2003 (EUSS), noting that “frozen conflicts, which also persist on our borders, threaten regional stability” (Council of the European Union 2003: 5) The EUSS makes clear that “violent conflict, weak states where organised crime flourishes, dysfunctional societies or exploding population growth on its borders all pose problems for Europe” (ibid.: 7) and goes on to demand very specifically that the Union “should now take a stronger and more active interest in the problems of the Southern Caucasus” (ibid.: 8). The 2008 Report on the implementation of the EUSS referred specifically to the conflicts in Georgia, claiming on the one hand that “[s]ince 2003, the EU has increasingly made a difference in addressing crisis and conflict, in places such as ... Georgia” and pointing put on the other that “[t]he situation in Georgia, concerning Abkhazia and South Ossetia, has escalated, leading to an armed conflict between Russia and Georgia in August 2008. The EU led the international response, through mediation between the parties, humanitarian assistance, a civilian monitoring mission, and substantial financial support. Our engagement will continue, with the EU leading the Geneva Process” (Council of the European Union 2003: 1, 7).

One year on, the Geneva process had succeeded in keeping all sides of the conflict engaged, but had otherwise made little substantive progress, when, on 16 October 2009, Sergei Bagapsh (2009) expressed confidence “that the independence of Abkhazia not only is assured, but that we will thrive politically and economically ... [and that] it is only a matter of time before we are recognized by most countries of the world.” There were many remarkable things about this statement. The first was the optimism that Bagapsh displayed about Abkhazia's independence and future development. As the president of this entity, this may be expected of him, but his country remains unrecognized by all but Russia and Nauru, Nicaragua, and Venezuela, as well as by the even less recognized Transnistria. Nor

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has Bagapsh's election as president received any wider recognition. And even the use of the term 'independence' is arguably misleading—Abkhazia and its leadership may perceive the post-August 2008 status as such, but their dependence on Russia has, if anything, increased and reduced the little room for manoeuvre that Abkhazia might have had before. Seen from this perspective, even more remarkable than the statement itself, is where it was expressed: in the editorial pages of the Washington Times that also acknowledged Bagapsh's title as President.

A de-facto recognition, if not of Abkhazia so at least of the new status quo, giving Bagapsh such highly prestigious column space is an indication of two closely linked dimensions of the politics of unrecognised states: on the one hand, there is the frequent failure to resolve their status and to do so by peaceful means; while on the other the need persists to engage with them. This fine line between recognition and engagement—often presented as a choice between recognition and non-engagement—is what this chapter will explore in more detail in relation to the case of EU conflict management in the two separatist conflicts that have plagued Georgia and Georgian-Russian relations for most of the post-Soviet period. The focus on Abkhazia and South Ossetia is justified in that it offers an excellent case study on the dangers associated with unrecognised statehood left poorly managed in a region of significant geostrategic importance. While the EU is not solely responsible for the lack of effective conflict management, examining its role is instructive in that it can shed light on a number of core problems associated with international conflict management more generally. The chapter proceeds in three steps: it begins with an overview of EU-Georgia relations from the early 1990s to the aftermath of the Georgia-Russia war of August 2008. It then offers two complementary explanations for the ultimate failure of conflict management—the EU's lack of appropriate capabilities and the multi-layered context of the two separatist conflicts. Against this background, the chapter concludes with a broader evaluation of the utility of international conflict management strategies in relation to unrecognised states.

## 2. The EU's Engagement with post-Independence Georgia

EU efforts to engage with Georgia over the country's two separatist conflicts date back to the early 1990s and were initially focussed on humanitarian assistance: more than half of all ECHO funding to Georgia prior to the 2008 war and its aftermath were spent between 1992 and 1995, two-thirds of all food aid (from DG Agriculture funds), and all exceptional humanitarian assistance. From 1997 onwards, the EU also begins to commit funds to rehabilitation programmes in the two conflict zones.<sup>2</sup>

A major boost in the amount of EU funding received by Georgia and a significant diversification of programmatic areas in which projects are financed occurs after 1999 when relations between Georgia and the EU were put on a contractual footing with the Partnership and Cooperation Agreement (PCA) entering into force. As part of the envisioned political dialogue to be developed on issues pertaining to security, stability, economic development, institutional reform, and human and minority rights, a hope was expressed that “[s]uch dialogue may take place on a regional basis, with a view to contributing towards the resolution of regional conflicts and tensions” (European Commission 1999: 6). The Presidency Conclusions of the Cologne European Council were even more

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<sup>2</sup> For detailed annual expenditures, see European Commission (2007:33).

optimistic, expressing the conviction “that this will also facilitate ... the quest for lasting solutions to persisting conflicts in the region” (Council of the European Union 1999: §93.)

