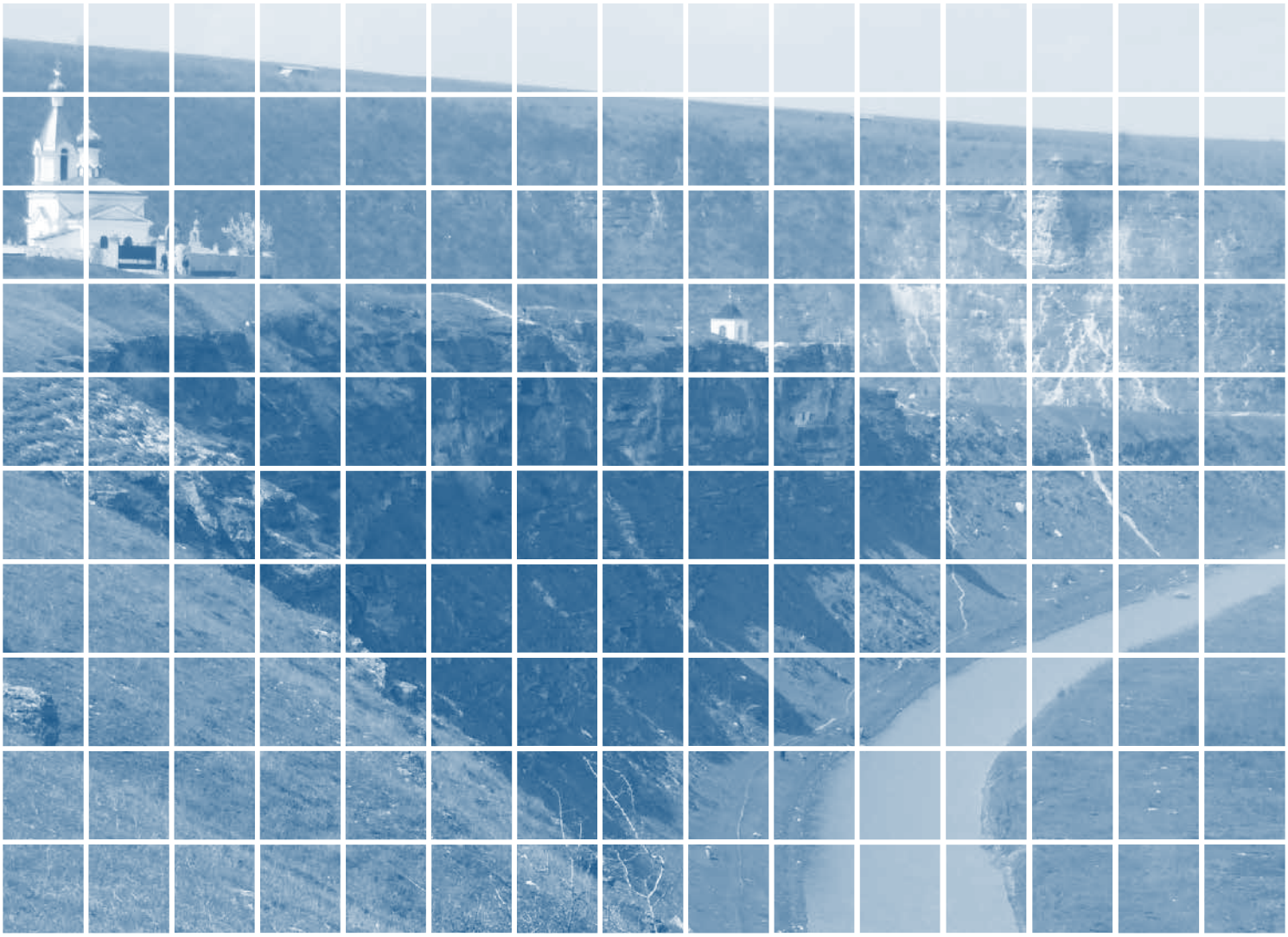
OSCE Network

OSCE Network of Think Tanks and Academic Institutions

Protracted Conflicts in the OSCE Area

Innovative Approaches for Co-operation in the Conflict Zones



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Executive Summary

This project aims to provide a menu of innovative ways in which the international community can engage with all sides in the four so-called "frozen conflicts" – protracted conflicts on the territory of the former USSR that include the Karabakh, Abkhazia, South Ossetia, and Transdniestria conflicts. The engagement we recommend does not impinge upon the existing participation of the international community, and in particular the OSCE, in mediation efforts to resolve the conflicts; rather, it is available to the entire international community, not just those countries involved in mediation. The aim of engagement is to improve the prospects for comprehensive resolution of the conflicts by improving security, economic, and social conditions for all populations in the conflict zones. Many efforts at such engagement have been attempted in the generation since the conflicts began. In general, all the "low hanging fruit" – engagement that is relatively easy – has been tried. This project of necessity looks beyond the relatively easy.

Though each of the four conflicts is unique, they share several basic characteristics:

- they are all separatist conflicts;
- ethnic nationalism played an important role in their origins;
- both ethnic kin and outside patrons have played a major role;
- all sides believe their conflict is existential;
- all sides have been led to believe that victory without compromise is possible;
- all sides have adapted to the expectation that the conflicts will not be resolved in the foreseeable future, and entrenched groups profit politically and economically from the stalemate;
- the conflicts are not, in fact, frozen: only the peace processes are; and
- the conflicts differ from one another most in the relations between the separatists and the metropolitan state from which they are trying to secede.

The last of these characteristics helps us understand what approaches may be tried in each of the conflicts. The conflicts form a spectrum that cuts across all the OSCE baskets: security, economics and the human dimension. On one end of the spectrum is the Transdniestria conflict, with calm and steady relations between Chişinău and Tiraspol enabling a relaxed security environment and extensive economic and social interchange. At the other end is the Karabakh conflict, with a permanently tense security situation and little or no economic or social contact. The South Ossetia conflict is somewhat more tense than the Transdniestrian, and the Abkhazia conflict still more tense, but somewhat less so than Karabakh.

The project was based on reports drafted by Network institutes. The **security** discussions in those papers revolved around confidence- and security-building measures. While most existing documents, such as the Vienna Document or the Treaty on Conventional Armed Forces in Europe, apply primarily to interstate relations, at least one OSCE document, the 1993 "Stabilizing Measures for Localized Crisis Situations," foresees CSBMs between states and non-state actors without prejudice to status questions. Existing documents may therefore serve as a menu from which to choose measures tailored to the conditions of each conflict. This was done in 2005 by Brigadier General (Ret.) Bernard Aussedat (France), who as Senior Military

Advisor to the OSCE Mission in Moldova worked with Russian and Ukrainian colleagues to draw up an ambitious list of CSBMs and arms control measures for the Transdniestria conflict. Even in this least tense of the conflicts, that project was not adopted. Each of the sides in all four conflicts has a very real psychological and political reluctance to implement CSBMs, and this must be overcome to provide any hope of success.

Discussion of **economic** engagement fell into three categories: trade, economic assistance, and infrastructure co-operation. *Trade* must be divided: there is "normal" trade, even in the informal market; there is also contraband. The former is a valuable tool for maintaining mutually advantageous contacts between societies, but contraband, which capitalizes on the economic distortions caused by the conflicts, only empowers those who have a stake in the continuation of the frozen status quo. *Economic assistance* has improved the lives of many, but while it has generated good will toward donors, it has rarely done so between recipients on opposing sides. *Capital infrastructure co-operation*, for example on the Enguri dam and power station jointly operated by the Georgian and Abkhaz authorities, has been successful in improving the lives of populations, but that has not translated into better relations in any other field.

Discussion of **human dimension** engagement fell into three categories: dialogue, historical narrative, and reconciliation. *Bilateral Track-2 dialogue* has been tried many times, with modest success: a proportion of the participants on one side may come to "humanize" their conceptions of a few participants on the other. Bilateral Track-2 dialogue has not, however, led participants or the societies as a whole to lessen their existential fears that the enemy's society aims to destroy theirs. Bilateral dialogue has often degenerated to "ping pong": back and forth statements defending the maximalist official views. Opposing *historical narratives* have underpinned the resentments felt between antagonistic sides: each side has its own collection of facts, and these – often over generations – have helped shape its psychology and actions. Discussion of historical narrative has not been tried in these conflicts, because there is still suspicion that the point of such discussions is to force a unified view or evaluation of events. However, discussions have the potential to give each side a more complete view of how the other side has interpreted events, and how those interpretations have affected the other side's actions over the years. *Reconciliation* is a frequent goal of international engagement, as it is essential for sustainable settlements. However, the sides in these conflicts currently view the term in a prosecutorial light, to punish "criminals" on the other side. True reconciliation demands tolerance, which is still lacking on all sides of these conflicts.

Key Recommendations

Security

For all conflicts, the task of developing effective Confidence- and Security-Building Measures consists of inducing the sides to overcome their reflexive aversion to CSBMs; structuring mechanisms, acceptable to all sides, for implementing CSBMs; and choosing individual CSBMs that will make real improvements in security.

Overcoming resistance to CSBMS:

- For the *Karabakh* conflict, in which the sides have repeatedly rejected calls for CSBMs, we recommend renewed diplomatic pressure focusing on the safety and welfare of civilian populations vulnerably close to the line of contact.

- For *Abkhazia* and *South Ossetia*, both of which have ceded either all or a significant part of their decision-making in the security field to the Russian Federation, we recommend negotiating CSBMs directly with the Russian Federation.

- Sides in the *Transdniestria* conflict have shown much less reflexive resistance to CSBMs.

