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Strategic and Security Studies Group

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# VOLUME OF PAPERS

## **Overcoming Outcomes of the Conflicts in the Post-communist World: Lessons for Ukraine**



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Київ 2013

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This publication is an output of the Project Comparative Analysis of Regional Security and Frozen Conflicts, supported by the East-East: Partnership beyond Borders Program (EE: PBBP), Soros Foundation-Moldova and International Renaissance Foundation (Ukraine). The authors of the publication are the experts from Georgia, Moldova, Serbia and Ukraine who tried to answer the questions on the origin and outcomes of the conflicts in their countries and to present to Ukrainian audience the negative impact the mentioned conflicts had on the development of the respective countries.

The Project team tried to emphasize the tragic role of violent conflicts and to deliver the messages aimed at prevention of the repetition of such precedents in Ukraine.

This publication will be interesting for the researchers, policy-makers, representatives of media and the students.

The position of Strategic and Security Studies Group does not necessarily coincide with the position of the authors of this publication.

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# FOREWORD

This e-book is the output of the Project “Overcoming Outcomes of the Conflicts in the Post-communist World: Lessons for Ukraine” supported by East-East Partnership beyond Borders Program. It is a product of multi-national team and this foreword aims at answering the questions which might come to the readers’ minds

## **What was the starting point of the Project?**

For many years the experts who are gathering at the conferences and workshops devoted to the issue of frozen conflicts face the challenge of comparative analyses. Certainly there are some similarities in the origin of frozen conflicts around the world, however each case is special and has its particular features. The same is relevant when talking about the ways of resolution. There is no universal approach and in each case special approaches are needed. The same is true even when the conflicts occur at the territories with the relatively common history (e.g. post-Communist world) and the process of resolution involves almost the same key players (e.g. the EU, Russia, OSCE etc.).

Serbia, Moldova, Georgia, Azerbaijan and Ukraine belong to the EU’s borderland, having different political distance towards Brussels though. These countries are characterized by visible or potential conflict sensitivity in the field of interethnic relations (Serbia/Kosovo, Georgia/South Osethia/Abkazia) or pretend to be of such type (Moldova/Transnistria, Ukraine/Crimea).

Besides that, Balkan region, Black sea region and Caucasus region are characterized by serious political risks and challenges to security, including conflicts deeply rooted in history, shortcomings typical for unconsolidated democracies and vulnerability of economics.

Considering the geopolitical role of the named regions for the EU, NATO and Russia and taking into account the sensitivity of transport routes, the present instability in these regions may cause serious outcomes for internal security of the states of the regions, but no less for regional and international security.

However, usually only Balkans are perceived as the “unique territory” whereas the role of Black sea region and Caucasus is usually underestimated.

Moreover, there is a different approach in policy regarding these regions. Western Balkans found the path to EU integration. At the same time “Black Sea Synergy” is stagnating. Serbia managed to find its niche in European strategies. Moldova makes efforts to set communication with the EU whereas Ukraine and Georgia illustrate what might happen in case of unconsolidated democratic transformations, insufficient internal reforms and foreign support.

Under such circumstances, the project team also found it interesting to compare tactics and strategies in post-conflict Serbia, Moldova and Georgia. It was also of interest to compare Serbia and Georgia which passed the critical point in relations with

the secessionist regions and Moldova and Ukraine – the states with the regions of high conflict potential.

Strategic and Security Studies Group already had the experience of implementing the projects devoted to “frozen conflicts” and initiated the project aimed at such comparative analyses.

### **Who were the Project experts?**

Project team assembled the experts from the regions that suffered or still suffer the outcomes of the “frozen conflicts” and their violent phases. Among the participants there were distinguished and experienced experts and even ex-combatants. On the other hand project discussions were enriched with the “fresh blood” – researchers who were born already after the period of armed conflicts and who deal mostly with the outcomes of violent conflicts in their countries.

The Project team intentionally invited the participants from the countries that formally became the “victims of separatism”. Although the project team was open to discussions with the representatives of the secessionist regions the project speakers and authors of this e-book are from Georgia, Serbia and Moldova and discussants from Azerbaijan. Obviously there was a risk that such approach will lead to the biased approach. However, in many cases the experts who did not face their opponents in the conference room were quite delicate and politically correct in their judgment. We believe that it can be assessed as a success of the Project.

### **What was the project events’ geography?**

The starting conference of the Project was Chisinau (Moldova) whereas the final event was in Kyiv (Ukraine). Also during the project the Project’s experts from Azerbaijan, Serbia, Georgia and Moldova had a chance to participate at regional workshops in different regions of Ukraine – Transcarpathia, Bukovyna and Crimea. The regional events were aiming at direct communication with the NGO leaders, experts and academia representatives of the mentioned regions.

### **What was the Project impact?**

Key Project findings were presented to the representatives of MFA of Ukraine at the BALKANS-CAUCASUS-TRANSNISTRIA: HISTORICAL DRAMA AND MODERN CHALLENGES conference (co-organized with the Civil Council under MFA of Ukraine) of the Project in Kyiv to be considered when elaborating the plans for the Ukraine’s OSCE Chairmanship in 2013.

### **Who we are grateful to?**

The Project team is expressing its gratitude to: International Renaissance Foundation and East-East Partnership beyond Borders Program (in particular Ms. Tatiana Kukharenko (Ukraine) and Ms. Ana Coretchi (Moldova)) for the exclusive opportunity to implement the idea of the Project, “Youth Alternative” NGO (Ms. L. Kudina), experts from Azerbaijan, Georgia, Serbia and Moldova for their readiness

for open-minded and sincere participation in the dialogue, MFA of Ukraine (in particular Mr. Eugene Enin), Civil Council under MFA of Ukraine and Diplomatic Academy under MFA of Ukraine, diplomatic missions of Azerbaijan, Georgia and Moldova for their attention and support, UKRINFORM news agency for the informational support, experts from AMES, NOMOS, Pylyp Orlyk Institute for Democracy, Institute of Ethnonational and Political Studies under Academy of Science of Ukraine and others.

**Sergiy GERASYMCHUK**

*International Project coordinator,  
International Programs Director SSS Group*

# 1. THE EMERGENCE OF THE POST-SOVIET CONFLICTS IN GEORGIA

## INTRODUCTION

This paper will explore particular disruptive events around the conflict of Abkhazia, occurring during the late 1980s and early 1990s. It will summarize main contentious issues, forming basis for an initial inter-ethnic misunderstandings and providing fruitful basis for emergence of conflict in the region. It could be argued, that the conflict between central Georgian authorities and local secessionist of Gudauta/Sokhumi was started through bargaining around soviet time constitutions, educational issues, linguistic rights, sovereignty issues, referendums, economic issues and military aspects, which paved the way to actual confrontation and warfare activities. It is notorious that all of these factors were tightly intertwined and had somewhat cumulative effect on each-other as “flows of action rather than single events, and their beginnings and ends [were] necessarily fuzzy” (Beissinger, 2002, p. 69). The second part of paper will summarize main stages of the acute phase of conflict and highlight internal and external causing reasons, motivations and constraints on occurrence of military activities in Abkhazia. The paper will end with the fall of Sokhumi, which is one of the crucial turning points in the post-Soviet developments around Georgian in general, and over Abkhazia in particular.

## 1.1. CAUSES AND STAGES OF THE CONFLICT

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### 1.1.1. Constitutional Debates

Preconditions for constitutional debates between the center (Tbilisi) and periphery (Sokhumi) were created by the Law on Division of Powers between the People’s Deputies, issued on April 26, 1990 (Official Document, #9, pp. 24-25) which altered federal arrangement of the Soviet Union. That is, previous to this law, an union republic(s) was technically sovereign and had the right to secede, whereas autonomous republic(s) did not have such right. As a result of the new law, both, union and autonomous republics became subordinated to the federal government. In addition, political rights of Abkhazians in the Abkhazian ASSR and within the Georgian SSR were defined according to the Constitution of Abkhazian SSR of 1925, the Constitution of Abkhazian ASSR of 1978 and the Constitution of Georgian SSR of 1978.

On 23 July, 1992 the special law was enacted by the Supreme Soviet of the Autonomous Republic of Abkhazia on change of name of the Abkhazian Socialist Soviet Republic. According to the new law, Abkhazia was named the Republic of Abkhazia (Official Document #29, p. 128). Abkhazians even went on to determine future relations between the Republic of Abkhazia and the Republic of Georgia. On 23 July, 1992, the resolution of the Supreme Soviet of the Republic of Abkhazia endorsed project proposal to be signed between the Republic of Abkhazia and the Republic of Georgia on their future relations. The special commission of the Supreme Soviet of Abkhazia was handed the document for elaboration of future relations between Georgia and Abkhazia (Official Document #31, p. 129). In addition, the Republic of Abkhazia issued a new decree on creation of new state symbols of Abkhazia (Official Document #7, p. 128-129).

Secondly, the issue of changing the Constitution of Abkhazia came onto agenda. The substitution of Constitution of 1978 with the Constitution of 1925 became the main objective of the Abkhazian ASSR. On July 23, 1992 the Supreme Soviet of the Abkhazian ASSR endorsed the resolution which stopped the force of the Constitution of 1978 and put Constitution of the Abkhazian

SSR of 1925 into effect (Official Document #30, p. 126) until the elaboration of a new constitution. The State Council of the Republic of Georgia considered new relations between the Georgian SSR and the Abkhazian ASSR unacceptable; after the Military Council of Georgia declared Constitution of 1921 as being in effect, it was stated unilaterally that the move did not change state borders of the Republic of Georgia and the status of Abkhazia, which was confirmed through point I of the Declaration of February 21, 1992 (Official Document #23, pp. 129-130).

### **1.1.2. Educational Issues**

Developments around local universities served as a catalyst for the deterioration of the regional inter-ethnic processes. According to a statement by the Supreme Soviet of Abkhazian ASSR, continuing existence of the branch of Tbilisi State University in Sokhumi was a serious impediment to a normal completion of academic year. The Sokhumi branch of Tbilisi State University was formed as a result of a split in the Georgian sector of the Maksim Gorki Abkhazian State University. On June 26, 1989, the Abkhazian district committee of the Communist Party of Georgia assembled to discuss the developments at the Abkhazian State University. Separation of the Georgian sector from the Maksim Gorki Abkhazian State University was deemed impossible from the viewpoint of international learning and teaching of students, therefore it was termed as a temporary measure.

The confrontation between Abkhazians and Georgians over education rights started in spring 1989. According to the order of the Council of Ministry of the Georgian SSR – #343 G, issued on May 14, 1989, a branch of Tbilisi State University was opened in Sokhumi, based on the appeal of the local collective of the Georgian professorate (Official Document #5, p. 5). The Presidium of Supreme Soviet of the Abkhazian ASSR quickly responded and issued a statement on July 15 of the same year. The statement stated that the opening of a TSU branch in Sokhumi would exacerbate inter-ethnic relations and cause severe protest among the population.

Thus, decree #515 of the Council of Ministries of the Georgian SSR, endorsed on November 2, 1989, became another aggravating factor in already strained inter-ethnic relations. The situation was further exacerbated by the decree on Unification of the A.M. Gorki State University of Abkhazia and Sokhumi Branch of Tbilisi Iv.Javakishvili State University. The decree instructed the designated universities to launch joint collectives and to finalize the process of unification by the academic year 1990-1991 (Official Document #6, pp. 13-14).

Apart from the university level contentions, various orders and resolutions of the Georgian Ministry of Education were also unacceptable to the Abkhazian governing structures. According to decree #342 of the Ministry of Education of Georgia, issued on July 31, 1991, the Ministry of Public Education of the autonomous regions and directors of non-Georgian secondary educational institutions were prohibited from putting ethnically Georgian pupils on the list of non-Georgian schools (Official Document #4, p. 79). Nevertheless, it should be mentioned that this decree did not prevent representatives of other ethnic groups (non-Georgians) from picking desired language of secondary education instruction and did not make it binding for non-ethnic Georgians to take their children to Georgian language education institutions. On the other hand, the fact that restriction of native language education already occurred in the region around 40 years earlier as a result of the Russification policies should not be omitted from the general narrative of the contention over education rights between Tbilisi and Sokhumi before the outbreak of the war in the region.

### **1.1.3. Linguistic Rights**

Linguistic rights became another bone of contention. Nevertheless, it should be mentioned that during the Soviet times the Russification process of Abkhazia was stronger than the process of Georgianization. That is, cultural take-over in Abkhazia was entirely based on the Russian language; although, the Georgian and Abkhazian language rights became hotly debated issues between the parties by the end of 1980s and the beginning of 1990s. On August 15, 1989, the special resolution on the State Program of Georgian Language was endorsed by the Central Committee of the Communist

Party of Georgia, the Supreme Council of the Georgian SSR and the Council of Ministries of the Georgian SSR. This resolution approved the state program of development of Georgian language. The State Program did not restrict linguistic rights of ethnic minorities residing on the territory of Georgia (Official Document #28). Quite the contrary, alongside the development of Georgian, it supported minority languages as well.

Abkhazians quickly followed the new resolution of the Georgian authorities, equally issuing the Resolution on State Development of the Abkhazian Language on October 10, 1989. The program of development of Abkhazian language was attached to the resolution, which fixed the constitutional status of Abkhazian as the state language of the Abkhazian ASSR, promoted its wider usage in secondary educational institutions and prepared ground for opening of a two-year program in Abkhazian at the state university of Abkhazia (Official Document #25).

After 70 years of Soviet rule and thanks to the Russification policy implemented at different times, the knowledge of the state language in Abkhazia was so low that it caused severe discontent among ethnic Abkhazians. They became worry of their future fate and their participation in state governance. Meanwhile, the fact that the state program set Georgian as the sole language of operation of state structures caused some dissatisfaction among the local ethnic Abkhazian population. It should, however, be kept in mind that the resolution did not restrict the Constitution of the Georgian SSR and the Abkhazian ASSR, which fixed Abkhazian, Georgian and Russian as the state languages of the Abkhazian ASSR (Article 70) (Official Document #1, p. 20).

#### **1.1.4. Contentions over Sovereignty**

Interrelated sovereignty rights of the political units of Abkhazians and Georgians became another hotly debated issue between these two ethnic groups with the dissolution of the Soviet Union. This topic could be explored in some details through reference to various articles of the constitutions. In this respect, Constitution of the Georgian SSR of 1978, Constitution of the Abkhazian SSR of 1925 and Constitution of the Abkhazian ASSR of 1978 come with particular importance. According to Article #1 of Constitution of 1978 of the Georgian SSR, the Georgian Soviet Socialist Republic was a sovereign independent state and its territory was indivisible. According to Articles #71, #79 and #82 of the same constitution, the Abkhazian Soviet Socialist Republic was included within the framework of the Georgian SSR. The same formulation is offered by the 1978 Constitution of the Abkhazian Autonomous Soviet Socialist Republic. The reinstatement of the 1921 Constitution according to the declaration of February 21, 1992 issued by the Military Council of the Republic of Georgia did not come into conflict with the abovementioned claim, as Article #107 of the 1921 Constitution of the Democratic Republic of Georgia determined the status of Abkhazia as an autonomous governing Oblast of Sokhumi, which recognized supremacy of same Constitution, thus fixing the status of Abkhazia within the framework of Georgia.

In spite of the above reality, the disagreements were started by the local governing Abkhazian circles, who issued a declaration on the “State Sovereignty of the Abkhazian Soviet Socialist Republic”<sup>1</sup> on August 25, 1990. It claimed the need for restructuring the state relations between

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<sup>1</sup> Abkhazian Soviet Socialist Republic is a sovereign socialist state on the basis of the will Abkhazian people and on their right on self-determination. The sovereignty of the Abkhazian Soviet Socialist Republic covers the whole territory of the Abkhazian SSR. Abkhazian SSR shares with the entire rights of statehood, which was willingly handed over it by the USSR and Georgian SSR through the force of agreements signed with them. Citizens of all nationalities of the republic form the people of Abkhazia. The sovereignty is held and the statehood is kept by the multinational people of Abkhazia. The will of people is exercised by the people’s vote and through the elections of representative bodies on the basis of the Constitution of the Abkhazian SSR. The entire state rule is kept by Supreme Soviet of the Abkhazian SSR, which is provided by the exclusive right of speaking on behalf of the people of the Abkhazian Soviet Socialist Republic. The state rule is exercised by the state structure of the Abkhazian SSR – Soviet Ministries of the Abkhazian SSR. The contradiction between Abkhazian SSR, Union SSR and Georgian SSR is solved according to the decrees signed between them. Abkhazian SSR actively participates in the implementation of all union and inter-republican programs over of all its territory. Abkhazian SSR has the right of opening representative structures in the union soviet republic and in foreign countries. Abkhazian SSR is responsible for all administrative-territorial structuring of the republic. The citizen of Abkhazian SSR will be kept the citizenship of the USSR. Abkhazian SSR is responsible for the satisfaction of all

Georgia and Abkhazia on a basis of special treaty, to be signed by both parties. The same sort of treaty should be signed with the Soviet Union as well (Official Document #3, pp. 110-112). Special resolution of the presidium of Supreme Soviet of the Georgian SSR declared the above declaration null and void. Following these developments, the Supreme Soviet of the Abkhazian SSR issued a special resolution on the Declaration on State Sovereignty of the Abkhazian Soviet Socialist Republic (Official Document #5, pp. 112-113).

Debates over rights of the Georgian SSR vs. the Soviet Union and the rights of the Abkhazian ASSR vs. the Georgian SSR focused on the possibilities of exit from the respective union entity. The constitution provided Georgia with the right of exit from the Soviet Union, but the same right was not granted to the Abkhazian ASSR. It had to leave the Soviet Union along with the Georgian SSR. At the same time, Constitution of the Georgian SSR guaranteed the sovereignty and territorial integrity of the state (Official Document #2). Referring to the right granted through the force of Soviet constitution, the Supreme Soviet of the Georgian SSR started to fight for independence. On March 9, 1990, the 11th Assembly of the 13th Session of the Supreme Soviet of the Georgian SSR confirmed the fact of annexation and occupation of the Democratic Republic of Georgia in February 1921 by Soviet troops and called for restoration of rights of Georgia, provided and supported by the Georgian-Russian Treaty of May 7, 1920 (Official Document #13, pp. 19). Later, on June 20, 1990 the Georgian Supreme Soviet endorsed another resolution on provision of additions to the Resolution of March 9, 1990. The resolution declared that the government of Georgia, installed in the country through annexation and occupation, did not reflect the true will of the Georgian people and deemed it unlawful, as it was brought into the force with the support of a foreign power. Thus, a new type of relationship between the Georgian SSR and the Russian Soviet Federative Socialist Republic (RSFSR) was needed. The recognition of violation of the agreement of May 7, 1920 in February-March, 1921 by the Supreme Soviet of the Republic of the RSFSR was to have served as the basis for a new relationship between the Georgian SSR and the RSFSR (Official Document #28, p. 26). The same path was taken by the Abkhazian ASSR in terms of lawful guarantees for defense of the statehood of Abkhazia. The special resolution of the Supreme Council of the Abkhazian ASSR, entitled Resolution on the Lawful Guarantees of Statehood of Abkhazia, was endorsed on August 25, 1990. It presented various claims on Abkhazian independence (SEE: Official Document #25, pp. 30-32).