In 2001, the European Commission issued a Country Strategy Paper<sup>3</sup> for Georgia which, apart from a gloomy overall assessment of the political and economic situation in Georgia (European Commission 2001: 4, 7-10), identified the two conflicts in and over Abkhazia and South Ossetia as a major “impediment to development in Georgia” and a contributing factor to regional instability. Noting the readiness of the EU “to look for further ways in which it could contribute to conflict resolution, as well as post-conflict rehabilitation”, the paper also explicitly committed the EU to the support of “the principle of Georgian territorial integrity” (ibid.: 5). Less than two years later, the Commission published a revised country strategy, taking account of the deteriorating political and economic situation in Georgia (European Commission 2003) and restating the commitment to contributing “to support efforts to prevent and resolve conflicts as well as post conflict rehabilitation” (European Commission 2003: 4). The latest Country Strategy dates back to 2007 and is generally more upbeat about developments in Georgia after 2003, which included the appointment of an EU Special Representative for the South Caucasus and the deployment of the EU’s first-ever Rule of Law mission (EUJUST Themis). While the EU’s priorities vis-à-vis Georgia—poverty reduction and institutional reform—remain essentially unchanged, the language on two Georgia’s conflicts is toned down, merely noting that “the EU attaches great importance to the resolution of conflicts in Georgia’s two breakaway regions of Abkhazia and South Ossetia and is actively involved in ongoing efforts to achieve a peaceful settlement, partly through the offices of the EUSR for the Southern Caucasus and through providing financial assistance for reconstruction and rehabilitation projects in Georgia’s conflict zones” (European Commission 2007: 7). This is quite remarkable in light of the fact that less than a year earlier, External Relations Commissioner Ferrero-Waldner had clearly, and correctly, noted, with respect to the South Caucasus as a whole, that “[t]hree negative strands are coming together, the combination of which is, frankly, alarming”, namely the failure of all parties to deliver on conflict settlement, increased defence expenditure, and ever more inflammatory rhetoric. Thus, she warned that “[a]ny further escalation of tension could re-ignite the conflicts with devastating consequences for the entire region” (European Commission 2006: 1f).

The 2007 Country Strategy must be seen in the context of the EU’s European Neighbourhood Policy of which Georgia had become a participant in 2004. As a result, while the 1999 PCA remains the legal foundation of EU—Georgia relations, it is now the ENP Action Plan that provides the framework for EU assistance and it is the ENP instruments (principally, ENPI and NIF) that are primary implementation tools.<sup>4</sup> In the PCA, the issue of the conflicts in, and over, Abkhazia and South Ossetia only got relatively brief mentions, especially in Article 5 of Title 2 (Political Dialogue), whereas the ENP Action Plan elevated the conflicts and their settlement to a Priority Area (no. 6 among 8 priority areas in total). As a consequence, the inclusion of Georgia in the ENP in 2004 saw a general increase in the EU’s engagement with the country’s two secessionist conflicts. Moreover, the change in government in Tbilisi in 2004 gave the EU greater confidence that its engagement would yield

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<sup>3</sup> According to the Commission’s 2001 Communication on Conflict Prevention, such Country Strategy Papers are “the instrument for ensuring [...] an integrated approach of conflict Prevention” (European Commission 2001: 11).

<sup>4</sup> The ENP Action Plan also takes significant inspiration from the PCA and makes frequent reference to it (European Commission 2007: 5, 6, 11, 19, 21, 25, 34, 40) and clearly states that PCA implementation is the number-one priority for future assistance to Georgia (ibid.: 19).

positive results and more quickly so.<sup>5</sup> It is also important to note that this major gear-shift in EU engagement in the South Caucasus also reflected a break with previous thinking on the South Caucasus more generally, which now, for the first time became more differentiated as a region of its own, rather than being treated as a part of the post-Soviet region (Lynch 2004).

Reflected in the policy instruments brought to bear and the funding committed to conflict resolution by the EU is a consistent EU preference for creating enabling conditions for the resolution of the conflicts in, and over, Abkhazia and South Ossetia. The bulk of EU initiatives and funding has gone to rehabilitation projects with the aim to contribute to economic and infrastructural development and thereby also build confidence between the different parties.<sup>6</sup> Being the largest foreign donor, the EU allocated €25m to Abkhazia and €8m to South Ossetia between 1997 and 2006 (European Commission 2007: 20). In addition, just over €100m were spent on humanitarian assistance under ECHO between 1993 and 2006, primarily “targeting population groups affected by the conflict” and increasingly concentrating on food security and income generating activities for internally displaced people and other vulnerable groups (ibid.). This trend continued in 2007 and the first half of 2008 with a further €10m committed to economic rehabilitation projects in the conflict zones of Abkhazia and South Ossetia and to a range of projects catering to the needs of Georgia’s still significant number of IDPs from the two conflicts (European Commission n.d.: 18). Spending on IDPs increased further in the aftermath of the 2008 war which created an additional almost 200,000 IDPs: a total of €61m was additionally allocated under the ENPI and a further €6m, initially committed to the OSCE-administered economic rehabilitation programme for South Ossetia, was reassigned to IDP projects following the closing of the OSCE mission to Georgia (European Commission 2009: 5, 7).

In addition to these economic and humanitarian programmes, the EU has also been politically engaged in Georgia and in relation to its two secessionist conflicts. Apart from significant funding made available to reforms in the political and judicial institutions of the country, Joint Actions under CFSP have begun to play an increasingly important part of the EU’s efforts to contribute to the peaceful resolution of the conflicts in, and over, Abkhazia and South Ossetia. When the first EUSR was appointed in 2003, his mandate in relation to the conflicts in the South Caucasus was merely one of “assisting” in their resolution. The appointment of the current EUSR, Peter Semneby, in 2006 saw the mandate amended to a more proactive “contributing” to conflict resolution. This change has been reflected more generally in EU CFSP actions vis-à-vis the conflicts in, and over, Abkhazia and South Ossetia.<sup>7</sup> Indicative of this gear change is the first ENP Action Plan, endorsed by the EU-Georgia Cooperation Council in November 2006 and entering into force in 2007 (European Commission 2006). Under Priority Area 6 (Promote peaceful resolution of internal conflicts), Georgia and the EU commit to a range of specific actions with regard to conflict settlement in Abkhazia and South Ossetia, “based on respect of the sovereignty and territorial integrity of Georgia within its internationally recognised borders”, including confidence building, economic assistance, and demilitarisation (European Commission 2006: 10). “Disguised” as action items, the Commission also offers a broader assessment of the state of play at the time, pointing out that there is a “need to increase the effectiveness of the negotiating mechanisms”, that “[t]he work of the Joint Control

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<sup>5</sup> Compare for example the EU’s assessment of the situation in Georgia in the 2003 Country Strategy with that of the 2007 Country Strategy.

