



**EU ENGAGEMENT MECHANISMS  
AND PROTRACTED CONFLICTS IN GEORGIA**



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# EU engagement mechanisms and protracted conflicts in Georgia

Policy document

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## Introduction

Over the past 15 years, conflict transformation has become a declared goal of the EU, with the EU recognizing its priority and importance beyond the goal of conflict resolution and management.<sup>1</sup> For conflict management and transformation, the EU has developed several mechanisms and tools for different conflict situations, particularly in the case of protracted conflicts. Since the 2008 war, after Russia blocked the UN and OSCE missions in the conflict regions of Georgia, the European Union has become the most active and influential actor in peacebuilding and conflict prevention. The main tools and mechanisms by which the European Union works to support peace and conflict prevention in Georgia are three: the Geneva International Negotiations Format (GIN), the European Union Monitoring Mission (EUMM), and financial support programs aimed at engagement (for example, COBERM). Clearly, the role of the European Union in this direction is high and unconditionally important. However, the crisis of protracted conflicts and changing security contexts in the region (especially the war in Ukraine, as well as the second Karabakh war and constant tensions in the South Caucasus) put on the agenda the need for a critical rethinking of its role and the operation of mechanisms.

The document aims to present the primary analysis of the mechanisms employed by the European Union for conflict transformation in Georgia and to evaluate their effectiveness in the context of Georgia. Also, it offers recommendations and visions on how these mechanisms can be bolstered to transform Georgia's ongoing conflicts and improve the legal status of all conflict-affected groups. Obviously, the process of integration with the European Union, which is related to the construction of democratic institutions, the protection of human rights, and the establishment of European Union standards in several directions of the economy and social protection, has a direct impact on peace policy. Along with democratizing systems, it creates opportunities and interest in offering better prospects for people living in conflict regions. In the future, the Social Justice Center will present more detailed perspectives and recommendations regarding strengthening the international engagement policy in cooperation with the EU representation in Georgia.

### 1. Mechanisms and approaches of the European Union in the process of conflict transformation

Scholars disaggregate the mechanisms of EU engagement in the process of conflict resolution into two groups: direct and indirect means of engagement. Means of direct engagement constitute mediation, military missions, and sanctions. In contrast, indirect engagement involves prevention, transformation, and de-escalation processes, such as improving democratic processes and institutions, sending civilian missions, supporting policies, etc.<sup>2</sup> The EU often calls itself a

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<sup>1</sup> Tocci, Nathalie 2013. "EU, Conflict Transformation and Civil Society: Promoting Peace from the Bottom Up?" *Review of European Studies* 5 (3): 29.

<sup>2</sup> Sukiasyan, Narek. 2017. "The EU and Conflict Resolution Mechanism: Direct and Indirect Engagement." *Studia Universitatis Babeş-Bolyai Studia Europaea* 62 (4): 244.

"contributor to peace." The main principles that serve as the basis for engagement in conflict resolution are peace, freedom, democracy, the rule of law, and human rights.<sup>3</sup>

Researchers single out four approaches the European Union uses to exert influence: **Compulsory impact** - under the integration and association processes, the state pledges to take steps towards the peaceful resolution of conflicts. This approach can be successful only when the state is determined to be a member of the European Union and shows a clear political will to fulfill the requirements established by the European Union for the peaceful settlement of conflicts.<sup>4</sup> However, it is noteworthy that this approach may be less successful in other conflict contexts, where only one side of the conflict is involved in the EU integration-association process. Such obligations do not bind the other side.

**The enabling impact** approach implies aligning the political agenda between the parties to the conflict with the European Union, which also means the start of the integration process.<sup>5</sup> Regarding this approach, like the compulsory impact approach, it can be said that its success depends on whether both sides of the conflict are ready and express their desire to link their political agenda to the EU.

**Connective impact approach** - in this way, the European Union, mainly with the financial support of common activities, tries to establish contact and connections between the parties to the conflict. This approach aims to build sustainable links that will have a wider societal impact if social networks emerge between the parties to the conflict.<sup>6</sup> The success of this approach of the EU also requires the acceptance of the parties to the conflict towards the financial resources of the EU. However, unlike the previous two approaches, it does not require involvement in the EU integration-association process (which is excluded in such conflict contexts when the international political status of one of the parties to the conflict precludes involvement in these processes: when the conflict is between the state and a non-state actor, the internal conflict of the country).

**The constructive impact** is the most prominent approach of the EU's indirect engagement, within which the EU works on reconstructing identities between the parties to the conflict, thus creating new discourses related to the conflicts.<sup>7</sup> Unlike all other approaches, this direction requires more EU efforts and working directly with the parties to the conflict to rethink the conflicts, internalize EU principles and values, and bring the parties closer to European values. It indirectly affects the processes of conflict transformation and does not depend on the international political status of the parties.

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<sup>3</sup> Steglich, Rebecca. 2012. "The European Union as a Normative Power and Conflict Transformation in Moldova: A 'Force for Good'?" *Journal of Contemporary European Research* 8 (1): 77.

<sup>4</sup> Diez, Thomas, Stephan Stetter, and Mathias Albert. 2006. "The European Union and Border Conflicts: The Transformative Power of Integration." *International Organization* 60 (3), 575.

<sup>5</sup> *ibid*, 573.

<sup>6</sup> *ibid*.

<sup>7</sup> *ibid*, 574-588.

These approaches to EU engagement in conflict situations are presented through various mechanisms, tools, and policies as part of its foreign policy. These mechanisms differ mainly in the intensity of engagement, the success rate in different contexts, and the budget. It is noteworthy to single out some of them.