Following these developments, on August 25, 1990 the Declaration of State Sovereignty of the Abkhazian Soviet Socialist Republic was endorsed by the 10th session of the 11th assembly of the Supreme Soviet of the Abkhazian ASSR. The declaration proclaimed the Abkhazian SSR to be a sovereign state according to the right on self-determination and called for the elaboration of a future normative for state relations with the Georgian SSR. The declaration should serve as a basis for elaboration of new constitution and the primary normative document for the future relations through the new Union Treaty with the newly created states and as a basis for equally new relations with the Georgian SSR (Official Document #3). In response, the declaration on the sovereignty of the Abkhazian ASSR was declared null and void by the presidium of Supreme Soviet of Georgia and the Abkhazian ASSR on August 26 and August 31 of 1990 respectively (Official Document #15, pp. 34-36).

The above demonstrates that the political quotas became even more favorable for ethnic Abkhazians; the sections on education and linguistic rights demonstrate that the same holds true for these aspects of the post-Soviet social life of Abkhazians in the unitary Georgian state. In addition, the demographic figures of the region by the time of dissolution of the Soviet Union further reveal that Abkhazians were in favorable position. Before the war the population of the Abkhazian Autonomous Republic stood at 530,000, out of which 300,000, or 56.6 per cent, was ethnic Georgian. The Abkhazians made up around 80,000, or 16 per cent of the local population. The remainder was comprised of Russians, Armenians, Estonians, and Jews. In spite of the great difference in numerical

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national-cultural, spiritual and linguistic needs of Abkhazians. Abkhazian SSR keeps the promise of the return of all deported people Abkhazian nation on the territory of Abkhazia. Abkhazian language will be kept as the state language of the Abkhazian SSR, while the status of official languages will be ascribed to the Abkhazian, Georgian and Russian languages. (See *Declaration on the State Sovereignty of the Abkhazian Soviet Socialist Republic* (August 25, 1990), in *Conflicts in Abkhazia and South Ossetia, Documents 1989-2006, Annex to the "Caucasian Collection"*, Edition 1. Ruskaiia Panorama, Moscow, 2008, 110-112).

terms between ethnic Georgians and Abkhazians, out of the 15 deputies sent to the Supreme Soviet of the Soviet Union from the autonomous republic, eight were ethnic Abkhazians; out of the eight posts of the first secretary, five were occupied by ethnic Abkhazians, out of the 140 deputies of the Supreme Soviet of Abkhazia, 57 were ethnic Abkhaz, 53 ethnic Georgian; out of the 12 ministers of the region, eight were Abkhaz (Nadareishvili, 1996, p. 11). Commenting on the case of emergence of the Constitutional Project as a unique offer on the part of Gamsakhurdia, Jones (2006) mentions that “constitutional policies in Abkhazia show inconsistencies with Gamsakhurdia’s reputation as an uncompromising nationalist who believed in Georgia for the Georgians” (p. 258).

The new constitutional law created a total imbalance in the Abkhazian parliament and arguably provided Abkhazians with favorable position. Nevertheless, a special point of the new law set necessary precondition for endorsement of legislative acts by the local parliament, i.e. two thirds of votes of the deputies of the Supreme Soviet of the Abkhazian ASSR. The resolution on the enforcement of the new law regarding the new formula for the allocation of seats was passed on August 27, 1991. Nevertheless, the expected positive effect of the new Constitutional Project was overshadowed by special law of the Abkhazian ASSR. As the new Abkhazian law created such an imbalance in terms of national composition of the Abkhazian Parliament, it was abolished by the Supreme Soviet of Republic of Georgia as inappropriate to the Constitution of the Republic of Georgia. Later on, as mentioned above, the initiators of special agreement over the allocation of seats arrived in Sokhumi and a “gentlemen’s agreement” was reached. On August 27, 1991, the Supreme Soviet of Abkhazian ASSR, passed a special law on introducing changes into the Constitution of Abkhazian ASSR, which said that “laws and some other lawful acts are endorsed by two thirds of the votes of the deputies of the Supreme Soviet of the Abkhazian ASSR” (Primary Sources #1).

A problem of two-thirds majority is the most debated and thorny issue in the discussion over the preconditions of the post-Soviet developments over Abkhazia. Cornell claims that the main dispute between the Abkhazian and Georgian factions occurred over need for the two-thirds majority on “important” issues, although these issues were vaguely defined in the election code. It was resisted by the Abkhaz-led group but insisted upon by the Georgian faction, which saw the measure as a guarantor of their position, Cornell claims. That is he implicitly assumes that in case of success of the deal of Georgians with the representatives of other ethnic groups in the Abkhazian Parliament occupying the 11 seats, the Abkhazians would find themselves in an unfavorable position. Nevertheless, he somehow contradicts his own statement on unfavorability of the clause on the two thirds majority for Abkhazians. Later on he claims that “the quota of seats in the republican parliament reserved for ethnic Abkhaz, in practice, was more than two thirds of the government ministers; and the local communist party department heads were also ethnic Abkhaz” (Cornell, 2002, pp. 263-264). Hence, he himself concludes that the offer was rather supportive to ethnic Abkhazians. Nevertheless, this first attempt at consociationalism in respect to Abkhazians was not paid adequate attention in relation to the claims of minority suppression by the ethnic majority, i.e. Georgians.

The resolution had particular significance as the deputies of the Abkhazian Parliament (Abkhazian and Georgian deputies, as well as the 11 deputies representing other ethnic minorities) did not have a chance to enact a law without the two thirds of votes that was the precondition for collaboration between the different factions. On the same day (August 27, 1991) the Supreme Soviet of the Abkhazian ASSR endorsed a special resolution putting the principle over two-thirds majority into effect. According to the resolution, the law of the Abkhazian ASSR of August 27, 1991 on introducing changes into the constitution should come into effect after the final decision of the Supreme Soviets of the Georgian SSR and the Abkhazian ASSR on the political-judicial status of the Abkhazian ASSR. It is widely known that the final decision was not taken on the political-judicial status of the Abkhazian ASSR by the Supreme Soviets of Georgia and Abkhazia; hence the issue of two thirds became the matter of speculation and further contention.

In reality, on September 22, October 12, December 1 and 15 of 1991 the elections of the Supreme Soviet of the Abkhazian ASSR were held. The 63 deputies were elected together, among them 28 Abkhazians and 24 Georgians. In the concluding phase, Ardzinba was elected head of the Supreme Soviet of Abkhazian ASSR (Newspaper #24, p.2). In any case, the rights of Abkhazians were guaranteed and the local representation of ethnic Abkhazian population preserved. They gained an ethnic majority and an ethnic Abkhazian as the head of the local Soviet of the Abkhazian ASSR.

Hence, the propositions of the Constitutional Project were realized in effect, although its minority supportive normative was not institutionalized. At the same time, the dissatisfaction of Abkhazians might stem from the fact that election law of Gamsakhurdia did not endorse the right to register regionally based parties created on ethnic grounds: “a new electoral law barred them (Abkhazians) from voting Aidgilara in the Georgian Supreme Soviet elections in October 1990, because the organization represented separate territorial interests” (Jones, 1992b, p. 87).

In spite of the priorities, granted to Abkhazians through the Constitutional Project of Levan Aleksidze, the offer was rejected; Abkhazians presented their own solution to the problem in the form of the recognition of sovereignty of Abkhazia and Abkhazians. On August 12, 1992, Ardzinba declared that they were ready to sign a mutual agreement and partnership document with Georgia, but the subjugation of Abkhazia to Georgia in one way or another was unacceptable. “There is no need for the acknowledgement of sovereignty; it is the right of the people and Abkhazians will launch their struggle in this direction (Newspaper #1),” Ardzinba warned.

### **1.1.5. The Referenda and their Problems**

The need to hold a referendum emerged immediately after the issuing of resolution on signing of the new Union Treaty by the Assembly of People’s Deputies of the Soviet Union, on December 25, 1990, setting the following claims as its primary target:

The multiethnic state of the Soviet Union should be transformed into a voluntary and equal union of sovereign republics, i.e. a democratic-federal state;

The new union treaty should be prepared by a preparatory committee comprised of leadership and high rank officials of the republics and autonomous units, the President of the Soviet Union, the head of the Supreme Soviet of the Soviet Union and the head of the Nationality Council of the Supreme Soviet of the Soviet Union (Official Document #12, p. 52).

On January 16, 1991, the Supreme Soviet issued its resolution on organization of referendum on maintenance of the Soviet Union. According to the resolution, the Supreme Soviet set March 17, 1991 as the day of referendum, which would solve the problem of maintenance of the equal states in the form of the Union (Official Document #33, pp. 56-57).

The Georgian SSR responded on the resolution of holding an all Union referendum on the issue of preservation of the Soviet Union on February 28, 1991. The response of the Supreme Soviet of the Georgian SSR stated that:

1. The Georgian people came to their self-determination around 2500 years ago, through the establishment of their own state, whereas in the 20th century they re-confirmed the desire of having their own sovereign state through the elections of 1919 and 1990;

2. In addition, on the one hand, the essence of idea behind the innovated federation of the Union of the Soviet Socialist Republics was somewhat vague, on the other hand, the all Union referendum violated state sovereignty of the Republic of Georgia, as according to the referendum the future of the Republic of Georgia would come to be determined not only by its citizens, but by the population of the “union republics” (Official Document #32, p. 63).

The resolution of the Georgian Supreme Soviet prohibited the holding of an all-Union referendum on its territory on March 17 and called for an alternative referendum on March 31, 1991. According to the resolution, the following question would be addressed by the referendum: Do you agree on the restitution of the state independence of Georgia on the basis of the Act of Independence of May 26, 1918? (Official Document #32, p. 64). On the same day, as a counter-measure, the Supreme Soviet of the Abkhazian SSR issued a special resolution on holding an all-union referendum on the territory of Abkhazia and called on its citizens to participate in the referendum of March 17, 1991. The resolution ordered the election commission to prepare for the referendum (Official Document #24, p. 64).

### 1.1.6. Economic Issues

Shortly before its dissolution, the Law of the Soviet Union on Foundations of Economic Relations between the Soviet Union, Union Republics and Autonomous Republics was endorsed by its President, Mikhail Gorbachev, on April 19, 1990. According the force of this law, the union republics and the autonomous republics were granted almost equal rights on their respective territories beyond, and in accordance with rights regulated by the Laws of the Soviet Union. Article 7 of the law entitled the autonomous entities to manage the state property located on their territory and independently manage land resources. In addition, they were granted the right to independently manage regional socio-economic development and budget affairs, to fix prices and issue orders regarding local economic activities (i.e. provision of licenses) (Official Document #8, pp. 22-23). On August 6, 1989 the first secretary of the Communist Party of Georgia, Givi Gumbaridze, met with representatives of industry to debate future economic policy of Georgia. During this meeting, the developments in Abkhazia were actively debated in light of “necessity to take urgent measures for stabilization of social affairs in the entire republic” (Newspaper #22, p.1).

All union-wide and autonomy level factories were declared the property of the Abkhazian ASSR. The governing structures of the ASSR became responsible for state property located on the territory of Abkhazia.<sup>2</sup> All state property was registered by the Abkhazian state structures and handed over to be managed by the State Committee for State Property Management (Official Document #19, p. 85). Apart from these measures, an Abkhazian customs service was also established according to the resolution of the Supreme Soviet of the Abkhazian ASSR (Official Document #17, p. 86). Earlier on, on September 15, 1991, the Supreme Soviet of the Republic of Georgia had issued a special resolution on the transfer of the all-union wide and republican property, located on the territory of Abkhazia, under the management of the Council Cabinet of Ministries of the Republic of Georgia (Official Document #22, p. 110).

Thus, the economy became another battlefield between the local Abkhazian authorities and the central Georgian authorities. On March 24, 1992, the Council of Ministries of the Republic of Abkhazia issues decree #46 on the transfer of industries, organizations and facilities, directly subjugated to the Soviet Union under the subjugation of the Republic of Abkhazia for state management.

### 1.1.7. Military Aspects

On November 27, 1991 two crucial documents were enacted by the Presidium of the Supreme Soviet of Abkhazia, on military reserves and their mobilization on the territory of Abkhazia, as well as on formation of the State Security Service of Abkhazia (Official Document #20, p. 91). Moreover, the order on creation of the interior army of Georgia, the National Guard, issued by the Supreme Soviet of the Republic of Georgia, was denounced by the Supreme Soviet of the Abkhazian ASSR on the basis of various decrees of the Soviet Union, which did not endorse the creation of military formations and their provision with armaments (Official Document #18, p. 75).

On December 29, 1991, the presidium of Supreme Soviet of the Abkhazian ASSR issued a resolution on the transfer of property, heavy ammunition and artillery of (Soviet) Military Units #5482 and #3697 to the direct ownership and subjugation of the Abkhazian ASSR (Official Document #16, pp. 95-96). Moreover, on the same day, the resolution of the presidium of Supreme Soviet of the Abkhazian ASSR, and Order #57 of the same structure, established a temporary Military Council for management and coordination of military and police forces located on the territory of the Abkhazian ASSR after dissolution of the Soviet Union. Military units #5482 and #3697 were transferred to the

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<sup>2</sup> Abkhazians comprised about 1/6 of the population of the autonomy, but they controlled almost half of the secretarial positions in the *raikoms*, and decidedly predominated in the positions of the first secretary; they held 67% of positions as government ministers and 71% of *obkom* department heads (Cornell, 2002, p. 185).

supervision of the newly created Military Council (Official Document #26; Official Document #10, p. 96). In addition, the property of Military Unit #68087 located in the city of Sokhumi was declared the property of the Republic of Abkhazia (Official Document #21, p. 112-113). This is not surprising though, as in the Caucasus “weapons came in very large quantities from the storehouses of the disintegrating Soviet Army. Both the newly independent states and challenging rebel formations had no problems in arming themselves with cheaply bought or easily stolen Soviet weapons” (Koehler & Zurcher, 2003, p. 253). As a counter measure, on October 2, 1992, a special resolution was taken by the Georgian State Council making the armaments of the former Soviet Army on its territory the property of the Republic of Georgia. In addition, the resolution denounced transfer of military property of the Soviet Army, located on the territory of Georgia, to the jurisdiction of the Russian Federation without considering the lawful claims and interests of the government of Georgia over these armaments (Newspaper #25).

Resolution #64 of the head of the Supreme Soviet of the Republic of Abkhazia referred to the colonels of the (Russian) military units #74545, #10935, #62329, Colonels E.N.Ignatov, V.G.Petrov and A.A.Dolgoplov respectively, and ordered them to hand over the ammunition under their disposal to representatives of the military units of the Republic of Abkhazia (Newspaper #25). The resolution was signed by the head of the Supreme Soviet, Vladislav Ardzinba. In addition, this newly created military unit had received numerous weapons. Izvestia reported that “in March, 1993 Abkhazian forces had received a large number of weapons, including seventy-two tanks and artillery manned by Russian crew. On the same month, SU-27 fighter jet flown by a Russian pilot was shot down by Georgians” (De Waal, 2010, p. 160).

On February 17, 1991, the first session of the First Assembly of the Supreme Soviet of the Republic of Georgia was launched. The head of the Supreme Soviet, Zviad Gamsakhurdia, provided brief information on military built-up of Abkhazians with the help of the Russian Federation. He stated that, “military personnel of the MIA of the USSR, up to 250 individuals, are deployed on the territory of Abkhazia with the aim of provision of reconstructions in the district of Gulripshi” (Newspaper #17). According to verified sources, the following ammunition and military machines were handed over to the Abkhazian separatists by the Russian regiment #643 of the rocket-powered artillery on August 14, 1992: 984 rifles, 267 pistols, 18 machineguns, 600 signal sky-rockets, more than 500 bombs, some other military machines, military uniforms, rations and provisions of different kinds and various types of engineering equipment.<sup>3</sup> Russian military bases on the territory of Georgia became the main market place for weapons for the newly created illegal military formations. They were equally providing Abkhazian military groups, the National Guard of Georgia and Mkhedrioni (Riders) with all sorts of weapons. Zurcher (2006) mentions that “the National Guard of Georgia and Mkhedrioni (Riders) received military ammunition from the Soviet (later on Russian) army: in July, 1992 these military units received 50 tanks from local Russian military bases” (pp. 139-140).

It was reported that the head of defense section of the MIA regional office of Ochamchire, colonel D.Shlarba, had committed high treason. According to the report, “on July 16, 1989, the guns and bullets were distributed among designated groups of the local inhabitants. The event was followed by various instances of attacks on local offices of the Ministry of Interior Affairs of the Republic of Georgia” (Newspaper #20, p. 3). As a result of these counter-measures, 42.8 per cent of the captured weapons were confiscated and 70 per cent of machineguns, 76 per cent of automatic machines, 38 per cent of pistols, 72 per cent rifles and 31 per cent of the double-barreled guns were taken from the population (Newspaper #20, p. 3).