<sup>6</sup> Interview with Peter Semneby and Mark Fawcett, Brussels, 16 December 2008, and John Kjaer and Stefano di Cara, Brussels, 16 December 2008.

<sup>7</sup> Interview with Peter Semneby and Mark Fawcett, Brussels, 16 December 2008.

Commission [for South Ossetia) should be measured by the rapid implementation of all outstanding agreements previously reached and in particular by the start of demilitarisation”, that “constructive cooperation between interested international actors in the region, including the EU and OSCE Member States” is essential for further progress towards conflict settlement (ibid.). This latter point needs to be seen also in conjunction with a reference to the peace plan for South Ossetia, endorsed at the OSCE Ministerial Council in Ljubljana in December 2005. Together with an EU commitment to support the enhancement of the mandates of the UN and OSCE in Georgia, this all clearly underlines the EU’s multilateral inclination. Moreover, the EU’s explicitly stated intention to “[i]nclude the issue of territorial integrity of Georgia and settlement of Georgia’s internal conflicts in EU-Russia political dialogue meetings” (ibid.) reflects the clear realisation that Russia is a veto-player whose support needs to be secured for any conflict settlement to have a realistic prospect of sustainability.<sup>8</sup>

The importance of the EU’s capabilities for effective crisis management was underlined in the context and aftermath of the war in August 2008. The French Presidency of the EU, together with the OSCE Chairmanship (at the time held by Finland), was instrumental in brokering the six-point ceasefire plan agreed by Russia and Georgia on 12 August. The follow-up visit by German Chancellor Angela Merkel to both Russia and Georgia between 15 and 17 August further demonstrated that two of the ‘Big Three’ clearly saw eye-to-eye on the issue. By the time an implementation agreement was signed by Russia and Georgia on 8 September, after further shuttle diplomacy by Presidents Barroso and Sarkozy, an Extraordinary European Council meeting in Brussels on 1 September had given full backing to the ceasefire agreement and committed the Union “including through a presence on the ground, to support every effort to secure a peaceful and lasting solution to the conflict in Georgia” (Council of the European Union 2008). The deployment of a civilian monitoring mission (EUMM) tasked with overseeing the implementation of the ceasefire agreement had its immediate significance in demonstrating the EU’s capability to act quickly in terms of decision making, financing and deployment. Longer-term, the EUMM’s significance was further enhanced because it soon became the only internationally mandated presence in Georgia after Russia forced the closure of both the UN and OSCE missions in Abkhazia and South Ossetia, respectively. Moreover, the political weight of the EU in the Geneva settlement negotiations (technically, talks to consolidate the August ceasefire) was considerably higher than the previous roles it had played (observer status in the JCC for South Ossetia and involvement in the UNSG Group of Friends for the Abkhazia talks through some of its member states). The EU became, alongside the UN and OSCE, an official co-chair of the Geneva process, in which the European Commission is a co-moderator (with UNHCR) of the Working Group on humanitarian and IDP issues.

The EU response to the August 2008 war between Georgia and Russia also served as a test for the Community Civil Protection Mechanism which was mobilised to facilitate civil protection assistance provided by member states directly to Georgia and the two conflict regions. In addition, the Commission provided €9m worth of immediate humanitarian aid for IDPs and co-hosted with the World Bank the Georgia donors’ conference on 22 October where it pledged some €500m for various rehabilitation measures, including further humanitarian assistance (€8m), support of IDPs (€61.5m through ENPI and €15m through IFS), and for the EUMM (€37m for the first twelve months to 30 September 2009).

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<sup>8</sup> This manifests itself also in EU-Russia discussions in the framework of the Common Space External Security.

Following this initial flurry of activity in August and September 2008, there was wide-spread enthusiasm that the EU had finally made a real breakthrough in its credibility as an international security actor. During the twelve months since, however, this perception, which was by-and-large correct at the time, has required some adjustment. While the humanitarian assistance programmes run by the EU, especially support projects for IDPs, have continued relatively successfully, the political process has stalled and a resolution of the two conflicts in, and over, Abkhazia and South Ossetia is as, if not more, remote than it was at the time of the war in August 2008. Not only has Russia gradually reneged on a number of pledges in the ceasefire agreement and implementation plan, but with its recognition of the independence of Abkhazia and South Ossetia (even though only Nicaragua and Venezuela have so far followed suit) and the consolidation of its political and military presence in both territories, Georgia's territorial integrity and sovereignty are no more than a fiction. Georgia itself has been through a period of heightened domestic tensions seeing a significant, yet ultimately unsuccessful, challenge to the political authority of President Saakashvili and experiencing the consequences of the global financial crisis. In addition to tense relations with Russia, Georgia's ambitions for a more concrete perspective to NATO membership, let alone an accelerated path to it, have not been fulfilled by the alliance to date. Nonetheless, Georgia continues to look to the US rather than the EU for political backing. While relations between the West and Russia have prospects of improving in the wake of a foreign policy reorientation of the US under the Obama administration, little of substance has happened, limiting both EU leverage in the Geneva talks and any incentives for Russia to make compromises. As a result, the EU, for example, had to retract proposals for an inclusion of US monitors into its mission in Georgia, strongly pushed for by Tbilisi, but equally vehemently rejected by Moscow. At the same time, within the EU, the appointment of Jacques Morel as EUSR for the Crisis in Georgia was a concession to the outgoing French EU Presidency, but undermined the role of the existing EUSR for the South Caucasus, Peter Semneby, even though the latter remains tasked with providing political guidance to the EUMM. The EU thus now finds itself between several rocks and hard places in relation to the two conflicts in Abkhazia and South Ossetia: it has not been able to capitalise on its achievements in August and September 2008 by providing clear international leadership for conflict resolution but rather is involved (again) in what has become an almost meaningless settlement process in the shape of the Geneva talks. Where the EU has, however, proven its worth is the broader set of assistance measures from humanitarian aid to support for political, legal and economic reform in Georgia. In other words, the EU has been able to maintain its engagement with both Georgia and the two unrecognised states of Abkhazia and South Ossetia while avoiding the issue of the latter's recognition, arguably by insisting on their non-recognition through the continuing emphasis on Georgia's territorial integrity. While this may have contributed to containing the conflicts, it has done little to resolve them.

