

‘Isolation’/’Deisolation’ of Abkhazia in Western Paradigm

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August 2008 crisis and Moscow's unilateral recognition of breakaways reshuffled the terrain of conflicts in Georgia. All frameworks holding up humble peace process dismantled. In Abkhazia, international observation and 'peacekeeping' mandates ceased to exist with UNOMIG withdrawal and former 'CIS blue helmets' swift transformation into Russian regular army, further boosted up with manpower and weaponry to heavily entrench on ground. The parties to the conflict ended up with basically the same old interests but different footings. At large the conflict resolution prospects got much gloomier. The war, that many similarly to Ronald Asmus believe "shook the world" had ramifications reaching well beyond Georgia and the region. It is widely believed that the war did not have clear winners as the outcome did not fully complement the interests of any side,¹ yet to different degrees indeed. The West² also found its interests first and foremost laying in peace and stability, heavily challenged. Virtually 'new realities' were shaped and accordingly new paradigms forged domestically and outside.

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¹ Independent International Fact Finding Mission on the Conflict in Georgia, available at: <http://www.ceiig.ch/>, p.32

² at this point the term is deliberately used collectively for the US and the EU, as well as international organizations predominated by its members.

“New” Western Vision – evolution and characteristics

Western paradigm evolved over time from in a way *reactive/responsive*, to *re-assessing* and then *pro-active*.

Firstly, the West, which could not preempt the mounting crisis had to face the drama and (re)act accordingly. It was caught by the urgency to extinguish fire and broker emergency peace at first. Both US Administration and Brussels were sharp in statements aimed to stop Russian military intervention. Some European leaders, never minding the risks, flew to Tbilisi to show their support. The US Secretary of State Condoleezza Rice paid a visit. Soon the US warship anchored in Poti to symbolize American support. But it was the EU and its French presidency who took a political lead rather quickly and brokered the six point agreement that served its immediate purpose – ceasefire.

The EU was also quick to activate its ESDP civilian mission – the EUMM with then 200 observers mandated to “monitor compliance by all sides with the EU brokered Six-Point Agreement of 12 August, signed by both Georgia and Russia, and the Agreement on Implementing Measures of 8 September 2008.”³ Yet the Mission up to now faces what is often referred to as “unilateral constructivism” to describe Georgia’s one-sided compliance to respective commitments. While Russian signatory refuses to adhere to the agreement, withdraw troops, restore the pre-crisis status quo, Abkhaz and Russian sides deny Monitors’ access to the conflict zone, the EUMM remains only a half-fledged instrument.

Secondly, the reaction of the West followed the Russian decision on ‘recognition’ of Georgia’s breakaway regions. The individual and collective responses of international community, those of Washington, EU institutions and individual members states, NATO, OSCE, Foreign Ministers of the G7, some of the CIS countries, UN, may have differed in toning and sharpness,⁴ all fine-tuned to condemn the decision, reaffirm resolute support and respect for Georgia’s independence, sovereignty and territorial integrity.

Thirdly, the reaction was on the collapse of all previous formats of talks. With the aim to somehow diffuse extreme polarization and transfer the process to negotiation table, internationally sponsored Geneva talks were kicked off with the EU, UN and OSCE co-hosting Georgia, Russia and US as participants, ensuring representation of Abkhazian and South Ossetian authorities. The format was foreseen by the same 8 September agreement on “implementation measures” that gave a start to EUMM and in general meant to flesh out six-point agreement. Significant by its own virtue as the only platform for discussions, some may observe more political drama at all 14 uneasy meeting rounds (so far) than effective consideration of crucial security and humanitarian issues on agenda, including that on IDPs and

³ EUMM official website, http://www.eumm.eu/en/about_eumm

⁴ for instance president Bush called it “an irresponsible decision”, in West condemns Russia over Georgia, BBC News, 26 August, 2008, available at: <http://news.bbc.co.uk/2/hi/europe/7583164.stm>

refugees. The different perceptions of roles, status and the purpose of Geneva talks hampers getting down to concrete issues and even squeezes solutions out of its format. Georgia's unilateral pledge on non-use of force, that was largely hailed internationally, is perhaps an important example on that.⁵

Fourthly, the reaction was on huge physical damage that Georgia had encountered as a result of Russian aggression and occupation in terms of its curbed economy, harmed investment climate, looted infrastructure and urging humanitarian needs following anew exodus of tens of thousands of ethnic Georgians from conflict zones. Donor conference in October 2008 pledged handful 4.5 billion USD for Georgia (including loans and credits) that came as significant support especially on the eve of mounting financial crisis.

