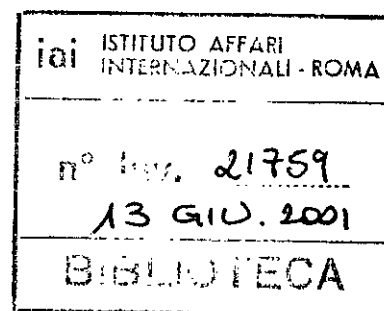# HUMAN RIGHTS AND REGIONAL CO-OPERATION IN THE CAUCASUS
THE ROLE OF GEORGIA
Istituto affari internazionali (IAI)
Tbilisi School of Political Studies
Center for European Policy Studies (CEPS)
Trento, 11-12/V/2001

a. Programme
b. Participants
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2. "La dimensione umana"/ Natalino Ronzitti (IAI0104) (9 p.)
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4. "The stability pact for the Caucasus"/ Nathalie Tocci (3 p.)
5. "A possible model of federalization of foreign policies in Georgia, Abkhazia and South Ossetia"/ Bruno Coppieters (5 p.)
6. "Federalization, foreign relations and the Georgian-Abkhaz conflict"/ Bruno Coppieters, Tamara Kovziridze, Uwe Leonardy (1 p.)
7. "De facto states and security in the former Soviet Union"/ Dov Lynch (17 p.)
8. "Regional co-operation, conflict resolution and the development of Caspian oil and gas"/ Ugo Dionigi (3 p.)
9. "Regional co-operation, conflict resolution and the development of Caspian oil and gas"/ Friedemann Muller (2 p.)
10. "The Swedish EU presidency : a new focus on Southern Caucasus"/ Dag Hartelius (1 p.)
11. "Security challenges in the Caucasus and their impact on Georgia"/ Roy Allison (2 p.)
12. "Georgia: the challenges of the regional security environment"/ Anna Matveeva (1 p.)
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14. "The U.S. role in promoting security in the Caucasus"/ Scott Nadler (3 p.)

Conference on

HUMAN RIGHTS AND REGIONAL CO-OPERATION IN THE CAUCASUS
THE ROLE OF GEORGIA
(Rome, 11-12 May 2001)

organised by
Istituto Affari Internazionali, Rome
Tbilisi School of Political Studies
Center for European Policy Studies, Brussels

in co-operation with
Georgian Embassy in Rome

sponsored by
European Commission
NATO Office of Information and Press
Open Society - Georgia
The German Marshall Fund of the United States
Agriconsulting

Thursday 10 May   Arrival of participants

Friday 11 May

RESIDENCE RIPETTA
Sala Leonina
Via di Ripetta 231
tel. +39/06/3231144
fax. +39/06/3203959

09:20-09:40   Presentation of the seminar
Ettore Greco, Istituto Affari Internazionali, Rome
Armaz Akhvlediani, Tbilisi School of Political Studies

09:40-10:00   *Keynote speech*
Maurizio Moreno, Italian Ministry of Foreign Affairs

First session: **Georgia and the European System for the Protection of Human Rights**

The human dimension
10:00–10:30   Introductory presentations
Natalino Ronzitti, Istituto Affari Internazionali and Luiss University, Rome

10:30-11:00   Discussion

11:00–11:20   Coffee break

11:20–12:00	*The protection of fundamental human rights and the organisation of the democratic system* Introductory presentations Cesare Pinelli, University of Macerata, Italy Rusudan Beridze, Deputy Secretary of National Security Council of Georgia
12:00-12:20	Discussion
12:20–13:00	*The right of individual application to international bodies for the protection of human rights* Introductory presentations Marco Gestri, University of Modena, Italy
13:00-13:20	Discussion
13:20-14:30	Lunch
Second session:	**Conflict resolution and regional co-operation in the South Caucasus**
14:30-14:45	*Introductory remarks* Michael Emerson, Center for European Policy Studies (CEPS), Brussels
14:45-15:10	*Proposals for conflict resolution and a Stability Pact for the Caucasus* Michael Emerson and Nathalie Tocci, CEPS, Brussels
15:10-15:40	*Proposals for breaking away from the current impasse towards conflict resolution and a system of regional co-operation in the Caucasus* Introductory presentations Sergiu Celac, co-chair of the Caucasian working group of CEPS Giorgi Burduli, First Deputy, Minister of Foreign Affairs of Georgia
15:40-16:00	Discussion
16:00-16:30	*The constitutional resolution of ethnic conflict in the South Caucasus* Introductory presentations Bruno Coppieters and Tamara Kovziridze, Free University of Brussels Malkhaz Kakabadze, Minister of Extraordinary Affairs of Georgia
16:30-17:00	Discussion
17:00-17:20	Coffee break
17:20-17:50	*A regional security system in the Caucasus* Introductory presentations Dov Lynch, Kings College, London Nika Vashakidze, Deputy Secretary of National Security Council of Georgia
17:50-18:10	Discussion

18:10-18:40	*Regional co-operation, conflict resolution and the development of Caspian oil and gas* Introductory presentation Ugo Dionigi, ENI Friedmann Mueller, Stiftung Wissenschaft und Politik, Berlin
18:40-19:00	Discussion
19:00-19.30	*A reinforced EU policy on Southern Caucasus – initiatives under the Swedish Presidency* Dag Hartelius, Department for Central and Eastern Europe, Ministry of Foreign Affairs of Sweden
19:30	Conference adjourns
20:00-22:00	Dinner Keynote speaker: Malkhaz Kakabadze, Minister of Extraordinary Affairs in Georgia

Saturday 12 May

CENTRO ALTI STUDI PER LA DIFESA (CASD)
Palazzo Salviati
Piazza della Rovere, 83
tel./fax. 06/6868403

Third session:	**Security Challenges in the Caucasus and the Role of Georgia**
09:00-09:15	*Introductory remarks* Gianluca Bertinetto, Plenipotentiary Minister, Diplomatic advisor to CASD
09:15-10:15	*Security challenges in the Caucasus and their impact on Georgia* Introductory presentations Roy Allison, The Royal Institute of International Affairs, London Anna Matveeva, Freelance expert, London
10:15-10:45	Discussion
10:45-11:00	Coffee break
11:00-11:45	*The contribution of Georgia to security co-operation in the Caucasus* Introductory presentations Giorgi Burduli, First Deputy Minister of Foreign Affairs of Georgia Brenda Shaffer, Harvard University, Boston
11:45-12:15	Discussion

3

	The role of Western countries and NATO in the eastward projection of security
12:15-13:00	Introductory presentations
	Nicola de Santis, NATO, Brussels
	Oksana Antonenko, IISS, London
	Scott Nadler, National Security Council, Washington
	Stefano Silvestri, Istituto Affari Internazionali, Rome
13:00-13:30	Discussion
13:30	Conference ends
13:30-14:30	Lunch

Departure of Georgian participants and Georgian experts

Sunday 13 May

Departure of non-Georgian participants

Surname	Names	Status
Akhvlediani	Armaz	MP, Member of PACE, Director of Tbilisi School of Pol. Stud. (Exp)
Aliboni	Roberto	Director of Research
Allison	Roy	Royal Institute of International affairs
Antadze	Ia	Journalist of Magazine "Arili" and radio "Liberty"
Antonenko	Oksana	Research Fellow, International Institute for Strategic Studies
Areng	Liina	Research Fellow
Bagaturia	Jondi	Head of National democrat Faction, Tbilisi City Council
Bakhatadze	Revaz	Member of Defence and Security Analytic Studies Group
Balfour	Rosa	Research Fellow, CeSPI
Beka	Chedia	Member of Editorial Board, Newspaper "Republic of Georgia"
Bendeliani	Koba	Correspondent of Georgian State TV
Berdzenishvili	David	Chairman of Republican Party of Georgia (Exp)
Beridze	Rusudan	Deputy Secretary of National Security Council of Georgia (Exp)
Bertinetto	Gianluca	Plenipotentiary Minister, Diplomatic Advisor to CASD
Borgomano	Laura	NATO Defense College
Burduli	Giga	First Deputy Minister of Foreign Affairs of Georgia (Exp)
Celac	Sergiu	Romanian Institute of International Studies
Chikhradze	Pikria	Member of Parliament, Deputy Chairman of "New Faction"
Coppietters	Bruno	Free University of Brussels
Cuesta	Luis	Embassy of Spain
Darakhvelidze	David	First Deputy Governor of Racha-Lechkhumi region
de Santis	Nicola	Liason Officer Italy and Southern and eastern Mediterranean countries, Nato Office of Information and Press
Elisashvili	Alexandre	Journalist of State Broadcasting Company
Emerson	Michael	Center for European Policy Studies
Gestri	Marco	University of Modena
Gonashvili	Bezhan	MP, Chairman of Committee of Agriculture of Parliament
Greco	Ettore	Deputy Director, IAI
Hartelius	Dag	Department for Central and Eastern Europe, Ministry of Foreign Affairs
Imnaishvili	Vladimir	Coordinator of Organization "Human Rights in Georgia"
Kakabadze	Malkhaz	Minister of Extraordinary Affairs of Georgia (Exp)

Kakhishvili	Kakha	Prosecutor of General Prosecutor's Office of Georgia
Kamkamidze	Irakli	Journalist of Newspaper "Mrevli"
Kandelaki	Giorgi	Member Group of Defence and Security Analytic Studies
Khurtsidze	Levan	Member Group of Defence and Security Analytic Studies
Kirvalidze	Mate	Journalist of Newspaper "Alia"
Kovziridze	Tamara	Free University of Brussels
Kubaneishvili	Levan	Director-General of Information Programs of Georgian TV
Laliashvili	Nikoloz	President of Euro-Atlantic Partnership Association
Lortkipanidze	Rusudan	Ambassador, Georgian Embassy in Rome
Lortkipanidze	Shorena	Member of Group of Defence and Security Analytic Studies
Lynch	Dov	Kings College, London
Manjgaladze	Rusudan	Member of Young Economists'Association of Georgia
Matveeva	Anna	Freelance expert, London
Megrelidze	David	Deputy to Head of Customs Department of Georgia
Megrelidze	Gocha	Chief of Economic Service of State Chancellory of Georgia
Menteshashvili	Ivane	Interpreter
Mindeli	Irakli	Member of Parliament, Deputy Chairman of "Socialist" Faction
Moreno	Maurizio	Italian Ministry of Foreign Affairs
Mueller	Friedmann	Stiftung Wisenschaft und Politik
Nadler	Scott	Former Caucasus Director, Office of the U.S. Secretary of Defense, U.S. Department of Defense
Nishnianidze	Mikheil	Interpreter
Pinelli	Cesare	University of Macerata
Prokorova	Elena	Journalist, BBC World Service
Ronzitti	Natalino	IAI and Luiss University of Rome
Sanaia	Giorgi	Journalist of TV Company "Rustavi-2"
Sarishvili	Irina	Chairman of National-Democratic Party of Georgia (Exp)
Shaffer	Brenda	Caspian Studies Program, Harvard University
Shaishmelashvili	K.	Assistant of Deputy State Minister of Georgia
Sibashvili	Giorgi	Head of Guriaani Administration
Silvestri	Stefano	President IAI
Sorrenti	Deborah	Research Fellow, IAI

Sozashvili	Gogita	deputy Director of center for Small Business Development of Tbilisi
Subeliani	Sozar	Journalist of Radio Station "Green Wave"
Tocci	Nathalie	Center for European Policy Studies
Topeshashvili	David	Coordinator of Centre for Economic and Legal Analysis
Tsertsvadze	Marina	Chairman of Kvareli Regional Court
Tskepladze	Natia	Judge of Tbilisi District Court
Ujmajuridze	David	Programs Producer of Broadcasting Company of Georgia
Vashakidze	Nika	Deputy Secretary of National Security Council of Georgia (Exp)
Vepkhvadze	Levan	Chairman of Centre for Democratic Novelties

Conference on
HUMAN RIGHTS AND REGIONAL CO-OPERATION IN THE CAUCASUS
THE ROLE OF GEORGIA
(Rome, 11-12
May 2001)

REPORT

<u>First session</u>: **Georgia and the European System for the Protection of Human Rights**

The first session of the seminar focused on "Georgia and the European System for the Protection of Human Rights". Analysis of the topics to be discussed within this framework was preceded by some introductory remarks by Ambassador Maurizio Moreno, Department of Political Affairs of the Italian Ministry for Foreign Affairs.

Ambassador Moreno gave a concise but stimulating overview of the political context in which Georgia's international relations must be considered. First, he emphasised the clear will of the majority of the Georgian people and of Georgian institutions to strengthen ties with European and Euro-Atlantic organisations. Then he drew the attention of the Georgian participants to the fact that there is a firm determination on the part of the European Union and its member states to consider Georgia a full member of the European family of nations; this has been proven, in particular, by Georgia's accession to the Council of Europe.

Ambassador Moreno also stressed the importance of the special relationship that has recently developed between Georgia and the European Union. The adoption of the 1996 Partnership and Co-operation Agreement between the European Union (and its member states) and Georgia has provided the legal instruments for pursuing a political dialogue among the parties aimed, *inter alia*, at reinforcing the conditions for application in Georgia of the principles of democracy and respect for the rule of law. It has also paved the way for developing trade and economic relations between Georgia and the European Union.

In this regard, the speaker emphasised the important potentialities offered by the Caucasian market for investments by European companies. The area's wealth in energy resources and raw materials is well known, but there are also possibilities for foreign direct investment in agriculture and tourism.

At the same time, he recalled the threats to the security and political stability of the Caucasian region posed by the domestic conflicts of Abkhazia and South Ossetia and by the crisis situation in Chechnya. These conflicts create important obstacles in Georgia to the full establishment of the rule of law and an effective system for the protection of human rights. Ambassador Moreno stressed the decisive role that the European Union could play in favouring a political solution of these conflicts.

In concluding, Ambassador Moreno emphasized the special attention with which Italy looks at Georgia. Some important agreements have recently been concluded between the two states, in particular, to foster Italian investments in Georgia and promote economic co-operation, especially between small and medium-sized enterprises. In this connection, he pointed out that important steps have been taken in recent years by the Georgian authorities to eliminate some of the major obstacles encountered by European firms wishing to operate in Georgia. In particular, the Tbilisi government has tried to introduce reforms in both the economic and political spheres and to fight corruption.

The first session of the seminar was opened by a presentation on "The Human Dimension" by Natalino Ronzitti, Professor of International Law at the LUISS University of Rome and Scientific Advisor at the IAI. He focused on the development in international law and politics of the concept of "human dimension" and on the precise definition of its relationship with the notion of "human rights protection". Recalling the first attempts at codifying the concept of the human

dimension in the framework of the Conference (now Organisation) for Security and Co-operation in Europe (CSCE/OSCE), Professor Ronzitti analysed the 1990 Copenhagen Document on the Human Dimension and the developments resulting from the 1991 Moscow Conference on OSCE practice. From a conceptual point of view, he highlighted the differences between the notions of "human dimension" and "human rights", stressing that "human dimension" is a broader concept than "human rights", in that it also includes issues concerning democracy and security. Other differences pertain to the legal cogency of the two concepts and the mechanisms provided to secure compliance with human dimension and human rights standards. In this respect, he stressed the difference in the position of the individual before supervisory institutions.

But there are also similarities between the rules on the "human dimension" and the provisions on "human rights protection". As is known, both matters are considered as falling outside the domestic jurisdiction of states, as recognised by the 1991 Moscow Declaration. In effect, complex international instruments have been put in place for control of the respect of international standards in both fields. In this regard, the speaker provided, in the last part of his presentation, an interesting analysis of the mechanism on the human dimension developed in OSCE practice. Special attention was devoted to issues concerning the protection of national minorities.

The presentation by Professor Ronzitti was followed by a discussion of the impact of "human dimension" standards on the Georgian situation. Interesting issues were raised by Levan Khurtsidze, Revaz Bachatadze and Shorena Lortkipanidze (all members of a Georgian NGO), regarding the difficult problems of treatment of minorities in a multi-ethnic society such as Georgia. Particularly thorny is the issue of repatriation to Georgia of refugees belonging to the Turkish ethnic minority. From a more general point of view, Sozar Subelian (journalist from the "Green Wave" radio station) stressed the need for deeper legislative reforms, especially in the field of criminal law, to bring the Georgian system effectively in line with international standards.

The second presentation was by Cesare Pinelli, Professor of constitutional law at the University of Macerata (Italy). Professor Pinelli focused on the role of domestic law in the protection of human rights, stressing that rules for human rights protection operate at three different levels: universal international law, regional international law (Council of Europe, European Union) and domestic law. In highlighting the relationships among these levels, he made some interesting references to the experience of the European Communities/European Union, in particular, the special function attributed by the European Court of Justice to the common constitutional traditions of member states to establish the content and scope of the fundamental rights to be protected at Community level. In this connection, Professor Pinelli also discussed the significance and impact of the EU's recently adopted Charter on Fundamental Rights. In the second part of his presentation, he referred to the situation in Georgia, noting that many problems still have to be solved, but also that time is needed for the full application of international human rights standards in the Georgian context. He particularly emphasised the importance of educating judges and lawyers on the obligations and opportunities stemming from the European system of human rights protection.

The third report of the session, delivered by Rusudan Beridze (Deputy Secretary of National Security Council of Georgia), dealt with Georgia's internal legal order. The speaker offered interesting thoughts on the reform of Georgia's constitutional system after independence (1991). She described the country's main political institutions, both at the national (presidency, government, parliament, judicial system) and the local level. Special consideration was given to the institutions with a specific competence in the field of human rights protection, above all, the Public Defender, established in 1993. Special attention was also devoted to the treatment of national minorities under the Georgian legal system. In the last part of her presentation, Rusudan Beridze analysed the impact upon the Georgian constitutional order of the ratification of international treaties on human rights protection.

Pinelli's and Beridze's presentations stimulated an animated and fruitful debate, revealing a broad variety of opinions concerning the level of human rights protection in the country. Interesting remarks were made by political leaders - in particular Irakli Mindeli (Deputy Chairman

of the "Socialist" Party) - and a good number of journalists. Some journalists complained about the Georgian government's persisting limitation of the freedom of expression and the freedom of press, while others stressed the important steps recently taken to solve this problem. The effective role of the Public Defender and, in particular, its real independence from the political bodies, was also the subject of lively discussion among participants. A particularly interesting point was raised by Sozar Subelian, who stressed the limited number of decisions by the Supreme Court of Georgia applying international rules concerning human rights protection.

The last presentation of the session was by Marco Gestri, Professor of European Law at the Law Faculty of the University of Modena (Italy). In his report, devoted to "The right of individual application to international bodies for the protection of human rights", Professor Gestri focussed mainly on the system established by the European Convention on Human Rights, to which Georgia is a party since 1999. Before illustrating the most significant aspects of the Strasbourg system, he emphasised the importance of the 1950 Convention of the Council of Europe, also in the framework of the EC's legal order, and recalled the jurisprudence of the Court of the European Communities on the protection of fundamental human rights, inspired mainly by the 1950 Convention, as well as codification of the principle of the respect for human rights in the Treaty on European Union (Art. 6). Special attention was devoted to the Charter of Fundamental Rights of the European Union, officially proclaimed at the December 2000 Nice summit, to underline the importance of human rights in the EU framework, and to the clauses on human rights included in the 1996 Partnership and Co-operation Agreement between the European Union and Georgia.

The central part of Professor Gestri's presentation provided a general overview of the right of individual application to the European Court on Human Rights, in light of the recent entry into force of Protocol No. 11 to the Convention and the relevant practice. Issues such as identification of those having the right of application, the definition of the limitations to this right provided by the Convention, and the effects of the judgements rendered by the European Court were discussed.

Finally, Professor Gestri focused on the impact of the European system for the protection of human rights on the Georgian legal order. He noted and tried to give some reasonable explanations for the limited number of individual applications brought against Georgia before the European Court on Human Rights (7 in the year 2000). In particular, he stressed the need for initiatives aimed at educating Georgian legal professionals in the field of human rights and the importance of promotional activities developed in this field by non-governmental organisations.

The speech prompted an interesting debate in which Michael Emerson of CePS pointed out that the accession to the European Convention by former members of the Soviet Union opened a new chapter in the Convention's practice. He also made specific mention of the danger that this could water down the standards so far applied.

Some interesting points were raised by Georgian participants. Levan Vepkhvadze (Chairman of the Centre for Democratic Novelties) pointed to the European institutions' lack of effective enforcement powers. More in general, there were signs of a certain lack of confidence by the Georgian population in the European system, notably due to the excessive length of the proceedings before the European Court of Human Rights. Nadia Tskepladze of the Tbilisi District Court stressed that judgements are often reached by a narrow majority of judges accompanied by dissenting opinions: this could, in her view, undermine the legal authority of the European Court.

From a general point of view, the following conclusions can be drawn from the first session of the seminar. On the one hand, the different cultural and professional backgrounds of the participants (journalists, political leaders, public officials, judges) did not allow the speakers to go into the legal details of the issues examined. In this connection, the importance of initiatives aimed at educating Georgia's opinion leaders on human rights protection must be underlined.

On the other hand, the participation of different categories of subjects enriched the discussion, providing constant reference to the problems effectively faced by Georgia in the field of human rights, and favouring an interdisciplinary approach to the search for appropriate solutions.