### 3. Explaining the Limitations of Conflict Management

How can we explain the lack of any tangible progress toward a negotiated settlement of the conflicts over the unrecognised states of Abkhazia and South Ossetia after close to two decades of international involvement, including by the EU. In the case of the Union, the question could also be phrased slightly differently: how can we explain that the EU's impact was close to negligible before the summer of 2008, then for a short period of time very significant, before declining again quite steeply. As I will illustrate in the next two sections, there are two complementary sets of factors at

work here—the EU’s insufficient capabilities and the context in which the two conflicts are played out at local, state, regional and global levels and their interfaces.

### 3.1. *Insufficient EU Capabilities*

Any third party involved in conflict management must possess three sets of capabilities to have any chance of succeeding in its endeavours: it must have the appropriate policy tools and be able to deploy them in a timely fashion, it must be capable of funding its efforts possibly over extended periods of time, and it must be willing and able to coordinate and cooperate within its own organisational structures and with external actors.<sup>9</sup> While we will assess in the next section whether the actual conflict context was conducive to an externally facilitated settlement, what follows now is an assessment of EU capabilities meant to identify also shortcomings in the Union’s overall approach to conflict management and offer some recommendations of what might be done to overcome them. Our focus on EU capabilities and the external conflict context that, together, shape the likelihood of successful EU conflict management also offers a tool of gauging in which situations the Union might be able to succeed given its capabilities and the conflict context and thus to caution against over-ambitious and unrealistic expectations of what can be expected of the EU as a conflict manager in the case of Georgia, and throughout the Eastern Neighbourhood and beyond.

As noted above, the EU has markedly improved its capabilities to act and to fund. Two EU Special Representatives (for the South Caucasus and the crisis in Georgia) have been deployed, ENP and the Eastern Partnership have made conflict management one of their priorities, and high-level intervention, such as in the case of the (French) presidency’s shuttle diplomacy during the Georgian-Russian war in August 2008, has left a positive mark. To be sure, Georgia is far from a success story for EU conflict management, but comparing the relative success of the French Presidency’s handling of the crisis in summer and autumn 2008 to the considerable difficulties the EU experienced in the Western Balkans throughout the 1990s indicates that the EU has come a long way in achieving some credibility as a conflict manager. Likewise, the various funding instruments available now, such as the IfS and ENPI, are working far more effectively in the short and long-term than even the so-called Rapid Reaction Mechanism and other instruments did. Yet, even with improved capabilities, political will to engage *politically*, remains a scarce commodity. The main instrument (in terms of duration and funding provided) for EU engagement to date has been the ENP. Yet, as External Relations Commissioner Ferrero-Waldner already pointed out in 2006, the ENP “is not in itself a conflict prevention or settlement mechanism”, but “tackles the underlying issues which enable conflicts to fester” (European Commission 2006). Insisting, as she did at the time, that the example of Western Europe after the end of the Second World War has demonstrated that “promoting prosperity, stability and security is the ultimate conflict prevention policy” is empirically correct (ibid.), but not a suitable analogy. Conflicts, such as those in and over Abkhazia and South Ossetia, that are based on incompatible self-determination claims of distinct ethnic groups follow a different logic that is not comprehensively captured and addressed by an approach that sees “to contribute to a more positive climate for conflict settlement”(ibid.). In other words, “impressive economic growth is not the key mechanism for turning a conflict that springs from issue of identity into a cooperative arrangement” (Coppieters 2007:26). This is not to say that the EU approach as a whole is flawed, but rather that it lacks a comprehensive vision and strategic follow-through: unlike the UN and OSCE, the EU has

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<sup>9</sup> This argument is developed in greater detail in Wolff (2008) and Peen Rodt and Wolff (2010).

significant economic and political instruments that it could deploy in support of a more active diplomatic role in seeking a negotiated settlement.<sup>10</sup> Rather than merely supporting existing efforts (which failed to make any progress over more than a decade), the EU should have mustered the political will to take a lead in the settlement process.

That this has not happened either before or after the 2008 Russia-Georgia war is also a reflection of the fact that the most problematic area for the EU are its internal and external capabilities to cooperate and coordinate. As already noted, being a late-comer in the arena of international conflict management, the EU has had significant difficulties finding a role for itself within the broader international conflict management efforts. This has been as much a problem in relation to the EU's internal political dynamics. Especially in the Eastern Neighbourhood, and thus in relation to the conflicts in Georgia, the Union has been unable to overcome different member state preferences on how to deal with Russia and remains fundamentally divided between a more Russia-friendly camp (comprised of those, like France and Germany, who prioritise bilateral relations with Russia over a common EU approach) and a more Russia-sceptic camp (including primarily Poland, Sweden, and the Baltic states, as well as at times the UK who prefer a much tougher line).<sup>11</sup> This divide within the EU has meant a repetition of a well-known EU pattern of no or insufficient action until a crisis has fully escalated, rather than the pursuit of a well-conceived, strategic, and properly resourced proactive foreign policy.

