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OF THE UNITED STATES

Restoring Georgia's Sovereignty in Abkhazia

David L. Phillips • Project Director and Author

Policy Paper

July 2008

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Foreword

The conflict between the government of Georgia and the secessionist forces in Abkhazia has been a source of instability since Georgia achieved its independence. Russia's support for the Abkhaz leadership has exacerbated tensions with the West, especially as Georgia seeks to move toward NATO membership. In recent months, this "frozen conflict" has heated up dramatically, with additional Russian troops entering Abkhazia and Russia's destruction of a Georgian government drone over Abkhaz airspace. Kosovo's declaration of independence emboldened Abkhaz separatists even further, while Russia responded by reinforcing legal ties with the breakaway region. The potential for further conflict remains high. With Georgia expected to seek a membership action plan (MAP) at the December NATO ministerial, tensions between Russia and the West are also likely to rise. If this conflict is left unchecked, it will undoubtedly escalate, with grave implications for the security interests of the transatlantic community in Eurasia.

In this environment, the Atlantic Council of the United States undertook a comprehensive study of the Georgian-Abkhaz conflict. Led by David L. Phillips, a noted expert on human rights and conflict-resolution with significant experience in the South Caucasus, this effort sought to identify a way to break the stalemate in negotiations. It also sought to examine the role that the international community — and specifically the United States and its European allies — can play to create incentives for all the parties to engage in serious negotiations. Most important perhaps, the study sought to identify ways to encourage Russia to take a constructive role in resolving this conflict.

In conducting the research related to this report, Phillips led an extensive set of interviews and discussions with experts (see page 37). Seminar meetings organized by the Atlantic Council and Columbia University's Harriman Institute provided an opportunity to hear a full range of views on the most important dimensions of the conflict. In June, Phillips led a delegation of experts to Georgia, where they visited Tbilisi, Sukhumi and Zugdidi, and met with Georgian and Abkhaz officials, as well as representatives of the displaced community. The Harriman Institute and the Georgian Foundation for Security and International Studies co-sponsored a "Frozen Conflict Forum on Abkhazia" in Tbilisi, which convened experts from Russia, Georgia, and Europe for constructive discussions on a full range of issues.

This has been a complicated and delicate undertaking and the Atlantic Council owes many thanks. The Harriman Institute partnered with the Atlantic Council on the delegation and provided much valuable expertise. The GFSIS Frozen Conflict Forum was enormously valuable and we extend our thanks to Archil Gegeshidze, Alexander Rondeli and Thea Kentchadze. We are grateful to UNOMIG for facilitating our travel to/from Sukhumi and for the briefing by Jean-Marie Arnault, the Special Representative of the Secretary General. U.S. Embassy/Tbilisi also hosted the delegation and thanks are due to Ambassador John Tefft. At the Atlantic Council, Fran Burwell, vice president and director for Transatlantic Programs and Studies provided valuable oversight and review of the report. Cindy Romero, assistant director for transatlantic relations, also provided invaluable assistance and coordination. Importantly, the report benefited greatly from the insights gathered on the research mission and in various meetings, and we are grateful to those who shared their perspectives. Of course, while all contributors enriched the findings of the report, the report does not necessarily reflect their views.

Frederick Kempe
President and CEO

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Major Conclusions and Recommendations

The issue of Abkhazia, Georgia is of first-order significance. The status quo in Abkhazia is dangerous and cannot be sustained. What happens in Georgia has implications well beyond the country's border. Not only would an escalation in conflict disrupt energy supplies from across Eurasia, it could also pit the United States against Russia, which is against the interests of both countries.

This report offers immediate steps to mitigate the current conflict in Abkhazia and outlines a strategy to lay the ground for future negotiations. It also proposes a robust diplomatic initiative led by the United States and Europe that requires Russia's participation to achieve a comprehensive peace.

To prevent the escalation of deadly violence, all sides to the conflict should tone down their rhetoric, and take the following steps:

- The Georgian government should pledge not to use force in Abkhazia;
- The Abkhaz side should also pledge not to use force, to reopen civilian crossings to Abkhazia, and to facilitate the return of those displaced by the conflict;
- President Saakashvili should reinforce his offer of unlimited autonomy for Abkhazia by detailing specific power-sharing arrangements and minority rights protections, leading to a new round of talks and to formal negotiations.

In the medium-term, the report proposes steps that the Georgian government and the international community can take to facilitate future negotiations:

- Prepare for the return or resettlement of refugees and displaced persons;
- Phase out Russian peacekeepers and replace them with international civilian police;
- Lessen Abkhazia's international isolation through trade and other exchange;
- Prepare a "Marshall Plan" for Georgia's reconstruction, including Abkhazia.

Russia, as a party to the conflict, is no longer suitable to act as a facilitator. The international mediation format, where Russia now plays a prominent role, must be changed. Nonetheless, if Russia has been a major part of the problem, it must ultimately be a part of the solution.

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Before engaging Russia, the United States must undertake the difficult diplomacy of bringing Europe on board. Once the United States and the EU agree to a joint approach, an envoy would visit Moscow to make the case that a stable and sovereign Georgia is in Russia's interest. The envoy should enumerate specific rewards if Russia uses its leverage in Abkhazia to deliver an agreement, such as accelerated admission to the WTO and OECD, as well as a Partnership and Cooperation Agreement with the EU.

If Russia continues to obstruct progress, the international community should consider a boycott of the 2014 Sochi Olympics, impose sanctions on Russian firms that are illegally investing in Abkhazia, and suspend the visa facilitation regime for Russians.

Once Russia takes the prudent path of cooperation over confrontation, the United States, Russia, the EU and the United Nations would co-chair a Dayton-style negotiation addressing (i) status, (ii) security, (iii) humanitarian and reconstruction requirements, and (iv) international guarantees through a Peace Implementation Council ensuring that benchmarks and timetables are met.

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Map of Georgia

Source: United Nations Cartographic Section. http://www.un.org/Depts/Cartographic/map/profile/georgia.pdf

Restoring Georgia's Sovereignty in Abkhazia

Executive Summary

This report evaluates the international community's response to the conflict in Abkhazia. It recommends a package of immediate measures to the Georgian and Abkhaz sides to prevent the escalation of violence. As part of a multi-year strategy, it also suggests steps that Georgians, Abkhaz, and international stakeholders can take to lay the ground for future negotiations. In addition, the report proposes a diplomatic initiative by the United States and the European Union (EU) that would restore Georgia's sovereignty, while preserving the interests of Abkhaz.

The immediate priority is mitigating conflict. Russia's recent actions, however, have brought Russia and Georgia to the brink of war. The United States and key European allies should strongly urge Russia to reverse its decision establishing legal ties to Abkhazia and South Ossetia and to withdraw its paratroopers. Western allies should also publicly affirm that recognition, *de-facto* annexation of Abkhazia, or acts of war constitute a line that Russia must not cross.

If Russia crosses this line, the EU should suspend its negotiations with Russia on a Partnership and Cooperation Agreement (PCA), revoke its visa facilitation regime for Russians, and impose sanctions on Russian businesses investing in Abkhazia.

The United States and the North Atlantic Treaty Organization (NATO) can show solidarity with Georgia by conducting joint military training exercises with the Georgian armed forces, and by including Georgia's Membership Action Plan (MAP) on the agenda of NATO's upcoming ministerial meeting in December 2008. NATO should extend its Combat Air Patrol to prevent further violation of Georgian air space by Russian war planes.

Russia cannot be a mediator if it is a party to the conflict. Therefore, the United States should withdraw from the "Friends Group" — where Russia acts as facilitator — and steward its transformation into a Contact Group including some countries from the Friends Group, the so-called New Group of Friends, and other countries with good intentions.

Tensions can be immediately reduced by:

- ***Dialing Down the Rhetoric:*** Georgia should pledge not to use force against Abkhazia. Abkhaz leaders should also pledge no first use of force, open crossings to and from Abkhazia, and agree to facilitate the phased return of persons displaced by the Georgian-Abkhaz conflict.

- ***Composing a New Security Force for North Kodori:*** The government of Georgia (GoG) should invite countries from the New Group of Friends to replace Georgian police with a temporary International Police Force for North Abkhazia whose rotation would be monitored by United Nations Observer Mission in Georgia (UNOMIG) and Abkhaz inspectors. Establishing an international police force would have the effect of eliminating the Abkhaz excuse not to negotiate. (Georgian security forces would depart once the international security force is fully deployed).
- ***Continuing Direct Talks:*** Discussions between GoG officials and Abkhaz representatives should continue as a follow-up to meetings in Sukhumi and Stockholm in May and June 2008. Meetings could be upgraded to negotiations pending progress.
- ***Expanding the Autonomy Proposal:*** The GoG should identify specific power-sharing arrangements and enumerate measures to protect and promote group and minority rights as a follow-up to President Mikheil Saakashvili's offer of "unlimited autonomy" (April 2008).

The ongoing plight of refugees and Internally Displaced Persons (IDPs) is a source of great tension. To address this problem, the United States and European countries should urge Russia to redeploy its peacekeepers from the Gali and Ochamchire districts and allow international civilian police (CIVPOL) to steward the phased and voluntary return of IDPs. Russia and Abkhaz authorities adamantly oppose returns. They might view the situation differently, however, if the GoG pledged to annul the Russian-led peacekeeping operation (as allowed under the 1994 Moscow Agreement on Ceasefire and Separation of Forces[1] and the 2003 Sochi Agreement[2]) unless peacekeepers were replaced by international police in Gali and Ochamchire.

In addition to the package of conflict mitigation measures described above, the GoG and the international community should take steps over the next two to three years to address the following basic elements of the conflict, thus changing the dynamics of future negotiations.

Prepare More Effectively for the Return or Resettlement of Refugees and Displaced Persons

- Manage returns by resuming work of the Joint Fact-Finding Group (JFFG) on collaborative law enforcement and UN-led Quadripartite Meetings (QPMs) on IDPs. This effort should be fast-tracked if there is an agreement to replace peacekeepers in the Gali and Ochamchire districts with an international police force.
- Evaluate conditions for Gali returnees to improve future assistance and protection programs.
- Survey IDPs to determine whether they want to go back to their homes or whether, as a last resort, they prefer to resettle with compensation.
- Improve the living conditions of the most vulnerable IDPs and, if they choose to resettle, assist with relocation, livelihoods, and social services.
- Implement the IDP Action Plan, which should be adopted by the GoG at the earliest possible opportunity.
- Establish an internationally financed Property Claims and Compensation Commission with emphasis on clarifying property rights.

Strengthen Georgian Democracy, including Minority Rights

- Consolidate democracy through greater parliamentary debate and public input into reform measures, as well as increased participation and accountability at all levels of government. Donors should focus on democracy, not just state-building for Georgia.
- Enshrine minority rights by upgrading the constitution to include special provisions to protect and promote minority rights in accordance with international norms.

Link Economic Development and Peace Promotion

- Make Georgia vibrant and economically attractive so that Abkhaz and Ossetians would gain materially from being a part of it.
- Set up free-trade zones in Gali and Ochamchire under international administration and secured by an international police force. Expanding the Poti free-trade zone would also increase the sale of Turkish goods.
- Develop a reconstruction and development plan for Abkhazia led by the GoG with assistance from private experts and donor countries, and bolstered by international financial institutions (IFIs).
- Expand Turkey's role by streamlining customs procedures and liberalizing port visits of merchant ships, including commercial ferry service between Sukhumi and Trabzon.
- Foster trade relations between Georgia and Russia by encouraging Russia's membership in the World Trade Organization (WTO) once the Roki and Psou checkpoints are placed under Georgia's control.

Reduce Abkhazia's Isolation

- Invest in Track-Two activities via an umbrella grant to support non-governmental organization (NGO) project financing and capacity-building.
- Ensure that Abkhaz traveling with Georgian passports benefit from the EU's pending approval of the visa facilitation regime, and inform Abkhaz of the travel opportunity through a public information campaign.
- Involve Abkhaz in international exchange programs such as International Research and Exchanges Board (IREX), Fulbright scholarships, and the International Visitors Program, even if they refuse to travel under a Georgian passport.

Enhance International Security Efforts

- Upgrade UNOMIG consistent with recommendations emerging from the Secretary General's pending review of peace operations for Abkhazia.
- Expand CIVPOL's Community Police Training Program as a step toward joint activities related to humanitarian issues. Personnel would come from several countries, including Serbia, which has police capacity and good relations with Russia.
- Urge Abkhaz authorities to rein in militias and make sure that local police meet standards of law and order.

While these measures may establish positive trends, comprehensive peace requires Moscow to make the strategic decision that resolution is in Russia's interest. If Russia is a major part of the problem, it must also be a part of the solution.

The approaching 2014 Winter Olympics in Sochi — just 35 kilometers from the Abkhaz border — could help motivate the parties to reach a mutually acceptable diplomatic solution. Before engaging Russia, however, the United States must undertake the difficult diplomacy of bringing Europe on board. The United States and the EU must recognize the urgent need for collaborative diplomacy and agree to a joint approach before sending an envoy to Moscow to make the case that a stable and sovereign Georgia is in Russia's interest. The envoy should enumerate specific rewards if Russia uses its leverage in Abkhazia to deliver an agreement, such as:

- The EU will intensify negotiations with Russia on a PCA.
- The international community will accelerate Russia's admission to the Organization for Economic Cooperation and Development (OECD).
- The GoG will lift its objection to Russia's membership in the WTO.[3]
- The U.S. Congress will withdraw Jackson-Vanik, thereby waiving the annual requirement for renewal of Most Favored Nation (MFN) trading status.
- The North Atlantic Council will affirm that NATO forces will not be used to assert Georgian control over Abkhazia.[4]

If Russia continues to undermine Georgia's sovereignty, however, the envoy must also make it clear that the international community is prepared to act in concert so that Russia pays a steep price. Following are possible measures:

- Western countries will condition their participation in the 2014 Sochi Olympics and call on the International Olympics Committee to review Russia's compliance with host country standards of conduct.
- The EU will impose sanctions on Russian firms illegally investing in Abkhazia. It could also suspend the visa facilitation regime for Russians, as well as talks on the PCA.
- NATO will affirm its commitment to a MAP for Georgia. NATO will also extend its Combat Air Patrol to Georgia and expand NATO exercises in Georgia.
- The United States will strengthen its bilateral security cooperation with Georgia by dispatching the Secretary of Defense and the Chairman of the Joint Chiefs of Staff to Tbilisi and reviewing Georgia's military hardware requirements in the context of annual U.S.-Georgia National Defense Talks.
- The GoG will annul the Russian-led peacekeeping operation (PKO); if Russia then refuses to withdraw, its troops will remain not as a peacekeeping force but as an occupation army.

Once Russia recognizes that it is at a fork in the road and takes the prudent path of cooperation over confrontation, the United States, Russia, the EU, and the United Nations (UN) would co-chair a Dayton-style negotiation until the following deal points are agreed:

- ***Status:*** The GoG and Abkhaz authorities will agree on a constitutional arrangement addressing status while upholding their respective core interests.

- ***Security:*** The PKO will be transformed into a CIVPOL.
- ***Humanitarian:*** Large scale humanitarian and development assistance will create conditions so that refugees and IDPs may voluntarily return to their homes across Abkhazia, or opt for resettlement and compensation.
- ***Development:*** International donors will work with the GoG and Abkhaz authorities to develop a plan for relief, rehabilitation, and reconstruction across Georgia, with special emphasis on Abkhazia.
- ***Internationalization:*** An array of processes and institutions will be created, enabling Abkhazia to forge links with the international community.
- ***Implementation:*** A Peace Implementation Council (PIC) will ensure that benchmarks and timetables are met. It will include the co-chairs who will be responsible for guarantees and peace implementation.

