Peace Politics
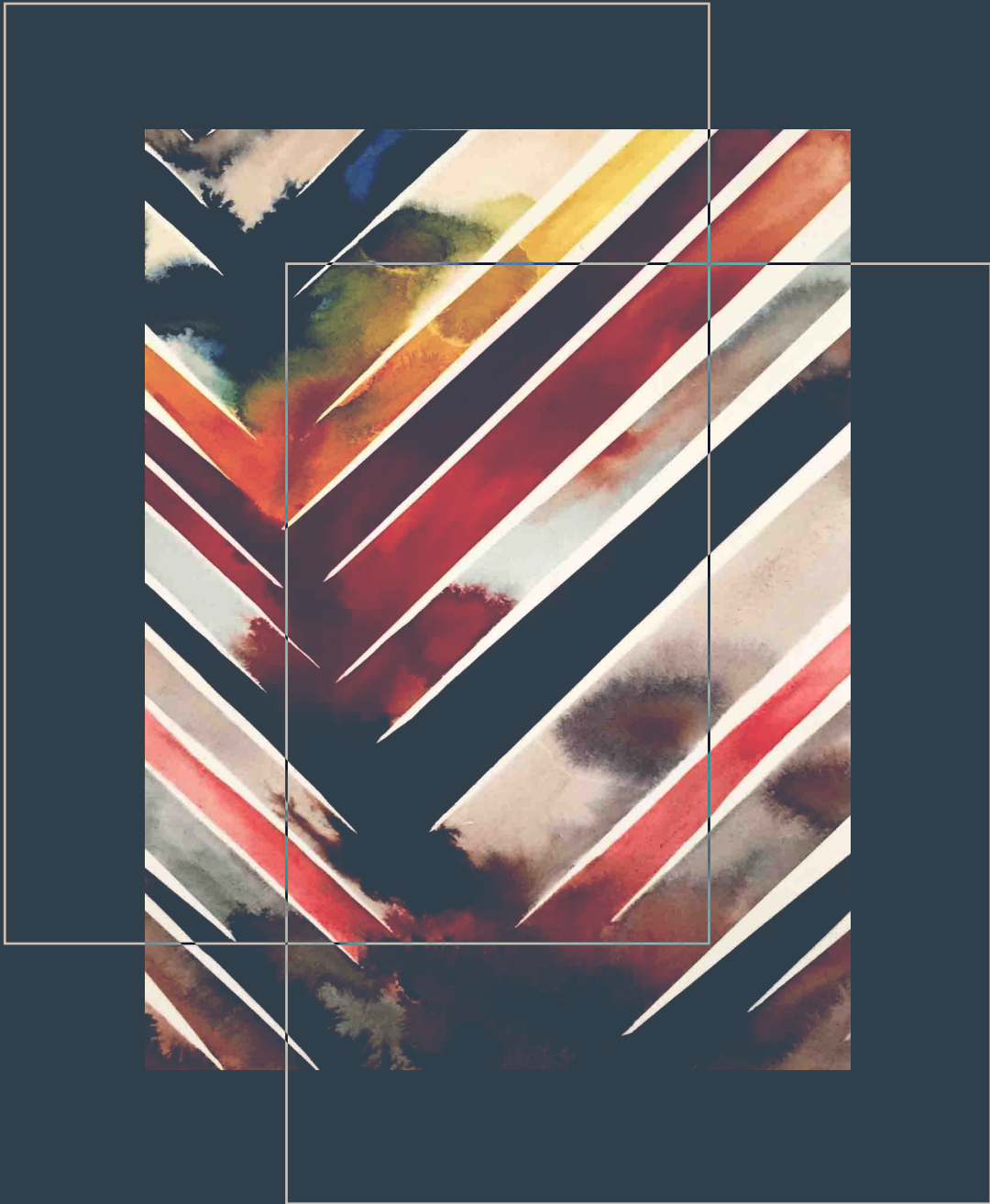
In search of new approaches and perspectives

Peace politics – In search of new approaches and perspectives

Social Justice Center

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Peacebuilding requires a sustainable and coherent policy based on a critical assessment of existing experience and history and a political consensus on new approaches and strategies pertaining to peace policy. Interest in the idea and policy of peacebuilding in Georgia is declining, and these issues are weakly represented on the political agenda.[1] The current peace policy of the central government is based on the engagement strategy developed in 2010, which can no longer respond to the changing political reality in the region. Although the human rights and humanitarian discourse has intensified in recent years, relying on ideas to strengthen engagement (including the development of a "Step for a Better Future" program in 2018), it has not substantially improved peace policy and the existing situation. Over the years, the social and legal situation of people living in and around conflict regions and humanitarian crises are worsened.

The fact that in 2021 the Government of Georgia started the process of reviewing the policy of engagement and de-occupation should be positively assessed. However, work on new/updated strategy papers is not yet complete, and the outcomes, in that regard, cannot be evaluated. Moreover, CSOs have not yet been provided with a document assessing the implementation of the engagement strategy of previous years and a draft document of the government's vision on the changes planned in this document.

