

Diplomacy and life on Georgia's boundary line

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Five days of war

During the night of 7-8 August 2008, Georgia launched a large-scale military offensive against South Ossetia, in an attempt to reconquer the territory. Georgia claimed that it was responding to attacks on its peacekeepers and villages in South Ossetia, and that Russia was moving non-peacekeeping units into the country (Asmus, 2010).¹ The Georgian attack caused casualties among Russian peacekeepers, who resisted the assault along with Ossetian militia. In the early hours of War, the Georgian army successfully captured most of Tskhinvali, the capital of South Ossetia. Russia reacted by deploying units of the Russian 58th Army and Russian Airborne Troops in South Ossetia, launching air strikes against Georgian forces in South Ossetia and military and logistical targets in Georgia proper. Russia claimed that these actions were a necessary humanitarian intervention and peace enforcement. Subsequently, Russian and Ossetian troops battled Georgian forces throughout South Ossetia for five days, with the heaviest fighting taking place in Tskhinvali.

On August 9, Russian naval forces blockaded part of the Georgian coast and landed marines on the Abkhaz coast. The Georgian Navy attempted to intervene, but were defeated in a naval skirmish. Russian and Abkhaz forces then opened a second front by attacking the Kodori Gorge, held by Georgia.² Georgian forces put up only minimal resistance, and Russian forces subsequently raided military bases in western Georgia. After days of heavy fighting in South Ossetia, the Georgian forces retreated, enabling the Russians to enter Georgia uncontested and to occupy the cities of Poti, Gori, Senaki and Zugdidi.

Through mediation by the French presidency of the European Union, the parties reached a preliminary ceasefire agreement on August 12, signed by Georgia on August 15 in Tbilisi and by Russia on August 16 in Moscow. Several weeks after signing the ceasefire agreement, Russia began to pull most of its troops out of uncontested Georgia. Russia established buffer zones around Abkhazia and South Ossetia and created checkpoints in Georgia's interior. These forces were eventually withdrawn from uncontested Georgia. Russian forces however remain

1 On July 18, 2006, the Georgian Parliament passed a resolution calling on the government to take immediate measures to expedite the withdrawal of Russian Peacekeepers from South Ossetia that had been deployed there since 1992. At the same time, the Georgian Parliament secured pledges from the international community to deploy alternative, international peacekeeping contingents. This inevitably exacerbated the already tense relations between Tbilisi and Moscow. The Russian Foreign Ministry called the resolution provocative and stated that it was directed at fuelling tension. The resolution also fuelled fears in South Ossetia that a new Georgian offensive could be imminent with the aim of bringing the breakaway region back under the control of the central Georgian government. Upon ratifying the resolution, Russian Foreign Minister Sergei Lavrov immediately dismissed the resolution as being politically rather than militarily motivated. Lavrov argued that it would be more appropriate to try to rebuild trust between Georgia and the leaders of its breakaway republics. He stressed that Russia was trying, together with the OSCE and the UN, to promote a political settlement of the two conflicts. The 500 Russian peacekeepers deployed in South Ossetia were part of a force that included equal numbers of Georgian and Ossetian servicemen.

2 The Battle of Kodori Gorge was a military operation in the Upper Kodori Valley, the only part of Abkhazia which remained under Georgian control after the War in Abkhazia (1992-1993). When the 2008 hostilities started, the Abkhazian military launched an operation to remove the remaining Georgian troops from the disputed gorge. The Georgian side repelled an all-out Abkhazian attack. On August 9, 2008, the Abkhazian Air Force began a sortie against Georgian positions, while Abkhazian ground forces moved to occupy the valley.

stationed in Abkhazia and South Ossetia under bilateral agreements with the corresponding governments.³ Meanwhile, Moscow recognized South Ossetia and Abkhazia as independent, maintaining thousands of troops in South Ossetia as well as building large military bases across the boundary line with Georgia.

Black spiders

Georgia, August 9, 2008. Russian-built Su-25 gunship helicopters circle the airspace above the city of Gori. A group of children sits by the playground looking up at the sky. One summer earlier, black spiders were also transcending the clouds above their town. Gori, situated only 25 km south from South Ossetia's capital of Tskhinvali, is on Tbilisi Administrated Territory just off the Georgia-Ossetian Administrative Boundary Line, the ABL.⁴ During the August 8-12, 2008 Russo-Georgian War, the Georgian Army used Gori to stage its warfare. During that summer, while the Battle of Tskhinvali was taking place, Russian Air Force helicopters bombed the city of Gori. According to Lavrov's (2010) account of the war a total of 75 tanks and armoured personnel carriers – at that time making up a third of the Georgian military arsenal – were assembled near Gori. Georgian artillery units were also stationed there. The colourful flats where the aforementioned children lived were, due to their specific location in the close vicinity of the Georgian military camp and its shooting range, amongst Gori's most severely hit civilian areas. Each child remembers the blood-curdling blasts of mortars hitting the playground, the gruesome rounds penetrating their homes, the eerie sounds that windows make when shattered to pieces. In August 2008, Gori's children run to seek cover from the sediments of war darkening their lives.