At the end of August, 1989, the acting minister of the Ministry of Interior Affairs of the Abkhazian ASSR, Givi Lominadze stated that after the developments of July, 1989 some preventative measures were undertaken for the future stabilization of situation in the region. According to his statement, “around 2123 pistols and other fire-arms were confiscated and seized from the population, but this is not a solution of the problem and a great deal of ammunition still remains among the local population” (Newspaper #19). Another report of the Ministry of Interior Affairs of the Georgian SSR stated that several instances of attacks on the offices of local militia occurred in various regions of western Georgia and unknown quantity of ammunition and weapons were captured. A special

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<sup>3</sup> See *Online Resource #2*.

operative commission was created to investigate these incidents (Newspaper #14, p. 4). Overall, from July 15, 1989 “5.327 arms, among them 3 machine-guns, 122 automatic machines, 38 pistols, 210 rifles, 1692 hunting guns, 922 kg explosive materials were confiscated on the territory of the Republic of Georgia” (Newspaper #15, p. 3). The Georgian Ministry of the Interior Affairs reported that altogether around 28 incidents of attack on the regional militia offices occurred (Newspaper #9, p. 2). On July 21, 1989 a special session of the Abkhazian local committee of the Communist Party, with participation of the head of central office of the Soviet Ministry of the Interior Affairs, Colonel Iuri Shatalin and the minister of the Interior Affairs of the Abkhazian ASSR, Mikheil Chulkov, was held. As Shatalin stated, “from the schools of Dosaaf 56 automatic machine, 40 pistols, 33 rifles, 55 small-scale rifles, 5452 guns and 72650 bullets were captured and distributed among the population. Only a small amount of the military equipment has been taken from the population” (Newspaper #23).

This section demonstrated that the military build-up in the region was started even before dissolution of the Soviet Union and it gradually evolved via the decrees of respective Supreme Soviets of the Abkhazian ASSR and Georgian SSR. The Soviet time military bases in the region became pools, from which weapons and ammunition were channeled in all directions, arming Abkhazian military formations, Georgian Army and Mkhedrioni (The Riders) military groups for the start-up and the maintenance of the war.

## **1.2. ACUTE PHASE OF THE CONFLICT: CIVIL WAR AND ITS CONSEQUENCES**

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The coup d'état of Gamsakhurdia, on January 2, 1992, significantly worsened political situation around Abkhazia. The followers of the ex-president, who exiled on the territory of Abkhazia with their military formations, and local supporters of the former president, were launching protest movements constantly on main squares of the city of Sokhumi in support of Gamsakhurdia (Newspaper # 12). Meantime, the transfer of the Georgian military forces on the territory of Abkhazia for neutralization of the supporters of Gamsakhurdia further escalated situation on ground, as long as they were found in conflict with the local Abkhazian military formations (Newspaper # 18). The official authorities of Abkhazia declared that they would not cooperate with the representatives of Gamsakhurdia “on the issue of creation of the Republic of Samegrelo-Abkhazia” (Newspaper # 13). Nevertheless, the supporters of Gamsakhurdia successfully took control on the highways of Abkhazia and various buildings in the capital city of the autonomous republic – Sokhumi. It is visible that by this time followers of the former President, Zviad Gamsakhurdia, were already emerging and establishing themselves as a self-sustained and independent force and actor. This force should have been taken into consideration in any calculations of future developments over Georgia in general, and in Abkhazia, in particular.

Zviad Gamsakhurdia was striving to gain the support of population of Georgia and was looking for the support of ethnic Abkhazian population as well. The Abkhazian Television broadcasted the appeal of an overthrown president of the Republic of Georgia, Zviad Gamsakhurdia, to the ethnic Abkhazian population, which was delivered in Abkhazian language. Abkhazian authorities were not supportive to the declarations of Gamsakhurdia. The vice-chair of Aidghilara, Z.Achba, recalled the earlier attitude of Gamsakhurdia towards Abkhazians and condemned his decision to speak in Abkhazian during his exile; “why did not he demonstrate the knowledge of Abkhazian language and did not speak to Abkhazians in their mother-tongue during their meeting in Tbilisi two years ago?” – Achba complained. He could hardly see any links between the present speech of Gamsakhurdia and his policy as the President of the Republic of Georgia (Newspaper # 13).

Military activities of the supporters of Gamsakhurdia against the government of Shevardnadze continued till the late autumn, 1993. The military clashes occurred from time to time in villages of the western Georgia (mostly in the region of Samegrelo). The sever military clash took place to gain

control over the city of Tskhaltubo and the city of Vani; biggest struggle took place for the city of Kutaisi on October 19, 1993 (Newspaper # 6). The warfare activities of supporters of the former president of Georgia were assessed as a direct attack on the statehood of the Republic of Georgia. Zviad Gamsakhurdia and Loti Khobaklya were directly blamed for the negative developments in the western Georgia and their military units were termed as illegal; whereas their activities in Abkhazia were assessed as a high treason (Newspaper # 8).

On October 25, 1993, the official address to the illegal military formations of Gamsakhurdia and Loti Kobalya was issued by Eduard Shevardnadze. He termed the illegal activities of the Gamsakhurdia-Kobalya military formations on the territory of Abkhazia as one of the crucial determinant factor in defeat of the military formations of central authorities of Georgia to impose order in Abkhazia and blamed them “for catastrophic results on temporary occupied territories” (Newspaper #2). In his radio-interview on the same day, Shevardnadze termed Gamsakhurdia and his supporters as demagogues and chauvinistic forces and blamed them for “betray in the war over Abkhazia, in the war for the unified Georgia” (Newspaper # 10). On the same day an appeal of the Command of state military forces of the Republic of Georgia appeared. The statement blamed Gamsakhurdia and his supporters for their alliance with the Abkhazian separatists and warriors of Confederation and urged them for disarmament and negotiation with the central authorities (Newspaper # 5).

Activities of the pro-Gamsakhurdia military formations in the Western Georgia and the real threat of a split of country are referred as the primary reasons for Shevardnadze’s alliance with Russia to calm down situation in various parts of Georgia (mostly in the Samegrelo region, which remained as the stronghold of Gamsakhurdia after his exile to Chechnya and return back to Georgia) and to consolidate his power in other parts of Georgia beyond Abkhazia. Followed to an active Russian military involvement in the conflict on side of the Abkhazian separatists, the presence of the Russian military formations on the territory of Abkhazia was termed as the occupation of the territory of Georgia by the Parliament of the Republic of Georgia on April 27, 1993 (Newspaper # 16).

The letter of Eduard Shevardnadze followed to the official note of the Russian Federation, which stressed that “on September 16, 1993, the military units of Abkhazians attacked Sokhumi, which was violation of the Sochi Agreement of July 27, 1993” (Newspaper # 21). Nevertheless, contrary to the official statement of the Russian Federation, various Russian governmental officials blamed the Georgian government in re-activation of military activities in Abkhazia. In order to defuse an extremely deteriorated situation in the region, Eduard Shevardnadze was eager to set a commission for an official delimitation on the status of Abkhazia within framework of the Republic of Georgia. According to the order of Shevardnadze, issued on August 4, 1993, the special commission was set for determination of future status of Abkhazia in the framework of the Republic of Georgia. The same argument was provided by the newspaper *Izvestia* (# 224, 10.10.1992), which claimed that the opposition forces, headed by Zviad Gamsakhurdia, supported the Abkhazian separatists through their military assaults in the western Georgia, as they acted through the following logic – an enemy of my enemy is a friend of mine (Newspaper # 11).

The fall of Sokhumi was preceded by constant violations of several peace agreements signed between the central authorities of Georgia and the separatist regime based in the Gudauta district. The ceasefire agreements of September 3, 1992 and May 14, 1993 were violated from the side of

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<sup>4</sup> The sociological survey of the Agreement of September 3, 1992, signed between Shevardnadze and Eltsin, reveals that: 55.2 per cent of the surveyed population supported the agreement; 20.7 per cent partially approved it, whereas 1.7 per cent out of 20.7 per cent, who disapproved the agreement, shared with the negative assessment of the agreement from the side of Z.Gamsakhurdia and Confederation of the Mountainous People. Thus, ¾ of the population supported the agreement reached in Moscow; among them the great majority was formed by Russian, Greeks, Armenians, Jews, Kurds and Ossetians. Meantime, 49.7 per cent of the respondents thought that the Abkhazian leadership would block the implementation of the agreement, 37.0 per cent blamed the Confederation of the Mountainous People and 24.5 per cent put the figure to the leadership of the Russian Federation. The 4.3 per cent through that those days government would try to spoil the agreement. The 83.5 per cent considered that Georgia is interested to make the good relations with the Russian Federation, 2.9 per cent were against this idea and 11.3 per cent did not have their answer defined. 11 per cent through that Russian does not want to have the good relations with the government of Georgia, whereas 28.1 per cent does not have its own opinion formed yet. (“*What was the Assessment of the Perspective of the Implementation of the Agreement Reached over Abkhazia by the Population (Sociological Survey),*” in the newspaper *Sakartvelos Respublika*, # 210-211 (490), 10.10.1992, 7).

separatists concentrated in Gudauta, followed with heavy attacks on Sokhumi. The extremely deteriorated relations between the central authorities of Georgia and the secessionist minded Abkhazians of Gudauta were mitigated by the Agreement of Sochi, signed on July 27, 1993 between the central authorities of Georgia, Abkhazian separatist elite and the Russian Federation. According to the agreement, the Russian military units, deployed on the territory of Abkhazia, declared neutrality and international monitors were to be placed on the rivers Gumista, Fsou and Enguri (Newspaper # 4); the first two were the main lines of fire by that time, and the last one was demarcated as the final ceasefire line a bit later. On the same day, the special representative of the UN, Eduard Brunei, left for Georgia with the special mission to “support with the presence of the UN mission to development of ceasefire from the political point of view” (Newspaper #7). The ceasefire of July 27, 1993 was supported and endorsed by the ambassadors of Germany, US, China and Japan, the first two confirming their believe in an ultimate positive role of the Russian Federation in the peaceful resolution of the problem over Abkhazia (Newspaper #3).

All in all, the developments over Abkhazia followed to the worst possible scenario. The agreement of September 3, 1992 was followed by the ethnic cleansing of the Georgian population in the city of Gagra on October 1-3, 1992. The mass-shooting of ethnic Georgian population was also reported. Therefore, the agreement, signed on July 27, 1993, was violated; although demilitarization of the Sokhumi zone was implemented and the military formations of the central authorities of Georgia had left the city according to the agreement. As a response, the military forces of the separatists, with the support of the heavy artillery of the Russian Federation, launched the attack on the city of Sokhumi on September 16, 1993, which resulted in the ethnic cleansing of the Georgian population of the city and ended with the loss of control on the city of Sokhumi by the central authorities of Georgia (on September 27, 1993).

## CONCLUSION

The post-Soviet conflict over Abkhazia started through its latent phase, with multiple readings of the Soviet time constitutions and re-considerations of various lines of the Soviet policy. All of them contained contentious issues and provided each side of the conflict with power-base to support their pretenses (local elites in Gudauta/Sokhumi vs. Tbilisi) and to argue the indivisibility of territory of the former Georgian SSR (the central Georgian authorities against Gudauta/Sokhumi based local authorities). All in all, the debates did not result in mutual agreement, in spite of the consociational agreement offered by Tbilisi. The war broke out in the region on August 14, 1992 which ended with the fall of Sokhumi and delimitation of the de-facto border on the river of Enguri. After this, for 15 years, the conflict was termed as the frozen conflict; although the broke out of war in South Ossetia/Tskhinvali Region on August 8, 2008 altered this vision and signaled the impossibility of containment of the regional conflict in a frozen shape for undetermined period of time.

The conflict in Abkhazia was not the only trouble for Georgia during the late 1980s and early 1990s. The latent phase of the conflict was accompanied with the coup d'état of the first president of Georgia, Zviad Gamsakhurdia, on January 2, 1992, which was followed by the civil war. The fact that various cities and regions of the western Georgia were made as strongholds by the supporters of Gamsakhurdia in their struggle against the Military Council, and later on against the head of the Chair of Parliament, Head of the State – Eduard Shevardnadze, further aggravated situation in Abkhazia and led to the outbreak of military activities in the region; these developments were culminated with the full-scale war between center (Tbilisi) and periphery (Sokhumi).

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## **1.3. THE ROLE OF INTERNATIONAL FACTOR IN SETTLEMENT / PEGGING OF CONFLICT**

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### **1.3.1. Brief history, causes and stages of the conflict**

#### ***Tskhinvali region***

1774 — North Ossetia becomes part of the Russian Empire.

1801 — Part of Kartli-Kakheti kingdom and the territory belonged to Prince Machabeli, becomes part of the Russian Empire, along with Georgia.

1922 — Ossetia is divided into two parts: North Ossetia remains a part of Russian SFSR, South Ossetia remains a part of Georgian SSR.

South Ossetians declared independence from Georgia on 20 September 1990, calling themselves the Republic of South Ossetia. The Soviet Georgian government established after the Red Army invasion to Georgia in 1921 created the South Ossetian Autonomous Oblast in April 1922.

The 1991–1992 South Ossetian War was fought as part of the Georgian-Ossetian conflict between Georgian government forces and ethnic Georgian militia on one side and the forces of South Ossetia and ethnic Ossetian militia who wanted South Ossetia to secede from Georgia and become an independent state. The Georgians made three assaults on Tskhinvali, in February and March 1991 and in June, 1992. The most intense period of war was in March and April 1991. About 100,000 ethnic Ossetians fled from South Ossetia and Georgia proper, mainly into North Ossetia (part of Russia) . A further 23,000 ethnic Georgians fled from South Ossetia and settled in other Georgian areas. The war ended with a Russian-brokered ceasefire, signed on 24 June 1992.

A brief military clash occurred in August 2004. After several days of fighting, negotiations brought an uneasy peace.

On Sunday 12 November 2006, South Ossetians (mostly ethnic Ossetians) went to the polls to vote in a referendum regarding the region's independence from Georgia. The result was a "yes" to independence, with a turnout above 95% from those among the territory's 70,000 people who were eligible to vote at that time.

The 2008 Russia-Georgian War (also known in Russia as the Five-Day War) was an armed conflict in August 2008 between Georgia on one side, and Russia and the separatist governments of South Ossetia and Abkhazia on the other. August 2008 events have had very heavy results, both, for Georgians and for Ossetians. This implies population, killed and damaged in result of August war, as well as its political outcomes. Territorial administration existing before August 2008 has hanged completely and this further complicates restoration of Georgian-Ossetian dialogue.

The number of ethnic Ossetians in Georgia in 1989 was about 164 thousand people, approximately 99 thousand of whom lived in Georgia, and the other - on the territory of South Ossetia. Tbilisi was home to 33,138 Ossetians. As a result of the events of 1991-1992 (civil war in Ossetia) the demographic distribution of the Ossetian population has changed dramatically, resulting in forced or voluntary migration, mostly from the Borjomi Gorge and towns in Eastern Georgia, most of all - to North Ossetia. Already by 2002 the number of Ossetians in Tbilisi-controlled areas - without South Ossetia - was 38 thousand. In Tbilisi, the number of Ossetians decreased to 10 thousand people.

In Georgia outside South Ossetia live about the same number of Ossetians as today in the South Ossetia.

#### ***Abkhazia***

Ancient Kingdom of Colchis in Western Georgia was formed in the early era also included the territory of Abkhazia. In VI-V centuries BC on the basis of ancient local settlements Akhalsheni:

Dioskuria, Genosi, Trigliti, Pitiunt and others arose Greek settlements. In I century BC the Kingdom of Colchis was weakened and dissolved. As a result, Apsilae, Abazgs and Sanigs pinedoms emerged on the territory of Abkhazia and in the mountainous area - misimiantian Svan unification. Laz Kingdom formed in III-IV centuries, which united the whole of the territory of both Colchis and Abkhaz territory. In V-VI centuries the Abkhazian tribes moved to the west. During this time Laziki border was passing to the north of Sochi.

In 1918-21 Abkhazia became the part Democratic Republic of Georgia with the autonomy status.

On March 4, 1921, the Soviet Socialist Republic of Abkhazia was formed.

In 1931 according to the decision of the Councils of Abkhazia and Georgia, Abkhazia became the autonomy of Georgian Soviet Socialist Republic.

On July 9, 1991, a new electoral law was adopted. According to this law, a majority of the Supreme Council of the Abkhaz ASSR belonged to the ethnic minority - Abkhazians

- 47% of the population (Georgians) was presented by 26 deputies in the parliament;

- 17% (Abkhaz) - 28 deputies;

The rest (of various ethnic population) - 11 deputies.

The law specified that the Chairman of the Supreme Council of Abkhazia should be Abkhaz and two of his deputies - one Georgian and another one of the other nations. Chairman of the Council of Ministers would be of Georgian nationality.

In August 1992, the Georgian government accused Gamsakhurdia's supporters of kidnapping Georgia's Interior Minister and holding him captive in Abkhazia. The Georgian government dispatched 3,000 troops to the region, ostensibly to restore order. The conflict had been started and lasted till 1993. Ethnic Armenians and Russians within Abkhazia's population, largely supported Abkhazians and many fought on their side. The separatists were supported by thousands of the North Caucasus and Cossack militants and by the Russian Federation forces stationed in and near Abkhazia.

### **1.3.2. Acute phase of conflicts: civil war and its consequences**

On 28 March 2008, the President of Georgia Mikheil Saakashvili unveiled his government's new proposals to Abkhazia: the broadest possible autonomy within the framework of a Georgian state, a joint free economic zone, representation in the central authorities including the post of vice-president with the right to veto Abkhaz-related decisions. The Abkhaz leader Sergei Bagapsh rejected these new initiatives as "propaganda", leading to Georgia's complaints that this skepticism was "triggered by Russia, rather than by real mood of the Abkhaz people."

Later in April 2008, Russia accused Georgia of trying to exploit the NATO support in order to control Abkhazia by force, and announced it would increase its military in the region, pledging to retaliate militarily to Georgia's efforts. The Georgian Prime Minister Lado Gurgenidze had said Georgia will treat any additional troops in Abkhazia as "aggressors".

Georgia's military defeat in Abkhazia was followed by the ethnic cleansing of the Georgian majority in Abkhazia. The war produced approximately 20,000 deaths on both sides, and about 260,000 refugees and IDPs. As a result Georgia effectively lost control over Abkhazia and the latter established as a de facto independent territory. Moreover, currently, in the occupied territory of Abkhazia, there are about 5 times more Russian militaries, with their armaments and military hardware, before in 2008 August.

In response to Russia's occupation of Abkhazia and the Tskhinvali region / South Ossetia, the Georgian Parliament in October 2008, adopted the Law "On the occupied territories." Currently about 20% of territory of Georgia are considered as occupied territories according to this law.