Common Security and Defense Policy (CSDP),<sup>8</sup> within the framework of which, from 2004 to 2022, the European Union has authorized seven military and 11 civilian missions around the world with the objective of peacebuilding, conflict prevention, crisis management, common disarmament operations, provision of military advice and support, humanitarian aid and post-conflict stabilization.<sup>9</sup> Military missions are sent based on the resolution of the UN Security Council or at the invitation of a partner state. Military missions are financed through another specially created instrument - the European Peace Facility, which, in turn, is sponsored by the member states. And civilian missions, such as the European Union Monitoring Mission (EUMM) in Georgia, are financed directly by the EU budget.

Civilian missions, in turn, differ from each other and can be divided into three categories: reinforcement missions, monitoring, and executive missions. The first is mainly aimed at supporting the rule of law, institution building, judicial and security reforms in the country; the monitoring mission ensures the monitoring of the implementation of a specific agreement by a third party (the EUMM mission is largely under this capacity, after the August 2008 war, in Georgia to monitor the ceasefire agreement). The executive mission, which is sent only to Kosovo (EULEX mission in Kosovo), involves direct administration and performance of state functions.<sup>10</sup>

Another EU mechanism, the Mediation Support Team (MST),<sup>11</sup> provides advice and support to strengthen mediation capacity and the existing mediation process. This involves training and capacity building for parties engaged in mediation. From the point of view of mediation, this kind of support has also been received by the EUMM mission in Georgia. The European Union has further created a type of service in its foreign policy instruments. The European Resources for Mediation Support Project (ERMES)<sup>12</sup> offers mediation support to the parties involved in the conflict through independent third parties.

The institution of the EU Special Representative is another mechanism that the EU sometimes activates in conflict contexts and which is managed directly by the Political and Security

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<sup>8</sup> EU Operations and Missions, EU Common Security and Defense Policy, March 2022 [https://www.eeas.europa.eu/sites/default/files/documents/EU-mission-and-operation\\_2022-new-layout-V2.pdf](https://www.eeas.europa.eu/sites/default/files/documents/EU-mission-and-operation_2022-new-layout-V2.pdf)

<sup>9</sup> Sukiasyan 2017, 253.

<sup>10</sup> *ibid.*

<sup>11</sup> Conflict Prevention, Peace Building, and Mediation, [https://www.eeas.europa.eu/eeas/conflict-prevention-peace-building-and-mediation\\_en](https://www.eeas.europa.eu/eeas/conflict-prevention-peace-building-and-mediation_en)

<sup>12</sup> ERMES, <https://www.coleurope.eu/training-projects/projects/projects-spotlight/ermes-iii-european-resources-mediation-support>

Committees of the European Parliament. In Georgia, the European Union created this mechanism to prevent conflicts, support conflict resolution and strengthen the EU dialogue.<sup>13</sup> The EU Special Representative in Georgia is one of the co-chairs of General international negotiations, which some scholars consider a successful intervention.<sup>14</sup>

In addition, within the Foreign Policy Instrument (FPI) framework, the European Union finances various short-term and medium-term projects in conflict prevention, crisis response, and peacebuilding.<sup>15</sup> Over the past ten years, the European Union has funded more than 1,000 projects around the world on conflict prevention, crisis response, mediation, support for peace agreements, transitional justice, and other areas.

The Stability and Peace Instrument was created in 2014, and its objective is to finance projects in the direction of crisis response, conflict prevention, and peacebuilding.<sup>16</sup> This mechanism has been used by the European Union in Georgia, like other 70 countries, including for financing such projects as the Confidence Building Early Response Mechanism (COBERM), conflict prevention and confidence building through mother tongue-based multilingual education in Abkhazia (two phases - 2016-2018 and 2019- in 2022).

In addition, the European Union operates such instruments as the policy of Disarmament, Demobilization, and Reintegration (DDR), security cooperation between the European Union and NATO,<sup>17</sup> European civil protection and humanitarian aid operations,<sup>18</sup> etc.

In a broader sense, the instruments of the EU's engagement in conflicts can be grouped in several directions: **financial instruments**, which are abundantly presented in Georgia. This has become the subject of criticism by some researchers due to an assumption that the ongoing conflicts in Georgia require more political engagement by the EU rather than financial.<sup>19</sup> Economic rehabilitation, humanitarian aid, and confidence-building projects are the main directions the European Union supports in Georgia. However, its proactivity and involvement in active negotiations are less noticeable.<sup>20</sup> **Treaty mechanisms** related to EU association and integration processes (ENP, EaP) have the possibility of success if the parties to the conflict are ready to accept the terms and conditions of the EU and thus take steps towards the transformation of the conflicts, ultimately

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<sup>13</sup>Jafarova, Esmira. 2011. "EU Conflict Resolution Policy Towards the South Caucasus." *Connections: The Quarterly Journal* 10 (3): 63.

<sup>14</sup> Jeppsson, Emilia. 2015. "A Differentiated, Balanced and Patient Approach to Conflict Resolution? The EU's Involvement with Georgia's Secessionist Conflicts beyond the August 2008 War." *EU Diplomacy Papers*: 19.

<sup>15</sup> [https://fpi.ec.europa.eu/what-we-do/conflict-prevention-peace-and-stability\\_en](https://fpi.ec.europa.eu/what-we-do/conflict-prevention-peace-and-stability_en)

<sup>16</sup> Sukiasyan 2017, 256.