Better than the Hollywood version

One year later. Again Gori's children sit in silence looking up at the sky. This time, American producers called in the helicopters. Once built for the Russian Armed Forces, the aircrafts were now being leased from the Georgian Army. The shooting did not come from artillery fire. The Finnish 'Die Hard 2' movie director Renny Harlin was retelling the story of the Russo-Georgian war, including the events leading up to the conflict. A new blockbuster movie called 'Five Days of War' is in the making. The film shows a seriously 'Caucasian' looking Andy Garcia in the role of Mikheil Saakashvili, President of the Republic of Georgia, alongside American actor Val Kilmer as the brave Dutch reporter who, by the end of the movie, vanishes into the fog of war. The same holds true for the plot of the movie. On June 5, 2011, the film premiered in Tbilisi. The participating actors all travelled to Georgia and American award-winning actress Sharon Stone joined in to raise USD 1 million during the subsequent fundraising event for the victims of war.

3 Since, key elements such as the Russian withdrawal to positions held before the war have not been implemented. The exception is the October 18, 2010 withdrawal of Russian troops from Perevi, a Georgian town in the western part of Tbilisi Administrated Territory (TAT) close to the Administrative Boundary Line (ABL). Of noteworthy peculiarity is the fact that Perevi fits neither Moscow's strategic designs nor its imperial delusions. The village lies 20 km down a washed-out road from the district administrative centre of Sachkhere, in Imereti Province. Sachkhere itself is 60 kilometers from Georgia's East-West highway and railroad. The occupation of Perevi does not give Russia any strategic advantage that it does not already enjoy from its presence in South Ossetia. Nonetheless, in 2008 Moscow soon added Perevi to its legal arguments. Asked on October 29 why Russian forces remained in Akhgori and Perevi, the Russian OSCE representative, Anvar Azimov, replied (De Waal, 2011): 'Akhgori is one of five districts of South Ossetia, formerly named Leninogorsk. There is no question whether Leninogorsk should be part of South Ossetia. The same stands for Perevi village – according to the last administrative division of the USSR, this village belonged to South Ossetia'. Apart from being irrelevant, even Russia appears to doubt its own assertions due to the 'specificity of geographical location' (Lavrov, 2010). Apparently, this lack of any definition led the Russian occupation force into some peculiar movements around Perevi.

4 The Administrative Boundary Line (ABL) between the South Ossetian region and Georgia proper forms a dividing line between South Ossetia to the North and several Georgian provinces to the South on Tbilisi Administrated Territory (TAT). Within TAT, the city of Gori (50,800 inhabitants, Shida Kartli Province) occupies the most prominent position vis-à-vis relations with South Ossetia. Also, Sachkhere (Imereti Province to the west) and Dhusheti (Mtskheta-Mtianeti Province to the east) occupy strategic positions on the TAT side.

One week after the premiere Dr. Anna Neistat, a senior emergencies researcher at Human Rights Watch, explained in a radio interview how in the current political climate a film like 'Five Days of War' was dangerous, as it used selective exaggerations of Russian and South Ossetian wrongdoings, whilst totally ignoring Georgian wrongdoings against Ossetians.⁵ Neistat stated that 'the film portrays Russians and Ossetians as barbaric beasts and Georgians as peace angels'. A few days later, Joshua Foust (2011), a defence and intelligence consultant for the US government, echoed similar sentiments when he stated that the film was 'essentially Georgian propaganda', and that it was 'not an accurate portrayal of what happened, nor is it an especially honest analysis of the issues that led up to it. This is a film that makes no pretence at neutrality, balance, or fairness. All of the Georgians are clean-cut professional soldiers. All of the Russians are grizzly blood-thirsty sociopaths who delight in butchering innocents'. The opening scene of the movie, where journalists being attacked by two dozen Iraqi innocents are rescued by flawless Georgian marksmen soldiers, sets the appropriate tone: Georgians are heroes of freedom, democracy, and truthful journalism. There is no mention, however, of the Russian peacekeepers which Georgian troopers killed in South Ossetia before the official start of hostilities even though this was an important milestone in Russia's decision to move into the province.

Fast forward. As Georgia and Russia mark the third anniversary of their 2008 conflict, once again the children of Gori sit in silence. Together with their families, they, too, commemorated what happened in their lives three years ago. This warm summer evening of August 8, 2011, they sit in groups of friends in Gori's Stalin Square. They have placed small candles out in the open space, forming a mosaic of lights in which the children and their families sit while facing the façade of Gori's intimidating main administration building. A giant screen is hung up from the building's central balcony. Tonight is movie night; the new Hollywood release supporting the Georgian narrative is on show. From the silver screen, Gori's children watch the black spiders' flight.