The presented document aims to offer to the state several alternative perspectives and ideas in the process of developing a new strategy, which in our opinion, should become part of the updated strategy of engagement.

In assessing the current situation and developing visions, the Social Justice Center relied on existing policy documents and research and recent observations and assessments of the organization on the legal and social status in and around the conflict regions. We received consultations on this document from our pre-selected experts[2] , and it was reviewed and approved by them before we

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[1] Illusory Georgian policy of reconciliation and confidence building. See interviews with experts: https://socialjustice.org.ge/ka/products/sherigebisa-da-ndobis-aghdgenis-mochvenebiti-kartuli-politika; See also Conflict regions and human rights in the pre-election visions of the parties - 2020, https://socialjustice.org.ge/ka/products/konfliktis-regionebi-da-adamianis-uflebebi-partiebis-tsinasaarchevno-khedvebshi-2020

[2] Paata Zakareishvili - Conflictologist, former State Minister for Reconciliation and Civic Equality; Natia Chankvetadze - Peace and Conflict Researcher; Malkhaz Saldadze - political scientist; Mikheil Mirziashvili - Chairman of the Center of Development and Democracy.

shared the document with government agencies. The Social Justice Center expresses gratitude to them for sharing their experience and knowledge.

Assessment of the current situation and policies

Georgia's peace policy has undergone radical changes following the ongoing political factors in the country and the August 2008 war. Before the August war, the dynamics of peace policy showed some hope of restoring Georgian-Abkhazian and Georgian-Ossetian relations. However, each time, Georgian policy was so inconsistent that these promising openings often turned into a missed opportunity to resolve the conflict.[3]

After the August 2008 war, peace policy took on an entirely international angle and lost the dimension of ongoing ethnopolitical conflicts. After the recognition of the independence of Abkhazia and South Ossetia by the Russian Federation and several other countries, Georgia's peace policy was sharply based on visions of non-recognition, which, on the one hand, seemed to ignore the historical experience of internal conflicts and, on the other, did not recognize the political significance of direct dialogue, trust-building, and engagement with de facto authorities, in light of these experiences. In the process of engagement and confidence-building, the Georgian side usually considers dialogue with the "Abkhaz and Ossetian communities," and it seems to be divided into legitimate and illegitimate parts, which entails complete non-recognition and ignoring of the de facto authorities towards whom the Georgian side does not see the resource of dialogue.

The next step was the adoption of the Law on the Occupied Territories, which aimed to isolate the conflict regions from the rest of the world in accordance with the policy of non-recognition. Any cooperation with them without the permission of the Georgian authorities (except for the case when it serves the interests of the state, the peaceful resolution of the conflict, de-occupation, the restoration of trust between the war-affected population or humanitarian purposes and a special permit issued accordingly) has become a matter of political and legal responsibility. The law aims to legally attach the occupied regions to Georgia and provides for several restrictions on rights.[4] Its

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[3] I. Abramishvili, R. Koiava, 25 Years of Georgia's Peace Policy, 2018; P. Zakareishvili, Vision - Conflicts in Georgia, 2021, pp. 166-170.

[4] T. Piranishvili, Assessing the Law on the Occupied Territories from a Legal and Humanitarian Perspective, EMC, 2020. p. 3.

ultimate goal is to make Georgia the only way for individuals living in the occupied territories to establish international contacts and cooperation, including in the areas of relocation and economic activity. Although the law has undergone several stages of revisions, including due to the criticism of its "punitive" nature by the Venice Commission, thus easing restrictions and expanding the list of exceptions,[5] it still envisages liability for unauthorized communication and engagement with de facto regions. Criminal liability is *inter alia* imposed for entering the occupied territories from areas not defined by law. It also declares several economic activities in the occupied territories unlawful and annuls any transactions related to real estate ownership. The Venice Commission welcomed the legislative changes made in 2010 and 2011, including the fact that criminal liability for entering the occupied territories from prohibited areas was excluded if it was intended for emergency humanitarian assistance and persons holding a neutral document or victims of trafficking. Liability for carrying out economic activities has been excluded on the ground of emergency humanitarian aid. It should also be noted that in addition to the Law on Occupied Territories, barriers to economic cooperation are created by several other rules established by Georgian law,[6] which, as the practice has shown, restrict economic collaboration between parties to a conflict even in cases when the actions seek to restore trust or other lawful exceptions. Such restrictions include, for example, the various technical requirements established by Georgian law for activities that require licensing or other permissions from the state.

It should be noted that despite envisaging conflicts only from an international perspective, Georgia has not developed a strategy of de-occupation and de-annexation policies. The lack of an agreed-upon vision and policy in this direction often leads to political speculation and polarization.