<u>Second session</u>: **Conflict Resolution and Regional Co-operation in the South Caucasus**

Michael Emerson, Senior Research Fellow of Center for European Policy Studies (Ceps) of Bruxelles, and Nathalie Tocci, Research Fellow at Ceps, illustrated the origin, goals and main features of the project for a Stability Pact for the Caucasus. In November 1999 at the OSCE Istanbul Summit all of the South Caucasian leaders and former Turkish President Demirel made unison appeals for a stability or security pact for the Caucasus, as a recipe to break away from the destructive trends of conflict and competition in the region. Yet none of the appeals specified in any detail the content of such pact. At most they speculated upon its possible membership, i.e., what became known as the 3+3+2 format. At CEPS a group of researchers who agreed with the spirit of the appeals made by the leaders of the region produced its first document, the 'Stability Pact for the Caucasus'. The CEPS agenda included 6 principal chapters. 3 focussed specifically on the South Caucasus and the remaining 3 concerned directly the wider region of the Black Sea and South Russia:

- The establishment of federal arrangements, based on an internal division of competences between the centre and the regions, for the resolution of the Caucasian major territorial and ethnic conflicts.
- The creation of a supra-state structure, or a South Caucasus Community which would allow sub-state entities to gain access to a supra-state forum. The SCC would initiate a process of regional co-operation and regional integration in the area. The SCC would be institutionalised through governmental councils and possibly also a Parliamentary Assembly.
- The establishment of an OSCE-sponsored security system which would promote arms control negotiations and provide security guarantees.
- The development of co-operation mechanisms involving Russia, the EU and the US. In the short term those mechanisms would be principally concerned with Western emergency and humanitarian supplies in the Caucasus. At a later stage they would be designed to ensure technical assistance and financial support for economic development.
- The upgrading of the existing Black Sea Economic Cooperation (BSEC) into a Black Sea Caucasus Cooperation aimed at fostering co-operation in the wider Black Sea area.
- The launching of a set of initiatives to make full use of the region's high economic potential in energy sector.

At the end of 2000 the South Caucasus lived through a period of renewed tension and division, particularly in view of Russia's more aggressive visa policy towards Georgia. These trends clearly contradicted the spirit of any Stability Pact for the Caucasus. Yet in recent months developments suggest there could be new hope for a reactivated peaceful Caucasus process. The EU Troika mission to the South Caucasus and more importantly the encouraging talks between Presidents Aliev and Kocharian at Key West Florida in April 2001, give some renewed hope for constructive change.

Bruno Coppieters and Tamara Kovziridze from the Free University of Brussels discussed possible federal solutions for Georgia's territorial arrangements aimed at putting an end to the frozen but still open conflicts over the status of Abkhazia and South Ossetia. Focusing on the sphere of external relations, they presented two possible models of federalization of foreign policy making.

The first model would be characterized by an asymmetrical distribution of powers: the federal state would consist of several federated entities, but Abkhazia and possibly South Ossetia would be given the highest number of exclusive competences, i.e. they would possess the so-called sovereign rights to legislate and administer laws in a number of fields where no federal intervention would take place. This would reflect, inter alia, in the right to conclude international treaties. This right would be enshrined in the federal constitution. Abkhazia and South Ossetia would thus

become subjects of international law and possess limited (not equal with the federal state) international legal personality. Adjaria and the regions of Georgia would have the right to conclude international treaties in their fields of competence provided that the federal government consents. As an alternative, Adjaria and possibly the regions of Georgia would only have the right to exchange partnerships and regulate cooperation with other regions without these agreements having the quality of treaties in international law a second chamber would have to consent to the ratification of any international treaty concluded by the federal government.

According to a second model characterized by symmetrical distribution of power, Abkhazia, South Ossetia and the territory comprising the rest of Georgia would represent the only separate federated states. Adjaria would be an Autonomous Republic on the territory of the latter. The federal government would have no right to enter into international treaties in fields of exclusive competences of federal states. For the rest, the mechanisms of the first model would be applied.

Dov Lynch, Lecturer at the Department of War Sudies of the King's College of London, addressed the problems connected with the existence on the world scene of a number of separatist governments which are striving to consolidate their independence and are actively seeking international recognition, a phenomenon of great political relevance in the Caucasian region.

The speaker placed the emphasis on the recent trends of those governments to co-ordinate their efforts to acquire an internationally recognized status. Telling examples are the Pridnestrovyan Moldovan Republic (PMR), the Republic of South Ossetia, the Republic of Abkhazia and the Nagorno-Karabakh Republic.

These separatist areas have often been dismissed as criminal strips of no-man's land and/or the 'puppets' of external states. As a matter of fact, however, the continuing existence of these separatist areas has impact on the security of metropolitan states from which they have seceded as well as on wider regional developments. They have also represented opportunities for external states to intervene in the region.

The areas seeking self-determination face an incentive system that leads them to seek statehood rather than any form of association with their metropolitan states. The exclusive nature of the club of states, and the principles of equal sovereignty and non-interference upon which it is based, has meant that most self-determination movements will be content with nothing less than state sovereignty in order to achieve what they perceive as justice.

External factors continue to play a critically important role in inhibiting conflict settlement, but there are three key internal factors that work against a peaceful solution: the insistence by the authority of the de facto states on absolute sovereignty; the influence of unsolved security dilemmas which lead separatist areas to give self-defense the highest priority; the worsening of the economic situation and living conditions which fuels autarky syndromes and corrupt corporatism, reinforcing the isolationism of local leaderships.

From an external perspective, the future of these entities appear questionable since they have very fragile economies, are riddled with crime and face severe external threats. However, they have survived for almost a decade and the claim to statehood in these areas carries a logic that is difficult to overcome. Therefore, any solution to these conflicts will have to address the realities of 2001 rather than 1991. Their settlement will have to focus on the structures that have developed over the past decade and much less on the original sources of the conflicts.

Friedemann Mueller, Senior Research Fellow at the Stiftung Wissenschaft und Politik of Berlin, focused on the problems of economic regional co-operation with particular regard to the Caspian energy issue and its effects on security co-operation and conflict resolution.

He placed the emphasis on the structural factors that continue to hinder economic co-operation at the regional level. Some of them derive from the Soviet heritage. For instance, the existing infrastructure was designed to underpin the links with Moscow rather than regional co-operation. An adverse factor also inherited from the Soviet times is the deep-rooted conviction that the only effective form of trade is complementary trade, i.e. machines vs. raw material etc. As a result, trade between the South-Caucasian states accounts for less than 5% of their total foreign

trade while their trade with Russia remains much larger. Account should also be taken of the fact that the combined GDP of the three South-Caucasian states is about the same magnitude as that of a middle-sized European city. The badly needed capital will not flow into the region unless a free trade zone and then a custom union are established.

The region is rich in natural and touristic attractions but they can provide a basis for economic development only if adequate infrastructure is built. Tourism, in particular, can offer important employment opportunities contributing to stem the migration flows which is depriving the region of crucial human resources.

Caspian energy resources offer unique potential source for economic development. Regional oil and gas reserves are estimated to be around 30 five times the annual current GDP of all states of Central Asia and the Caucasus. However no Caspian oil arrives in Europe yet, nor is it technically possible to transport Caspian natural gas to Europe unless through the old Soviet pipeline network. Future transport infrastructures may pass through the South Caucasus but there are other options. Energy transportation can also provide the engine for other economic activities and infrastructure measures and has the advantage of being self-financing. Georgia can play a crucial role in the transport infrastructure network. But this calls for political risks to be minimized, a goal that can be achieved only if a compromise is reached on the major pending conflicts including, in particular, the one over the status of Abkhazia. More generally, it is essential not to overlook the close linkage between economic efficiency and risk minimization.

Ugo Dionigi from ENI, Italy's largest oil and gas company, analysed the problems associated with the development of Caspian oil and gas and their specific significance for Southern Caucasian states. The most recent findings have confirmed the huge potential of the region in the energy sector. Ten years of exploration activity have provided ample evidence of that potential.

In a first phase, the findings in Kazakhstan and Azerbaijan were so promising that the region appeared as a new Eldorado and many important contracts were concluded. Subsequent exploration activities revealed, however, that the resources were much smaller than expected, especially in Azerbaijan. This happened in parallel to a sharp decline of international oil prices. As a result, oil companies reviewed their investment plans, reducing or abandoning some of them. More recently new important discoveries were made in both Kazakhstan and Azerbaijan, which has revived the attractiveness of the Caucasus as a key energy area.

Yet, for sheer volumes to be transformed into actual resources, a set of conditions have to be met: adequate know-how and level of technology, the availability of the needed human resources and financial means, a functioning regulatory framework, efficient infrastructure networks.

If the main oil and gas routes in operation, under construction or under design are considered, one comes to the conclusion that the strategic role of Georgia in the transportation networks is far from negligible. As far as oil is concerned the main routes are designed to connect Caspian resources with the Black Sea and the Mediterranean Sea. They involve, therefore, a direct role of Georgia. Of course other options are possible provided that they receive the necessary consensus and prove economically viable. As for gas, the Russian gas network and the Turkish pipeline system, currently in the implementation phase, offer a rational solution which can also serve the needs of local consumers.

Dag Hartelius, Director of the Department for Central and Eastern Europe of the Swedish Ministry of Foreign Affairs, offered the point of view of the EU presidency. He stressed that the ongoing enlargement process of the EU is bringing Southern Caucasus closer to the EU. The latter is increasingly affected by developments in the region. It is therefore in the interest of the EU, which is already the biggest donor to the region, to contribute to stability and prosperity in the three countries concerned.

The enlargement process can serve as an instrument in itself to achieve this goal. The adoption by Turkey - the future immediate member state neighbor of Georgia, Armenia and Azerbaijan – to the EU *acquis communautaire* will provide new opportunities for trade and sustainable economic development of the three countries. At the same time, the EU is rapidly

developing its crisis management capability as well as a comprehensive conflict prevention policy. This is making the Union much better equipped to engage in conflict-ridden areas and use all its tools to promote peace and stability. A particular advantage for the EU when involved in Southern Caucasus is that it is perceived as a positive, impartial power, as well as as a potential gateway to prosperity and long-term security.

Against this background, in January 2001 the EU launched an upgraded policy on Southern Caucasus aiming at a comprehensive approach for a more active engagement in the region. The new policy consists of a set of elements including: (i) reinforced political dialogue with Georgia, Armenia and Azerbaijan; (ii) more active promotion of regional cooperation; (iii) stronger EU role in conflict prevention and conflict resolution; (iv) intensified dialogue on Southern Caucasus with Russia, the U.S., Turkey and Iran; (v) higher visibility of the EU's activities through an enhanced information policy. The EU has also committed itself to strengthening cooperation and coordination with the OSCE, the Council of Europe and the UN.

Georgia deserves and receives substantial assistanceand political backing from the EU. It also plays a key role for regional cooperation initiatives involving both Armenia and Azerbaijan, which is highly appreciated. At the same time the Union remains concerned over the limited progress made in resolving the conflicts in Abkhazia and South Ossetia. A necessary condition for real reform progress and sustainable economic and social development would also be a rapid and dedicated implementation of the recently adopted anti-corruption strategy. The EU remains concerned about the continuing Russian pressure on Georgia (visa regime, cuts in energy supplies, slow implementation of agreed closure of military bases in Georgia, border violations, etc.) and will continue to raise these issues in its talks with Moscow.

Third session: **Security Challenges in the Caucasus and the Role of Georgia**

Roy Allison, Head of Russia and Eurasia Programme at the Royal Institute of International Affairs of London, started his speech by arguing that most of Georgia's security concerns represent Caucasus-wide challenges. The Georgian security environment has, however, a unique geopolitical character: the country's access to the Black Sea, its location at the center of the Caucasus region, and the importance to the country's stability of developing a Europe-Asia transport corridor. Georgia forms a bridge, or bottleneck for routes from the west to the Caspian and Central Asia.

Georgia has had a stark assessment of the challenges of imperial thinking of certain circles in the Russian military-political establishment. Georgia's official policy has viewed the problem of Abkhazia as a Russian creation and one that Russia can resolve. Yet there has been disillusionment in Georgia since the rapprochement with Russia did not yield the desired results either in the Abkhazia conflict or in the expected economic benefits. This encouraged the subsequent Western-leaning foreign policy orientation.

Tbilisi regards its relationship with Turkey as crucial not only for Georgian economic recovery and military modernization, but also to counterbalance Russia's military presence in the region.

Russian-Armenian military cooperation is a specific Georgian concern. The recent upgrading of the Russian-Armenian relationship causes nervousness in Tbilisi.

A number of non-traditional security challenges impact on Georgia. One issue is pipeline security. The GUUAM organization has discussed the idea of creating a peacekeeping battalion to protect pipelines and safeguard energy corridors. Western states may be able to deliver the necessary training and equipping, as the Caucasian militaries seem unprepared for pipeline security. Drug trafficking represents another regional destabilizing factor, whose effects are felt in Georgia because of its geopolitical position. Terrorism and organized crime networks, which are active in several republics across the border with Georgia, also tend to hinder the country's stabilization. For Georgia, Islamic extremism beyond the northern border are not a principal security threat. However, an enduring low-intensity partisan war in Chechnya, accompanied by further militarization and

destabilization in other North Caucasus republics, refugee flows and the human degradation of the region, would represent a serious long-term security challenge for Georgia.

Sophia Matveeva, Consultant at the International Peace Academy, concentrated on the evolution of Georgia's relations with its neighbours, notably Russia, Armenia and Turkey.

She observed that the relationship with Russia is crucial for both security and economic reasons. It has however reached its lowest point since Georgia's independence. With Vladimir Putin's accession to power the Russian leadership started to pursue a differentiated approach to different countries, addressing particular issues it regards as important rather than dealing with the South Caucasus as a whole. Moreover, the Putin resorted – or appears ready to resort – to policy instruments which were unthinkable under Yeltsin, such as the introduction of the visa regime, the use of energy supplies as a leverage to extract political concessions or the deportation of Georgian nationals without legal status in Russia. The OSCE mission in Georgia is performing an important border monitoring operation at the Chechen sector of the Georgian-Russian border which has helped to reduce tensions between the two countries. However, the longest and the most difficult Dagestan sector is poorly guarded, giving grounds to Russia's concerns that arms and fighters penetrate through it and end up in Chechnya.

Relationship with Armenia on the surface is stable. The landlocked and isolated Armenia relies on Georgia for transit and cannot afford any aggravation. However, tensions are simmering over the hurdles of transportation via the Georgian territory, the situation of the Armenian minority in Georgia which numbers at least some 350,000 and especially the development in the region of Javakheti populated by ethnic Armenians.

Turkey is officially Georgia's ally in the region, however, tensions are simmering there as well. Turkey is concerned with political instability on its borders and wants Georgia to become a more stable and predictable country. There are also a number of practicalities causing friction. The transit route to Russia via Batumi is inconvenient and traders are subjected to frequent extortion. Turkey also needs to open a few other and more reliable border crossings. Tbilisi has its own grievances with Ankara: robust ties between Turkish businessmen and the Abkhaz authorities, encouraged by the Abkhaz diaspora in Turkey, helped the break-away territory to survive and diversify its ties with countries other than Russia. Turkey, in turn, is pushing for the repatriation of Meskhetians to southern Georgia from where they were originally deported. This has proved, so far, too heavy a burden for the Georgian government to shoulder.

Brenda Shaffer, Research Director of the Caspian Studies Program at Harvard University, discussed some recent developments affecting Georgia's security role in the Caucasus.

Concerning Nagorno-Karabakh, she pointed out that although significant progress had been made in the peace process, the situation remains very precarious. Indeed, the status quo may not endure unless the negotiations produce concrete results. There could be a renewal of hostilities with destabilizing effects on the whole region.

The speaker also stressed the urgent need to build regional security arrangements involving the key powers, especially Russia, Turkey and Iran. In the absence of those arrangements, the major powers will be constantly tempted to undertake unilateral initiatives which can further erode regional security.

Of key importance is also the co-operation between Russia and the US. It is important, in this regard, that both Moscow and Washington have a convergent interest in the success of the talks on Nagorno-Karabakh.

Another promising development is the shift of Russia's perception of Turkey. Moscow has begun to see Turkey as less of a threat to its interests in the region and now there seems to be the concrete possibility of a co-operation between the two states on security matters which could contribute to a substantial degree to regional stability.

Scott Nadler, former Caucasus Director at the Office of the U.S. Secretary of Defense, focused his speech on the U.S. role in helping to reform Georgia's armed forces. He stressed that the U.S. is trying to be helpful in many areas: security of Georgia's borders; protection of the

energy pipelines from the Caspian Sea; support for Russia's withdrawal of its military bases from Georgian territory. However, without coherent and rational armed forces, Georgia's ability to participate substantively with NATO, much less become a candidate for membership, will remain impossible. Nor can Georgia fulfill any of its national security objectives with a military in its current state.

Last year, the U.S. Defense Department conducted a defense assessment of the Georgian armed forces. A thick document full of findings and recommendations was produced. The study provided a very critical assessment of the state of Georgia's armed forces. Suffice it to quote a single paragraph: "Georgia's armed forces is too large for its budget, and is consequently mired in an undermanned, undertrained, underpaid, underfed, and under equipped state. It is unable to meet the most probable of the most dangerous threat scenarios that Georgia faces. It is a Soviet-style mechanized force unsuited to Georgia's defense requirements."

The U.S. military assistance program for Georgia is quite substantial, relative to what the US provides other countries. The bilateral military contact plan includes close to 100 events this year. Warsaw Initiative Funds (WIF) support Georgia's active participation in the Partnership for Peace (PfP) program. International Military and Educational Training (IMET) funding supports English language training and professional military education. The Georgian Government has used the U.S. Foreign Military Financing (FMF) program to purchase everything from uniforms to helicopters. And last year, the Pentagon began a dialogue with the Turkish General Staff to find way to create synergy and rationality with the assistance the two countries provide Georgia.

There is however a dramatic gap between what Georgia needs and what the U.S. can do. Georgia must take primary responsibility for reforming its military and guaranteeing its security. It should start by enacting the reforms recommended in the U.S. defense assessment. These include: downsizing the military to a force strength of 12-13,000 by 2005; consolidating the armed forces, by, inter alia, merging the Navy into the Coast Guard under the Border Guards; focusing on quality of life issues, i.e. devoting the resources necessary to ensure that the troops have adequate food, clothing, and housing. The Georgian Government must maintain and, if possible, increase military funding as it undergoes this transformation. Also, dealing with the massive corruption issue that permeates the entire Georgian Government is a prerequisite for successful reform of the military, as it is for reform of all sectors of society.

Georgia must also engage with NATO in ways that do not over-stretch. Tbilisi should focus less on big-ticket items – such as hosting NATO exercises - and spend more time developing armed forces that can be truly interoperable with NATO in the long run.

LA DIMENSIONE UMANA

Di

Natalino Ronzitti

(Paper presentato al Convegno sulla Georgia)

La dimensione umana

La dimensione umana è una creazione avvenuta nell'ambito dell'OSCE. Più precisamente, l'espressione "dimensione umana" è un'invenzione degli Stati membri dell'Unione Europea, che alla Conferenza di Vienna del 1986-89 coniarono tale dizione allo scopo di allargare il terzo cesto, dedicato alla cooperazione nel settore umanitario e in altri settori, alla problematica dei diritti dell'uomo (originariamente relegata nel decalogo del I cesto, cioè nel quadro della sicurezza). In altri termini, "la dimensione umana" era un modo per far accettare ai Paesi dell'Est che i diritti umani fossero inseriti nel contesto della CSCE (Conferenza sulla sicurezza e cooperazione in Europa). Attualmente l'espressione dimensione umana è più ampia di quella "diritti dell'uomo", poiché è applicabile non solo ai diritti dell'uomo in senso stretto (rapporti tra individuo e Stato), ma anche ai rapporti tra le istituzioni: nozione di democrazia, istituzioni democratiche e Stato di diritto (la definizione ne è stata data alla Conferenza di Mosca del 1991 sulla dimensione umana). La dimensione umana resta comunque un pilastro della c.d. sicurezza cooperativa.

La sicurezza cooperativa è diversa dalla sicurezza collettiva di cui al Capitolo VII della Carta delle Nazioni Unite. Essa è stata formalizzata al Vertice di Istanbul del 1999. La Carta sulla sicurezza europea, adottata a Istanbul, contiene, in annesso, un "Platform for Co-operative Security", che ne costituisce una parte integrante. La "dimensione umana" costituisce una "parte integrante" del concetto di sicurezza. Sono ingredienti della Piattaforma per la sicurezza cooperativa (la lista non è esaustiva):

- The Concept of Mutually Reinforcing Institutions;
- The importance of subregional groupings;
- The development of OSCE field operations

Il catalogo di diritti attribuiti nel quadro della dimensione umana è contenuto nel Documento di Copenhagen (1990), che elenca anche in diritti da attribuire alle minoranze nazionali. Ulteriori progressi sono stati fatti con il Documento di Mosca del 1991, specialmente per quanto riguarda lo Stato di diritto e la nozione di istituzioni democratiche.

Dimensione umana e diritti dell'uomo

La nozione di dimensione umana è ormai diventata indipendente da quella dei diritti dell'uomo (si veda, in particolare, M. Pentikainen, "The Role of the Human Dimension of the OSCE in Conflict Prevention and Crisis Management", in : Bothe, N. Ronzitti, A. Rosas, *The OSCE in the Maintenance of Peace and Security*, The Hague/Boston/London, 1997, p. 83 ss.) Valgano le seguenti caratteristiche:

1. La nozione di dimensione umana è più ampia poiché copre non solo i rapporti tra l'individuo e lo Stato, ma anche i rapporti tra le istituzioni, cioè tra i poteri dello Stato;

2. Gli impegni OSCE sono di natura politica, mentre i diritti dell'uomo sono tutelati a livello di strumenti giuridicamente vincolanti, anche se non mancano strumenti relativi ai diritti umani appartenenti alla soft law;

3. Gli impegni OSCE divengono (politicamente) vincolanti per gli Stati non appena il relativo documento è stato adottato. Non c'è quindi bisogno di uno strumento di ratifica. Si evita così il "relativismo convenzionale". Tutti gli Stati OSCE sono obbligati;

4. Gli impegni OSCE non comportano un processo formale di esecuzione negli ordinamenti interni, a differenza dei trattati in materia di diritti umani. E' vero, peraltro, che il Vertice di Budapest, ha auspicato che gli Stati adeguino i loro ordinamenti interni agli impegni OSCE;

5. La dimensione umana è da inquadrare nel concetto di sicurezza cooperativa;

6. Gli individui, nel quadro OSCE, non possono mettere in moto meccanismi di tutela dei loro diritti. I meccanismi restano a livello interstatale, mentre nel campo dei diritti umani agli individui è riconosciuto un potere di ricorso alle istanze internazionali.