Georgia's democratic dilemmas

In 2005, a triumphant US President George W. Bush labelled Georgia 'a beacon of democracy' (Foust, 2011). If that overestimated things then, there is still much to praise now. Last year, the Economist (2010) highlighted the country's 'mental revolution', saying that Georgia had gone further than most in breaking free from its Soviet legacy. Socor (2010) argues that Georgia has changed almost beyond recognition in recent years. Indeed, there is much to admire. A recent report from Freedom House (2011) notes improvements in Georgia's democratic governance, electoral process and corruption rating over the past few years. In only one aspect, judicial independence, is the country said to have taken a retrograde step. De Waal (2011) takes a harsher line. Despite Georgia's many achievements he argues that the country is less free than it appears. According to De Waal, some reforms have rectified one problem while creating another. The fight against crime and corruption, for example, means that criminal trials almost never lead to acquittals. Prisons are overcrowded, and the Ministry of the Interior is all-powerful. Without serious checks and balances, the government wields organs of state as tools for political control. Georgia, in De Waal's view, is entering the third phase of its post-revolutionary development. The first lasted from 2004 to 2008, a period of intense reform that eliminated everyday corruption and criminality and saw rapid economic growth. The second began with the country's Russo-Georgian war and the economic recession in 2009. Now, with stability restored to a certain level, Georgia faces important dilemmas. Taking the right decisions could consolidate Georgia's achievements; the wrong ones risk undoing them. The most pressing question seems to be Georgia's economic model in the face of low levels of foreign direct investment, persistent unemployment and high rates of inflation. The EU could provide Georgia with

5 Radio Free Europe / Radio Liberty Briefing: The Human Cost of War in Georgia moderated by Martins Zvaners, RFE/RL.

institutional and political stability, allowing greater access to the market and strengthening confidence among foreign investors. Today, in the absence of strong domestic opposition, foreign leaders have a significant role to play in ensuring that Georgia continues down the path of reform. This would make it all the more important for Western leaders in general, and the EU in particular, to continue engagement. EU leaders should do more to support Georgia's achievements. On the other hand, Georgia can also do more to prove that it deserves the help.

Geneva Talks

The ceasefire set up by the European Union started a process of bringing the conflicting parties together to talk in Geneva every few months. In the aftermath of the Russo-Georgian war in August 2008, the Organization for Security and Cooperation in Europe (OSCE) was the one to call for the establishment of a mediation forum aimed at security and stability in South Caucasus. The agreement envisaged the creation of a platform involving the EU, the OSCE, the UN and the US, as well as the conflicting parties of Georgia and Russia (Mikhelidze, 2010). At Russia's request, officials from Abkhazia and South Ossetia were also included in the talks. Moscow's demand coincided with that of the EU and the OSCE, the latter also considering that the talks should be all-inclusive.

In October 2008, the international diplomatic process – the Geneva talks – started with high expectations. Predictably, many of these have today not been met. The main challenge of the talks has been the inability to prevent Russia from vetoing the extension of the UN and OSCE missions to Georgia's breakaway regions. Today, after three years of talks in Geneva, the already high level of scepticism amongst the conflicting parties concerning the reaching of peace through diplomacy has increased. However, the Geneva talks have achieved concrete results, although they are nonetheless limited. Noteworthy is Russia's decision to withdraw its military troops from Perevi and the installation of a telephone 'hot-line'. More broadly, the forum remains a unique international mediation platform which has been able to keep the conflicting parties around the negotiating table and in contact with one another (Sinkkonen, 2011).

Whitman and Wolff (2010) argue how the aim of the Geneva process was too ambitious from the beginning. The forum aimed at achieving, through negotiations between all state and non-state conflicting parties and the mediation of the major international players, a comprehensive agreement on stability and security in the region, conflict settlement and the return of refugees based on international law. Initially Georgia urged the forum to include also the replacement of Russian military forces with international peacekeepers, EU monitoring within the separatist entities and the restoration of Georgia's territorial integrity. By contrast, Russia insisted on modifying the mandates of the OSCE and UN missions in the region by opening offices also in South Ossetia and Abkhazia respectively, and making these independent from those in Tbilisi. The parties failed to reach an agreement and the OSCE as well as the UN were subsequently forced to leave. As for Georgia's expectations, it was perhaps overly ambitious to discuss the replacement of Russian troops with international peacekeepers in the initial phase of the negotiations. In the end, the macro objectives have not been met and none of the conflict parties has been able to claim broad successes. Initially the conflict parties in Geneva met separately with international mediators, without face-to-face meetings between Georgians and Abkhaz on the one hand, and Georgians and South Ossetians on the other. In order to break the deadlock, negotiations were divided into two forums: plenary sessions including officials from Russia, Georgia and the US (and not from South Ossetia and Abkhazia), and two informal working groups – one discussing security issues and another tackling the pressing matters concerning the large groups of IDPS – involving also representatives from breakaway regions. The talks in the working groups were held under the auspices of the EU, UN and OSCE at the level of special envoys. In order to avoid any semblance of international recognition, the working groups met informally and without mentioning Abkhazia and South Ossetia.