Although the government has implemented a policy of non-recognition of the conflict regions and an appropriate legal regime, in 2010, the government also developed a state strategy, "Engagement through Cooperation," and a corresponding action plan. This was an essential innovation in Georgian peace policy, in which, after a difficult experience in 2008, the government ruled out the possibility of resolving the conflict by military means and based the engagement strategy on a human-oriented dimension. The engagement policy in the occupied territories includes the

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[5] Bogdan AURESCU, COMMENTS ON THE LAW ON OCCUPIED TERRITORIES OF GEORGIA, Opinino no. 516/2009, Strasbourg, 4 March 2009, para 3.
[6] M. Mirziashvili, Promoting the Benefits of Association and Visa-Free Regime to Residents of Abkhazia and Tskhinvali / South Ossetia, Regional Center for Strategic Studies, 2016, p.6.

following areas:[7] 1) Humanitarian aid and cooperation in case of natural disasters; 2) The restoration of contact between physically divided people, protection of human rights in the conflict region; 3) Increasing access to health and education services for the Abkhaz and Ossetian population; 4) The development of economic and trade projects - the emergence of incentives for joint production, as well as infrastructure projects in the occupied territories. To implement these four areas, the Engagement Action Plan determined seven instruments: a Neutral Status Coordination Mechanism that would facilitate communication and coordination between the Abkhaz, Ossetian, and Georgian sides, and developed mutually beneficial projects, neutral ID cards, and travel documents, for ensuring access to social services, and the enjoyment of freedom of movement; the Trust Fund to provide grants to Abkhazia and the Tskhinvali region, as well as a joint venture fund for project-implementing organizations, through which joint venture projects were to be funded and businesses to be promoted. The strategy also entailed the creation of a cooperation agency, a financial institution, and an integrated socio-economic zone.

The engagement strategy sets that it is a renewable document and provides revision every six months at the operational level and every three years at the strategic level. However, 11 years after its adoption, the document per se has not been amended. Thus, it is clear that it fails to meet the legal, humanitarian, and social challenges in the conflict regions and surrounding villages.

It is noteworthy that no fundamental changes have been made to the engagement policy since 2012 either. On the one hand, the new political team has pursued a policy of non-irritation against Russia. On the other hand, the importance of reconciliation and confidence-building has increased in political language, which is primarily related to Mr. Paata Zakareishvili, a conflictologist and political scientist, in the position of State Minister. The changes and approaches adopted during his tenure as State Minister are no longer sustained. The engagement policy has not reached a new stage of development, indicating the instability of the peace policy and its dependence on individuals rather than institutions. Substantial progress is not observed in any possible conflict transformation indicators: 1. No sustainable formats for political dialogue and communication with de facto authorities have been established; 2. Formats and processes of regular cooperation of independent actors (for example, the Public Defender) have not been established; 3. The

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[7] Ordinance of the Government of Georgia №88 5, July 3, 2010, K. Tbilisi, on the approval of the action plan of the engagement strategy.

representation and work of international organizations in the conflict regions have not increased (involvement of international organizations may increase at certain intervals, but this is not sustainable and systemic); 4. The transport regime in the conflict regions has not improved; 5. The conflict has not increased human security for persons and families affected; 6. Humanitarian crises against ethnic Georgians living in conflict regions have not been resolved and have deepened.

The severe and systemic experiences of human rights abuses as a whole, the difficult socio-economic situation in the conflict regions and the dividing lines, the continuous "borderization," and the security challenges[8] indicate that the authorities must reconsider and critically reassess peace policy and introduce a new vision for conflict transformation. At the same time, with more than 30 years of conflict experience, the government needs to consider the changing political and social contexts in Abkhazia and South Ossetia and adapt its peace strategy to these new developments.

In this reality, there is no sustainable peace format and mechanism that would allow for direct dialogue with the parties to the conflict on various legal and political issues. Despite their importance, the Geneva International Discussions and the IPRM mechanism do not serve as a function of the peace dialogue. Apart from being inclusive, these mechanisms are also status-neutral, although often their functioning is stalled due to high politicization.[9] In addition, they were established under a ceasefire agreement and do not provide the format of peace negotiations, which would directly include discussions on common peace paths and opportunities between the parties to the conflict.

At a time when the positions and attitudes of local political actors on international politics are sharply conflicting and polarized, the political and diplomatic resources that have been directed at resolving internal conflicts in recent years (including with the participation of European Council President Charles Michel) could have been utilized more effectively and from the perspective of state's interests concerning conflict resolution. That is why it is important to consider approaches

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[8] Beyond Barbed Wire: Human Rights Violations in Georgia due to Borderization Amnesty International, 2019; One Year of Pandemic in Abkhazia and South Ossetia / Tskhinvali Region, Democracy Research Institute, 2021. Human Rights Situation in Abkhazia and South Ossetia / Tskhinvali Occupied Regions and Demarcation Lines, Human Rights Center, 2020.
[9] Nona Mikhelidze, The Geneva Talks over Georgia's Territorial Conflicts: Achievements and Challenges, DOCUMENTI IAI 10 | 25 – November 2010, ob: https://www.files.ethz.ch/isn/124968/iai1025.pdf

to political dialogue and consensus in the process of updating the engagement strategy from the outset. The process of reaching an agreement on a new strategy has its significance in this political field, and it is important to pay proper attention to it.