Structuring implementation mechanisms:

We recommend structuring the mechanism through a trusted, neutral third party – preferably the OSCE. Agreements would not be bilateral or multilateral, but rather consist of synchronized, agreed, unilateral commitments from each side to the international community. The measures (inspections and other transparency measures) would be executed by the third party, using personnel only from countries agreed to be neutral, which would report only violations, thereby minimizing the sides' intelligence opportunities.

- We recommend that the OSCE might most efficiently carry out its monitoring by creating a special monitoring unit based in Vienna that could regularly monitor ***all*** the conflicts. The current High Level Planning Group could take on a second hat to serve as the core and repository of expertise for such a monitoring body.

- We recommend drafting a specific document containing a menu of CSBMs, with the OSCE as the repository. The sides in any particular conflict could unilaterally – but in an agreed, synchronized way – notify the repository that they pledge to implement specific measures within the menu, and request the OSCE to monitor their implementation. Within such a structure, a role could be found for mediator participating States to promote and guarantee the neutrality of the OSCE monitoring.

Selecting specific measures:

- The Vienna Document, CFE, and the 2005 plan for CSBMs in the Transdniestria conflict provide a large menu from which to select. We would recommend choosing measures for each conflict no greater than what is politically sustainable to either side, erring on the side of modesty rather than ambition. As sides become accustomed, more measures can be added. We also recommend that areas of applicability be structured to avoid status issues such as the implications that the sides are of equal status outside the context of the CSBMs.

Economics

- ***Trade:*** we recommend setting up "trade centers" in selected venues, for the present starting not on active front lines, but rather on the border between the Republic of Armenia and Azerbaijan and the Verkhniy Lars/Dariali border crossing between Georgia and North Ossetia in the Russian Federation. The markets could serve as a platform for trade seminars and business forums with the participation of business and civil society groups from Abkhazia, South Ossetia and Nagornyy Karabakh.

- ***Capital Infrastructure:*** we recommend "unitizing" negotiations to reactivate existing rail lines between the Abkhaz and Georgia *and* between Turkey and Armenia, in an effort to construct a single rail operation consortium involving Turkey, Russia, the Abkhaz authorities, Armenia, Georgia and Azerbaijan – along the lines of the consortium that runs the gas pipeline from Russia to the Balkans through Moldova, including Transdniestria. This would take enormous effort, but could de-block the current objections to the various individual rail projects.

Human Dimension

- ***Dialogue:*** We recommend creating platforms for dialogue that include representatives of the societies in *several* of the protracted conflicts simultaneously. Getting beyond bilateral dialogue and mixing the participants can reduce their perceived need to interrupt dialogue with official statements of position, and may help reduce the separatists' sense of isolation from the rest of the world.

- ***Historical narrative:*** We recommend that academic and other institutions in Europe try to include historians from the conflict regions when they organize conferences at which the topic of historical narrative – not in particular the narratives from these conflicts – is discussed. This might be a topic for one of the multilateral platforms for dialogue discussed above. The point is for participants to understand the historical narrative that motivates their antagonists, not to try to impose a unified narrative.

- ***Reconciliation:*** We recommend interfaith work to promote reconciliation in the Abkhazia and South Ossetia conflicts. Many Georgians, South Ossetians and Abkhaz are part of the Orthodox communion. The Georgian Orthodox Church and Patriarch Ilia retain high trust in Georgia. The Russian Orthodox Church recognizes the canonical territory of the Georgian Orthodox Church, including South Ossetia and Abkhazia. Ecclesiastical diplomacy – including a joint visit of senior clerics from Moscow and Tbilisi – may be useful in promoting reconciliation.

Armenia, Azerbaijan, and the Karabakh Conflict Zone

Georgia and the Abkhazia and South Ossetia Conflict Zones

Moldova and the Transdniestria Conflict Zone

Protracted Conflicts in the OSCE Area

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1 Introduction

1.1 Purpose of the Project

The so-called "frozen" or "protracted" conflicts (Karabakh, Abkhazia, South Ossetia, and Transdniestria[1]) have engaged the attention of the international community – and in particular the OSCE – since the collapse of the Soviet Union. They are exceptions: by and large the people of the Soviet Union dissolved their state peacefully, for which the world owes them a great debt: had the Soviet Union collapsed amidst the same level of violence as the former Yugoslavia, on its greater scale and with its nuclear and other weapons of mass destruction, the world would be a very different place today. But in these four places and several others – Chechnya, Tajikistan, and the Prigorodnyy district of North Ossetia – organized armed violence broke out; and other places, such as Gagauzia and Crimea, were on the edge of violence. The international community and the OSCE in particular remain involved in the search for political resolution of the four "frozen conflicts" as well as the more recent crisis in Ukraine.

The search for political resolution of the four frozen conflicts has resulted in the elaboration of international mediation mechanisms that have taken on an institutional history and legitimacy. The negotiating history of each, as in the search for peace in the Middle East or Cyprus, has developed its own arcane vocabulary, and each negotiating history is littered with the issues that arose over the course of many years and the proposals that have come and gone. Most importantly, there is no "silver bullet," no Alexandrine sword, no magic solution that somehow negotiators and mediators overlooked for a generation.

This project does not aim to venture into those negotiations. Nor does it attempt to tinker with the entrenched negotiating formats. Rather, the purpose of this project is to find innovative ways in which the international community can engage with the people of the sides in conflict to help produce conditions of reduced tension and increased security and welfare for populations on all sides. In turn, such conditions may be conducive to more productive negotiations.

To be politically sustainable, all such engagement must be an investment in peace: actions aimed at improving the prospects for comprehensive resolution of the conflicts, not aimed at making the stagnant status quo more tolerable. To be sustainable, engagement must meet with a positive attitude on both sides. That requires fitting the engagement into the type of relationship that has developed between the sides in conflict, and requires tailoring to each individual conflict.

1 A note on terminology: the names of the conflicts are politically charged and therefore controversial, and that controversy is played out in the terminologies approved for use in the Permanent Council. The Karabakh conflict, for example, is referred to as "the conflict dealt with by the OSCE Minsk Conference." Similar periphrastic formulations exist for others in this group. Such circumlocution is neither precise nor useful for the purposes of this study, and we will name the conflicts by variants of their geographical locations: Karabakh, since the conflict has taken place not only within the Soviet-era *Nagorno-karabakhskaya Avtonomnaya Oblast'* (NKAO), but also in lowland Karabakh (Karabakh is a transliteration of the Russian spelling; the same word in Armenian is Gharabagh; the Azerbaijani is Qarabağ); Transdniestria, an OSCE hybrid (which we have used throughout) of the Romanian "Transnistria" ("on *the other side* of the Nistru") and the Russian *Pridnestrov'ye* ("on *this side* of the Dniestr"); Abkhazia (the Russian in transliteration; transliteration of the Abkhaz would be Apsny; of the Georgian, Apkhazeti); and South Ossetia, the Russianization of the Georgian Oseti ("Land of the Ās"); the Ossetic would normally be transliterated into Latin script as Īrān or Īristān, a mark of Ossetian descent from the eastern branch of the Bronze-age Indo-Europeans who dominated the inner Asian steppes.

This project does not propose to reject or replace the international engagement that has been put in place over the last generation. Many attempts at engagement have shown considerable success, and some are ongoing. Engagement is always proportional to commitment: to the amount of political capital, time, energy, personnel, and money that the international community and its members are willing to expend. For this reason, much of the "low-hanging fruit" – the more obvious, easier or cheaper efforts – has already been harvested, leaving engagement that is more complex, more expensive, and more demanding of personnel time and hard work. To be truly innovative, this paper, unfortunately, must present options that are neither easy nor cheap; all of the easy and cheap options were tried long ago.

In carrying out this project, the OSCE Network of Think Tanks and Academic Institutions, sponsored by the Federal Foreign Office of the Federal Republic of Germany, solicited and funded eleven academic papers by Network members, listed at the end of this study. Each paper fell into one of the three OSCE "baskets": security, economics, and the human dimension. The Network chaired a workshop in Vienna on 4 July at which the drafters of the papers met with OSCE officials, international experts with experience in the conflicts, and unofficial representatives of the sides in conflict. The eleven papers were circulated to all participants before the workshop as a way of spurring discussion. The current study is a compilation of ideas originating in the papers and at the workshop, distilled through discussion at the workshop, and drawing on the experience of all the authors.

We wish to thank the German Federal Foreign Office for its generous sponsorship, encouragement, expertise, and support for all phases of this project.

1.2 Introduction to the Conflicts

The four conflicts we are studying here share several basic characteristics: geographically, they are on the territory of the former USSR; temporally, they began as the Soviet Union was weakening towards its final collapse and have remained unresolved to the present day; and politically, the international community has been engaged in efforts to find resolutions. We will not duplicate the general discussions to be found in numerous publications of the causes, history, and attempts to mediate resolutions to these conflicts.

It is often said that each of these conflicts is unique. To some extent this is true; it is certainly true that no solutions or measures can apply equally to all four conflicts. But they do share specific characteristics imprinted by their origins in the collapse of the Soviet Union.

They are all separatist conflicts: by the Alma-Ata Declaration of 21 December 1991, which launched the Commonwealth of Independent States, the Union Republics of the dying Soviet Union recognized one another as independent states within their Soviet-era borders. They did not recognize any of the lower-level autonomies of the Soviet Union, some of which had been trying to change their status during Soviet times and/or tried to declare independence after the Soviet Union's demise. Some of those lower-level autonomies did not accept this decision and attempted to change their status by force.[2]

2 Transdniestria was not autonomous at the time of the collapse of the Soviet Union. However, it is roughly coterminous with that part of the territory of the Moldavian Autonomous SSR (1924-1940) which was joined with Bessarabia as a result of the Molotov-Ribbentrop Pact to form the Moldavian SSR.