Another problem concerned the '3&3' format of international mediators involved in the Geneva talks: Georgia, Russia and the US on the one hand and the EU, the UN, and the OSCE on the other. However well meant, the formula gave the distinct impression that the first three represented the conflict parties and the second three the mediators. It also gave the impression that Georgia acted under the patronage of the United States, whereas Russia protected the interests of the separatist entities. A final challenge related to the format of the talks is specific to the EU and linked to the rotating EU presidency, which has rendered the EU a changing actor whose positions are often difficult to discern. In particular, the EU's tone and attitude within the talks have oscillated conspicuously depending on whether the presidency was held by Central and Eastern European member states or by member states more sympathetic to Russia (Socor, 2010). During the Czech EU Presidency in the first half of 2009, for instance, the EU's comments on the Kremlin's actions were significantly harsher than those made during the previous French Presidency. This volatility in turn affects the internal balances within the mediation forum as a whole, and also the Russian reactions to the mediators' proposals.

Aside from their format, the Geneva talks are also riddled with challenges related to their content. The most disputed document of the talks is the draft of the 'Agreed Undertakings', which deals with the supply of water, the rehabilitation of housing and damaged facilities as well as the return of refugees and property issues, including restitution and compensation. The discussion on these topics ended abruptly with a walk-out by the Abkhaz and South Ossetian representatives, in July 2010. As for 2011, a considerable part of IDPS' property has been sold out. Restitution or compensation is thus a highly sensitive issue. Another highly controversial issue in the Geneva talks is the non-use of force. Russia urges Georgia to sign agreements on the non-use of force with Abkhazia and South Ossetia. Georgia rebuffs that it has already taken this commitment by signing the Six-point Agreement. Tbilisi does not intend to sign any document with non-recognized entities, which could be seen as a recognition of their status. Instead, Tbilisi has declared its readiness to sign a bilateral agreement with Russia. Moscow, in turn, refuses to sign such a document, arguing that it is not a party to the conflict. The consensus is far off the horizon and instead of engaging with Georgians, Abkhazs and South Ossetians on the question of border security, the Kremlin signed border treaties with the breakaway regions.

However, as mentioned, the Geneva talks have been a moderate success when it comes to the stabilization and normalization of the situation in setting up mechanisms to exchange information on security incidents. One ponderous step in the right direction is the implementation of a 24-hour telephone hotline. Under an agreement reached at the Geneva Discussions in February 2009, also regular meetings between all the parties to the conflict are set in place to discuss and resolve specific incidents and issues, with the aim of developing greater confidence and co-operation between the parties. This forum, called the Incident Prevention and Response

Mechanism (IPRM), has so far held a series of meetings with participants from the EU Monitoring Mission⁶ the UN, the OSCE, Georgia, Russia, Abkhazia and South Ossetia. Attached to the IPRM is the security hotline system working in both theatres. Since 2009, the hotline has proven very useful for participants to effectively establish a common understanding of events surrounding specific incidents. It has repeatedly helped to de-escalate rising tensions.

Life on the Boundary Line

The Administrative Boundary Line between the South Ossetian region and Georgia proper is rigorously hindering people's movements (Sinkkonen, 2011). This has many consequences. Family members are separated and cannot visit each other as they did before the conflict. Those living on either side of the ABL are prevented from visiting family graves, attending funerals, entering agricultural land or cutting wood because of security concerns. At increasing levels, people are facing economic difficulties, since their livelihoods depend on trade. The situation becomes more difficult in the winter because of the lack of firewood which is needed for heating. Summer, on the other hand, is not a lazy time either, with irrigation water sources running scarce because they have fallen into disrepair or have been wilfully damaged on the South Ossetian side. For internally displaced people the situation is particularly difficult.⁷ The Georgian authorities have adopted an action plan aiming to make displaced people the owners of their own accommodation (Safer World Report, 2010). But there is still a lot to do to renovate the collective centres they currently occupy. The current situation is not considered to be an emergency and, as of

6 On 15 September 2008, the European Council established an autonomous civilian monitoring mission in Georgia, the European Union Monitoring Mission to the Republic of Georgia (EUMM). The mission was rapidly deployed on 1 October 2008, in accordance with the ceasefire agreements signed on August 12, 15 and 16, 2008. In July 2009, the mandate of the mission was extended for another year until 14 September 2010; in August 2010 it was extended once more until 14 September 2012. The EUMM is an autonomous mission led by the EU under the EU Common Security and Defence Policy (CSDP), an integral part of the European Union External Action Services (EEAS). Its objectives are to contribute to stability throughout Georgia and the surrounding region, in accordance with the Six-point Agreement and the subsequent implementing measures. Its main tasks include: 1) monitoring and analysing the situation pertaining to the stabilisation process, centred on full compliance with the Six-point Agreement; 2) monitoring and analysing the situation as regards normalisation building, the return of internally displaced persons and refugees, and 3) contributing to the reduction of tensions through liaison, facilitation of contacts between parties and other confidence-building measures. On 17 September 2008, the German Ambassador Hansjörg Haber was appointed Head of EUMM. As of July 5, 2011, Ambassador Haber (who left Georgia at the end of April 2011 to become the EU Civilian Operations Commander and Head of the EU Civilian Planning and Conduct Capability (CPCC) in Brussels) has been succeeded by the Polish Ambassador Andrzej Tyszkiewicz. On 17 November 2011, the Council welcomed the mission's contribution to the overall EU effort towards conflict resolution in Georgia. Given the cessation of the UN and OSCE monitoring missions, the EUMM is currently the sole international monitoring mission in Georgia. This has highly increased the significance of EUMM activities.