7. Nel quadro OSCE non si applica il meccanismo del previo esaurimento dei ricorsi interni. Al contrario, in materia di diritti umani, un ricorso può essere presentato quando i ricorsi interni siano stati esauriti.

Esistono, peraltro, delle similitudini tra dimensione umana e diritti dell'uomo:

1. Tanto nell'OSCE quanto nel quadro dei diritti dell'uomo esistono dei meccanismi di garanzia dei diritti accordati;

2. Le questioni relative alla dimensione umana, così come quelle relative dei diritti dell'uomo, non fanno parte del dominio riservato (domestic jurisdiction) degli Stati.

Nel preambolo del Documento di Mosce sulla dimensione umana è detto inequivocabilmente che gli Stati partecipanti "dichiarano categoricamente e inequivocabilmente che gli impegni assunti nel campo della dimensione umana della CSCE sono questioni din diretto e legittimo interesse per gli Stati partecipanti e non rientrano esclusivamente negli affari interni dello Stato interessato".

I meccanismi

Il meccanismo sulla dimensione umana è una procedura volta ad assicurare il rispetto delle disposizioni sui diritti umani contenute nei documenti pertinenti dell'OSCE (Organizzazione per la sicurezza e cooperazione in Europa). Il meccanismo si articola in quattro fasi: denuncia dell'inosservanza da parte di uno Stato partecipante nei confronti di un altro; risposta dello Stato richiesto e eventuale incontro a livello bilaterale; trasmissione della questione all'attenzione di tutti gli Stati partecipanti; discussione della questione in occasione delle riunioni della Conferenza sulla dimensione umana dell'OSCE. La procedura è aperta solo agli Stati partecipanti. L'individuo, come si è detto, non ha alcun potere di azionare il meccanismo. Alla riunione di Copenhagen della Conferenza sulla dimensione umana (1990), è stato possibile fare un piccolo passo avanti per il miglioramento del meccanismo, ma un salto di qualità e stato ottenuto con la riunione di Mosca della Conferenza (10 settembre - 4 ottobre 1991). Benché la procedura resti ancora a livello interstatale senza la concessione di alcun potere di azione all'individuo, la novità essenziale è costituita dalla partecipazione del "terzo" (cioè esperti e rapporteurs) al meccanismo e dalla possibilità che il suo intervento diventi obbligatorio.

A Mosca è stato innanzitutto possibile accorciare i tempi per l'espletamento delle prime due fasi del meccanismo: la risposta scritta, di cui alla fase 1, deve essere data entro 10 giorni e l'incontro bilaterale deve aver luogo entro una settimana dalla richiesta. In secondo luogo è stata prevista l'istituzione di una lista di esperti, da cui vengono estratti i nomi per la composizione dei due gruppi di persone che intervengono nella procedura: esperti e rapporteurs. Le persone inserite nella lista di esperti sono chiamate ad operare secondo le differenti procedure.

(1) La più semplice consiste nella richiesta di assistenza, da parte di uno Stato partecipante, di una missione di esperti OSCE allo scopo di aiutarlo a risolvere una questione relativa alla dimensione umana esistente nel proprio territorio. Peraltro, l'invio di una missione di esperti può essere sollecitata da uno Stato diverso da quello

in cui la missione deve operare. In questo caso l'invio è una procedura che s'innesta sul meccanismo della dimensione umana.

(2) Una seconda procedura prevede che uno o più Stati partecipanti, che abbiano esaurito le fasi 1 e 2 del meccanismo, possano chiedere all'istituzione OSCE competente (in pratica il Consiglio Permanente) di accertare se lo Stato oggetto di lamentela sia disposto ad invitare una missione di esperti.

(3) Una terza procedura prevede l'intervento obbligatorio di un terzo ed ha luogo dopo le fasi 1 e 2 del meccanismo, qualora lo Stato che sia stato richiesto non abbia istituito, entro dieci giorni, la missione di esperti oppure qualora si ritenga che la missione di esperti, chiamata su autonomo invito dello Stato partecipante, non abbia risolto la questione. Questa procedura deve essere messa in moto da almeno sei Stati partecipanti (cioè lo Stato che ha sollevato la questione nell'ambito del meccanismo e altri cinque Stati). La missione si compone fino ad un massimo di tre relatori: un membro viene designato dalla parte richiedente e l'altro dalla parte richiesta; i due membri così designati scelgono, entro otto giorni, il terzo (in caso di disaccordo la scelta è demandata al Direttore dell'ODIHR: Office for Democratic Institutions and Human Rights).

(4) Qualora abbia luogo una minaccia particolarmente grave nel campo della dimensione umana, la procedura consistente nell'invio dei rapporteurs può essere messa in moto indipendentemente dall'esaurimento delle fasi 1 e 2 del meccanismo o delle procedure sopra elencate. Per mettere in moto questa quarta procedura, uno Stato deve avere il sostegno di almeno altri nove Stati. La richiesta di designazione di una missione di esperti o di un panel di rapporteurs può essere direttamente avanzata da uno Stato partecipante durante una riunione del Comitato degli alti funzionari. In tal caso però la richiesta deve avere il consenso di tutti gli Stati partecipanti.

Il Documento adottato nella seconda Conferenza di Helsinki (1992) ha avuto un'influenza anche sul Meccanismo della dimensione umana. Si trattava infatti di armonizzare il Meccanismo con il mutato assetto istituzionale dell'OSCE. E' stato quindi stabilito che i risultati delle procedure esperite secondo le fasi 1 e 2 possano essere portati a conoscenza degli Stati partecipanti tramite l'ODIHR, che è disponibile anche come luogo d'incontro per la fase 2. Le informazioni in questione possono essere discusse nell'ambito delle riunioni del Consiglio Superiore, durante le Conferenze di Riesame e nel quadro delle Riunioni sull'Attuazione (implementation meetings) delle questioni relative alla Dimensione Umana, che hanno luogo nell'anno in cui non si riunisce la Conferenza di Riesame. Il meccanismo di Mosca è stato oggetto di ulteriore revisione da parte del Consiglio ministeriale di Roma del 1993, che ha tra l'altro accorciato le fasi entro cui talune procedure devono essere espletate.

Le disposizioni cui si applicano i meccanismi considerati sono quelle relative alla dimensione umana, facenti parte del terzo cesto.

Il meccanismo della dimensione umana ha ricevuto ampia applicazione durante il periodo della guerra fredda. Tra il 1989 e il 1990 è stato azionato un centinaio di volte ed è stato usato soprattutto nei rapporti Stati occidentali-Stati comunisti. Con l'istituzione del Consiglio Permanente, il meccanismo ha perso d'importanza, poiché le discussioni relative all'applicazione dei diritti umani da parte dei Paesi partecipanti avvengono in tale organismo. Anche il meccanismo di Mosca non si segnala per la frequente applicazione. Nel 1994 i Paesi nordici chiesero alla Turchia di invitare una missione di esperti, ma ricevettero un netto rifiuto.

L'Alto commissario per le minoranze nazionali

Alla Conferenza al vertice di Helsinki del 1992 si è voluto rafforzare la struttura istituzionale dell'OSCE, creando l'ufficio di Alto Commissario per le Minoranze Nazionali, allo scopo di far fronte ai nuovi compiti richiesti da una situazione internazionale radicalmente mutata nel Continente europeo. L'Alto Commissario, che ha la sua sede all'Aja, è nominato per consensus dal Consiglio dei Ministri ed ha una funzione indipendente e dinamica, che lo porta ad interagire con

gli organismi politici dell'Organizzazione, quali il Presidente in esercizio e il Consiglio Superiore.

Oltre ad avere propri mezzi a disposizione, l'Alto Commissario può anche servirsi dell'ODIHR.

L'Alto Commissario è uno strumento di prevenzione dei conflitti "per quanto più possibile nella fase iniziale". Egli interviene quando le tensioni legate alle questioni minoritarie minacciano la pace e la sicurezza internazionale.

L'Alto Commissario non interviene in relazione a casi individuali, ma esplica le sue funzioni quando vi siano tensioni concernenti una minoranza nazionale, potenzialmente idonee a trasformarsi in un conflitto, che porti un pregiudizio alla pace, alla stabilità o alle relazioni tra gli Stati partecipanti. Si tratta quindi di una soglia abbastanza alta e il conflitto deve potenzialmente avere una fisionomia che va al di là della frontiera in cui la minoranza nazionale è stanziata. L'Alto Commissario deve pure astenersi dall'intervenire quando il conflitto comporti la commissione di atti organizzati di terrorismo. Conformemente alla visione di "sicurezza" della protezione delle minoranze, l'intervento dell'Alto Commissario presuppone la violazione delle disposizioni OSCE sulle minoranze.

Le funzioni dell'Alto Commissario consistono nel "preallarme" (early warning) e nell'"azione preventiva" (early action). Nell'ambito della prima categoria di funzioni, l'Alto Commissario, dopo aver attentamente valutato la situazione ed aver preso le informazioni necessarie, anche mediante una visita in loco che postula comunque il consenso dello Stato territoriale, informa il Consiglio Superiore, tramite il Presidente in esercizio di questo organismo. Se necessario, può essere attivato il meccanismo di emergenza. Nell'ambito della funzione di "azione preventiva", l'Alto Commissario può anche proporre delle soluzioni appropriate, secondo il mandato ricevuto dal Consiglio Superiore. E' da presumere che l'esercizio della funzione di "preallarme" sia preliminare a quella di "azione preventiva". Un'azione concreta può essere intrapresa dall'Alto Commissario dopo che la questione sia stata valutata dagli organi politici dell'OSCE. Infatti, mentre il preallarme è di autonoma competenza dell'Alto Commissario, l'azione preventiva non può essere intrapresa senza che vi sia stata una decisione degli organi politici.

L'Alto Commissario, una volta in territorio altrui, può intrattenere rapporti con le autorità governative, i rappresentanti delle minoranze e le organizzazioni non governative. Egli redige un rapporto che trasmette al Presidente in carica e che è strettamente confidenziale. Nella prassi, il ruolo dell'Alto Commissario si è trasformato, nel senso che egli svolge un ruolo di mediatore e non si limita a redigere un rapporto.

Le missioni di lunga durata

Le missioni i lunga durata non sono menzionate nel Documento al Vertice di Helsinki del 1992. Esse sono una creazione della prassi. Il Consiglio Superiore stabilisce il mandato, la consistenza (normalmente sono di dimensione ridotta) e la durata (di regola sei mesi rinnovabili). Essendo uno strumento molto flessibile, le missioni di lunga durata possono svolgere molteplici compiti, dal monitoraggio del peace-keeping a alla sorveglianza sull'attuazione dei diritti umani. Benché le missioni di lunga durata siano uno strumento del conflict prevention e del crisis management, esse si attagliano anche alla dimensione umana, poiché la protezione dei diritti dell'uomo è parte della sicurezza cooperativa nell'OSCE. Tra l'altro queste missioni espletano un ruolo di coordinamento con le altre organizzazioni internazionali presenti nell'area e contribuiscono alla stabilità della regione.

La Corte di arbitrato e conciliazione

E stata istituita dalla Convenzione di Stoccolma del 1992, che è entrata in vigore nel 1994. La Corte è a geometria variabile. Esiste una lista di conciliatori e di arbitri, cui le parti, insieme al Bureau della Corte, possono attingere per formare il panel di arbitri o conciliatori. Mentre la Corte di arbitrato applica solo il diritto internazionale, quella di conciliazione applica non solo il diritto internazionale ma anche gli impegni OSCE. Si tratta di conciliazione obbligatoria, nel senso che può essere messa in moto ad iniziativa di una parte. Interessante è che esista un raccordo tra conciliazione e organi politici dell'OSCE. Se le parti non accettano il rapporto della Commissione

di Conciliazione, questo è trasmesso al Consiglio. La Corte d'arbitrato non ha il potere di emettere pareri consultivi. I recenti tentativi di attribuirle una tale competenza non hanno avuto successo. Finora, la Corte di conciliazione e di arbitrato non è stata investita di nessun caso. Qualche Stato vorrebbe abolirla.

Conclusioni

All'inizio, il meccanismo della dimensione umana è stato uno strumento della guerra fredda. Il meccanismo è diminuito d'importanza. Quel che resta è la parte sostanziale, cioè il catalogo di diritti, che costituisce uno dei pilastri della sicurezza cooperativa.

Resta, peraltro, il retaggio di una tradizione che risale alle origini della CSCE. Ad esempio, gli strumenti per la protezione delle minoranze sono impiegati nei confronti dell'Est, mai nei confronti dell'Ovest.

Gli strumenti relativi alla dimensione umana erano all'inizio azionati solo da Stati. Ora sono coinvolti gli organi dell'OSCE, specialmente attraverso l'Alto Commissario per le Minoranze Nazionali e le missioni di lunga durata.

Il concetto di "mutually reinforcing institutions", per quanto riguarda i diritti dell'uomo e la dimensione umana, dovrebbe essere impiegato nei rapporti OSCE-Consiglio d'Europa., Ad esempio le missioni OSCE sul campo potrebbero monitorare, come di fatto già fanno, l'attuazione degli impegni assunti dagli Stati dell'Est quando hanno aderito al Consiglio d'Europa.

Poiché la maggior parte dei paesi dell'Est è attualmente membro del Consiglio d'Europa e parte della Convenzione europea dei diritti dell'uomo, non è più necessario "giuridicizzare" gli obblighi OSCE sulla dimensione umana. Si tratta di due strutture, l'una sul piano giuridico, l'altra sul piano politico, complementari.

Gli Stati OSCE dovrebbero far ricorso alla Corte di Conciliazione e di Arbitrato. E' vero che esiste una proliferazione delle giurisdizioni internazionali. Tuttavia la Corte di Ginevra potrebbe svolgere, a livello regionale, una funzione che dovrebbe essere difficilmente svolta da altre istituzioni.

MARCO GESTRI

The first session of the seminar focused on "Georgia and the European System for the Protection of Human Rights". Analysis of the topics to be discussed within this framework was preceded by some introductory remarks by Ambassador Maurizio Moreno, Department of Political Affairs of the Italian Ministry for Foreign Affairs.

Ambassador Moreno gave a concise but very stimulating overview of the political context in which Georgia's international relations must be considered. First, he emphasised the clear will of the majority of the Georgian people and of Georgian institutions to strengthen ties with European and Euro-Atlantic organisations. Then he drew the attention of the Georgian participants to the fact that there is a firm determination on the part of the European Union and its member states to consider Georgia a full member of the European family of nations; this has been proven, in particular, by Georgia's accession to the Council of Europe.

Ambassador Moreno also stressed the importance of the special relationship that has recently developed between Georgia and the European Union. The adoption of the 1996 Partnership and Co-operation Agreement between the European Union (and its member states) and Georgia has provided the legal instruments for pursuing a political dialogue among the parties aimed, *inter alia*, at reinforcing the conditions for application in Georgia of the principles of democracy and respect for the rule of law. It has also paved the way for developing trade and economic relations between Georgia and the European Union.

In this regard, the speaker emphasised the important potentialities offered by the Caucasian market for investments by European companies. The area's wealth in energy resources and raw materials is well known, but there are also possibilities for foreign direct investment in agriculture and tourism.

At the same time, he recalled the threats to the security and political stability of the Caucasian region posed by the domestic conflicts of Abkhazia and South Ossetia

and by the crisis situation in Chechnya. These conflicts create important obstacles in Georgia to the full establishment of the rule of law and an effective system for the protection of human rights. Ambassador Moreno stressed the decisive role that the European Union could play in favouring a political solution of these conflicts.

In concluding, Ambassador Moreno emphasized the special attention with which Italy looks at Georgia. Some important agreements have recently been concluded between the two states, in particular, to foster Italian investments in Georgia and promote economic co-operation, especially between small and medium-sized enterprises. In this connection, he pointed out that important steps have been taken in recent years by the Georgian authorities to eliminate some of the major obstacles encountered by European firms wishing to operate in Georgia. In particular, the Tbilisi government has tried to introduce reforms in both the economic and political spheres and to fight corruption.

The first session of the seminar, devoted to "Georgia and the European System for the Protection of Human Rights", was opened by a presentation on "The Human Dimension" by Natalino Ronzitti, Professor of International Law at the LUISS University of Rome and Scientific Adviser at the IAI. He focused on the development in international law and politics of the concept of "human dimension" and on the precise definition of its relationship with the notion of "human rights protection". Recalling the first attempts at codifying the concept of the human dimension in the framework of the Conference (now Organisation) for Security and Co-operation in Europe (CSCE/OSCE), Professor Ronzitti analysed the 1990 Copenhagen Document on the Human Dimension and the developments resulting from the 1991 Moscow Conference on OSCE practice. From a conceptual point of view, he highlighted the differences between the notions of "human dimension" and "human rights", stressing that "human dimension" is a broader concept than "human rights", in that it also includes issues concerning democracy and security. Other differences pertain to the legal cogency of the two concepts and the mechanisms provided to secure compliance with human dimension and human rights standards. In

this respect, he stressed the difference in the position of the individual before supervisory institutions.

But there are also similarities between the rules on the "human dimension" and the provisions on "human rights protection". As is known, both matters are considered as falling outside the domestic jurisdiction of states, as recognised by the 1991 Moscow Declaration. In effect, complex international instruments have been put in place for control of the respect of international standards in both fields. In this regard, the speaker provided, in the last part of his presentation, an interesting analysis of the mechanism on the human dimension developed in OSCE practice. Special attention was devoted to issues concerning the protection of national minorities.

The presentation by Professor Ronzitti was followed by a discussion of the impact of "human dimension" standards on the Georgian situation. Interesting issues were raised by Levan Khurtsidze, Revaz Bachatadze and Shorena Lortkipanidze (all members of a Georgian NGO), regarding the difficult problems of treatment of minorities in a multi-ethnic society such as Georgia. Particularly thorny is the issue of repatriation to Georgia of refugees belonging to the Turkish ethnic minority. From a more general point of view, Sozar Subelian (journalist from the "Green Wave" radio station) stressed the need for deeper legislative reforms, especially in the field of criminal law, to bring the Georgian system effectively in line with international standards.

The second presentation was by Cesare Pinelli, Professor of constitutional law at the University of Macerata (Italy). Professor Pinelli focused on the role of domestic law in the protection of human rights, stressing that rules for human rights protection operate at three different levels: universal international law, regional international law (Council of Europe, European Union) and domestic law. In highlighting the relationships among these levels, he made some interesting references to the experience of the European Communities/European Union, in particular, the special function attributed by the European Court of Justice to the

common constitutional traditions of member states to establish the content and scope of the fundamental rights to be protected at Community level. In this connection, Professor Pinelli also discussed the significance and impact of the EU's recently adopted Charter on Fundamental Rights. In the second part of his presentation, he referred to the situation in Georgia, noting that many problems still have to be solved, but also that time is needed for the full application of international human rights standards in the Georgian context. He particularly emphasised the importance of educating judges and lawyers on the obligations and opportunities stemming from the European system of human rights protection.

The third report of the session, delivered by Rusudan Beridze (Deputy Secretary of National Security Council of Georgia), dealt with Georgia's internal legal order. The speaker offered interesting thoughts on the reform of Georgia's constitutional system after independence (1991). She described the country's main political institutions, both at the national (presidency, government, parliament, judicial system) and the local level. Special consideration was given to the institutions with a specific competence in the field of human rights protection, above all, the Public Defender, established in 1993. Special attention was also devoted to the treatment of national minorities under the Georgian legal system. In the last part of her presentation, Rusudan Beridze analysed the impact upon the Georgian constitutional order of the ratification of international treaties on human rights protection.

Pinelli's and Beridze's presentations stimulated an animated and fruitful debate, revealing a broad variety of opinions concerning the level of human rights protection in the country. Interesting remarks were made by political leaders - in particular Irakli Mindeli (Deputy Chairman of the "Socialist" Party) - and a good number of journalists. Some journalists complained about the Georgian government's persisting limitation of the freedom of expression and the freedom of press, while others stressed the important steps recently taken to solve this problem. The effective role of the Public Defender and, in particular, its real independence from the political

bodies, was also the subject of lively discussion among participants. A particularly interesting point was raised by Sozar Subelian, who stressed the limited number of decisions by the Supreme Court of Georgia applying international rules concerning human rights protection.

The last presentation of the session was by Marco Gestri, Professor of European Law at the Law Faculty of the University of Modena (Italy). In his report, devoted to "The right of individual application to international bodies for the protection of human rights", Professor Gestri focussed mainly on the system established by the European Convention on Human Rights, to which Georgia is a party since 1999. Before illustrating the most significant aspects of the Strasbourg system, he emphasised the importance of the 1950 Convention of the Council of Europe, also in the framework of the EC's legal order, and recalled the jurisprudence of the Court of the European Communities on the protection of fundamental human rights, inspired mainly by the 1950 Convention, as well as codification of the principle of the respect for human rights in the Treaty on European Union (Art. 6). Special attention was devoted to the Charter of Fundamental Rights of the European Union, officially proclaimed at the December 2000 Nice summit, to underline the importance of human rights in the EU framework, and to the clauses on human rights included in the 1996 Partnership and Co-operation Agreement between the European Union and Georgia.

The central part of Professor Gestri's presentation provided a general overview of the right of individual application to the European Court on Human Rights, in light of the recent entry into force of Protocol No. 11 to the Convention and the relevant practice. Issues such as identification of those having the right of application, the definition of the limitations to this right provided by the Convention, and the effects of the judgements rendered by the European Court were discussed.

Finally, Professor Gestri focused on the impact of the European system for the protection of human rights on the Georgian legal order. He noted and tried to give some reasonable explanations for the limited number of individual applications

brought against Georgia before the European Court on Human Rights (7 in the year 2000). In particular, he stressed the need for initiatives aimed at educating Georgian legal professionals in the field of human rights and the importance of promotional activities developed in this field by non-governmental organisations.

The speech prompted an interesting debate in which Michael Emerson of CePS pointed out that the accession to the European Convention by former members of the Soviet Union opened a new chapter in the Convention's practice. He also made specific mention of the danger that this could water down the standards so far applied.