Then the West shifted from reaction mode to analysis of situation and 'new realities' in order to "reassess, readjust and reinforce" the positions of international community, as the Independent International Fact Finding Mission on the Conflict in Georgia, (the so called "Tagliavini report") formulates.

One of the major shifts in Western vision related to the context and the dimension of the conflicts. Russia practically unveiled itself as a party to the conflicts. This was no novelty in Georgian perceptions.⁶ Quite long before August 2008 Tbilisi considered Moscow as interested actor and biased broker, giving an account to troublesome record of Russian Georgian relations curiously paralleled with ebbs and flows in peace process for nearly two decades.

Now the West accepted it directly or implicitly. Georgia's conflicts get linked to or are viewed as part of Russian-Georgian controversy, with a consideration of even greater geopolitical terrain. In his statement on 17 January 2011 Peter Semneby, the EU Special Representative for the South Caucasus, suggested to view "different levels of conflicts – inter-state and intra-state both of which have to be addressed if any conflict resolution efforts are ultimately going to be successful".⁷

The multi-layered nature of the conflict was also spelled out in "Tagliavini report," which reads the following:⁸

"There are three separate but interconnected levels within this conflict:

⁵ voiced by president Saakashvili in front of European parliament on 23 November and earlier enshrined in State Strategy on Occupied Territories: Engagement through Cooperation, the Preamble of which reads: "Georgia seeks to achieve these objectives only through peaceful means and diplomatic efforts, and rejects the pursuit of a military solution", available at: <http://www.smr.gov.ge/uploads/file/SMR-Strategy-en.pdf>

⁶ See Archil Gegeshidze, "**The August Events: Background Factors of the Crisis, Causes and Prospects of Elimination**," in Crisis in Georgia 2008: Preconditions, Reality, Perspectives, 2009, available at: http://fes.ge/de/images/Fes_Files/09_GeoP/crisis%202008%20in%20georgia_final.pdf

⁷ Peter Semneby speech in front of National assembly of Council of Europe in Paris, 17 January 2011, "on perspectives of engagement, dialogue and cooperation to address the consequences of the war between Russia and Georgia: a forward looking approach"

⁸ Independent International Fact Finding Mission on the Conflict in Georgia, Volume II, p. 33; available at: <http://www.ceiig.ch/>

- The unresolved relationship between Georgian authorities and the minorities living within its borders;
- The strained and ambiguous relationship between Georgia and its powerful northern neighbour, the Russian Federation;
- The geo-strategic interests of major international players, both regional and non-regional, competing for political influence, access to energy supplies and other strategic assets.”

The last point acknowledges the wider-reaching consequences of this conflict. The West was loudly challenged shortly in the aftermath of the crisis. Moscow did not shy away from international condemnations for aggression and instead, quickly put forward “new principles” of world order. Russia attempted to mark the ‘red lines’ around the areas of “privileged interests.”⁹ The West deemed “new dividing lines in Europe”¹⁰ unacceptable and condemned Russia’s “claim to...special rights of interference into the internal or external affairs of other countries”, which is in turn is, “irreconcilable with international law”¹¹. Western community also read the spirit for retaliation for Kosovo that was imminent in the statements on “humanitarian justification” for intervention by Russian leaders, heavily compromised with their ill-famed record in Chechnya. Yet not assumptions but investigation of facts guided international fact finding mission to conclude in its report that “humanitarian intervention” of Russia is not recognized at all.”¹²

The same report spells out a few major observations that shape the Western paradigm, particularly on its non-recognition component, that finds itself well footed in international law.¹³

“international law does not recognize a right to unilaterally create a new state based on the principle of self-determination outside the colonial context and apartheid. An extraordinary acceptance to secede under extreme conditions such as genocide” was not found grounded.