7 The International Displacement Monitoring Centre (IDMC) reports how people in Georgia have been displaced by several waves of conflict. After the fighting erupted in the early 1990s in the autonomous areas of South Ossetia and Abkhazia, some 273,000 people were displaced. Ceasefire agreements were signed by 1994, but hostilities continued before conflict broke out again in 2008 over South Ossetia. At that time, around 128,000 people were internally displaced, some for a second time. At the end of 2010, the Georgian government reports that there are still about 236,000 IDPs displaced since the 1990s (the 'old' conflict) and about 22,000 since 2008 (the 'new' conflict). Around 60 per cent of them at that time are living with relatives or friends or in dwellings that they rent or own, while 40 per cent are housed in collective centres (former hospitals, hotels, schools and other buildings offered as temporary housing). Most collective centers have not been renovated for close to 20 years and are crowded and dilapidated, with outdated water and sewerage systems. In the aftermath of the 2008 conflict, the Georgian government showed a greater willingness to improve the situation of IDPs than in the 1990s. At the end of 2010, the Council of Europe's Commissioner for Human Rights, Thomas Hammarberg and the Special Rapporteur (RSG) on IDPs visited Georgia. Both expressed concern about how evictions of IDPs from their homes were carried out, in addition to other issues facing IDPs (Strasbourg, 7 October 2010, Comm DH (2010) 40, Report on human rights issues following the August 2008 armed conflict in Georgia). The EUMM monitors the situation of IDPs, visiting temporary homes and collective centers and reporting about the status of IDPs vis-à-vis registration and ID cards. In Gori, close to the ABL, EUMM monitors frequently visit a large group of IDPs housed in a closed down milk factory, the town's main collective centre. Over 2010 and 2011, EUMM Field Office Gori monitors report a high prevalence of mental health problems, domestic violence and the threat of suicide amongst the IDPs.

2010, many international organizations have gradually left. However, the consequences of the conflict remain harsh. The EU funded (and UNDP administered) Confidence Building Early Response Mechanism, COBERM tries to support immediate and concrete initiatives with a demonstrable impact on confidence building within the conflict divided communities. The overall objective of COBERM is to foster a peaceful transformation of conflicts. Its specific objectives are to enhance direct people-to-people contact in order to shatter myths and prejudices and foster a culture of tolerance within the communities affected by violence. COBERM also supports local initiatives that strengthen peace building initiatives to communities along the ABL. In 2011 for example, COBERM successfully supported the ‘Georgian-Ossetian/Ossetian-Georgian Dictionary’ project to raise awareness of cultural heritage and literary works of both societies. The ‘Ex-combatants for nonviolence’ project provided ex-combatants from both sides the rare opportunity to join the peace process, thus making a significant effort to restoring trust and confidence through direct contacts.

Yet, on the third anniversary of the war, no continuous peacekeeping or security mechanism of substance has been agreed upon by the parties to the conflict. While the EUMM executes daily, year round patrols along the ABL, its monitors can do little more than record the reported incidents after they have occurred. The only formal discussion on security issues between the parties to the conflict are facilitated through the EUMM liaison officers and the meetings of the Incident Prevention and Response Mechanism. As a result, security is provided for communities along the ABL through a mix of normal national policing and justice services and more military-style approaches as carried out by the EUMM. Sinkkonen (2011) notes how there is a need to amend the EUMM’s ways of working. EUMM monitors are increasingly faced with secondary human security matters, extending beyond the strict interpretations of the EUMM mandate. Examples from 2011 include the monitoring of cattle theft cases and social-economical development, such as unemployment and inflation. During the 2010 winter season, a mice plague around the villages of Atotsi, Koda and Knolevi (all within less than one kilometer from the ABL) for some weeks directed EUMM patrols into the Shida Kartli hillside in order to assess the impact of the plague on the livelihood of the villagers. Because the effect of a hand full of mice on stored harvest goods can be neglected where the effect of thousands of unbridled propagating creatures collaborating in abandoned ABL fields cannot.

A Realpolitik for the Caucasus

Even so, in the present environment of instability and distrust, positive examples of dialogue do exist. Georgia and Russia have been negotiating, on the basis of 18 years of mediation brokered by Switzerland, Russia’s

membership of the World Trade Organization.⁸ On November 3, 2011, Georgia and Russia signed an historic trade deal which allowed Russia to join the WTO. Russia is the last major economy to join the WTO, after China's accession in 2001. Current negotiations also put focus on discussing border administration and customs legislation (De Waal, 2011). Also energy agreements have been signed. In the summer of 2011, the forthcoming Russian accession to the WTO is also said to be a major goal of the Obama administration's 'reset' policy with Russia. When Obama and the Russian President Medvedev met on the sidelines of the G-8 summit in France (Deauville, 26-27 May 2011), senior US administration officials referred to the pressure which the US could exert on Georgia to make a deal. Nevertheless, political discourse and the media in Russia and Georgia remain preoccupied with the bitter relationship. Further dialogue is needed to restore stability in a fragile region where both countries would benefit from working together to meet common security and economic challenges.