Some interesting points were raised by Georgian participants. Levan Vepkhvadze (Chairman of the Centre for Democratic Novelties) pointed to the European institutions' lack of effective enforcement powers. More in general, there were signs of a certain lack of confidence by the Georgian population in the European system, notably due to the excessive length of the proceedings before the European Court of Human Rights. Nadia Tskepladze of the Tbilisi District Court stressed that judgements are often reached by a narrow majority of judges accompanied by dissenting opinions: this could, in her view, undermine the legal authority of the European Court.

From a general point of view, the following conclusions can be drawn from the first session of the seminar. On the one hand, the different cultural and professional backgrounds of the participants (journalists, political leaders, public officials, judges) did not allow the speakers to go into the legal details of the issues examined. In this connection, the importance of initiatives aimed at educating Georgia's opinion leaders on human rights protection must be underlined.

On the other hand, the participation of different categories of subjects enriched the discussion, providing constant reference to the problems effectively faced by Georgia in the field of human rights, and favouring an interdisciplinary approach to the search for appropriate solutions.

Human Rights and Regional Cooperation in the Caucasus the role of Georgia

The Stability Pact for the Caucasus

Nathalie Tocci, Research Fellow, CEPS

In November 1999 at the OSCE Istanbul Summit all of the South Caucasian leaders and former Turkish President Demirel were making unison appeals for a stability or security pact for the Caucasus, as a recipe to break away from the destructive trends of conflict and competition in the region. Yet none of the appeals specified in any detail the content of such a pact. At most they speculated upon its possible membership, i.e., what became known as the 3+3+2 format. At CEPS a group of researchers who agreed with the spirit of the appeals made by the leaders of the region produced its first document, the 'Stability Pact for the Caucasus'[1]. The CEPS agenda included 6 principal chapters. 3 focussed specifically on the South Caucasus and the remaining 3 concerned directly the wider region of the Black Sea and South Russia.

The first necessary element of a Stability Pact is conflict resolution. All of the drawn out negotiations appear to revolve around the irreconcilable principles of self-determination and territorial integrity. The metropolitan state appealing to territorial integrity calls for a federalisation of the state with an internal division of competences between the centre and the regions. Although in theory this should not be the case, in practice relations between the centre and the regions would be vertical, with the regions being subordinate to the centre. Hence, the rejection of these formulas by the secessionist leaderships, arguing that the lack of external sovereignty would represent an intolerable security threat to them. The latter appealing to the concept of self-determination call for full independence or the establishment of a confederation between sovereign states. The inter-state treaty would entail horizontal relations between two states and would also allow unilateral secession at any time.

Given the rigidity of the proposed models, negotiations appeared at a standstill. Rigid interpretations of federations and confederations with their diametrically opposed implications in terms of where external sovereignty lies have led nowhere so far. A fudge is needed. The key appears the distinction between de jure and de facto status. Both Karabakh and Abkhazia would remain de jure part of the metropolitan states, yet de facto they would enjoy virtual independence. These models would then be complemented by the establishment of a supra-state structure, or a South Caucasus Community. Within a SCC, a fudge of external sovereignty could be facilitated. The sub-state entities would gain access to a supra-state forum. Depending on how competences would be divided internally within states one could envisage the participation of the non-state entities at the regional level. However, the external roles of the non-state entities would not represent a threat to the metropolitan states which would also be involved in SCC activities and forums.

A South Caucasus Community was in fact the second chapter of the Stability Pact. The SCC would initiate a process of regional cooperation and integration in the South Caucasus. The supra-state level of the SCC would deal with questions of trade

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[1] Sergiu Celac, Michael Emerson and Nathalie Tocci 'A Stability Pact for the Caucasus' CEPS May 2000

(beginning with a de-blockading of frontiers following conflict resolution and establishing functioning border administrations and then proceeding to free trade arrangements), infrastructure and security. It would be institutionalised through governmental councils and possibly also a Parliamentary Assembly. The SCC countries would also have links to the EU through Stabilisation and Association Agreements as well to other neighbouring countries.

The first priority of the SCC would be security. The third chapter of the Stability Pact could in fact be the establishment of a South Caucasus Security System. Following conflict resolution a security system could be sponsored by the OSCE. The OSCE would also provide the necessary PKF in the three main conflict areas, patrol several porous borders such as the Georgian Pankisi gorge against criminal infiltrations and preside over negotiations about mutual arms reductions and demilitarisation of particular zones. Peace settlements would also include security guarantees. These would not be collective security guarantees, but could nonetheless be sufficiently strong if the major external powers undersigned the peace settlements.

Turning instead to the Wider region, a 4th chapter could include Russia-EU-US Southern Dimension cooperation. Based upon the spirit of the Northern Dimension the EU and Russia could develop a Southern Dimension in the Caucasus, in which the US could also join. In the short term the Southern Dimension would be principally concerned with Western emergency and humanitarian supplies in the North Caucasus. In the longer term one could envisage Western technical assistance and financial support for the economic development of the North Caucasus.

The fifth chapter included cooperation in the wider Black Sea area. One could envisage the upgrading of the existing BSEC into a Black Sea Caucasus Cooperation, of which the EU would become a full member. The BSC could both focus more effectively on the existing transport, energy and environmental programmes and include new political and security initiatives. At times the group could also extend to the Central Asian Republics in a Black Sea Caucasus Caspian framework.

The final chapter of the Stability Pact concerned oil and gas development. The new political climate emerging following conflict resolution and the establishment of a Stability Pact would enable the realisation of the region's full economic potential in the energy sector in particular. This would provide the economic justification for multiple pipelines that would create positive sum outcomes, which in turn would further improve the political climate in the area. Further elements of this chapter would include the full ratification of all members of the Energy Charter and the clear attribution of offshore territorial rights in the Caspian Sea.

The CEPS Stability Pact for the Caucasus was published just over one year ago. At the end of last year, the South Caucasus lived through a period of renewed tension and division, particularly in view of Russia's more aggressive visa policy towards Georgia. These trends clearly contradicted the spirit of any Stability Pact for the Caucasus. Yet in recent months developments suggest there could be new hope for a reactivated Peaceful Caucasus Process. The EU Troika mission to the South Caucasus and more importantly the encouraging talks between Presidents Aliev and Kocharian at Key West Florida in April 2001, give some renewed hope for constructive change. The resolution of the Karabakh conflict would represent the removal of the major

obstacle to any stabilisation and cooperation initiative. The settlement of the only inter-state conflict in the region could act as the trigger transforming any Stability Pact idea from mere fantasy to reality.

A Possible Model of Federalization of Foreign Policies in Georgia, Abkhazia and South Ossetia
By Bruno Coppieters, Tamara Kovziridze and Uwe Leonardy

1. Introduction

This text aims at stimulating discussions in and between Georgia, Abkhazia and South Ossetia on potential institutional mechanisms and models for a future peace settlement. The following academic model should not be misunderstood as an attempt to present prefabricated solutions. Much rather the intention is to go beyond the highly abstract discussions which have taken place until now on the basic principles of common state structures. This approach aims at a discussion on potential models of federalization of foreign policy making for Georgia, Abkhazia and South Ossetia. We expect to collect new stimulating ideas and criticism, in order to fill gaps and avoid misunderstandings. The final product of this endeavour is a publication in English, Georgian and Russian to be distributed in the region.

This presentation is focusing on the federalization of foreign policies. Consequently further structural questions such as the electoral system, the composition of the government, the functions of the first chamber and the weighting of votes in the second chamber will not be discussed here.

2. Two Possible Models of a Federal State

Model 1: Asymmetrical Distribution of Powers

The federal state (in the following text referred to as the Federation) consists of Abkhazia, South Ossetia, Adjaria and the regions of Georgia. Among these federal entities the powers are distributed in a way which gives Abkhazia (and perhaps also South Ossetia) the strongest position:

2.1 *Exclusive competences*: A considerable number of legislative competences are divided according to the principle of exclusivity. The federal level as well as the federated units have the exclusive legislative and administrative responsibility for certain subject matters/competences. These competences could also be named 'sovereign rights' (this term has often been used in the Georgian-Abkhaz context).

2.2 *Shared competences*: A certain number of competences belong to a shared responsibility. None of the levels can regulate the field alone. Coordinating and cooperative processes and joint action are promoted. This can happen either through the active participation of the second chamber or within the coordinating institutions and committees composed of representatives, possibly of government officials, of all the entities on different levels (treaty commission or interministerial committee). Their activities in this field may be coordinated by the federal foreign ministry. Every intention to conclude a mixed treaty - mixed treaties are dealing with shared competences - has to be communicated to it.

2.3 *Concurrent competences*: to create and preserve homogeneity, federated states can legislate as long as the federal government has not made use of its legislative

competences yet. They would be generally applied in the Federation, with the exception of Abkhazia (South Ossetia?), where the use of concurrent competences may lead to conflicts of competences, which have to be avoided.

2.4 *Framework legislation*: the Federation creates a framework by federal legislation which gives room to be filled in by the federated units themselves (for example a framework regulation concerning university diplomas). In using this type of legislation, Abkhazia (South Ossetia) could have the right to negotiate a wider framework.

Abkhazia (South Ossetia?) would have exclusive competences, to which the principle of *in foro interno, in foro externo* would apply. That means that the right to conclude international treaties would represent the legal reflection of the competence to legislate and administer on the internal level. This right is granted to the units by the federal constitution (In this respect the federated units represent subjects of international law and possess limited (not equal with the federal state) international legal personality. It means practically that international treaties in these fields could be concluded separately by Abkhazia (South Ossetia?).

Concerning Adjaria and the regions of Georgia there are two options:

Option A: Adjaria (and possibly other regions of Georgia) would have the right to conclude international agreements in their fields of competences provided they inform the federal government beforehand and the federal government consents.

Option B: Adjaria (and possibly other regions of Georgia) would only have the right to exchange partnerships and regulate cooperation with other regions without these agreements having the quality of treaties in international law.

Each federated entity would be represented in the second chamber either by directly represented members or by appointees of their legislatures or their executives. This second chamber would have to consent to the ratification of any treaty in international law concluded by the Federation. This would also apply to mixed treaties, i.e. treaties which concern fields of competences of both levels. In the field of ratification of international treaties concluded by the Federation, Abkhazia (South Ossetia?) would have the right either to veto or to opt out if such treaties touch upon its exclusive competences. This right could only be used after a consultation process with the federal government has been preceding.

In the case of Abkhazia (South Ossetia) the intention of the federated state's government to conclude an international treaty has to be communicated to the federal government. This mechanism has to ensure the coherence of foreign policy making. The federal government can raise objections in the following cases:

1. The intention goes against formulated general principles of the foreign policy of the Federation
2. The other party to the treaty is not recognized by the Federation
3. The Federation does not have any diplomatic relations with the other party
4. The diplomatic relations between the Federation and the other party are broken off or seriously damaged
5. The treaty is contrary to the international or supranational obligations of the Federation, if these are formulated in any official document.

In case of objections the procedure will be provisionally suspended and the mediation process will take place under the involvement of federal and federated units' governments on an equal basis. The exact procedure can be defined at a later stage. The involvement of international security organizations into the mediating procedure could be provided for.

Model 2: Symmetrical Distribution

See Model 1 with the following modifications: Abkhazia, South Ossetia and Georgia represent the only separate federated states. Adjaria is an Autonomous Republic on the territory of the federated state of Georgia.

Option A: The internal organisation of the three federated states and their mode of representation in the federal structures, particulary in the second chamber, is defined by the federal constitution.

Option B: This internal organisation is of no concern for the federal constitution.

Concurrent competences would not be used in this model. The principle of *in foro interno, in foro externo* is applied to each federated unit. The federal government has no right to enter into international treaties in fields of exclusive legislative competences of the federated states. The mechanism to ensure the coherence of foreign policy making, as described in model 1, would apply to all three federated states.

3. The Interaction with Inter- and Supranational Organisations

3. 1 European Union

1) The European Commission (TACIS programme) would deal directly with the federated states in the field of their exclusive competences, and with the federal government in its exclusive competences and in the field of shared competences.

2) The Partnership and Cooperation Agreements with the European Union aim at an institutionalization of the 'political dialogue' and at the creation of a legal framework for all spheres of cooperation. The PCA with the Federation would cover most domains of policy making, with the exclusion of defense. The policy fields presently mentioned in the PCA with Georgia are covering subject matters such as energy, the environment, education, agriculture, consumer protection, fight against drugs and money laundering and transport. Some of them would probably fall within the exclusive competences of the federated states of Abkhazia (South Ossetia?) in model 1 and of all three federated states in model 2. The PCA agreements would have to be ratified by the federates states of the Federation according to the constitutional distribution of competences. The federated states would in the field of their exclusive competences be full partners in the negotiations on the PCA, on an equal level with the federal authorities.

The main institutions which exist at present to formalise the dialogue between the parties are the *Council of Cooperation*, the *Cooperation Committee* and the *Commission of Parliamentary Cooperation*. The Council of Cooperation is supervising the implementation of the agreements and examines the issues of common interest, making recommendations if necessary. In the Council of Cooperation, members of the

government of the Federation and – in as far as exclusive competences are concerned – members of the government of the federated states on the one side and of the Presidency of the European Union with the two other members of the EU troika on the other side would meet on a yearly basis. Both parties would have to coordinate their positions beforehand. In the case of the Federation, this would be done according to the distribution of competences. The Cooperation Committee is made up of high and middle level civil servants representing the EU Council, the European Commission and the two levels of the Federation. It ensures the continuation of the dialogue between both actors and the implementation of the agreements.

3.2. The OSCE

- The *Court of Conciliation and Arbitration*, which settles disputes between OSCE members, would extend its activities to disputes between federated states in the Federation and between federated states and the federal authorities. Its present procedures are described as follows: "The Conciliation Commission hears cases brought before it by the common consent of two or more states. Following the conclusion of its hearings, the Commission present a report to the parties after which time the parties have thirty days to decide whether they are willing to accept its conclusions. If no agreement is reached within this period, the report is forwarded to the Arbitral Tribunal whose ruling is binding on the parties to the dispute". The possibility to have the Conciliation Commission intervening even without the consent of the parties could be examined.
- Mechanisms to resolve disputes about the violation of the human dimension commitments of its members (Vienna mechanism, Moscow mechanism) could be extended to permit access of the federated states of the Federation. These mechanisms include the sending of so-called missions of rapporteurs in case there is a perceived threat for human dimension commitments. The formula permitting the sending of such missions even without the agreement of the federal government or the government of the federated states would have to be devised. In the case of inter-state conflicts in the OSCE this may include a minimum number of countries supporting the request for a mission. In the case of intra-state conflicts, other preconditions can be developed. These activities may result in exchanges of information, holding of bi- and multilateral meetings, mediation activities and further actions in the framework of the OSCE.
- The High Commissioner on National Minorities would develop his activities in the framework of conflict prevention over the whole territory of the Federation.
- Ministers of federated states would be able to represent the Federation on the level of Council of Ministers' meetings, according to a rotation system which takes into account the division of competences between the units of the Federation.

3.3. The Council of Europe

- The Council of Europe could be indirectly involved in juridical decision-making in the Federation. A "Bosnian" type of Constitutional Court of the Federation could be envisaged, where a certain number (perhaps even the majority) of judges would be designated by the President of the European Court for Human Rights (which is linked to the Council of Europe). Such a model has been included in the Dayton Agreements

(3 of the 9 judges of the Bosnian Constitutional Court are designated by the European Court for Human Rights).

- Ministers of federated states would be able to represent the Federation on the level of Council of Ministers' meetings if their exclusive competences are concerned. They would have to be included in the delegation in case of shared competences.
- Charters of the Council of Europe would have to be ratified by the federates states, if this is required by the constitutional distribution of competences in the Federation.
- The federated states could develop their activities in the framework of the Chamber of Regions and Local Authorities in the Council of Europe.

3. 4. NATO

It may be realistically assumed that defense or parts of defense will belong to the shared competences of the federal government and of the governments of the federated states. This would require the inclusion of the federated states in the functioning of the Partnership for Peace and of NATO's Euro-Atlantic Partnership Council. PfP activities would have to be developed to enhance the cooperation between the federated states and the federal government in their respective defense policies. On the level of the representation of the Federation in the EAPC (once a month on the ambassadorial level, twice a year on the ministerial level) a rotation system would be designed taking into account the need for the Federation to speak with one voice on the EAPC. All representatives of the Federation would have to represent the position of the Federation as a whole. Divergent positions should lead to search for compromise internally. In case no compromise is found, the Federation would loose its voice on EAPC fora, but also make an intra-state security problem in a EAPC member state visible. Mediation activities of other members of the EAPC should then not be excluded. It has often been stated that one of the main positive achievements of NATO has been the prevention of an armed conflict between Greece and Turkey. This positive influence could be extended to intra-state conflicts in the Federation.

4.6 Others:
The type of involvement of the Federation in the UN, the CIS and in a future regional security framework in the Caucasus will be analysed later on.

TAMARA KOVZIRIDZE

Federalization, Foreign Relations and the Georgian-Abkhaz Conflict

Bruno Coppieters, Tamara Kovziridze and Uwe Leonardy

The difficulty to solve the post-war frozen conflicts in Abkhazia and South Ossetia has led to the search for federal solutions for the territorial arrangement of Georgia. The present contribution has the aim to present two possible models of federalization of foreign policy making in the future federation. It covers only one policy field, namely foreign policy. This presentation should not be understood as an attempt to present prefabricated solutions to the conflict. Much rather the intention is to go beyond the highly abstract discussions which have taken place until now on the basic principles of common state structures.

The first model is based on the asymmetrical distribution of powers whereas the second is symmetrical as far as the power structure is concerned. Thus the terms asymmetrical and symmetrical in this context do not refer to the geographical-territorial dimension of the models but to their power structure.

Model 1: Asymmetrical Distribution of Powers

The federal state (in the following text referred to as the Federation) consists of Abkhazia, South Ossetia, Adjaria and the regions of Georgia. Among these federated entities the powers are distributed in a way, which gives Abkhazia and possibly South Ossetia the strongest position. In this sense the model is asymmetrical. Within the Federation Abkhazia and South Ossetia would have the highest, although not equal, number of exclusive competences, i.e. would possess the so-called sovereign rights to legislate and administer laws in a number of fields of competences without any federal intervention. On the international level the principle *in foro interno, in foro externo* would apply. This means that the right to conclude international treaties would represent the legal reflection of the competence to legislate (and administer) on the internal level. The right would be granted to these units by the federal constitution, any amendments to which would only be possible under the involvement of both federal and federated levels. The putting into practice of the treaty making power would of course strongly depend on the will of third states to conclude international treaties with these federated units.

In this respect Abkhazia and South Ossetia would represent subjects of international law and possess limited (not equal with the federal state) international legal personality. This means practically that they would have certain rights and limited responsibilities in international law. International treaties in fields of their exclusive competences could be concluded separately by Abkhazia and South Ossetia.

Concerning Adjaria and the regions of Georgia there are two options:
Option A: Adjaria and possibly the regions of Georgia would have the right to conclude international treaties in their fields of competences provided they inform the federal government beforehand and the federal government consents.
Option B: Adjaria and possibly the regions of Georgia would only have the right to exchange partnerships and regulate cooperation with other regions without these agreements having the quality of treaties in international law.

De Facto States and Security in the Former Soviet Union

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Dov Lynch
Department of War Studies
King's College London
dov.lynch@kcl.ac.uk
USIP-funded research project,
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I.   Introduction

In an article in the *Review of International Studies* in 1997, Oyrind Osterud wrote that 'the organisation of the globe into these formally independent units (states) is basically regarded as a process that is now complete.'[1] Earlier, in 1984 in the same journal, Alan James had argued that: 'Thus, to all intents and purposes, it is possible to say that jurisdictionally speaking there is never any doubt about where one stands and that one always stands on the domain of a single sovereign state.'[2] Even the most casual glance at a map of the world provides the on-looker with a satisfying sense of completion: the globe has been divided up into legally equal sovereign states and all territories and peoples fall under one or another of these units' jurisdiction. The world is a complete matrix of colors and lines that leaves nothing to chance. The blank spots have been filled in.

The map of the former Soviet Union conjures a similar satisfaction. Fifteen new states emerged from the Soviet collapse. All of the territory has been divided up and formal jurisdiction claimed across all of the post-Soviet space. However, in late November 2000, an unusual summit was held in the city of Tiraspol, a city formally under the jurisdiction of the Republic of Moldova.[3] The summit brought together the Foreign Ministers of the four separatist regions that have declared sovereign statehood in the former Soviet Union: the Pridnestrovyan Moldovan Republic (PMR), the Republic of South Ossetia, the Republic of Abkhazia and Nagorno-Karabakh Republic.[4] The summit produced an agreement to create a permanent forum called the 'Conference of Foreign Ministers' that is to coordinate the activities of these separatist governments. The Foreign Ministers also discussed a common blueprint for the settlement of the conflicts that they face. This blueprint called for the recognition of 'sovereign equality' between the separatist regions and the central authorities in Moldova, Georgia and Azerbaijan as the only path leading to conflict resolution and the premise for negotiations between the parties. There had been similar meetings between these separatist governments in the early 1990s, which no impact on the conflicts. This summit also is unlikely to have dramatic effect.

However, the summit performed an important service in highlighting an enduring but often forgotten reality of the post-Soviet space. In addition to the fifteen Soviet successor states that emerged in 1992, there are four other states that are unrecognized. These are not found on any map of the former Soviet Union. They are completely isolated in international relations and all face deep internal problems as well as existential external threats. These separatist areas have often been dismissed as criminal strips of no-man's land and/or the 'puppets' of external states. While much analysis has been devoted to individual cases of conflict in the former Soviet Union, there has been no comparative study of these separatist

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[1]   Oyrind Osterud, 'The Narrow Gate: Entry to the Club of Sovereign States,' *Review of International Studies* (97, 23), p. 168.
[2]   Alan James, 'Sovereignty –A Ground Rule or Gibberish?' *Review of International Studies* (84, 10), p. 16.
[3] Reported in *Jamestown Monitor*, December 1, 2000 (Vol. VI, Issue 224).
[4]   Henceforth, for reasons of simplicity, these will be referred to as PMR, South Ossetia, Abkhazia and Nagorno-Karabakh.

regions as a whole.[5] A critical gap has emerged in our understanding of security developments in the former Soviet Union.