More, “consequently, several elements suggest the conclusion that ethnic cleansing was indeed practiced against ethnic Georgians in South Ossetia both during and after the August 2008 conflict.” The Abkhaz/Russian forcible seizure of Georgian-administered Upper Kodori valley and following flow of ethnic Georgians comes also ‘under scrutiny’ of this report and finds this action illegal as breaching international law and concrete agreements.¹⁴

⁹ New Russian World Order: the Five Principles, BBC News, 1 September, 2008, available at: <http://news.bbc.co.uk/2/hi/europe/7591610.stm>

¹⁰ Ferrero Walder quoted in BBC News on “EU’s Show of Unity Over Georgia”, 1 September 2008, available at: <http://news.bbc.co.uk/2/hi/7592972.stm>

¹¹ “Tagliavini Report”, op. cit., Volume II, p. 7

¹² “Tagliavini report”, Volume II, p. 24

¹³ For further reading please refer to John Dugard and Daviod Raič, “The role of recognition in the law and practice of secession”, in “Secession”, Marcelo G. Kohen (Ed.), Cambridge University Press, 2006, pp. 94-110

¹⁴ “Tagliavini report”, op.cit. Paragraph 17 and paragraph 24 in particular

What comes here as most compromising aspect of secessionist claims in Georgia, is artificial demographic engineering in favor of preferred ethnic groups on expense of cleansing or discrimination of others that downs any 'legal' or 'humanitarian' clout for the claim within international law. And indeed, this is even a more serious challenge in Abkhazia case. The most recent information on the decision of the so called Abkhaz-Russian joint commission to ban the Russian citizens of Georgian origin from property disputes in January 2011 adds gravity to the difficult point as it can only be perceived as, softly terming, clear ethnic discrimination (Russian commentator of Radio "Echo Moskvi" Matvei Ganatpolsni goes much sharper in his assessment).¹⁵

Based on the observations and assessment, the West shifted to *pro-active* mode, trying to address those different layers of conflicts with consideration of 'new realities';

On interstate levels, the US and the EU approaches (to Russia and to Georgia) largely resemble despite some differences as briefly outlined below. Both pledge firm support to Georgia's sovereignty and territorial integrity, which translates into the policy of "non-recognition." Both condemn Russia's decision and action on Georgia. In parallel, both Obama administration and post-Lisbon Brussels pressed 'reset' buttons in relations with Moscow to bring the spiraling out tensions back to peaceful orbit by capitalizing on mutually beneficial cooperation. The EU foreign policy is more flexible in its perception of "multipolarity" of international system, (enshrined in EU security strategy from 2003).¹⁶ More, particular EU states have a long experience of building 'workable to friendly' relations with Russia based on mutually beneficial cooperation (mostly in the field of energy). Therefore, that is no brand new development here. From the US administration the move was more a big-time gesture. Russia's invitation to NATO Lisbon Summit and suggestion for a 'fresh start' was a part of that.¹⁷ But, importantly, the core principles and positions are not sacrificed. Having all that in place, however, the sides 'agree to disagree' on Georgia (and conflicts in Georgia accordingly), where positions are not and cannot be compromised.