Closely tied to Georgia's economical challenges is the role of Georgia's labour law. A 2006 ultraliberal labour law, coupled with repeated attacks by the authorities so far has lost Georgia's biggest labour union, the Georgian Trade Union's Confederation (GTUC) over 100,000 members. GTUC's president Irakli Petriashvili in a November 18, 2011 interview with the International Trade Union Confederation (ITUC) states how Georgian trade unions have to deal with the consequences of the abolishment of the labour inspectorate. Petriashvili sees the labour law as discriminatory in essence, violating international ILO standards, standards of the European Social Charter, and other agreements with the European Union, such as the GSP+ trade agreement. In particular, the articles of Georgia's labour law facilitate anti-union discrimination. Article 5 (8) under Georgia's labour law states how employers are under no obligation to explain the reason for not hiring a job applicant. This refusal may be based on the person's union membership, as some employers ask in the application form whether the applicant belongs to a union or what his or her opinion is on unions. Article 37(d) allows employers to fire workers without justifying their dismissal. The Georgian Constitution stipulates that all forms of discrimination are prohibited, but these labour law articles allow employers to conceal the true reason for dismissing a worker, making it impossible to prove the discrimination. Georgia is one of the few countries in the world with no labour

8 Georgia has repeatedly blocked Russia's WTO entry since the two countries fought the war in 2008. The deal hinged on the international monitoring of trade along the mutual borders of Abkhazia and South Ossetia. Around South Ossetia, the recent Russia-Georgia WTO deal will put in place a sophisticated system for cargo tracking and audit as part of an international monitoring of trade to be carried out by a neutral private company, which will be hired by Georgia and Russia and which will be accountable to Switzerland. The deal includes an agreement between the Georgian and Russian governments on the basic principles for a mechanism of customs administration and monitoring the trade in goods. The package includes Terms of Reference for the activity of the neutral private company as defined by Swiss mediators and a Memorandum of Understanding in which Switzerland confirms that it will serve as a neutral third party. The agreement discriminates three trade corridors, one of which runs through South Ossetia. Representatives from private companies will be present at both ends of each corridor to monitor the trade. The Trade Corridors are defined by their geographic coordinates and there is no mention of any name in the agreement in an attempt to keep a status-neutral approach. Trade Corridor 1, which is in the Abkhaz direction, runs through a narrow strip all across the breakaway region's shoreline. Trade Corridor 2 is a zigzag strip running through the Transcaucasian Highway (Transkam) starting in Russia's North Ossetia and leading to South Ossetia via Roki Tunnel (a mountain tunnel through the Greater Caucasian Mountains. This is the only road joining North Ossetia with South Ossetia). This Corridor starts in the area close to the village of Nar (the village is inside the corridor) in Russia's North Ossetia, roughly ten kilometres from the South Ossetian section of the border, and goes through Roki Tunnel and all along the Transkam road down to Tskhinvali. It then continues some 25 kilometers further south to Gori where it ends. Trade Corridor 3 is located on the Zemo Larsi-Kazbegi border-crossing point on the undisputed section of the Georgia-Russia border, outside the breakaway regions. The mechanism of customs administration and monitoring trade itself consists of two components: an Electronic Data Exchange System (EDES) and an International Monitoring System (IMS). IMS provides for electronic seals that will be placed on all cargo entering trade corridors at the terminals and a GPS/GPRS monitoring system for tracking the movement of cargo after its entry into the Trade Corridors. The implementation of the trade agreement will be reviewed every three years and may be amended at any time by mutual consent between Georgia and Russia.

inspectorate. In 2005, the government deemed that the labour inspectorate was corrupt and was no longer able to fulfil its obligations. Rather than improving the inspectorate, the government decided to abolish it with the coming into force of the new labour law in 2006. The decisions hold dire implications for health and safety at work.⁹

Meanwhile, the Russian gas giant Gazprom has drawn up long-term plans to strengthen its grip on Europe with pipeline projects backed by the Kremlin. The EU's response strategies are only in the early stages of development. Recent developments have shown that by using energy as a tool, Russia is increasingly able to influence EU decision-making, primarily through 'divide and rule' tactics. Emboldened by the flow of petrodollars (and euros) in recent years, Russia has revealed its ambition to block plans to bring gas from Central Asia into the EU by bypassing Russian territory. In addition, Russia is devising plans to avoid unfriendly transit countries. The Nord Stream and South Stream pipelines under the Baltic and the Black Sea are part of this strategy. This policy would also allow Moscow to keep traditional transit countries under pressure, as supplies to those states could be cut without affecting deliveries to the West. Although Georgia has no significant oil or gas reserves of its own, its territory hosts part of the important Baku-Tbilisi-Ceyhan pipeline transit route that supplies western and central Europe with oil. The pipeline transports approximately 1 million barrels of oil per day. It has been a key factor for the United States' support for Georgia, allowing the West to reduce its reliance on Middle Eastern oil while bypassing Russia and Iran.