The continuing existence of these separatist areas has impact on the security of the metropolitan states from which these areas have seceded, as well on wider regional developments.[6] Over a million people have been displaced by these wars, which has placed serious strain on the new states of Georgia and Azerbaijan. The economies of Moldova, Georgia, Azerbaijan and Armenia have all been deeply affected by the existence of these unrecognized states within their formal boundaries. These self-declared states also have represented opportunities for external states to intervene in the region. Certainly Russia has used its peacekeeping operations in Moldova and Georgia as means to retain influence in those two states.[7] Most importantly, force has remained an option in all of these conflicts, as the renewed conflict in Chechnya has shown. Cease-fire agreements have been reached in all of the others separatist areas. Internationally-led negotiations have been under-way in all them since the early 1990s. In the conflicts in Moldova and Georgia, Russian/Commonwealth of Independent States (CIS) peacekeeping forces have been deployed to maintain a buffer zone between the conflicting parties. The United Nations (UN) and the Organization of Security and Cooperation in Europe (OSCE) have also become deeply involved in mediating in these conflicts, as well as monitoring the activities of the CIS peacekeeping forces. However, since 1992 there has been no progress towards a settlement of these conflicts. From these so-called frozen conflicts, four *de facto* states have emerged.[8]

This paper will examine the internal dynamics at work in these de facto states. As a foil to the argument, the paper will start with a brief discussion of the reasons for progress towards the settlement of the Tajik civil war. The second part will seek to define the de facto state and the context facilitating its rise in the former Soviet Union. The final part of the paper will examine the features of the de facto states with a view to understanding why conflict settlement has been difficult in these cases. In this part, the discussion will focus on the political, military and economic logic that underpins the de facto states. The paper will not consider the case of the de facto state in Chechnya (Republic of Ichkeria), now barely existent and in an active state of war with its metropolitan state, but will focus on those which have benefited from cease-fires since the early 1990s.[9] The focus in this paper will be on the internal dynamics of these de facto states. This paper is part of a larger research project which also examines the external dynamics that affect these states as well as their impact on regional security.

II.   The Tajik Foil: Why has the civil war ended?

The Tajik civil war provoked many statements about the threat it posed to regional stability.[10] Russia's first Defence Minister Pavel Grachev argued in 1993 that 'if the flames of war are not extinguished in Tajikistan, there may be dangerous consequences for Russia, especially since aggressive attitudes are being seen in Chechnya.'[11] The civil war did have devastating results, with an estimated 20-40,000 victims, 600,000 IDPs, and at least 100,000 refugees.[12] However, there has not been a wave of Islamic fundamentalism sweeping through to Tatarstan. Tajikistan's Central Asian neighbors have not collapsed in the flames of conflict spill-over. A peace process has progressed in Tajikistan following the General

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[5]   An exception to this lack of comparative work is Edward Walker, 'No Peace, No War in the Caucasus: Secessionist Conflicts in Chechnya, Abkhazia and Nagorno-Karabakh' (CSIA, Occasional Paper, SDI, February 1998).

[6]   The term 'metropolitan state' refers to the states whose integrity has been challenged by the de facto states (Russia, Moldova, Georgia, and Azerbaijan).

[7]   See the author's, *Russian Peacekeeping Strategies towards the CIS: The Cases of Moldova, Georgia and Tajikistan* (RIIA and Macmillan: London, 2000).

[8]   On the notion of a de facto state, see excellent work of Scott Pegg, *International Society and the De Facto State* (Ashgate: Aldershot, 1998).

[9] The research for this paper is the result of several visits to each of these de facto states since 1997 and a tour of them for two months in July and August 2000.

[10]   This section is drawn from the author's chapter, 'The Tajik Civil War and the Peace Process,' *Civil Wars* (Special Edition on post-Soviet conflicts, forthcoming 2001).

[11]   Cited in *Nezavisimaya Gazeta*, May 7, 1993, reported in Current Digest of the Post-Soviet Press (CDPSP) (18-93), p. 29.

[12]   See *Human Rights Questions: HR Situations and Reports of the Special Rapporteurs and Representatives*, United Nations A/51/483/Add 1, 24 October, 1996, prepared by Francis Deng for 51st Session of the GA.

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Agreement of June 1997 and the creation of the Commission for National Reconciliation (CNR). Changes have been made to the Tajik constitution. Formally at least, opposition armed forces have started to be integrated into the national armed forces. Internally displaced persons (IDPs), as well as some 50,000 refugees in northern Afghanistan, have resettled with the support of the UN and the OSCE. While flawed, new presidential and parliamentary elections occurred in November 1999 and February 2000. Islamic figures of the United Tajik Opposition (UTO) have been appointed to high level posts leading to formal power-sharing with the conservative regime under President Immomali Rakhmonov. The progress that has been made towards peace in Tajikistan is unique.

The reasons for this success relative to the other post-Soviet conflicts merit close attention as they provide a foil for understanding the obstacles to conflict settlement in Moldova, Georgia and Azerbaijan. During the active part of the Tajik civil war, many commentators painted the conflict in ideological terms, depicting a clash of secular conservatism with Islamic fundamentalism. The conflict clearly had an ideological dimension. However, the nature of Tajik statehood, as it was crafted in the Soviet Union and as it emerged independent, was the critical factor. Concepts of state weakness throw light on the causes of the Tajik civil war. These concepts also help to understand the reasons for progress since 1997. The literature on state weakness falls broadly into two categories.

A first group focuses upon the institutions and individuals making up the state as well as the capacities of state agencies.[13] According to Joel S. Migdal, the relative strength of a state must be considered in light of its capacity to 'penetrate society, regulate social relationships, extract resources and appropriate or use resources in determined ways.'[14] State weakness is seen as a syndrome, characterized by widespread corruption, the collapse of state coercive powers, the rise of 'strongmen' and the segmentation of the political community into several 'publics.' In his discussion of the post-Soviet political order, Jack Snyder also adopted an institutionally-based focus.[15] According to Snyder, the Soviet collapse gave rise to three security challenges.[16] First, the security of the individual was placed into question with the disintegration of coercive structures and the rise of semi-private structures. Secondly, the widening of political participation allowed for large-scale social mobilization without clear channels of organization and mediation. Thirdly, the collapse of the Soviet economy ended the command system and central subsidies, resulting in a desperate search for economic survival. The socio-economic pressures on the Tajik Republic had increased from 1970s, with demographic changes placing increasing demands on limited resources.

The institutional perspective is helpful for understanding the causes behind the out-break of the Tajik civil war. These explanations also partly explain the emergence of stability since 1997, which has resulted from the creation of new political and economic patronage systems under the Dushanbe regime. However, this perspective cannot be entirely satisfactory, as Tajikistan has retained deeply weak institutions and state capacities since 1997.

A second approach has interpreted state strength in more than political-institutional terms. Barry Buzan has stressed the importance of the 'idea' of the state in terms of people's perceptions of its nature and legitimacy.[17] If widely held, this 'idea' may act as an organic binder that links the state and its parts

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[13] See discussion by author in 'Euro-Asian Conflicts and Peacekeeping Dilemmas,' in Y. Kalyuzhnova and D. Lynch (eds), *The Euro-Asian World: A Period of Transition* (Macmillan Press: London, 2000).
[14] See, for example, Joel S. Migdal, *Strong Societies and Weak States, State-Society Relations and States Capacities in the Third World* (Princeton University Press, Princeton: 1988), Mohammed Ayoob, 'State-Making and Third World Security,' in J. Singh and T. Berhauer, *The Security of Third World Countries* (UNIDIR, Dartmouth: 1993); William Reno, *Warlord Politics and African States* (Lynne Rienner, London: 1998); William Zartman (ed.), *Collapsed States: The Disintegration and Restoration of Legitimate Authority* (Lynne Rienner, London: 1995); Eva Busza, *The Dysfunctional State and International Collaboration* (Davis Center for Russian Studies, PONARS Working Paper Series, Harvard University: September 1997); Michael McFaul, *When Capitalism and Democracy Collide in Transition: Russia's Weak State as an Impediment to Democratic Consolidation* (Davis Center for Russian Studies, Working Paper Series, no. 1, Harvard University: September 1997).
[15] See Barnett R. Rubin and Jack Snyder (eds), *Post-Soviet Political Order: Conflict and State Building* (Routledge: London, 1998), pp. 1-14 and 162-82.
[16] *Ibid.*, pp. 7-8.
[17] Barry Buzan, *People, States and Fear: An Agenda for International Security Studies in the Post-Cold War Era* (Harvester Wheatsheaf: Hemel Hempstead, 1991).

with coherence as well as mechanisms to allow for popular subordination to its authority. Without such an 'idea,' and in circumstances of institutional weakness, Buzan raised the prospect of the 'disintegration of the state as a political unit.'[18] In his discussion of the link between the nature of states and war, Kalevi Holsti also argued that the fate of states was determined 'in the realm of ideas and sentiments.'[19] In particular, Holsti stressed the need for two levels of legitimacy. Vertical legitimacy referred to the forms of state authority and nature of popular loyalty afforded to the 'idea' of a state and its institutions. Horizontal legitimacy concerned the definition and role of a state's political community. In this view, state weakness consisted of patterns of flawed legitimacy, in which the domestic use of force remained high, the state had become personalized or 'captured,' uniform 'rules of the game' were contested, several political communities vied for power, and the basic 'idea' of the state constituted an arena of conflict.

This brief discussion is insightful for understanding Tajikistan. With weak institutional structures, the civil war was a contest over control of power in the new state. At the same time, the civil war was portrayed, and initially perceived by its participants, as a struggle over the very definition of the new Tajik state – either as a secular and conservative state, dominated by former Soviet elites, or as a democratic and potentially Islamic-led new state, with wide regional representation. However, by 1996, the fundamental dispute over the 'idea' of Tajikistan had receded. The United Tajik Opposition sought a share of power in Dushanbe and a weakened President Rakhmonov recognized the need to compromise with the opposition. The absence of conflict over the fundamental 'idea' of Tajikistan, its territory, Tajik boundaries and citizens, created enough common ground between the parties for progress in the peace process. There has been a recognition of the need to reach a *modus vivendi* around the state of Tajikistan as it exists presently – that is, as a deeply weak state in institutional terms – because there is no viable alternative in terms of secession or full victory by one of the parties. Moreover, the desire of external parties to contain the civil war was another factor moderating this conflict.

Most importantly, the civil war did not raise *fundamental* or *long-standing* questions about Tajik 'stateness.' As defined by Juan Linz and Alfred Stepan, the 'stateness' problem arises when there are 'profound differences about the territorial boundaries of the political community's state and profound differences as to who has the right of citizenship in that state.'[20] In this, Linz and Stepan stress 'the degree to which inhabitants accept the domain and scope of a territorial unit as an appropriate entity to make legitimate decisions about its possible future restructuring.'[21] The Tajik civil war was not a conflict around the 'stateness' problem. While containing an ideological dimension, the fundamental 'idea' behind the new Tajik state went unchallenged. This conflict also lacked the ethno-political dimension that has been fundamental to other post-Soviet conflicts. The basic common ground on the idea of Tajikness between all the parties is founded, however weakly, on a sense of shared history and destiny among the Tajik people. This shared idea has allowed progress to occur in power-sharing and the resettlement of forced migrants.[22]

In contrast, the armed conflicts in Abkhazia, South Ossetia, Transdniestria, Chechnya and Nagorno-Karabakh have reflected conflicting perceptions of the domain and scope of the territory of the new states of Georgia, Moldova, Russia and Azerbaijan. The aim of the separatist groups is not to capture power in the metropolitan states, or to renegotiate the division of state powers within a given territory. The objective is to exit the metropolitan state. At the least, the aim is to build new relations with it on an inter-state level as equal units. The linkage of ethnicity with territory has made the objectives of these separatist areas state-orientated – nothing less than state sovereignty will suffice for their authorities. The absolute disagreement about the 'idea' behind the new states that emerged from the Soviet collapse has made conflict resolution difficult, if not unattainable. In this light, these are not civil wars but inter-state wars.

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[18] *Ibid.*, p. 82.

[19] Kalevi. J. Holsti, *The State, War and the State of War* (Cambridge University Press: Cambridge UK, 1996), p. 84.

[20] *Ibid.*, p. 16.

[21] *Ibid.*, p. 25.

[22] Shirin Akiner noted the new stress placed on the Tajik identity in her recent work on Tajikistan (still unpublished) and a talk she gave to the War Studies, Eurasian Security Seminar, at King's College London, on February 28, 2001, called 'Central Asia and the Tajik Civil War.'

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III. Defining the De Facto State and its Environment

In a lucid first (and so far only) theoretical treatment of de facto states, Scott Pegg defines them as follows:

A de facto state exists where there is an organized political leadership, which has risen to power through some degree of indigenous capacity; receives popular support; and has achieved sufficient capacity to provide governmental services to a given population in a specific territorial area, over which effective control is maintained for a significant period of time. The de facto state views itself as capable of entering into relations with other states and it seeks full constitutional independence and widespread international recognition as a sovereign state.[23]

In order to understand the de facto state, several points must be made. First, Pegg's definition is clearly based on a distinction between empirical and judicial notions of statehood.[24] The de facto state is not recognized by other states or the international community. As a result, it has no judicial status in the international arena. To return to Alan James' point cited in the introduction, the de facto state has no judicial right to claim a certain territory, as this land already is part of a recognized state.

However, the de facto state may have an empirically-defined claim to statehood. The classical definition of an entity that may be regarded as a sovereign state was set forth in the Montevideo Convention on Rights and Duties of States, 1933. The Montevideo criteria are that an entity have: 1) a permanent population; 2) a defined territory; 3) a government; and 4) the capacity to enter into relations with other states. These de facto states fulfill the first three of these criteria, and claim to be able to pursue the fourth. However, the empirical qualifications of the de facto state cannot make it legal or legitimate in international society. As Pegg argued, it is 'illegitimate no matter how effective it is.'[25]

Second, it is necessary to distinguish between internal and external sovereignty. Internal sovereignty refers to the supreme authority of a body within a given territory.[26] External sovereignty, on the other hand, was defined by Alan James as 'being constitutionally apart, of not being contained, however loosely, within a wider constitutional scheme.'[27] The de facto state claims both of these; that is, to be sovereign over its self-defined territory and people, and to be constitutionally independent or any other state. The key difference for the de facto state resides in its non-recognition. Its non-recognized status prevents it from enjoying membership of the exclusive and all-encompassing club of states – this is, the de facto state does not have recognized external sovereignty.

a) States and Sovereignty

De facto states have arisen from what Robert Jackson called the 'new sovereignty game.'[28] This game arose with the process of decolonization during the Cold War, and consisted a regime regulating the emergence of new states, the criteria of self-determination and the conditions for international recognition.[29] As often noted, the UN GA Resolution 1514 of December 14, 1960, 'Declaration on the Granting of Independence to Colonial Countries and Peoples,' set forth many of these rules. The Declaration stated that all peoples had the right to self-determination and to determine freely their political status and forms of political, economic and social development. The resolution established

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[23] Scott Pegg, *International Society and the De Facto State* (Ashgate: Aldershot, 1998), p. 26.

[24] See discussion in *ibid*, pp. 1-22.

[25] *Ibid*, p. 5.

[26] Gunnar Agathon Stolsvik, *The Status of the Hutt River Province (Western Australia), A Case Study in International Law* (Det juridiske fakultet, Universitet I Bergen, 2000), p. 29.

[27] Alan James, *op.cit. Review of International Studies* (84, 10), p. 11.

[28] See discussion in Pegg (1998).

[29] On this, see discussions in Kemal S. Shehadi, *Ethnic Self-determination and the Break-Up of States* (Adelphi Paper 283, Brasseys: IISS, 1993); David E. Paul, Sovereignty, Survival and the Westphalian Blind Alley in International Relations,' *Review of International Studies* (99, 25), pp. 217-31; Oyrind Osterud, 'The Narrow Gate: Entry to the Club of Sovereign States,' *Review of International Studies* (97, 23), pp. 167-84; and James Mayall, *Nationalism and International Society* (Cambridge Studies in International Relations: Cambridge University Press, 1990).

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juridical statehood as the basic norm for the granting of sovereignty to an entity. The lack of any form of 'preparedness' was deemed specifically not a valid reason for not granting independence. As a result, self-determination became a legal and moral right to all non self-governing territories which were distinct from the country that administered them (following the salt water criterion). In the critical view of Michael Freeman, the application of these rules meant that that putative right to self-determination became 'ossified by the anti-colonial idea, the Westphalian consensus and uti possedetis juris.'[30] At this point, it is important to distinguish between the principle of the right to self-determination, which is over-arching, and the rules for its application, which were limited to colonies.[31] The UN Declaration denounced 'any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country.'

This informal regime sought to mitigate the potentially explosive effects of de-colonization and the creation of new states by enshrining both a limited notion of self-determination and a juridical definition of criteria for new states. Self-determination was to occur only once at the moment of de-colonization. Uti possedetis was sanctified in order to ensure stability through an insistence on absolute territorial integrity and equal sovereignty. The rule was also expanded to take in the intra-state sovereignty of entities: self-determination by all peoples was out of the question and secession was denied. The constant border changes and state territorial shifts, which had been the very fabric of international affairs until the middle of the 20th century, were expunged as illegal and dis-ordering. Most profoundly, these rules meant that new states could not fail; they could be weak, even non-existent on a domestic and international scene, but they could no longer disappear.[32]

The effects of this formal freezing of the territorial map on the emergence of de facto states are two-fold. First, the right to self-determination still represented an over-arching principle that had pride of place in moral terms. As Stanley Hoffman noted, taking his cue from Kant, 'justice itself requires that the right be granted for there is no more certain injustice than alien rule imposed against the will of the people.'[33] James Mayall argued that 'this unprecedented attempt to bring history to an end, at least so far as the territorial division of the world is concerned, seems unlikely to succeed' as long as the pursuit of this form of justice in popular self-determination remained widely held.[34] International relations have remained under-pinned by principles that militate against a strict interpretation of uti possedetis. The confusion between the pragmatic and moral universe has created scope for regions/peoples/areas within states to seek self-determination as part of what they consider the universal pursuit of liberty.[35]

Second, the areas seeking self-determination face an incentive system that leads them to seek statehood rather than any other form of existence - autonomy or associated - with their metropolitan state. The absolute nature of state sovereignty as it emerged since the 1960s has diluted international society of all the gradations between types of entities that had existed previously. The game is now more zero-sum; there are states and there is little else. The exclusive nature of the club of states, and the principles of equal sovereignty and non-interference upon which it is based, has meant that most self-determination movements will be content with nothing less than state sovereignty in order to achieve what they perceive as justice.

And for good reasons. Sovereignty is a source of vitality for states.[36] It provides a range of opportunities for protection and self-defence, and embeds the state firmly in the international society, guarding against

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[30] Michael Freeman, 'The Right to self-determination in International Politics: Six Theories in Search of a Policy,' *Review of International Studies* (99, 25), p. 359.

[31] This point is well-made by Stuart and Anne-Marie Gardner, 'Self-Determination in the Western Sahara: Legal Opportunities and Political Roadblocks,' *International Peacekeeping* (Vol. 7, no. 2, Summer 2000), pp. 115-38.

[32] A point well made by Pegg (1997), p. 133.

[33] S. Hoffman, *Duties Beyond Borders: On the Limits and Possibilities of Ethical International Politics* (Syracuse University Press: Syracuse, 1981), p. 34.

[34] James Mayall (1990), p. 56.

[35] On this point, see also Pegg (1997).

[36] See interesting discussion in J. D. B. Miller, 'Sovereignty as a Source of Vitality for the State,' *Review of International Studies* (86, 12), pp. 79-89.

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the possibility of its extinction.[37] The principles of territorial integrity, equal sovereignty and the norm of non-intervention constitute the 'societal fabric of international relations,' in James' words, and represent a unique source of strength for states.[38] Without state sovereignty and its recognition by the intentional community, the separatist movement has very few rights, and no status that protects it in international law. The disappearance of the separatist movement through the use of force by the metropolitan state cannot be ruled out. Without recognition, it is not protected by the rules governing the state regime and lacks the vitality that this provides.

b) The Soviet Collapse and New States
For the purposes of this paper, there are three initial points specific to the Soviet legacy that help explain the emergence of de facto states. This paper will not examine the detailed sources of these post-Soviet conflicts, although this features heavily in the final research output of the project.

First, the peculiar nature of Soviet federalism played a formative role in understandings of ethnicity and power in the late 1980s and 1990s across the post-Soviet space. Stalin had already linked the nation with ethnicity and territory in his work on 'Marxism and the National and Colonial Question.'[39] In the Soviet Union itself, ethnicity was territorialized and tied to institutions and different levels of representation, resulting in a state that was indeed 'national in form and socialist in content.'[40] The Soviet territorialization of ethnicity had several effects. First, Soviet federalism, as argued strongly by Ronald G. Suny, contributed to a 'making of nations' process that had started across the region in the pre-Revolutionary period.[41] Suny noted that 'rather than melting pot, the Soviet Union became the incubator of new nations,' through a process of nativization, territorialization, economic and social transformation and localism.[42] In this sense, the Soviet collapse was not a thaw that allowed the awakening of nations long slumbering under the sedatives of coercion and Soviet communism. The reforms initiated by Gorbachev allowed political space for the genuine representation of ethnicity and nationalism and also stimulated elites to seek ethnic/national legitimacy as a form of popular mobilization.[43] The legacy of the Soviet experience was that group rights had to be territorialized to mean anything. The Soviet legacy was also that formal structures had to be attributed for the recognition of the existence of a group and the protection of its autonomy.