<sup>17</sup> EU-NATO cooperation: <https://www.eeas.europa.eu/sites/default/files/documents/2022-03-24-EU-NATO-COOPERATION-NewLayout.pdf>

<sup>18</sup> [https://civil-protection-humanitarian-aid.ec.europa.eu/index\\_en](https://civil-protection-humanitarian-aid.ec.europa.eu/index_en)

<sup>19</sup> Jeppsson, Emilia. 2015. "A Differentiated, Balanced and Patient Approach to Conflict Resolution? The EU's Involvement with Georgia's Secessionist Conflicts beyond the August 2008 War." *EU Diplomacy Papers*: 20-23.

<sup>20</sup> German, Tracey C. 2007. "Visibly Invisible: EU Engagement in Conflict Resolution in the South Caucasus." *European Security* 16 (3-4): 365; Jeppsson, 2015, 21.

with the aim of joining the EU.<sup>21</sup> In addition, various **soft power and constructive mechanisms** involve increasing citizen involvement in conflict transformation, cooperation with political elites, etc. **Sanctions** include visa bans, freezing of financial resources, severance of diplomatic relations, embargoes, deployment of troops, supply of weapons, etc.

The EU's engagement in conflict transformation is often influenced by its foreign policy priorities and other actors.<sup>22</sup> The desire and readiness of the European Union to be involved in the process of conflict resolution and transformation were often conditioned by the Russian factor. The energy security of the member states, which was largely dependent on Russia, would outweigh the interests of the peaceful resolution of conflicts in the region and beyond. For example, before the 2008 war, the European Union's restrained involvement in Georgia's conflicts, mainly limited to economic rehabilitation and humanitarian aid projects, was due to the Russian factor. The European Union was wary of getting involved in direct negotiations and left this arena to another organization because of the need to maintain partnership relations with Russia.<sup>23</sup> After the Ukraine-Russia wars, the attitude of the European Union toward Russia changed. After the annexation of Crimea in 2014 and in the wake of Russia's brutal war in Ukraine in 2022, the EU's attitude towards Russia has become harsher. Several sanctions packages have been imposed, including the EU imposing sanctions on more than 1,240 individuals and 120 companies, freezing their accounts, and imposing travel restrictions. In addition, a regime of sanctions was established in various areas of the economy, including transport, financial sector, energy sector, and defense; The broadcasting activities of five Russian media were restricted, etc.<sup>24</sup> Against this background, there was an opportunity for the European Union to become more involved in the conflict regions of Georgia because the geopolitical situation, when the European Union was afraid of confrontation with Russia, had changed. The recent activity of the European Union can be observed in the ongoing conflict between Armenia and Azerbaijan over the Karabakh issue.

The European Union has diplomatic representation in more than 130 locations. As a global actor, influencing conflict situations is a significant advantage, as it implies considerable human and informational resources.<sup>25</sup> Its main strength lies in various instruments, financial mechanisms, and different methods of using soft power,<sup>26</sup> the effective use of which creates an important resource for conflict transformation.

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<sup>21</sup> Tocci, 2008, 883.

<sup>23</sup> German 2007, 363; Jafarova 2011, 65.

<sup>24</sup> EU restrictive measures against Russia over Ukraine (since 2014), European Council, <https://www.consilium.europa.eu/en/policies/sanctions/restrictive-measures-against-russia-over-ukraine/>

<sup>25</sup> Sukiasyan 2017, 246.

<sup>26</sup> Claes 2011, 1.



## 2. Experience of EU engagement in Cyprus

The engagement of the European Union in the protracted conflict of Cyprus was continually and inevitably based on the principles of sovereignty and territorial integrity of Cyprus. However, this did not prevent the European Union from being actively involved in conflict resolution, transformation, and active cooperation with the Turkish Republic of Northern Cyprus (TRNC). According to researcher George Kirbys, the engagement of the European Union can be summarized as a continuous effort to achieve the unification of the island of Cyprus. At the same time, the involvement of the United Nations is focused on the goal of conflict resolution, which does not involve a priori the unification of the island.<sup>27</sup> The European Union's attempt to accept the united island as a member in accordance with the plan of the Secretary General of the United Nations, Kofi Annan, could not be successfully implemented due to the refusal of the Greek Cypriots. This was a significant failure of the EU (as well as of the UN) to resolve the conflict and unify the island, as EU membership was seen as an essential tool to influence the resolution of the unresolved conflict.<sup>28</sup> As a result, the European Union accepted the Republic of Cyprus as a member, which remains divided until now, and the laws of the European Union do not apply to its northern part. EU membership was inextricably based on the recognition of the sovereignty of the Republic of Cyprus.

Despite the accession of a divided island, the EU continued to work with the northern part to mitigate the adverse effects of isolation and help Turkish Cypriots enforce EU laws by the time the island was to be reunified.<sup>29</sup> To this end, the European Union has implemented several initiatives to maintain and deepen communication and cooperation with the Turkish side. In 2004, the EU cautiously introduced three major initiatives: the Direct Trade Regulation, the Financial Aid Regulation, and the Green Line Regulation.<sup>30</sup> These initiatives were justified by the results of the referendum, which clearly showed the political will of Turkish Cypriots to join the EU, along with the reunification of the island (65% of Turkish Cypriots supported the reunification of the island conditional on EU membership, while 76% of Greek Cypriots rejected it).<sup>31</sup>

The direct trade deal was blocked by Greek Cypriots who feared it would create a "Taiwan of the Mediterranean." The objective of the direct trade regulation was to "create a preferential regime for products produced in the Turkish part of Cyprus to enter the customs territory of the European Union," which would take place from the port of Famagusta, territorially located in Northern

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<sup>27</sup> Kyris George, 'Sovereignty and Engagement without Recognition: Explaining the Failure of Conflict Resolution in Cyprus' (2018) 17 *Ethnopolitics* 4, 435.