Relegated to observer status in South Ossetia and to providing support for confidence-building measures and economic reconstruction in Abkhazia, the EU's role in Abkhazia and South Ossetia was relatively marginal until summer 2008, despite a somewhat higher level of activity from spring 2008 onwards (European Commission 2009: 7), including a visit by High Representative Solana to Georgia and Abkhazia in June 2008.<sup>12</sup> The Georgian-Russian war in August that year, however, coincided with the French Presidency of the EU and thus with an internationally heavy-weight incumbent with an experienced and well-resourced foreign office staff and a president accepted as equal in his national role by Russia. Yet, the EU needs to maintain a careful balance here, as noted by High Representative Solana, between "unity inside the EU and commitment to our principles" and realising that "there is no alternative to a strong relationship with Russia" (European Council 2008c).<sup>13</sup> This was also emphasised in a Commission review of EU-Russia relations in November 2008, acknowledging that "Russia is a key geopolitical actor, whose constructive involvement in international affairs is a necessary precondition for an effective international community" and observing that the key requirement for successfully engaging Russia in conflict resolution in the common neighbourhood is

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<sup>10</sup> Cf. International Crisis Group (2006: 3). This report is overall highly critical of the EU's reluctance "to take on direct conflict resolution responsibilities" (ibid.: 27).

<sup>11</sup> Cf. International Crisis Group (2008: 23f) and Leonard and Popescu (2008: 31ff.).

<sup>12</sup> Another high-level visit to Georgia, Abkhazia and Russia was undertaken in July by Frank-Walter Steinmeier in his dual capacity as German foreign minister and coordinator for the five-member Friends of the UN Secretary-General (including also the United States, Britain, France, and Russia). While a peace plan presented by Steinmeier was rejected, further escalation of the conflict over Abkhazia, seen as much more likely and dangerous than the situation in South Ossetia, was averted at the time.

<sup>13</sup> Cooperation with Russia, regardless of how reasonable it may seem from the EU's perspective, has been difficult to sustain at constructive levels. The military escalation in the summer of 2008 and the subsequent recognition by Russia of the independence of Abkhazia and South Ossetia is a clear indication that the Road Map for the Common Space of External Security is barely worth the paper on which it was written, committing the two sides, as it did, to, inter alia, cooperation in crisis management, promoting conflict prevention and settlement, regular consultation, early warning, etc. See European Commission (2005).

“the will and the capacity of the EU to act as one, combining both Community instruments as well as those of CFSP/ESDP” (European Commission 2008: 4f).

At the same time, the OSCE chairmanship was held by Finland, another EU member state and one not traditionally perceived as anti-Russian. Seizing the initiative, the French Presidency, in cooperation with the OSCE, brokered a ceasefire and oversaw the swift agreement on, and deployment of, EU monitors to Georgia. While member states remained divided over who to blame, Russia or Georgia or both, the French Presidency of the EU managed these disagreements well enough to preserve the EU’s ability to act. While this may be seen as a major breakthrough in the EU’s conflict management capabilities, it also indicated some potential weaknesses, as one might wonder whether the same results would have been obtained if the war had happened during the Presidency of a smaller member state anchored in the Russia-sceptic camp within the EU. Moreover, there remain question marks over whether the EU’s intervention actually achieved much at all: the EU-proposed ceasefire was agreed by Georgia and Russia, but only after Russia had essentially achieved its aims; Russian recognition of the independence of South Ossetia and Abkhazia happened despite EU opposition at the end of August 2008; and thus far little, if any progress has been made in the Geneva talks, mandated by the ceasefire agreement. Moreover, while the French Presidency managed to keep EU member states in line and on course during the crisis and to get, and implement, an EU-internal agreement on the deployment of monitors to Georgia, the appointment of its own EUSR for the Crisis in Georgia (the existing EUSR for Central Asia, Jacques Morel) did little to dispel perceptions of a specific French national agenda within and beyond the EU.

### *3.2. The Conflict Context*

How did the conflict environment impact on failures and successes of EU conflict management in Georgia?<sup>14</sup> Globally, the EU is a late-comer in the area of conflict management. Throughout the 1990s, the EU was, if anything, focused on the Balkans, with little success. ESDP, the Union’s major reservoir of conflict management instruments, only became fully operational in 2003 (a decade after its inception), and continues to lack military teeth. Thus, by the time the EU began to look to the Eastern Neighbourhood (ENP, too, was inaugurated only in 2003) the field of conflict management had already been carved up among other actors, such as the UN and the OSCE, who showed little enthusiasm to let the EU become a major player as well. The Union, thus, remained mostly excluded from political efforts and was relegated to providing economic support and limited confidence-building measures in Abkhazia and South Ossetia where the UN and OSCE, respectively, were the main ‘drivers’ of peace processes that stalled soon after ceasefire agreements were concluded in the first half of the 1990s (see below). The Union did obtain observer status in the OSCE and Russia-led Joint Control Commission in South Ossetia and appointed a Special Representative for the South Caucasus (as well as after 2008 for the crisis in Georgia). Through the Presidency, held at the time by France, the EU also filled a vacuum created in the wake of the 2008 Russia-Georgia war, and provided, together with the OSCE Chairman-in-Office (Finland at the time), crucial shuttle diplomacy leading to a ceasefire agreement. However, in general, the geopolitical environment offered few concrete opportunities for the EU to play an active, let alone leading role, in managing the conflicts in Georgia. Given their prominence, it is, therefore, worth briefly exploring here the role of two international organisations—the OSCE and the UN— as part of the broader global conflict context.

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<sup>14</sup> For a more detailed exploration of the dimensions of ‘context’ and their impact, see Wolff (2008) and Cordell and Wolff (2009).