In August 2010, Russia deployed S-300 long-range air defense missiles in Abkhazia, and other air defense systems in South Ossetia. Britain and France both criticized Russia for this move. According to the British House of Lords, Russia is in violation of the six-point peace plan by keeping

troops stationed in areas it did not previously control. The French government said that Russia was not yet fulfilling its commitments to the six-point peace plan.

On 25 August 2008, the Federal Assembly of Russia unanimously voted to urge President Medvedev to recognize Abkhazia and South Ossetia as independent states. A few countries followed this decision. In response to Russia's recognition of Abkhazia and South Ossetia, the Georgian government announced that the country cut all diplomatic relations with Russia.

The unilateral recognition by Russia was met by condemnation from NATO, the OSCE Chairman, the Presidency of the Council of the European Union, the European Commission, Foreign Ministers of the G7, and the government of Ukraine because of the violation of Georgia's territorial integrity, and United Nations Security Council resolutions<sup>5</sup> Russia sought support for its recognition from the states of the Shanghai Cooperation Organization (the biggest members are Russia and China). However, because of concerns about their own separatist regions in states of the SCO, especially in China, the SCO did not back the recognition<sup>6</sup>. According to Alexei Vlassov from Moscow State University, even Russia's closest allies did not show any willingness to support Moscow.

NATO increased its naval presence in the Black Sea significantly, with ships docking in Georgian ports, and, according to the U.S. Navy, delivering humanitarian aid. NATO stressed that the increased presence in the Black Sea was not related to the current tensions and that the vessels were conducting routine visits and carrying out pre-planned naval exercises

The ethnic cleansing and massacres of Georgians has been officially recognized by the Organization for Economic Co-operation and Development (OSCE) conventions in 1994, 1996 and again in 1997 during the Budapest, Istanbul and Lisbon summits. On 15 May 2008, the UN General Assembly adopted (by 14 votes to 11, with 105 abstentions) a resolution A/RES/62/249 in which it "Emphasizes the importance of preserving the property rights of refugees and internally displaced persons from Abkhazia, Georgia, including victims of reported "ethnic cleansing", and calls upon all Member States to deter persons under their jurisdiction from obtaining property within the territory of Abkhazia, Georgia in violation of the rights of returnees".<sup>7</sup>

The Georgian-Abkhaz conflict is very peculiar. 1. It's not a religious confrontation. 2. Not territorial - Abkhazians believe that Georgians are historical residents of Abkhazia. They objected to the overwhelming presence of Georgians in Abkhazia. According to the Abkhaz, Georgian population numbers were artificially beefed up by Communist ideology not just through natural migration.

Cultural-education, scientific and other similar "human activities", implemented by official Moscow in the territory of occupied territories of Georgia is nothing except for the targeted politics of re-writing of the history, concealing of the truth and Russification of the part of Georgian population (Abkhazia and South Ossetia). Currently, in Abkhazia and South Ossetia Russian language has the status of the state language and these regions are entirely within Russian media coverage. school education is entirely subjected to the Russian education standards and South Ossetia is officially included into the united education system of Russian Federation. In both regions the toponymy is changed, the historical monuments are modified (in Russian manner), causing huge damages to the historical-cultural heritage.

Georgian leaders (and South Ossetian and Abkhazian leaders) officially declined the use of force to resolve the conflict. If this statement adopted as a law, it would serve as a major step to restore mutual trust. At the same time, Russia does not agree to commit to eliminate the use of force in bilateral relations, citing the fact that it is not a party to the conflict.

Should not be excluded from consideration constitutional recognition of the Ossetian language as the official language of the territory, like in Abkhazia, which is justified by the prospect of the existence of appropriate autonomy.

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<sup>5</sup> [http://en.wikipedia.org/wiki/2008\\_South\\_Ossetia\\_war#cite\\_note-352](http://en.wikipedia.org/wiki/2008_South_Ossetia_war#cite_note-352)

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<sup>7</sup> <http://www.un.org/en/ga/62/resolutions.shtml>

### ***International recognition***

The Republic of Abkhazia and the Republic of South Ossetia were recognized following the 2008 South Ossetia War between Russia and Georgia, by six and five UN member states respectively. They are also mutually recognized by two UN non-member states and by each other.

Abkhazia was an unrecognized state for most of its history. The following is a list of political entities that formally recognized Abkhazia recently.

#### UN non-member states

- Abkhazia and South Ossetia mutually recognized each other.
- Transnistria recognized Abkhazia on 17 November 2006.
- Republic Nagorno-Karabakh recognized Abkhazia on 17 November 2006.

#### UN member states

- Russia on 26 August 2008 after the 2008 South Ossetia war.
- Nicaragua on 5 September 2008, South Ossetia.
- Venezuela on 10 September 2009.
- Nauru recognized on 15 December 2009.
- Vanuatu recognized Abkhazia on 23 May 2011 (did not recognize South Ossetia)
- Tuvalu recognized on 18 September 2011.

### **1.3.3. The role of international actors in the settlement**

During 2008 Russia-Georgia war through mediation by the French presidency of the European Union, the parties reached a preliminary ceasefire agreement on 12 August, signed by Georgia on 15 August in Tbilisi and by Russia on 16 August in Moscow. Several weeks after signing the ceasefire agreement, Russia began pulling most of its troops out of uncontested Georgia. After 2008 Russian forces remain stationed in Abkhazia and South Ossetia under bilateral agreements with the corresponding governments.

The United Nations Observer Mission in Georgia (UNOMIG) was established by United Nations Security Council Resolution 858 in August 1993 to verify compliance with a 27 July 1993 ceasefire agreement between the Republic of Georgia and forces in Abkhazia with special attention given to the situation in the city of Sukhumi, Georgia. As of April 2012, there are 283 EU ceasefire monitors<sup>8</sup> operating in Georgia.<sup>9</sup> Previous mandates of OSCE monitors (in South Ossetia) and the UNOMIG expired on 1 January and June 16 respectively. Russia vetoed the extension of the mandates, arguing that the mandates did not properly reflect Russia's position of recognition of Abkhazia and South Ossetia as independent states. According to the head of the UN mission, Johan Verbeke, roughly 60,000 ethnic Georgians in Abkhazia will be left unprotected after the mission's end. OSCE monitors had been denied access to South Ossetia since the war. The mission was wound up in 2009 because of a Russian veto in the United Nations Security Council. As a result of the Russian veto, UNOMIG which had been active in the region since 1993, and had 150 personnel on the ground at the time of the veto, made up on 131 military observers and 20 police officers, saw its mandate expire on 16 June 2009 at 4am GMT.

A number of incidents have occurred in both border conflict zones since the war ended, and tensions between the belligerents remain high.

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<sup>8</sup> [http://en.wikipedia.org/wiki/European\\_Union\\_Monitoring\\_Mission](http://en.wikipedia.org/wiki/European_Union_Monitoring_Mission)

<sup>9</sup> [http://en.wikipedia.org/wiki/2008\\_South\\_Ossetia\\_war#cite\\_note-278](http://en.wikipedia.org/wiki/2008_South_Ossetia_war#cite_note-278)

Efforts of Georgia and her partners at mobilizing the international pressure on Russia have predictably proven ineffective. The EU's aggregate diplomatic resource is higher than that of the USA, or Russia. At the same time, it is less efficient due the problems of overlapping and miss-coordination. To civil society efforts to develop confidence-building mechanisms need to be encouraged and supported.

It is becoming apparent that there will be no considerable achievement in EaP (notably multilateral dimension) if there is no progress in conflict resolution.

European Union has made two contradictory steps: it developed the "non-recognition and engagement policy" (NREP) and at the same time cancelled the position of its special representative in South Caucasus.

An independent international fact-finding mission headed by Swiss diplomat Heidi Tagliavini was established by the EU to determine the causes of the war. The commission was given a budget of €1.6 million and also incorporated earlier reports by the OSCE, HRW and other organizations.<sup>10</sup>

The Final Report stated that conflict started "with a massive Georgian artillery attack...against the town of Tskhinvali and the surrounding areas, launched in the night of 7 to 8 August 2008", but was "...mere culmination of series of provocations...".

### **1.3.4. Issue of Russian passportization in the secessionist regions**

Russia justified its August 8, 2008 invasion of Georgia on its responsibility to protect South Ossetia's Russian citizens from the Georgian government's aggression. The question is: how did 90% of South Ossetia's citizens come to hold Russian passports and citizenship? The same question applies to the about 80% population of Abkhazia.

Prior to 2002, the process by which a resident of an ex-Soviet republic obtained Russian citizenship was "complex and involved repeated trips to Russia. Following this regulatory change, up to 90 percent of South Ossetia's population of under 100.000 acquire Russian citizenship."

For twelve years since 1992 following the Russian brokered ceasefire, Georgia and South Ossetia engaged in no military conflicts. During this time, Russia began issuing Russian passports to the South Ossetians. Russia supported the South Ossetians in their struggle against the Georgian government, "emphasizing an obligation to protect the large number of Ossetians to whom it had given Russian passports."

It is widely recognized that state control over the conference of nationality occurs in two separate instances, either upon the birth of the individual or when an individual requests to become a state's national. The nationality ascribed to an individual at birth is called their nationality of origin and has historically been derived from either the territory in which the individual was born or the individual's parents' nationality.<sup>11</sup> Alternatively, naturalization is the process by which a nationality other than the individual's nationality of origin is conferred on that individual.

"Russia's policy of conferring its citizenship en-masse on the citizens of another country seems like just such an arbitrary and abusive use of an acknowledged right. Whether Russia's passport policy is viewed as a creeping annexation or naked aggression, international law should not, and, this author believes, does not, legitimate such a scheme".<sup>12</sup>

It turned out that the passports of "Abkhazian citizen" were through forgery issued to the citizens of Russia, the ethnical Russians, who, based on valid but legally fictitious passports have purchased real property in occupied Abkhazia.

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<sup>10</sup> [http://en.wikipedia.org/wiki/2008\\_South\\_Ossetia\\_war#cite\\_note-rian20090806-315](http://en.wikipedia.org/wiki/2008_South_Ossetia_war#cite_note-rian20090806-315)

<sup>11</sup> ALEX COCKBURN, NATIONALITY: OR THE LAW RELATING TO SUBJECTS AND ALIENS, CONSIDERED WITH A VIEW TO FUTURE LEGISLATION 6 (1869); see also RESTATEMENT (THIRD) OF FOREIGN RELATIONS LAW OF THE UNITED STATES § 211

<sup>12</sup> [http://www.bu.edu/law/central/jd/organizations/journals/international/documents/Natoli\\_WeaponizingNationality.pdf](http://www.bu.edu/law/central/jd/organizations/journals/international/documents/Natoli_WeaponizingNationality.pdf)

### 1.3.5. What Russia persuades with Georgia regard

According to some political analysts Putin is pursuing a plan to revive Russia's superpower status. This includes reorganization of military forces and development of new weapons, consolidation of political and economical relations with neighboring and important countries like China, India, Iran, Iraq, Syria, Afghanistan and other states, carry out its policy in all regions of the world through different mechanisms like UN.

Of course, these are not serious aims if Russia fails to have sufficient decision making power within the states which are on borders of Russia – Ukraine, Belorussia, Georgia, Azerbaijan, etc. Georgia is the best target on this list according to different political, geopolitical, economical, internal situation, existing regional problems.

#### What irritates Russia in Georgia's internal and external policy?

- ***Georgia's permanent vector to join NATO***

This approach is clearly set out in the "Russia's National Security Strategy Until 2020" (proved by Presidential decree N537 of May 12, 2009). It clearly states Russia's determination to oppose the eastern expansion of NATO and not to yield to the "competition" for influence over the region rich in energy resources; including the "Caspian Sea Basin". It also mentions the possibility of solving these problems with the use of military force and readiness to prevent violation of the existing balance of forces near the borders of the Russian Federation and the borders of its allies.

As of 2010, Georgia and Ukraine are engaged in an Intensified Dialogue with NATO. In Spring 2008 both were promised to get Membership Action Plans at later stage, but in 2010 Ukraine has announced that it no longer has NATO membership as a goal. Montenegro and Bosnia and Herzegovina participate in Intensified Dialogue, but have also received Membership Action Plans in addition.

Armenia, Azerbaijan, Serbia and Kazakhstan have stated they have no desire to join NATO. Georgia, Montenegro and Bosnia and Herzegovina, on the other hand, are actively working towards future NATO membership.

The Russian envoy to NATO, Dmitry Rogozin, is quoted as saying "Great powers don't join coalitions, they create coalitions. Russia considers itself a great power," although he said that Russia did not rule out membership at some point in the future.

- ***Permanent process of integration of Georgia in European structures and implementation of Partnership and Cooperation Agreement and the EU Programme in Georgia.***
- ***Close military, economical, political connections with the main rival of Russia on International level – the United States of America.***
- ***In order to solve abovementioned issues Russia would want Georgia to join military alliance - Joint Collective Security Treaty Organization (CSTO), which was established on 15 May 1992 with Armenia, Belarus, Kazakhstan, Kyrgyzstan, Russia Tajikistan and Uzbekistan member states.***

The CSTO charter reaffirmed the desire of all participating states to abstain from the use or threat of force. Signatories would not be able to join other military alliances or other groups of states, while aggression against one signatory would be perceived as an aggression against all. The CSTO is currently an observer organization at the United Nations General Assembly.

- ***The Eurasian Economic Community (EAEC or EurAsEC) originated from the Commonwealth of Independent States (CIS) customs union between Belarus, Russia and Kazakhstan.***

EAEC was established for effective promotion of the creation by the Customs Union member states of a Single Economic Space and for coordinating their approaches while integrating into the world economy and the international trade system. Currently EAEC comprises Belarus, Russia, Kazakhstan, Kyrgyzstan, Uzbekistan and Tajikistan. Russia would also want Georgia to join EAEC.

- ***Russia wants to have full control over gas (South Caucasus Pipeline, also known as: Baku–Tbilisi–Erzurum Pipeline, BTE pipeline, or Shah Deniz Pipeline) and oil pipelines (from the Azeri-Chirag-Guneshli oil field in the Caspian Sea to the Mediterranean Sea.***

It connects Baku, the capital of Azerbaijan; Tbilisi, the capital of Georgia; and Ceyhan, a port on the south-eastern Mediterranean coast of Turkey) – the only pipelines which supplies oil to Europe bypassing territory of Russia.

## **1.4. CONCLUSION: THE PERSPECTIVES AND MODELS TO SETTLE FROZEN CONFLICTS**

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In 2010 Government of Georgia developed and adopted a few important documents and strategies which strive to extend to the populations in Abkhazia and the Tskhinvali region/South Ossetia the benefits of its continual progress in national reforms, and its closer integration into European and Euro-Atlantic structures and institutions. The document says Georgia views peaceful methods as the only way for conflict solution and that there won't be a war with these regions. It envisions engagement of people of these two regions through education as well as social, economic and business projects, instead of isolation.

State Strategy on Occupied Territories Engagement through Cooperation envisages proactive activities:

Promoting economic interaction between communities across the dividing lines, improving socio-economic conditions of the populations on the both sides of the dividing lines, and including Abkhazia and the Tskhinvali region/South Ossetia in Georgia's international economic relations.

- Rehabilitating and developing infrastructure that will enable the movement of goods and people across the dividing lines.
- Enhancing existing mechanisms and developing new means for promoting basic human rights in Abkhazia and the Tskhinvali region/South Ossetia, including the freedom to exercise religious rights and the right to receive education in one's native language.
- Improving the quality of, and access to, health care for war-affected populations, as well as promoting their ability to receive education.
- Promoting freedom of movement—as well as people-to-people interaction and contacts across the dividing lines—through identifying areas of common interest and supporting joint inter-community projects and activities in all spheres of mutual interest.
- Supporting the preservation of cultural heritage and identity, and advancing their promotion and exposure both domestically and internationally.
- Promoting the free flow of information across the dividing lines, with the purpose of strengthening understanding and cooperation.

- Exploring legal avenues to ensure that activities in pursuit of the abovementioned goals can be accomplished without compromising the basic principles of this Strategy—notably the territorial integrity and sovereignty of Georgia and the objective of non-recognition and eventual de-occupation<sup>13</sup>.

Action Plan for Engagement identifies a number of program areas and goals that the Government of Georgia has already undertaken, intends to undertake or seeks partner organizations to undertake. The program areas are:

#### Humanitarian Dimension

- Humanitarian relief
- Natural disasters

#### Human Dimension

- Intercommunity relations
- Preservation of cultural heritage and identity
- Free flow of information
- Human rights
- Youth activities

#### Social Dimension

- Education
- Healthcare
- Environment

#### Economic Dimension

- Trade
- Joint Production
- Communications
- Infrastructure

The ethnical Ossetians, who has left Georgia after the events in nineties and live in Vladikavkaz, still apply to the President of Georgia for double citizenship and in most cases, the President provided such double citizenship to them.

Some new developments in formal Georgian-Ossetian relations appeared from March 2010, with opening of Zemo Larsi frontier post. It should be noted that this decision of the government of Georgia, dealing with opening border from the side of Larsi had numerous opponents, even more, than supporters.

Georgian experts and not only experts saw certain danger to the security of Georgia related to opening of this frontier post from the side of both, Russia and ethnical Ossetians.<sup>14</sup>

Some experts state that Georgia has actually no practical chances to independently realize the good (and terribly belated) intentions listed in the strategy and action plan at merest extent. Without active support and participation of the western countries all this is the vain effort.<sup>15</sup>

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<sup>13</sup> <http://www.smr.gov.ge/docs/doc204.pdf>

<sup>14</sup> [http://www.gfsis.org/media/download/BSPN/Bulletins/Bulletin\\_VI\\_2011.pdf](http://www.gfsis.org/media/download/BSPN/Bulletins/Bulletin_VI_2011.pdf)

<sup>15</sup> [http://www.gfsis.org/media/download/BSPN/Bulletins/BSPN\\_BULLETIN\\_8\\_en.pdf](http://www.gfsis.org/media/download/BSPN/Bulletins/BSPN_BULLETIN_8_en.pdf)

## **2. REGIONAL SECURITY AND FROZEN CONFLICTS: EXAMPLE OF MOLDOVA**

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### **2.1. CAUSES AND DEVELOPMENT OF THE CONFLICT**

The perestroika launched by Mikhail Gorbachev in all spheres of public life has put the issue of changing approaches to ethnic relations. The attempts to correct deformities in the national sphere led to events in Nagorno-Karabakh, and especially in the Baltic republics. Republic of Moldova gained its independence on August 27, 1991, but still can not solve the arising in stabilizing process the political, social and economic problems. The way to build a democratic state, as in some other post-Soviet countries, began with an armed conflict.