Furthermore, the US and Georgia have concluded the Charter on Strategic Partnership,¹⁸ that gets eventually substantiated. The White House, perhaps not as lauded as under Republican administration but in very consistent and deliberate way pursues its policy of unwavering support

¹⁵ Matvei Ganapol'ski "Nevozmozhnoe proizoshlo: Rossiya i Abkhazia official'no vveli fashizm", 14 January, 2011, available at: <http://echo.msk.ru/blog/ganapolsky/741745-echo/page/3.html>

¹⁶ A Secure Europe in a Better World, European Security Strategy, Brussels, 12 December, 2003. Available at: <http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf>

¹⁷ Nato and Russia promise a fresh start at Lisbon Summit, BBC News, 20 November, 2010 <http://www.bbc.co.uk/news/world-europe-11799097>

¹⁸ The US – Georgia Charter on Strategic Partnership, available at: <http://www.america.gov/st/texttrans-english/2009/January/20090109145313eaifas0.2139093.html>

for Georgia's sovereignty and territorial integrity. Along with reminding Russia of its international obligations and being firm on 'non-recognition', the US State Secretary has used term "occupation" in relation with Georgian breakaway regions, that is an important diplomatic signal. (Notably, attribution of term also implies the acknowledgement of responsibilities of occupier as delineated in international law).

The Europeans are traditionally more cautious and delicate with wording, but here also the term "occupation"¹⁹ and "occupied territories"²⁰ have been applied and voiced lately by different institutions. The position on non-recognition and respect for Georgia's independence, sovereignty and territorial integrity is explicit at all official levels. Meanwhile, the partnership between the EU and Georgia also significantly advanced since 2008. The negotiations on 'Association Agreement' started in July 2010 and some tangible moves to easing mobility and upgrading trade relations were made. This format of cooperation promises Georgia closer political and economic cooperation with the EU with prospects of visa liberalization and Deep and Comprehensive Free Trade agreement among others in future.

With the 'internationalization' of conflict and changed constellations on ground the Georgian-Abkhaz dimension got somewhat feeble. The international projects aimed at confidence building and bettering off the lives of people still continue, yet implementation factually got curtailed by 'new realities' on ground. With no political breakthrough achieved or expected in near future and considering increasing Russian dominance over the region(s), the West tries to forge the engagement strategy that would be detached from deadlocked political process but not infringe the international commitments.

"Non-Recognition and Engagement" and prospects for Abkhazia's de-isolation

In search of workable pro-active approach, the Western community came up with the concept of "Non-Recognition and Engagement" that combines the two principles with the aim to 'de-isolate' Abkhazia. Before getting into the scrutiny of this concept, a few factors have to be kept in mind.

Firstly, even if in Abkhaz perceptions Moscow is seen as the strategic partner and the "only" access to the outside world, (continuously ignoring Tbilisi as alternative), what we discussed here as "isolation" is in fact the current status quo of being exposed to Russia exclusively.

Secondly, when we discuss below the Western paradigm on non-recognition and engagement, we largely attribute it to the EU due to a matter that the US has always been less engaged on

¹⁹ European Parliament resolution of 20 January 2011 on an EU Strategy for the Black Sea (2010/2087(INI)) <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2011-0025+0+DOC+XML+V0//EN&language=EN>

²⁰ Stephan Fule, speaking of situation in occupied territories at the meeting with Georgian delegation in December, 2010, EU- Georgia Talks in Brussels, 8 December, 2010, available at: <http://civil.ge/eng/article.php?id=22941>

ground on the one hand and on the other, the administration articulates its own position differently.²¹

Thirdly, while stressing the EU as a major actor with non-recognition and engagement agenda, there will be two other documents briefly discussed, as the EU strategy is still in making and not yet substantiated to discuss in detail. Hence, having a look at the two other documents shall help to somewhat visualize the EU concept and ponder what are legal, practical or other opportunities and challenges inbuilt.

In January 2010, the Georgian government has publicized the “State strategy on occupied territories: Engagement through Cooperation.”²² The document has been worked out in close cooperation and consultancy with the Western experts and institutions, especially with the EU special representative’s office,²³ local independent experts and representatives of international organizations. The strategy has been hailed in Western community, including in the EU as a step forward promoting many constructive proposals in line with EU’s non-recognition and engagement approach, aimed at “reaching out the populations.”²⁴ The western community approved the Georgian understanding of sovereignty not as mere control over territory but as responsibility for the peoples leaving there. Beyond ‘good-will’ considerations, the strategy reflects on recognition of the need to do more beyond “strategic patience” if that would imply doing nothing but waiting and thus leaving the region ‘isolated’ to get completely swamped by Russia.