For inclusiveness of the process, particular importance should be given to working with the media, which is part of the existing polarized political environment and often reproduces it.

An overview of new visions that are important to consider when amending the strategy

This subsection presents the visions and ideas that we believe should be reflected in the new strategy document. These visions are presented briefly, without thorough justification, and their purpose is to flag new issues and challenges. We realize that our access to information and data is limited in the closed policy-making process related to the engagement with conflict regions, which may impair our views and arguments in some cases. After studying the updated strategy document, the Social Justice Center shall present more nuanced comments and visions.

Georgia's conflicts involve critical issues of values, identities, borders, traumas, and policies and cannot be resolved by simple formulas and logic of state organization or territorial division. This is evidenced by the many years of history and experience of suggestions and negotiations. Over the years, the parties' positions have been based on two radically different "national projects." For Georgia, this national project was to restore its territorial integrity and protect its sovereignty; as for the conflict regions – it was about gaining independence.[10] Neutralization and rapprochement of these radically antagonistic positions did not occur at any stage of the conflict experience and became more distant from each other.

1. Along with the paradigm of international conflict, the necessity to strengthen the concept of local conflicts and make it operational

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[10] Archil Gegeshidze, Ivliane Khaindrava, Transformation of the Georgian-Abkhazian Conflict: rethinking the paradigm, 2011, p. 5.

Abkhazia and South Ossetia, with the decisive help and support of the Russian Federation, were able to maintain the results achieved after the 1990s and cement their so-called independence after August War. While holding "independence" and "state-building" would not have been possible without Russia's active intervention and support, militarily and economically, politically and diplomatically, claiming that these regions, as actors, do not exist in this conflict and only act as puppets in the hands of an external force is wrong. It denies the profound historical reality that these conflicts have.[11] The government's policy towards the conflict regions, which in recent years has been largely based on a policy of non-recognition and isolation, has shifted the conflict to an entirely international dimension and recognized the Russian Federation as its sole party. Ignoring the context of local conflicts not only halted the process of conflict resolution and, on the contrary, further alienated us from the perspective of resolving it. Isolation policies have reduced communication with de facto elites and eliminated opportunities to resolve issues at this level. Implementing any aspect of engagement in the reality of complete isolation would be doomed to fail if it were to be a cascade of one-sided offers and not based on the other party's interests and adequate acceptance. Recognition of the importance of local conflicts in peace politics has returned to the language of politics since 2012. However, it is primarily grounded on the interest of reconciling and rebuilding trust between communities and completely excludes political work and dialogue with de facto political elites. That is why de facto political elites and public organizations need to see that the Georgian government perceives them not only as passive recipients of aid but also as actors whose interests are recognized, as participants of the conflict, and that there is a will to cooperate in line with common concerns and interests.

Therefore, in parallel with the paradigm of the international conflict, it is essential to restore Georgian-Abkhazian and Georgian-Ossetian conflicts paradigms and build relations aimed at strengthening engagement and dialogue with the de facto elites. Status-neutral approaches must be maintained in this process.

While the state does not have a strategy against annexation and occupation, and the steps taken in this direction are focused mainly on works on non-recognition, it is important to strengthen the security policy and resolve the international conflict with Russia. In our view, there are no

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[11] Natella Akaba and Iraklii Khintba, Transformation of the Georgian-Abkhaz conflict: rethinking the paradigm, 2011, pp. 40-41.

conflicting relationships between anti-annexation and engagement policies. On the contrary, they can reinforce each other (obviously, these two policy areas require organization in an independent mode, with different values and processes). Steps towards an engagement policy that offers political and economical alternatives to de facto regimes, including transformations of attitudes and interests between the parties to the conflict, can have significant political potential to reduce annexation influences. At the same time, reducing the risks posed by Russia will have a fundamental impact on the initiatives planned under the policy of engagement, which is often blocked and hindered due to the Russian factor.