Ethnic nationalism played a major part in the origins of all the conflicts: Armenian calls in 1987 for "miatsum" ("union" of Nagornyy Karabakh with Armenia) were based on the long-held Armenian nationalist view that Armenians should be united in a single homeland. Azerbaijani nationalism, which had barely existed for the 70 previous years, developed quickly as a reaction. Zviad Gamsakhurdia came into power in Georgia in 1990 on a strongly ethnic-nationalist platform, reawakening previously existing nationalist movements in Abkhazia and South Ossetia. And nationalist unionism – the movement to unite Moldova with Romania – ignited a pro-Soviet reaction in Transdniestria.[3]

Ethnic kin living elsewhere have played a major role: The Armenian Diaspora in North America, Europe, the Middle East, and other regions of the Soviet Union played a major part in the early years of the Karabakh conflict. The Abkhaz and wider North Caucasus Diaspora in Turkey, as well as other societies of the North Caucasus inside Russia, participated heavily in the Abkhazia conflict. The presence of North Ossetia inside the Russian Federation provided both an ideological impulse and an institutional base for the South Ossetian separatist movement. Romanian nationalists have encouraged unionist sentiment in Moldova, one of the causes of the Transdniestria conflict.

Outside patrons are essential for separatism: Rarely do separatist entities survive anywhere in the world, at any time, without a strong outside patron to intervene on their behalf militarily during the phase of open hostilities, and (when conflicts are frozen) to threaten further intervention to prevent the other side from reasserting control. Abkhazia, South Ossetia and Transdniestria depend on Russia as their outside patron; Nagornyy Karabakh depends on Armenia. In the case of Russia and its clients, this has not always been an alliance in the strict sense of the word – after all, when it was expedient, Russia felt free to impose (ostensible) sanctions on Abkhazia, inoperative though they were in reality. But for Russia, its clients and their adversaries, the continuous presence of Russian forces has always been seen as a tripwire to threaten Russian military action should the metropolitan state threaten the status quo – and indeed the Russian peacekeepers were the nominal casus belli for Russia in South Ossetia in 2008. The case of Karabakh is somewhat more complicated, reinforced as it is by a strong ethnic bond that includes relations with a militant diaspora. The power structures of Armenia and Nagornyy Karabakh are so intertwined that, in the security field at least, they function as a single state. Some of the metropolitan states in these conflicts have had close friends since their independence from the Soviet Union – Azerbaijan is close to Turkey and Georgia to the U.S. – but none of those friends has contemplated military intervention in the separatist conflicts.

3 Right-bank Moldova, the province of Bessarabia, was part of the Russian Empire when the latter collapsed. Bessarabia was part of Romania between the world wars, but was ceded to the Soviet Union by the Molotov-Ribbentrop Pact. When Soviet troops invaded Bessarabia in 1940, they purged, executed and exiled those viewed as pro-Romanian. When Romanian and Nazi troops invaded in 1941, they purged, executed and deported those viewed as pro-Soviet (and massacred Jews and Roma) including on the Left Bank, which had remained part of the Soviet Union in the interwar period. When Soviet troops returned in 1944, they purged, executed and deported those viewed as having collaborated with the fascist Antonescu regime. Thus many – perhaps most – families were persecuted by one side or the other. As a result, some segments of society are oriented toward their Romanian heritage and others are oriented toward their Soviet heritage. Since the Left Bank had been Soviet before the war, more of its inhabitants were persecuted by the Romanians and Nazis, with the consequent dominance of a pro-Soviet orientation.

All sides believe their conflicts are existential: Armenians and Azerbaijanis; Georgians, Abkhaz and Ossetians; Moldovans and Transdniestrians – each group believes that the purpose of the enemy is either to eradicate its existence or to make viable independent statehood impossible. In several cases, this belief is reinforced by deep-seated historical memories of genocide that nourish public fears and mold political thinking. To varying degrees, all believe that the conflict must ultimately result in the surrender or disappearance of the opponent or the opponent's leadership.

All sides have been led to believe that victory without compromise is possible: The leaders of all the combatants have, with few exceptions, continually told their people that absolute victory – victory without compromise – is ultimately attainable, and indeed essential for national survival. The people have come to believe this. They have drawn the logical conclusion that a leader who contemplates compromise is either a traitor, or corrupt, or an incompetent negotiator.

The parties suffer from "protracted conflict syndrome": All parties have come to expect that their conflict will *not* be resolved for the foreseeable future, *and they have adapted to that expectation*. Politically, leaders have adapted by abandoning the view that negotiations can be a tool to resolve the conflict. Instead, they see talks as a vehicle for proving their strength to their own people, pleasing foreign patrons, and trying to set traps to lead their opponents into unforced concessions. Politicians have made their careers on the status quo. Economic actors, including the same politicians, have capitalized on the market distortions and closed borders caused by the conflicts, leading to entrenched economic interests in the status quo. Socially, the people on each side have become – to varying degrees – estranged from people with whom in former times they lived in close proximity.

The peace processes are frozen, not the conflicts: The Russian-Georgian war of August, 2008 and the brief renewal of hostilities in the Karabakh conflict in April, 2016 remind us that the conflicts themselves are not frozen. Only the Transdniestria conflict has seen no renewal of hostilities since the 1992 ceasefire. Although ceasefires were achieved in all these conflicts, mostly through Russian mediation (most recently in the April, 2016 conflict between the Armenian combatants and Azerbaijan), the peace processes are, in contrast, not promising. There have ***never*** been substantive discussions between the sides on concrete options for a political resolution of either the Abkhazia or South Ossetia conflicts. This is as true for the period before the 2008 war as it is for today. The Geneva International Discussions deal with conflict risk reduction and humanitarian concerns, but not with a political resolution. The Minsk Group, usually represented by its co-chairs from France, Russia and the United States, has been tasked by the international community with mediating a comprehensive resolution of the Karabakh conflict. Under the aegis of the Minsk Group serious discussions have taken place, but all have ended in failure, most recently in 2011 with the end of Russian President Medvedev's initiative. The last time the sides discussed an actual peace plan – as opposed to "principles" for a peace plan – was in 2001. The negotiation process for a comprehensive resolution of the Transdniestria conflict – currently in a format known as the "5+2" – has not negotiated on an actual peace plan proposal since 2003; the format itself was suspended between 2006 and 2011.

The conflicts differ from one another most in the relations between the separatists and the metropolitan state from which they are trying to secede: Karabakh is the most radical.[4] The front lines are heavily mined and hostilities have never entirely ceased. There is no trade or social interaction between the sides. The sides do not agree on the nature of the conflict: Azerbaijan maintains it is the victim of foreign aggression, while Armenians claim the conflict is a war of secession by an oppressed minority.[5] The relationship between Abkhazia and Georgia before 2008 was not quite as restrictive: with a heavily militarized and tense front line, but some interaction centered on the ethnic Georgian population of the Gali region. The South Ossetian-Georgian relationship was much looser, with a fairly porous boundary until 2008. Extensive economic relations existed, mostly in contraband or the informal economy. In 2001 the Georgian Minister of Internal Affairs could boast that he had excellent relations with the South Ossetian authorities.[6] Transdniestria is still more porous: hundreds, perhaps thousands cross from one side to the other every day for tourism, shopping, transit, education, business or family visits. The atmosphere is notably devoid of tension. At one meeting of the Moldovan Cabinet in 2010, the Prime Minister fumed about having seen a senior Transdniestrian official in Chişinău, wearing baggy Bermuda shorts, lounging at an outdoor café drinking a cappuccino. The Deputy Prime Minister for Reintegration answered that this was the goal of the negotiations: to secure the right of the Prime Minister to go whenever he liked to Tiraspol in his baggy Bermuda shorts and drink a cappuccino at an outdoor café.[7]

4 Karabakh also differs from the other three in its original impulse: Karabakhi separatism began as a nationalist, *anti-Soviet* movement, and quickly won the support of democratic stalwarts in Russia such as Yelena Bonner and Galina Starovoytova. The other three began as *pro-Soviet* reactions to nationalism.

5 For this reason, since 1996 Ambassador Andrzej Kasprzyk has been burdened with the arcane and unwieldy title, "Personal Representative of the Chairperson-in-Office on the conflict dealt with by the OSCE Minsk Conference."

6 A statement he made to the chargé at the U.S. Embassy in Tbilisi, who had asked Minister Targamadze for help in recovering a U.S. Embassy vehicle that had been hijacked in Gori. Targamadze said he knew exactly where the vehicle was in South Ossetia in real time; and, saying he had excellent relations with the South Ossetian authorities, promised to secure the return of the vehicle. He did.

7 In the same year, the Moldovan Head of the Central Elections Commission was arrested at the boundary between Ukraine and Transdniestria as he attempted to return from Odessa to Chişinău via Tiraspol. The arrest was an apparent retaliation for a Moldovan criminal case against the Transdniestrian "Minister of Internal Affairs." The head of the OSCE Mission in Moldova called the Trasndniestrian "Minister for State Security," Vladimir Antyufeyev, and asked for help in securing the man's release. Antyufeyev replied gravely that while the elections commissioner was undoubtedly a highly dangerous criminal, he would see what he could do to avoid an "international incident." Soon after, Antyufeyev called the HOM back to say he was drinking tea in his office with that "dangerous criminal," and could the OSCE kindly send a car to the boundary to pick him up. This somewhat ludic quality is distinctly lacking in the other conflicts.