<sup>28</sup> Sozen Ahmet (ed), *Reflections on the Cyprus Problem: A Compilation of Recent Academic Contributions* (2007), 2-17.

<sup>29</sup> Kyris, 436.

<sup>30</sup> De Vaal Thomas, *Uncertain Grounds*, 55-56.

<sup>31</sup> Groom A. J. R, 'No End in Sight in Cyprus.' (2007) 29 *The International History Review* 4, 833-40.; Yakinthou Christalla 'The EU's Role in the Cyprus Conflict: System Failure or Structural Metamorphosis?' (2009) 8:3-4 *Ethnopolitics*, 307-323.

Cyprus.<sup>32</sup> Fearing creeping recognition, the Republic of Cyprus blocked this initiative. A second initiative to regulate financial aid was launched in 2006, two years late, after significant obstacles. This regulation aims to "promote the reunification of Cyprus by encouraging the economic development of Northern Cyprus, with particular emphasis on economic integration and strengthening cooperation between the parties to the conflict, as well as cooperation with the European Union."<sup>33</sup> Within the framework of this regulation, the European Union supports Northern Cyprus in the following five directions: 1) infrastructure development; 2) socio-economic development; 3) issues related to conflicts: confidence building programs, demining; finding people lost during conflict; 4) information campaign about the European Union; 5) Preparing the Turkish part of Cyprus to comply with EU legislation.<sup>34</sup>

The third important initiative concerns the regulation of the Green Line, the objective of which is also the economic development of the northern part of Cyprus. It was developed to facilitate trade. However, only individual traders can export products to the EU under this regulation. Large-scale businesses cannot benefit, as the Republic of Cyprus, fearing creeping recognition, has not allowed the movement of large trailers by imposing restrictions on licensing and insurance.<sup>35</sup> In this case, the Republic of Cyprus did not permit the recognition of the license and insurance documents issued by the TRNC authorities because Cyprus did not want the vehicles of the Turkish part of Cyprus to transport products throughout Europe through these documents.<sup>36</sup>

Based on these initiatives, the European Union actively cooperated with the unrecognized Republic and aimed to prepare the foundations for the unification of Cyprus. It is clear that the development and implementation of these initiatives faced objections from the Republic of Cyprus at all stages. Despite this level of engagement, Turkish Cypriots are not represented in EU institutions, such as the Council of the European Union, where Greek Cypriots are represented. However, between 2010 and 2015, the European Parliament created a "High-Level Contact Group with Turkish Cypriots for greater political engagement at the local level."<sup>37</sup>

Several reasons are given in the literature to characterize the "conceptual avoidance" of the EU concerning the unrecognized region. This was primarily due to the sui generis non-recognition doctrine<sup>38</sup> with respect to Northern Cyprus, which had the most significant impact on EU engagement. On the other hand, the EU consistently avoids official contact with the authorities of

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<sup>32</sup> Proposal for EC Regulation on special conditions for trade with those areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control (2004) COM/2004/0466 <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52004PC0466> accessed 17 February, 2022.

<sup>33</sup> Council Regulation (EC) 389/2006 on Regulation establishing an instrument of financial support for encouraging the economic development of the Turkish Cypriot community (2006).

<sup>34</sup> De Vaal Thomas, *Uncertain Grounds*, 56.

<sup>35</sup> *Ibid* 57.

<sup>36</sup> Hatay Mete, Kalimeri Julia, and Mullen Fiona, 'Intra-island Trade in Cyprus: Obstacles, Oppositions and Psychological Barriers' (2008) PRIO Cyprus Center, 8.

<sup>37</sup> George Kyris 'The European Union in Northern Cyprus: Conceptualizing the Avoidance of Contested States' (2020) 25:2 *Geopolitics*, 349.

<sup>38</sup> Sui generis - A unique case, example

the unrecognized Republic when implementing financial aid regulation at the local level. The EU is not cooperating with officials and has not sent an official delegation to the TRNC. For this purpose, a Brussels-based EU task force has been created to support and coordinate local programs. In addition, the EU has opened the EU Coordination Center (EUCC), which establishes a format for meetings and cooperation with local authorities so that EU officials do not have to engage with TRNC officials. The EU is also increasing its engagement with civil society, which is another way to establish unofficial local communication.<sup>39</sup> For example, in 2018, the European Commission allocated €2.3 million to finance eight civil organizations in Northern Cyprus to promote democracy, protect fundamental rights and freedoms, preserve cultural diversity, and support the reconciliation process.<sup>40</sup>

Analyzing the mechanisms of EU engagement in Cyprus, we can conclude that even when the main objective was the preparation of the foundations for the unification of Cyprus. Its goals focused on transforming conflicts, including more flexible cooperation formats, and aimed at reducing isolation and creating a better legal and social environment in a non-recognition context so that it would not cause speculation about the recognition of Northern Cyprus by the European Union. In turn, this was facilitated by the willingness of the Turkish Cypriots to cooperate with the EU institutions even in the conditions when the EU unconditionally recognized the sovereignty and territorial integrity of the Republic of Cyprus.