The crisis has its roots in the late 80th, when in Soviet republics raised various social movements. These sentiments are not spared and the Moldavian Republic. Separation of Transnistria and Moldova's split originated there, in the late 80's, when in Chisinau, with the efforts of some intellectuals - writers, journalists, poets and its other members - was formed the National Front. Then for the first time on the political level were calls to change the name of the Moldovan to Romanian language, with all its consequences. In turn, on the left bank was rapidly gaining popularity the movement for secession from the Left Bank of the Moldavian SSR.

The Communist Party of Moldova which had the power, seemed incapable emerged politically and socially acute situation. The lack of constructive approach, inability to open a deep process of national revival, trying to close her eyes, ignore, impede social development and, as a consequence, the constant delay, undermine the social and psychological legitimacy of the party leadership in the republic. As a result, the population of the country was split into two opposing camps: the "who speak Moldavian language" and "who didn't speak" (including a large (up to 5%) of the Moldovans).

1988 was a pivotal year, when the CPM Central Committee took the decision to do political reform along with economic one. This new platform of the Communist Party of Moldova was proclaimed in November 1988, the so-called thesis of "Perestroika – through concrete activities." Abstracts, that contained more outdated dogma, did not meet expectations and have been criticized on various levels of the Republican Party organization, the mass-media etc. On this background, there begun a mass loss of confidence of the Central Committee of the Communist Party of Moldova, as well as increased activity and the impact of "informal organizations", primarily a literary club named Alexei Mateevici and Democratic Movement in support of perestroika. These organizations have formed the foundation of the Popular Front of Moldova. The Popular Front of Moldova was largely the single of the national aspirations of the Moldovan people. He quickly gained the sympathy of the population. The policy of the Popular Front of Moldova - as the growing opposition - was increasingly oriented on the radical aspirations, attempts to solve the national language problems without taking in account the real sociolinguistic situation in the country, the interests of different social groups, the mono-national position of Moldovan villages.

Adoption of the Law on State Language, on the August 31, 1989 had beneficial effects to the public consciousness. Tensions, confrontation on these issues began to subside. The adopted Law is democratic in general and takes in account the interests of all ethnic groups living in the republic. But

its implementation has run a lot of problems, due to both the socio-political situation and the concept that underlies the Act.<sup>16</sup>

In early 1990, as a result of the first democratic elections to the Supreme Soviet (Parliament) of Moldova, to the power actually came the Popular Front of Moldova. The election result showed that the Communist Party of Moldova is no longer a ruling force, had lost control of the situation and practically folded powers. There were started the "cleaning" of the state apparatus and the "Romanization" of all sphere of life. The chairman of the Supreme Council, Mircea Snegur, did that "frontisti" took all executive positions in the new Parliament.<sup>17</sup>

However, the split of Moldova originated and developed not by language or ethnicity, but on a political basis. There were opposition not between Moldovans as "indigenous nation" on the one hand, and the Gagauz, Russian, Ukrainians, Bulgarians, Jews as "migrants" on the other side. Due to the authorities and the official propaganda - neighbors, colleagues, acquaintances, friends and even family members have been divided into "masters" and "Aliens". At this time in Moldova faced each other, not ethnic groups, but the two political forces, the two systems: the ratio of the unification with Romania divided society of the Republic of Moldova on the unionists and supporters of independence, who are also opponents of the union. Feeling (real or false) concerns for the preservation of identity, ethnicity, her unique "I", was called as the entire practice of the previous Soviet period, and the short-sighted, destructive policies of the new government, which from the very first days disregarded polyethnicity Moldovan state.<sup>18</sup>

Since these requirements were simply ignored or met with an explicit or implicit opposition to the authorities, with increasing the ceiling of requests, then took place the radicalization and hardening of positions, the gradual formation within elite of ethnic communities with formed political leadership, acting as spokesmen of the wishes and aspirations of the whole ethnic group. Initially, this process was largely spontaneous. However, as they develop and strengthen the counteraction of the authorities, it begins to take more and more organized and conscious shape. Gradually was formed local self-government unit. The argument of the desire of the Moldovan people to unite with Romania were used by leaders of Transnistria and Gagauzia to create a negative public opinion of the population of the regions against the central government.<sup>19</sup>

Central authorities, perceiving other ethnic minorities living in distancing areas as a direct threat to their political and economic interests, has taken further measures to tighten their administrative regime. Intensifying of constraints by the central government encourages further consolidation of ethnic minorities, the politicization of slogans and goals of their movement, strengthening the foundations of their own "state". The next step in the conflict was, on the one hand, the question of territorial-status plan and on the other (done by the central authorities) - the transition to the use of extreme measures, the use of repressive and punitive apparatus for suppressing the movement emerged.<sup>20</sup>

Relying on force as the primary means of solving the problems, both sides, in fact, open the way to extremist elements in their ranks, transcends moral "taboo" forbidding threatening human life, then everything is acceptable. From their own rather narrow understanding of security and territorial integrity, the central and the separatist authorities are beginning to form an "image of enemy" of certain ethnic group ("suitcase, rail station, Russia!" on the one hand, and "No Romanization" - on the other), which was endowed with the most worst qualities and traits.

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<sup>16</sup> Мошняга В., Илашук Д., Спинея Т., Завтур А., Конфликт в Молдове: опыт этнополитологического анализа. – Кишинев, Молд ГУ, 1992, с. 1-3.

<sup>17</sup> Lucinski P., Moldova și moldovenii. Chișinău: Cartea Moldovei, 2007, 332 с.

<sup>18</sup> Бут А. Украинцы Молдовы в молдо-приднестровских отношениях. // От этнополитического конфликта к межнациональному согласию в Молдове, Кишинев, Молд ГУ, 1998, с.11

<sup>19</sup> Постановление Президиума Верховного Совета ССР Молдова // Советская Молдавия, Кишинев, 9 июля 1990.

<sup>20</sup> Постановление Парламента Республики Молдова «О мерах по нормализации политической ситуации в Республике», 19 марта 1992. // Коорд.: Неделчук В. Республика Молдова. Кишинев, 1992, с.104; Постановление Парламента Республики Молдова «О некоторых мерах по улучшению ситуации в приднестровских районах в связи с вооруженной иностранной интервенцией» от 27 мая 1992 (Архив Министерства Реинтеграции) и Постановление Верховного Совета ПМР «О мерах прекращения войны и установлению мира» от 2 июня 1992 (филиал Национального архива в г. Тирасполе).

An active role in inciting mass psychosis was played by mass-media, spreading and perpetuating the public consciousness by confrontational stereotypes. "Psychological war" on both sides preceded the phase of open frontal confrontation, coupled with the use of armed forces. Center does not recognize all local authorities, in turn, local elites showed disobedience to central power. The illusion that it is easier to cut with one stroke the prolonged assembly of problems than them patiently and slowly unravel, quite often is a trap even for highly experienced and sophisticated politicians.<sup>21</sup>

Further developments have identified the growth crisis, resulted in the fighting between the National Moldavian Army and the Transnistrian Republican Guard.

## 2.2. ACUTE PHASE OF THE CONFLICT:

### THE CIVIL WAR AND ITS AFTERMATH

The period of intense fighting continued from March to August 1992. In Moldova, it is officially recognized as a period of armed conflict<sup>22</sup>, in Transnistria - a period of war. In 1992 the most large-scale military operations with the use of heavy military equipment were took place in Bender and Dubossary cities. This explains the greatest human and material losses there.

As a result of the signing in July 1992 between the Republic of Moldova and the Russian Federation of the "Agreement on cessation of the armed conflict in the Transnistrian region of Moldova" the conflict has entered into a stage of "frozen."<sup>23</sup> In the created Security Zone were introduced the contingents of peacekeeping forces of Russia, Moldova and Transdnistria, under the leadership of the Joint Control Commission.

The armed phase of the conflict led to the deaths of not only militaries directly involved in the fighting, but also the civilian population. More than 1,100 people were killed and over 3,500 injured. There are refugees and internally displaced persons. The total number of people who left their homes during the war is more than 200 thousand of people. The moral damage was enormous; taking in account the scale of migration during the war, the number of killed and wounded persons, who become disabled, their families and friends. This damage can not be quantified.

According to the latest data of the Transnistrian side, as the result of 1991-1992 armed conflict, there were 812 died Transnistrians, including 310 civilians, 42 women and 14 children. The number of wounded was 2485 people, including 231 of civilians.<sup>24</sup>

Chisinau authorities failed to release official data on the number of dead and wounded. According to the commander in chief of Moldova's armed forces, in the last days of the conflict the daily loss of the Moldovan side were 10-15 people killed, and the number of wounded reached 40-45 people daily. From June 12, 1992 until the end of hostilities, 165 people died and 1022 were injured.<sup>25</sup>

As for the total numbers of people who have fled the conflict zone in 1992 and hid in other countries, the number were more than 70 thousand people. The refugees were sent mostly to Russia, Ukraine and Belarus. These data do not take into account as a refugee the population which in this period went outside the former Soviet Union, as this kind of emigration to "far abroad" in the 90's was of a permanent nature and not directly related to the armed conflict.

Most of the refugees went to Ukraine - about 61 thousand of people, including more than 30 thousand of children. The Ukrainian government helped refugees during their stay and their return to

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<sup>21</sup> См.: Мошняга В., Илашук Д., Спинеи Ф., Завтур А. Конфликт в Молдове: опыт этнополитологического анализа. – Кишинев, Молд. ГУ, 1992; Пашалы П. Модель Гагаузии: общее и специфическое // От этнополитического конфликта к межнациональному согласию в Молдове, Кишинев, Молд ГУ, 1998, с.44

<sup>22</sup> Постановление Правительства РМ № 662 «Об установлении границ зоны военного конфликта и времени начала и окончания боевых действий в днестровской зоне Республики Молдова».  
<http://lex.justice.md/viewdoc.php?action=view&view=doc&id=303784&lang=2>

<sup>23</sup> Соглашение «О принципах мирного урегулирования вооруженного конфликта в Приднестровском регионе Республики Молдова» от 21 июля 1992. În: Grecu M., Țaranu A. Trupele ruse în Republica Moldova. (Culegere de documente și materiale). Chișinău: Grupul Editorial Litera, 2004, p. 180-183

<sup>24</sup> Белая книга ПМР. - Москва, REGNUM, 2006, стр. 79.

<sup>25</sup> «Линия противостояния (к 10-летию начала военного конфликта на Днестре)». // «Независимая Молдова», № 1320 от 5 марта 2002 г.

Moldova. In autumn 1992, almost all refugees returned from Ukraine to their homes. In 1992 the Federal Migration Service of Russia registered 10300 refugees from Moldova. The official status of refugees and internally displaced people with all rights provided in accordance with Russian law was given to 2.7 thousand of people. The number of Moldovan refugees registered in Belarus, was 0.8 thousand.

Effects of armed conflict adversely affected the migratory behavior of individuals and after its termination - after 1992 in Russia and Belarus was continued to be registered refugees from Moldova. Thus, during the period 1993-2003 there were 16.2 thousand of people who came from the country and applied to Russia migration service. Most of the refugees who went to Russia and Belarus, and received official status, didn't returned.<sup>26</sup>

In addition to those persons who have left the territory of the Republic of Moldova, were also those who left the residence, moving within the official borders of the country. People moved from dangerous areas in three areas:

- from the left bank to the right bank,
- from the dangerous right bank districts to other areas of the right bank,
- from zones of hostilities to safer places within the Transnistrian region.

There are the official figures of displaced persons arriving from the right bank and left bank of the conflict zones. Complete data on displaced persons in the Transnistrian region absent. The number of displaced persons from the war zone and registered on the right bank was 51.3 thousand. During the armed conflict (March-July 1992) the authorities provides a variety of care for displaced persons: preparing places for their reception, addressed issues of employment, providing money for the issuance of special benefits, nutrition, maintenance and education of children, etc.

In 1992 from the state budget of Moldova was allocated 160 million of rubles for assisting displaced persons. This represented 10.1% of the costs for social security. In general, the cost of the reception and social support for displaced persons accounted for 0.3% of total budget expenditure. After the fighting ended, almost all displaced persons registered in the right bank, returned to their homes - 95.5% in according with data from September 22, 1992.<sup>27</sup>

In addition to the deaths and emerging issues of displaced persons, the existence of the conflict has led to significant economic problems. The armed conflict has led to a deterioration of the economic situation on both banks and deepening of the economic crisis that began in 1990. The reducing of the main macroeconomic indicators in 1992 (as a whole on the right bank and left bank), was disastrous and stronger than the period before and after the conflict. Total gross domestic product (produced by both banks) in 1992 decreased by 29% (in 1991 - by 17%, in 1993 - 1%). Total volumes of industrial production decreased by 27% (in 1991 - 11%, in 1993, did not note a decline), the volume of cargo - by 51%, including those transported by rail - 47%, road - on 51%.

During the armed conflict, a lot of damage was done the manufacturing sector, the public, social and technical infrastructure of both banks. In terms of armed actions there couldn't maintained stable operation of technical infrastructure (transport, energy). Due to blockage of the eastern part of the transport routes (road and rail), the factories of the right bank did not get from the Ukraine and Russia partners the needed for production of materials, components, raw materials, petroleum products, so that they have suffered significant losses. The work of many enterprises of the Transnistrian region has been paralyzed due to the caused devastation and general economic instability in the zone of conflict, particularly in the Bender and Dubossary. After the end of the armed conflict the parties had costs associated with the restoration of the destroyed buildings, mine site, with the compensation of material damage to the population, the financing of various allowances and

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<sup>26</sup> В.Мошняга. Вооруженный конфликт в Республике Молдова и проблема перемещенных лиц. // MOLDOSCOPIE. Проблемы политического анализа. Часть VII. - Кишинев, 1995, стр. 93-95; Информационно-статистический сборник ФМС МВД России, № 1, 2002.

<sup>27</sup> В.Мошняга. Вооруженный конфликт в Республике Молдова и проблема перемещенных лиц. //MOLDOSCOPIE. Проблемы политического анализа. Часть VII. - Кишинев, 1995, стр. 97-103.

entitlements for combatants, the disabled, families of the victims, displaced persons who didn't return to their homes, with the payment of special compensation.<sup>28</sup>

Thus, the decline in economic indicators of the Republic of Moldova, which occurred due to rupture of economic ties because of the collapse of the USSR, was made worse by this armed conflict.

## **2.3. ROLE OF EXTERNAL ACTORS IN THE RESOLUTION / FREEZING OF THE CONFLICT**

The end of the armed phase of the conflict, creation of Joint Control Commission as a mechanism for the peaceful resolution of arising contradictions and signing of appropriate agreements signify the transition to a peaceful resolution of the conflict through the stage of negotiation process and work out a compromise political solution in accordance with the principles of international law. And for about 20 years there has been a laborious process of negotiations on the settlement of the Transnistrian conflict by peaceful means. Despite such a long period of negotiations on the restoration of territorial integrity of the Republic of Moldova, there are still serious differences that relate to, first of all, political sphere: the basic protocol issue - the status of Transnistria - as it was, and remains blocked. Analytical approach to the problem of Chisinau experts radically divergent with the vision of representatives of Tiraspol. Therefore, scientific publications from both banks are distinguished by a certain degree of subjectivity.

The beginning of the negotiation process was a necessary condition for the controlled transfer of the Transnistrian conflict in the "frozen" state. However, the signing by parties to conflict with international mediators and guarantors of a number of documents, which made the beginning of the negotiation process, has become an instrument to delay the adoption by the participants of a favorable judgment for better times. From tactical point of view, the "freezing" of the conflict was beneficial to the Transnistrian authorities and Russia. Thus, over a substantial period of time, the Transnistrian authorities appeal to the argument that the statehood of Transnistria took place and that a new generation of citizens who do not remember the past and do not need in the future to live together in one state - the Republic of Moldova. In turn, Russia has used the frozen state of the conflict for their own ends, which allows, for example, to hold the foreign policy of the Republic of Moldova in its needed way. From strategic point of view, the maintaining of "frozen" conflict does not benefit anyone. Because of immigration Transnistria has lost almost a third of the population. Russia made sure that tactics of freezing conflicts are dangerous, because some of them spontaneously thawed, leading to the collapse of the CIS, where Russia has recognized strategic interests. Moldova had to internationalize the negotiation process and somehow control the Transnistrian exports, which in turn led to the embargo of Moldovan products on the Russian market. For European Union its not suitable to have an unresolved conflict on the border, which is an irritant in relations with Russia. So, sooner or later, will have to solve the Transnistrian conflict through negotiations.<sup>29</sup>

The negotiation process can be divided into three periods: the establishment of the peace process (1992-1995), the period of compromise and concessions (1995-2003) and the period of the internationalization of the negotiation process (after 2003).

At the initial stage, April 25, 1993 CSCE (later OSCE) opened its permanent mission: "To promote a lasting comprehensive political settlement of the conflict in the Left Bank of the Dniester in all its aspects on the basis of the principles and commitments of the CSCE."<sup>30</sup>

Thus, we can see that in his mediation OSCE clearly comes from the position that the existence of the Transnistrian region is not even open to discussion. At the same time, the mission considers unhelpful the simple including of Transnistria in Moldova, within a unitary state, without considering

<sup>28</sup> Горелова Е., Шеларь Г., «Иждержки приднестровского конфликта и выгоды от его урегулирования». – Кишинев, 2009, с. 12-14.

<sup>29</sup> Боцан И., «Переговорный процесс как откладывание решения». В: «Молдова-Приднестровье. Общими усилиями – к успешному будущему. Переговорный процесс», Кишинев, 2009, с. 8

<sup>30</sup> См.: [www.osce.org/item/14120.html?ch=288&lc=RU](http://www.osce.org/item/14120.html?ch=288&lc=RU), Ежегодный доклад о деятельности СБСЕ за 1993 год, (извлечен 17 октября 2005)

the historical and socio-economic characteristics of the region. OSCE mission started with the numerous and extensive consultations on the basis of which it has developed some proposals on the special status of Transnistria within Moldova. The proposals, published November 13, 1993 in a report Number 13, later formed the basis for negotiation process. In this report, the OSCE Mission is trying to make a first assessment of the situation in the Republic of Moldova, where it is stated that: "The Transnistrian region can not be fully controlled by the central government of Moldova, as it is not possible the existence of Transnistria as an independent internationally recognized state."<sup>31</sup>

Throughout the whole period of activity in the Republic of Moldova, the OSCE Mission has tried to weaken the mutual accusations, to promote a common view of the interests that bind the two sides, to renew and intensify contacts in the economic and political fields, affect the course of the political process and send it to coordinate actions to resolve differences.