There are serious obstacles to achieving the comprehensive peace plan proposed in this report. It should be an urgent priority for the United States and Europe to act on this together and, to this end, U.S. leadership is indispensable. Forging transatlantic cooperation will be difficult, especially during the waning months of the Bush administration. Moreover, the United States and Europe will only be fully motivated when they recognize that the issue of Abkhazia is of first-order significance. The situation is just too dangerous to ignore given its volatility, as well as the strategic and humanitarian consequences of war.

Russia must be convinced that the West is serious about using carrots and sticks to realize a diplomatic solution. Moscow currently believes that it can get the rewards described in this report without changing its approach to Abkhazia. What Russia really wants is for Georgia to forgo its NATO aspirations. This report does not endorse a trade-off between Georgia's MAP and Russia's helpful role in Abkhazia. The author strongly believes that aggression must not be rewarded. Only Georgia's leadership can balance priorities to realize Georgia's primary objectives: a MAP leading to NATO membership and restoration of sovereignty in Abkhazia and South Ossetia, which will require Russia's assistance.

Restoring Georgia's Sovereignty in Abkhazia

Introduction

Background

The protracted conflict between Georgia and Abkhazia shows little sign of moving toward a resolution. After 15 years and 32 resolutions by the United Nations Security Council (UNSC), prospects for peace remain remote. Russia's accelerated annexation of Abkhazia, its military provocations, and bellicose rhetoric on both sides have brought Russia and Georgia to the brink of war.

The conflict between Tbilisi and Sukhumi must be seen within the broader context of Russia's ambitions in the region. Russia is pursuing its strategic objective of destabilizing Georgia by establishing legal ties with Abkhazia and unilaterally deploying additional "peacekeepers" in violation of treaty obligations. Russia believes that destabilizing Georgia will undermine the government of President Mikheil Saakashvili and discredit Georgia's democratic experiment. In addition to deterring NATO's MAP for Georgia, Russia's policies also seek to establish control of energy exports from the Caspian Sea to Western markets. Gazprom is exploring off the Abkhaz coast and, with Russia's lease over Sevastopol expiring in 2017, Abkhazia also potentially provides a deep water port for Russia's Black Sea fleet. Russia's approach may seem emotional and reactive, but it is calculated to advance Russia's goals in Georgia and its interests in the region. Given these serious challenges, how should the West — and the United States in particular — respond?

The U.S. administration must not shy away from consultation and cooperation with Russia when these are possible, or from disagreement and opposition when necessary. Georgia has become the testing ground for the West's resolve to advance democracy, security, and free markets in the post-Soviet space. Georgia is also a test of trans-Atlantic cooperation in a strategically important area of the world where the United States and Europe have common goals. The West's success, and the handling of this conflict in general, will not only affect access to energy resources across Russia's Southern flank. It will also influence Russia's demeanor in world affairs, where cooperation between the United States and Russia is critical.

This report evaluates the international community's response to the Abkhaz conflict. It recommends measures that the Georgian and Abkhaz sides should take to diffuse the current crisis. It also recommends a collaborative diplomatic effort engaging the United States, Russia, and Europe with the goal of restoring Georgia's sovereignty in Abkhazia. Recommendations are informed by the following principles:

- Georgia and Abkhazia have a lot to lose in the event of renewed conflict with repercussions across the region.

- The international community has many concerns around the world, but these do not diminish their important interests in Georgia and the Caucasus.
- The simmering situation in Georgia could become a full-blown crisis if neglected.
- Direct talks between Georgian officials and Abkhaz authorities would benefit from objective mediation.
- If Russia is part of the problem, then it must also be a part of the solution.
- Addressing Russia's role requires both U.S. leadership and transatlantic cooperation.
- Constructive diplomacy involves both carrots and sticks — rewards for helpful behavior and tools compelling constructive action.
- The conditions of refugees and IDPs can be addressed through resourced resettlement as well as by assistance and protection efforts aimed at creating conditions for their return throughout all of Abkhazia.
- Improving the quality of political and economic life for Georgians and Abkhaz would create a climate conducive to constructive negotiations.
- Building trust through confidence-building measures (CBMs) and Track-Two activities are best when part of a systematic and strategic process designed to support negotiations or consolidate a peace agreement.

This report describes the Georgian-Abkhaz conflict. It proposes policies and programs to both the Georgian and Abkhaz sides. It also identifies international stakeholders while recommending measures they can take that are commensurate with their interests and capabilities.

History

Abkhazia is a territory located on the Black Sea in the northwest of Georgia. At the heart of the conflict between Georgia and Abkhazia is a contest between territorial integrity and self-determination.

Prior to the 1992–1993 war, the central question of Georgian-Abkhaz relations was not whether Abkhazia should be a part of Georgia, but on what terms. In the eighth century, "Abazgia" conquered the western Georgian kingdom of Lazica and established Abkhazia, which encompassed the whole of western Georgia. Kartli, the central territory of eastern Georgia, later merged with Abkhazia. When Georgia disintegrated at the end of the fifteenth century, Abkhazia emerged as a semi-independent state together with a number of other former Georgian lands, including Mingrelia, and with its capitol in Kutaisi. From the start of the seventeenth century, Abkhaz rulers extended their rule to the Inguri River and subsequently consolidated control of the Gali district in the 1770s. During this period, however, the Georgian Church based in Mtskheta maintained its authority over Abkhaz religious institutions.

The Ottoman Empire occupied parts of Abkhazia beginning in 1560. By 1810, Czarist Russia took control of Sukhumi and environs, incorporating Abkhaz and Georgian principalities. To suppress Abkhaz resistance, Russia deported Muslim Abkhaz to Ottoman territories. Abkhaz joined Turkish forces when they attacked Russia in 1877. After the Russian victory, however, more Abkhaz were expelled to Turkey. At least half of all Abkhaz resettled in Turkey or perished in these two waves of migration.

When Georgia declared independence in the spring of 1918, Georgian troops fought Abkhaz Bolsheviks and ultimately established direct military rule over the region. Georgia offered wide self-rule to Abkhazia. A constitutional framework for autonomy was prepared, but not implemented before the Red Army invaded in 1921. "A special union treaty" established a confederation between Abkhazia and Georgia after Sovietization in 1921. On February 19, 1931, Stalin downgraded Abkhazia's status to that of an autonomous entity within Georgia. Transmigration peaked in the 1950s with the migration of Georgians to Abkhazia and the influx of Russians and Armenians.[5]

After the break-up of the Soviet Union, Russia recognized the Republic of Georgia within its existing frontiers and established diplomatic relations on July 1, 1992. The Abkhaz Supreme Soviet responded by reinstating the 1925 draft constitution and decreeing the Abkhazia Soviet Socialist Republic (SSR) in a treaty relationship with the Georgian SSR under the Soviet Union on July 23, 1992.[6] Georgia's parliament nullified the Abkhaz decree. On September 3, 1992, Russia ended the ensuing conflict and brokered a ceasefire agreement, stipulating that "the territorial integrity of the Republic of Georgia shall be ensured." The agreement was never implemented. Georgia redeployed its forces during the summer of 1993, whereupon Russia returned weapons to the Abkhaz, enabling their forces to regroup and capture Sukhumi on September 27, 1993. Russian forces fought side-by-side with Abkhaz militias during the takeover of Sukhumi. Sanctioned by the UN under auspices of the Commonwealth of Independent States (CIS), about 1,500 Russian troops were subsequently sent as "peacekeepers" to Abkhazia. Up to 250,000 Georgians were expelled in what the international community has characterized as "ethnic cleansing."

Mistakes were made by both sides. A more patient and prudent approach by Abkhaz leaders might have allowed time to formulate a power-sharing arrangement preventing their secession. Georgian President Eduard Shevardnadze was unduly influenced by his inner circle of hard-liners and, exacerbating the deep distrust of the Abkhaz toward Georgia, precipitously ordered 2,000 Georgian troops across the Inguri River. Some Georgians opposed Shevardnadze's action. Instead of sending troops, they urged him to call for new elections and reach out to Abkhaz leaders. They warned that Georgia's efforts to isolate the Abkhaz secessionist regime would radicalize Abkhaz society and entrench divisions between Georgia and Abkhazia, as well as between Georgia and Russia.

Efforts to resolve the conflict through negotiations have floundered. The Abkhaz authorities proposed a confederal power-sharing arrangement in 1993, which Georgia dismissed out of hand. Census data is unreliable, with both sides adjusting numbers to support their political positions. Abkhazia's population was 178,000 in 2005, about a third of the pre-war total.[7] With displaced Georgians unable to vote, the majority of Abkhazia's remaining population overwhelmingly endorsed independence in the referendum of 1999. Most Abkhaz do not countenance rejoining Georgia. Nor do they want to be absorbed by Russia, with whom Abkhazia has historical enmity and lingering distrust, exacerbated by the presence of Federal Security Service (FSB) agents in Abkhazia and personal threats against Abkhaz leaders who would deviate from the Russian line. Despite Abkhazia's concerns about absorption, Abkhaz leaders openly embrace Russia's security umbrella, which they believe deters renewed hostilities with Georgia.

Recent Developments

The 2003 "Revolution of Roses" brought Mikheil Saakashvili to power and initiated a period of dramatic political and economic reform in Georgia. Saakashvili's embrace of the West and Georgia's

model of liberal democracy are seen as threatening by the Russian authorities, who seek to restore Russia's influence in the near-abroad. Ukraine's 2004 "Orange Revolution" confirmed Russian President Vladimir Putin's concern that Georgia's Revolution of Roses would inspire similar pro-democracy trends in the post-Soviet area. Russia launched a propaganda and harassment campaign aimed at de-legitimizing Saakashvili. It also tried to undermine Georgia's statehood by providing Abkhaz separatists with diplomatic and military support. Today 80 percent of Abkhazia's population has Russian passports, which entitles them to full pension benefits and visa facilitation for travel to EU countries. The Russian ruble is also the common currency in Abkhazia.

Russia is both the custodian and the spoiler of the peace in Abkhazia and South Ossetia, where Georgia launched an ill-fated military operation in 2004 to regain the territory by force. Russia perpetuates these conflicts in order to weaken Georgia, discredit its leadership, and diminish Georgia's attractiveness to NATO. Not only does Russia view NATO as an existential threat, but also it also fears that membership for Georgia and Ukraine would block its influence in the near-abroad while advancing Russia's perception that NATO's goal is encirclement.[8] Russia has, therefore, been steadfast in its efforts to undermine security cooperation between Georgia and the West. After NATO's Bucharest Summit on April 3, 2008, Russian Foreign Minister Sergei Lavrov maintained: "[Russia] will do everything" to block Georgia (and Ukraine). The Armed Forces Chief of Staff threatened "military and other measures" if Georgia proceeded with its efforts to join NATO. The Russian embassy in Tbilisi indicated that Russia may retarget missiles on Georgia if it proceeds with a MAP.[9] Despite these warnings, 77 percent of Georgians support Georgia's NATO membership.[10]

Kosovo's coordinated declaration of independence on February 16, 2008, exacerbated tensions between Georgia and Abkhazia. Citing the "Kosovo precedent," Abkhaz leaders demand that the Friends Group take into account in a more balanced way the principles of self-determination and territorial integrity. Members of the Russian Duma also cited Kosovo while threatening to recognize or annex Abkhazia. Formal annexation is unlikely. Russia is unwilling to give the same degree of autonomy to the North Caucasus as it would be expected to give Abkhazia. Instead Russia is pursuing a policy of confrontation with the goal of weakening and ultimately undermining Saakashvili's government. Absent the emergence of a pro-Russian government in Tbilisi, creeping annexation would logically have at its end the establishment in Abkhazia of formal protectorate status, enabling Russia's complete control.

Russia has unilaterally taken confrontational steps to assert itself in the South Caucasus. Russia withdrew from the CIS declaration, banning military assistance and imposing sanctions on Abkhazia, on March 6, 2008. In April 2008, it established legal connections between its ministries and their counterparts in Abkhazia and South Ossetia, opening fifteen new checkpoints along the cease-fire line between Georgia and Abkhazia. Russian media likened the format for cooperation to U.S. arrangements with Taiwan, which fall short of formal recognition but include security arrangements. Though Russia denied it, the UN concluded that a Russian war plane shot down an unarmed Georgian surveillance drone over the Gali district on April 20, 2008. Further escalating the situation, Russia acknowledged that one of its fighter planes had violated Georgian air space on July 8, 2008.

Russia further fueled tensions by unilaterally deploying 500 paratroopers and 400 "railroad troops" to Abkhazia.[11] Russia claims they are peacekeepers, but paratroopers are war-fighters armed with howitzers, SA-11 anti-aircraft systems, and other offensive weapons. There is no other explanation

for the deployment of railroad troops other than to build a logistics system to transport tanks and other offensive weapons that could be used to attack Georgia, or as a deterrent against military action by Georgia to retake Abkhazia.

Moscow insists that the troop increases are to protect Russian citizens in Abkhazia and that the deployments are within agreed limits of 3,000 stipulated in the 1994 Moscow Agreement. It also claims that troop increases are proportionate to the GoG's deployment of additional police to North Kodori over the past couple of years (i.e., "Upper Abkhazia"). In March 2008, Saakashvili refused to rule out the use of military force in Abkhazia and South Ossetia.[12] Russia retorted that its expanded peacekeeping force is necessary to "cool down some Georgian political hotheads" hankering for a military strike against Abkhazia.[13]

Saakashvili subsequently reached out to Abkhaz leaders on March 28, 2008, with new and far-reaching proposals offering "unlimited autonomy" through a federal arrangement and other measures to guarantee the culture, language and identity of Abkhazia. He proposed Abkhaz representation in Georgia's executive and legislative branches, and pledged to appoint an Abkhaz as vice-president with the authority to veto all decisions affecting Abkhazia's status and rights. The proposal also envisioned a free economic zone in the Gali District and Ochamchire with international guarantees, including guarantees made by the Russian Federation.

Abkhaz leaders refuse to negotiate until Georgian forces evacuate the Kodori Valley, where Georgia launched a "police operation" to subdue a regional warlord in 2006. Despite Abkhaz intransigence, Georgia's UN Ambassador Irakli Alasania visited Sukhumi for discussions on May 12, 2008, and exchanged views at an informal meeting in Stockholm a month later. When they met in St. Petersburg on June 6, 2008, Russian President Dimitri Medvedev and Saakashvili expressed confidence that they would able to resolve tensions without foreign mediation or assistance.

The GoG accuses Russia of expanding its creeping annexation into de-facto annexation. As of July 2008, Russia also continues to occupy border crossings between Georgia and Russia. Russia closed the border crossing at Larsi, citing the need for repairs. The closure forced all traffic between North and South Caucasus through the Roki tunnel, both ends of which Russia controls. With Russian back-up, the other crossing at Gantiadi on the coast road between Sukhumi and Sochi is controlled by the Abkhaz authorities. So is the crossing at Psou. Russia is also exerting economic control; Gazprom recently began drilling off the Abkhaz coast in Ochamchire. Prominent Russians, including Moscow's Mayor Yuri Luzhkov, who has built a mansion on a spectacular bluff in Gagra, and the oligarch Oleg Deripaska, have acquired property on the Black Sea coast in Abkhazia.

The GoG is committed to getting Russian troops off its territory. A May 2005 agreement called for Russia to evacuate its bases in Georgia by December 31, 2008. While Russia did withdraw from its bases in Batumi and Akhalkalaki, Georgian officials have not been able to confirm that Russian forces have fully withdrawn from the Gudauta base. Georgia's Parliament had demanded the replacement of Russian peacekeepers by international forces on July 17, 2006, but no action has been taken.