### 3. EU engagement in Georgia's conflict contexts

The engagement of the European Union in the conflict situations of Georgia began in the 90s, after the military conflicts. However, the intensity of the engagement of the United Nations was higher, and the European Union was limited only to humanitarian and economic development programs. For example, in 1999, the European Commission launched economic rehabilitation programs in the territory of the South Ossetia/Tskhinvali region, which was implemented by the OSCE mission sent here at that time.<sup>41</sup> Before the August War, the European Union tried to resolve the conflicts in Georgia, and its approach was based on four main objectives: 1) prevention, 2) transformation, 3) management, and 4) resolution.<sup>42</sup> However, as Bruno Coppieters points out, there was a time discrepancy between Georgia's and the EU's perspectives - the EU feared Georgia's impatience with conflict resolution, which might have led to violent escalation. At the same time, the EU opted for more patient approaches.<sup>43</sup> In pursuit of these goals, the EU could consider the successes and failures of the UN engagement in Abkhazia. Fears about non-recognition policies have always been a corollary of the EU's engagement, leading to all types of international participation in conflict

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<sup>39</sup> *ibid.*

<sup>40</sup> 'The European Commission has launched a EUR 2 million call for proposals to support Civil Society Organisations (CSOs) in the Turkish Cypriot community', *Abbilgi.eu* (Nicosia, 23 July 2020) <https://www.abbilgi.eu/en/the-european-commission-has-launched-a-eur-2-million-call-fo.html> accessed 17 February, 2022.

<sup>41</sup> ICG, *Georgia's South Ossetia Conflict: Make Haste Slowly* (Europe Report N°183, 7 June 2007) 20.

<sup>42</sup> Coppieters (2007) 5.

<sup>43</sup> *Ibid.*

resolution, including mediation and other conflict resolution initiatives and humanitarian and economic projects.

Like the engagement of the United Nations, any action of the European Union related to the conflict regions of Georgia was based on the principles of unwavering recognition of Georgia's territorial integrity and sovereignty. The EU has always been cautious when communicating with de facto authorities.<sup>44</sup> Nevertheless, the European Union is still the largest donor in the conflict regions, financing rehabilitation and humanitarian aid projects, which ultimately aim to restore trust between the parties to the conflict and improve the situation of people living in the territories of de facto unrecognized republics.<sup>45</sup> However, implementing various projects in conflict regions by international actors often requires the permission and consent of the de jure state. In the absence of such consent, there is a risk that the action of the international actor will be evaluated as interference in the country's internal affairs.<sup>46</sup> Due to the requirements of the non-recognition policy, the EU does not independently define its policy towards conflict regions. Koptiers notes that in this context, EU activities in 2007, due to Georgia's fears about transformative approaches, were more directed towards supporting local civil actors than cooperation with official agencies. According to him, the government of Georgia tried to fully control the engagement of the European Union, which was planned in the framework of the European Neighborhood and Partnership Policy (ENP) to implement the transformational policy. In addition, the fact that the economic rehabilitation and humanitarian aid projects were mainly addressed to the ethnic Georgians living in the conflict regions, which did not have a positive impact on the inter-ethnic cooperation and trust-building process, called for the researchers' criticism.

Moreover, it was also criticized that when planning the engagement projects in the conflict regions, neither the European Union nor the Georgian authorities considered that the conflicts in these regions were related to ethnic identities and past injustices. Therefore, only economic rehabilitation and development programs would be insufficient for trust-building.<sup>47</sup> Such an approach stemmed from a policy of strict non-recognition, which paid little attention to the real needs of people who continued to live in unrecognized political systems. Consequently, the humanitarian and human rights situation has also become politicized and directly related to the political results of conflict resolution.

After the 2008 war, the European Union became the leading international actor in resolving Georgia's conflicts.<sup>48</sup> After the expiration of the mandate of the UN monitoring mission, the European Union took the lead in this direction.<sup>49</sup> The European Union played a critical role in

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<sup>44</sup> Ibid, 17.

<sup>45</sup> EC, *European Neighborhood and Partnership Instrument, Georgia, Country Strategic Paper (2007-2013)* 34-35.

<sup>46</sup> Coppieters (2007) 17.

<sup>47</sup> Coppieters (2007) 19.

<sup>48</sup> Jeppsson Emilia, 'A Differentiated, Balanced and Patient Approach to Conflict Resolution? The EU's Involvement with Georgia's Secessionist Conflicts beyond the August 2008 War' (2015) 6 EU Diplomacy Paper.

<sup>49</sup> Merlingen Michael, Ostrauskaite Rasa, 'EU Peacebuilding in Georgia: Limits and Achievements', in S. Blockmans, J. Wouters & T. Ruys (eds.), *The European Union and Peacebuilding* (T.M.C. Asser Press, 2010) 270.

signing the six-point ceasefire agreement between Georgia and Russia and deployed its monitoring mission (EUMM) to Georgia.<sup>50</sup> EUMM is an unarmed civilian mission. Its mandate is to prevent armed actions and support safe living conditions for people on both sides of the administrative border in Abkhazia and Tskhinvali region; Also, building trust between parties to the conflict and raising awareness of EU policies.<sup>51</sup> More than 200 observers from 25 EU member states are assigned to Georgia for this purpose, and their mandate covers the entire territory of Georgia. The EUMM is often cited as a successful mission due to its role in the investigation, information sharing, stabilization, and de-escalation support. However, its activities remain limited due to geographic constraints. Due to restrictions imposed by de facto administrations, they do not have access to the territory of Abkhazia and the South Ossetia/Tskhinvali region.