Already on April 28, 1994 was signed the first document mediated by OSCE "the Declaration of the head of Moldova and Transnistria".<sup>32</sup> The document was signed by Mircea Snegur and Igor Smirnov in the presence of representatives of the OSCE and the Russian Federation. They agreed to the need to define the state-legal status of Transnistria and implementation of state-legal relations, the need for a system of mutual guarantees, including international ones, the full and unconditional implementation of the agreements.<sup>33</sup>

However, this document had another very important consequence. The presence of only 4 signatures clearly showed that the negotiation process has taken, by 1994, another format, consisting of the following members: Chisinau, Tiraspol, the OSCE and Russia. Thus, Ukraine and Romania were excluded from the discussion of the documents and agreements. With the mediation of the OSCE Mission to Moldova and the Russian president's special representative the negotiations were done by groups of experts from both sides, Chisinau and Tiraspol. During a year the negotiations reached an impasse, which has led again to invite Ukraine as a "fresh mind", but Romania was not invited. The motivation of this decision, in our opinion, has been determined that there is a direct interest of Romania in the settlement of the Transnistrian conflict, on the one hand, and the negative attitude of Tiraspol to Romania, on the other hand. Moldova, which at that time already was part of the CIS, has made concessions in this matter; especially since Ukraine initially guarantee the sovereignty and territorial integrity of the Republic of Moldova.

By analyzing the position of the Ukrainian side, you can think that the priority of Ukraine's interests in this matter is the early settlement of the Transnistrian conflict and reintegration of the Republic of Moldova. This position of the Ukrainian side is caused by the fact that the current political situation in Transnistria creates certain problems in Ukraine itself. We are talking about smuggling, crime rates, which create tension in the border areas. Equally painful is perceived by Ukraine the process of fragmentation of Moldova, which can easily spread to itself (the problem of Crimea, Ukraine's eastern regions bordering on the Russian Federation). Similarly unacceptable for Ukraine is the question of the instability boundaries. The point is that any attempt to redefine the borders will inevitably lead to a "domino effect."<sup>34</sup>

In June 1994, in Bender was signed an agreement on the principles of cooperation between the Joint Control Commission and the OSCE in the security zone, and on 21 October the Republic of Moldova and Russia signed three very important documents concerning the legal status, method and timing of the withdrawal of Russian military forces temporarily stationed in the Republic of Moldova; on the flight activity of the Russian aircraft temporarily stationed in the Republic of Moldova, and the use of Tiraspol airport by transport aircraft of the Russian army; on social guarantees and providing pensions to former soldiers and their families. Most importantly, the Moldovan side has agreed to synchronize the withdrawal of Russian troops from the political settlement of the conflict. Less than

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<sup>31</sup> [www.osce.org/documents/html/pdf/html/454\\_en.pdf.html](http://www.osce.org/documents/html/pdf/html/454_en.pdf.html), Report No.13 by the CSCE Mission to Moldova 13 November, (извлечен 23 октябрия 2005 г.)

<sup>32</sup> Доклад Р.Сэмюэла, главы миссии СБСЕ в Молдове в январе-ноябре 1994 года. О роли СБСЕ в решении приднестровского конфликта. // Децентрализация, автономия, федерализм? (материалы конференции) – Кишинев, 1995, с.10-13

<sup>33</sup> Заявление руководителей Молдовы и Приднестровья, 28 апреля 1994 года. // Приднестровское урегулирование (основные документы) – Киев, 2000, с.10-11

<sup>34</sup> Молдова: Легких решений нет, Доклад № 147 МГПК Европа – Брюссель, 2003, с.11

four months after, the Transnistrian authorities have confirmed that the Republic of Moldova has voluntarily entered himself into the trap of a "vicious circle" - the troops are not displayed because there is no political solution, there is not a political solution, because Transnistrians does not want. Thus, Transnistria could defend the presence of Russian troops on the principle of "synchronization", to complete construction of the power authorities, to be part of the negotiation process and obtain Moldovan customs stamps.<sup>35</sup>

In the period from June 1995 to July 1996 there were signed a number of documents that have only technical meaning, but, as a result of which, there was signed an important document in 90s, known as the Moscow Memorandum, or "Memorandum on the normalization of relations between Moldova and Transnistria" signed on May 8, 1997 in Moscow. This document will be a key part of the negotiation process in the coming years. For the first time the principle of "common state" appeared exactly in this Memorandum:

*"2. The Parties will continue formation between state-legal relations. The document defining this relationship, the status of Transnistria, will be based on the principles of mutually agreed solutions, including the division and delegation of authority, and the mutual protection guarantees.*

*5. Moldova and Transnistria are mutual guarantee of full and unconditional implementation of the agreements on the relations between them.*

*11. Parties build their relations in the framework of the state within the borders of the Moldavian SSR in January 1990".<sup>36</sup>*

However, as subsequent events show, this Agreement will not have the appropriate consequences and after only a couple of months it will be necessary to sign another agreement. On March 20, 1998, in Odessa, was signed the "Agreement on confidence-building measures and the development of contacts between Moldova and Transnistria": "Russia and Ukraine believe that the priorities in the negotiations must be development of specific measures for the recovery of a single economic, social and legal environment, division and delegation of authority as part of the future status, strengthening mutual trust and establish a system of guarantees. Russia and Ukraine considered it appropriate to continue working on these issues at the meeting of the expert committees of the parties.<sup>37</sup>

A period of relative calm and sluggish negotiations arrived. In July 1999, Moldova and Transnistria signed a package of documents on cooperation in social, economic and, in the presence of mediators of the negotiation process, a joint statement on the construction of the relationship between the parties on the principles of common borders, economic, legal, defense and social space. However, the most important event of 1999 was the adoption of Russia's obligations, at the OSCE summit in Istanbul, on the completion of the withdrawal of Russian troops from the Eastern districts of the Republic of Moldova by the end of 2002. After the OSCE Istanbul Summit (November 1999), the settlement received a new impetus in almost all major areas of the settlement of the Transnistrian conflict. First, the elaboration of status of the Transnistrian region within the Republic of Moldova border. Second, the withdrawal of Russian troops from the territory of Moldova. Third, the economic reintegration of the region within Moldova. Fourth, the demilitarization of the security zone. Fifth, humanitarian issues (human rights, minorities, etc.)<sup>38</sup>

However, a constitutional crisis in the Republic of Moldova in 2000, which ended with early parliamentary elections, which absolutely were won by Communist Party of Moldova (PCRM), led to the events that seriously affect the future course of the negotiation process. After only two months the Communists came to power, there was signed several protocols, the value of which is still a matter of controversy in the expert community. On May 16, 2001 Voronin met with Smirnov for signing:

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<sup>35</sup> Боцан И., «Переговорный процесс как откладывание решения». В: «Молдова-Приднестровье. Общими усилиями – к успешному будущему. Переговорный процесс», Кишинев, 2009, с. 11

<sup>36</sup> См.: Меморандум об основах нормализации отношений между Республикой Молдова и Приднестровьем, 8 мая 1997 года, Москва. // Приднестровское урегулирование (основные документы). – Киев, 2000, с.23-24

<sup>37</sup> См.: Российско-украинское заявление от 20 марта 1998 года 1997 года. // Приднестровское урегулирование (основные документы). – Киев, 2000, с.44

<sup>38</sup> Мошняга В., Руснак Г. «Приднестровское урегулирование после стамбульского саммита: состояние и перспективы». В: //MOLDOSCOPE. Проблемы политического анализа. Часть VII. - Кишинев, 1995, стр. 79

- The Protocol on the harmonization of tax and customs laws;
- Protocol on Promotion and Reciprocal Guarantee of foreign investment;
- Protocol on mutual recognition on the Republic of Moldova and Transdnistria territory of documents issued by the relevant authorities of the two sides;
- Protocol on the promotion of the free media activities in the Republic of Moldova and Transnistria, distribution of publications and television programs.<sup>39</sup>

First of all, we are talking about the "Protocol on mutual recognition by the Republic of Moldova and Transnistria of documents issued by the relevant authorities of the two sides," which had Tiraspol authorities the possibility to give people of the region their own identity cards and other documents.

However, long-term plans of the new authorities in Chisinau stalled. In 2002 the parties again appealed to the mediators to resolve the accumulated contradictions. And so, in July 2002, in Kiev, was proposed a new plan to settle the Transnistrian conflict. In this respect, with the support of the OSCE, was proposed a rethinking idea of federalization. The document proposes to provide the unrecognized Transnistrian Moldovan republic the status of a Federation. After several rounds of negotiations, the plan was rejected, due to the fact that Chisinau and Tiraspol not agree on the "words formulation" of agreement. However, in 2003 the idea of the federal structure will be the basis of a new memorandum, known as the "Kozak Memorandum", which will determine the position of Russia on the subsequent course of the negotiation process. The document, so not officially released, create controversial between negotiating parties and was not signed. The events that took place in November 2003, still remains a matter of debate in political and academic circles, not only in the Republic of Moldova, but also in the international arena. After the Kozak Memorandum failed, negotiations had been suspended for a long time, Moldova's relations with Russia strongly cooled and the search for a solution of the Transnistrian conflict has moved beyond the negotiation process.

In 2005 open and active roles in the Transnistrian settlement begin to play the EU and the U.S., which had been included in the negotiations as observers. The format of the present time is known as the "5 +2". Ukraine, in turn, after the victory of Viktor Yushchenko, who is trying to play a leading role in the search for an acceptable solution to the Transnistrian conflict, presented a detailed plan for a political settlement of the Transnistrian conflict. "Yushchenko plan" promoted the adoption by the Moldovan Parliament on July 22, 2005 the Law "On the basic principles of the legal status of the settlements on the left bank of the Dniester (Transnistria)."<sup>40</sup> It is noteworthy that the Law was passed unanimously by all the members of Parliament. However, the further implementation of the Plan of Yushchenko was unsuccessful.

Period 2006-2009 was marked by the interruption of formal negotiations between Chisinau and Tiraspol, the "economic blockade" of the Transnistrian region, the new proposals for a political settlement of the conflict, with new initiatives. However, until the next change of government in Chisinau and the rise of new forces in Tiraspol, negotiations were not renewed.<sup>41</sup>

It becomes obvious that the specificity of the Transnistrian conflict is that external factors influence on its condition and course, far exceed the importance of internal factors.

<sup>39</sup> Боцан И., «Переговорный процесс как откладывание решения». В: «Молдова-Приднестровье. Общими усилиями – к успешному будущему. Переговорный процесс», Кишинев, 2009, с. 14

<sup>40</sup> «Закон об основных положениях особого правового статуса населенных пунктов левобережья Днестра (Приднестровья)». В: Monitorul Oficial, Nr. 101, din 29.07 .2005.

<sup>41</sup> Боцан И., «Переговорный процесс как откладывание решения». В: «Молдова-Приднестровье. Общими усилиями – к успешному будущему. Переговорный процесс», Кишинев, 2009, с. 20-27

## **2.4. PROSPECTS AND MODELS OF SETTLEMENT**

### **THE FROZEN CONFLICTS**

Throughout the negotiation process there were proposed offers for full settlement of the Transnistrian conflict, to overcome the territorial and economic fragmentation. These offers are usually bore the names of those who represent them in negotiations. Thus, we propose to consider the most important and well-known plans to resolve the conflict.

#### **"Plan Primakov"**

The central term of this plan was the vague notion of "common state". The term was included in the document at the insistence of then-Russian Foreign Minister, Yevgeny Primakov. The main differences between Chisinau and Tiraspol were connected with the interpretation of the term "common state". Moldova's leadership believes that the issue should be resolved within the framework of a common state - the Republic of Moldova. Transnistrian administration insists that the common state should be established, taking into account the existing realities, between two equal entities - Moldova and Transnistria.

Moldovan side proposed the status of Transnistria territorial autonomous unit within the Republic of Moldova. The level of authority and autonomy may become the subject of negotiations with Tiraspol. Chisinau authorities considered that autonomy unleashes the specificity of Transnistria and the common aspirations of the people of Moldova. As we know, the Transnistrian side had another solution of this issue. It sees a common state, and therefore, the settlement of the conflict - as a union of two sovereign and independent states, two equal subjects of international law - the Republic of Moldova and the Dniester Moldavian Republic.

Despite the fact that besides political issues, the parties have agreed to the overall economy, about the overall economic environment in Moldova and Transdnistria also can only speak in the foreign trade aspect. Transnistrian products are sold in the world market as a product of the Republic of Moldova, with the use of Moldovan quotas and Moldovan customs legislation. But in the domestic economic aspect Transnistria has an independent economy.<sup>42</sup>

However, strangely enough, the agreement was not signed by Transnistrian side, due to complete absence of real guarantees for the Transnistrian regime.

#### **"Plan Kuchma"**

In July 2002 in Kiev was proposed a new plan to settle the Transnistrian conflict. This plan appears in a number of new conditions for negotiations process. In 2001, came to power the Communist Party, which proclaimed in its campaign "eastern vector." There were some "warming" in the relations between Chisinau and Tiraspol. With the support of the OSCE, in the idea of federalization was rethinking. The document proposed to provide the unrecognized Transnistrian Moldovan republic at the status of subject of Moldova Federation. If adopted, the draft will be exposed to a Moldova referendum and a new constitution would approved, which provide the formation of a bicameral Parliament. Thus, Transnistria will ensure proportional representation in the Moldovan parliament. Article 42 of the document outlined the basic principles of the united Republic of Moldova, as well as a system of safeguards and procedures for the transition period. The most important is the fact that Article 1 describes the Republic of Moldova as a democratic federal state, based on the rule of law and a republican form of government.

After several rounds of negotiations, the plan also was rejected. However, the federal principles of conflict resolution, first formally discussed in the negotiation process, became the basis of all other plans of conflict resolution.

#### **"Kozak plan"**

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<sup>42</sup> См.: Экономическая система Приднестровья: взаимодействие между администрацией региона и экономикой. // Рынок Приднестровья и его влияние на политику и экономику Республики Молдова. – Киев, 2005, с.7-11

Russian officials, including Vladimir Putin, speaking of Transnistria, have repeatedly said that Russia promotes a “status, which would guarantee the safety of Transnistria within the sovereignty and territorial integrity of Moldova.”<sup>43</sup> Thus, we mean the following - Russia will insist on that status of Transnistria, which can not be changed unilaterally and give it a "historic" control over Moldova, including the preservation of the military presence. This vision of Russia was formulated in the Memorandum "On basic principles of government of the united state", prepared in 2003 by working groups of Chisinau and Tiraspol with the mediation of a special representative of the president of Russia, Dmitry Kozak. The document was to provide "a final settlement of the Transnistrian problem" by "building a united and independent, democratic, based on federal principles of the state, defined the borders of the Moldavian Soviet Socialist Republic on 1 January 1990." However, the signing of document, scheduled for November 25, 2003, was disrupted by the intervention of the U.S. and the EU.<sup>44</sup>

### **"Plan Voronin"**

In June 2004, Vladimir Voronin, as president of Moldova, in a meeting with the accredited ambassadors, has offered Russia, U.S.A., EU, Romania and Ukraine to sign a pact of stability and security for the Republic of Moldova. According to the plan, "the document, having international legal status, would be an effective system of long-term guarantees for all of the Moldovan state, creating a field of unified approaches to the development of democratic institutions, civil harmony in the country and an early solution of the Transnistrian issue." He handed ambassadors the draft of Pact, containing the principles which most fully meet the expectations of Moldova.

The draft lists five questions that require consensus position of the listed parties:

- confirmation of support to achieve Moldova's territorial integrity within its internationally recognized borders;
- confirmation of assist in creating the conditions to guarantee the participation of the whole society in a free and democratic process in the entire territory of Moldova;
- recognition that the cultural, ethnic and linguistic diversity is a fundamental value of multi-ethnic state - the Republic of Moldova, as well as evidence to promote a climate of tolerance and inter-ethnic dialogue, multi-ethnicity and ethno-cultural diversity;
- recognition that the formation of a common defense space in the republic can only be based on the development and strengthening of the permanent neutrality of Moldova. Willingness of the parties to ensure the strategic neutrality of Moldova;
- recognition that the full and final settlement of the Transnistrian problem is most appropriate based on the principles of federal character of the Republic of Moldova, received constitutional recognition that these principles are a reliable mechanism to ensure the stability of the domestic security of the Republic of Moldova.<sup>45</sup>

The new initiative of the central authorities of the Republic of Moldova is the result of the conclusions reached by the leaders of the country, analyzing the internal and foreign policy in recent years. However, these initiatives have also been the subject of disputes and disagreements between the parties, participants in the negotiation process.

### **"Yushchenko plan"**

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<sup>43</sup> Putin on Foreign Policy. // RIA Novosti”, Moscow, July 12, 2004

<sup>44</sup> Интервью У. Хилла «Федерализация может быть основой хорошего решения». В: Газета «Коммерсант-МД», 30.11.2011. <http://www.kommersant.md/node/5613>

<sup>45</sup> Из сообщения пресс-службы Президента Республики Молдова агентству «Инфотаг». В: [www.infotag.md](http://www.infotag.md), 02.06.2004

The Ukrainian "Plan of Transnistrian conflict settlement," was published on May 20, 2005. Moldovan side, with some reservations adopted the Ukrainian plan. This plan is similar to the general provisions on the status of the Crimean Autonomous Republic within Ukraine:

- Republic of Moldova - a sovereign, independent and territorial integrity of States, the only subject of international law;
- Transnistria - "an administrative-territorial unit with the form of republic in the Republic of Moldova, which has its own symbols (flag, emblem, anthem), used in conjunction with the symbols of the Republic of Moldova, the three official languages, etc. (All this, of course, is borrowed from the Crimean model);
- Reintegration of Moldova provides for "the creation of a single legal, economic, defense, social, customs, humanitarian, and other vital public spaces."