As already noted, for most of the period after the outbreak of violence in Abkhazia and South Ossetia, the OSCE and the UN were the most significant external mediators involved in any of the conflicts settlement processes. Their engagement was guided by three principal objectives: to bring active hostilities to an end and to prevent their resumption; to deal with the humanitarian consequences of the two conflicts; and to achieve durable settlements. Yet, with the underlying objective of at least some of the Western members of the two organisations having been to consolidate the independence of Georgia and to effect its integration into European and transatlantic structures, tug-of-war games in which Abkhazia and South Ossetia, as well as eventually Georgia, would become nothing more than pawns, were inevitable: locally between pro-Western and pro-Russian forces, within regional organisations (such as the OSCE and the CIS), and geopolitically between Russia and the West.

This geopolitical dimension of Georgia's contested statehood requires some further analysis of another third-party actor: the United States. US engagement was driven primarily by its own national security and energy agendas. The Baku-Tbilisi-Ceyhan (BTC) pipeline serves major US interests, including diversification of supplies and limiting Russia's (and potentially Iran's) control over Caspian hydrocarbon resources by providing alternative supply lines to world markets. The security of the pipeline, however, remained crucially dependent on stability in Georgia which established an initial US interest in what was considered Russia's backyard throughout the first half of the 1990s. With the beginning of the Global War on Terrorism, the region rose to higher prominence on the US security agenda because of its strategic location in relation to Afghanistan, Iraq, and the Middle East, necessitating the use of Georgian airspace and leading to the establishment of two (joint US-Turkish) airbases in Georgia. In 2002, as part of an effort to widen the coalition of countries supporting the US-led war on terrorism, the Georgia Train and Equip programme was initiated, funded with \$64million and designed to increase the capabilities of Georgia's armed forces by training and equipping four six-hundred strong battalions of the Georgian army and some additional troops under the command of the ministry of the interior, including border guards. A follow-up to the train and equip programme was the Georgia Sustainment and Stability Operations programme, tied more specifically to Georgian troop deployments in Iraq and providing an additional \$60million in military US assistance in 2005/6.<sup>15</sup> In addition, around \$400 million worth of military surplus goods were delivered to Georgia.<sup>16</sup>

While the sustained commitment by the US to Georgia had a significant impact on the country's economic performance, especially since 2004, and arguably contributed to a number of social and political reforms, it also exacerbated Georgian-Russian tensions, especially because of US support for, if not encouragement of, Georgia's aspirations to join NATO. While US policy in the early 1990s acknowledged Russia's claims that Georgia (and other ex-Soviet republics) should be respected as part of its zone of influence, US military and energy security interests over the last decade have turned the South Caucasus into somewhat of a battleground for regional influence. In the context of generally worsening relations between Russia and the West, a perceived US agenda to press ahead with Georgia's NATO membership bid at the Bucharest Summit in April 2008 was at least a contributing factor to the outbreak of violence in South Ossetia over the summer.

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<sup>15</sup> Information from [www.georgia.usembassy.gov](http://www.georgia.usembassy.gov)

<sup>16</sup> Information from [www.state.gov./p/eur/ci/gg/c7008.htm](http://www.state.gov./p/eur/ci/gg/c7008.htm)

These complex strategic configurations of power and the opportunities and constraints they establish for the realisation of the interests of each involved player at least partly explain the failure of international conflict management efforts in facilitating a durable political settlement of the conflicts over Abkhazia and South Ossetia. Much like the EU, the UN, OSCE and US were part of the same conflict context and insufficiently able to shape it to their advantage and thus be in a better position to affect progress towards conflict settlement. Consequently it would be unfair to lay all the blame for the lack of sustainable settlements in the two conflicts in Georgia on third parties alone. Yet, seeing them just as victims of the intransigence of local conflict parties and of the self-interested agendas of other external actors, chiefly Russia, does not tell the entire story of failure either. While the US pursued a predominantly national security agenda in Georgia which limited the degree to which it could play a more constructive role in conflict settlement, the UN and OSCE were proactively engaged as key players in international conflict management efforts, but proved themselves at the same time extremely protective of 'their' settlement processes and prevented (for a long time successfully), a more multi-track and multi-actor approach. In the same way that the OSCE maintained its lead role in South Ossetia, the UN had been keen to keep other actors at bay from its efforts in Abkhazia. This exclusion of other third parties from the core conflict settlement processes limited their effectiveness in two ways. On the one hand, it deprived them from capacities that they did not, or not sufficiently, have themselves. For example, the EU's proven track record to facilitate economic reconstruction and reintegration and assist with civilian police and border management has, if anything, been activated only very late. On the other hand, despite the 'protectionism' of the UN and OSCE, the number of external actors on the ground who are keen to contribute to the settlement of these conflicts has steadily increased, but the multiple efforts made by them and the respective key players have not always been sufficiently coordinated, and objectives have at times been contradictory.

Moreover, there were two further factors that added to this unfavourable global context. Kosovo's unilateral declaration of independence in February 2008, and its recognition by now all but five of the EU's 27 member states, created a welcome 'precedent' for Russia as frequently emphasised by Putin, already in the run-up to February 2008.<sup>17</sup> While Russia's position here is ambivalent, of course, as it also backed Serbia before the ICJ challenging the legality of Kosovo's UDI, this 'successful secession' further strengthened the resolve of the Abkhaz and South Ossetian elites to pursue their course of breaking away from Georgia. The second complicating factor in this respect is Georgia's aspiration to join NATO and NATO's principal openness to this idea, as expressed at Bucharest summit in April 2008. Unsurprisingly, this was not welcomed by Russia and may well have confirmed to the Kremlin an essentially hostile agenda on the part of Georgia and NATO (in connection also with the then still ongoing US-inspired missile defence shield). The overall worsening relationship between Russia and the West clearly did not facilitate any progress on diffusing ever-increasing tensions in Georgia, thus limiting further whatever conflict prevention and resolution capabilities the EU, alone or in cooperation with other international actors, may have possessed before August 2008.<sup>18</sup> Moreover, as the International Crisis Group argues, defeating Georgia in the August 2008 war served several of the Kremlin's strategic goals in this respect: "to punish one nation for its NATO

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<sup>17</sup> The International Crisis Group (2008: 8) notes in this context that soon after Kosovo's declaration of independence, Russia significantly increased the strength of pre-existing links with Abkhazia and South Ossetia.