2 Security

Not all forms of security engagement are applicable to all four of the conflicts under discussion. Engagement depends on the current security situation, which ranges from the extremely tense front lines in the Karabakh conflict to the calm situation along the Transdniestria line of control. Ironically, then, where engagement and confidence- and security-building measures are most needed, they are least accepted by the sides. Because of this variation, it is worth reviewing briefly the security aspects of each of the conflicts.

2.1 Security Aspects of the Conflicts

South Ossetia: The active phase of hostilities (1991-92), in which approximately 2000 lives were lost, ended with the Sochi Agreement of 24 June 1992 (also known as the Dagomys Agreement). A Joint Control Commission was established among Russia, Georgia, North Ossetia and the South Ossetian authorities, overseeing a Russian-led peacekeeping force that also included Georgian and South Ossetian representation. An OSCE Mission was established in Georgia the same year, which deployed monitors to the conflict zone and took part in peace negotiations. As a result of the 2008 Russian-Georgian war, these institutions disappeared. Russian forces remained in South Ossetia, which Russia soon recognized as independent. An EU Monitoring Mission was established for the entire conflict zone, but it was not allowed to enter South Ossetia, patrolling exclusively inside Georgian-controlled territory. An 18 March 2015 treaty between the South Ossetian authorities and the Russian Federation integrated a number of South Ossetian government agencies, including military, police, security, border, and customs functions, into their Russian counterparts.

Transdniestria: The active phase of hostilities lasted several weeks in spring, 1992 and took about 1000 lives. The Moscow Agreement of 21 July 1992 proclaimed a ceasefire, which has held to the present. A Joint Control Commission was established among Russia, Moldova and the Transdniestrian authorities, later including representation by Ukrainian military observers and the OSCE Mission in Moldova. The JCC oversees a peacekeeping force that includes Russian, Moldovan and Transdniestrian contingents. There have been no violent military incidents since 1992.

Abkhazia: The International Committee of the Red Cross estimates that between ten and fifteen thousand persons lost their lives in the Abkhazia conflict.[8] The Sochi ceasefire agreement of 27 July 1993 did not hold. Faced with the fall of Sokhumi/Sukhum to Abkhaz separatists on 27 September 1993, and a simultaneous rebellion by former Georgian President Zviad Gamsakhurdia, Georgian leader Eduard Shevardnadze at first resisted offers by Russia to ensure a ceasefire in return for Georgia's joining the Commonwealth of Independent States and accepting a Russian peace-keeping force. Shevardnadze appealed instead to Western countries to establish a UN peacekeeping force. When it became apparent that no such force would be forthcoming, he accepted Russia's offer.

8 International Committee of the Red Cross, "Country Report Georgia/Abkhazia: ICRC Worldwide Consultation on the Rules of War," (1999) 8 April 2006

Gamsakhurdia died under mysterious circumstances on 31 December 1993, and a ceasefire agreement ending hostilities in the Abkhazia conflict was signed in Moscow on 14 May 1994. A Russian peacekeeping force was deployed under the aegis of the CIS. UN Security Council Resolution 934 recognized the Moscow agreement and linked to it the mandate of the UN Observer Mission in Georgia (UNOMIG), which was established in 1993 in response to the original Sochi ceasefire.

The front lines were tense and heavily militarized on both sides, and a Georgian organization, the Government of Abkhazia in Exile, originally funded by Eduard Shevardnadze's government to get his political opponents to turn their guns on targets other than himself, became a state within a state, carrying out intelligence and special operations inside Abkhazia. Georgia initiated brief and unsuccessful hostilities to recapture territory in 1998 and 2001. In the years following, until 2008, violent incidents took place with some regularity, especially in the Georgian-controlled Kodori Gorge (Svaneti), including aerial bombardment and shelling, both from the Abkhaz side. During the August 2008 outbreak of hostilities in South Ossetia, Abkhaz forces completed the seizure of the Kodori Gorge. UNOMIG lapsed, its renewal vetoed by Russia in the UN Security Council. The treaty of partnership signed by Abkhazia with Russia on 24 November 2014 mandated "close coordination" between Abkhaz and Russian military, border and police structures.

Karabakh: Estimates from 1994 indicate that a minimum of 20,000 lives were lost during the Karabakh War, with hundreds of thousands more displaced, many of them from seven districts adjoining Karabakh, which were occupied and cleared of their Azerbaijani inhabitants.[9] By February, 1994, the Armenian side had reached the logistical limit of its expansion and the Azerbaijani side had lost most of its offensive capability in a poorly executed attempt to recapture the Armenian-occupied province of Kelbajar. The Bishkek Protocol ceasefire that took effect on 12 May 1994 included neither provision for peacekeeping nor a mechanism for incident prevention. Negotiations on that protocol were initiated on 18 February 1994 by Russian Defense Minister Pavel Grachev, who pushed for establishing a Russian or Russian-led peacekeeping force of the type already deployed in South Ossetia, Transdniestria, and Abkhazia. The Azerbaijani side adamantly refused to consider such a PKF and eventually the Protocol was signed without one.

Karabakh has been the most active of all the war zones in the "frozen" conflicts, with around fifty persons per year, on average, killed along the line of contact, mostly by snipers. After the hostilities of April, 2016, Russian Foreign Minister Lavrov appeared to have revived the idea of a Russian-led PKF as well as a joint mechanism for investigating and preventing incidents. In meetings with Russian President Putin in Moscow and St. Petersburg, Armenian President Sargsyan and Azerbaijani President Aliyev agreed to look into establishing a joint incident investigation mechanism, but both appear to have rejected a Russian-led peacekeeping force.

9 For example, see Amnesty International EUR 55/12/94 of June, 1994. The figure for the internally displaced does not include refugees: an estimated 300,000 ethnic Armenians from Azerbaijan and 200,000 ethnic Azerbaijanis from Armenia were forced out of their home countries.

2.2 Confidence- and Security-Building Measures in the Context of the Conflicts

In his contribution to this paper, Hans-Joachim Schmidt points out that the two principal documents for arms control and confidence-building in Europe are the Conventional Armed Forces in Europe Treaty and the Vienna Document 2011. However, "their primary goal was to prevent a surprise or comprehensive attack between the former alliances. Therefore, they are not well suited for the prevention of wars between small states. Furthermore, they do not cover the risk of military violence by non-state military actors like separatist forces."[10] Schmidt goes on to note problems with the applicability both to Europe, where Russia has suspended its participation in CFE;[11] and to the conflict zones, where, for example, secret transfers of Treaty-Limited Equipment from Russia to Armenia were never declared in the CFE information exchange. Azerbaijan demonstrated equipment at a military parade in 2011 that it had never declared, and some systems (Lynx MLRS, the T-107 122mm MLRS, and CARDOM 120mm mortar systems) have not been reported. Additionally, since 1996 Azerbaijan has rejected, on security grounds, its treaty obligation to notify all structural changes in its forces over 10 percent.[12] Also with regard to Unaccounted Treaty Limited Equipment, TLE on the internationally recognized territory of a country is counted against the quota of that country: i.e., TLE under Armenian control in Karabakh counts against the Azerbaijani quota, TLE in Abkhazia counts as part of Georgia's quota, etc. From that point of view, neither the separatists nor the metropolitan states would be eager for the use of CFE, without significant amendment, in transparency measures.

We should note, though, that CFE was invoked by the Istanbul Commitments (1999), which mandated the withdrawal of Russian military bases from Georgia and of Russian munitions (and the troops guarding them) from Moldova. These commitments were partially fulfilled: Russian military bases in Tbilisi-controlled Georgia, including in and near Tbilisi, Batumi, and Akhalkalaki, were withdrawn by the end of 2007. The base in Gudauta, in Abkhazia, was not. Trainloads of Russian munitions were withdrawn from Cobasna/Kolbasna and other munitions dumps in Transdniestria, with members of the OSCE Mission in Moldova verifying the shipments. However, after Moldovan President Voronin in November 2003 suddenly retracted his agreement to sign the Kozak Memorandum, a secret peace treaty he had negotiated with Russian official Dmitriy Kozak, Russia stopped all shipments, ostensibly because the local population was refusing to let the trains pass. An unknown quantity of munitions remains, stored in varying conditions, with a few hundred "Russian" military personnel (largely locals enlisted for the purpose in the Russian army) remaining to guard them.