Several policy areas for cooperation have been identified such as economy, infrastructure, human rights, healthcare and education, freedom of movement, free flow of information, cultural heritage and identity. The Action Plan²⁵ that followed a half a year later, laid out practical mechanisms for its implementation. The four dimensions of work have been singled out and seven instruments elaborated for that purposes. The Action Plan also emphasizes the engagement with the “populations, to reduce their isolation and to improve their welfare, in the interest of human and regional security”. This paper does not give a detailed account of the document. However, it is noteworthy, that behind state official wording, that distracts Abkhaz (and Ossetian) sides, it suggests a number of flexible ideas for consideration.

Simultaneously to Georgian initiatives Political and Security Committee of the EU Council approved two internal documents on Georgia initiated by Peter Semneby (In December 2009), one of them on non-recognition and engagement policy towards the conflict zones in Georgia. The documents are not disclosed to public, yet following statements of the EU officials as well as coincidence in timing, spelling and European actors behind of Georgian state strategy suggests

²¹ For official account of US assessment see draft of resolution on Georgia initiated in U.S. Senate, 10 December 2010, available at: [http://www.civil.ge/eng/article.php?id=22951&search=US engagement Abkhazia](http://www.civil.ge/eng/article.php?id=22951&search=US+engagement+Abkhazia)

²² <http://www.smr.gov.ge/uploads/file/SMR-Strategy-en.pdf>

²³ Peter Semneby speech on 17 January, where he indicated on close cooperation and providing the input to the strategy and the action plan of the Georgian government.

²⁴ Cathrin Ashton, 8 July, 2010 http://www.mfa.gov.ge/index.php?lang_id=ENG&sec_id=30&info_id=12315

²⁵ Action Plan for Engagement (in English), available at: <http://www.civil.ge/files/files/AP-en.pdf>

an assumption on a high level of coordination and convergence between the documents in essence, if not wrapping.

On the top of it, in May 2010 two American experts Alexander Cooley and Lincoln A. Mitchell put forward the similar concept for Abkhazia and “Eurasia’s unrecognized states” called “Engagement without recognition,” yet this is an academic endeavor only (and not the policy). The concept with slightly different name suggests similar vision for the US and the EU policies to combine the elements of non-recognition and engagement. (the updated version published in October, 2010).²⁶

The concept bases on acknowledgement of conflict having minor chances for resolution in short and medium future. Hence, further the West remains inactive, more Abkhazia gets absorbed by Russia, rejecting Tbilisi as alternative. For strategic and humanitarian reasons, the authors suggest it is time for the West to act and carve out certain openings for local communities in conflict zones to interact with Euro-Atlantic space and have a grasp of what western values, western life-style stand for. While non-recognition is secured, the concept suggests engagement as the way to gradually increase the chances for conflict resolution. In fact authors consider concept as the “the only way to preserve hope for unified Georgia” despite anticipating Georgian resistance on that. The logic is following: the policy shall be kicked off without preconditions (which, as authors assume, will displease Georgian side) and at point when Abkhazia finds the West as real alternative to Russian dependence, “over medium term, ... the nature and degree of contacts could be adjusted or even explicitly tied to an actual status process or certain reconciliation initiatives with Georgia.”²⁷

The concept provisions ease of movement for people living in Abkhazia, study opportunities for them abroad, diversified economic links with Black Sea region and beyond, including tourism, financial and civil society contacts in Europe and the US. The paper anticipates and covers many collisions with the law, though calls for searching creative solutions without broaching political status or breaching non-recognition plea.