2. The need to revise/modify non-recognition policies and related legislation

In addition, the policy of non-recognition after 2008 has already yielded results, which means that the almost absolute majority of states do not recognize the independence of Abkhazia and South Ossetia. It is clear that the positions of international partners on this issue have not changed over the years and all-important political or legal platforms support Georgia's territorial integrity and sovereignty.[12] Russia's liability in the occupied territories has already been legalized following the European Court of Human Rights ruling on an interstate application of Georgia against Russia. At the same time, given the recent severe military and political developments in Ukraine, the risks of recognition have been further reduced. **Accordingly, for conflict transformation, state policy should go beyond the goals of non-recognition, which was a legitimate necessity in the first years after the war but has less political and legal significance today. Accordingly, the state should intensify its efforts to increase international participation in resolving legal and social problems in the conflict regions and promote the Europeanization of these regions as an alternative perspective to Russia's annexation.[13]**

The engagement strategy should also critically reconsider the Law on the Occupied Territories and address the issue of lifting individual restrictions or creating new opportunities for the common good in the format of direct dialogue with Abkhazians and Ossetians. In this regard, it is essential

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[12]   See   Resolutions   adopted   by   the   UN   Security Council:https://www.securitycouncilreport.org/un_documents_type/security-council-resolutions/?ctype=Georgia&cbtype=georgia;   See   also   Council   of   Europe   consolidated   reports: https://rm.coe.int/consolidated-report-on-the-conflict-in-georgia-april-september-2021/1680a457d9;
[13] Archil Gegeshidze, Ivliane Khaindrava, Transformation of the Georgian-Abkhazian Conflict: rethinking the paradigm, 2011, p. 38.

to share and reflect on the recommendations of the Venice Commission issued at different times, which aim to alleviate the punitive power of the law, increase involvement with de facto regions and build confidence. In this regard, we can consider the issue of removing criminal liability for violation of the rule of movement and placement it in the Code of Administrative Offenses. This change was initiated in 2013 and was positively assessed by the Venice Commission, as it was aimed at liberalizing the liability. Moreover, they called on the Georgian authorities to remove issues related to freedom of movement from the scope of criminal law. According to the Commission, decriminalization would enhance flexibility and engagement policies in the occupied territories.[14] The Commission also recommended that force majeure be defined as one of the exceptions to restrictions on freedom of movement.

Despite the Commission's recommendation, the law did not expand the concept of humanitarian aid. In particular, the law removes restrictions on movement and economic activity in case of the urgent need for humanitarian assistance. This record significantly limits the scope of humanitarian aid, and discussing its expansion may become one of the issues in the strategy review process.

In addition, the Commission assesses the invalidation of immovable property deeds without compensation and the application of this regulation retroactively to relations arising from 1990 as incompatible with the property right. It is true that under the recommendations of the Commission, retroactivity was abolished in the articles imposing criminal liability. However, in case of real estate, such regulation still needs to be revised.

Apart from the Law on the Occupied Territories, certain legislative acts need to be revised and amended, in line with *inter alia* the principles and approaches set out in the Association Agenda, to strengthen/expand engagement, confidence-building, and cooperation (including in trade, economic, educational, cultural and other areas).[15]

3. Implementing conflict transformation strategies and approaches

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[14] Opinion on the 2013 Draft Amendments to the Law on the Occupied Territories of Georgia, Adopted by the Venice Commission at its 97th Plenary Session (Venice, 6-7 December 2013), Opinion no. 744 / 2013, paras 9-15.
[15] M. Mirziashvili, Promoting the Benefits of Association and Visa-Free Regime to Residents of Abkhazia and Tskhinvali / South Ossetia, Regional Center of Strategic Studies, 2016, p.8.

At the same time, **it is important that the state's peace strategy formally recognizes and implements the concept and approach of conflict transformation.** On the one hand, this will acknowledge that the government is aware of the deep, historical roots of the conflict and sees it not only in the political but also in the social dimension. On the other hand, it means that the government recognizes the need for gradual, consistent, and multilayered transformation of these complex conflicts and takes appropriate measures to do so. Conflict transformation is nothing more than a peacebuilding process that seeks to resolve conflict through systematic and sustainable methods.[16]

The transformation process is critically important in the case of conflicts with severe social experiences like in Georgia when the parties have to re-establish human relations, political agenda, institutions, safe environment, and peaceful coexistence. It is a process that aims to transform the systems, structures, and relationships that have given rise to conflict in a way that makes it possible to build a just and lasting peace.[17] Transformed conflict, in turn, is a situation that ensures peace and respect for human rights and creates the conditions for development, for the construction of infrastructural, political, economic, and democratic institutions.

4. The importance of an inclusive and bottom-up working process

Another paradigm that is important during confidence-building and engagement is inclusive and participatory processes, where representatives of the Abkhaz and Tskhinvali de facto authorities and public actors will have the opportunity to engage in dialogue-based relations with the Georgian side and work with them on a new policy of sustainable peace. As the primary goal of the State Engagement Strategy is to restore relations between the people separated by administrative lines and offer the same rights and privileges to the Abkhaz and Ossetian people that all Georgians enjoy, it is important that: 1) to be aware of the needs and concerns of the people of Abkhazia and South Ossetia; 2) they are willing to accept the privileges and rights offered; 3) The de facto regimes and other public actors are directly involved in the development of this strategy and action plan, which will give the people living there a sense of ownership and accountability, which will result in higher acceptance of the offers.

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[16] T. Piranishvili, Human Rights for Peacebuilding, Social Justice Center, 2021.
[17] Michelle Parlevliet, Human Rights and Conflict Transformation: Towards a More Integrated Approach, p. 379.