During its visit to Sukhumi, the joint delegation of the Atlantic Council and Columbia University's Harriman Institute found that the Abkhaz are wary of assimilation and annexation.[14] Abkhazis, including those of non-Abkhaz ethnic identity, expressed pride in their identity as citizens of Ab-

khazia with some heralding Abkhazia's long history of resisting Russian imperialism. The Abkhaz fear a confrontation between Russia and Georgia, and are wary of being used as an instrument by Russia to provoke Georgia. While harboring deep resentment against Georgians for past events, they fear renewed confrontation with Georgia and, paradoxically, rely on Russian forces to deter Georgia from pursuing a military solution.

The GoG has so far been restrained. However, Saakashvili would be hard-pressed to resist domestic demands for a military response if Russia violated the troop ceiling of the Moscow Agreement or signed a mutual defense accord with Abkhazia. The mass expulsion of ethnic Georgians from the lower Gali district would also precipitate demands to "do something." Undermining efforts aimed at rapprochement, the Abkhaz authorities accused Georgia of "state terrorism" in response to a series of bombings in June 2008. The GoG denied allegations. Regardless of whether the bombing was the work of Georgian or Abkhaz authorities, the Russian FSB, or private concerns, the attacks were clearly intended to provoke renewed conflict or, at a minimum, to disrupt dialogue between the Georgian and Abkhaz sides.

Even a war to defend against Russian aggression would be disastrous for Georgia and Saakashvili. It would most likely put an end to Georgia's NATO aspirations, cancel Georgia's dialogue with the EU, and result in the demise of the Georgian government. Armed conflict would also bear a cost for Russia, potentially disrupting the 2014 Olympics in Sochi. In a worst-case scenario, armed conflict could ignite a conflagration that might spread as far north as the Volga, posing a grave threat to stability in the region. Recent aggression has de-legitimized Russia's role as an unbiased international mediator with Russia showing itself to be a party to the conflict.

International Stakeholders

The United States

Post-9/11, Georgia emerged as a high-value ally to the Bush administration. U.S. President George W. Bush and Saakashvili have a close relationship based on shared values and Georgia's unflinching support for Bush's Global War on Terror. On April 29, 2002, the Pentagon launched a 20-month, $64-million Train and Equip Program to enhance Georgia's counter-terrorism capabilities. The Georgia Sustainment and Stability Operations Program immediately followed, lasting 18 months and costing $60 million. Georgia was one of the first countries to join the multinational force in Iraq, and more than doubled its troop level from 850 to 2,000 in March 2007, making it the third largest troop contributing country in the coalition. One year later, Georgia offered to support the International Stabilization Force for Afghanistan by sending 120 troops to assist the French contingent in Kabul and 200 troops to help the Dutch in Uruzgan.

The United States places great importance on Georgia's cooperation with NATO. To this end, it led efforts to establish the Partnership for Peace between NATO and Georgia, which was formalized in 1994. Over Russia's strong objections and lobbying of NATO members in Europe, the United States is working to mobilize support within NATO for Georgia's MAP.

The United States also expended great diplomatic capital to arrange for the Baku-Tbilisi-Ceyhan pipeline (BTC). BTC cost $3.5 billion and is now fully operational, delivering 1 million barrels of

oil each day to Ceyhan and from there into Western markets. The Erzurum gas pipeline, which follows the same route, and the smaller Baku-Supsa line are the Caspian pipelines not under Russia's control. Plans are also underway to expand trans-Caspian projects by transporting natural gas from Kazakhstan and Tajikistan through Georgia to Turkey.

In September 2005, the United States and Georgia agreed upon a five-year compact to provide the GoG with $295.3 million through the Millennium Challenge Corporation. Assistance focuses on state-building, with emphasis on infrastructure and the energy sectors. Echoing Bush's support for Georgia, the U.S. Congress has repeatedly expressed solidarity with Georgia. In 2007–08, for example, Senate Resolution (SR) 523 expressed the strong support of the Senate for the NATO declaration that Ukraine and Georgia will become members of NATO and urged NATO foreign ministers to consider favorably the applications of the governments of Ukraine and Georgia for MAPs at their upcoming meeting in December 2008. The resolution enjoyed broad bipartisan support and was co-sponsored by Senators Barack Obama and John McCain. SR 494 designated Georgia as eligible to receive security assistance under the program established by the NATO Participation Act of 1994 (P.L. 103-447). SR 33 called on the U.S. government to open negotiations on a free-trade agreement with Georgia to eliminate tariffs and non-tariff barriers on trade in goods. In addition, House Resolution (HR) 2764 provided $50.5 million in fiscal year 2008 for Georgia through the Freedom Support Act for use in furtherance of CBMs and other activities to achieve the peaceful resolution of the regional conflicts including Abkhazia. The U.S. government, which contributes 25% of the funds for the European Bank for Reconstruction and Development (EBRD) and thus has a say in its decisions, allowed the EBRD to fund the Inguri Hydro-Power Plant (HPP), which is a CBM benefiting both sides.

Through its adamant and unflinching support of Georgia, the United States has played an unintended and indirect role in fueling the current tensions. The exaggerated rhetoric of recent administrations, but especially the Bush administration, has encouraged a more vocal and assertive impulse by Georgian politicians. Saakashvili is convinced that the support of the United States is unequivocal. Thinking that America "has his back," he is more prone to take positions that inflame relations with Russia and Abkhazia.

Russia

In addition to its deep cultural, historic, and psychological ties to Georgia, Russia views Georgia as essential to projecting and consolidating its interests in the Black Sea, the southern Caucasus, Central Asia, and beyond. Russia may have been too weak or indecisive to assert its interests after the financial crisis of 1997, but it has made a spectacular comeback spurred by revenue from its vast energy resources. Revenues from Russia's oil and gas industry have generated hundreds of billions of dollars in hard currency reserves, spurring 8 percent economic growth in 2007 and propelling consumer confidence. Russian officials and mafia networks have also made enormous sums of money from corruption and criminality in Abkhazia and South Ossetia.

Russia has also become more confident and assertive on the world stage. Putin likened the United States to the "Third Reich" at the Munich Conference on February 10, 2007. He suspended Russia's commitment to the Treaty on Conventional Forces in Europe on July 14, 2007; denounced U.S. plans for a missile defense system in Poland and the Czech Republic; and suggested that Russia would consider withdrawing from the 1987 treaty on intermediate-range nuclear missiles. Russia

has vigorously opposed MAPs for Georgia and Ukraine and has threatened to retarget its missiles on Georgia and Ukraine if they join NATO.[15]

At least in part, Putin opposed international recognition of Kosovo to demonstrate Russia's willingness to confront the United States and, like he did in Chechnya, use a regional conflict to rally support for his nationalist agenda. Despite Russia's protests, the United States and a majority of EU countries went ahead and recognized Kosovo on February 17, 2008. NATO's Bucharest Summit, from April 2–4, 2008, was another setback for Russia. NATO endorsed Bush's missile defense system. While deferring a decision to provide a MAP to Georgia, the final communiqué affirmed, "We agreed today that these countries [Georgia and Ukraine] will become members of NATO." A MAP for Georgia is on the agenda for NATO's upcoming ministerial meeting in December 2008.

Today's relationship between Georgia and Russia has become highly personalized and emotional. Coming directly after the Sochi summit, Putin's decree on April 16, 2008, which formally linked Russian ministries with their counterparts in Abkhazia and South Ossetia, was a direct affront to Saakashvili and a slap in the face to Bush. The decree was issued just prior to Putin becoming prime minister — a move by Putin to retain control of the Abkhazia file in his new capacity. A Georgian official warned that the perception of U.S. power in the Caucasus would collapse if Russia were allowed a free hand. He also cautioned that countries will think twice before relying on the West to guarantee their interests when it requires standing up to Russia.[16]

Despite their differences, the United States and Russia have managed to work together when cooperation advances their national interests. Russia plays a role when it comes to UN sanctions on Iran, as well as other multilateral initiatives before the UNSC. The Nunn-Lugar Cooperative Threat Reduction Program was recently extended. The United States and Russia completed talks on Russia's accession to the World Trade Organization. Civil nuclear cooperation is being explored. Bilateral economic ties are also expanding.

Russia's symbol is a two-headed eagle. Now Russia is a state with two heads. The swearing-in of Dmitri Medvedev as president of Russia potentially marks a new era in U.S.-Russian relations. Putin's presidency focused on stabilizing Russia. Medvedev is the former chairman of Gazprom; he is a dealmaker with a business-like demeanor who vows to concentrate on institution-building and the rule of law. Despite their different backgrounds, Medvedev and Putin agree on the details of Russia's foreign policy as well as the broad principles defining Russia's relations with the United States. Both demand U.S. acceptance of Russia, insist on a relationship of equals, and will cooperate when strategic interests overlap. It is too soon to tell, however, whether Medvedev will continue Putin's specific policies or whether, as Henry Kissinger maintains, "A new phase of Russian politics is underway. [We are] witnessing one of the most promising periods in Russian history."[17]

The European Union

The United States and the EU share the same basic goals for Georgia. Both seek a negotiated settlement of the Georgia-Abkhazia conflict that would preserve Georgia's territorial integrity while providing security and other guarantees to Abkhazia. Shared goals do not, however, imply that they use the same means, especially when it comes to relations with Russia. While the United States places priority on "Europe whole and free," the EU is more focused on stability and ensuring the continuity of energy supplies from Russia.

In June 2008, EU foreign policy chief Javier Solana made an important trip to Tbilisi and Sukhumi, during which he pushed for renewed peace talks and a possible change in the format of negotiations. Solana emphasized direct contact between the two parties. He announced that Georgia would be extensively discussed at a top-level Russian-EU summit in June 2008. According to Ambassador Per Eklund, Head of Delegation of the European Commission (EC) to Georgia, "Abkhazia is an agenda item every time there is a high-level political meeting in Brussels." Eklund also heralded the EU's extensive confidence-building programs in Georgia, including Abkhazia, as representing a deep commitment to sustained engagement.[18] The EU as a whole and some of its member states have very recently started to play a new and more active role as evidenced by Solana's trip to the region and by the proposal of German Foreign Minister Frank-Walter Steinmeier put forward by on behalf of the Friends Group on July 17–18, 2008.

The 1999 PCA between the EU and Georgia eliminated trade quotas and provided MFN treatment and other benefits to Georgia through the EU's General System of Preferences. Since 1993, the EC has provided €98.2 million to Georgia and, since 1997, about €25 million to projects in Abkhazia. Programs focus on governance, the rule of law, civil society development, agricultural activities, and public health.

In addition, the EC assists rehabilitation in the conflict zones with the goal of creating conditions for the return of IDPs. The European Community Humanitarian Office supports a range of humanitarian activities such as the rebuilding of individual homes and upgrading of IDP centers. The EC joined with the EBRD to rehabilitate the HPP, which provides electricity to both sides. It also finances a shuttle bus service across the Inguri Bridge. It has made grants to International Alert and Conciliation Resources for Track-Two activities.

The EU's 2004 decision to extend the European Neighborhood Policy (ENP) to Georgia marked a significant step for EU-Georgian relations. Via the ENP, the EC is currently finalizing a new €4 million program for rehabilitation in the conflict zone. A bilateral EC-Georgian ENP Steering Committee was set up in 2005 with Abkhaz participation. The Steering Committee met for a half hour that year and once in 2006. Since then, it has not taken up its work or functioned as a forum for interaction on practical concerns between the sides. The EU plans to open "information offices" in Batumi, and later in Sukhumi.

Regarding EU-Russian cooperation, the EU recently reached agreement on May 26, 2008, to negotiate a PCA with Russia encompassing cooperation on security, counterterrorism, and visa facilitation, as well as energy and trade issues. Agreement to negotiate the PCA strained consensus, with Poland and Lithuania raising strong objections. It also put strains on Germany's coalition government, which is deeply divided on foreign policy matters in general and on Georgia in particular. The fact that Russia provides 45% of Germany's gas supplies has made German Chancellor Angela Merkel's government a major factor. Germany is aligned with other European countries, such as Italy and France, which are also major consumers of natural gas from Russia.[19] In 2006, Russia restricted Western energy companies in Russia and then cut off natural gas deliveries to Ukraine, with ramifications for pipeline customers across Europe. Plagued by internal divisions over its constitution and a common security policy, the EU is unwilling to confront Russia over Georgia.

The United Nations Observer Mission in Georgia

When the Georgian and Abkhaz sides signed the Agreement on a Ceasefire and Separation of Forces in Moscow on May 14, 1994, the CIS deployed a Peacekeeping Operation (CISPKO) that was "welcomed" by the UN Security Council. The CISPKO was conceived as temporary, to include more CIS countries and then transformed into an international force. UNOMIG was authorized to monitor the ceasefire and peacekeeping activities. As of October 2007, UNOMIG stood at 133 military observers and 19 police officers.

The UN established a Coordinating Council in 1997 to identify practical areas for cooperation between the sides pending a comprehensive agreement. However, the Coordinating Council suspended operations in 2006 and remained inactive for five years. The very capable Special Representative of the Secretary General (SRSG) Jean Arnault has worked assiduously to maintain contacts with the goal of promoting a comprehensive political settlement, as well as the safe and orderly return of displaced persons. In 1996, the United Nations Human Rights Office Abkhazia, Georgia (HROAG) was established in Sukhumi. However, plans to establish an HROAG branch in Gali have not been realized.

The Organization for Security and Cooperation in Europe (OSCE) is the lead agency in South Ossetia, but has no formal role in Abkhazia. Its liaison officer in Sukhumi interfaces with UNOMIG, but the OSCE assiduously maintains that its role is to support the UN while avoiding overlapping structures. The OSCE in Georgia has a track record of working cooperatively with civil society and assisting democratic institution-building.

Under the direction of the UN's Department of Political Affairs and its Department of Peacekeeping Operations, the Secretary General has recently undertaken an overall review of the UN's activities in Georgia, which will be issued in mid-September 2008. The Secretary General is under great pressure from Russia as a result of Kosovo. Nonetheless, the Atlantic Council hopes that this report will constructively inform the UN's deliberations.

The Group of Friends of the Secretary General

The "Group of Friends of the Secretary-General" (i.e. Friends Group) comprises France, Germany, the Russian Federation, the United Kingdom, and the United States. It was established to help stabilize conditions in Georgia through CBMs, IDP returns, and a comprehensive political settlement on the future political status of Abkhazia within the State of Georgia. "Friends Groups" are a tool to represent the views of the international community as a whole and harness the diplomatic clout of impartial member states.

Russia's policies, especially steps it has taken since April 2008, have undermined the credibility of its participation in the Friends Group. Furthermore, the dependence of Germany and France on Russian energy supplies and their opposition to a MAP for Georgia have raised questions about their helpfulness. The role of countries in the Friends Group was further put into question by the abstention of the United Kingdom, France, and Germany from the recent United Nations General Assembly Resolution (GA/10708) that recognized the right of refugees and IDPs to return to Abkhazia. According to Chancellor Merkel, "[Germany and Russia are] partners in a complicated world."[20]

The New Group of Friends

Informally established in 2005, the "New Group of Friends" includes Estonia, Lithuania, Latvia, Poland, Romania, Bulgaria, the Czech Republic and Sweden.[21] Most of its members have undergone the transition from authoritarian rule to democracy, a successful integration into the EU and NATO, and, in the case of the Baltic States, struggled to gain independence from Soviet rule. Lithuania, Latvia, Estonia, Poland, and the Czech Republic have particular moral sway, given their shared history and values with Georgia. While the New Group of Friends has influence in Georgia, it is a narrow group and a mere irritant to Russia. Its efforts are limited to supporting Georgia's continued democratic development and to raising awareness about the importance of a free-trade agreement, visa facilitation, and an ENP for Georgia.