One has to note that according to the EU interlocutors, this concept emerged completely independently from that of the EU.²⁸

The EU Non-Recognition and Engagement

Whilst the official strategy is still absent and Special Representative takes a lead on that. Notably, the position of the latter will be scraped soon²⁹ by the decision of the EU High Representative on Foreign Affairs and Security Policy, Catharine Ashton in favor of streamlining

²⁶ Alexander Cooley and Lincoln L. Mitchell, Engagement without Recognition: A New Strategy toward Abkhazia and Eurasia’s Unrecognized States, *The Washington Quarterly* • 33:4, October 2010, pp. 59-73

²⁷ Alexander Cooley..., op cited. p. 69

²⁸ interviews conducted by the author with the EU interlocutors

²⁹ As of 12 February, 2011

Brussels' multi-faced presence. Hence, one cannot definitely argue when, how and by whom (if) the concept will be brought forward. But, for already a while, there seems a lot of thinking behind from official, academic or expert circles. In December, 2010 the brainstorming seminar on "Non-recognition and engagement: the EU's policy towards Abkhazia and South Ossetia" invited around 70 international experts to European Union Institute for Strategic Studies, co-hosted by EU Special Representative, to discuss political and legal, economic, societal and finally practical parameters of the policy. As the meeting was conducted under "Chatham House" rules, the record is not released. However, reportedly beyond the major visions there were quite divergent opinions on certain practical aspects.³⁰ Perhaps not all but some of those ideas may find their way in what the EU continues to tailor as its strategy. Peter Semneby himself shed some light on what the concept implies, what are considerations and motivations in his speech on 17 January, 2011.³¹

Firstly, the EU is concerned with fragility of peace as well as security conditions on ground. "The EU cannot afford white spots or black holes on the map of its immediate neighborhood" as the statement stipulates. The non-transparent enclaves happen to be potential heaven for great deal of smuggling, trafficking and corruption that indeed tweaks EU's security agenda.

Secondly, the EU's political interests are concerned. In its reading of current situation, the EU realizes the "separatist regions" get even closer to and more dependent on Russia, thus further drifted away from Georgia. The statement is quite straightforward on that "by engaging with the separatist regions of Abkhazia and South Ossetia...the EU can open up these territories, increase its footprint and leverage, provide alternative perspective to predominant Russian one, and ultimately, move closer towards a resolution of the conflicts." Here, the EU acknowledges difficulty of political process and is concerned that beyond Geneva talks, which serves as primary contact point for sides, there is little contact between them. By promoting European values and strengthening European 'identity' on both sides of boundary line, the EU hopes to bring closer the conflict-split societies, their way of thinking, their interests and thus increase prospects of interaction, restored trust and cooperation.

Here also, engagement and dialogue like in the EU's grand strategy of 'engagement' towards Russia, is provisioned as effective "soft power" to achieve "sustainable solutions", given that engagement is accepted and understood from all sides.

The statement describes its two twin pillars Non-recognition and Engagement as 'not thinkable' without each other and as only tandem where political and legal space for relations could be found.

Legal and Practical Constraints

³⁰ Interviews with some participants of the gathering

³¹ Peter Semneby speech in front of National assembly of Council of Europe in Paris, 17 January 2011, "on perspectives of engagement, dialogue and cooperation to address the consequences of the war between Russia and Georgia: a forward looking approach"

Yet, given the variety of opportunities the engagement concept may offer, there is a tight edge to hold a balance between the two pillars and avoid legal collisions with the international law. Some practical implications, such as the issue of travel documents for the residents of Abkhazia may well float up as such a constraint. If engagement policy is enacted, it remains murky which documents they can use, when legal Georgian passports are neglected, de facto internal passports unrecognized, illegal Russian passports not allowed and idea of 'laissez-passer' is still in talks (neutral documents are initiated by Georgian side and discussed currently with internationals yet with unclear acceptability prognosis from Abkhaz/Russian side). Hence, it is difficult to operate within one pillar not infringing the other.

The positions of the parties to the conflict could create additional constraints. In general the concept is acceptable for two major actors, Georgians and Abkhazians yet in their own preferential configuration, that can be mutually unacceptable.