While Schmidt makes the case that no single extant document is likely to serve as an agreement on confidence- and security-building measures for all the conflicts, Zellner suggests that existing documents should be used as a menu from which appropriate measures should be drawn and compiled into individualized agreements on CSBMs. Zellner points to the Vienna Document 2011 (VD) and the OSCE's 1993 "Stabilizing Measures for Localized

10 Schmidt, 1

11 Schmidt, 2

12 Schmidt 3,5-6

Crisis Situations" as appropriate menus.[13] Tytarchuk calls for "a web of complementary and overlapping regimes linking the regional, sub-regional as well as multilateral and bilateral levels."[14] He cites other documents that may be appropriate to draw upon as menus for individualized agreements:

OSCE Document on Small Arms and Light Weapons; the OSCE Document on Stockpiles of Conventional Ammunition; Information Exchange on Conventional Arms Transfers; Global Exchange of Military Information; Questionnaire on the Code of Conduct on Politico-Military Aspects of Security, the UN Register of Conventional Arms, the UN Program of Action on Small Arms, the Wassenaar Arrangement Exchanges of Information on Arms, the EU Annual Report on Arms Exports, the Annual Report to the Arms Trade Treaty Secretariat on Arms Transfers, etc.[15]

In fact, one such individualized document exists: one of our workshop participants, French Brigadier General (retired) Bernard Aussedat, worked in 2004-2005 with Russian and Ukrainian colleagues when he was senior Military Advisor at the OSCE Mission in Moldova to elaborate a detailed array of CSBMs and arms control measures – amounting almost to demilitarization – to apply to the Transdniestria conflict.[16] The CSBMs were never implemented, partly because the equal application of the measures throughout the entire territory of Moldova (including Transdniestria) led to Moldovan concerns about the appearance of status equality for Transdniestria, and thus allowed the status question to intrude; and partly because Transdniestria was rejecting most proposals in the wake of the failure of the Kozak Memorandum in 2003. The ambition and scope of the agreement may also have been beyond the political sustainability of either side. The rejection of that package highlights one of the main problems raised at the workshop: CSBMs remain at a rudimentary level in these conflicts because all sides appear to be reluctant to agree to any measures at all. Agreements are at what might be termed the bare minimum for each conflict, varying according to the tone of the political relations between the sides in each conflict: the worst in the Karabakh conflict, with Transdniestria at the other end of the spectrum. The failure of the CSBM package for the Transdniestria conflict also highlighted how difficult it is to maintain the status neutrality that is essential to the adoption of CSBMs in any of these protracted conflicts.

In the Karabakh conflict, the sides have resisted even basic approaches such as the mutual withdrawal of snipers from the front lines. In the absence of a peacekeeping force, monitoring is only carried out – and that only when permission is granted by the Sides – by the office of the Personal Representative of the Chairperson-in-Office on the Conflict Dealt with by the OSCE Minsk Conference, whose six personnel can on occasion – averaging twice per month – monitor a fraction of the 750 km line for which they are responsible. This comprises 330 km of the active Line of Contact that forms the front line in the Karabakh sector between Armenian and Azerbaijani forces, plus 420 km of the national borders between the Republic of Armenia and the

13 CSCE, Forum for Security Co-operation, Stabilizing Measures for Localized Crisis Situations, 25 November1993, DOC.FSC/2/96. Cited in Zellner, 4. Schmidt and Tytarchuk also cite this document.

14 Tytarchuk, 3

15 Tytarchuk, 5

16 OSCE Conflict Prevention Center (Ed), Arms Control – Confidence and Security Building Measures in Moldova, Vienna 28 July 2005, SEC-GAL/178/05. See General Aussedat's description in Aussedat, Bernard, "How Can Confidence and Security Be Restored in Moldova?" (Institute for Peace Research and Security Policy at the University of Hamburg / IFSH (ed.), OSCE Yearbook 2009, Baden-Baden 2010) athttps://ifsh.de/fileCORE/documents/yearbook/english/09/Aussedat-en.pdf

Republic of Azerbaijan.[17] As mentioned above, in the wake of the April 2016 outbreak of hostilities Presidents Aliyev and Sargsyan, meeting in Moscow and St. Petersburg with President Putin of Russia, agreed to a mechanism for investigating incidents that would utilize the Personal Representative's office. However, plans are still being elaborated. Zellner points out that there is no framework for negotiating arms control or confidence-building measures for the Karabakh conflict.[18] However, both Nagornyy Karabakh and Armenia signed the Bishkek ceasefire protocol, and since that time Armenia has represented Nagornyy Karabakh in all negotiations, including in the OSCE's High Level Planning Group.

In the Abkhazia and South Ossetia conflicts, CSBMs are represented by the Incident Prevention and Response Mechanisms in Gali and Ergneti. These were created in 2009 in the Geneva International Discussions, and involve Georgia, Russia, South Ossetia, the EU, and the OSCE. The IPRM meets at most monthly to review the situation, but does not have a mechanism for real-time response to incidents. The Abkhaz side suspended its participation in the IPRM in 2012, but agreed to resume in March, 2016. Neither the IPRMs nor the EU Monitoring Mission have been able to affect South Ossetian "borderization" – the demarcation by Russian forces of the boundary between South Ossetia and Georgia proper, with the boundary arbitrarily placed to expand the area controlled by the Ossetians. Under the terms of the treaty of integration signed between South Ossetia and Russia on 18 March 2015, all South Ossetian army, border, and police institutions were subsumed into their Russian analogues.

The Transdniestria conflict also has an incident investigation and response mechanism, centered in the Joint Control Commission, which oversees the trilateral Russian-Moldovan-Transdniestrian joint peacekeeping force and also includes Ukrainian military observers and representatives of the OSCE Mission in Moldova. There have not been any incidents involving actual armed hostilities.

The paucity of CSBMs shows an aversion to such measures that is shared by both sides in each conflict, the separatists as well as the metropolitan states. It is easiest to understand the reluctance of the metropolitan states. "Protracted conflict syndrome" ensures that they do not see increased confidence and stability as an investment in an ultimate peace; rather they fear that any measure that solidifies the current stalemate will give it more permanence and legitimacy. More puzzling is the opposition of the separatist polities, who might logically be assumed to want to reinforce the current military stalemate. But as one participant in our workshop stated, echoing an Abkhaz concern, "Status-neutral confidence-building measures are a weapon used by states in order to promote reintegration." This statement defies logical understanding, given that CSBMs reinforce the status quo on the ground, thereby helping the separatists to maintain their present territorial control and boosting their ability to reject changes to the status quo in the course of negotiations. However, this attitude represents a very real psychological position, which is perhaps to be explained by several factors:

- Unwillingness to enter into *any* agreement on anything: seeing the conflict as existential, separatists fear that any accommodation is the first step on a slippery slope that can only lead to their extinction.

17 http://www.deutscharmenischegesellschaft.de/wp-content/uploads/2010/05/David-Petrosyan-AGAIN-ABOUT-THE-MEASURES-TO-MAINTAIN-CEASEFIRE-REGIME-IN-NAGORNO-KARABAKH-CONFLICT-ZONE-20120305.pdf

18 Zellner, 5

- Distrust of external patrons: separatists may fear that, once locked into negotiations, pressure from the external patrons on whom they are dependent may force them to make concessions, and reach agreements, that are disadvantageous.

- Seeing negotiations as a way of forcing the opponent into unilateral concessions: separatists may want to barter their participation in CSBMs in exchange for progress on recognition of their status and independence.

As General Aussedat put it, the only way to overcome this reluctance is through incentives. The sides must find transactional justifications for taking part in actions that leave both them and their opponent more secure.

2.3 Approaches to Take

Based on the papers received and on discussion at the workshop, there are three aspects to finding innovative approaches to confidence- and security-building measures:

- Inducing the sides to overcome their reflexive aversion to CSBMs;

- Structuring a mechanism, acceptable to all sides, for implementing CSBMs; and

- Choosing individual CSBMs that will make real improvements in security.

It is clear that the solutions to each of these issues must be tailored individually to each of the conflicts.

Inducing the sides: This is the most difficult issue, given the reluctance of all sides, for differing reasons, to consider CSBMs. In the **Karabakh** conflict, we must consider diplomatic pressure in lieu of an incentive. The Minsk Group, backed up by a presidential declaration from all of the co-chair countries and potentially by a UN Security Council Resolution, should call on the sides to accept a limited menu of urgent steps in the name of protecting innocent civilians along the line of contact. The sides have rejected calls for CSBMs that might reinforce the stability of the front lines. For internal propaganda reasons, they need to retain the option to use force. A concerted call by the international community not addressing stability, but focusing on the civilian residents living in areas that might be affected by armed hostilities, might bear results if made forcefully enough. Generally speaking, this argument has been less relevant to the Armenian side, as Nagornyy Karabakh is surrounded by a buffer zone cleared of inhabitants. However, the events of April, 2016 showed that Karabakh Armenian civilians, too, can be affected by hostile fires. For this reason, President Sargsyan of Armenia joined President Aliyev of Azerbaijan in agreeing to the establishment of an incident investigation mechanism and the expansion of the OSCE Special Representative's office to assist. That is a first step, but the effort is stalled. A diplomatic push may nudge the sides to move.

Incentives for other conflicts are even harder to envision. Given the treaties that **South Ossetia** and **Abkhazia** have signed with the Russian Federation, these two polities have essentially ceded to Russia most or all decisions involving security. It is therefore more appropriate for Russia, having assumed responsibility for South Ossetian and Abkhaz security, to engage in the relevant CSBMs. There is less urgency for CSBMs

in the **Transdniestria** conflict, since there have been no armed hostilities since 1992. However, as Moldova actively participates in NATO's Partnership for Peace, the Transdniestrian authorities might welcome increased transparency to ensure that the co-operation does not endanger them.

Structuring a mechanism: All the conflicts are beset by two areas of suspicion: suspicion that transparency will give the opponent intelligence information; and suspicion by each side that the mechanism chosen will have a hidden adverse impact on its position on the status question. Both of these issues can be addressed by structuring the mechanism through a trusted neutral third party – preferably the OSCE. That is, the actual agreement would not be bilateral (signed by both parties) or multilateral (an agreement signed by mediators and sides), but rather consist of synchronized, agreed, unilateral commitments from each side to the international community (as embodied by the OSCE). As Zellner points out, the 1993 OSCE Document "Stabilizing Measures for Localized Crisis Situations" specifically allows the OSCE to collaborate with both state and non-state actors without affecting status.[19] The measures (inspections and other transparency measures) would be executed by the third party (again, preferably the OSCE, and using personnel from participating States seen to be neutral), which would report only violations, thereby minimizing the sides' intelligence opportunities.