In "The Ukrainian plan" were present provisions and clauses, borrowed from previously agreed documents - from Moscow Memorandum (1997) to the initiative of President Vladimir Voronin, the Stability and security Pact of the Republic of Moldova (2005).<sup>46</sup>

### **"Plan of Medvedev-Merkel"**

After a fairly active period 2002-2005, the official negotiation process was abandoned, and resumed only in 2011. It was promoted as an agreement between Russian President, Dmitry Medvedev and German Chancellor, Angela Merkel. On June 16, 2010 at the Palace Meseberg, country residence of German government held a meeting of Chancellor Angela Merkel and Russian President Dmitry Medvedev. Then in the expert community appeared the legend of the "ghost of Meseberg Castle" - an initiative of Medvedev-Merkel to solve the Transnistrian conflict through federalization of Moldova.<sup>47</sup>

Although the agreement have not been published anywhere, on the statements of some prominent politicians we can assume details of content. For example, Dmitry Rogozin, the official representative of the Russian Federation in relation with the Republic of Moldova on his blog listed five items that should perform the Republic of Moldova for to have a total guarantee of the integrity state:

1. To recognize Transnistria as equal part of negotiation. Without this, there will be no reconciliation.
2. To find common denominator for assessment of the tragedy that occurred 20 years ago. Explain to each other, to find out the cause.
3. To establish normal economic conditions for the survival of both parties.
4. To recognize the role of Russia as the only country that has political authority and power in the region. And do not try to play cat-and-mouse, entering as an intermediary parties who do not care about the region.
5. To understand that a future common state can emerge only on a federal or confederal basis.

Thus, summing up two decades of negotiations, it is clear that negotiations on the status, mainly related to the question of what rights can be granted to Transnistria in the separation of powers and the protection of minorities. In other words - the history of the negotiation process for this period can be characterized as "the process of concessions of Chisinau to Transnistrian region." If Transnistria should be involved in the process of making arrangements, than the reduction of benefits, which it extracts from the status quo will be as important as the development of a suitable model of the separation of powers. However, even the progress in this area will not be sufficient to lead to a resolution of the conflict between Chisinau and Tiraspol. In order to achieve such a solution, and for it

<sup>46</sup> Боцан И., «Переговорный процесс как откладывание решения». В: «Молдова-Приднестровье. Общими усилиями – к успешному будущему. Переговорный процесс», Кишинев, 2009, с. 17

<sup>47</sup> Чубашенко Дм., Призрак замка Мезеберг. //«Панорама», 09.07.2012.

to be sustainable, Moldova should make themselves more attractive, and prevailing in Transnistria closed society should gradually be open.

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# 3. IS KOSOVO A FROZEN CONFLICT? – SERBIAN VIEW

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## INTRODUCTION

The idea of this paper is to describe the conflict in Kosovo, and to attempt to answer the question if Kosovo, indeed, is a frozen conflict? I believe that this conflict cannot be viewed as a frozen conflict at this point in time because more than ninety countries around the world have already recognized Kosovo's independence. Within the theoretical framework developed in the literature on the topic of frozen conflict, I do not agree Kosovo is a case in point. Divided into two parts, this paper will try to describe the causes, course and current status of the conflict. In the first part I will discuss when a conflict is deemed frozen, and which features characterize this type of conflict. In the second part, I will go on to present a case study of Kosovo and outline its causes and current status. This work has no other objective than to accurately describe the state of the conflict in Kosovo and attempt to place it within the theoretical framework of frozen conflicts that will be introduced. I will describe the state of the conflict through the causes and phases that can be identified in its development. The paper does not attempt to provide definitive answers on how to resolve frozen conflicts in general.

## 3.1. THE THEORETICAL FRAMEWORK

Is Kosovo a frozen conflict? The answer to this question will be found in the process of creation of a framework that we might call “the frozen conflict framework”. Causes, manifestations and possible ways of resolving the conflict represent the elements on which paper will try to build the theoretical framework. We should begin by defining what a frozen conflict actually is and how it may be defined. In a broader sense, frozen conflicts can be defined as any prolonged ethno-political conflicts that fall short of all-out wars. In a more narrow sense, a frozen conflict exists when the ethno-political low-intensity conflict is created by secession and *de facto* independence unrecognized neither by the international community nor by the parent state. Frozen conflicts are in most cases internal conflicts and civil wars; requests for self-determination of the community and independence occur most frequently. The phenomenon of frozen conflicts is associated with the territory of the former Soviet Union and the conflicts that arose at the end of the Cold War and at the time of collapse of the Soviet Union: the conflict between Armenia and Azerbaijan over Nagorno-Karabakh, the conflict in Georgia in the provinces of South Ossetia and Abkhazia, as well as conflicts in Transnistria in Moldova. All these conflicts have certain common characteristics that can be abstracted as integral elements of the phenomenon of frozen conflicts.

The first important feature of this conflict is that it is usually confined to one region. Second, there are no implications for the broader geographic area. As such, frozen conflicts are particularly interesting for analysis in terms of regional security and not only in terms of national or global security. Another important feature for analysis is the existence of a number of structural similarities within the states, such as state weakness or constant economic crisis. Together with external support and influence, they represent some of the most important elements of frozen conflicts.<sup>49</sup> Another significant characteristic of those conflicts is that they are mostly artificially frozen, which means that they are being influenced and stopped by external factors before their “spontaneous” resolution. At the

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<sup>48</sup> I would like to express my gratitude to my colleagues and friends Filip EJDUS and Marko KOVAČEVIĆ for their valuable insight and advice during the preparation of this paper.

<sup>49</sup> Kapitonenko 37.

same time, the conflict becomes a source of various instabilities in the region in which it occurs.<sup>50</sup> In the above mentioned definitions we pointed out that one substantial feature of the conflict is their ethno-national nature and a potential for identity-based conflicts. With this in mind, one can claim with relative certainty that the cause of these conflicts lies mostly in the feeling of insecurity of identity of the ethnic groups that represent minorities in multi-ethnic states. These groups feel that they are not able to achieve their interests through regular institutions of the state, so they decide to begin an armed struggle against the central government. In time, these movements stop fighting only for political emancipation and begin to fight for independence from the parent state. In other words, a combination of weak states and aggressive local elites produces ethnic security dilemmas where the norms and rules of the state can no longer restrict mistrust, suspicion and violence between ethnic groups.<sup>51</sup> Coupled with political instability embodied in a weak state and cultural discrimination where the majority suppresses the minority, these are some of the causes and characteristics of the opening phase of frozen conflicts.<sup>52</sup>

One of the most important characteristics of a frozen conflict is the major role the external factors play in the freezing and unfreezing of particular conflicts. External actors can come from the ranks of international organizations (UN), regional organizations (OSCE, EU), great powers (Russia, USA), or neighboring countries (regional powers, small states) who do not wish to have chronic instability in their neighborhood. The role that the Russian Federation takes in conflicts across the post-Soviet region is quite illustrative, with its actions being of key importance.<sup>53</sup> It can be argued that external factors can impact a conflict both negatively and positively. The positive impact on a frozen conflict can be achieved by external factors through their role of mediator between the conflicted parties which can help with dismissal and unfreezing. Negative impact is seen as siding with one party in the conflict and applying pressure on the other party in order to resolve the conflict in the way where one side wins all and the other loses all. It is also possible for significant external factors to not pay attention to a particular conflict, because at the moment their interests may be tied to more important issues. This sort of disinterest can, in most cases, lead to a war between particular groups.<sup>54</sup>

I have already mentioned that one important feature in the definition of frozen conflicts is that they are mostly ethno-national conflicts. Also, the goal of at least one of the groups in the conflict is to achieve independence from the parent country, in opposition to the main ethnic group. We can see the examples of emerging countries in the conflicts that are underway in the post-Soviet territory. *De facto* states that do not have the majority support in the international community. These states – South Ossetia, Abkhazia, Nagorno-Karabakh and Transnistria, possess internal sovereignty, as the central government no longer has monopoly on the use of force in the territory and against the people. Each of these states has all the attributes of statehood at the national level, first of all the monopoly on legitimate use of force. The fact of internal sovereignty itself has a significant effect on the frozen conflict as a whole.<sup>55</sup> There are several freezing effects that we can describe. The first effect is the inability to resolve the conflict through federalization of the existing states.<sup>56</sup> This means that the resulting state will not accept that central government reforms, while the *de facto* state wants a conflict resolution that will preserve the legacy of political struggle – the internal sovereignty of the group.<sup>57</sup> This rules out the federalization as a solution and instead provides a path to confederalization, since confederalization of the central government does not violate the achieved level of internal sovereignty of these *de facto* states. The second freezing effect is the refugees.<sup>58</sup> Ethno-national elites that created the *de facto* state will not allow members of the opposing ethnicity to return to their homes because they are seen as a threat to the sovereignty of the new state. It is important to note the fact that a conflict that is frozen greatly affects the economic benefits of many groups, both inside and outside of

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<sup>50</sup> Ibid.

<sup>51</sup> Kapitonenko 28

<sup>52</sup> Ibid.

<sup>53</sup> Ibid 39.

<sup>54</sup> Ora 51.

<sup>55</sup> Linch 36.

<sup>56</sup> Ibid 37.

<sup>57</sup> Capersen.

<sup>58</sup> Ibid

the *de facto* state, with special emphasis on criminal and illegal economic activities.<sup>59</sup> There is no surprise in the conclusion that to keep the conflict frozen and preserve the *status quo* is of primary interest to many actors involved in the conflict itself. It is a major obstacle to finding the final conflict resolution.

At the end of this brief overview of the theoretical framework we will focus on possible ways of conflict resolution that do not include total defeat of one party and total victory of the other. We will mention two such approaches of conflict resolution that can contribute to the unfreezing and final resolution of frozen ethno-national conflicts. The first approach is the *strategic liberalization* while the second is *regional integration*. Strategic liberalization involves long-term transformation of the social structure in order to eliminate any form of discrimination against and provide equal access to political power to different ethnic groups, thus reducing the risk of violent uprisings.<sup>60</sup> This approach is designed to gradually construct a democratic society.<sup>61</sup> However, attempts to implement the measures of this approach in the region of the former USSR did not work. The main reasons for the downfall of this approach are the lack of democratic capacity in these states, a significant negative role of external factors and the serious economic crisis.<sup>62</sup> The second approach is regional integration. The basic idea of this approach is that facilitation of the conditions inside the states allows solutions that are acceptable to all the ethnic groups involved in the conflict. For example, the creation of common regional institutions can compensate for the institutional weakness of the state and thus reduce the possibility of a violent conflict.<sup>63</sup> This approach, first of all, requires a clear political will in searching for conflict resolution. Regional integration, as opposed to strategic liberalization which represents a state-centric approach, is a regional-level approach and assumes that integration can be both economically beneficial and politically stabilizing.<sup>64</sup> However, in order to show the relevance of its theoretical value in practice, this approach must first deal with two important issues. These are the chronic lack of political will of the actors and the negative impact of external factors.

Here, we conclude our brief review of the theoretical basis and our assumptions of the concept of frozen conflicts, whether we use a broad or narrow definition of the concept. We examined several common characteristics of these conflicts by relying on the facts from conflicts in the Post-Soviet territory. In the next part of the paper we will focus on the case study of Kosovo and try to use the theoretical framework of frozen conflicts.

### **3.2. KOSOVO – A FROZEN CONFLICT?**

In this part of the paper author will present the chronology and development of the conflict in Kosovo, its freezing and the process of unfreezing. This section part will be divided into several sections. Author will focus on the causes that led to the beginning of the conflict (endogenous and exogenous, depending on the source). Then author will present a brief overview of the background of Kosovo, as well as the history of relations between the two communities that are struggling around this area, Albanians and Serbs. Author will then proceed with the chronological development of the conflict, with special emphasis on the phases of the armed conflict, the freezing phase and the final phase which we view as the final stage of unfreezing. Throughout this description we will use the framework introduced in first part of the paper and attempt to pinpoint the relation between theory and Kosovo practices.

The causes of the conflict are divided into two groups, endogenous and exogenous. It is important to note, before we move on to a discussion of issues of causes of conflict, that causes are separated primarily for the purpose of the analysis of conflict. In reality, any of these causes, whether endogenous or exogenous, cannot be separated from other causes. However, in this paper we will

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<sup>59</sup> Ibid 38.

<sup>60</sup> Kapitonenko 39.

<sup>61</sup> Ibid.

<sup>62</sup> Ibid.

<sup>63</sup> Ibid.

<sup>64</sup> Ibid.

introduce ideal-type causes, so the reader may have a clearer understanding of all the dimensions of the conflict in Kosovo. We recognized these endogenous causes.

The first cause of this conflict, as we see it, is the existence of two ethnic groups of whom each is entitled to a particular territory, whether on the basis of historical rights (Serbs), the demographic majority rule, or history of human rights violations (Albanians). Thanks to the violent history between these two groups and their struggle for territory, the first step and the first method of dealing with conflicted demands was violence.

The second cause is the existence of exclusivist ethno-nationalist identities in these two communities. During their construction, these identities relied significantly on their own mythic past, which left very little space for the willingness to discuss and negotiate issues that are important for the ethno-national identity. Mythical representation of Kosovo as the Holy Land is particularly pronounced in the identity of the Serbian nation. Nearly all of the modern identity of the Serbs is based on the “Kosovo Testament” which represents one of the characteristics by which the Serbs believe to be different from others in the Balkans and Europe. Therefore, it is very difficult for the Serbian community to come to terms with the reality of losing the territory of Kosovo. Given the latter, it is very difficult to say that a final resolution to this conflict is possible even if the parties agree do on certain things, because of the extremely deep identity gap between the two communities. It is also difficult to determine what the possible solution of the conflict might be. On the other hand, it is likely that the perspective of regional integration, (i.e. integration in the European Union) may be the best instrument to bridge this identity gap and a way to finally resolve the conflict.

The third and final endogenous cause of the conflict was the permanent inability of weak polities that ruled the territory of Kosovo to accommodate both claims or find a lasting solution. Whether it was the Ottoman Empire, the Kingdom of Yugoslavia or socialist Yugoslavia in the past, or Serbia more recently, none of these states succeeded in reconciling the demands of both ethnic communities or finding durable solutions which could have transformed these claims into legitimate political demands. None of the solutions offered throughout history by those states managed to find acceptance in both ethnic communities. There have been periods of time when one of the groups would dominate over the other. These periods of domination were caused by the above mentioned states which supported one group over other, often in the name of national security.

We identified two exogenous causes that need further attention in the analysis of the Kosovo conflict. These causes are: intervention of the international community to prevent the "natural" resolution of conflicts<sup>65</sup>, and divisions within the international community with regards to the final status. External factors in this conflict are as important as in the cases of frozen conflicts in the former USSR. The intervention of the international community took place during the entire phase of the armed conflict - in the form of mediation between the fighting sides. The armed conflict stopped after the bombing campaign against the Federal Republic of Yugoslavia led by NATO military forces in the period from March to June 1999. This intervention froze the conflict and prevented further escalation of hostilities yet opened a series of new problems when NATO decided to support the claims of the Albanian side in the conflict. This intervention completely changed the security dynamics within and beyond. The example of Russian military intervention in Georgia in 2008 is seen as the same type of external influence on the conflict dynamics that affected the situation radically – offering support to the self-determination of the existing *de facto* state – Abkhazia, South Ossetia.

On the other hand, the disagreement between the great powers at the time<sup>66</sup> caused the issue of Kosovo to remain in *status quo* as frozen and prevented progress toward conflict resolution. At the same time, it is those differences between the powers that played an important role in the subsequent “unfreezing phase”. Because of influence of great powers, negotiations between the two sides concentrated on their particular interests rather than on key issues that represent the essence of the conflict between the Serbs and Albanians. The very act of declaration of independence of the Republic Kosovo in February 2008 is the best indicator of the division that exists within the international community regarding this issue. A significant number of countries recognized this independence, but the majority of UN member states refused to recognize this unilaterally declared decision of the

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<sup>65</sup> Luttwak 36.

<sup>66</sup> Russia supports the Serbs and the United States, Great Britain, France and Germany support the Albanians.

Kosovo Assembly. It is quite clear that the role of external factors is very strong in this conflict, as it has been through its historical development.

### **3.3. RELATIONS BETWEEN ALBANIANS AND SERBS THROUGH HISTORY**

Relations between the two ethnic communities, Serbs and Albanians, go back to the Middle Ages. While it is common to say that the Kosovo conflict was triggered by the demise of Socialist Yugoslavia, the conflict between the two communities was older than Yugoslavia and can be traced to the time of the Ottoman rule in the Balkans. Without going deeper into history, we will state that one of the major sources of conflict was the decision of the Congress in Berlin 1878 to recognize Serbia as an independent state. At the same time, political elites of the Albanian community in the Balkans started to seek and consider ways to create the Albanian national state that would be independent from the Ottoman Empire. According to this vision, the majority of Kosovo's territory belonged to the intended Albanian state. As we already mentioned the importance of Kosovo to the national identity and national pride of the Serbian community, this intention was unacceptable to Serbs. Considering the importance of Kosovo for Serbs, the Albanians tried - from 1878 until 1912, upon the arrival of the Serbian army to Kosovo - to reduce the number of the Serbian population in many ways, including violence against most eminent representatives of the Serb community.

After the Balkan Wars, the First World War, and the formation of Yugoslavia, the territory of present-day Kosovo represented a part of the Yugoslav state. A couple of years earlier the state of Albania was formed (1912), covering only a part of what was considered Albanian national territory. To support the local Serbs, the Yugoslav government began to colonize the Serbian population in Kosovo. Yugoslavia and its elites did not try to persuade the Albanian population to accept the state as their own. Instead, they tried to use the proven method of corrupting prominent Albanians, hoping to gain control over the entire community in this way. Violence erupted quite often and the emergence of various guerrilla groups that fought against the institutions of the Yugoslav government became a normal occurrence. External actors, particularly Italy, played a significant role in supporting these movements as proxies that could serve to weaken the Yugoslav state as the Italian rival in the area of Eastern Adriatic Sea.

In the course of World War II, after the occupation by the Axis powers, the territory of Kosovo became the Italian occupation zone, excluding the area of Mitrovica and its vicinity, today's North Kosovo populated by the Serbian majority. This territory was kept by the Germans in order to exploit natural resources, primarily copper and zinc in Trepča mines. During this period of occupation which lasted throughout the bloody war fought between different groups within Yugoslavia, the territory of Kosovo - which was under the control of the state named Great Albania, created by Italy, - became a place of war between the Albanians and Serbs.<sup>67</sup> Serbian colonists, previously settled in the territory of Kosovo as part of the policy of Yugoslav state, became special targets of Albanian attacks; this violence has caused a large number of refugees who retreated to other parts of Serbia, leaving everything behind.