Turkey

Turkey is one of Georgia's top trading partners ($900 million in 2007). The two countries signed a Free Trade Agreement and cooperate militarily via weapons sales from Turkey to Georgia and training of Georgian military personnel. Given Turkey's embargo of Armenia, Georgia is critical to the transport of Azerbaijani and Central Asian energy resources to the Mediterranean port of Ceyhan.[22]

Up to 300,000 ethnic Abkhaz, even more ethnic Georgians, and untold millions of North Caucasians (mostly Circassians) live in Turkey.[23] Though expanded contacts with Turkey would lessen Abkhazia's economic dependence on Russia, the GoG restricts trade through its border guard and via regulatory barriers. Turkey officially closed the Trabzon-Sukhumi sea route in 1995. Though Georgia's customs officials often interdict, Turkish tankers and trucks still transport goods to Abkhazia. Other than Turkish operation of a coal mine in Abkhazia, such barriers block Turkey's participation in Abkhazia's potentially lucrative mineral and hydro-power sectors.

Turkey also has extensive ties to Russia, with which it shares strategic interests, as well as extensive commercial contact (e.g., the "Blue Stream" Black Sea pipeline). Turkey-Russia relations warmed as Turkey's relations with the United States worsened over Iraq. Likewise, Turkey's lack of progress with its EU candidacy has intensified cooperation between Turkey and Russia. Though Georgia and NATO signed an Air Situation Data Exchange Agreement, Russia has used its leverage to discourage Turkey from installing the fiber-optic cable that is needed to transfer information. Azerbaijan is another stakeholder of importance, given its dependence on Georgia for energy export.

Findings

Security Conditions

Though Russia dominates international security arrangements in Georgia, its political backing for Abkhazia and recent acts of aggression against Georgia have undermined its credibility as a security guarantor. Moreover, Russia's confrontational approach risks provoking a military response by the GoG, which could escalate conflict.

The 1993 Sochi Agreement envisioned a withdrawal of Georgian troops and the creation of a joint Russian-Georgian-Abkhaz group to monitor the ceasefire, international observers, and new negotiations. Georgia agreed to the deployment of a UN peacekeeping force on February 28, 1994. However, the Moscow Agreement on a ceasefire and separation of forces (May 14, 1994) effectively divided Georgia by establishing a ceasefire and a separation of forces while deploying Russian peacekeepers, under auspices of the CIS, along the Inguri River. The agreement called for a CISPKO, which never occurred. UNSC Resolution 937 (July 21, 1994) endorsed a Russian-led peacekeeping mission that included 1,500 Russian troops and 120 UN observers. 112 Russian peacekeepers have died since June 1994, some while performing officials and others in traffic accidents or other incidents.[24] The security zone created by the Moscow Agreement is 85 by 24 kilometers; no Georgian or Abkhaz troops are permitted in the inner security zone, and heavy weapons are banned from the outer security zone. In accordance with the Moscow Agreement and the subsequent CIS agreement on a collective CIS peacekeeping operation (August 22, 1994), an increase in the number of peacekeepers or the introduction of new weapons require consent of the GoG.[25]

Peace operations typically include internationally mandated and uniformed peacekeepers, unarmed UN military observers, and both armed and unarmed civilian police. CIVPOL activities encompass regular policing and criminal investigation; border and airport patrol; and crowd control and area security. CIVPOL can also play a critical role in civil-military coordination by interfacing between the military component of a UN peace operation and the political, humanitarian, developmental, and other components of the mission. Typically CIVPOL works with local police and to provide training in democratic policing.[26] However, the Abkhaz authorities reject efforts to expand a CIVPOL presence in Abkhazia, believing it would be the first step in the establishment of an international civil administration in Gali that would limit their control of the territory.

UNOMIG has tried to overcome Abkhazia's objections by, for example, proposing the establishment of a CIVPOL-supported Community Police Training Program beginning in 1998. After the UN conducted a security assessment of conditions in the Gali district, UNSC Resolution 1494 (July 30, 1993), endorsed the Secretary General's recommendation to add a twenty-person police component to UNOMIG in order to assist the return of refugees and IDPs. Beginning in 2003, CIVPOL were stationed on the Georgian side of the ceasefire line. The Abkhaz side agreed to accept CIVPOL on territories they control in 2007, but only five have been deployed.[27]

The North Kodori gorge is a flashpoint. Georgia launched what it called a "police operation" in the upper Kodori Valley to establish control over a regional warlord on July 25, 2006. However, Abkhaz authorities maintain that the so-called police were actually Army Special Forces dressed in regular police uniforms. In late 2006, UNOMIG undertook regular patrols and established an observation post in North Kodori to conduct personnel and weapons inspections. Georgia has posted about

300 criminal and special tasks police and 100 locally recruited border police in the rugged mountains of North Kodori, which is connected to lower Abkhazia by routes that are ill-suited for military movements. The Abkhaz government-in-exile has moved to North Kodori, which has become a showplace due to investments in its reconstruction. The Georgian presence there is also intended to refute the notion Sukhumi is the true representative of the Abkhaz by making North Kodori the base of the Abkhaz government-in-exile.

Though they were notified in advance of the North Kodori operation, Abkhaz authorities threatened force to oppose Georgia's jurisdiction. They also link the resumption of dialogue to the status quo ante; the Abkhaz parliament adopted a resolution that supported the suspension of talks pending the withdrawal of Georgian forces on March 4, 2008. In a speech in North Kodori soon after the police operation, Saakashvili exacerbated Abkhaz fears that North Kodori would be used as a staging ground by declaring: "We will come back to our homes very soon. We will come back from every direction."[28]

Abkhazis are concerned that Georgia will do in Gali what it did in North Kodori. They fear that the GoG will rapidly deploy forces to create conditions on the ground that shift the balance of power. Russia maintains that moving 500 paratroopers to the northern border of Gali in May 2008 was as a deterrent against military action by Georgia.

The Tragedy of Displacement

The tragic situation of refugees and IDPs is not only a humanitarian disaster. The failure of the international community to return displaced persons, combined with the GoG's inadequate resettlement efforts, adds another element of instability to the situation. The festering IDP situation prompts demands by hard-liners in Georgia for a military operation to forcibly retake territory, thereby enabling the return of IDPs.

Approximately 300,000 predominantly ethnic Ossetians and ethnic Georgians were displaced following the secessionist conflicts in South Ossetia in 1991–92 and in Abkhazia in 1992–93.[29] Most recently in UNGA Resolution 10708 (May 15, 2008), the international community has repeatedly recognized the forced displacement of Georgians from Abkhazia as ethnic cleansing.[30]

Many IDPs were housed in emergency shelters in state-owned buildings, including hotels, schools, and hospitals. While these accommodations were not meant to be permanent, almost half of all IDPs still live in 1,600 "collection centers."[31] Conditions of the collection centers do not meet minimum standards, as they lack adequate access to water, proper insulation, and a functional sewage system. Even those IDPs who live with relatives or friends suffer due to their marginalization from higher-than-average unemployment and more limited access to agricultural land and credit.[32] During the Atlantic Council's visit to Georgia, incensed IDPs rallied outside the Refugees Ministry to protest living conditions in Tbilisi's collection centers. Their anger toward Georgia authorities is dwarfed, however, by their lingering rage against Abkhaz whom they hold responsible for their forcible expulsion.

On December 1, 1993, Georgia and Abkhazia signed a Memorandum of Understanding pledging to return IDPs to all regions of Abkhazia.[33] The following year, the two sides, as well as Russia and the United Nations High Commissioner for Refugees (UNHCR), signed an "Agreement on Voluntary

Return of Refugees and Displaced Persons" and established a quadripartite commission to assess damage and start returns to the Gali region.[34] Protection for returnees — defined as all activities aimed at obtaining full respect for the rights of the individual, in accordance with relevant international human rights and international humanitarian law — has been woefully inadequate.

Though widespread insecurity has remained prevalent, up to 40,000 spontaneous returnees went back to Gali on their own, only to be displaced again when fighting broke out in May 1998. Today, Georgians have nominal administrative autonomy in the southern parts of the Gali district. To harvest hazelnuts, some IDPs commute seasonally between Zugdidi district in Georgia proper and Gali, Ochamchire, and Tkvarcheli districts in Abkhazia. They are charged a fee of 2 laris to enter Abkhazia. Upon return, they suffer from forced labor and arbitrary taxation extorted by criminal gangs seemingly tolerated by Abkhaz authorities.[35] Criminality and the weak rule of law remain a problem. The banning of Georgian-language education by Abkhaz authorities also deters returns. After repeated requests by the UN, Abkhaz authorities agreed to allow the establishment of a Gali-based branch of the HROAG in March 2007.

The UN highlights IDP concerns. UNSC Resolution 1781 (October 15, 2007) stressed "the urgent need to alleviate the plight of refugees and internally displaced persons" and called for measures to provide dignity and security, in particular for the new generation of IDPs growing up outside Abkhazia. The resolution "reaffirms as fundamentally important the right of return for all the refugees and the internally displaced persons to Abkhazia, Georgia." The GoG is increasingly critical of the UN for not facilitating their "right to return." While the right to return is protected by international law, the UN's "Guiding Principles on Internal Displacement" place the responsibility on "national authorities [who] have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction."[36]

A combination of factors impedes the return of IDPs. According to the Norwegian Refugee Council, IDPs also place great importance on shelter, livelihoods, and health as well as security. In most cases, homes, properties, and businesses have been destroyed or illegally sold or occupied. This problem can be addressed through international experience with property claims and compensation designed to help ensure early, peaceful, and orderly returns. To minimize risks of harassment, intimidation, persecution, or discrimination, the system must have the authority to restore to IDPs property of which they were deprived or to compensate them for property that was pillaged or otherwise cannot be restored.

Since 2005, the UNHCR has tried to promote confidence-building at the grass roots through efforts aimed at fostering collaboration between Abkhaz officials and the local population, as well as between Abkhaz and Georgian officials across the border in Zugdidi.[37] Weekly QPMs and the JFFG were intended to foster collaborative law enforcement across the ceasefire line. However, Abkhaz authorities formally suspended the QPM after the GoG's 2006 operation in North Kodori.

Anti-personnel mines also are an obstacle to returns. Despite progress as a result of efforts by the Halo Trust, restricted military zones clustered around the Kodori Valley, Svaneti, and the Georgia border still contain minefields and Russian CIS peacekeepers are alleged to have also used mines around their checkpoints. The M-27 highway and bridges linking populated areas in Abkhazia are believed to have some residual mining.[38]

Though the GoG authorized the State Strategy for IDPs, which acknowledged that return and reintegration are not mutually exclusive goals, Saakashvili's cabinet has inexplicably failed to adopt the IDP Action Plan, which translates the objectives of the State Strategy for IDPs into concrete measures. Furthermore, the UNHCR notes that Georgia's domestic legislation related to IDPs is not in line with international human rights standards.[39] Intent on reasserting its authority over all of Abkhazia, the GoG rejects normalization in Gali. It is concerned that IDP returns will stop there, allowing the Abkhaz authorities to say they have done enough and undermining its goal of returns across all of Georgia. The plight of refugees and IDPs also serves a useful political purpose — successfully garnering domestic and international attention to the situation in Georgia.

Links between Economic Development and Peace Promotion

Georgia's robust economic recovery has transformed it from a borderline failed state into a thriving free-market economy. While addressing lingering problems, the GoG can help create conditions conducive to negotiations by focusing on redevelopment and reconstruction throughout the country, including Abkhazia. The 2014 Sochi Olympics apparently offers an economic boon to Abkhazia, whose economy is in disrepair. However, Sochi represents both opportunity and peril to Abkhazia, which could be overwhelmed. Sochi is also aggravating the concerns of Abkhaz about absorption into Russia.

Georgia became an economic success story after the Revolution of Roses. Georgia generated positive macro-economic trends in 2007. It experienced growth of 12% as a result of expansion in the telecom, construction, transport, financial, and tourism sectors. Its trade turnover increased 39.9% between 2006 and 2007. Exports increased 32.5% and imports by 41% during the same period. Georgia also benefited from an overall improvement in macro-economic indicators such as the gross domestic product (GDP) growth rate, fiscal balance, current account balance, and real exchange rate, as well as positive structural changes measured by improvements in the banking system, position of the central bank and increasing rates of tax collection. Foreign direct investment was $1.8 billion in 2007, fueled by investors from Kazakhstan, Russia, Israel, and the Gulf States.[40] Georgia is a WTO member in good standing. Trade liberalization, privatization of small and medium-sized enterprises, and elimination of price controls and subsidies have all enhanced Georgia's economy, which has entered a consolidation phase.

Georgia is well served by its location on the Eurasia Silk Road. Implementation of the BTC oil pipeline and South Caucasus gas pipeline from Azerbaijan are generating transport fees, as well as new opportunities beyond the energy sector. The embargo by Turkey and Azerbaijan of Armenia has increased Georgia's strategic importance. Georgia has become the trans-shipment area for trade between Turkey and Azerbaijan and for the movement of Turkish goods to markets in Central Asia.

Robust anti-corruption measures have helped improve the overall investment climate. The International Finance Corporation's "Doing Business in 2007" ranked Georgia first for the intensity of its reforms and improvement in the business environment.[41] The EBRD/Business Environment and Enterprise Performance Survey (2005) indicates that Georgia achieved the most anti-corruption progress of transition countries (2002–05).[42]

The picture is not all positive. Up to 40% of Georgians live below the poverty line or as subsistence farmers and, with an average per capita income of $1,350, Georgia is classified as a lower-middle-income country by the World Bank.[43] Poverty, with wide regional disparities, affects one-third of the population; Georgia falls far short of realizing human development benchmarks embodied in the Millennium Development Goals.[44] The inflation rate rose from 9% to 11% between 2006 and 2007. The current account balance as a percentage of GDP is trending into negative numbers. Failure to resolve problems with Russia — Georgia's natural trading partner — hamper economic development. Partly as a result of Russia's embargo, Georgia's export performance has worsened, while its reliance on imports has increased.

Abkhazia's economy is in dire straits compared to that of Georgia. It is as though time stood still in Abkhazia, where entropy is pervasive. Its storied seaside is dilapidated, coastline polluted, and infrastructure neglected. Many buildings, even those on the Black Sea, are still pock-marked from small-arms fire during the conflict. Though it is endowed with granite, marble, stone, and timber, Abkhaz officials claim that Abkhazia lost $13 billion as a result of the war in 1992–93. During a meeting at the Sukhumi Youth Center, civil society representatives referred to their dire prospects. They spoke of overseas opportunities, but refuse to travel on Georgian passports.

This was not always the case. In the 1980s, the Abkhaz economy included 500 industrial — primarily power-engineering and machine-manufacturing — enterprises.[45] Abkhazia was also a large exporter of tea and tobacco. Since the war, the manufacturing and agricultural industries have collapsed. As an unrecognized territory, Abkhazia cannot raise funds in capital markets or benefit from IFIs. The Abkhaz economy is almost entirely reliant on Russia. Ethnic Abkhaz living in Russia have invested in joint ventures, primarily in agriculture and the food-processing industry.[46] The sale of oranges and hazelnuts to Russia represents Abkhazia's primary economic activity. Abkhaz authorities reported 2.4 million tourists in 2007, mostly day-trippers visiting Gagra and Sukhumi from Sochi.[47] The exact number and economic impact of these tourists is unknown.

The 2014 Sochi Olympics present both opportunity and peril. Anticipating a tourist boom, Russians have signed long-term leases on key hotel and tourist facilities. The Abkhaz authorities have also leased strategic plots of land to Russian companies and the Russian government while ignoring the transfer of property to Russians by Abkhaz brokers. Many Abkhaz are concerned about the surge of up to 50,000 foreign workers, who will be employed to build the Olympic Village and related facilities. They are also worried about the ecological impact of a huge Russian cement plant under consideration. Rather than lavish spending on the Sochi Olympics, Abkhaz would prefer renovation of Abkhazia's neglected water and power systems, rehabilitation of roads, railroads, and Sukhumi's Babushara Airport, and investments in traditional agricultural and food-processing industries.