Abkhazian side would welcome the EU's direct engagement that indeed would result in positive humanitarian development on ground. People would gain more opportunities to improve their lives and it is difficult to neglect. However, there are high chances that all direct interactions under EU engagement policy, unless coordinated with Tbilisi, will be portrayed as de facto recognition by political elites or communities, generating a hope of a "creeping recognition." After Moscow's failed efforts to earn the backup for its decision internationally, including from its hoped allies in the neighborhood, Abkhazia found itself in somewhat an awkward club of the three: Latin America's anti-US Nicaragua and Venezuela entering in ambiguous economic and military deals with Russia in exchange to recognition and the far away Pacific Island of Nauru, which with high probability would be as little considerate of the whole Black Sea region as vice versa. Therefore, the current 'status quo' may be perceived as far from desirable. In turn, attempts to portray western engagement as linked to prospects of recognition may create false expectations from Abkhaz side and frustration from Georgian side, thus disappoint both and possibly further deepen the dividing lines.

The Georgian side is exactly concerned with the possibilities described above given the EU's direct engagement on ground. These concerns are related to not only the way of interpretation by Abkhaz side, but actual 'endeavors' of Abkhaz side to transform this policy over time in de facto recognition with Russia's helping hand in that. More if not preconditioned, Tbilisi fears it's flexibility may cost it the full ignorance of own interests either on political, security or humanitarian scenery as Abkhaz are not and may become less and less interested to respond to Tbilisi at all. Some suggest that these concerns are reflected in the modalities for the activities on the occupied territories, dating 15 October, 2010 which are perfectly in line with domestic and international law but somewhat squeeze the space of international engagement under given conditions.. However, Tbilisi is interested in international engagement, and more so with the EU performance, if it is bonded to the State Strategy on engagement through cooperation and that would enable Tbilisi to offer powerful incentives to Abkhazians, at least for future cooperation.

The Russian side would not necessarily welcome the EU engagement, at least not to the degree that would compromise its dominance. This may entail the whole range of areas that shall come tabooed, starting from physical engagement on ground, such as EU representation that may

observe or bind its heavily upgraded military presence/activities in any way, to economic exchange if coming at odds with its own interests. If the EU engagement is allowed anyway, then firstly, not to the extent that the EU seeks with its political declarations (provide effective alternative for Russian dimension) and secondly, with intention to use this for diplomatic face-saving and press for de facto and de jure recognition.

Finally, given the delicacy of the matter, it may be difficult to yield support of all 27 EU members with different experiences and perceptions of risks in this situation. Hence, the policy concept needs to be fleshed in by delicate substance which may be a constraint in itself.

Prospects of Engagement with Non Recognition

In line with the spirit of engagement policy, that dominates the current western paradigm at large, (not only in connection with conflicts in Georgia), certain prospects are looming if built upon dialogue around mutual interests.

One shall note that it is unrealistic as of now to assume that the EU will circumvent Tbilisi and Georgian side's consent on its non-recognition and engagement strategy for Abkhazia or South Ossetia, firstly due to its commitments to Georgia's sovereignty and secondly, due to its commitments to Georgia as to important partner with upgrading individual cooperation. Neither it is likely that policy works if Abkhazians or Russians abstain at large.

Thus, the EU may ultimately seek compromise solutions. Yet, the political stances and political projects of the sides diverge so dramatically for this moment that there is factually no room for compromise solutions. Therefore the EU may need to try to drift the parties from political agenda to pragmatic interests with the latter higher on the list of current preferences and then see where the points converge. Hence, by capitalizing on the pragmatic rationale, the sides may overcome the constraints.

Firstly the EU is acceptable international actor more or less for all sides to perform the role.

The Abkhaz side, with no looming prospects to earn its recognition, would have genuine interest for EU engagement with human-centric considerations in mind, that would create additional opportunities for people. This may also help to solve a strategic task of at least partially alleviating Russia's exclusive influence over virtually all fields of life. As euphoria passed, the Abkhazian side may have recognized anew challenges and serious concerns for its 'independence project' and its identity at large, stemming from Russian recognition, 'legalization' of Russian-Abkhazian interactions and hastily concluded multi-year agreements.³²

Even for Russia, the EU engagement may not be that 'traumatic' or irritating. The EU was never perceived as 'real' threat (unlike NATO or the US), due to the way Moscow appreciates the

³² Alexander Cooley and Lincoln A. Mitchell, Engagement Without Recognition: A New Strategy Toward Abkhazia and Eurasia's Unrecognized States, in *The Washington Quarterly*, October 2010. pp. 65-66

capacities of “soft” and “hard” powers evoking its rather different interpretations to what the EU and NATO respectively are about. Russian side may ultimately even be interested to engage the EU in tackling some of the aspects of breakaway’s social, economic and humanitarian life, to lift a burden off its own budget.