<sup>18</sup> The connection between the escalation of tensions between Georgia and Russia over Abkhazia and South Ossetia, on the one hand, and Kosovo's declaration of independence and the outcome of the Bucharest NATO Summit, on the other, is also emphasised in Independent International Fact-Finding Mission on the Conflict in Georgia (2009: 31).

ambitions; to warn others, especially Ukraine, not to go down the same route; and to humiliate NATO by showing it to be indecisive and ineffective” (International Crisis Group 2008: 10).

At the regional level, constraints on EU effectiveness, by-and-large, also outweighed opportunities. The main factor here is Russia. Russia, at the same time a global player, not least through its status as permanent member of the UN Security Council, has clear security and economic interests in the area considered by the EU as its Eastern Neighbourhood, interests that are often at odds with those of the EU. The Russian military presence in South Ossetia and Abkhazia (in the form of CIS peacekeepers for much of the period after the break-up of the Soviet Union), as well as Russian political influence and economic leverage makes Russia a veto power when it comes to conflict settlement. Deteriorating relations between Russia and the West, over Kosovo and NATO expansion among others, combined with the limited leverage that the EU has over Russia, have further complicated the task for the EU. EU dependency on oil and gas from Russia and on Russia as a major transit country for energy from the Caspian region has so far outweighed Russian dependency on the EU as a major market. EU efforts to diversify supply and supply routes by investing in pipelines through the South Caucasus have significantly driven increased EU conflict management efforts in this region, and Georgia in particular, but not decreased Russian leverage, predominantly because of the continuing influence that Russia exercises in Abkhazia and South Ossetia.

The regional situation, however, is also characterised by the influence of non-state actors. The fact that, over some fifteen years, quasi-state structures have grown in Abkhazia and South Ossetia (to the extent that both regions exhibit key criteria of stateness, such as a permanent government associated with a population and a territory), yet remained largely un-integrated into international political and economic networks, has also created opportunities for transnational organised crime that have become entrenched and are closely interwoven with the local political, social and economic structures, and in fact sustain them in many ways financially and militarily. These criminal networks are predominantly involved with drugs smuggling and weapons trafficking and as such also integrated into global east-west transit routes. Moreover, throughout the 1990s, the conflict zones in Abkhazia and South Ossetia, and surrounding areas of Georgia proper provided training and transit opportunities for jihadist fighters joining the Chechen independence struggle, thus increasing also Russian security concerns. While the EU is clearly and negatively affected by this kind of organised criminal activity, it lacks effective instruments to tackle them at their source. Moreover, from a conflict management perspective, such efforts might prove counter-productive by alienating the very local elites that will be essential for achieving a sustainable settlement.

At the state and the local levels, the factors that condition the success or failure of EU conflict management in Georgia are equally unfavourable. Local elites in Abkhazia and especially South Ossetia are deeply dependent on, and controlled by, Russia and involved in organised criminal activity. While they may lack even a minimum of democratic legitimacy in the eyes of the EU, it is difficult to see how any continuing stabilisation, let alone settlement, can be achieved without engaging them. While the EU is keenly aware of this, it remains committed to the territorial integrity of Georgia, which in turn resists any negotiations with the Abkhaz and South Ossetian elites. These elites, heavily dependent as they are on Moscow for political and military backing and for economic lifelines that help them maintain a modicum of local legitimacy for their regimes, thus have very little room for manoeuvre in potential status negotiations. In other words, even though local elites may be able to claim legitimately that they represent the interests of Abkhazia and South Ossetia

they have very limited, if any opportunity, in the existing negotiations format to do so effectively because of a regional balance of power that favours Russia from the start. The Russian position, moreover, is clearly at odds with that of Georgia and those among its supporters that insist on the country's territorial integrity. Thus, even though one of the results of the Georgia-Russia war in August 2008 was the creation of a new negotiation format involving both Russia and the EU, these so-called Geneva talks have yet to produce any concrete results. The EU has earned its place in the Geneva talks qua its efforts to broker a ceasefire, but its actual position within them is weak: limited, if any, leverage over Russia is matched by a Georgian preference for the US and NATO as backer. Moreover, the EU's role is constrained structurally.

The current agendas of the immediate conflict parties at the local and state levels in both conflicts have not only created a situation in which the EU is of relatively marginal significance but their perceptions of what their own interests in relation to security, power and material gain are have also meant that their willingness to move beyond the status quo and towards sustainable settlement is at best limited. Security concerns in South Ossetia and Abkhazia remain high for both separatist and Georgian officials. Internal power struggles at the state level continue in Georgia. Repeated election promises by the incumbent president to restore full sovereignty over the entire territory of the Georgian state in its internationally recognised borders from the outset limited the chances of a peaceful settlement of the two conflicts there in light of entrenched positions, and Russian backing, on the other side. Moreover, the material benefits that different sections of the elites on both sides in the conflicts derive from the status quo, and thus the threats they perceive from a negotiated solution, have created significant constituencies who benefit from the lack of a solution and are thus hardly inclined to negotiate in good faith. Abkhaz and South Ossetian leaders cannot even privately contemplate any form of reintegration into Georgia, but differ with regard to their own long-term goals. Abkhaz favour independence and fear increasing Russian dominance, while South Ossetians aim at reunification with the North Ossetian republic in the Russian Federation. Yet, Russia struggles with a restive North Caucasus and is aware of the risk of further destabilisation through continued Ossetian 'reunification' efforts.