Abkhaz are also wary of regional economic integration in the Caucasus. They believe that integration would simply overwhelm Abkhazia's limited economy. Previous efforts to foster regional economic integration have all failed. The Soviet Transcaucasus Federation of 1922 was short-lived. Mikhail Gorbachev's proposal for a common "Caucasian home" was never achieved. Russia's proposed 3+1 formula was undermined by conflict in Chechnya. Benefits from broader regional groupings, such as the Black Sea Economic Cooperation Organization and GUAM (Georgia/Ukraine/Azerbaijan/Moldova), have not materialized. Abkhaz authorities also rejected the railway consortium's $300 million project to restore the Abkhaz section of a railway that links Russia, Georgia, and Armenia.

Even though the package included economic development funds from the EU, Sukhumi feared that the railway would serve Russian or Georgian interests while undermining Abkhazia's national aspirations.[48]

Responsibility for Abkhazia's reconstruction ultimately rests with the GoG. Post-conflict investments in infrastructure and economic development would constitute a "peace dividend," creating conditions possible for sustainable peace. Development schemes maximize benefits by linking investments to "social action plans" that are designed in consultation with affected populations so that they can restore normalcy and dignity to their lives. In addition to transportation, utility, and water-related projects, investments also focus on smaller-scale projects from facilitating relief to short-term and long-term economic development. Although it has been sixteen years, the GoG still has baseline data, and Georgian experts are well-informed about the technical requirements for reconstruction in Abkhazia. A reliable, measurable, and efficient rehabilitation plan developed by Georgia, with input from international experts, is a prerequisite to involvement by donors and the IFIs. Bringing resources also has political implications. Planning and financing are the best ways to integrate the Abkhaz territory and its residents (including returnees) into the economic, political, and cultural life of Georgia.[49]

The GoG does not think Abkhazia should have to wait for a comprehensive settlement before addressing its endemic poverty. In March 2008, Saakashvili proposed the creation of a joint Georgian-Abkhaz free economic zone in the Ochamchire and Gali districts. Ochamchire is a port city that will complement a parallel initiative establishing a free economic zone in the port of Poti and on 400 hectares of adjacent land, not far from Abkhazia. However, Abkhaz authorities refused to discuss the initiative until Georgia withdraws its security forces from the Upper Kodori Valley.

Consolidating Democracy

Georgia's democratic development was impressive prior to the GoG's crackdown on demonstrators in November 2007. As a result of the November incidents, the GoG is challenged to meet the democratic aspirations of Georgia's citizens, and prove to Abkhazis that it is committed to transparency and accountability. These goals will require leadership to implement constitutional reform, as well as measures to protect and promote minority rights. In addition to state-building, Georgia's progress consolidating democratic development and institutionalized decision-making are prerequisites to its further integration into Euro-Atlantic structures.

After the 2003 Revolution of Roses, Saakashvili implemented a series of reforms to address Georgia's endemic problems and make rejoining Georgia more attractive to separatist groups. He also took steps to strengthen the Georgian state by cracking down on corruption and strengthening institutions of accountability. Under Saakashvili, the GoG downsized its bloated bureaucracy, improved tax collection rates, and enforced customs duties. It also enhanced economic development by stabilizing and diversifying energy and electricity supplies.

Problems with Georgia's democratic development surfaced after the constitutional reforms of 2004. The reforms concentrated power in the executive branch by giving the president authority to appoint the prime minister and members of the cabinet. The constitution also enables the president to dominate

the legislative branch by allowing him or her to disband parliament if it rejects the budget more than once. There are few distinctions between Saakashvili's party, the United National Movement, and the state. Saakashvili's opponents insist that the GoG uses the trappings of democracy to consolidate its semi-authoritarian rule.

Georgia's commitment to democracy was further questioned when GoG riot police — some masked — used excessive force to disperse peaceful protesters in Tbilisi on November 7, 2007. Security personnel detained opposition leaders and dissidents. They ransacked Imedi, a private media outlet financed by an oligarch deeply antagonistic to Saakashvili, forcing the station to close down for almost a month. The GoG declared a national state of emergency and banned independent media broadcasts. Saakashvili sought to restore Georgia's credibility by resigning and announcing snap presidential elections on January 5, 2008. While, presidential election irregularities further fueled questions about the consolidation of democracy in Georgia, parliamentary elections on May 21, 2008 received a highly favorable review.

The United States was only mildly critical of these events, maintaining that Georgia's democracy is new and prone to mistakes. To Saakashvili's credit, the new Georgian state has become stronger, more efficient, and more prosperous. But it has also become less free and more prone to control by insiders.[50] This tendency has been exacerbated by U.S. assistance through the MCA, which focuses on state-building while neglecting support for civil society, watch-dog groups, and independent media.

EU member states, including the New Group of Friends, exhort Georgia to show that it is serious about integrating into euro-Atlantic institutions by demonstrating a genuine commitment to democracy. They also point out that the November 2007 crackdown against persons whom Saakashvili characterizes as "corrupt elitists" has been a disincentive to resolving the Abkhazia situation. Abkhaz ask: If the GoG is not committed to the democratic rights of those under its current jurisdiction, how can it be trusted to guarantee minority rights and other special arrangements for Abkhaz?

Whereas the best way to advance minority rights is through a comprehensive bill of rights that benefits all citizens, autonomy arrangements can help realize the goal of equality and non-discrimination. The two over-riding issues under international law are (i) equality and non-discrimination and (ii) protection and promotion of the unique identity of minorities.[51]

Equality and non-discrimination have been translated into juridical standards and are part and parcel of all of the major human rights treaties.[52] The International Covenant on Economic, Social and Cultural Rights holds: "In those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language."[53] According to the UN Human Rights Commission, "Individual rights … depend on the ability of the minority group to maintain its culture, language or religion. Positive measures may be necessary to protect the identity of a minority and the rights of its members to enjoy and develop their culture and language and to practice their religion, in community with the other members of the group."[54] The 1992 UN General Assembly "Declaration on Minority Rights" requires that states recognize minority rights in their national laws and policies;[55] adopt legislative and financial measures to ensure the effective implementation and enforcement;[56] and undertake regular evaluations, planning and oversight to ensure accountability and provide effective remedies when minority rights are violated.[57]

Protecting and promoting minority rights is essential for peace and stability. Violence occurs in many hot spots because ethnic or religious groups have grievances that are not addressed through the political system. For violence-prone groups to get on the political track, they must be convinced that political participation can enable their aspirations, institutions exist to safeguard their interests, and effective international guarantees are in place.

To this end, the GoG can consider a variety of constitutional remedies to promote meaningful self-governance by regional or local authorities. A growing body of autonomy precedents exists for groups with historical ties to a specific territory and a history of self-governance.[58] As described in Chapter XI of the UN Charter, non–self-governing territories "can achieve the full measure of self government" as a sovereign state or through free association with or integration with an independent state "on the basis of complete equality."[59] Some models invest all powers in the central government unless specifically allocated to federal states.[60] Others allow states to retain powers not specifically granted to the central government in a federal arrangement.[61] In federal arrangements, the central government bestows powers on the region(s). Federal power-sharing can be more easily revoked than a confederal union. Though confederation is an agreement entered into between equal parties, it does not imply a veto by confederal units over domestic and foreign policy.

Saakashvili's offer of "unlimited autonomy" set the right tone for addressing Abkhaz concerns. But it did not go far enough in specifying the details of power-sharing decentralization that could simultaneously preserve Georgia's territorial integrity while providing self-rule to Abkhazia. Though Abkhazia rejects talks as long as Georgian troops remain in the Upper Kodori, tabling a more comprehensive proposal could culminate in a win-win for both parties.[62] The pre-Bolshevik precedent of confederal union between Georgia and Abkhazia may be instructive, and act as a bulwark against plans to partition Gali from the rest of Abkhazia.

Confidence-Building Measures

Efforts to institutionalize CBMs have floundered, as have the Track-Two activities involving civil society. Lack of progress is due to the lack of resources, as well as failures by both the Georgian and Abkhaz sides to create a permissive environment for contact and communication resulting in practical forms of cooperation. There are those on all sides of the conflict who believe that the status quo is preferable to change, which is unpredictable and potentially volatile. Abkhaz are especially adamant in their opposition to CBMs and economic ties, which they see as efforts aimed at advancing Georgia's goal of reintegration. Deep bitterness on both sides is also an important factor impeding trust and reconciliation.

The UN established the Coordinating Council in 1997 with working groups on security (chaired by UNOMIG), humanitarian issues and IDPs (chaired by the UNHCR) and economic cooperation (chaired by the United Nations Development Program). With UNOMIG as the overall lead agency, both Georgian and Abkhaz representatives participated; Russia served as facilitator and countries in the Group of Friends functioned as observers. Within the framework of the Geneva peace process and under the auspices of the United Nations, CBMs were discussed at meetings in Athens in 1998, Istanbul in 1999, and Yalta in 2001.

The Yalta Declaration reaffirmed commitments regarding the non-use of force to resolve disputes and called for a political settlement to the conflict between Georgia and Abkhazia. It also resolved to create the necessary conditions for the voluntary and safe return of IDPs. Recognizing CBMs as playing an indispensible role to help resolve the conflict, both sides agreed to undertake a long list of activities in a variety of fields which would involve implementing partners from different sectors and with complementary competencies. Projects were envisioned involving youth, students, scientists, psychologists, writers, librarians, political circles, war veterans, and invalids. Joint cultural and economic activities were envisioned in a variety of fields including wine-making. Plans were made to establish a database with information on progress implementing activities.

The Secretary General declared that CBMs were "an indispensable element of the peace process." Confidence-building, however, is a process, not a product. It aims to build trust, which takes time. Commitments in the Yalta Declaration were never fulfilled.[63] Efforts have been undermined by the overall lack of security and the simple fact that the Abkhaz authorities do not desire CBMs. They are content with the status quo and actively discourage NGOs from practical cooperation with Georgian counterparts. The GoG is less opposed but has concerns that CBMs legitimize de-facto authorities in Sukhumi.

There are exceptions. Rehabilitation of the HPP has been the most successful example of cooperation among Georgia and Abkhaz representatives, with donors contributing $40 million since 1995. Georgian and Abkhaz authorities have worked collaboratively, as the dam is in Georgia and the powerhouse in Abkhazia. The HPP is critical to both sides — Abkhazia relies on the HPP for all its energy needs, and increased capacity would further reduce Georgia's dependence on imported natural gas. According to the EC, which has been a generous supporter, cooperation on the HPP "demonstrates that even in the context of an unresolved war, economic and security considerations can force parties to collaborate."[64]

Since February 2006, UNOMIG has operated a shuttle bus crossing the 800-meter bridge over the Inguri River, which marks the ceasefire line in the Georgian-Abkhaz conflict zone. The bridge is the only official access point from Georgia proper to and from Abkhazia. Outside of facilitating travel for seasonal farmers, the shuttle service has not had measurable impact on economic cooperation or social interaction between the two sides.[65]

Person-to-person contact is an integral part of developing CBMs that can change the climate for official negotiations. Track-Two activities are not a substitute for official diplomacy, but they can change the climate for negotiations by fostering communications, contact, and cooperation between civil society representatives. Track Two can also help develop innovative policy initiatives by identifying common approaches to shared problems. Numerous initiatives have tried to bridge divides between Georgians and Abkhaz. However, disparities between Georgia's better-developed NGOs and their more isolated and parochial Abkhaz counterparts have limited the impact of Track-Two activities. A core group of about fifteen participants shows up at meetings, but activities rarely engage civil society representatives outside the core group. When NGO counterparts meet — usually in Sochi or Europe — they tend to avoid hot-button issues. When activities are undertaken, they occur in parallel rather than in tandem. Training seminars have provided a useful framework for interaction and overcoming psychological issues. On rare occasions, officials and political leaders get together informally.

Georgian-Abkhaz Track-Two activities depend on international intermediaries as well as foreign donors.[66] The most successful activities are those of Conciliation Resources and the Berghof Center, which have organized nineteen meetings between Georgians and Abkhaz since 2000. The so-called Schlaining Process has involved more than 100 Georgian and Abkhaz officials, politicians, and civic leaders in informal meetings to discuss strategies with potential bearing on formal negotiations. Participants have participated in study tours to Northern Ireland, Scotland, and Cyprus to examine conflict and governance issues. The most recent Track-Two gathering was convened in Istanbul in June 2008. Looking ahead, the most promising area of Track Two endeavor would involve business and commercial contacts. Track Two can also be useful in assuaging tensions in civil society that may result from IDP returns by bringing affected communities together to identify shared interests and develop plans to address divergent needs. Track Two can also help lessen Abkhazia's isolation and forge links beyond Abkhazia's frontiers.

Recommendations

This report recommends a package of immediate measures to diffuse the current crisis and prevent the escalation of violence. It also suggests steps to lay the ground for future negotiations. In addition, it proposes a diplomatic initiative aimed at achieving a comprehensive peace agreement that would restore Georgia's sovereignty, while preserving the interests of Abkhazia.

Mitigate Conflict

Though Abkhazia is one of many problems facing the international community, the status quo is dangerous and cannot be sustained. What happens in Georgia has implications well beyond the country's border. Not only would conflict escalation disrupt energy supplies from across Eurasia, it could also pit the United States against Russia, which is against the interests of both countries. Neither Georgia nor Abkhazia wants armed conflict. An explosion of violence is, therefore, unlikely — unless Russia provokes it.

The United States and key European allies, like Germany, France, and the United Kingdom, should strongly urge Russia to reverse its decision establishing legal ties to Abkhazia and South Ossetia, and withdraw its paratroopers. They should also publicly affirm that recognition, de-facto annexation or acts of war constitute a line that Russia must not cross.

If Russia crosses this line, the EU should suspend its PCA negotiations, revoke its visa facilitation regime for Russians, and impose sanctions on Russian businesses illegally investing in Abkhazia. Russia may retaliate by manipulating energy supplies to Europe. In this event, European countries should make it clear that while they need Russian gas, Russia also needs Europe as a customer. Europe can enhance its energy security by increasing imports from Norway, Kazakhstan, and Azerbaijan, as well as from Algeria.

The United States and NATO can deter aggression by conducting joint military and training exercises with Georgia's Armed Forces and including a MAP for Georgia on the agenda of NATO's upcoming ministerial meeting in December 2008. In order to dissuade Russian intrusions into Georgian air space, NATO should extend its Combat Air Patrol to Georgia as it did with Lithuania in 2002.

Russia cannot be both a mediator and a party to the conflict. Russia's policies have undermined its role in the Friends Group. Therefore, the United States should withdraw from the Friends Group and facilitate its transformation into a Contact Group including some countries from the Friends Groups, the New Group of Friends, and other well-intentioned countries. Russia may be allowed a seat at the table but not as facilitator. If Russia objects or threatens to cease cooperation with the United States in the Global War on Terror or on diplomatic initiatives, for example, Iran's nuclear program, the United States should make clear that Russia's failure to cooperate would bring it opprobrium while seriously setting back the interests of both countries, as well as the interests of the international community as a whole.