After the war, the Communist government promoted the policy of "Brotherhood and Unity", seeking to prevent ethnic conflict through indirect repression of ethnic exclusivities. Although it was difficult for the new government to establish authority in the territory of Kosovo, the battle with the remnants of Albanian groups that continued to struggle for Great Albania and unity with all Albanians ceased only two years after the war. The Communist government of Yugoslavia tried to persuade Albanian political elites and the Albanian community to become a part of the new Yugoslav state. Because of this, the new government forbade former colonists and their families from returning to their property under the pretext that the colonization was the result of the Serbian hegemonic policy in the Kingdom of Yugoslavia. With this decision, the demographic situation in Kosovo changed dramatically in favor of the Albanians. The new state allowed Albanian representatives equal footing with other nations in the participation in political life through the Communist Party, insisting that

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<sup>67</sup> Petranovic(a), 275.

members of the Party organization in Kosovo must be mostly Albanians. However, numerous Albanian Communists had a very clear position against Yugoslavia and felt that Kosovo must be incorporated in Albania along with its Albanian majority.<sup>68</sup> The Communist elites of Yugoslavia tried to overcome this problem through a possible federation of Yugoslavia and Albania, where Kosovo was intended to become a part of the Albanian federal republic. The project eventually failed. The constitutional reform of 1974 was an attempt to resolve a deepening gap between the federal republics and nations. The Constitution gave Kosovo autonomy and a vote in the future Presidency of Yugoslavia which was formed to rule the country after the death of President Josip Broz Tito. The Serbian intellectual elite, especially in Belgrade, regarded this Constitution as one more in a series of measures against the Serbian community aimed to split the Serbian territory and destroy the ability of Serbs to achieve their national interests. Consequently, the autonomy that was given to Kosovo and Vojvodina was seen as an attempt to restrict the voting of the Republic of Serbia in the future institution of Presidency. The two autonomous provinces, put together, had more votes than the Republic as a federal unit. We can observe that the establishment of these two provinces was followed by a vast securitization of the primarily Albanian community as profound threat to the security of the state of Serbia and the Serbian people as a nation.<sup>69</sup>

### 3.4. THE CONFLICT AND ITS STAGES

Authors divided the latest conflict into Kosovo into four stages. The first stage took place in the 1980's, and we called it "the incubation phase". The second stage occurred during the 90's and we called it "the inflammation phase". The third stage lasted from 1999 until 2004, and this stage is viewed as "the freezing phase". The fourth and final stage has lasted from 2004 to the present day and we termed it "the unfreezing phase" of the conflict.

The first phase begins with the death of Josip Broz Tito, the leader of the Communist Party and the Communist dictator of Yugoslavia who was the symbol of Yugoslav unity. His iron fist prevented internal disorder and when he died, differences between various groups came out in the political arena of the federation. As already mentioned, the Constitution from 1974 prescribed that after the death of Tito the rule over Yugoslavia would be taken over by the collective Presidency which consisted of representatives of all the republics and autonomous provinces, and where everyone would have an equal number of votes. Just one year after Tito's death, in 1981, an armed rebellion broke out in Kosovo where the Albanian masses sought to reduce the pressure on the province, accusing the central government in Serbia of trying to destroy their autonomy.<sup>70</sup> Throughout the 1980's, the Serbian - primarily intellectual - elite began to seek changes within Yugoslavia, accusing the Communist government of being anti-Serb, and demanding the change of the entire concept of the federation so that Serbian people can achieve equality with other nations within Yugoslavia. The best example of this is a Memorandum drafted in 1986 by a group of academicians that was leaked to the media under mysterious circumstances. During the eighties the exclusivist gap that existed between the ethnic communities of Albanians and Serbs, the same gap that the Communist government tried to avoid through its policy of "Brotherhood and Unity", once again emerged as the intellectual elite on both sides tried to revive their national identities primarily through the opposition of the other, especially when the other side had a different language or religion, and significant historical legacy of conflict.

Yugoslavia faced a huge debt crisis caused by loans that former President Tito took during his reign in order to preserve the social peace between the nations and nationalities.<sup>71</sup> The economic crisis reopened the story of the rich north and the poor south, singling out Kosovo in particular as an example of underdeveloped area that does not contribute to the federal community. It is important to mention that national elites in other republics of Yugoslavia used the conflict in Kosovo to achieve their own interests. They emphasized violence perpetrated by the central government in Kosovo

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<sup>68</sup> Petranovic(b) 296.

<sup>69</sup> Ibid 402.

<sup>70</sup> Ibid 448.

<sup>71</sup> Ibid 446.

against the Albanian population as proof of Serbian hegemony. That violence, they claimed, will sooner or later be used as an instrument for the creation of some imagined Greater Serbia. This way, strictly for the purpose of their national interests, elites from the other republics did not try to mediate in the conflict but rather to use it in light of their own objectives.

The second stage is *the inflammation phase*. Although it was believed that the conflict would break out in Kosovo after the amendments to the Serbian Constitution abolished the autonomous jurisdiction of the provinces guaranteed by the Constitution of 1974, in the early 1990's the demise of Yugoslavia began in the north and moved slowly to the south. At the time of referenda, when the republics were deciding whether they wanted to remain in the federation or to secede, the Kosovo Albanians organized a referendum which overwhelmingly, without a single vote of the Serbian population, decided to proclaim the independence of Kosovo. This independence did not have a great impact on the international scene as the actors on the international stage were primarily preoccupied with the conflicts in Bosnia and Herzegovina and Croatia. After the Dayton Agreement was signed in 1995, without any mention of Kosovo, the Albanian elite decided that the only way to succeed in persuading the international community to pay attention to the conflict was violence. In 1998 the sporadic guerrilla attacks on different symbols of state coercion, primarily the Police, turned into an organized, systematic fight against the Army and Police of Serbia and the Federal Republic of Yugoslavia under the command of the "Kosovo Liberation Army" (KLA). The result of this fight was the effective control of a large portion of the territory of Kosovo by Albanian groups. This caused the state to respond in the form of an organized military campaign during the summer, destroying these groups throughout the territory of Kosovo. This allegedly excessive use of force, however, provoked the reaction of the international community, primarily of the United States during in the autumn of 1998. The special representative of the US government Richard Holbrooke came to Belgrade and negotiated a cease fire. Throughout the winter of 1998 and 1999, in negotiations with the Serbian state the U.S. officials tried to find a way to stop the violence while clearly aligning with demands of the ethnic Albanian community. The first measure of the international community was taken under the auspices of the OSCE which was supposed to oversee the implementation of the agreement on the withdrawal of government forces that were brought into the territory of Kosovo during the offensive action in 1998. Through negotiations in Rambouillet, an agreement between the opposing sides was attempted as a way out of the crisis with mediation of the international community led by the EU, the U.S. and Russia. According to many authors, the text of the Agreement was drafted so that the Serbian state could not accept it because it infringed on the sovereignty of Yugoslavia by NATO. In one annex, NATO demanded permission to enter and move throughout the entire Serbian territory without informing the Serbian government. This was unacceptable to Belgrade. The collapse of negotiations in Rambouillet provoked a NATO intervention under the pretext of violations of the Kosovo Albanians' human rights. The intervention lasted three months and resulted in Resolution 1244 of the Security Council and the Kumanovo Agreement signed between NATO and the Yugoslav armed forces. Resolution 1244 reconfirmed that Kosovo was part of the Federal Republic of Yugoslavia, but with absence of effective authority in the territory. The end of the intervention and the arrival of KFOR troops under the authority of UN caused a massive exodus of people, predominantly Serbs accompanied by all the others who were perceived as loyal citizens of Serbia.

The end of the intervention and the installation of UN protectorate moved the conflict between the Serbs and Albanians into a new, "freezing phase". The freezing was caused directly by the overlay of the international community which compelled the actors to start solving their mutual problems. The freezing was probably caused by the preoccupation of the main actor, the United States, with the ensuing fight against Al-Qaeda and the global terrorism. Kosovo Albanians were very pleased with the success of the operation, and the departure of Serbian armed forces from Kosovo. Serbia, on the other hand, was going through a transition as it had ousted the regime of Slobodan Milošević; its first democratic government was slowly getting on its feet. In the throes of many serious internal problems such as organized crime and economic crisis, it had no time to deal with Kosovo, In this phase there was a violent outbreak in the territory of Preševo Valley, along the line that separates Kosovo from the rest of Serbia, which was inhabited by Albanian majority. This conflict was mediated by the international community and successfully resolved.

The freezing phase was interrupted by violence that erupted in March 2004 which, in scope and intensity, represented the strongest outburst of violence since the arrival of the international community to Kosovo. It forced the international community to mediate between the Albanian and Serbian sides in order to find ways for a peaceful conflict resolution. However, the parties have started the negotiations from two diametrically opposing stands. The Albanian side did not want anything less than independence, while the Serbian side was ready to accept anything but independence. The negotiations lasted throughout 2006 and 2007 and were unsuccessful. In these negotiations the international mediators, with the exception of Russian representatives, supported the Albanian side and their position on independence. Thus, on 17 February 2008 the Kosovo Assembly adopted the Declaration of Independence from Serbia. Belgrade immediately denounced it and urged the international community to reject the declaration. Shortly after the adoption of the declaration, a number of countries recognized Kosovo's independence, including the U.S., Britain and France.<sup>72</sup> Serbia decided to seek advisory opinion from the International Court of Justice on the legality of the declaration of independence. The court ruled that there was nothing illegal in accepting the declaration of independence and that the declaration was in accordance with international law. Both parties, Serbs as well as Albanians, interpreted this decision as their own victory. All this supports the thesis that Kosovo conflict can no longer be regarded as frozen but rather as undergoing the process of unfreezing, going toward solution. Although there are political forces in Serbia, (currently in opposition - the Democratic Party of Serbia) which advocate continuation of the freezing, the majority in the political elite is willing to conduct negotiations in order to resolve this issue in light of prospective European integration of Serbia. The focus today is upon the fate of the northern part of Kosovo, a territory where Serbs happen to be the major population. It does not recognize the state of Kosovo but the government of Serbia. And now, the question is: is this a conflict over the entire territory, or only over the northern Kosovo? The local Serbian population does not accept Kosovo independence, and the government in Pristine does not accept the possibility of a special status for them. Current negotiations, under EU supervision, will provide an answer to this question.

## CONCLUSION

The conflict over Kosovo cannot be considered a frozen conflict any longer; only one of its stages can be regarded as frozen. We divided the causes of conflict into endogenous and exogenous. Among the endogenous, we abstracted the following: a weak state, territorial claims and exclusive ethno-nationalism. Each of these causes, as examples, can be found in the frozen conflicts in the post-Soviet space. Among the exogenous causes we included: the competition of the great powers for influence through uncritical support of one of the warring parties, foreign intervention which did not allow the conflict to resolve “naturally”, and the lack of clear action on the part of the international community. It is important to repeat that the causes were separated for purely analytical reasons, as they are all connected to each other and there is no clear way to measure which ones are stronger and which ones weaker.

The role of external influences is of great importance for better understanding of frozen conflicts. The role of the U.S., Russia and the EU in frozen conflicts in the former USSR or in Kosovo has a great impact in conflict resolution. Of course, one can discuss whether this influence is positive or negative, whether they choose sides or implement double standards to different conflicts, and whether or not external factors deliberately cause violence. However, one cannot negate that their influence is enormous.

We described two possible approaches to solving frozen conflicts - strategic liberalization and regional integration. *Strategic liberalization* is a state-centric approach, while regional integration is a regional-centric one. Considering that frozen conflicts do not just influence the states in which they occur but also broader regional territories, choosing the approach to conflict resolution is easy. Regional integrations need a common political will, not just from the regional actors but also from the great powers since, without it, they remain only a theory with no practical implications on real life.

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<sup>72</sup> Caspersen.

The case of Kosovo is important for other similar conflicts because it is the first unilaterally seceded territory that ended up being recognized by more than ninety states, as is the situation at the moment of this writing. Many groups that are fighting for independence in the contemporary world are claiming that Kosovo represents a precedent. From the moment of the Kosovo declaration of independence, every movement in the world with the same goals can do the same. There is, however, one important reason why looking at the Kosovo case as a precedent is completely wrong – in an anarchic world, the international law is based on politics. It is shaped by the will of the strong. The only precedent will be the one upon which the great powers agree. With Russia and China strongly against Kosovo independence, there is no question if the Kosovo case happens to be a precedent or not.

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## **CONCLUSIONS: Lessons for UKRAINE**

**Strong belief of the authors of this publication is that among the key problems of the policy of European partnership and international cooperation in the Black Sea region there is an unhealthy spirit of post-conflict heritage, not yet finalized settlement of the frozen conflicts, emergence of new conflict sensitive areas in the region. There is a great need for understanding the origins of the conflicts, their outcomes and other important issues like roles and strategies of the international actors. Re-thinking over these issues will be helpful for understanding the reasons of stagnation of current frozen conflicts' resolution and for preventing the outbursts of new ones.**

**Important precondition for the positive developments in post-conflict relations is enhancement of political and expert dialogue, trustful and public discussion. For Ukraine this experience is relevant from the perspective of understanding the origin and symptoms of the conflicts, getting the evidence of the crucial outcomes of the conflicts and for the prevention of threats in interethnic and political spheres.**

**The readers can obviously make their own judgment on the similarities and differences of the conflicts in Georgia, Serbia and Moldova. However, there are some important points which are to be emphasized.**

**First and foremost it is important to note that the conflicts in Georgia and Serbia are deeply rooted in the history of the state. Although without the interference of big players the conflicts had high chances to be still frozen, anyway there were no quick neither simple solution for them. What's more in both these cases the conflicts were much more violent and caused much more victims than a conflict in Transnistria. On the other hand, the conflict potential in Transnistria and in some regions of Ukraine is sometimes overestimated and the reasons for the tensions are coming mostly from the Soviet past and are to a large extent artificial. In case of Kosovo conflict and war in Georgia big players were playing in the historical coordinates, in case of Moldova and potentially Ukraine big players are**

rather shaping the agenda and formulate the rule of the game than react to the internal context.

Another important finding is the role of the EU. On a large scale the EU is the key factor for efficient and effective negotiations between Serbia and Kosovo and these are mostly the EU officials that invigorate the negotiations between Serbia and Kosovo which recently led to a historical outcome: European Commission recommends to EU member states that negotiations be opened with Serbia on EU accession, and with Kosovo on a Stabilization and Association Agreement with the EU.<sup>73</sup>

As it turned out European accession “carrot” can push the parties of the conflict to apply win-win approaches. Under the new deal, Serbs in northern Kosovo will have their own police and appeal court. Both sides also agreed to not block each other's efforts to seek EU membership. Therefore despite Serbia's non recognition of Kosovo the agreement will allow both sides to move on with plans for membership of the EU.<sup>74</sup>

At the same time – Russia which is an active player in post-Soviet world has much less carrots for the resolution of conflict in Georgia and Moldova. Moreover, in both cases it was directly involved in the armed conflict which reduces its potential in the role of negotiator. Moreover, Russian authorities not only lack positive agenda proposals for the parties of conflict in Moldova and Georgia but also lack the will. In instead Moscow prefers to preserve controlled instability zones. Under such circumstances limited EU interventions in the regions give small effects and the conflicts will stay both frozen and unresolved in a middle-term perspective.

There are also few important lessons that were emphasized by the participants of the Project's events in Ukraine. As it was noted both in Georgia and in Moldova the conflicts were closely connected with the language and education issues. For example as it is mentioned in this paper by David

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<sup>73</sup> [http://europa.eu/rapid/press-release\\_IP-13-347\\_en.htm?locale=en](http://europa.eu/rapid/press-release_IP-13-347_en.htm?locale=en)

<sup>74</sup> <http://www.bbc.co.uk/news/world-europe-22222624>

**Matsaberidze “after 70 years of Soviet rule and thanks to the Russification policy implemented at different times, the knowledge of the state (Georgian) language in Abkhazia was so low that it caused severe discontent among ethnic Abkhazians. They became worry of their future fate and their participation in state governance. Meanwhile, the fact that the state program set Georgian as the sole language of operation of state structures caused some dissatisfaction among the local ethnic Abkhazian population”. The same was true in Moldova. As our Moldovan team mentions in their article the Transnistrian crisis (although it was impossible without the political will of certain actors) was accelerated by the calls to change the name of the Moldovan to Romanian language, with all its consequences. In turn, on the left bank there was a rapid raise of movement for secession.**

**In this regard Ukrainian participants of the Project expressed their concerns regarding the language policy in Ukraine. Paradoxically enough in Ukraine the split might be caused not by the Ukrainian language but by the option of legitimizing Russian language as a second state language. In other words if in case of Georgia and Moldova split was caused by the attempt to increase status of the national language in case of Ukraine it might be caused by the provocative attempts to marginalize Ukrainian as a state language. This issue is very sensitive in the Western and Central regions (which less suffered imperial impact) and the government should avoid any provocative steps in order to decrease conflict potential.**

**Another potential threat which was underlined by the Ukrainian participants of the project was the “issue of passports”. The participants of the events noticed that both in Transnistria and Abkhazia most of the population is Russian passports bearers. In other words they despite for the references to their “independent identity” are the citizens of Russian Federation. In Ukraine this sensitive problem is relevant for Crimea, Transcarpathia and Bukovyna and there is a potential threat that the problem of formally illegal double citizenship of the population in these regions can convert into serious problem in mid-term perspective.**

**Finally the key lesson of the project was that in all cases of frozen conflicts, notwithstanding the role and the position of the big players and superpowers the conflicts led to the violence and victims among civil populations. After the armed conflicts the economic situation in the regions was close to collapse and again it was civil population which suffered mostly.**

**The project team is glad that it managed to deliver this message and that it was understood and supported by the Ukrainian key audience.**

**In this regard Project team believes that the Project “Overcoming Outcomes of the Conflicts in the Post-communist World: Lessons for Ukraine” can be perceived as a small but important contribution into non-violent and peaceful resolution of sensitive problems and Ukraine will not have to face the conflict itself to learn the lessons already learned by Azerbaijan, Georgia, Serbia and Moldova.**

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