#### 4. The International Management of Unrecognised States

The gradual escalation of the conflicts over Georgia's two separatist entities—the unrecognised states of Abkhazia and South Ossetia—demonstrates the dangers inherent in international efforts to manage such conflicts. As the foregoing analysis has demonstrated in its focus on the EU, there are several objective limitations to the effectiveness of international conflict management in a situation as multi-faceted and complex as the context in which the conflicts over Abkhazia and South Ossetia have evolved over the past two decades. The focus on the EU, however, has also highlighted a number of capability gaps that have prevented more effective conflict management, some of which are clearly not unique to the EU but constitute a broader set of problems for third-party actors involved in conflicts related to unrecognised states. Yet, the relative failure of international conflict management in the case of these two unrecognised states in the South Caucasus also offers some important lessons.

What was crucially lacking in the case of Abkhazia and South Ossetia, on the part of the EU and third-party actors more generally, was a proper conflict management strategy. The formulation and

subsequent implementation of such a strategy would need to be based on a clear definition of third-party interests vis-à-vis a specific conflict and the context in which it occurs; a context-sensitive assessment of third-party strengths and weaknesses in conflict management; and a feasible approach as to how these strengths can be best leveraged and weaknesses be overcome.

In addition, there are five substantive principles that have so far not been comprehensively appreciated in their significance for the effectiveness of international conflict management in cases involving unrecognised states.

1. *Primacy of negotiated solutions over imposed settlements*

The eventual outcomes of settlement negotiations must not be prejudged, but reflect what is practical and feasible given the interests of the immediate conflict parties and other relevant players. In order to attain such outcomes, the relevant third-party actors need to stand ready to provide adequate resources for potentially protracted negotiations, as well as leadership and technical expertise as necessary to assist in crafting a sustainable settlement.

2. *Inclusiveness of negotiations*

Comparative experience of conflict management indicates more generally the need for negotiations to include all relevant parties if whatever settlement is obtained is to have a chance of being fully implemented and sustainably operated. Such inclusion need not be unconditional, but conditions need to be determined and enforced with care. While a commitment by all parties to non-violence is essential, the non-prejudicial approach to negotiation outcomes outlined above, suggests that demanding prior acceptance of certain parameters of a settlement, such as continued territorial integrity or the permanence of demographic changes, might be counter-productive by undercutting the support that negotiators need from their constituencies. This point also emphasises the need for engaging the leaderships of unrecognised states without at the same time linking such engagement to recognition.

3. *Comprehensiveness of agreements*

The two conflicts in Georgia, for example, are primarily secessionist in nature. Yet, a mere compromise about who is to control which stretch of territory will be insufficient for any settlement to be sustainable. Experience indicates that, apart from accommodating territorial claims, security, economic, and cultural concerns too need to be addressed. This will require the parties to make concessions and settle for compromises. An often painful and risky process for the negotiators personally and the parties they represent, third-party mediators need to be acutely aware of 'red lines' and carefully tease out the space for compromise between them, tabling proposals at key moments. Such proposals can be specific to address a particular impasse during negotiations, but they may also be broader, considering the interests of external parties whose support will be needed for settlement implementation and operation.

4. *Building broad coalitions of support for negotiated settlements*

Difficult as it may be to reach a settlement at the negotiation table, the process of securing its implementation is often even more fraught with dangers of failure. Third-party actors will need to put significant effort into securing the support of a particular settlement from key constituencies of those represented in negotiations, external stakeholders and interested parties, as well as manage potential spoilers and limit their ability to undermine a settlement agreement once it has been negotiated. Such a broad coalition of support would need to include civil society and media, diaspora

networks, regional and international organisations, neighbouring states, and relevant great powers to offer the political elites who negotiated a settlement the necessary backing and give them the room for manoeuvre to accept compromises and make concessions.

#### 5. *Need for long-term external assistance*

Achieving a negotiated settlement in any conflict is a difficult enough task on its own, and is often additionally complicated by painful compromises over status issues involved in conflicts with unrecognised states. The subsequent implementation and operation of settlements, moreover, will be long-term projects of state and nation-building: (re-) building a single common state or consolidating two separate ones. Without external assistance, implementation and operation of settlements will almost certainly lack the necessary human and material resources to be completed successfully. Third-party actors normally have significant experience—of success and failure—in this (the EU, for example, from its engagement in the Western Balkans over the past almost two decades), and it will increase the likelihood of its success in conflict management if it commits to long-term, post-settlement engagement with the former conflict zones by providing security guarantees, development aid, and institutional capacity-building and training.

Overall, the case of international, and in particular EU involvement in the management of conflicts over the unrecognised states of Abkhazia and South Ossetia demonstrates that third-party actors rarely face the stark choice between non-engagement and recognition. Rather, to the extent that engagement can happen without recognition, the international track record of conflict management may not be that poor after all: before and after the 2008 war, economic and social reconstruction efforts and humanitarian relief for IDPs did result in some concrete benefits, even though these were clearly not enough to prevent the outbreak of war. This also illustrates that avoiding the recognition issue is no long-term strategy for conflict management either, postponing, as it does meaningful, outcome-oriented status discussions. *In extremis*, and the examples of Abkhazia and South Ossetia are a case in point here, the status issue is ‘resolved’ by force and recognition extended partially and without broad international consensus. Sergei Bagapsh’s optimism to one side, this does not do away with unrecognised states.

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