It is not known whether the June 2008 bombings in Abkhazia were the work of Georgian or Abkhaz authorities, the Russian FSB, or private interests. The motivation behind the attacks, however, is clear:

to provoke renewed conflict or, at a minimum, disrupt dialogue between the Georgian and Abkhaz sides. Abkhazia's de-facto President Sergei Bagapsh wrongly responded by cutting off contact with Georgia and labeling it a "terrorist state." Tensions can be reduced immediately by:

- ***Dialing Down the Rhetoric:*** Georgia should pledge not to use force against Abkhazia. The Abkhaz leadership should also pledge no first use of force, open crossings to and from Abkhazia, and agree to facilitate the phased return of persons displaced by the Georgian-Abkhaz conflict.
- ***Composing a New Security Force for North Kodori:*** The GoG could invite countries from the New Group of Friends to constitute a temporary International Police Force for North Abkhazia, with UNOMIG and Abkhaz inspectors monitoring the rotation. Establishing a new security force would have the effect of eliminating the Abkhaz excuse not to negotiate. (Georgian security forces would depart once the international security force is fully deployed).
- ***Continuing Direct Talks:*** Discussions between GoG officials and Abkhaz representatives should continue as a follow-up to meetings in Sukhumi and Stockholm in May and June 2008. Meetings could be upgraded to negotiations pending progress.
- ***Exploring the Autonomy Proposal:*** The GoG should identify specific power-sharing arrangements and enumerate measures to protect and promote group and minority rights as a follow-up to Saakashvili's offer of "unlimited autonomy" in April 2008. Use of the term "confederation" should be considered. Confederal union would be more attractive to Abkhaz authorities given historical precedent. In addition, confederation is less easily revoked than a federal arrangement.[67]

The ongoing plight of refugees and IDPs is a source of great tension. To address this problem, the United States and European countries should urge Russia to redeploy its peacekeepers from the Gali and Ochamchire districts and allow CIVPOL to steward the phased and voluntary return of IDPs. Russian and Abkhaz authorities adamantly oppose returns. They might view the situation differently, however, if the GoG pledged to annul the Russian-led peacekeeping operation (as allowed under the 1994 Moscow Agreement on Ceasefire and Separation of Forces[68] and the 2003 Sochi Agreement[69]) unless peacekeepers were replaced by international police in Gali and Ochamchire.

Multi-Year Plan

The GoG and the international community should take steps over the next two to three years to address basic elements of the conflict, thus changing the dynamics of negotiations. The GoG can immediately act on its own or in conjunction with international actors. Other measures would be sequenced to build on momentum, or are contingent upon prevailing political and security conditions.

Prepare More Effectively for the Return or Resettlement of Refugees and Displaced Persons

The following activities are possible despite Abkhaz efforts to obstruct returns:

- *Assess Attitudes:* An IDP survey would help determine whether IDPs actually want to go back to their homes or whether, as a last resort, they prefer to resettle with compensation for their lost properties. Survey results will inform return programs, as well as the terms of a property claims and compensation system.

- *Evaluate Conditions in Gali:* The GoG and UNHCR should collaborate to conduct a systematic evaluation of conditions for returnees to Gali. Rather than a head count, profiling would help design more effective assistance and protection programs. Evaluation would also help incorporate CBMs into the GoG's IDP Action Plan, which should be adopted at the earliest possible opportunity.
- *Address Humanitarian Needs:* The GoG has a responsibility to improve the living conditions of the most vulnerable IDPs. If IDPs choose to resettle, the GoG in conjunction with UNHCR should provide assistance in the form of relocation, livelihood schemes, and improved social services. Legal reform is needed to bring Georgian legislation related to IDPs in line with international human rights standards.
- *Address Property Rights:* A Property Claims and Compensation Commission is part of a process to inform IDPs of their rights, resettlement options, procedures, and local conditions for return; to develop a registration process for persons making claims or seeking compensation; and to address lack of documentation or destruction of title records that may have been lost, damaged, or destroyed during flight. The Commission would be empowered to resolve property disputes by determining the lawful property owner based on property records; reassign land or compensate displaced persons for their lost property; cooperate with agencies in accounting for missing persons and promoting family reunification; and address secondary occupation via programs that provide for transitional and temporary shelter benefiting both returnees and secondary occupiers. Commission members will include Georgians and Abkhaz of high moral standing, supportive countries, and relevant UN agencies (e.g., the UNHCR). The Commission would be empowered to approve projects, set schedules, and allocate funds (security conditions permitting).

Absent cooperation from the Abkhaz authorities, the UNHCR and other international agencies could still contribute to conditions for return through measures that:

- *Institutionalize Protection:* The UNHCR and the UN Humanitarian Coordinator (HC)/Country Team can demonstrate a "core commitment to protection" by designating a "protection focal point," and establishing a protection cluster/working group to mainstream protection strategies into every phase of the assistance program. Monitoring by authorized agencies and experienced personnel working in conjunction with directly affected populations may include scheduled visits and spot-checks to return areas, random sample interviews, regularly scheduled meetings with local authorities, and interviews with returnees to garner their views on protection risks. Promoting the rule of law would contribute to lowering the crime rates and increasing the security of returnees.
- *Advocate Returnees' Rights:* Public reports, press releases, and personal testimonials targeting the wider humanitarian community, national, and international media, as well as foreign embassy officials posted to Georgia, should include recommendations for prompt actions aimed at discouraging incitement of ethnic hatred and spotlighting retribution by police, paramilitaries, or criminal gangs. The SRSG for IDPs and the Emergency Relief Coordinator should not hesitate to "name names" by recommending the dismissal of those who infringe on basic rights. International visitors to Sukhumi should communicate the same message: Abkhaz authorities must reign in militias and make sure that local police meet standards of law and order.
- *Foster Dialogue:* As IDPs go home, tension can be mitigated by focusing on infrastructure and services that benefit both IDPs and surrounding communities (e.g., roads, utilities, water

and sanitation, schools, and health dispensaries). Joint Community Coordinating Committees (JCCCs) could be established to conduct needs assessments, identify quick-impact and humanitarian projects in the fields of food distribution and nutrition, water, and sanitation, and facilitate access to health care, temporary shelter, and family reunification. The JCCCs will also serve as a forum for engaging directly affected communities in discussions about related topics such as security, reconstruction, and economic development requirements, and thereby encourage cross-communal confidence building.

If there is an agreement to replace peacekeepers in the Gali and Ochamchire districts with an international police force, it will be necessary to:

- *Create an Institutional Framework Supporting Returns:* The JFFG on collaborative law enforcement and UN-led QPMs on IDPs should be resumed to manage security arrangements and coordinate technical requirements associated with the return process.

Strengthen Georgia's Democracy, including Minority Rights

Abkhaz will view the prospect of ties to Georgia more favorably if the GoG demonstrates its commitment to:

- *Consolidate Democracy:* Georgia's democracy would be served by parliamentary debate and public input into reform measures, as well as increased participation and accountability at all levels of government, which would allow for contestation at the legislative and policymaking levels. Constitutional reform limiting presidential power would establish greater balance between the legislature and executive. Good governance would be served by ending the revolving door of ministers and deputy ministers, which undermines continuity and creates confusion for Georgians and international partners alike. The United States and other donor countries should refocus on strengthening democracy, not just state-building for Georgia. Assistance should emphasize the administration of justice, independent judiciary, and reinvigorating civil society by financing a broad range of advocacy, research, associational, and constituency-oriented NGOs in Georgia.
- *Enshrine Minority Rights and Decentralization:* Georgia's constitution should be upgraded to include special provisions to protect and promote minority rights in accordance with international norms embodied in various treaties and covenants including the European Convention on Minority Rights. The constitution would define a power-sharing arrangement establishing local competencies in the area of (i) governance (e.g., local executive, judiciary, police and security, international representation and agreements, citizenship, movement of peoples); (ii) culture (e.g., education, language, religion, media, cultural identity); and (iii) economy (e.g., natural resources, property and land management, hiring preferences).[70] Further steps are also needed to integrate minorities into the political and economic life of Georgia.
- *Maintain Modesty:* Georgia's political leaders should tone down their rhetoric, understate accomplishments, and be careful not to over-promise.

Since contact and cooperation between civil society representatives also plays an important role building trust, it would be useful to emphasize some key CBMs:

- Invest in Track-Two Activities: A donor country should make an umbrella grant to an international NGO that would, in turn, provide financing for projects and capacity-building to Georgian and Abkhaz NGOs, as well as international intermediaries. The group administering the umbrella grant would establish field offices enabling hands-on management and technical assistance. This approach would give strategic focus to Track Two, enhance coordination, and address financing shortfalls.[71] Individual governments could also get involved.

Reduce Abkhazia's Isolation

A concerted effort is needed to reduce the isolation of Abkhaz civil society, not only from Georgia, but from the Western world:

- *Involve Abkhaz in Exchange Programs:* The United States can play a role by extending Fulbright scholarships and participation in the State Department's International Visitors Program to Abkhaz. Person-to-person exchanges and IREX university exchanges should be developed and expanded. Modeled on "Seeds for Peace," the Government of Turkey could foster reconciliation by sponsoring youth groups from Georgia and Abkhazia at a summer camp in Turkey.[72] Technicalities, like visa and passport issues, should not become barriers to these types of activities. Sociological research to determine the attitudes, goals, and aspirations of Abkhaz would also help inform Track-Two program initiatives.[73]

International contact can also convince Abkhaz officials that the West is not aligned against them:

- *Foster Ties between Abkhazia and the EU:* As part of a broader internationalization strategy, a delegation from Abkhazia should visit Brussels for discussions about conflict resolution and the benefits to Abkhazia of Georgia's participation in the ENP, as well as Georgia's eventual membership in the EU. While in Brussels, the Abkhaz delegation should also consult with the North Atlantic Council in order to dispel the notion that Georgia's MAP is a guise for involvement by NATO in resolving Abkhazia's status. In addition, the EC-Georgia Steering Committee should be convened with Abkhaz representatives to explore collaborative activities and shared interests such as maritime regulations and environmental protection of the Black Sea.
- *Promote Travel by Abkhaz to Europe:* Abkhaz traveling with Georgian passports should fully benefit from the EU's pending approval of its visa facilitation regime for Georgian citizens, and Abkhaz should be informed of the travel opportunity through a public information campaign.

Abkhazia's economic isolation can also be lessened by integrating economic development into conflict resolution strategies. The following efforts would advance the goal of economic development for all:

- *Set Up Free-Trade Zones:* Establishing free-trade zones in Gali and Ochamchire under international administration and with security provided by an international police force cannot wait for a comprehensive political settlement. The Poti free-trade zone could also be expanded to increase the sale of Turkish goods in Abkhazia.
- *Develop a Reconstruction and Development Plan for Abkhazia:* The GoG should begin developing a plan for reconstructing, rehabilitating, and revitalizing Abkhazia's economy which could be

implemented the day after a peace agreement. GoG ministries, private experts, and donor countries would take the lead in the first phase, and be bolstered by IFIs in the second phase. In addition to infrastructure and enterprises, the plan would include the public health sector (HIV/AIDS awareness-raising, prevention, and treatment) and the educational system (new schools with access to information technologies).

- *Expand Turkey's Role:* For the Abkhaz diaspora and other Turks to do business in Abkhazia, the GoG must stop interdicting maritime traffic from Trabzon and adopt a trade promotion policy that streamlines customs procedures and liberalizes port visits of merchant ships, which are strictly regulated by Georgian authorities. Market access could also be enhanced by developing a direct land route from Turkey to the Gali region, as well as via restoration of the Vesyoloe-Inguri railway linking Russia, Abkhazia, and other parts of Georgia. Opening commercial ferry service between Sukhumi and Trabzon would enable tourism by Abkhaz to Antalya and other destinations in Turkey.

Promoting improved economic relations between Georgia and Russia could encourage Russia to ease its dominance of Abkhazia's economy:

- *Foster Trade Relations between Georgia and Russia:* Instead of blocking Russia's WTO membership, Georgia should support membership that would subordinate Russia to WTO regulations and provide a forum to redress trade embargos. The GoG's support would be extended once the Roki and Psou checkpoints are placed under Georgia's control. Additional rewards for helpfulness include support for Russia's membership in the OECD.

Enhance International Security Efforts

Measures aimed at addressing security concerns typically require UNOMIG's participation and, therefore, Russia's concurrence. Nonetheless, the following measures could be undertaken within the UN's existing mandate:

- *Upgrade UNOMIG:* Consistent with the Secretary General's review of peace operations for Abkhazia, UNOMIG needs to improve its efforts on behalf of CBMs, and in support of Track-Two activities. A Western European should be appointed as Chief Military Observer with strict standards of professionalism and accountability.
- *Expand CIVPOL:* UNOMIG can justify the expansion of its fledgling CIVPOL as a step to enhance its Community Police Training Program, and then develop joint activities related to humanitarian issues. If UNOMIG is not able to expand its CIVPOL presence, the GoG could approach the OSCE Chairman-in-office and request that the OSCE provide CIVPOL in coordination with UNOMIG. Abkhaz authorities might look more favorably upon the expansion of CIVPOL if, in addition to other countries, personnel come from Serbia, which has police capacity and good relations with Russia.

Given Russia's grip on security arrangements, it would be useful for Georgia and Russia to:

- *Engage in Security Dialogue:* Medvedev can prove that he is his own man by committing to a regular dialogue between Georgian and Russian officials on security matters. A structure for interaction would help clarify the regional security interests of Georgia and Russia and identify

opportunities for collaborative efforts when national interests overlap (e.g., the Akhmeti Region Joint Anti-Terrorism Operation in 2003).

A security dialogue could also, over time, improve mutual understanding between Georgia and Russia, resulting in Abkhazia's agreement to:

- *Strengthen CIVPOL's Capacity:* An independent CIVPOL commissioner would exercise all operational, technical, and disciplinary authority over police personnel and report to the SRSG (not the PKO commander). Armed CIVPOL should be assigned to IDP assembly and screening areas, designated transit and crossing points, and during the final movement of IDPs back to their homes. The Commissioner would also develop a system for regular civil-military liaison between the UN's Humanitarian Coordinator (HC) and senior security officials, including daily interaction between humanitarian workers and the civil-military affairs office on matters such as population movements and the transfer of humanitarian supplies. In addition, CIVPOL needs a clear mandate to enforce peace and weapons-free zones, conduct unannounced and random foot patrols and vehicle searches, search homes when weapons are found, and arrest anyone with a weapon. The mandate should also task CIVPOL with targeting criminal gangs and interdicting contraband and trafficking.

The United States and NATO allies such as Turkey can act independently to:

- *Expand Security Cooperation between the United States and Georgia:* The United States can bolster Georgia's defensive capabilities by reviewing its military hardware requirements in the context of annual U.S.-Georgia National Defense Talks. Cooperation could also be expanded between the Republic of Georgia and the State of Georgia's National Guard. Turkey and other littoral states of the Black Sea can play an important role in maintaining maritime access to Georgia in the event of conflict escalation between Russia and Georgia, which might entail an embargo of Georgian ports.

Comprehensive Peace

Could more robust diplomatic efforts result in a comprehensive peace agreement? Would international mediators be more or less motivated if the conflict is contained? Do the 2014 Sochi Olympics present an opportunity to galvanize international attention? If the Sochi Olympics are used by Russia to consolidate the status quo or by Georgia to disrupt it, how will the international community respond?

There are no easy answers to these questions but the situation is just too dangerous to ignore. Rather than conflict prevention, the international community should focus on resolving the conflict through a comprehensive agreement that restores Georgia's sovereignty and addresses the legitimate concerns of Abkhaz for their security, development, and cultural preservation.

This report recommends that the United States and the EU work together toward a comprehensive peace agreement that will require meaningful concessions by the GoG and the Abkhaz authorities, as well as investment and guarantees by the international community. No progress is possible, however,

unless Moscow makes the strategic decision that resolution of the conflict is in Russia's interest. If Russia is a major part of the problem, it must also be a part of the solution.