Sympathy with or antipathy towards Russia may not represent the main disruptive force within the EU. But there is an obvious readiness on Russia's part to engage in pipeline projects with countries such as Italy, Austria, Bulgaria, Greece, Hungary, Germany and Slovenia. Conversely, Moscow clearly intends to isolate critics such as Poland, the Czech Republic, Slovakia and the three Baltic states. The Georgian crisis of August 2008 to that extent revealed that Russian leaders do not fear the imposition of EU sanctions against their country. The EU's moderate criticism of Russia for its disproportionate response to an irresponsible Georgian attack on its breakaway regions of Abkhazia and South Ossetia in that respect was probably the right decision, as the alternative appeared to have been a return to Cold War rhetoric. Nevertheless, the influence of energy dependence on decisions made by individual EU countries cannot be ignored, despite being difficult to measure.

Nasty sides of the mutual tormenting surface in further actions from both the Russian as well as the Georgian side. Cold War-style headlines are popping up in Western media in spring 2011 when Putin launches ambitious plans for an Eurasian Union, a new and powerful 'centre of the world', to reach a higher level of integration, in this provoking deep concerns both in Georgia and in the West. With the new model, Moscow openly challenges the West's global dominance. If implemented, the plan would come as a geopolitical challenge to world order, to the dominance of NATO, the IMF, the EU and other supranational bodies, and to the undisputed US primacy. Today's increasingly assertive Russia seems ready to start building an inclusive alliance based on principles providing a viable alternative to Atlantism and neoliberalism while the West is putting into practice an array of far-reaching geopolitical projects, reconfiguring a weakening Europe in the wake of the Balkan conflicts and against the backdrop of the crises provoked in Greece and Cyprus and the 2011 serial regime changes across the Arab world. The geopolitical challenges of spring 2011 were unprecedented in intensity since the collapse of the USSR and the Eastern Bloc, since before, neither the collapse of the USSR and the bipolar world nor the subsequent proliferation of pro-Western 'democracies' had marked a final point in the struggle over global

9 On 7 October 2011, during the World Day for Decent Work in Amsterdam, the Netherlands, Irakli Petriashvili was given the Febe Elisabeth Velasquez Award for 2011 for the defence of trade union rights by Agnes Jongerius, president of the Dutch trade union centre FNV (Vakbondsrechtenprijs 2011).

primacy.

Meanwhile, on May 20, 2011, the Georgia parliament in Tbilisi passes a Resolution on the recognition of the genocide of Circassians¹⁰ by the Russian Empire: 'During the Russo-Caucasus war, the mass murder of Circassians and their forceful eviction from their historic homeland, as an act of genocide in accordance with Section IV of the Hague Convention on Laws and Customs of War on Land of 18th October 1907 and the UN Convention on the Prevention and Punishment of the Crime of Genocide of 9th December, the Republic of Georgia recognises the Circassians' forceful deportation during and after the period of the Russo-Caucasus war, as refugees, in line with the UN Convention on the Status of Refugees of 28th July 1951'. With this, Georgia becomes the first sovereign state to recognise the genocide of the Circassians. Whatever the historical, legal and moral aspects of this event, it also has a strong contemporary political dimension, since Georgia's decision to raise recognition of the Circassian genocide to a new level begs a number of questions, such as how far back one can and should go in designating tragic historical events as genocide (International Alert, 2011). It is also fraught with additional problems for each member of the Tbilisi-Moscow-Sukhumi 'triangle'. Moscow tends to view this resolution by the official administration in Tbilisi as revenge for the 2008 war and its own recognition of Abkhazia and South Ossetia. Georgia seems to attempt to re-open Moscow's most painful wound – the North Caucasus – where Russia is accumulating almost insurmountable problems. The Circassian issue is also particularly sensitive because 2014 marks the 150th anniversary of the tragedy, and the Winter Olympics in Sochi are to be held not only in the very same year but in the very places where the Circassians were annihilated. Nevertheless, Georgia's President Saakashvili, is playing a dangerous game. Meanwhile, making waves in the North Caucasus is just as risky a strategy for Georgia as Russia, likely to produce only more tension between the parties involved.