One way in which the OSCE might most efficiently carry out its monitoring is by creating a **special monitoring unit** which could regularly monitor *all* the conflicts. That is, instead of reinforcing OSCE field presences in the region – some of which, such as Georgia and Azerbaijan, may no longer exist and others of which (Moldova, Armenia) have often been headed by personnel from countries not considered neutral by the sides – the OSCE could create a unit based in Vienna that could monitor all the conflicts on a regular schedule, with reserve capacity to monitor emergent situations. The current High Level Planning Group could take on a second hat to serve as the core and repository of expertise for such a monitoring body. OSCE Secretary General Zannier speculated on such a proposal in his address to the 2016 Annual Security Review Conference.[20]

More ambitiously, Tytarchuk makes the tantalizing recommendation of "a **web of complementary and overlapping regimes** linking the regional, sub-regional as well as multilateral and bilateral levels."[21] Based on the structure recommended in the preceding paragraph, a specific document on CSBMs could be drawn up – perhaps an update of the 1993 OSCE Document on Stabilizing Measures – using the OSCE in Vienna as the repository. Like the 1993 document, this agreement would contain a menu of CSBMs, plus a description of the way in which the OSCE would confidentially monitor them. The sides in any particular conflict, for example the Transdniestria conflict, could unilaterally – but in an agreed, synchronized way – notify the repository that they pledge to implement specific measures within the menu, and request the OSCE to monitor their implementation. Within such a structure, a role could be found (again involving unilateral declarations to the repository) for mediator participating States to promote and guarantee the neutrality of the OSCE monitoring.

Choosing a menu: The documents containing choices of CSBMs are well-known, and include international agreements such as the CFE Treaty and

19 Zellner, 4

20 OSCE SEC.GAL/103/16

21 Tytarchuk, 3

VD in addition to menus suggested by international organizations, such as the 1993 OSCE Document mentioned above. The menus in CFE, the VD, and the 1993 OSCE Document are well enough known to obviate the need for repetition here. Many of the individual measures are inapplicable to the current situation in the conflict zones, but others may be amenable to adaptation for each individual conflict. Transparency and risk reduction mechanisms appear to be the most promising places to start. For example, VD includes a section on "voluntary hosting of visits to dispel concerns about military activities."[22] The 1993 OSCE Document includes a section on the delineation of zones from which certain types of weapons are banned; inspections can be effected to verify implementation.[23] We would recommend tailoring the CSBMs to what the market will bear in each conflict: ambition and scope may have hurt the chances of the 2005 CSBM plan for the Transdniestria conflict. We also recommend that areas of applicability be structured to avoid status issues such as the implication that the sides are of equal status outside the context of the CSBMs.

22 *Vienna Document 2011, on Confidence- and Security-Building Measures*, 13

23 *Stabilizing Measures for Localized Crisis Situations,* 28 November 1993, Section II, Catalogue, B. Measures of Constraint, 2. Establishment of Demilitarized Zones (p. 8):

- "agreement not to deploy heavy weapons within range of demilitarized zones or other areas agreed by the parties involved;
- withdrawal of certain forces and weapon and equipment systems of the parties involved to positions at agreed distances from demilitarized zones or other areas agreed by parties involved.

In the above cases the ranges of weapons involved might provide criteria for determining such distances."

3 Economics

The conflicts have frozen trade, transport and infrastructure development in their regions. As in the case of security, the economic engagement between the sides varies in a spectrum from conflict to conflict, with Karabakh once again being at the most restrictive end and Transdniestria at the most open. The acceptability to the sides of certain forms of international economic engagement varies in a similar spectrum: international engagement that requires economic contact, accommodation, and even co-operation between the sides is least applicable to Karabakh and most applicable to Transdniestria.

3.1 Economic Aspects of the Conflicts

Karabakh: There is no direct economic contact between Azerbaijan and Nagornyy Karabakh, and little other than contraband between Azerbaijan and Armenia. More significantly, Turkey closed its rail border with Armenia in April, 1993 in response to the invasion from Armenia of Azerbaijan's Kelbajar province. Although Turkey remains Armenia's fourth largest origin for imports,[24] mostly by truck through Georgia, it is clear that a full opening of the border would be of great economic benefit for the people of the region (other than those who benefit from the protectionism produced by the closed border).

Abkhazia: Little economic contact other than contraband links Abkhazia to the rest of Georgia. The management and output of the Enguri Dam hydroelectric station are shared between Sokhumi/Sukhum and Tbilisi, but there have been no noticeable spillover effects affecting other types of links. The ethnic Georgian population of the Abkhaz-controlled Gali region and their relatives in the Georgian-controlled Zugdidi region can cross the line of control, though laboriously, but the population of Gali was – at least in the 1990s – vulnerable to predatory criminal gangs, both Abkhaz and Georgian, which extorted money from farmers during the mandarin and hazelnut harvest seasons.

South Ossetia: Before 2004 extensive trade links, mostly contraband, existed between Tskhinvali and Tbilisi. Well-connected Georgian interests partnered with the South Ossetian authorities to oversee the large-scale import of EU-surplus grain alcohol through Georgia to South Ossetia and from there to North Ossetia, where it reputedly formed the basis, at one time, of 35% of the vodka manufactured in Russia. When this trade waned, the informal economy persisted at the Ergneti market. When Georgia's new regime under then-President Saakashvili closed the Ergneti market, the border remained porous and opportunities still existed for Ossetian truckers (see following section). The 2008 war ended those links. Joint infrastructure projects for both Georgian and Ossetian villages in South Ossetia were proposed and pushed by the West even before the 2008 war. There has been some discussion of similar projects since the war, but little has been accomplished.

Transdniestria: Trade relations between Chişinău and Tiraspol are broad and complex, with both

24 http://atlas.media.mit.edu/en/profile/country/arm/

sides seeing the conflict, as it affects the economy, as something to be either worked around or exploited. This dichotomy is illustrated by two facts from the era when Vladimir Voronin was President of Moldova: his son Oleg Voronin owned a chain of pizza restaurants with branches on both sides of the river. Second, the director of the Left Bank's ubiquitous Sheriff Corporation attempted to establish a cellular telephone provider that would operate on both banks of the Dniestr. After negotiations with President Voronin, he paid a US $2 million fee and received the license – which shortly thereafter was revoked by the Moldovan Constitutional Court on grounds that the Sheriff Corporation did not legally exist. Sheriff took the case to the European Court in Strasbourg.

Under the "workaround" heading we can find arrangements – often kept deliberately vague to avoid becoming political issues – such as the registration of Transdniestrian companies in Chişinău as Moldovan companies to permit them to receive EU Autonomous Trade Preferences (ATP). In 2015 an agreement was reached, at the margins of the traditional Conference on Confidence Building Measures ("Bavaria Conference") in Rottach-Egern, Bavaria, that extended the functionalities (though not the name) of the ATPs for two years to give the Transdniestrians time to adapt their legislation to comply with the changed situation in the wake of Moldova's Deep and Comprehensive Free Trade Agreement with the EU. On the other hand, corruption is prevalent on both sides of the river, and each accommodation of either side to the other becomes a potential source of rents. In addition, contraband/criminality is prevalent on both sides, with political/economic actors of the two banks sometimes in co-operation, sometimes in opposition to one another.

Our economic papers divided engagement in the economic basket into three fields: trade, economic assistance, and infrastructure co-operation.

3.2 The Strengths and Limitations of Trade

Kemoklidze and Wolff elegantly sum up the benefits of trade as follows:

- "Trade establishes and sustains relationships across dividing lines: traders become partners in a system of agreed rules by which they abide, and this, in turn, strengthens confidence in each other and in a system of rules and can serve as an example in other types of relationships.

- Trade benefits people by providing access to goods (and services) and creating and sustaining markets: it thus strengthens economic development and contributes to maintaining and improving livelihoods.

- Trade therefore creates communities of stakeholders that rely on each other and benefit from co-operation and from continuing and expanding relations.

- Similarly, one can also expect spill-over effects from trade: in order to sustain and expand trade, it needs to be facilitated, including in relation to transport, finance, development of common standards, dispute resolution, etc.: the more trade there is, the more spill-overs are likely, and the more stability and confidence across more sectors can be achieved.

- The relationship between trade and confidence is not necessarily one-directional: trade is likely

to require some pre-existing confidence, but it can enhance what exists and sustain it: trade and the confidence it helps to build and sustain can bridge confidence gaps in other areas and create opportunities (and necessities) for confidence-building elsewhere.