In addition, the European Union sent a Special Representative in the South Caucasus (EUSR) to Georgia, one of whose missions was to work on crises in Georgia and participate in conflict resolution. The EUSR's mandate was also defined after the 2008 war. Its main task is to prepare the position of the European Union in the international negotiations in Geneva. He is one of the co-chairs of this negotiation format with the UN and the OSCE. The task of the EUSR is also to monitor the ceasefire agreement.<sup>52</sup> Its role is also critical in maintaining contact with de facto authorities through regular visits.<sup>53</sup>

Another mechanism the European Union launched after 2008 was the European Neighborhood and Partnership Instrument (ENPI) and the Instrument for Stability (IFS), further engaging in Georgia's conflict resolution process. These financial instruments provide funding to various projects in conflict transformation. Still, their implementation was possible only on the territory of Abkhazia because the de facto administration of South Ossetia did not allow the EU to support these projects.<sup>54</sup> The central part of the projects dealt with issues of rehabilitation and reconstruction, building trust, and improving the living conditions of internally displaced persons and people in conflict regions. In 2014, ENPI was replaced by the European Neighborhood Instrument (ENI), within which no budget was allocated for conflict-affected populations. EU funding in Abkhazia helped to avoid its complete isolation. However, in the end, the EU-supported projects were still small-scale confidence-building actions, which turned out to be marginal and did not achieve significant success.<sup>55</sup>

The EUMM, with its limited mandate and lack of access to conflict regions, has not achieved any degree of conflict transformation and tangible results in confidence building. The mission also failed to have a positive impact on improving the living conditions of people in and around the conflict

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<sup>50</sup> Popescu, 86-92.

<sup>51</sup> EC Joint Action 2008/736/CFSP on the EUMM in Georgia (September 2008) Article 2 and 3.

<sup>52</sup> EC Joint Action 2008/760/CFSP on appointing the European Union Special Representative for the crisis in Georgia", Official Journal of the European Union, (25 September 2008) L259, 16.

<sup>53</sup> Jeppsson 2015, 20.

<sup>54</sup> European Union Delegation to Georgia, *EU Assistance to People Affected by Conflict in Georgia*, (Tbilisi, October 2011) 4-5.

<sup>55</sup> Jeppsson 2015, 21.

regions and protecting their security. However, the relevant mechanism, the IPRM, was created at the international negotiations in Geneva in February 2009. The Incident Prevention and Response Mechanism (IPRM) is often cited as a key achievement of the Geneva negotiations over the past 14 years.<sup>56</sup> IPRM meetings are held on the territory of Abkhazia and South Ossetia, in Ergneti and Gali, close to the administrative border, where EUMM representatives participate.<sup>57</sup> After 2019, the Incident Prevention and Response Mechanism (IPRM) meetings vis-a-vis Gali are suspended. The objective of this mechanism is to provide a timely and effective response to challenges related to the security of people in and around the conflict zone. These meetings are usually held monthly, where all parties, together with international mediators, discuss issues such as illegal detention of people along the dividing lines, access to agricultural products, military and training activities, etc.

The European Union remains committed to the principles of state sovereignty, territorial integrity, inviolability of borders, and peaceful conflict resolution.<sup>58</sup> At the same time, the EU actively began to rethink its role to strengthen its engagement with de facto regimes. Against this background, a new policy known as "Engagement without Recognition" (NREP) was developed at the initiative of the EUSR.<sup>59</sup> At the same time, the EU actively began to rethink its role to strengthen its engagement with de facto regimes. Against this background, a new policy known as "Engagement without Recognition" (NREP) was developed at the initiative of the EUSR. The main objective of the NREP was to de-isolate these regions, although without granting legal recognition, even implicitly, and in a way that would not undermine the sovereignty and territorial integrity of the state. Therefore, every international engagement, including that of the EU, had to be in line and simultaneously fulfill the engagement's main objectives. The NREP initiative was first supported in December 2009 by the Political and Security Council of the European Union concerning South Ossetia and Abkhazia. The main aim of this decision was to open political and legal space for more cooperation with non-recognized states. NREP is based on two main directions: <sup>60</sup> de-isolation and conflict transformation.

The European Union started implementing this policy for the first time in Abkhazia to make it an example for South Ossetia, which after the August war, is more self-isolated from international involvement. The EU has set the following goals: 1) increase the EU's mechanisms and leverage in both regions, given that a lack of engagement makes these regions more vulnerable to Russian influence; 2) support an alternative political narrative for conflict resolution; 3) de-isolate these regions and diversify the narratives.

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<sup>56</sup> Macharashvili Nana, Basilaia Ekaterine, Samkharade Nikoloz, 'Assessing the EU's conflict prevention and peacebuilding interventions in Georgia' (TSU, 2017) 30.

<sup>57</sup> EUMM, *Opportunities for IN-person Dialogue*, (6 Bulletin for the EUMM, August, 2018) [https://eumm.eu/data/file/6440/The\\_EUMM\\_Monitor\\_issue\\_6\\_ENG.pdf](https://eumm.eu/data/file/6440/The_EUMM_Monitor_issue_6_ENG.pdf) accessed 8 November, 2019.

<sup>58</sup> Charter of the United Nations, (adopted 24 October 1945 1) UNTS XVI, art 2.

<sup>59</sup> Jeppsson, 21.