Second, Soviet federalism was based on differing levels of regionally/ethnically based administrative/political units. These levels conferred different status and power, with the Union Republics at the apex of the system, which contained autonomous republics, autonomous regions, and the autonomous areas. This experience discredited the very notion of autonomy as a valid institution for the protection of a group's rights.[44] De jure, these areas had autonomy but de facto power resided elsewhere - specifically with the Union Republic and Moscow. The legacy from this was paradoxical. Structures of autonomy did support the territorialization of ethnicity. However, the experience of autonomy was negative for the titular nationality in the autonomous structure, well aware that power lay elsewhere. It

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[37] *Ibid.*, p. 82.
[38] Alan James, 'The Equality of States: Contemporary Manifestations of an Ancient Doctrine,' *Review of International Studies* (92, 18), p. 381.
[39] See discussion in Graham Smith, 'The Soviet State and Nationalities Policy,' in Graham Smith (ed.), *The Nationalities Question in the Post-Soviet States* (Longman: London, 1996, second edition), pp. 2-22.
[40] See discussion in Ian Bremmer, 'Reassessing Soviet Nationalities Theory,' in Ian Bremmer and Ray Taras (eds), *National and Politics in the Soviet Successor States* (Cambridge University Press: 1993), pp. 3-26.
[41] See Ronald Grigor Suny, *The Revenge of the Past: Nationalism, Revolution and the Collapse of the Soviet Union* (Stanford University Press: Stanford, 1993).
[42] *Ibid.*, p. 85.
[43] Se also discussion in 'Post-Colonialism and Borderland Identities,' in Graham Smith, Vivien Law, Andrew Wilson, Annette Bohr and Edward Allworth, *Nation-Building in the Post-Soviet Borderlands: The Politics of National Identity* (Cambridge University Press: Cambridge, 1998), pp. 1-20.
[44] This point is made by Olga Jourek, *Ethno-Political Conflicts in the Post-Communist Societies: Prospects for Resolution and Prevention in the context of International Law* (Harvard University, SDI Project: September, 1999), p. 58; see also insightful Svante E. Cornell, 'The Devaluation of the Concept of Autonomy: National Minorities in the Former Soviet Union,' *Central Asian Survey* (18-2, 1999), pp. 185-96.

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was also negative for the titular nationality in the Union Republic in which the autonomy was embedded, who saw it as means of Soviet/Russian 'divide and rule.'[45] For the autonomies, the Soviet experience led to an emphasis on moving beyond autonomy to a higher status as the only solution to guarantee their existence and the protection of their rights. In contrast, the former Union-Republics sought to maintain the 'autonomous' structures, and in some cases, to abolish them altogether.

Finally, the process of new state recognition after the Soviet collapse followed the decolonization model of attributing juridical recognition to already existing entities with the support of the former central/imperial power.[46] Recognition of the Baltic republics went particularly smoothly as their incorporation into the USSR had never been recognized formally by the international community. The eleven other Union Republics, except Georgia which was then in internal turmoil, were recognized soon after the demise of the USSR. Recognition of the Republic of Georgia followed quickly in March 1992. This process enshrined the rule of uti possedetis and the principles of the UN Charter and the CSCE on territorial integrity and respect for existing borders. It left the autonomous structures inside the new states vulnerable to the new nation/state building occurring around them. As argued by Jirair Libaridian, former State Advisor to the Armenian President Levon Ter-Petrosyan, the international community had placed its bets on formal stability in the region and sought to reassure the autonomies that continued existence within the new states would be positive.[47] The premise was that the new states would pursue democratization and economic reform that would benefit all peoples within these new international borders.

However, the promises of democracy and prosperity were seen as empty by the autonomies in these new states. The recognition process as a whole was seen as arbitrary, and, much worse, unjust. The perception of local actors was that the boundaries of the Union Republics had been drawn up by Moscow following the principles of political expediency and 'divide and rule.' Far from being a recipe for stability, these new international borders were seen as ingredients for conflict.

IV.   The Dynamic Logic behind Post-Soviet De Facto States

These conflicts are often seen as 'frozen' because of the lack of progress towards conflict settlement. This is a misleading image. These conflicts have been sustained by a dynamic logic that has both external and internal dimensions. The image of a dynamic logic is a more fitting way of understanding why there has been no conflict resolution. Much has happened in these areas over the course of the last ten years. Any movement towards settlement must take into account the logic working behind these conflicts. Most fundamentally, any solution to these conflicts will have to address the realities of 2001 rather than 1991. Their settlement will have to focus on the structures that have developed over the past decade and much less the original sources of the conflicts.

Most discussions of these conflicts focus on external factors as key obstacles to settlement. On the ground, the parties are the first to accuse external forces of creating the conflict. The local parties are also quick to see the international community as the salvation to their own problems. Vasily Sturza, the Moldovan Presidential Envoy to the negotiations with the PMR, made the point bluntly that 'the resolution of the conflict depends exclusively on the Russian Federation.'[48] Similarly, Tamaz Nadareishvili, the Chairman of the Abkhazia Parliament in Exile in Tbilisi, argued that all of these conflicts consisted of 'military-political conflicts between these new states and Russia.'[49] External factors played, and continue to play, a critically important role in inhibiting conflict settlement. The final research output of this project examines the various external dimensions at work. However, in order to redress the imbalance in our understanding, this paper will concentrate on the internal levels of the dynamic logic

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[45]   Point well made by Svante Cornell (1999).
[46]   See discussion of this process in Kemal S. Shehadi (1993), pp. 23-31.
[47]   Point made in a talk given at the London School of Economic and Political Science and Economics, March 1, 2001.
[48]   Interview with author, Chisinau, Moldova, July 13, 2000.
[49]   Interview with author, Tbilisi, Georgia, August 7, 2000.

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inhibiting conflict settlement. These internal dimensions are most essential and primary. Three internal features combine to sustain these conflicts.[50]

a) Absolute Sovereignty

The first factor resides in the insistence by the authorities of the de facto states on absolute sovereignty. The amalgam of territory, population and government in these areas has produced something that is greater than the sum of these parts – a deeply-felt belief in sovereignty. Vladimir Bodnar, the Chair of the Security Committee of the Parliament of PMR, stated that: 'We are an island surrounded by states!'[51] He continued, 'What defines a state? First, institutions. Second, a territory. Third, a population. Fourth, an economy and a financial system. We have all of these!' The de facto states draw on two legal sources of legitimacy to justify their claim to statehood and two historical/moral sources.

First, as noted in Bodnar's statement, these authorities explicitly adhere to an empirical definition of sovereignty on the lines of the 1933 Montevideo Convention. These governments maintain that they fulfill all the conditions for being considered to have positive sovereignty. Drawing from Pegg's definition, all of these de facto states have a system of organized political leadership, which has received popular support, provides basic governmental services to a given population over a specific territory, over which effective control is maintained for a significant period of time. However, the post-Soviet cases show significant variation at all of these levels.

The degree of popular support is difficult to assess in all of them because elections have proceeded unobserved. A lack of political transparency is common to all these areas, and particularly in the PMR where the Ministry of Security has a strong presence in the media and in politics to undermine any opposition to the presidency of Igor Smirnov. The level of governmental service also varies significantly. At an extreme, the Abkhaz government maintains the daily running of legislative, executive and judicial institutions, but performs few governmental services for its population. The UN and international non-governmental organizations have become the pillars of social security in Abkhazia. The PMR and Nagorno-Karabakh, on the other hand, are much stronger states. In all of these de facto states, the maintenance of military power is the primary function of government. The populations of these states also show variation. Exact figures are deeply contested and politically sensitive, as demography resides at the very heart of these conflicts. The numbers range from about 145,000 in Abkhazia to around 600,000 in the PMR. Finally, the degree of control over territory is also variable. Abkhazia maintains very weak control over its territory. The government has no control at all over some areas, such as Gali district and the Kodor valley. Again, the PMR and Nagorno-Karabakh are much stronger in this respect.

The governments of these de facto states maintain that these empirical conditions are a sufficient basis for declaring state sovereignty. On this foundation, the Chairman of the parliament of the PMR, Grigory Maracutsa affirmed that 'Pridnestrovye is a sovereign and independent state.'[52] This argument follows the declaratory approach to understanding the recognition of an entity as a state by other states.[53] These governments maintain that recognition does not *create* a state, but simply *reflects* an existing reality. The attribution of statehood status arises from the empirical existence of sovereignty and not the juridical decision on its creation. As a result, formal recognition is seen as being secondary for these governments. In the case of the PMR, recognition by the international community is even viewed as a status that may complicate the PMR's sovereignty. Vladimir Bodnar argued that:

Recognition gives a state the possibility to work officially with other states, and international financial institutions, but it still debatable whether recognition is most useful for a state. It provides a guarantee that a state will not be attacked in principle. But it also leads a state to honor international law and

[50] Some of the following points are drawn from the author's, 'Frozen Conflicts,' *The World Today* (forthcoming Spring 2001).

[51] Interview with author, Tiraspol, PMR, July 11, 2000.

[52] Interview with author, Tiraspol, PMR, July 14, 2000.

[53] On the difference between the declaratory and the constitutive approach, see discussion in Michael Ross Fowler and Julie Marie Bunce, 'What Constitutes the Sovereign State?' *Review of International Studies* (96, 22), pp. 400-2.

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international agreements. From a juridical point of view, it is impossible to require a de facto state to do so.[54]

In his view, the sovereignty of the PMR may be better preserved by maintaining the status quo of non-recognition.

The second claimed source of legitimacy draws on the right of self-determination of all peoples. On July 25, 2000, Sokrat Jinjolia, the Chairman of the Abkhaz Parliament stated: 'We are independent. We have passed an act of independence. Non-recognition does not matter.'[55] All of these de facto states have cloaked their claims to independence on the basis of popular election/referenda and legislative acts to this effect. In addition, the authorities claim legitimacy because of the way that the independence of the metropolitan state was declared. The Moldovan parliament decisions on the illegality of the Molotov-Ribbentrop Pact in the summer of 1990 were seized upon by Tiraspol. In its view, this decision meant that the Moldovan SSR that emerged from the second world war was illegal. The left bank of the Dnestr river had been an autonomous republic inside Ukraine before the war. Thus, on this basis, in September 1990, the Supreme Soviet of the left bank passed a declaration of sovereignty and independence. In addition, referenda were organised throughout the left bank and in Bendery on the right bank to provide popular legitimacy to the Supreme Soviet's declaration. In Nagorno-Karabakh, the authorities shifted at the moment of the Soviet collapse from their initial decision to 'rejoin' Armenia in December 1989 to a declaration of independence on December 10, 1991.

These de facto states also have approved new constitutions which enshrine legally what are seen as popular/democratic resolutions on independence and sovereignty. The Deputy Chairman of the Karabakh National Assembly argued clearly along these lines: 'Nagorno-Karabakh is a fully fledged state with all its attributes. In December 1991 we had a referendum on independence. 99.58% voted in favor. On the 25th of December, we had the first elections to National Assembly, followed by elections on April 25, 1995 and June 18, 2000 and we had also two presidential elections. All of this shows that we have all the attributes of statehood.'[56] Popular will is held up as a critical pillar of legitimacy to these states' claim to independence.

There are two further claimed sources of legitimacy for the insistence on absolute sovereignty. First, the state-building projects in all of these areas are based on the position that the current states represent but the latest phase in a long historical tradition of statehood. The Abkhaz Foreign Minister, Sergei Shamba, placed great stress on this: 'Abkhazia has a thousand year history of statehood since the formation in the 8th century of the Kingdom of Abkhazia. Even within the framework of empires, Abkhazia kept this history of stateness. No matter the form, Abkhaz statehood remained intact.'[57] In this use, the meaning of sovereignty is the opposite of the empirical justifications also claimed by these states. Sovereignty here is seen as an idea that does not need necessarily an institutional form. For these authorities, history is a usable resource in the struggle to justify/explain the present and lay traces for the future.

Second, as stated by Sergei Shamba, 'We have a right to self-determination because of the Georgian acts of genocide and aggression conducted against Abkhazia.'[58] Similarly, Grigory Maracutsa argued that: 'Pridnestrovye is a sovereign and independent state because the Republic of Moldova attempted to resolve the conflict through the use of force. 700 were killed and 3000 wounded from this act of aggression.'[59] These authorities insist on their inherent moral entitlement to self-determination when faced with 'alien' and 'imposed' rule. In so doing, these authorities acknowledge that the concrete rules allowing for self-determination are limited. However, they argue that these rules were specific to the era of de-colonization and will change eventually in their favor. In the words of the Legal Advisor to the

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[54] Interview with author, Tiraspol, PMR, July 11, 2000. In fact, de facto states may have a status in international law, not as such but as a non-sovereign state, and may be held accountable.

[55] Interview with author, Sukhum, Abkhazia, July 25, 2000.

[56] Interview of M. Okhanjanian with author, Stepanakert, NKR, August 16, 2000.

[57] Interview with the author, Sukhum, Abkhazia, July 20, 2000.

[58] Interview with the author, Sukhum, Abkhazia, July 20, 2000.

[59] Interview with author, Tiraspol, PMR, July 14, 2000.

Armenian Foreign Minister, 'recognition always follows events, as does the international community.'[60] These de facto states will wait until the application of self-determination widens to allow their recognition.

The insistence on absolute sovereignty by these de facto states has several effects. First, it means that conflict settlement may not be reached through federal power-sharing arrangements. It is often assumed in Chisinau, Tbilisi, Baku, as well as European capitals, that the 'statehood' of these entities is a resource that they will be willing to bargain away once the circumstances are propitious. Many peace proposals have been based on notions of federal power-sharing between the metropolitan and de facto state. The assumption underlying many of these proposals is that sovereignty is the maximal, and thus negotiable, aim of these break-away areas and that their minimal and non-negotiable objective resides at some lower form of autonomy. In fact, internal sovereignty is non-negotiable. These de facto states are willing to negotiate the construction of a new relationship with the metropolitan states but not one based on a federation. The exact appellation of the new state that will emerge from this new relationship is also negotiable. But essentially, these self-declared states will accept at most a confederal relationship with the metropolitan state.

A confederation has elements of power-sharing, but these do not infringe on the internal sovereignty of its constituent subjects. The proposals for 'common statehood' that are supported by the de facto states in all of these peace talks follow the confederal model. The Common State of the metropolitan and de facto state would signify a voluntary union of two equal states under a same shared framework. In Bodnar's words, the de facto states are willing to remain 'islands' surrounded by states as long as they maintain supreme control over their territory and people.

Moldova, Georgia and Azerbaijan have rejected such proposals as threats to their own internal sovereignty. A confederal structure would enshrine the right of its constituent parts to withdraw from the common state. The governments of the metropolitan states fear that the separatist authorities would secede legally as soon as could be justified. The metropolitan capitals are reluctant to abandon one of their strongest weapons with regard to the de facto state: that is, the with-holding of formal recognition of their existence. Without metropolitan recognition, the international community will not follow. This relegates the self-declared states to continued pariah status in international relations and ensures that the metropolitan state may consider using all means at its disposal, including force, to restore its territorial integrity at some point in the future.

The second effect stemming from the insistence on absolute sovereignty concerns IDPs and refugees in the conflicts in Abkhazia and Nagorno-Karabakh. Absolute internal sovereignty means that these de facto states will not, and in fact cannot, welcome back the internally displaced persons that fled during the wars. Demography resides at the heart of the conflicts. Before the war, the Georgian population represented the overwhelming majority of inhabitants of the Abkhaz region. At the last census of 1989, the Abkhaz represented 17.8% of the population of Abkhazia (the total was 525,000) with 95,840 registered, while the Georgians consisted of 230,523. The Georgian population lived in compact majority in the Gali District while the Abkhaz held a majority in Gudauta. The other regions and towns of Abkhazia had inter-mingled ethnic populations. In the capital of Sukhumi, for example, the Georgian population stood at 42%, Russians at 22% and Abkhaz at 13%. The Georgian population in Abkhazia did not flee their homes as an indirect consequence of the war of 1992-1994. This population was a direct target of the war. The Abkhaz authorities feared the extinction of Abkhaz culture, language and eventually the Abkhaz people, following the dreaded Ubykh example. The pursuit of Abkhaz self-determination has been founded on the absence of the Georgian population from the historically-claimed Abkhaz land. 'Citizenship' of the self-declared Abkhaz state cannot be allowed to include the displaced Georgian population as this would leave the Abkhaz as a small minority in their own area. The whole idea behind the new Abkhaz 'state' may not survive such a threat.

Demographics have placed Abkhazia in an uncomfortable position. The authorities argue that Abkhaz is not a nation-state built by and for only the Abkhaz, but a multi-national state that includes Armenian and

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[60] Interview by S. Aragian, Yerevan, Armenia, August 11, 2000.

Russian minorities. However, ethnic Abkhaz hold all of the important positions in the self-declared state. In 1989, the Armenians and Russians together represented 28.9% of the population of the region (14.6% and 14.3%): that is, more than the ethnic Abkhaz. Since the war, the numbers of Armenians and Russians have dwindled, particularly among the Russians. Albert Topalyan, Head of the Armenian Krunk Association estimated that the Armenian population had been reduced by 30%.[61] In Topalyan's view, the Abkhaz represented barely half of the population of their own self-declared state, standing at about 90,000 while the Armenians represented about 50,000 and, together with the Russians, made up the bulk of the state's population. In the words of a member of the political opposition in Abkhazia: 'The Abkhaz state treats the non-Abkhaz quite badly. There is no discrimination, but there is no support to Armenian or Russian schools for example. The Armenians and the Russians are the most vulnerable of all.'[62] In addition, the Abkhaz state faces another dilemma in Gali as large numbers of ethnic Georgians (estimated at around 40,000) have returned unofficially to their former homes to till this densely rich land.

b) Fear as Source and Resource

Insecurity represents another facet of the dynamic logic driving these states. Behind all the rhetoric of sovereignty, self-determination and justice, there reside calculations of power and interest that have led the authorities of the de facto states to seek security based on force alone.

Fear was the factor that gave rise to the conflicts at the outset. In late March 1992, the Moldovan President Mircea Snegur declared a state of emergency which set the two parties on the path towards larger scale clashes than those which had occurred already since late 1990. In early April, the Moldovan government attempted and failed to regain control by force of the town of Bendery. The Moldovan authorities then successfully dispatched troops to Bendery on June 19. Armed clashes followed and the fledgling forces of Pridnestrovye were able to repulse the Moldovan attempt only with armored support from the Russian 14th Army deployed on the left bank of the Dnestr and then under the command of Aleksandr Lebed. Moldova and the PMR did not fight a war but a series of small armed clashes with close to a thousand casualties. Despite its limited scale, the conflict was seized upon by the authorities of the self-declared PMR as justification for their movement towards independence. The new Moldova, as it seemed then to be emerging, was to be a Romanian state, in which the traditionally more Slavic Russophone elites of the left bank would be side-lined. The small armed clashes confirmed the threat posed by the new authorities in Chisinau to the political and economic power held by the left bank elites. Fear was also a driving force behind the conflicts in Georgia and Azerbaijan. In 1991, the Georgian President Zviad Gamsakhurdia unilaterally abolished South Ossetia's status of autonomy in Georgia and armed clashes spread in the region. In August 1992, Georgian guardsmen seized Sukhumi by force. In the eyes of the Abkhaz and South Ossets, the new Georgian state seemed bent on asserting by force its power over all of Georgia. The unifying (and it quickly became disunifying) 'idea' behind the Republic of Georgia was preponderant power in Georgian hands in Tbilisi. For the Abkhaz, unlike the Ossets with their brethren further north in Russia, their very existence as a people and culture seemed to be at stake. Similarly, in Nagorno-Karabakh, the Armenian population lived in a vulnerable enclave embedded in Azerbaijan, surrounded by potential enemies bent on forcing them to flee from their homes. The Armenian authorities in Stepanakert and Yerevan feared a new twist in a history of defeat suffered by the Armenian population throughout the region.

Insecurity has remained a defining condition since in each of these de facto states. Historically, these peoples have rarely won wars by themselves and for themselves. The cease-fires reached in Moldova (1992), Georgia (1992 and 1994) and Azerbaijan (1994) have frozen victories they have reached on the battlefield. For the moment at least, these de facto states have won. However, victory has left them bewildered.

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[61] Interview with the author, Sukhum, July 31, 200.
[62] Interview with the author, Sukhum, July 28, 2000.

Natella Akaba, leader of the Centre for Human Rights and Support for Democracy in Abkhazia, argued that victory in the war is 'a fundamental basis of legitimacy' for the Abkhaz self-declared state.'[63] Facing histories of defeat and victimhood, the victories achieved in the early 1990s have become sacred objects that may not be questioned. Naira Melkoumian, the Foreign Minister of NKR, stated: 'Soldiers are our heroes! Yes, they are! After a history of tragedy, we have won a war at last!'[64] As a result, the authorities have an absolute determination to retain the fruits of victory. As during the armed phases of the conflicts, the strategies of the de facto states remain total. Any position of less than total security cannot be accepted, as the threat posed by the metropolitan states is existential and itself total. Naira Melkoumian argued: 'History gave Armenia so little territory - We cannot make any concessions that would threaten Armenia and Nagorno-Karabakh.'[65] Compromise would raise questions about the nature of the sacrifice suffered by many during the conflicts as well as the difficulties of life in these states since. As time has passed since actual fighting, the significance of victory has taken on also other connotations. In circumstances of isolation and penury, victory has invested some meaning to lives that are otherwise bleak.

However, the authorities in these states profoundly distrust victory. All are aware that they have won a battle and not the war with the metropolitan states. The example of renewed armed conflict in Chechnya has been edifying in this respect. As stated by the Speaker of the Abkhaz parliament, Sokrat Jinjolia: 'The resumption of war is a real possibility.' [66] This distrust has led these states to elevate self-defence over all other policy areas. None of the de facto states are military states. However, all of them are devoted to the military. These circumstances have am ambiguous impact. As argued by Charles Tilly, war and the necessity of war-making were formative features of the state-making process in modern Europe. The wars fought for survival and the enduring threat of new war have played a similar formative role in these weak self-declared states. In essence, in Nagorno-Karabakh and Abkhazia, the armed forces were the 'state,' without which these self-determination movements would have ceased to exist as political forces.