Put differently, trade is one area in which self-interested elites can see opportunities for constructive engagement that does not immediately threaten an established status quo and can generate gains in terms of social and political stability (and thus for regime security). Yet, at the same time, and following the logic outlined above, facilitating trade offers the international community an opportunity to contribute not only to confidence-building and improving the livelihoods of the people affected by these protracted conflicts but also to building a foundation upon which comprehensive conflict resolution in the future might be possible."[25]

However, our economic papers warned that trade in conflict areas is not all beneficial. Contraband – capitalizing on the market distortions caused by the protracted conflict – can further entrench those whose interest lies in the status quo. As Kemoklidze and Wolff put it:

"While one could take the view that any form of trade is better than no trade, it is important to note several significant caveats that arise when taking a long-term view. Unofficial, unregulated economic activity limits the potential for confidence building and for leveraging and strategically locking in confidence gains. It can provide examples of the possibility of inter-ethnic and cross-community collaboration, but it also creates and entrenches constituencies with little interest in moving beyond the status quo, precisely because they benefit from the unregulated nature of their activities. This may decrease the likelihood of a resurgence of violence, but it simultaneously blocks meaningful progress towards conflict settlement, while also entrenching bad practices of governance."[26]

Our papers took as the prime example of this process the Ergneti Market, which functioned as a forum of informal economic exchange until the Georgian authorities closed it in June, 2004. The market provided a livelihood for thousands of Georgian and Ossetian families.[27] At the same time, it was open smuggling that cost the Georgian state budget – during the Saakashvili administration, which was formally committed to eradicating corruption – roughly $120 million annually in customs revenues.[28] Lebanidze noted that "in the context of ethno-political conflict sometimes extraordinary decisions are needed, such as legalization of illegal trade activities between conflict parties. [The] Georgian government could have reformed it by, for instance, turning it into a free trade zone, instead of shutting it down altogether."[29]

In fact, a workaround was found: Russia banned the importation of Georgian agricultural products in December, 2005. South Ossetian truckers, who still had access to Georgia, would enter Georgian-controlled territory, stock up on Georgian agricultural produce, and take it to Russia's North Ossetia, where it was rebranded as local produce thanks to arrangements with Russian (in fact generally North Ossetian) customs officials. When a zealous Russian customs officer tried to stop the practice, the truckers went on strike and blocked the highway between North and South Ossetia.

25 Kemoklidze and Wolff, 2-3

26 Kemoklidze and Wolff, 25

27 Kemoklidze and Wolff, 24

28 Lebanidze, 3, citing Rimple and Mielnikiewicz 2013

29 Lebanidze, 3

This postscript demonstrates the persistence of contraband trade – but also its limitations for use in political confidence-building.

3.3 The Strengths and Limitations of Economic Assistance

Moldova, Georgia, Armenia and Azerbaijan have all received huge amounts of international assistance since independence. U.S. assistance to the first three was massive, approaching per capita levels the U.S. had previously granted only to Israel. Under the European Neighborhood Instrument (ENI), EU development assistance for Moldova between 2014 and 2017 will total between €335 million and €410 million.[30] Aid to Armenia over the same period will total €140-170 million;[31] to Azerbaijan €77-94 million;[32] and to Georgia €335-410 million.[33]A certain percentage – potentially up to 15% – of ENI funds for Moldova is earmarked for projects in Transdniestria.[34] These projects are somewhat disingenuously labeled "confidence-building measures" to deflect objections by EU member states to what amounts to assistance for separatists. Similarly, the U.S. offered to include Transdniestria in the $262 million Millennium Challenge Grant for Moldova between 2010 and 2015;[35] however, Transdniestria did not respond to the offer.

The EU Border Assistance Mission (EUBAM) was launched in 2005 to monitor enforcement of the border between Moldova and Ukraine, which includes the entire eastern boundary of Transdniestria. Starting with 70 EU staff, the operation has now grown to over 100 EU staff, plus some 120 local staff in Ukraine and Moldova, and an annual budget of €21 million.[36] EUBAM's history is an interesting lesson in successful international engagement and the construction of a good confidence-building measure. EUBAM was launched in response to repeated accusations by Moldova that Transdniestria was a hub of trafficking in arms, drugs, and humans. By bringing some transparency to the border, EUBAM was able to document various flows of contraband (mostly schemes for customs avoidance at the Odessa port), but was also able to refute claims of arms trading. This made both sides more temperate in their charges and counter-charges of malfeasance, lowering tensions at a time when they might otherwise have flared into hostilities: 2005 was the year of the Moldova-Ukraine customs declaration and the aggressive Transdniestrian countermeasures, such as seizure of railroad facilities and equipment; and of the Moldovan law of 22 July 2005 banning talks on a political settlement until Transdniestria had been "decriminalized and demilitarized," leading to a breakdown in 5+2 peace negotiations.

Russia has also engaged in budgetary support and technical assistance. The recent treaties with Abkhazia and South Ossetia, as well as the promised referendum to integrate South Ossetia into the Russian Federation, have made the forms of assistance difficult to disaggregate for those two regions. Rastoltsev's paper, which deals with Russian humanitarian aid to Nagornyy Karabakh and Transdniestria, points out that much of the

30 http://ec.europa.eu/enlargement/neighbourhood/countries/moldova/index_en.htm

31 http://ec.europa.eu/enlargement/neighbourhood/countries/armenia/index_en.htm

32 http://ec.europa.eu/enlargement/neighbourhood/countries/azerbaijan/index_en.htm

33 http://ec.europa.eu/enlargement/neighbourhood/countries/georgia/index_en.htm

34 Beyer, John and Wolff, Stefan, "Linkage and leverage effects on Moldova's Transdniestria problem," *East European Politics vol. 32* (2016) available at http://www.tandfonline.com/doi/full/10.1080/21599165.2015.1124092

35 https://www.mcc.gov/where-we-work/program/moldova-compact

36 http://www.enpi-info.eu/maineast.php?id=188&id_type=10

Russian assistance to Transdniestria comes in the form of support payments to supplement budgetary expenditures such as pensions (amounting to US $55.5 million for the years 2007-2010), emergency service vehicles, and social facilities.[37] Together with the paychecks to Russian forces stationed in Transdniestria (the Operative Group of Russian Forces plus the Russian peacekeeping contingent), the great majority of whose personnel are locals, these contributions make the Russian government one of the largest sources of livelihood in Transdniestria, with significant political implications.

Economic assistance as a method of engagement is thus more than simply transactional: it can make the donor a major political factor, whether in the metropolitan state or the separatist polity. There is little evidence, however, that this sort of economic or technical assistance has created trust between the sides in any of the conflicts.

Working Groups, a Subset of Assistance: The OSCE Mission in Moldova attempted to bridge this gap in 2008 by reviving the idea of joint Moldovan-Transdniestrian sectoral working groups. These had existed in the 1990s but had fallen into disuse as a result of President Voronin's sharp zigzags in policy. The OSCE Mission, with support especially from the EU, attempted to get the sides to take ownership in the groups and to set the agendas, involving an array of sectors including health, finance, environment, etc. Formally, the working groups exist to this day. However, their functioning and results are heavily dependent on the larger political factors between Moldova and Transdniestria. Some of the groups have met regularly; others infrequently if ever. Some have worked on concrete agenda items; others proved incapable of formulating agenda items on their own. Some have negotiated hard and came to agreement on solving concrete problems; others have negotiated equally hard over protocols that said nothing more than that the group had convened. The OSCE Mission believed that negotiation over any issue was good practice for more substantive negotiations in the future.

To a certain extent, Working Group II of the Geneva International Discussions touches upon similar day-to-day issues. However, most of the subject matter deals with ameliorating the specific effects of the 2008 conflicts – exchange of prisoners and remains, navigating new crossing procedures, etc. – and not (to date) with resolving long-standing problems of the protracted conflict.

3.4 The Strengths and Limitations of Capital Infrastructure Co-operation

Infrastructure co-operation has occurred in all the conflicts except Karabakh. However, just because two sides, driven by necessity, make a particular facility work does not guarantee an increase in confidence: joint operation of both the Enguri Dam hydroelectric generating plant (operated jointly by Georgia and the Abkhaz authorities) and the Kuchurgan thermo-electric plant (which is located inside Transdniestria but produces most of Moldova's electric power) is taken as a given, and has little to no effect on wider policy. For example, before assuming the Abkhaz "presidency" in 2005, Sergei Bagapsh was head of the company that operates the Abkhaz part of the Enguri Dam complex. This did not, however, appear to have had any positive effect on his attitude towards Georgia once he became leader of Abkhazia.

37 Rastoltsev 9-10

The project papers stressed the importance of transport infrastructure: As Kemoklidze and Wolff put it, "Transportation, both in the sense of physical infrastructure of roads, railways, and border crossings, and in terms of associated regulation, such as the recognition of number plates, is … important. Agreements in these areas, for example on passenger and goods traffic on a railway link between Chisinau, Tiraspol, and Odessa, facilitate trade and thus create positive, mutually reinforcing spill-over effects, whereas protracted failures to reach, or implement, agreements, such as on Transdniestrian number plates and the restoration of landline telephone connections, or the restoration of railway links across the Caucasus have the opposite effect."[38] Likewise, Lebanidze says, "[T]he restoration of the Transcaucasus Railway links between Georgia proper and Abkhazia offers another opportunity to stabilize conflict through enhanced economic relations. However, strategic significance of the railway for both conflict parties has so far undermined chances of its restoration."[39]

The relevant infrastructure includes two important links that do not currently function: the trans-Caucasus rail line between Russia and Tbilisi; and the rail link between Kars in Turkey and Gyumri in Armenia, which links the Turkish rail system and the rail systems of the Caucasus and beyond.