It is also important that peace initiatives are based on bottom-up ideas and reflect actual needs and concerns. This requires prior consultation and dialogue with Abkhaz and Ossetian community groups to identify needs on the ground and determine the readiness for cooperation. The main problem of the existing action plan and strategy is its one-sidedness; it is only an offer and initiative of the Georgian side. To implement this document, it is necessary to suit the interests and needs of both parties. It needs to understand that this is not a mechanism for a political solution to the conflict but a way to alleviate the people's daily problems in the conditions of the conflict and a means of trust-building and dialogue between the people.

When referring to inclusive peace policy processes, it is necessary to consider the IDP community and war-affected groups who continue to live in constant fear and danger along the dividing lines. Existing peace policies do not see families living along demarcation lines as part of peace policies and only provide them with separate services and ad hoc assistance. In contrast, these families have the experience of interacting and living with people living beyond the dividing lines. In addition, state policy does not consider families living along dividing lines on an equal footing with IDPs, which implies their lack of access to various support services.[18] It is crucial for peace policy to see these groups as carriers of peace potential, establish a platform for dialogue with them, and ensure that their needs are an integral part of the engagement strategy.

Another critical issue in this regard is the introduction of democratic means of regular communication and information and knowledge dissemination among public groups and conflict-affected communities in connection with state engagement policies.

5. The need to introduce human security as a fundamental framework for conflict transformation

Human security must become central in conflict transformation and engagement with de facto regions. The concept of human security includes several elements: 1) Individual security - protection of people from direct physical harm - banditry, kidnapping, inter-communal confrontation. 2) Institutional sources of human security - this refers to the actions and inactions

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[18] The residents of the villages around the dividing line require special support from the state: Social Justice Center, 2021. https://socialjustice.org.ge/ka/products/gamqofi-khazis-garshemo-mdebare-soflebis-mosakhleoba-sakhelmtsifos-sagangebo-mkhardacheras-sachiroebs

of state institutions that harm human rights and security. These could be flawed social institutions, the healthcare system, politicized or unprofessional law enforcement agencies, the corrupt public sector, etc. 3) Structural and cultural sources of human security - this is related to social and cultural problems such as unemployment, poverty, and hunger, inequality, etc.[19] The state's strategy for conflict regions should address this multifaceted understanding of human security in the peacebuilding process. It means that peacebuilding involves transforming political and social settings, constructing an equal environment. Importantly, human security guarantees are to be seen for all social groups affected by the war, be they IDPs, families living in the vicinity of the ABL, people residing in Gali, Akhalgori, or other parts of the occupied territories. In recent years, the issues of security and police efficiency in the villages of the dividing line and the humanitarian crisis in Gali and Akhalgori have become particularly acute. The new strategy must entail ways to overcome these crises.

The second area is human rights, which includes several major issues in the Georgian-Abkhazian and Georgian-Ossetian conflicts. These are the right to education in one's native language, property rights, freedom of movement, quality health care, the right to security (prevention of kidnappings and illegal detentions). The main direction of the engagement policy should be a direct dialogue on these legal issues with the Abkhaz and Ossetian sides, in some cases with the participation of international actors. In addition, the state should understand the positive obligations it has in terms of protecting rights beyond its effective control and plan effective measures to enforce those obligations. The European Court of Human Rights has recognized the existence of positive human rights obligations in several cases concerning Transnistria and Northern Cyprus.[20] The court ruled that even in the absence of control, the state retaining jurisdiction over lost territories has a positive obligation to take all diplomatic, economic, and legal measures to ensure the protection of human rights. The same is stated by the UN Human Rights Committee in its general comment on the continuation of commitments.[21] In addition, in recent case law, the ECHR has identified the obligation to cooperate with de facto regimes as one of the forms of positive obligations. The court

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[19] Earl Conteh-Morgan, PEACEBUILDING AND HUMAN SECURITY: A CONSTRUCT! VIST PERSPECTIVE, International Journal of Peace Studies, Volume 10, Number 1, Spring/Summer 2005, pg. 71.

[20] Catan v Moldova and Russia App nos 43370/04, 8252/05 and 18454/06 (ECHR, 19 October 2012), para 110; Ilaşcu and Others v. Moldova and Russia, App no 48787/99 (ECHR, 8 July 2004), paras 330-341. Gűzelyurtlu v Cyprus and Turkey App no 36925/07 (ECHR, 4 April 2017); Joannou v. Turkey, App no. 53240/14, (ECHR, 12 December 2017).