In 1991, Huntington argued that the world revolves around a mere three things: power, interest and social exclusion. The three elements can also be taken as elements in a Realpolitik for the Caucasus, a political realism referring to politics and diplomacy based primarily on power and on practical and material factors and considerations, rather than ideological notions, moralistic or ethical premises. A type of politics finding root in the need to exert power, unimpeded by moral sentiments or considerations about human ethics. The conflicts in the Caucasus show little Utopianism, although President Saakashvili shows, to some extent, a Messiah-like charisma that is not reluctant in undertaking high-risk action. Taking on high risks belongs to Utopianism rather than to a thoughtless rashness by neoconservatives, as was for example the case in the Iraqi War of 2003. For the US, a long-time ally of the Georgian Republic, too latent Messiah-like traits can be described when the US pours praise onto the Georgian government for being a democratic stronghold amongst its not so democratic neighbours, and by this justifying elaborate military support to Georgia. Nevertheless, warfare in Georgia keeps being a play in which only four actors enter the stage: the Georgian Republic, the Russian Federation, Ossetia and the West. All four parts in the play are alike in the sense that they are driven by idiosyncrasies; the parties engaged are ruled by their own interests. Georgia's interest lies in resuming power over South Ossetia; South Ossetia's interest lies in preventing the aforementioned; the Russian Federation's interest lies in the continuation of a dominant position in the area; the interest of the West lies in strengthening the position of

10 The Circassians (Adyghe in the Circassian language) are indigenous peoples of the NorthwestCaucasus. They were cleansed from their homeland by victorious Russia at the end of the Russo-Caucasus war (1760-1864). It was estimated that the expulsion of Circassians involved hundreds of thousands of individuals. The Russian army rounded up people, driving them from their villages to ports on the Black Sea. There ships from the neighbouring Ottoman Empire awaited them. The goal was to expel all Circassians from their lands. They were given a choice as to where to be resettled: in the Ottoman Empire or in Russia far from their old lands. Only a small percentage accepted resettlement within the Russian Empire. An unknown number of deportees perished during the process. Some died from epidemics among crowds of deportees both while awaiting departure and while languishing in the Ottoman Black Sea ports of arrival. Others perished when ships sank underway.

its Caucasian confederate. To safeguard their respective interests, Georgia has sided with the West, South Ossetia has formed an alliance with the Russian Federation by choosing Russia as its patron and the Russian Federation's friendship with South Ossetia has been bolstered by recognising it as an Independent State. Last but not least, the US is trying to draw Georgia closer by attempting NATO accession for the Georgian Republic, however unsuccessful that has been to date.¹¹

Conclusion

On the third anniversary of the war over South Ossetia, resumed talks between Georgia and Russia are needed to create positive momentum in a still unstable environment. 'Georgia-Russia: Learn to Live like Neighbours', the latest briefing from the International Crisis Group (ICG Europe Briefing N°65, 8 August 2011), examines the continuing strains and recommends that the two sides engage in direct dialogue in order to de-escalate allegations about the other's involvement in terrorism. While formal diplomatic relations remain suspended, many mutual interests remain. Paramount in this is the fact that Georgia and Russia share interests in improving mutual security, trade and transport.

The impact of the ongoing conflict on Georgia's very diverse communities differs substantially, as do their priorities. Three years after the August war, concerns over the future of these communities are widespread, with roughly half of the communities expecting increased tensions in the coming years (Safer World Report, 2010). The consequences of the violence and the subsequent failure to progress towards a resolution of the conflict still affect communities, especially those living along the ABL between Shida Kartli and South Ossetia. Although it can be stated that no major incidents of violence have occurred since 2008 and the level of humanitarian assistance provided to communities in Shida Kartli has been impressive (at least during the first two years following the war), contact and movement across the ABL has become increasingly difficult, badly affecting those dependent on cross-border interaction for their personal well-being and that of their communities. As a result, a range of vulnerabilities is more likely to come to the surface and undermine the future sustainability of communities living along the ABL.

At the same time, the level and nature of insecurity varies greatly along the ABL, depending on geography, local experiences of the conflict, relationships with Ossetian communities across the ABL, and access to pastures, water resources and markets on both sides of the Line. There are different potentials for increased tension in the future and for local-level measures to increase trust and confidence across the conflict divide. As such, it is essential that local and international actors, including the OSCE and EUMM, are better able to distinguish between the varied needs of communities living along the ABL in order to develop appropriate strategies for responding to them.

11 Georgia's own effort to join NATO commenced on February 14, 2005 when NATO and Georgia signed an agreement on the appointment of a Partnership for Peace (PfP) liaison officer. Subsequently, the liaison office came into force and was assigned to Georgia. Georgia represents the furthest east of all countries currently considering NATO partnership. The geographical inclusion of Georgia in Eastern Europe is a controversial subject related to Georgia's desire to become part of NATO, since Article 10 of the North Atlantic Treaty limits any membership extension to European states. The Russian Federation sees NATO's eastward expansion as a threat to its strategic interests in Europe and has accused the West of having double standards. Georgia, however, believes that membership of NATO is a guarantee for stability in the region by acting as a counterweight to Russia, which it considers to be a dangerous neighbour. This view was confirmed by the results of the January 5, 2008, non-binding, advisory referendum on whether to join NATO in which 77 percent of Georgians turned out to be in favour of NATO membership (with 23 percent of voters voting against). In 2006, the Georgian Parliament voted unanimously for a bill which calls for the integration of Georgia into NATO.

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