Before engaging Russia, the United States must undertake the difficult diplomacy of bringing Europe on board. This will be an enormous and time-consuming challenge. Realistically, it will take up to a year after U.S. elections in November 2008 to mobilize the incoming administration and undertake the difficult diplomatic work to align Western attitudes. The United States and the EU must recognize the urgent need for collaborative diplomacy and agree to a joint approach before sending an envoy to Moscow to make the case that a stable and sovereign Georgia is in Russia's interest. The envoy should enumerate specific rewards if Russia uses its leverage in Abkhazia to deliver an agreement, such as:

- The EU will intensify PCA negotiations with Russia.
- The international community will accelerate Russia's admission to the OECD.
- The GoG will lift its objection to Russia's membership in the WTO.[74]
- The United States Congress will withdraw Jackson-Vanik, thereby waiving the annual requirement for renewal of MFN trading status for Russia.
- NATO will issue a communiqué stating that NATO forces will not be used to assert Georgia's control over Abkhazia.[75]

If Russia continues to undermine Georgia's sovereignty, however, the envoy must also make it clear that the international community is prepared to act in concert so that Russia pays a steep price. Following are possible measures:

- Western countries will condition their participation in the 2014 Sochi Olympics and call on the International Olympics Committee to review Russia's compliance with host country standards of conduct.
- The EU will impose sanctions on Russian firms illegally investing in Abkhazia and develop penalties for Russian contractors building the Olympic facilities in Sochi. It could also suspend the visa-facilitation regime for Russians, as well as talks on the PCA.
- NATO will affirm its commitment to a MAP for Georgia; extend its Combat Air Patrol to Georgia; and conduct exercises in Georgia.
- The GoG will exercise its authority under the 2003 Sochi Agreement to annul the Russian-led PKO. If Russia then refuses to withdraw, its troops will remain not as a peacekeeping force but as an occupation army.

Once Russia recognizes that it is at a fork in the road and takes the prudent path of cooperation over confrontation, the United States, Russia, the EU, and the UN would co-chair a Dayton-style negotiation until the following deal points are agreed:

- ***Status:*** The GoG and Abkhaz authorities will agree on a constitutional arrangement addressing status while upholding their respective core interests.
- ***Security:*** The PKO will be transformed into a CIVPOL.
- ***Humanitarian:*** Large scale humanitarian and development assistance will create conditions so that refugees and IDPs may voluntarily return to their homes across Abkhazia or opt for resettlement and compensation.
- ***Development:*** International donors will work with the GoG and Abkhaz authorities to develop a plan for relief, rehabilitation, and reconstruction across Georgia, with special emphasis on Abkhazia.

- ***Internationalization:*** An array of processes and institutions will be created which will enable Abkhazia to forge links with the international community.
- ***Implementation:*** A PIC will ensure that benchmarks and timetables are met. It will include the co-chairs responsible for guarantees and peace implementation.

There are serious obstacles to the realization of the comprehensive peace plan proposed in this report. It should be an urgent priority for the United States and Europe to act on this together and, to this end, U.S. leadership is indispensable. Forging transatlantic cooperation will be difficult, especially during the waning months of the Bush administration. Moreover, the United States and Europe will only be fully motivated when they recognize that the issue of Abkhazia is of first-order significance. The situation is just too dangerous to ignore given its volatility, as well as the strategic and humanitarian consequences of war.

Russia must be convinced that the West is serious about using carrots and sticks to realize a diplomatic solution. Moscow currently believes that it can get the rewards described in this report without changing its approach to Abkhazia. What Russia really wants is for Georgia to forgo its NATO aspirations. This report does not endorse a trade-off between Georgia's MAP and Russia's helpful role in Abkhazia. The author strongly believes that aggression must not be rewarded. Only Georgia's leadership can balance priorities to realize Georgia's primary objectives: a MAP leading to NATO membership and restoring sovereignty in Abkhazia and South Ossetia, which will require Russia's assistance.

Conclusion

Georgia, Russia, and the United States all have had or will have presidential elections in 2008. Georgia re-elected Saakashvili and Russia replaced Putin with Medvedev, which so far is not much of a change. The looming U.S. presidential election is affecting the calculus of parties to the conflict. It is also exacerbating short-term risks as one of the parties might try to provoke violence as a way to get attention or in an attempt to embroil the United States during the final months of Bush's administration. Instead of trying to predict scenarios based on the electoral outcome, the parties should understand that the winner of the U.S. election, regardless of who it is, will not fundamentally change policy towards Georgia and in the region.

The U.S. president-elect needs to think strategically about Georgia and consider the broader context of U.S. policy toward Russia and Eurasia. On a priority basis, the incoming administration should set up an inter-agency task force to review all aspects of U.S.-Russian relations (i.e., security, energy, and financial matters). Coaxing Russia back into the political mainstream, not to mention resuming CFE and START negotiations, will require both tough negotiating and a conciliatory approach. In addition to bilateral talks, the Russia-NATO Council could serve as a forum for discussing Europe's security architecture in the context of NATO's expansion plans (to potentially include Ukraine, Georgia, and Russia). Intensified discussions involving the United States, Russia, France, and Germany could also be a useful forum for addressing shared concerns such as energy security and Iran's nuclear program.

Georgia is important. It must not get caught up in a great game between world powers. Nor should the United States surrender Georgia to Russia's sphere of influence. To resolve the Georgian-Abkhaz conflict, unprecedented cooperation will be required, drawing upon (i) Russian willingness to convince the Abkhaz side to make meaningful concessions; (ii) U.S. ability to have Georgia give up some its core positions, and, (iii) the EU's commitment to expand its political and economic role significantly.

Compromise is not only in the interest of the conflicting parties. Working together would also help the United States, Russia, and Europe by establishing the precedent of cooperation to address the world's most serious challenges.

Notes

[1] "Agreement on a Ceasefire and Separation of Forces," Moscow, May 14, 1994. The mandate of the collective CIS operation is also stipulated in the August 22, 1994, "Decision of the Council of the CIS Heads of State on Usage of Collective Forces to Maintain Peace in the Conflict Zone of Georgia-Abkhaz."

[2] The CIS heads of state regularly extended the mandate until 2003, when Presidents Putin and Shevardnadze agreed to continue the mission until one of the sides to the conflict requests withdrawal. "Final Statement on Meeting of the President of the Russian Federation Mr. V. Putin and the President of Georgia Mr. E. Shevardnadze," March 7, 2003. The CIS heads of state endorsed the decision as well; see "Decision of the Council of the CIS Heads of State on Extension of the Mandate of Peacekeeping Operation in the Conflict Zone in Abkhazia, Republic of Georgia," March 22, 2003.

[3] Assumption: The Larsi, Roki, and Psou checkpoints are placed under Georgia's control.

[4] Assumption: Georgia will be in MAP by the time a diplomatic initiative is launched.

[5] Georgians made up over 40% of the population in 1914, then went down to 33% in 1926, up to 40% in 1959, and increased slightly to 43% and 45% in 1979 and 1989, respectively. Abkhaz represented 42% of the population in 1886, but only 27% in 1914 and 27% in 1926. By 1959, they represented only 15%. Dramatic changes occurred as a result of increases in the Armenian population, which was 1.5% in 1886 but jumped to 15.9% in 1959 (larger than the number of Abkhaz). Between 1926 and 1959, the Abkhaz population went from 56,000 to 62,000; Georgians from 67,000 to 150,000; Russians from 12,000 to 86,000; and Armenians from 25,000 to 64,000. Cornell, Svante, *Small Nations and Great Powers*, p. 156.

[6] Stanislav Lakoba, "Abkhazia is Abkhazia," Report at a London Conference on the North Caucasus and Abkhazia, April 23, 1993; *Central Asian Survey*, Vol. 14, No. 1 (1995), pp. 97–105.

[7] 1989 Soviet Census. Statistical Yearbook of Georgia, 2005: Population. Georgian State Department of Statistics.

[8] Interview with a Russian embassy official in Tbilisi on June 18, 2008.

[9] Ibid.

[10] The referendum took place on January 5, 2008, in parallel to the Georgian Presidential Election.

[11] Socor, Vladimir, "Russia Deploys Railway Troops to Abkhazia," *Eurasia Daily Monitor*, June 3, 2008; http://www.jamestown.org/edm/article.php?article_id=2373110.

[12] *Agence France Press*, Moscow/Tbilisi, March 15, 2008.

[13] Temuri Kiguradze, "Moscow: Removing Russian peacekeepers 'reckless,'" *The Messenger*, June 18, 2008.

[14] The Atlantic Council participated in a joint delegation with members of the faculty of the Harriman Institute at Columbia University; they visited Tbilisi, Sukhumi, and Zugdidi from June 15–20, 2008.

[15] Interview with a Russian embassy official in Tbilisi on June 18, 2008.

[16] Anonymous interview in Tbilisi on June 18, 2008.

[17] http://www.washingtonpost.com/wp-dyn/content/article/2008/07/07/AR2008070702.

[18] Statement by Per Eklund at the Frozen Conflict Forum on Abkhazia organized by the Atlantic Council, the Harriman Institute, and the Georgia Foundation for Strategic and International Studies, June 19, 2008.

[19] BBC, "Guide to Russia's key energy clients," *BBC News*; see http://news.bbc.co.uk/2/hi/europe/5167062.stm.

[20] Smith, David, "Feeding the Crocodile," 24 *Saati*, June 23, 2008.

[21] This group is referred to by a member state as the "Real Group of Friends."

[22] http://www.turkishdailynews.com.tr/article.php?enewsid=105459.

[23] *Milliyet*, "Unlu Portreler," January 18, 1996.

[24] "Abkhazia: The Way Forward," Europe Report No. 179, International Crisis Group, January 18, 2007, p. 17.

[25] "Agreement on a Ceasefire and Separation of Forces," Moscow, May 14, 1994. The mandate of the collective CIS operation is also stipulated in the August 22, 1994, "Decision of the Council of the CIS Heads of State on Usage of Collective Forces to Maintain Peace in the Conflict Zone of Georgia-Abkhaz."

[26] UNSC Report S/2008/219, April 2, 2008. Under their mandate, they can provide training, equipment, and expertise but can not detain criminals.

[27] UNSC Resolution 1781 (October 15, 2007).

[28] "Abkhazia: The Way Forward," p. 17.

[29] The 1989 Soviet Census put the Georgian population of Abkhazia at 239,872 (45.7% of a total pre-war population of 525,061) and most fled in 1992–93. In 2005, the Georgian Ministry of Refugees and Accommodation and the UNHCR registered 209,013 displaced from Abkhazia, including approximately 45,000 Gali returnees. The Ministry later retracted the figure and put the figure at 247,612.

[30] The Organization for Security and Cooperation in Europe recognized ethnic cleansing in Abkhazia at its Budapest (1994), Lisbon (1996) and Istanbul (1999) Summits.

[31] Kalin, Walter, "Georgia must act on promises to end displacement crisis," Brookings Institution-University of Bern Project on Internal Displacement.

[32] For a more detailed account of IDP socio-economic conditions, see International Crisis Group (ICG), "Abkhazia Today," September 15, 2006, pp. 22–25.

[33] Geneva Negotiations, November 30–December 1, 1993.
[34] Quadripartite Agreement on Voluntary Return of Refugees and Displaced Persons, April 4, 1994.
[35] This figure is used by the UNHCR, but exact figures are difficult to asses because some people commute across the ceasefire line in order to avail themselves of social services provided by the Georgian state or migrate seasonally in accordance with agricultural cycles. The *de-facto* Abkhaz authorities claim that the number is at least 65,000.
[36] United Nations. *Guiding Principles on Internal Displacement*; see also http://www.reliefweb.int/Ochamchirea_ol/ pub/idp_gp/idp.html.
[37] United Nations. "Strategic Directions: Promoting Confidence Building Measures for Displaced and War Affected Persons in Abkhazia."
[38] The Halo Trust; see http://www.halotrust.org/Abkhazia.html.
[39] Statement by the United Nations Humanitarian Coordinator Representative to Georgia at the Frozen Conflict Forum on Abkhazia organized by the Atlantic Council, the Harriman Institute, and the Georgia Foundation for Strategic and International Studies, June 19, 2008.
[40] Interview with U.S. Ambassador John Tefft in Tbilisi on June 18, 2008.
[41] See http://www.delgeo.ec.europa.eu/en/trade/enpi_csp_georgia_en1.pdf.
[42] Ibid.
[43] This is a 2005 estimate from the World Bank.
[44] See http://www.delgeo.ec.europa.eu/en/trade/enpi_csp_georgia_en1.pdf.
[45] Butuzova, Lyudmila, and Roman Mukhametzhanov, "Abkhazia Revisited," Moscow News, No. 36 (September 13, 2007).
[46] ICG, "Abkhazia Today."
[47] Interview with Nadir Bitieff, Advisor to Abkhazia's de-facto President, on June 15, 2008.
[48] Anjaparidze, Zaal, "Sukhumi's Anti-Georgian Stance Jeopardizes International Economic Initiatives," *Eurasia Daily Monitor*, Vol. 3, Issue 132 (July 10, 2006).
[49] The Central Asia–Caucasus Institute (CACI) at Johns Hopkins University is developing a project called "Reconstruction and Development of Regions of Azerbaijan Liberated from Occupation," which could serve as a useful model for Georgia.
[50] Lincoln A. Mitchell, "Democracy Bound," *The National Interest*, May/June 2008.
[51] This discussion on autonomy and minority rights draws from Phillips, David L., and Theodore Sorensen, "Legal Standards and Autonomy Options for Minorities in China," Belfer Center for Science and International Affairs, Harvard University, July 2004.
[52] Such as the UN Charter, the International Covenant on Civil and Political Rights (CCPR), the International Covenant on Economic, Social and Cultural Rights (CESCR), and the International Convention on the Elimination of all Forms of Racial Discrimination (CERD).
[53] Article 27.
[54] HRC, General Comment 23, (1994) (GC#23), para. 3.
[55] CCPR, Article 2.2, CESCR, Article 1.2, Minority Rights Declaration.
[56] CERD Article 2.
[57] CCPR Article 2.3.
[58] See, generally, Geoff Gilbert, "Autonomy and Minority Groups: A Right in International Law" 35 Cornell Int'l L.J. 307 (2002); Philip Alston, "Peoples' Rights: Their Rise and Fall" in P. Alston, ed., *Peoples' Rights* (2001).
[59] UN General Assembly Resolution 1541 (1960).
[60] For example, India.
[61] Examples are Greenland, Hong Kong, Mindanao, and South Tyrol.
[62] Apsnipress News Agency. March 14, 2008.
[63] Report of the Secretary-General. April 24, 2000 (S/2001/401).
[64] European Commission. EC Rehabilitation Programmme for the Georgian-Abkhaz Zone of Conflict. October 2006; see www.delgeo.ec.europa.eu/en/programmes/SummaryPhaseIIrevision_Oct06.doc.
[65] Ibid.
[66] For example: International Alert, Conciliation Resources, Links, the Berghof Centre for Constructive Conflict Management, the Heinrich Böll Foundation, the University of California Irvine, and the Vrije Universiteit Brussel.
[67] In this instance, the confederal arrangement would be between two parties, not between legally recognized states.
[68] "Agreement on a Ceasefire and Separation of Forces," Moscow, May 14, 1994. The mandate of the collective CIS operation is also stipulated in the August 22, 1994, "Decision of the Council of the CIS Heads of State on Usage of Collective Forces to Maintain Peace in the Conflict Zone of Georgia-Abkhaz."
[69] The CIS heads of state regularly extended the mandate until 2003, when Presidents Putin and Shevardnadze agreed to continue the mission until one of the sides to the conflict requests withdrawal. "Final Statement on Meeting of the President of the Russian Federation Mr. V. Putin and the President of Georgia Mr. E. Shevardnadze," March 7, 2003. The CIS heads of state endorsed the decision as well; see "Decision of the Council of the CIS Heads of State on Extension of the Mandate of Peacekeeping Operation in the Conflict Zone in Abkhazia, Republic of Georgia," March 22, 2003.
[70] The Atlantic Council could be a resource by providing information on comparative constitutional and autonomy arrangements.

[71] American University's Track-Two Program for Turkey and the Caucasus serves as a model. USAID made a multi-year, multi-million dollar grant to AU for the purpose of supporting communication, contact and cooperation between Turkish, Armenian, and Azeri NGOs (2001–2004).
[72] The International Center for Human Development directed by Tevon Poghosyan in Yerevan has conducted similar research and could be suitable for this project.
[73] The International Center for Human Development directed by Tevon Poghosyan in Yerevan, Armenia has conducted similar research and could be suitable for this project.
[74] Assumption: The Larsi and Roki checkpoints are placed under Georgia's control.
[75] Assumption: Georgia will be in a MAP by the time a diplomatic initiative is launched.