Since the cease-fires, these states have moved to create genuine military structures. As the state of war is seen to still exist, the armed forces are designed to ensure security through deterrence of any further encroachment by the metropolitan state. The Abkhaz maintain armed forces at around 2,000 with mobilization capacity of perhaps four times this amount, and equipped with very small numbers of battle tanks, APCs, artillery and a few converted naval vessels. South Ossetia maintains one motor-rifle battalion at a total of 1,500 troops. The PMR has armed forces totaling about 5,000 with various other security forces, interior troops, customs/border forces and Cossack battalion. The NKR is very different, as its armed forces are integrated into Armenian military structures and number around 15,000 troops with a powerful equipment and weapons base. There are variations in these states' ability to maintain deterrence. The 'line of contact' between Azeri and Armenian forces is a well-defined trench system that has witnessed only few violations of the cease-fire regime. By contrast in the border district of Gali inside Abkhazia, Georgian paramilitary groups (*White Legion* and *Forest Brothers*) have conducted frequent sabotage actions making the area lawless and dangerous.

The construction of military systems is part of similar state-building projects. Universal conscription is the basis for manpower procurement in all of the self-declared states. Conscription provides a mobilization base in case of renewed conflict. It also performs an important socialization role to develop in groups of young men some understanding of their new state, its significance, its history and political system. In these states, which face immediate external threats, the values of discipline, order and valor are seen as vitally important to develop in the young male population. The effectiveness of the socialization dimension is difficult to assess. Certainly, the extreme difficulties of service conditions tend to undermine its success. However, the need to serve and acquire training seems to be recognized by most young men. Also, for the very limited numbers of conscientious objectors, there are alternative service

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[63] Interview with the author, Sukhum, July 28, 2000.
[64] Interview with the author, Stepanakert, NKR, August 24, 2000.
[65] Interview with Melkoumian, Stepanakert, NKR, August 17, 2000.
[66] Interview with author, Sukhum, Abkhazia, July 25, 2000.

programmes. In NKR, for example, university-educated students are sent out to front-line areas to teach a range of subjects at all levels in make-shift schools.[67]

Far more than a condition of existence, fear and insecurity are also instruments that have been wielded in the state-building projects. The state-building projects of these states are as weak as these states are themselves, in terms of their ability to allocate resources to educational, information and other campaigns that assist state-building. Since the early 1990s, the metropolitan states have started to move away from exclusive and antagonistic state-building projects and more moderate politicians have led the movement towards state consolidation. In the de facto states, however, there has been very little shift away from the type of political discourse prevalent in the early 1990s. Public discourse has remained defined by dichotomies of 'us/them.' The 'other' - the former central authorities - is used to justify the very existence of the de facto state. The existential challenge posed by the former central power, accurate or not, is a powerful tool binding the residual populations of these areas together into some kind of cohesive whole. It is part of the 'idea' that builds popular support for these de facto states. The discourse of insecurity makes reconciliation and notions of power-sharing very difficult to accept in these separatist areas. This discourse has primordialized and totalized the conflicts with the metropolitan states, making potential compromise more difficult to attain and justify.[68]

Three conclusions flow from these circumstances. First, these de facto states may be considered racketeer states. As defined by Charles Tilly in his discussion of state-making, 'some-one who produces the danger and, at a price the shield against it, is a racketeer.'[69] This is not to say that the metropolitan states do not pose a real threat to the de facto state. However, the emphasis placed on this threat goes beyond a rational assessment of needs and requirements. In the NKR, the racketeering tendency made the former Defence Minister, Samvel Babayan, the most powerful economic and political actor in the de facto state until March 2000 when he was arrested. The president and civilian government have sought since to attenuate the weight of the military in NKR politics. In an interview in August 2000, Prime Minister A. Danielyan stated: 'The armed forces should not be distinct or separated from the government – not a force of its own [...] All must obey the law. We must set laws to prevent the emergence of (Shamil) Basayevs. The armed forces hold the line. That is all.'[70] The NKR foreign minister argued further that the overwhelming political power held by the military had undermined popular 'faith in their authorities.'[71] She continued: 'In war, the military is by necessity critical in decision-making. But now, people will not put up with this situation. [...] The military must work on military affairs and civilians must work in the civilian world. This has the support of society and the NKR population.'[72] The existence of an external threat and its instrumental use has distorted civil-military relations in the self-declared states. At the least, in Abkhazia and the PMR, the military view dominates security policy-making. At the most in NKR, the military is dominant in wider politics. The inflated role of the military represents an important obstacle to compromise and settlement.

The racketeering element of politics in these de facto states is not limited to civil-military relations. The case of the PMR is interesting. Any objective assessment of the threat posed by Moldova to the PMR would conclude that it is close to nil, both in terms of capabilities and intentions. However, the Minister of Security, led by the former Soviet OMON officer, Vladimir Antiufeev, runs a number of social organizations and newspapers in the PMR that inflate the nature of the Moldovan threat posed to Tiraspol, conflating it with the intentions of an aggressive and expansionist Western alliance. The extensive role played by the Ministry in all aspects of political and economic life in the PMR is justified by the multi-

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[67] Interviews with such teachers in Mardakert, NKR, October 1998.

[68] On these notions, see Graham Smith, V. Law, A. Bohr, and E. Allworth (1998), pp. 13-9.

[69] From 'War-making and State-Making as Organized Crime,' in Peter Evans, D. Rueschemeyer and T. Skocpol (eds), *Bringing the State Back In* (Cambridge University Press: New York, 1985), cited in a very interesting article by Hugh Griffiths, ' A political Economy of Ethnic Conflict: Ethno-Nationalism and Organized Crime,' *Civil Wars* (Vol. 2, no2, Summer 1999), pp. 56-73.

[70] Interview with author, Stepanakert, NKR, August 15, 2000.

[71] Interview with N. Melkoumyan, August 24, Stepanakert, NKR, August 24, 2000.

[72] *Ibid.*, August 17, 2000.

dimensional threat that is posed to the PMR. The motto of the Ministry of Security newspaper, *Molodezhnyi Marzh*, is 'We Always Know More.' More than only the Ministry of Security, the PMR itself depends on the threat posed by Moldova and the West against which it is prepared to defend the left bank population. The existential threat has become a fundamental pillar for the existence of the de facto state – in essence, this is racketeering.

Second, these self-declared states have no faith in the rule of law as a means to guarantee their security. Military power is seen as the only means by which to deter the metropolitan state from seeking to resolve the conflicts by force. This distrust in the law is a legacy of the Soviet Union where politics were founded on the rule *by* law and not *of* law. In addition, in the early 1990s, the separatist movements experienced how the new laws enacted in the metropolitan capitals (constitutions, declarations, resolutions, etc.) were used as weapons against them. As noted by Svante Cornell, 'there is no confidence in the implementation of the basic principle of international law, *Pacta sund servanda*.'[73] This distrust has implications on the nature of any agreed future relationship between the de facto and metropolitan state. In particular, it is difficult to imagine that the self-declared authorities will agree to federal relations, where, by definition, ties between federal subjects and the federal center are based on the transformation of fundamental political questions into legal questions.[74] Any settlement of these conflicts must consider at its heart the requirements of hard deterrence and security in order for the de facto state to be willing to compromise on the victories they have already achieved on the battlefields.

The final point concerns the ability of the international community to provide the necessary hard guarantees required by the de facto states to accept a settlement. Peacekeeping has been largely discredited throughout the former Soviet Union.[75] The Russian use of peacekeeping operations as a means to promote its interests played an important role in this discrediting. The PMR and Abkhazia view Russian operations as a key security guarantee against renewed large-scale encroachment by the metropolitan states. As a result, they have been unwilling to consider changing the mandates of these operations, or replacing them with international forces, as has been requested by the metropolitan states. The Abkhaz foreign minister stated the point clearly: 'The CIS peacekeeping forces have de facto established a state border.'[76] By contrast, the far more powerfully-armed NKR has been unwilling to place its security in the hands of a peacekeeping operation, in particular if this operation is international and unarmed. As noted by Naira Melkoumian, 'if we find a mutually acceptable solution, there will be no need for international troops. We have held the cease-fire for seven years without any problems.'[77] A settlement of the conflict in Nagorno-Karabakh, therefore, must take into account the Karabakhsti insistence that their own deterrent power must represent the primary security guarantee against any future conflict. Therefore, peacekeeping operations are not obvious solutions to these conflicts. In Moldova and Georgia, these operations have become part of the problem.

c) Subsistence Syndromes

These de facto states are failing states. They all have the institutional fixtures of statehood but are not able to provide for its substance. The wars of the early 1990s devastated their economies and exacerbated the difficulties that resulted from the collapse of the Soviet economic system. Since the cease-fires, little progress has occurred in any of these states towards economic reform. The enduring threat of war combined with economic mismanagement resulted in hyper-inflation, demonetized economies, the total collapse of the social services, and the extensive criminalization of economic activities. These problems have been exacerbated by the legal limbo in which all of these de facto states exist as non-recognized strips of no-man's land. In some cases, economic blockades have become the main tools wielded by the

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[73] Svante E. Cornell (2001), p. 47.
[74] This point emerged from a discussion between the author and Bruno Coppietiers in November, 2000.
[75] See discussion in Chapter 1 of Yelena Kalyuzhnova and Dov Lynch (eds), *The Euro-Asian World: A period of Transition* (Macmillan: 2000).
[76] Interview with the author, Sukhum, Abkhazia, July 20, 2000.
[77] Interview with the author, Stepanakert, NKR, August 17, 2000.

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metropolitan state. Abkhazia has lived officially under a CIS blockade since January 1996. Azerbaijan and Turkey imposed economic blockades on NKR and Armenia early in the war.

The economic tool is used by the metropolitan states as a negative means of coercion against the separatist area with two aims: First, to compel it to compromise in the negotiations; and second, to ensure that the de facto state does not prosper while the negotiations are under-way. However, the economic tool has also been noted as a potentially positive tool by the international community to attract the de facto states to compromise through the promise of economic and financial assistance for reconstruction and reform.

On both accounts, the economic tool plays a far less important role than is assumed. The positive attraction of potential international assistance is attenuated by the fact that these de facto states are driven first and foremost by political and not economic imperatives. The NKR Prime Minister admitted to me that the main problem he faced was to rebuild the economy: 'But independence is more important than the economy and this will not be exchanged for anything. Freedom stands above all other questions.'[78] The severe economic difficulties that are common to all of these states have not compelled them to compromise. On the contrary, the blockades and economic isolation have only strengthened subsistence syndromes in which the authorities are determined to survive at all costs and have developed structures for this purpose. The subsistence syndromes, based on a combination of firm political determination, deep economic weakness and extensive criminalization, are key to the dynamic logic sustaining the de facto states.

All of these states have dwindling and aging populations. Those who could do so have fled, mainly to Russia. The remaining populations represent the weak and the vulnerable, and those who have nowhere else to go. The situation is most dramatic in the PMR, where the ratio of workers to pensioners is 1.5 / 1.[79] If accurate, this ratio is unsustainable and, indeed, represents a 'huge weight on the economy and the state budget.' According to the Abkhaz Economics Minister, Agdup Lushba, there are 50,000 pensioners in Abkhazia.[80] The Abkhaz government cannot meet the needs of these pensioners, who have been left to the fend for themselves with limited support from international NGOs. The populations in these states have put up with desperate conditions for three reasons. First, they cannot leave and thus have no choice. Second, the economies of the states from which they separated are almost as bad and, more importantly, are perceived to be sometimes worse. Finally, and most crucially, the security imperative is seen as far more important than the economic imperative.

The residual populations in all of these de facto states have become deeply impoverished. Despite the support of Yerevan and extensive Diaspora assistance, Nagorno-Karabakh suffers from agricultural and industrial collapse. Small scale work-shops have been built, but these represent hardly enough to employ the working population. According to the Minister for Economics and Reconstruction, 10% of the industrial potential of NKR is being used relative to the 1980s.[81] The privatization of agriculture in NKR has thrown the system back to subsistence farming, with very few inputs, little use of machinery and equipment and very low production levels. As a result, conditions in NKR villages have become desperate. In the words of the Mayor of the village of Karantak, 'people are so poor, and they have no way of exiting this poverty because there are absolutely no jobs.'[82] In this show-case village, according to the Mayor, there are 617 adults of which officially 230 are unemployed. Unofficially, however, almost all are unemployed. Before the war, the economy of the Abkhaz region was dependent on tourism and the export of sub-tropical produce, such as tea, tobacco, and citrus fruits. In the words of the Economics Minister, 'all of the main bases of the economy - we have lost!'[83] The CIS blockade has deprived Abkhazia of its main sources of revenue and has left life bleak for its population. The PMR survives from

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[78] Interview with author, Stepanakert, NKR, August 15, 2000.
[79] According to the Deputy Minister of the Economy, Valery Zhed, Tiraspol, PMR, July 14, 2000.
[80] Interview with author, Sukhum, Abkhazia, July 23, 2000.
[81] Interview with the author, Stepanakert, NKR, August 21, 2000.
[82] Interview with the author, Karantak, NKR, August 18, 2000.
[83] Interview with the author, Sukhum, Abkhazia, July 23, 2000.

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the revenue gained from one or two industrial plants that work. The Moldova Steel Works in Rybnitsa provides the lion's share of the de facto state's budget.

Inside these de facto states, political stability is founded on corrupt corporatism. The authorities have sought to neutralize potential internal threats by co-opting them. In these economies, shadowy figures often play government-supported monopolistic roles. In the PMR, the financial-industrial group 'Sheriff' is owned by a former member of the police who runs important sectors of the separatist economy, including numerous cable television stations, the only communications company in the region (InterDnestrCom), the newspaper *Delo*, a supermarket chain and a series of gas stations throughout the de facto state. In exchange, the Sheriff Group has performed important social services for the state, including the construction of a new cathedral called 'Christ's Rebirth' and a religious school in Tiraspol. Key segments of the population, such as Cossacks in the PMR, have also been given special privileges, such tax cuts and protected legal status. The armed forces are always very well protected in these states. In Nagorno-Karabakh, the military became the most prominent political/economic actor under Babayan's leadership. Babayan was able to benefit from his position to secure a monopoly over the cigarette and gas trade and also operated the 'Jupiter' company through his family. Samvel Babayan also maintained a political base in Armenia through the Right and Accord party. In Abkhazia, the trade in timber from sales of protected hard wood is run through the state-owned 'AbkhazLes' which has ties to the family of the president. Private Turkish ships frequently run the CIS blockade to buy Abkhaz timber.

Moreover, many groups inside and outside the de facto states profit from the status quo. Crime and illegal economic activities have come to reside at the heart of these conflicts. These activities include illegal cigarette and alcohol smuggling from PMR to Moldova to avoid the payment of sales taxes. For Moldova, smuggling from the PMR has become a 'major, major problem.' According to Bushulyak, a member of the Moldovan Expert Group for negotiations, 'the entire eastern front is open.'[84] However, at the same time, important forces in Moldova profit from this situation. The Rybnitsa steelworks, one of the mainstays of PMR independence, is not a full cycle factory. 50% of the scrap metals required for it are provided by Moldova. Most importantly, this strategically important factory exports steel to world markets, mainly the United States, with Moldovan customs stamps. It is unthinkable that figures in the Moldovan government do not profit from this very lucrative trade. Similarly, South Ossetia has become a major channel for smuggled goods to and from Georgia and Russia. Moreover, crime has mingled with geopolitics in an unsettling manner. Russian peacekeeping troops have become involved in small-scale smuggling activities across the front lines in Georgia and Moldova since their deployments. In the Gali District in Abkhazia, crime and smuggling have become dominant ways of life for the vulnerable Georgians who have returned, the Georgian paramilitary groups, and the Russian peacekeepers. Enough people inside and outside the de facto states profit enough from these areas to make the status quo durable. A perverted and weak, but workable, incentive structure has emerged over the last decade that has sustained these separatist areas and strengthened the status quo.

V.   Conclusions:

From an external perspective, the future of these entities appears questionable. They have barely subsistence level economies, are riddled with crime, and face severe external threats - they seem bound to collapse. This will not necessarily be the case at all.

These de facto states have survived for almost a decade and seem firmly entrenched to last another ten years. The claim to statehood in these areas carries a logic that is difficult to overcome now that it has been launched. As the anthropologist Ann Maria Alonso noted: 'Baptized with a name, space becomes national property, a sovereign patrimony fusing place, property and heritage, whose perpetuation is secured by the state.'[85] In their own view, the de facto states have been playing already in the game of states for ten years. The attributes of statehood, in particular absolute internal sovereignty and clear

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[84]   Interview with the author, Chisinau, Moldova, July 13, 2000.

[85]   Ann Maria Alonso, 'The Politics of Space, Time and Substance: State Formation, Nationalism and Ethnicity,' *Annual Review of Anthropology* (Vol. 23, 1994), pp. 379-405.

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UGO DIONIGI

Regional co-operation, conflict resolution and the development of Caspian Oil and gas

The issue that we are going to discuss is the development of Caspian oil and gas which is one of the most serious issues on the Agendas of Governments, oil companies, financial institutions.

It is not my role to explain the paramount importance of this Region in Geo-politics and I will focus the attention on the huge potentiality of this Region in the Energy Sector.

I will divide my short presentation in two parts:

-   the first part will be focused on the hydrocarbon resources;
-   the second one will describe the main routes joining the regional resources with the markets.

A) The Resources

Soon after the breakup of SU, the Governments of the Caspian litoral States and O.C. have intensily worked on the exploration agreement with the aim to confirm the expectation of important discoveries in oil and gas. Even if some fundamental issues, such as the common view/or Agreement on the Legal Status of the Caspian Sea or the lack of the main infrastructures Azery and Kazakhstan Authorities were very active in reaching the PSA with a number of major oil companies.
Ten years of exploration activities now are over.

We can divide this ten year period into three phases:

a) In the first one, the Exploration Activity confirmed the great potentiality of the region:

    The findings:

    AZERBAIJAN - Azeri-Gunesly-Chirag fields off-shore of Baku operated by AIOC;
    KARACHAGANAK gas and condensate fields in Kazakhstan, near the border with Russia;
    TENGIZ in Kazakhstan near the Caspian Sea.

For these positive results the Caspian Region was considered a new Eldorado and a lot of other contracts were concluded.

b) on the contrary, the Exploration Activities on the other negotiated blocks didn't confirm the expectations. And this happened mainly in Azerbaijan.

For instance the CISCO Consortium (Agip, Socar....) failed three exploration wells and then was dismissed after having spent a huge amount of money. Therefore, in the last years of the '90's the expectations of major oil and gas findings in the Region curved downwards. This happened at the same time of the downing of the international oil prices with the consequences that the oil companies reviewed their programme of investments.

c) Luckily the very recent period has confirmed new important discoveries such as:

- Kashagan oil field in the off-shore of Kazakhstan (two exploration wells were positively carried out indicating the presence of a super giant field; today no official figures are available but according to a Kazakhstan spokesman it is possible that more than twenty billion of barrels could be in place;
- Shakh Deniz gas field in off-shore of Azerbaijan.

Therefore, today, the Caspian Region can be considered, after some ups and downs, a concrete reality.

THE FIGURES
(leggere l'allegato Sources Petroconsultants)

These figures represent volumes of hydrocarbons. Volumes do not mean resources. Volumes will become resources when you:

- have got the knowhow and the required level of technology (climate, environment, geology)
- have got the human resources and financing
- have got facilities, equipment and contractors for their development
- legal and regulamentary framework
- infrastructures to join these volumes with the markets

B) *Main Routes*

As second part of this presentation lets describe what has been done and what is on the track as far as export routes are concerned.

Oil from Azerbaijan

The so called early production of AIOC is flowing out through Baku-Supsa Pipeline and Baku-Novorossisk Pipeline. The last one is in operation thanks to a recently done bypass of Cecenia.

For the main production of the fields the project of BTC (Baku-Tiblisi Ceyhan) on the Mediterranean Sea is at the stage of starting the detailed engineering.

Gas from Azerbaijan ·

A recent agreement has been reached with the Turkish company BOTAS to sell important volumes of gas through a pipeline running along side of BTC Pipeline through Azerbaijan and Georgia up to Erzerum in Turkey where the pipeline will be tied with a gas turkish system (according to today's reuter).

Kazakhstan

The oil from Kazakhstan mainly from Tengiz Fields will flow through the CPC Pipelines running from Tengiz fields up to Novorossisk on the Black Sea. This project is at a final stage of the construction and the first oil is supposed to flow in summer this year. This infrastrcuture has been designed for a capacity of 28 million tons per year in its first stage, that could be enlarged to 67 million tons per year in a second stage.

Conclusion

These are the main routes in operation, under construction, or under design on concrete bases.

As far as oil is concerned these routes are conceived to join Caspian resources to the Black sea and the Mediterranean Sea. All of these directly involve a strategic role of Georgia.

Of course other options are possible provided they will obtain the necessary consensus and will prove to be economically viable. By this I mean: Iran swaps, Iran routes to the South, Eastern routes to Pakistan, Eastern routes to the Far East.

As far as gas is concerned the Russian gas network and the Turkish Pipeline system, presently in an increasing phase, seems to be a rational solution together with the local consumptions (Azerbaijan, Georgia, Armenia).
According to me a Southern route does not exist.

An Eastern route towards Pakistan or the Far East could be envisaged but it has to demonstrate to be politically acceptable, economically feasible and would involve other neighbouring Asian countries like Uzbekistan, China and Central Asian Republics. But this would bring the discussion very far from Georgia.

Rome, May 11th 2001

Human Rights and Regional Co-operation in the Caucasus – The Role of Georgia
Conference organized by IAI, Rome; TSPS, Tbilisi, CEPS, Brussels
Rome, 11-12 May 2001

Regional co-operation, conflict resolution and the development of Caspian oil and gas
Friedemann Müller, Stiftung Wissenschaft und Politik, Berlin
Summary

The presentation is divided into remarks on regional co-operation in the South Caucasus and specific remarks on the Caspian energy issue and its effects on cooperation and conflict resolution.