<sup>60</sup> Ibid, 5-9. Sabou, Alexandra. 2017. "The EU 'Engagement without Recognition' Policy in Its Eastern Neighborhood de Facto States. The Case of Abkhazia and South Ossetia." *Studia Universitatis Babeş-Bolyai Studia Europaea* 62 (1): 127.

Within the framework of NREP, the European Union had several initiatives in relation to Abkhazia:<sup>61</sup> firstly, providing humanitarian aid and support to the population affected by the conflict; Also, until 2011, the EU Special Representative regularly visited Abkhazia and had an important line of communication with the de facto administration. In addition, there was an initiative to open an EU information office in Sukhumi, which appeared back in 2008, but this initiative was delayed after the war. The European Union also discussed increasing educational scholarships for Abkhazian, Georgian and Ossetian students, as well as systematic communication with civil society. Also discussed was the so-called smart visa policy, which EU member countries should have developed to increase mobility and de-isolation since Russian passports issued in violation of international law are mainly used to travel to conflict regions.<sup>62</sup> Since the neutral documents offered by Georgia are less accepted by the population of the conflict regions, the European Union thought of different pragmatic ways. As a temporary solution, it was proposed to issue visas in Russian passports by the embassies and consulates based in Tbilisi (which required the agreement of both sides of the conflict). As a long-term decision, the creation of status-neutral travel documents by the European Union was considered. Not only have none of these mechanisms been developed, but substantial work and deliberation on them have not even begun at the national or international level.

Moreover, in 2022, the European Parliament supported the decision according to which the European Union does not recognize passports and travel documents issued by Russia in the occupied territories of Ukraine and Georgia.<sup>63</sup> According to the European Parliament, negotiations will be held with the European Council on this issue, and the final decision will be announced later. On December 8, 2022, the Council of Europe decided not to recognize Russian travel documents issued to Ukraine and Georgia, which the Council saw as a response to Russia's unjustified aggression against Ukraine.<sup>64</sup> Although individual countries have already developed a non-recognition policy in this direction, such a move by the European Union can be considered as encouraging the policy of isolation and leaving Russia as the only alternative for the residents of the conflict region to cope with isolation.<sup>65</sup> If the European Union introduces an alternative mechanism in the form of neutral travel documents, then this decision may be a step forward. However, the prerequisites for this are not there.

Criticism of the NREP regarding its lack of success stems from the fear of creeping recognition, which is why the EU institutions often turned to Tbilisi to get the green light for individual actions

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<sup>61</sup> Ibid.

<sup>62</sup> Littlefield Scott, 'Citizenship, Identity and Foreign Policy; The Contradictions and Consequences of Russia's Passport Distribution in the Separatist Regions of Georgia.' (2009) 61 Europe-Asia Studies 8, 1461–82; Natoli Kristopher, 'Weaponizing Nationality: An Analysis of Russia's Passport Policy in Georgia.' (2010) 28 Boston University International Law Journal, 389–417.

<sup>63</sup> <https://publika.ge/evrokavshiri-saqartvelo-ukrainis-okupirebul-nawilebshi-rusul-pasporteb-aghar-aghiarebs-evroparlamentis-gadawyvetileba/>

<sup>64</sup> Council adopts decision not to accept Russian documents issued in Ukraine and Georgia, Council of Europe. 8 December, 2022. <https://www.consilium.europa.eu/en/press/press-releases/2022/12/08/council-adopts-decision-not-to-accept-russian-documents-issued-in-ukraine-and-georgia/>

<sup>65</sup> "The European Union sanctions on passports will not change anything" - sentiments in Abkhazia, October 30, 2022. <https://netgazeti.ge/news/638938/>

and only then began communication with the de facto administrations.<sup>66</sup> As the scholars criticized the UN and OSCE missions, the same criticism is addressed to the European Union because of its bias towards Georgia.<sup>67</sup> Playing the role of an impartial third party can be of critical importance in the process of conflict transformation when the parties to the conflict attach great importance to it. In addition, the NREP lacked a concrete political vision and plan for how the EU could increase its engagement in conflict regions.<sup>68</sup>

EU engagement mechanisms face even greater barriers in conflict regions, where local civil society organizations are restricted from receiving financial resources from the West. Upon the initiative of Inal Ardzinba, the de facto Minister of Foreign Affairs of Abkhazia, to harmonize Abkhazian legislation with Russian legislation, a law on "foreign agents" will be elaborated, based on which the activities of civil organizations will be subject to special control, to check where they get their resources from. Ardzinba expressed criticism of the EU NREP policy. He believes that the organizations involved in implementing this policy perform intelligence functions. Their main goal is the soft integration of the Abkhazian society into Georgian society through humanitarian aid, conferences, educational trainings, and work with young people.<sup>69</sup> This law was also enacted by the de facto administration of Tskhinvali. Therefore, EU engagement programs in conflict regions faced an even greater challenge.

## Conclusion and recommendations

Analyzing the mechanisms of EU engagement in Georgia, researchers often point to the need for comprehensive actions, as ongoing conflicts require more EU engagement than financial aid. More political action is needed, along with economic rehabilitation, humanitarian aid, and confidence-building projects. It also implies more political activity in the negotiation process.<sup>70</sup> The engagement of the EU in Georgia also deserves criticism for adopting only "soft security measures" aimed at long-term results. Still, its direct involvement in the conflict transformation process is less prominent.<sup>71</sup> Another researcher points out that the profile of the European Union in the management of international conflicts, specifically in the case of Georgia, its long-term and unwavering support for the policy of non-recognition, weakens the role of the European Union in the direction of conflict transformation.<sup>72</sup> Against the background, when the risks of recognition in the changed geopolitical context after the ongoing war in Ukraine are already dramatically low,

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<sup>66</sup> Kucera Joshua, 'Georgia Thwarts EU Engagement with Abkhazia' *EurasiaNet* (2017); See also Jeppsson, 22.