Acronyms

BTC	Baku-Tbilisi-Ceyhan Pipeline
CBM	Confidence-Building Measure
CIS	Commonwealth of Independent States
CISPKO	Commonwealth of Independent States Peacekeeping Operation
CIVPOL	International Civilian Police
EBRD	European Bank for Reconstruction and Development
EC	European Commission
ENP	European Neighborhood Policy
EU	European Union
FSB	Federal Security Service of Russia
GDP	Gross Domestic Product
GoG	Government of Georgia
HPP	Inguri Hydro-Power Plant
HROAG	United Nations Human Rights Office Abkhazia, Georgia
IDPs	Internally Displaced Persons
IFIs	International Financial Institutions
IREX	International Research and Exchanges Board
JCCC	Joint Community Coordinating Committee
JFFG	Joint Fact-Finding Group
MAP	Membership Action Plan
MFN	Most Favored Nation
NATO	North Atlantic Treaty Organization
NGO	Non-Governmental Organization
OECD	Organization for Economic Cooperation and Development
OSCE	Organization for Security and Cooperation in Europe
PCA	Partnership and Cooperation Agreement
PIC	Peace Implementation Council
PKO	Peacekeeping Operation
QPM	Quadripartite Meetings
SRSG	Special Representative of the Secretary General
SSR	Soviet Socialist Republic
START	Strategic Arms Reduction Treaty
UNHCR	United Nations High Commissioner for Refugees
UNOMIG	United Nations Observer Mission in Georgia
UNSC	United Nations Security Council
WTO	World Trade Organization

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Appendix A

International Standards for Minority Rights[1]

Minority rights have a long history under international law, going back as far as the Treaty of Westphalia in 1648. The League of Nations and the United Nations were both established to promote peace and security by harmonizing the rights of sovereign states with the rights of minorities resident in those states. Over the past fifty years, the international community has developed a broad set of standards for minority rights relevant to all countries.

Sources

The full array of minority rights has not been aggregated into a single international treaty, but has been scattered across various UN and regional instruments as well as national constitutions. From the earliest enumeration of minority rights to the present, the two over-riding issues under international law have been (i) equality and non-discrimination and (ii) protection and promotion of the unique identity of minorities. Equality and non-discrimination have been easily translated into juridical standards and are part and parcel of all of the major human rights treaties.

More nuanced standards, attuned to the differing circumstances of minority groups, may be derived from the practice of states and emerging international instruments. In particular, those autonomy rights proposed for indigenous peoples, the more advanced European instruments relating to minority populations, and a growing body of autonomy precedents provide guidance with respect to the rights of minority groups with historical ties to a specific territory and a history of self-governance.[2]

The principles of non-discrimination and equality are established in the UN Charter and the two major human rights covenants — the International Covenant on Civil and Political Rights (CCPR) and the International Covenant on Economic, Social, and Cultural Rights (CESCR) — and elaborated in the International Convention on the Elimination of all Forms of Racial Discrimination (CERD). More specific elaboration of minority rights is rooted in Article 27 of the CCPR, which holds:

> In those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.

Article 27 has been interpreted and developed by the reports and general comments of the body charged with the CCPR's enforcement — the UN Human Rights Committee (HRC). General Comment No. 23, issued by the HRC in 1994, elaborates the content of Article 27, underscoring the affirmative obligations that the Article places on state parties:

> Although the rights protected under article 27 are individual rights, they depend in turn on the ability of the minority group to maintain its culture, language or religion. Accordingly, positive measures by states may also be necessary to protect the identity of a minority and the rights of its members to enjoy and develop their culture and language and to practice their religion, in community with the other members of the group.[3]

The HRC has established a Working Group of the Sub-Committee on Prevention of Discrimination and Protection of Minorities to work in coordination with the CERD to monitor compliance of minority rights.[4] In 1992, the United Nations General Assembly adopted a declaration addressing minority rights directly — the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities ("Declaration on Minority Rights"). In the absence of a UN treaty devoted to minority rights, the Declaration represents a universal baseline standard for minority rights under international law.[5] Standards are also articulated in the Council of Europe's Framework Convention on the Protection of Minorities and through European Union Partnership Agreements and accession criteria.[6]

European states have made additional progress in defining minority rights. The 1990 Copenhagen Document of the Organization for Security and Cooperation in Europe (the Copenhagen Document) represents the most comprehensive international standard in the field of minority rights. The OSCE has designated a High Commissioner for National Minorities to work with member states so that they satisfy criteria in the Copenhagen Document.[7]

Indigenous rights offer additional relevant guidance. Of these, the most advanced instruments are International Labor Organization (ILO) Convention 169 Concerning Indigenous and Tribal Peoples in Independent Countries (ILO 169), which came into force in 1991, and the UN Draft Declaration on the Rights of Indigenous Peoples. These instruments provide relevant guidance relating to appropriate levels of local control and suggest that the right of self-determination for certain "peoples" may be best met through autonomy arrangements falling short of secession and not posing a threat to territorial integrity.

International law requires that states take certain measures to effect substantive human rights obligations including minority rights. In particular, states are obligated to:

(i) recognize minority rights in their national laws and policies;[8]
(ii) adopt legislative and financial measures to ensure the effective implementation of minority rights;[9]
(iii) adopt legislative and enforcement measures to ensure that minority rights are not threatened by the state or third parties;[10]
(iv) provide effective remedies for violations of minority rights;[11]
(v) undertake regular evaluations, planning and oversight to ensure accountability and progressive realization of minority rights.

Minority Rights Standards

Governance

Self-Governance

(a) States shall respect the right of persons belonging to minorities to participate effectively in decisions on the national and regional level concerning the minority to which they belong or the regions in which they live.12
(b) States shall respect the rights of minorities to participate effectively in public life, including through elections, holding public office, and participating in other political and administrative functions.[13]

(c) States shall respect the rights of minorities to assemble and form associations and political parties and thereby aggregate their interests to make the greatest impact on national and regional decision-making.[14]
(d) States shall duly consider the best manner of achieving effective political participation of minorities, including autonomy arrangements.[15]
(e) States shall respect the right of members of minorities to determine their own political status.[16]
(f) In planning and implementing national policies and programs or international programs of cooperation and assistance, states shall give due regard to the legitimate interests of persons belonging to minorities and shall establish advisory or consultative bodies involving minorities within appropriate institutional frameworks.[17]

Judiciary

(g) In applying national laws and regulations to certain minority populations, states shall give due regard to their customs or customary laws.[18]
(h) States shall respect the right of certain minority populations to retain their distinctive juridical customs, traditions, and procedures and practices, where these are not incompatible with fundamental rights defined by the national legal system and with internationally recognized human rights.[19]

Police and Security

(i) States shall respect the rights of minorities to participate effectively in public security and policing functions.[20]

International Representation and Agreements

(j) States shall respect the right of certain minorities to the recognition, observance, and enforcement of treaties, agreements, and other constructive arrangements concluded with states or their successors and to the resolution of conflicts arising out of these by competent international bodies agreed to by all parties concerned.[21]
(k) States shall respect the right of minorities to establish and maintain unimpeded contacts among themselves within their country, as well as across frontiers with citizens of other states with whom they share a common ethnic or national origin, cultural heritage, or religious belief.[22]
(l) States shall recognize the rights of members of minorities to form and join associations and trade unions.[23]

Movement of Peoples

(m) States shall respect the right of members of minorities to liberty of movement within the country, the freedom to choose one's residence, and the freedom to leave the country.[24]
(n) States shall refrain from measures which alter the proportions of the population inhabited by persons belonging to minorities and are aimed at altering the rights enjoyed by such minorities.[25]
(o) States shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.[26]

(p) States shall respect the right of members of certain minorities not to be relocated — except in exceptional circumstances — without their free and informed consent.[27]

Culture

Education

(q) States shall recognize the right of members of minorities' equal access to education and shall not establish or maintain separate educational systems on the basis of membership in a minority.[28]
(r) States shall recognize the right of members of minorities to organize their own education programs, including the establishment and maintenance of schools.[29]
(s) States should take measures in the field of education to encourage knowledge of the history, traditions, language, and culture of minorities.[30]

Language

(t) States shall not discriminate against members of minority groups on the basis of language.[31]
(u) States shall protect the existence and identity of linguistic minorities.[32]
(v) States shall take measures to encourage knowledge of, and the ability to take instruction in, the language of minorities existing within their territory.[33]
(w) States shall recognize the right of members of minorities to establish and maintain educational systems providing education in their own languages and should to the extent possible provide subsidies for such schools.[34]
(x) States shall adopt measures to inform members of minority groups of their rights and duties in their own language.[35]
(y) States shall respect the rights of a member of a minority to be informed of any criminal charges and to defend himself or herself against such charges in a language which he or she understands and to have the free assistance of an interpreter if necessary.[36]
(z) In areas traditionally inhabited by substantial numbers of a particular minority, states shall endeavor to display traditional local names, street names, and other topographical indications intended for the public in the minority language.[37]

Religion

(aa) States shall not discriminate against members of minorities on the basis of religion.[38]
(bb) States shall respect the right of members of minorities to manifest their religious beliefs and to establish religious institutions, organizations, and associations.[39]
(cc) States shall respect the rights of members of minorities to establish and maintain contact with individuals and communities in matters of religion at the national and international levels;
(dd) States shall respect the rights of members of minorities to make, acquire, and use articles and materials related to religious beliefs.[40]

Media

(ee) States shall ensure by legislation that members of minority groups are not discriminated against in their access to the media.[41]

(ff) States shall adopt adequate measures to facilitate access to, and the possibility of creating and using, the media for members of minorities.[42]

Cultural Identity

(gg) States shall respect the right of members of minorities to freely determine their cultural identity and to pursue their cultural development freely.[43]

(hh) States shall undertake to promote the conditions necessary for members of minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions, and cultural heritage.[44]

(ii) States shall undertake initiatives in the field of education in order to encourage knowledge of the culture of minorities existing within their territory.[45]

Economy

Economic Development

(jj) States should consider appropriate measures so that persons belonging to minorities may participate fully in the economic progress and development of their country.[46]

Natural Resources

(kk) States should consult and ensure the effective participation of members of a minority with regard to the development of land and natural resources which affect them.[47]

(ll) States should respect the rights of certain minorities to own, develop, control, and use the natural resources on those territories that they have traditionally occupied.[48]

(mm) In cases in which the State retains the ownership of mineral or sub-surface resources of lands occupied by certain minorities, governments shall consult them before exploiting such resources, and such minorities should benefit in any exploitation of such resources.[49]

Property and Land Management

(nn) States shall recognize the rights of ownership and possession of certain minorities over the lands which they have traditionally occupied and shall penalize the unauthorized intrusion on such lands.[50]

(oo) States shall respect the rights of collective ownership and use of land which are established by the customs of certain minority populations.[51]

Notes to Appendix A

[1] This appendix draws on research by Christopher Jochnick at Paul, Weiss, Riskind, Wharton, and Garrison, July 2004.
[2] See, generally, Geoff Gilbert, "Autonomy and Minority Groups: A Right in International Law" 35 Cornell Int'l L.J. 307 (2002); Philip Alston, "Peoples' Rights: Their Rise and Fall," in P. Alston, ed., Peoples' Rights (2001).
[3] HRC, General Comment 23, (1994) (GC#23), para. 3.
[4] See http://www.un.org/rights/dpi1774e.htm.
[5] The UN Working Group on Minorities has provided an authoritative interpretation of the Declaration authored by the Working Group's Chair Asbjorne Eide. This document is hereafter referred to as the WG Commentary.
[6] See http://conventions.coe.int/Treaty/en/Treaties/Html/157.htm.
[7] See http://www.osce.org/hcnm.
[8] CCPR, Article 2.2 ; CESCR, Article 1.2, Minority Rights Declaration.
[9] CERD, Article 2.
[10] GC #23.
[11] CCPR, Article 2.3.
[12] Declaration on Minority Rights, Article 2(3); European Framework, Article 15; Copenhagen Document, Article 31.
[13] Declaration on Minority Rights, Article 2, GC 23, para. 7; WG Commentary, para. 36.
[14] Ibid.
[15] WG Commentary, para. 20.
[16] CCPR Article 1.1; CESCR Article 1.1; Draft Declaration on Indigenous Rights, Article 3; European Framework, Article 3.
[17] Declaration on Minority Rights, Article 5(1); WG Commentary, para. 48; ILO 169, Article 33(2)(a)-(b)).
[18] ILO 169, Article 8.
[19] ILO 169, Article 8(2); Draft Declaration on Indigenous Rights, Article 4.
[20] As included in general right to participate in public life and administrative functions. Declaration on Minority Rights, Article 2, GC 23, para. 7; WG Commentary, para. 36.
[21] Draft Declaration on Indigenous Rights, Article 36.
[22] CCPR, Article 22(1); Declaration on Minority Rights, Article 2.5; Copenhagen Document, Article 32(4).
[23] CCPR, Article 8(1)(b); Draft Declaration on Indigenous Rights, Article 18.
[24] CCPR, Articles 12(1) and 12(2); Universal Declaration of Human Rights, Articles 13(1) and 13(2).
[25] European Framework, Article 17.
[26] European Framework, Article 5.
[27] ILO 169, Article 16(2).
[28] Covenant Against Discrimination in Education (Covenant on Education), Article 1; CERD, Article 5(e)(v).
[29] Covenant on Education, Article 5(1)(b); CESCR, Article 13(3); CCPR, Article 18(3).
[30] Declaration on Minority Rights, Article 4(4); Convention on the Rights of the Child, Article 29.1(c).
[31] Universal Declaration of Human Rights, Article 2; CCPR Article 2(1).
[32] Declaration on Minority Rights, Article 1(1).
[33] Declaration on Minority Rights, Articles 4.3 and 4(4).
[34] Declaration on Minority Rights, Article 4.3; WG Commentary, para. 63; Convention Against Discrimination in Education, Article 5(1)(c); Draft Declaration on Indigenous Rights, Article 15.
[35] Declaration on Minority Rights.
[36] European Framework, Article 10.
[37] European Framework, Article 11.
[38] CCPR, Article 2(1), 26; CESCR, Article 2; Declaration on Minority Rights, Article 2.1: Universal Declaration of Human Rights, Article 2.
[39] CCPR, European Framework, Article 8 ; Copenhagen Document, Article 33.
[40] The Declaration on the Elimination of all Forms of Intolerance and Discrimination Based on Religion or Belief, UNG.A. Res. 36/55, UN GAOR, 36th Sess. (1981).
[41] European Framework, Article 9.
[42] Ibid.
[43] CCPR, Article 1; CESCR, Article 1; Draft Declaration on Indigenous Rights, Article 3.
[44] CESCR, Article 15; Convention on the Elimination of Racial Discrimination, Article 2(2); ILO Convention No. 107, Article 27(2)(a); ILO Convention No. 169, Article 4.1; UN Declaration on the Rights of Minorities, Article 1(1), Article 4.2; Copenhagen Document, Articles 33, 35.
[45] UN Declaration on the Rights of Minorities, Article 4(4).
[46] Declaration on Minority Rights, Article 4.5.
[47] Declaration on Minority Rights Article 2.3; WG Commentary, para. 71; ILO, CCPR 27, GC 23#7, ILO Convention No. 169, Article 1(1),).

[48] Draft Declaration on Indigenous Rights, Articles 26 and 28.
[49] ILO 169, Article 15.2.
[50] ILO 169, Articles 17 and 18; CCPR Article 27; and GC#23, para. 3.2.
[51] ILO 169, Articles 13 and 17; Draft Declaration on Indigenous Rights, Article 13.

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