[21] UN Human Rights Committee (HRC), CCPR 'General Comment No. 26: Continuity of Obligations' CCPR/C/21/Rev.1/Add.8/Rev.1 (8 December 1997)

clarified in the case of *Ilascu v. Moldova and Russia* that the cooperation of the Moldovan authorities with the de facto government of Transnistria to ensure fundamental rights and improve the daily lives of the people living there was in line with Moldova's positive commitments. The Court did not consider such cooperation as a recognition of the Transnistrian regime by Moldova, and the obligation to cooperate to protect rights was precisely determined in the context of positive obligations.[22] The court also recognized the duty to cooperate with the de facto regimes in another case against Turkey.[23]

When discussing human rights, **it is essential that the Georgian government consider the legitimate interests of the conflict parties and consider the situation of Ossetians and Abkhazians living in the occupied territories in their statements, reports, and political and diplomatic work and react effectively.** In this regard, the Georgian authorities need to support the strengthening of the work of international organizations to build the necessary human rights infrastructure in the occupied regions.

The third direction is to offer health and social protection mechanisms to people living in the occupied territories. This requires mechanisms such as neutral documents that can be used to access various public services, including health and social care, to become effective and efficient. Status-neutral documents are an important tool for increasing access to various services and applications. However, acceptance of this instrument is minimal among Abkhazians and Ossetians, as there is pressure to refrain from obtaining these documents from both public and political groups and local governments. **Therefore, it is important to have an active campaign to increase its popularity and acceptance.** From our observation, it is essential to expand the services and benefits attached to such documents and to ensure the approximation to the situation of the citizens of Georgia.[24] On the other hand, political negotiations with the leaders of the de facto regimes are important to remove the pressure on the population regarding the adoption of these documents.

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[22] Ilaşcu and Others v. Moldova and Russia, App no 48787/99 (ECHR, 8 July 2004), paras 336-345;
[23] Güzelyurtlu v. Cyprus and Turkey, para 191.
[24] Persons living in the Occupied Territories who have neutral ID cards should be given better guarantees of social protection.https://socialjustice.org.ge/ka/products/okupirebul-teritoriebze-mtskhovreb-pirebs-romlebsats-piradobis-neitraluri-motsmobebi-akvt-sotsialuri-datsvis-uketesi-garantiebi-unda-mietset

6. The importance of high-level political management and better coordination of the conflict transformation process

It is also essential that peace policies are carried out and managed at a high level of government, for example, under the coordination of the Prime Minister or the President. This will, in essence, highlight the importance of the issue and strengthen the effectiveness of the steps taken in this regard. It is also essential that peace policy, in general, is conducted in close coordination with the various agencies.

The implementation of the engagement strategy and action plan should be entirely based on the concept of multi-level governance, which entails the involvement of various actors in the implementation process at the lower, middle, and upper levels. Initiatives should not only be implemented by central government bodies but should also be delegated to private and non-governmental institutions, both on local and international levels. In this regard, it is important to activate the institution of the Public Defender, which will enable cooperation between the parties to the conflict in the field of human rights. The involvement of human rights institutions in the human rights process also reduces the risk of politicizing issues, as these institutions focus only on legal issues and carry out their mandate impartially, in the interests of human rights.[25] The institution of the Public Defender, which operates independently of the government and has a broad mandate to protect human rights, can become an important guarantor of the protection of rights in such conflict situations. Therefore, this institution must play a critical role in multilevel human rights governance.

In addition, internal political consensus on strategic directions and approaches to peace policy is critical. It is clear that conflicts are no longer among the priority issues in the face of political polarization and internal crises, and local crises are on the agenda. If such polarizations continue, any conflict transformation process will fail, and the peace situation may also regress.

7. The need to prevent the risk of politicization

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[25] Promoting and protecting human rights in NGCT, Full report, ENNHRI, September, 2020, available here: https://ennhri.org/wp-content/uploads/2020/09/Promoting-and-Protecting-Human-Rights-in-NGCT-Full.pdf pp. 35-37.

The new action plan and strategy must be realistic and include as little as possible politicized issues that have no prospect of resolution in the given political reality.[26] Other formats of political and direct negotiations need to be developed to address such issues. And the engagement strategy and action plan, which should be an immediate response to the needs and interests of people on both sides, should also serve the purpose of rebuilding human relations and should not include political issues that could harm the above humanitarian and rights-related objectives. For example, issues related to restoring territorial integrity, non-recognition policies should not be part of an engagement strategy. In addition, several legal issues have already acquired a political character, which has complicated the dialogue. These include the return of refugees, the right to education, freedom of movement, property rights, etc. It is important that the strategy addresses these issues and addresses them through bilateral dialogue and the creation of communication formats.

8. Strengthening the participation of international actors

To implement the initiatives, it is important for the Abkhazian and Ossetian sides to feel that this is not only in the interests of Georgia but also in line with the needs of both societies. **This requires adherence to the principles of neutrality and transparency; the strategy should be implemented with the administration of international actors (UN / EU / OSCE) and financial support from donors.** The EU policy "engagement without recognition" is a good platform to direct EU resources more sustainably to implement the strategy. This requires active negotiations at the international level as well.