<sup>67</sup> Kvarchelia Liana, 'Perceptions of the EU in Abkhazia and prospects for the EU-Abkhazia engagement' (2012) Conciliation Resources, 8.

<sup>68</sup> Sabou 2017, 134; (German 2007, 358).

<sup>69</sup> Occupied Abkhazia: Attack on Civil Sector and International Organizations.

<https://gfsis.org/ge/ge/blog/view/1498>

<sup>70</sup> German 2007, 365.

<sup>71</sup> Jafarova 2011, 67.

<sup>72</sup> Jeppsson 2015, 27.



developing new paradigms and programs in the direction of the politics of engagement and de-isolation is particularly important.

The EU engagement policy is also being criticized due to the wrongly chosen time and the attitude of the Georgian government. The European Union announced the NREP policy after the August war and provided for the implementation of engagement projects with the permission of Tbilisi. This was equally unacceptable to the de facto administrations, who distrusted these initiatives as another "political bait."<sup>73</sup> On the other hand, the engagement strategy developed by the Georgian government in 2010 remains an unimplemented document, with few exceptions. Less interest in de-isolation and greater engagement from the central government is also reflected in the level of activity of the EU.<sup>74</sup> The geopolitical situation created after 2014 and the crises in Ukraine and Syria became another reason for the EU to relax its attention toward the South Caucasus.

Another subject of criticism is the fact that the diverse representation of EU institutions and mechanisms in Georgia can even be a challenge: the combination of the following mechanisms - the EUSR, the EU Delegation, the EUMM, the European Commission, and the European External Action Service (EEAS) ultimately leads to less mutual agreement in the decision-making process and makes effective coordination between these mechanisms difficult, which is ultimately a challenge to create a common EU strategy in this particular situation.<sup>75</sup>

Obviously, we understand that implementing policies related to the transformation of conflicts and the protection of human rights in conflict regions is primarily the responsibility of the Georgian government, and the primary addressee of recommendations in this direction is the state. However, taking into account the analysis of the experience of the European Union in the context of Georgia and the crisis created in the direction of occupation and conflicts in Georgia, we consider it important that the European Union and its representation and other mechanisms in Georgia take into account the following recommendations:

- The European Union should start rethinking the effectiveness of its own mechanisms, policies, and programs related to conflicts in Georgia and develop an independent monitoring report. It is important to conduct this monitoring process through democratic and inclusive consultations, including active discussions with expert circles and organizations involved in peacebuilding;
- A process supporting the de-occupation of Georgia should be created at a high political level, with the engagement of the European Union, which will actively put the issue of the

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<sup>73</sup> Vano Abramishvili, to save the engagement of Abkhazians and Ossetians, without recognition. Netgazeti, December 4, 2018. <https://netgazeti.ge/news/326077/>

<sup>74</sup> *ibid.*

<sup>75</sup> Panchulidze, Elene. 2020. "Limits of Co-Mediation: The EU's Effectiveness in the Geneva International Discussions." *EU Diplomacy Papers*: 21.

de-occupation of Georgia and the de-annexation of Abkhazia and South Ossetia on the foreign political agenda in the wake of Ukraine's support;

- With the support of the European Union, commence work to strengthen the political and diplomatic level of the co-chairs' representation in the format of the Geneva International Negotiations (GIN) and to create a platform for dialogue between the institutions of the Public Defender in the process of negotiations;
- Strengthen the process of inclusive, democratic, and regular consultations with civil organizations, especially women's organizations, in the Geneva International Negotiations (GIN) process, create a format of working meetings that will allow civil organizations to have a real influence on the negotiation process;
- Develop an updated strategy and action plan for the implementation of the "Non-Recognition Engagement" (NRE) policy, which will further strengthen the priority of promoting human rights in conflict regions and, for this purpose, provide financial and other support to residents of conflict regions and villages along the dividing line;
- With the support of the European Union, create platforms for direct and regular dialogue between the Georgian authorities and the de facto administrations of Abkhazia and South Ossetia regions, the purpose of which will be to respond to the needs and challenges of people living in the conflict regions and on both sides of the dividing line, including movement, trade, healthcare, access to education and other services, as well as other legal and social issues;
- To increase the mobility of people living in conflict regions in Europe, create a neutral travel document issued under the auspices of international organization(s), which will give people living in Abkhazia and the Tskhinvali region the legal opportunity to travel to European countries;
- Start active negotiations and communication with the authorities of Georgia, as well as with the de facto administrations of Abkhazia and South Ossetia/Tskhinvali regions, regarding the authorization of a mission to study the legal situation in these regions, which will be a comprehensive report on the current situation in these regions;
- In the national action plans for the implementation of the Association Agreement and Agenda, the issues of human security and human rights protection in conflict regions and villages along the dividing line should be further strengthened;
- Working processes should be planned with the de facto administrations of Abkhazia and South Ossetia/Tskhinvali regions to strengthen access to EU financial instruments in these regions and to remove the barriers imposed on local civic organizations to participate in projects supported by the EU and other Western actors;
- Create a regular (at least two times a year) inclusive and democratic platform, under EU institutions and mechanisms, for consulting civil society organizations working on peace policy, including women's organizations, in Georgia.