The Georgian side perceives the integration with the EU as the main foreign policy priority and would indeed accept the EU engagement on ground. More, it would need the EU engagement in order to save conflict resolution prospects and compensate its de facto dysfunctionality in areas with fragile humanitarian and security terrain. If the policy is ‘preconditioned’ or bound up smartly to accommodate some vital pragmatic interests and mitigate fundamental concerns, then it may function well. In this scheme, the non-recognition and engagement policy may be either directly linked or go in parallel (or be time-framed in stages, etc.) with confidence building and inter-communal initiatives sought by Georgian side (meaning initiatives promoted not only by Georgian government but also by Georgian civil/business sector) It also may reflect on progress in selected crucial security or humanitarian issues (which sometimes Geneva talks fail to address due to its over-politicization). Combination of efforts with implementation of State Strategy also might carve some solutions. The best way perhaps would be to shoot out the commonly consulted strategy from the very beginning that could have been consulted with other parties through EU brokering. If the policy has to work however similar efforts may need to be tried *post factum* despite additional hindrances to overcome.

The legal constraints may be defused by creative approaches based on mutual pragmatic interests and compromises that may increase flexibility of actions indeed without breaching the key international principles.

Instead of Conclusion

As one collects and reads through the statements of the EU officials, could assume that the scenario is likely to evolve through cooperation and compromise-actions.

In summer the EU High Representative on Foreign Affairs, Catharine Ashton pledged to “contribute to” Georgia’s efforts through state strategy “in line with its non-recognition and engagement policy” and fully backed “the approach based on confidence building and facilitation of people to people contacts as well as freedom of movement.”³³ In December 2010, Enlargement Commissioner Stephan Fule confirmed the EU commitment to non-recognition and engagement policy and in this light voiced that together with Georgian delegation he “went through the very concrete list of the events on how to work together on implementing the Georgian strategy on engaging these two breakaway territories.”³⁴

³³ ENPI info, 08 July, 2010, available at: http://www.enpi-info.eu/maineast.php?id=22133&id_type=1

³⁴ EU-Georgia Talks in Brussels, reported by Civil.Ge, 8 December, 2010, available at: <http://civil.ge/eng/article.php?id=22941>

Peter Semneby also mentioned in good light Georgia's State Strategy and Action Plan, while called upon international community "to work with Georgia to ensure that the implementation phase of the strategy is now characterized by engagement as opposed to isolation", meanwhile advising de facto authorities to take a notice of "great deal of constructive proposals" in the action plan.³⁵

Finally, the same famous speech of Semneby outlined four layers of dealing with war consequences and devising future strategies; 1) Georgia-Russia relations; 2) Georgia's strategy towards the Occupied Territories; 3) EU's Non-Recognition and Engagement Policy Towards Abkhazia and South Ossetia and 4) EU's relations with Georgia and Russia; which altogether forge EU's multi-layered paradigm and urge it to take steps and exercises its soft powers at those different layers simultaneously.

The agenda is ambitious but perhaps not impossible, largely depending on genuinity of interests of sides (particularly that of Abkhaz and Georgian) to trigger off results oriented engagement. Again, much depends on recognition of pragmatic interests and flexible approaches that cannot base on 'unilateral constructivism,' but mutually beneficial or needed solutions.

³⁵ Peter Semneby speech in front of National assembly of Council of Europe in Paris, 17 January 2011, "on perspectives of engagement, dialogue and cooperation to address the consequences of the war between Russia and Georgia: a forward looking approach"