Isolationist policies run contrary to the policy of engagement. If both are implemented in conjunction, Abkhazia and South Ossetia will continue their policy of permanent self-isolation, refusing to even cooperate with Tbilisi on issues such as human rights, humanitarian and economic projects that are mutually beneficial.[27] It is, therefore, necessary to intensify negotiations with international actors to increase their involvement. On the principles of non-recognition, international actors, including the UN, the EU, international human rights organizations, etc., should have the freedom to define their platforms for cooperation with de facto regimes. This will

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[26] Natella Akaba and Iraklii Khintba, Transformation of the Georgian-Abkhaz conflict: rethinking the paradigm, 2011, pp. 33-35.
[27] Natella Akaba and Iraklii Khintba, Transformation of the Georgian-Abkhaz conflict: rethinking the paradigm, 2011, pp. 42-44; Tomas De Vaal, Uncertain Grounds, pp. 30-31.

increase the involvement of de facto authorities with Western organizations and reduce their dependence on Russia, as they will have alternative formats and means of cooperation.

It is also necessary for peace policy to separately reflect the steps taken against annexation and understand that these two processes are interconnected and strengthen each other. In recent years, it has become clear that Russia is intensifying its annexation of conflict regions and making them entirely dependent on it, including budgetary issues, military affairs, loans, and economic investments.[28] Russification of this magnitude in itself blocks any process of conflict transformation. Therefore, the state should strengthen cooperation with international partners, on the one hand, to increase cooperation and engagement with conflict regions (which will help reduce Russification) and, on the other hand, to reconcile new formats of cooperation with de facto regime authorities though the direct dialogue. Providing de facto authorities and society with political, social, and legal alternatives is an essential tool for reducing the scale and harm of Russian annexation.

9. Strengthening the values of inclusion, equality, and diversity in the engagement policies

Civic equality and integration policy issues play a critical role in confidence-building and the peace process. Transformation of conflicts with ethnopolitical experience is impossible without a multicultural environment and policy building. Today's integration policy does not see the importance of Abkhazians and Ossetians living in the Georgia-controlled territory, the need for their integration and other socio-economic challenges, strengthening political participation, and activation in cultural life. In general, the challenges of integration and protection of the rights of non-dominant ethnic and religious minorities in Georgia severely impact the future of ethnopolitical conflicts. Therefore, it is essential in the document to emphasize the importance of building an inclusive, equal, and diverse society and bringing them to the forefront of values.

The importance of memory policy and the representation of the positive experiences of Abkhazian and Ossetian culture in public spaces, information policy, educational and exhibition spaces, and Georgian-Abkhazian Georgian-Ossetian coexistence should be emphasized.

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[28] Tomas De Vaal, Uncertain Grounds, pp. 25-26, 29.

10. Strengthening the perspectives and interests of young people

It should also be noted that over time, contacts and relationships between young people on different sides of the conflict are substantially diminishing. According to a 2021 survey by the Caucasus Research Resource Center, the majority of young people (72%) do not personally know a person living in Abkhazia or the Tskhinvali region; Also, with or without personal acquaintances, the majority of young people (73%) have not had contact with Abkhazians in the last ten years. The experience of dealing with residents in the Tskhinvali region is even more marginal (87% have not had contact with them over the previous ten years).[29] The lack of relationship is exacerbated by the ever-changing domestic political realities and needs and the accumulation of different life experiences. Therefore, the potential for conflict transformation decreases from year to year. However, it should also be noted that according to the same survey, young people's interest in current events in Abkhazia and the Tskhinvali region is relatively high - 62% of young people living in Georgia are interested in current events in Abkhazia, and 58% in the Tskhinvali region. Only a third of young people are interested in the political processes here. Interestingly, most young people (66%) are willing to engage in reconciliation activities, although a third also think that the government is not interested in their opinion on conflicts. [30]

Thus, the new engagement strategy should consider the role and interests of the new generation, as the resource for conflict transformation is primarily based on the experiences of relationships and contacts between people living on different sides of the conflict. One of the directions in this regard is the promotion of internal transformation processes through the sensitivity of the general education system to conflict issues, information campaigns, support for research activities, etc.

11. Support for research projects and works

The development of the occupied regions has for 30 years been detached from the development of the common Georgian state and society. Thus, the state agencies and public organizations do not have complete information about the current political, economic, cultural, and social processes in

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[29] Caucasus Research Resource Center, 2021 research. p.32.
[30] ibid: p. 30.

these societies and self-proclaimed political systems. In face of limited physical connections with communities on the different sides of the conflict, this alienation deepens, and our perceptions become sterile, biased, and flawed.

In these circumstances, we believe that the government should support comprehensive (historical, ethnographic, anthropological, sociological, etc.) independent research in these regions, with the help of international organizations and academic centers, to support and adequately process the gained knowledge and utilize it for peaceful transformation of the conflict.

Summary

The Social Justice Center hopes that the above visions will be taken into account when developing a new engagement strategy and that in the future, other civil society organizations and we will have the opportunity for real and substantive participation in a review process organized by the government.