I. Regional cooperation in the South Caucasus
The region suffers still under the Soviet heritage
- concerning the infrastructure which was designed for a center-periphery relationship not for regional cooperation;
- concerning also the mentality, including the deeply rooted consciousness that only complementary trade (machines vs. raw material etc.) is effective trade.
The result of both is that until today trade between the South Caucasus is less than 5% of their foreign trade, while trade with Russia is still very high.
Modern trade is overwhelmingly based on substitutive trade; for instance, in the European Union a major item of trade between France, Germany, Italy is cars or parts of cars traded into all directions back and forth. This requires a sophisticated harmonization of standards and a legal structure that supports fair competition without giving an advantage to domestic producers or investors. This is, however, the engine of technical progress and productivity gains.
If such a legal framework is not established and no efforts made to do steps into this direction the major source of economic growth is unused.
The combined Gross Domestic Product (GDP) of the three South Caucasian states is about the same magnitude as the GDP of a middle size European city, all Central Asian states included it is the size of a large city in Europe, if even Iran and Turkey are included, it is the size of the Netherland's GDP. This should make clear, that Georgia and the other South Caucasian states are under enormous pressure to provide the framework conditions for an integrated larger market. The necessary steps must be a free trade zone, a customs union and finally a common market with common standards and a common legal structure. Without such a development the badly needed capital will not flow into the region, because only an integrated region can exploit its comparative advantage of an attractive ratio between educational standard and labor costs. If this comparative advantage is not efficiently offered due to extremely small fragmented markets, international capital will seek other places to invest.
Finally, it should not be forgotten, that we move towards a post-industrialization age with a growing service sector. The three South Caucasian states should use the common combination of a beautiful nature and ancient cultural monuments to build up an infrastructure that attracts tourism. This again has to be done in a common and standardized way. Otherwise tourist will

not be attracted in an economically interesting size. A common tourism infrastructure would also have the advantage that the necessary capital could be provided by local and private institutions and persons, and would create employment without drawing people out of their community context.

II. Caspian Energy as an asset for development

There is a unique constellation and a window of opportunity concerning Caspian energy. The ratio between the wealth of probable oil and natural gas reserves (approximately 40 billion barrels of oil, 25 trillion m³ of natural gas) and the annual GDP is about 35, that means the wealth in the soil, meet about 35 years of current GDP of all Central Asian and South Caucasian states. This is a unique ratio worldwide. The window of opportunity is connected with the recognition of a growing energy supply problem in Europe due to declining domestic production, stagnating production of the main outside supplier of Europe which is Russia and the reducing oilsupply from regions outside of OPEC. Therefore, the EU is calculating which additional infrastructure and investment measures are necessary to secure the future energy supply of Europe. In this context Caspian energy plays an important role. Europe invested into the respective TRACECA and INOGATE programs. Almost no Caspian oil arrives in Europe yet, nor is it technically possible to transport Caspian natural gas to Europe, unless via the old Soviet pipeline network. The future infrastructure could use the South Caucasus as a bridge, but this is not the only option.

Georgia as the only country out of the eight Central Asian and South Caucasus states with access to the world seas, plays a crucial role in this transport infrastructure. The transport routes is, however, not only a question of geography but, at least as important, of economic efficiency and political risk minimization. For both, Georgia, like its South Caucasian partners could contribute a lot. Economic efficiency depends on the political framework conditions for investors and producers (observation of the rule of law, minimization of corruption, conditions for fair competition applicable equally for domestic and foreign actors), but also at cross border infrastructure measures. Political risk minimization has to do with conflict resolution and the build up of a socially balanced democratic society. The ability of risk minimization and economic development is a mutual one. Therefore, assistance from outside is required to find the right set of measures in order to get into a self accelerating process. The readiness to implement these measures, however, has to be demonstrated by Georgia and its neighbors themselves. This applies particularly to the readiness to seek a compromise in long lasting conflicts such as the one on Abkhasia.

Energy transportation is not only a profitable business in itself if properly organized. It is also an engine for further economic activities and infrastructural measures and it has the advantage that it is self financing. Pipelines, usually, are financed by private energy companies and their creditors. while the state acts as a service institution that not only receives royalties but also provides the framework for attracting further investment like refineries, petrochemical industries, ports, etc. It is up to the energy producing or transporting countries where at the scale between "Nigeria" and "Norway" it will be positioned. It takes a lot of effort and sophistication in governance to come close to "Norway".

DAG HARTELIUS

The Swedish EU Presidency – A New Focus on Southern Caucasus

Having the enlargement of the Union as its top priority, a clear focus also on Eastern Europe has been a natural feature of the Swedish Presidency. The accession of new members in Central and South Eastern Europe will be accompanied by a new external border and by new neighbours. This means that the EU is already today facing a number of challenges that need to be tackled in order to create an environment as stable and benign as possible for the enlarged Union.

The ongoing accession process is bringing Southern Caucasus closer to the EU, and the Union is increasingly affected by developments in this region. It is therefore in the interest of the EU, who is already the biggest donor to the region, to engage even more in order to help steering the situation in the three countries away from instability, conflict and poverty towards stability and prosperity. At the same time the enlargement process can serve as an instrument in itself for this goal. The adaptation by Turkey – the future immediate Member State neighbour of Georgia, Armenia and Azerbaijan – of the EU *acquis communautaire* will create improved opportunities for trade and sustainable economic development of the three countries.

At the same time, the EU is rapidly developing its crisis management capability as well as a comprehensive conflict prevention policy. This is making the Union much better equipped than previously to engage in conflict-ridden areas and use all its tools effectively to promote peace and stability. A particular advantage for the EU when getting increasingly involved in Southern Caucasus is that it is perceived as a positive, impartial power, as the gateway to prosperity and long-term security.

Against this background, the EU in January 2001 launched an upgraded policy on Southern Caucasus aiming at a comprehensive approach for a stronger EU engagement in the region. The main elements in the new policy consist of a:
- reinforced political dialogue with Georgia, Armenia and Azerbaijan
- more pronounced promotion of regional cooperation
- stronger EU role in conflict prevention and conflict resolution
- intensified dialogue on Southern Caucasus with Russia, the U.S., Turkey and Iran
- higher visibility of the EU through an enhanced information policy

For this purpose an EU Troika (FM Anna Lindh, SG/HR Javier Solana, Com. Chris Patten), visited the three capitals 20-21 February and the following General Affairs Council adopted a set of conclusions which outline a series of actions that the Union need to take immediately. Among these are urgently needed efforts to strengthen the cooperation and coordination between the EU and the OSCE, the Council of Europe and the UN; a regular and tailored dialogue on Southern Caucasus with other key powers in the region; considerations how the EU could underpin ongoing conflict resolution processes more systematically and effectively, etc. The EU will take stock of the progress made before the end of the Swedish Presidency. A formal report back to the Council will be presented in October, 2001.

Being a country with clearly declared ambitions for reform and transition but also suffering from internal conflicts and external pressure, Georgia deserves and receives substantial assistance, political backing and deeply felt sympathy by the EU. This country also plays a key role for regional cooperation initiatives involving both Armenia and Azerbaijan, which is highly appreciated. At the same time the Union remains concerned over the limited progress made in resolving the conflicts in Abkhasia and South Ossetia. A necessary condition for real reform progress and sustainable economic and social development would also be a rapid and dedicated implementation of the recently adopted anti-corruption strategy. The EU remains concerned about the continuing Russian pressure on Georgia (visa regime, cuts in energy supplies, slow

Security Challenges in the Caucasus and their Impact on Georgia

A range of security problems and concerns are expressed in various draft security concepts by Georgian officials bodies and NGOs. The number of these drafts indicates some confusion in Georgian strategic thinking. Special attention is given to separatism; external interference in domestic affairs; the relative strength of ethnic self-identification; corruption and the lack of coordination in the activities of the security-related executive agencies. In the foreign policy area these drafts highlight the Caucasus region's vulnerability to conflicts, Georgia's relatively weak military potential in comparison to neighbouring countries, and its poorly protected borders. Problems such as the uncontrolled transit of drugs and weapons and the role of organized crime in society are also emphasized. Most of these concerns represent Caucasus-wide challenges, but the Georgian security environment has a unique geopolitical character: Georgia's access to the Black Sea, its location at the center of the Caucasus region, and the importance to the country's stability of developing a Europe-Asia transport corridor. Georgia forms a bridge, or bottleneck for routes from the west to the Caspian and Central Asia.

Georgia has had a stark assessment of the challenges of imperial thinking of certain circles in the Russian military-political establishment. In the early to mid-1990s the policy pursued could be described as 'security by rapprochement with the security threat'. Georgia's official policy has viewed the problem of Abkhazia as a Russian creation and one that Russia can resolve. Yet there has been disillusionment in Georgia that the rapprochement with Russia did not yield the desired results either in the Abkhazia conflict or in the expected economic benefits. This encouraged the subsequent Western-leaning foreign policy orientation. Tbilisi regards its relationship with Turkey as crucial not only for Georgian economic recovery and military modernization, but also to counterbalance Russia's military presence in the region. Russian-Armenian military cooperation is a specific Georgian concern. Shevardnadze has spoken against creating military alliances in the South Caucasus and in favour of dismantling the existing alliances – meaning the Russian bases in Armenia. The recent upgrading of the Russian-Armenian relationship – such as Armenia agreeing to form a 'joint group of forces' with the Russian troops based in the country – causes nervousness in Tbilisi. Stability is not promoted by further militarization of the South Caucasus. Equally, Russian efforts to manage the Chechnya

conflict should not be at the expense of the sovereignty of the South Caucasus states.

A number of non-traditional security challenges impact on Georgia. Economic and energy security is associated with the GUUAM organization. While security issues are discussed at GUUAM sessions, Georgian officials claim nowadays that 'this implies the security to be provided while implementing economic projects rather than military blocs or alliances'. One issue here is pipeline security. Georgian special forces may eventually be trained to offer a rapid response to localized threats to pipelines. GUUAM has also discussed the idea of creating a peacekeeping battalion to protect pipelines and safeguard energy corridors. Western states may be able to deliver the necessary training and equipping, as the Caucasian militaries seem unprepared for pipeline security. Drug trafficking represents another challenge; one of the main routes crosses the territory of Azerbaijan and another across the territory of Dagestan, where control by the central federal authorities is ineffective and decreasing. These routes flow north into Russia but it is difficult for Georgia to escape the effects because of its geopolitical situation. Terrorism and organized crime networks are another challenge and beyond Chechnya there are social, ethnic and inter-clan disputes in Dagestan. Recent bombings in Kabardino-Balkaria and similar dangers in Karachaevo-Cherkessia indicate the fragility of these republics across the border with Georgia.

Islamic extremism is often associated with poverty, marginalization, the crisis of traditional societies and an absence of law and order. These factors are typical for some parts of the Northern Caucasus. The religious mantle of the resistance in the second Chechen campaign is increasing this trend. For Georgia, Islamic influences beyond the northern border are not a principal security threat. However, an enduring low-intensity partisan war in Chechnya, accompanied by further militarization and destabilization in other North Caucasus republics, refugee flows and the human degradation of this region, would represent a serious long-term security challenge for Georgia.

Roy Allison
The Royal Institute for International Affairs, London   June 2001

ANNA KATVEEVA

GEORGIA: THE CHALLENGES OF THE REGIONAL SECURITY ENVIRONMENT

Georgia is situated in a troublesome neighbourhood and the relationships with almost all the regional powers are aggravated to a varying degree of tension. However, this regional setting is also a constant which is not going to change; therefore, it is important for Georgia to recognise these realities on the ground and pursue its policies accordingly.

Relationship with Russia is crucial both for the security and economic reasons, however, it is surviving its lowest point since Georgia's independence. With Vladimir Putin's accession to power the Russian leadership started to pursue a differentiated approach to different countries, addressing particular issues it regards as important rather than dealing with the South Caucasus as a whole. Moreover, the Putin regime is prepared to consider such policy instruments which were unthinkable under Yeltsin, such as the introduction of the visa regime, exercise of leverage over the energy supplies or proclaimed determination to deport all Georgian nationals without legal status in Russia.

These measures serve one major policy goal: to ensure security of the North Caucasus where Georgian - Russian cooperation has remarkably failed. The OSCE Mission in Georgia currently performs a border monitoring operation at the Chechen sector of the Georgian - Russian border which helped to reduce tensions between the two countries, and the decision is expected to extend the operation to cover the Ingush sector as well. However, the longest and the most difficult Dagestan sector is poorly guarded, giving grounds to Russia's concerns that arms and fighters penetrate through it and end up in Chechnya.

Relationship with Armenia on the surface is stable. The landlocked and isolated Armenia relies on Georgia for transit and cannot afford any aggravation. However, tensions are simmering over the hurdles of transportation via the Georgian territory, the situation of the Armenian minority in Georgia which numbers at least some 350,000 and especially the development in the region of Javakheti populated by ethnic Armenians on the border with their kin state. Javakheti is also a host of the Russian military base in Akhalkalaki which is a subject of tense negotiations between Russia and Georgia, and a source of income and protection for the local Javakheti community. In reality, the Georgian state has not fully expanded into the region. This is reinforced by no knowledge of Georgian, little information exchange and poor communications with the rest of the country.

Turkey is officially Georgia's ally in the region, however, tensions are simmering there as well. Turkey is concerned with political instability on its borders and wishes that Georgia becomes a more stable and predictable country. There are also a number of practicalities causing friction. The transit route to Russia via Batumi is inconvenient and traders are subjected to frequent extortion. Turkey needs to open a few other and more reliable border crossings, including one in Javakheti to be able to trade with Armenia, but on this issue cooperation with the Tbilisi authorities has proved difficult. Tbilisi has its own grievances with Ankara: robust ties between Turkish businessmen and the Abkhaz authorities, encouraged by the Abkhaz diaspora in Turkey against official isolation, helped the break-away territory to survive and diversify its ties with countries other than Russia. Turkey also wishes to see more action on the repatriation of the Meskhetians to southern Georgia from where they were originally deported, fearing that they might seek emigration to Turkey instead. This, so far, proved too heavy a political burden for the Georgian government to shoulder.

BRENDA SHAFFER

Dr. Shaffer discussed some recent shifts that could affect Georgia's role in security processes in the Caucasus. She pointed out that significant progress had been made in the Nagorno—Karabagh peace process, however the situation is still very tenuous and calls for war are growing in both Armenia and Azerbaijan and the status quo is disappearing spurred by the rising expectations due to the peace process. If there is no significant progress in the negotiations or a breakdown of the talks, a renewal of hostilities could take place. Dr. Shaffer urged the necessity of building security arrangements in the area that the region's powers could have a stake in, especially Russia, Turkey and Iran. The states of the region may not like that they have to take these states interests into account, and it may not seem to be just, but failure to build structures that these states have at least a minimal interest in preserving will lead these states to undermine the security arrangements. She urged the conference participants to accept the idea that states will always pursue their interests, and it is futile to ignore this fact when setting their security policies. An important feature of the recent peace negotiations between Azerbaijan and Armenia is the cooperation between the U.S. and Russia. In the past, their rivalry was destabilizing to the process. At this point, since so much is going wrong in the relations between Moscow and Washington, it seems that the sides are committed that at least over Nagorno—Karabagh they will cooperate and want to see a success here. Another important development that may have emerged which can highly affect the region is the shift in Russia's perception of Turkey. It seems that over the past decade, Moscow has begun to see Turkey as less of a threat to its interests and security, especially since during all the tests that arose over the decade Turkey has been very cooperative with Russia.

SCOTT NADLER

"The U.S. Role in Promoting Security in the Caucasus." **Remarks given to the Conference on Human Rights and Regional Cooperation in the Caucasus.** *Organized by the Istituto Affari Internatzionali, Rome. Sponsored by the European Commission, NATO, the Open Society, and the German Marshall Fund of the United States.* May 11, 2001, Rome, Italy.

Thank you, Mr. Ambassador, Mr. Minister, ladies and gentlemen. As our moderator noted, I recently left my position in the Office of the Secretary of Defense as Director for the Caucasus region. I am therefore not speaking today in an official capacity as a U.S. Government spokesperson. I am here as an interested observer, and as a friend of Georgia.

We have had a lot of discussion here about efforts to promote regional security in the Caucasus, and specifically, about Georgia's participation in regional security arrangements, pacts, and agreements. I certainly welcome Georgia's commitment to play a leading -and constructive- role both in both its own backyard and Europe overall. But speaking frankly, among friends, I'd like to suggest that Georgia will never be able to fulfill this laudable goal as long as it lacks a viable military.

Therefore, though I was asked to speak to you all about the U.S. role in promoting security in the Caucasus, I'd like to narrow the focus of my remarks to the U.S. role in helping to reform Georgia's armed forces. The U.S. is, of course, trying to be helpful in many areas: helping to secure Georgia's borders; beginning to address the issue of securing the energy pipelines from the Caspian Sea; and providing support for Russia's withdrawal of its military bases from Georgian territory. I am willing to talk about all of these issues during our discussion period. But I want to stress in my prepared remarks that without a coherent and rational armed forces, Georgia's ability to participate substantively with NATO, much less become a candidate for membership, will remain impossible. Nor can Georgia fulfill any of its national security objectives, articulated today by the Foreign Minister, with a military in its current state.

So that is where I would like to start the discussion - with the Georgian military in its present condition. Last year, the U.S. Defense Department conducted a defense assessment of the Georgian armed forces. We met with troops in every unit, in their barracks, at every base and airfield, in every corner of the country. We scoured supply cabinets and equipment depots. We also spoke extensively with senior military officers in the Defense Ministry in Tbilisi. In true U.S. military fashion, we produced a thick document full of findings and recommendations. I'd like to read a single paragraph from that study:

> "Georgia's armed forces is too large for its budget, and is consequently mired in an undermanned, undertrained, underpaid, underfed, and under equipped state. It is unable to meet the most probable of the most dangerous threat scenarios that Georgia faces. It is a Soviet-style mechanized force unsuited to Georgia's defense requirements."

More plainly speaking - and I want to do that because I care about Georgia's sovereignty and independence - Georgia has no military. Barracks have no windows or plumbing, food is inedible, equipment is decrepit, and training is nonexistent - though most of the soldiers would be too hung over or hungry to participate anyway.

Given that starting point, I will first discuss what the U.S. can do, should do, and is doing, to support reform of Georgia's armed forces. My time here is too short to get too programmatic. Instead, I will simply list the types of U.S. assistance. I already mentioned last year's defense assessment. We also worked with Georgia's Defense Ministry in drafting a Defense White Paper. This document is intended to serve as a concrete roadmap for how the Defense Ministry can fulfill its responsibilities as stipulated in the Foreign Ministry's National Security Strategy. The U.S. military assistance program for Georgia is quite substantial, relative to what we provide other countries. The bilateral military contact plan includes close to 100 events this year. Warsaw Initiative Funds (WIF) support Georgia's active participation in the Partnership for Peace (PfP) program. International Military and Educational Training (IMET) funding supports English language training and professional military education. The Georgian Government has used the U.S. Foreign Military Financing (FMF) program to purchase everything from uniforms to helicopters. And last year, the Pentagon began a dialogue with the Turkish General Staff to find way to create synergy and rationality with the assistance the two countries provide Georgia.

I don't want to extol the nature or size of U.S. help to Georgia but rather to help illustrate the dramatic gap between what Georgia needs and what the U.S. can do. As is evident from the above list, we can help - but the task facing Georgia is far too great for the U.S. to make a significant difference. Quite frankly, we have other priorities. The diplomats won't tell you that, but I will. The U.S. can play a relatively small role. Georgia must stop waiting for us to save the day and take primary responsibility for reforming its military and guaranteeing its security.

What must Georgia do? Start by enacting the reforms recommended in the U.S. defense assessment. Downsize - to a force strength of 12-13,000 by 2005. Consolidate - merge the Navy into the Coast Guard under the Border Guards. Focus on quality of life issues – devote the resources necessary to ensure that the troops have adequate food, clothing, and housing. Defense downsizing does not entail a commensurate decrease in the defense budget. On the contrary. The Georgian Government must maintain and, if possible, increase military funding as it undergoes this transformation. America's own experience demonstrates that saving money in the long-term entails spending money in the short-term. Unfortunately, the Georgian Government has chosen the opposite course and cut the defense budget. Georgia's financial constraints are well known - giving additional resources to the military means giving fewer resources to other important priorities. This won't be easy. I will note here that dealing with the massive corruption issue that permeates the entire Georgian Government is a prerequisite for successful reform of the military, as it is for reform of all sectors of society.

Georgia must also engage with NATO in ways that do not overstretch. Conserve limited energy and resources on what is most important. The Georgian military should continue to attend NATO-sponsored conferences and participate with in-the-spirit-of PfP exercises. But for the time being, Tbilisi should focus less on big-ticket items - and I am particularly referring to hosting NATO exercises - and more time developing an armed forces that can be truly interoperable with NATO in the long run. I know that it is controversial and "off-message" to be seen as discouraging Georgia's participation with NATO in any way – and I am sure that my colleagues from Brussels on this panel will disagree. But I have been observing this situation for a long time, and I am concerned that the energy and other resources expended to get Georgia's military up-to-speed for hosting a NATO exercise could be better spent on more institutional

improvements. When the exercise is over, the politicians are happy, the diplomats congratulate each other. But then we go home and the Georgian military remains in dire straits: the troops still have no equipment, the barracks continue to lack windows, and the troops once again are hungry.

I'll conclude here with some advice to the Georgian Government officials here today. Don't confuse U.S. emotion or sentiment with U.S. dollars. Georgia waits for the U.S. to come to its rescue at its peril. Georgia will always have a sentimental place in the hearts of the American people, as well as the policymakers. We will continue to provide assistance at relatively high levels. But the task facing Georgia to reform its military belongs ultimately to Georgia itself. The time to act is now, and it is up to Georgia to take the lead.