The Kemoklidze and Wolff paper includes a lengthy discussion of the trans-Caucasus rail link from Russia to Georgia via Abkhazia. They note, "The Transcaucasus Railway, the first railway in the Caucasus and the only railway linking Georgia and Russia is another issue of contention, but also potentially a possible issue of co-operation, between the conflicting sides. It was built by Tsarist Russia and expanded during the Soviet times as a strategic railway link that allowed Russia broader access into the Caucasus region. After the dissolution of the Soviet Union, the railway was taken over by the respective entities in the region. While the Tbilisi-Baku section of the railway was rehabilitated, the Tbilisi-Sokhumi/Sukhum section ceased operation in the early 1990s as a result of the Georgian-Abkhaz conflict (Railinform, n.d.). Several attempts were made since then to restore railway tracks between Georgia and Abkhazia."[40]

The rail link between Kars, in Turkey, and Gyumri (at that time called Leninakan) in Armenia began operation in 1951. In 1992, after the collapse of the Soviet Union, it was running once per week, each train mostly carrying hundreds of Armenian "suitcase" traders who brought with them surplus Soviet-era goods such as blankets. The traders were given short-term Turkish visas at the border. They would sell their wares in Istanbul and/or Kars and stock up in bulk on Turkish clothing and consumer goods, which they would sell on their return to Armenia by the same route. The Turkish authorities cancelled the train route in April, 1993 to protest the invasion (from the Republic of Armenia) and seizure of Kelbajar, an Azerbaijani province lying between Karabakh and the Republic of Armenia. Kelbajar remains occupied, and the train route remains inoperative.[41]

Turkey has long desired direct rail access to Azerbaijan and, via Russia, to the Turkic republics of Central Asia. After the closure of the Kars-Gyumri line in April 1993, a project was proposed to lay 105 km of new track between Kars and Akhalkalaki (Georgia) to bypass the segment of the line that

38 Kemoklidze and Wolff, 26

39 Lebanidze, 3

40 Kemoklidze and Wolff, 11

41 See Philip Remler, *Chained to the Caucasus: Peacemaking in Karabakh, 1987-2012*, New York, 2016, p.52-53

runs through Armenia. Supporters of Armenia have opposed this project, saying that its aim is to further isolate Armenia. Though an accord was signed in 2005 clearing the way politically for the project to go ahead, lack of funding has kept the project from construction.

There are two successful examples of positive co-operation on transport infrastructure between sides in conflict, both in the area of the Transdniestria conflict – that is not surprising, given that political and security relations between the sides in this conflict are far better than in the others.

The first example is the Soviet-era pipeline that pumps natural gas from Russia to the Balkans. Its route, dictated by the topography of the region (the need to find a solid ground route through the marshes and lakes of the Danube delta), takes it in and out of both Ukraine and Moldova several times, and it passes through territory controlled by the Transdniestrian authorities. The segments of the pipeline that run through territory internationally recognized as Moldovan are run by a company in which Gazprom owns a controlling stake, with the Chişinău government and Tiraspol authorities each owning a percentage.[42] The company structure is not an example of successful Chişinău-Tiraspol negotiation, as it was essentially dictated to both by Gazprom. However, the idea of such a consortium will be useful in the approach we will recommend below.

The second example of transport co-operation was the re-opening of the passenger rail link running between Chişinău and Odessa through Tiraspol. The Transdniestrian side had suspended all rail service (both passenger and cargo) in 2005 following the start of implementation of the Ukrainian-Moldovan customs protocol, which rescinded Transdniestria's permission to export and import without going through Moldovan customs. The Transdniestrian side also seized train and railroad property belonging to Moldovan Railways. In 2010, with the help of EU railroad experts, passenger traffic resumed between Chişinău and Odessa on the basis of an agreement reached by the Moldovan and Transdniestrian negotiators, Victor Osipov and Vladimir Yastrebchak. The same year, the two negotiators reached an agreement on a direct freight rail link between Russia and Moldova through Transdniestria. This service had also been suspended in 2005, and Moldovan cargoes were forced to take a more circuitous and expensive route bypassing Transdniestria to reach Russia. However, in the Moldovan elections of 28 November 2010, Osipov's party did not receive enough votes to remain in Parliament, and his successor let the agreement die. The lesson, however, is that when infrastructure can be sufficiently depoliticized, and when there is sufficient economic incentive, sides can reach mutually advantageous agreements on trade and infrastructure.

Depoliticization, however, is not easily accomplished. In 2001 the EU funded the reconstruction of the Gura Bicului Bridge across the Dniestr, which had been blown up during the 1992 fighting. The agreement of all sides was formally reached, the rebuilding was carried out, and an opening ceremony was held. The next day, the Transdniestrian authorities closed the bridge permanently.

42 The approach has worked well, though with one potential glitch: Transdniestria takes out its share of the transit royalties in kind (natural gas), but in fact offloads much more than the gas equivalent of its share. Gazprom has taken no action against Transdniestria, since much of that gas has been used to run industrial facilities owned by large and politically influential Russian conglomerates, such as the power station at Kuchurgan and steel mill at Rybnitsa. Instead, Gazprom adds the sums to the accounts receivable from Moldova, which are now, as a consequence, in excess of US $4 billion.

3.5 Approaches to Take

3.5.1 Trade

Several of our papers[43] recommend following the example of the Ergneti Market (when it functioned) and setting up "trade centers" in selected venues near lines of contact. At this point the most promising places to start such an initiative would not actually be on active front lines, but rather on the border between the Republic of Armenia and Azerbaijan and perhaps also at the Verkhniy Lars/Dariali border crossing between Georgia and North Ossetia in the Russian Federation. The newly opened markets, with international engagement, could serve as a platform for a series of trade seminars and business forums that could include the participation of business and civil society groups from Abkhazia, South Ossetia and Nagornyy Karabakh.

3.5.2 Capital Infrastructure

All attempts to reactivate existing rail lines between the Abkhaz and Georgia, and between Turkey and Armenia, have so far ended in failure. One approach that has not been tried is "unitizing" these disparate issues into one consortium in an effort to provide incentives for those who have been blocking the individual projects. Putting together a rail operation consortium involving Turkey, Russia, the Abkhaz, Armenia, Georgia and Azerbaijan – along the lines of the consortium that runs the gas pipeline from Russia to the Balkans through Moldova – would be an extremely difficult project, demanding huge amounts of diplomatic effort and political capital.

43 Kemoklidze and Wolff, 25; Jasutis, 7; Lebanidze, 9

But the goal would be to de-block both the rail line through Abkhazia and the Kars-Gyumri railway by providing cross-cutting incentives: the Turks would get the direct rail link to Azerbaijan that has so far eluded them; Russia would gain an easier rail link to Armenia; the Abkhaz would gain a rail link with Turkey, one of their main trading partners and home to a large diaspora; Armenia would finally have its rail link with Russia restored; and Georgia and Azerbaijan would gain direct rail links with Turkey.

We assume it would be less problematic to resolve questions of freight first, and passenger traffic later, if ever. Among the many other issues to be worked out would be the questions of crew passage and security, track infrastructure and train engine ownership and maintenance, customs duties and inspection, guarantees of the unhindered passage of all civilian cargoes to all destinations, and elaborating a regime for military (if any) and dual use cargoes. As the reinstatement of rail traffic between Chişinău and Odessa showed, there are numerous purely technical issues on which the parties must cooperate. For example, when the Kars-Gyumri train operated, between 1951 and 1993, passengers from Gyumri were offloaded on one track on arrival in Kars and walked across the platform to another train, since the track gauge in the former Soviet Union differs from that in most of Europe. A system would need to be put in place either to equip the trains with special adjustable-axle wheelsets, or to transfer containers from the flatcars on one train to those on another, or to exchange the bogies underneath. Any of these solutions requires investment and technical co-operation.

We cannot emphasize enough the long, hard, and painful work that would be necessary. There would be powerful opposition to overcome: purely

economic interests such as the long-distance trucking industry in Turkey; and politically tinged interests such as the Russian potential desire to retain a monopoly on transit choke points in the region and make rival Turkish trade more difficult, the Armenian Diaspora's reflexive opposition to any deals with Turkey, and Azerbaijan's reflexive opposition to any deals involving Armenia. Attempts can be foreseen to make status-related demands for both Abkhazia and Nagornyy Karabakh (the latter need not be part of the consortium because there are no relevant rail lines). But the rewards, both for the material welfare of the people of the region and the creation of circumstances more conducive to peace and stability in the region, would be great.

4 Human Dimension

As mentioned earlier, social interactions between the sides in each of the conflicts vary with the relationship of the separatist side to the metropolitan state. The range is from the complete isolation of the sides in the Karabakh conflict from one another to the extensive interaction of the sides in the Transdniestria conflict. That baseline – where each of the conflicts falls on the spectrum – determines and imposes limits on how useful dialogue and reconciliation can be in any one of the conflicts.

4.1 Societal Aspects of the Conflicts

It is clear that the baseline for the Karabakh conflict is the most forbidding. While Armenians and Azerbaijanis may interact normally outside the region, they have little ordinary contact inside the region; for Karabakh Armenians this little fades to zero. This was not always the case. When Heydar Aliyev was head of the KGB and later Communist Party First Secretary in Azerbaijan, he developed close personal ties with Armenian colleagues. After he was purged and returned to Azerbaijan, he remained close to his KGB protégé Ashot Manucharyan, who became Armenia's state security chief after independence – so close that when Aliyev was in exile in Nakhchivan and needed to fly through the Yerevan FIR, he would simply call Manucharyan for flight clearance, despite the ongoing Karabakh conflict. Once he flew without clearance, causing great consternation in Armenia. When finally contacted, Aliyev said he had called for clearance, but Manucharyan was out; he had spoken to Manucharyan's mother, and she had given him permission.[44] Such informal contacts are unthinkable today.

Over the years, there have been a number of track-2 exchange and visit programs between Azerbaijan and the Republic of Armenia, and programs that took negotiators from Azerbaijan, Armenia and Nagornyy Karabakh to autonomies in Europe such as the Åland Islands or Alto Adige to observe in-place solutions to ethnic issues. Most of these programs have faded away, replaced by more belligerent official rhetoric that casts suspicion over participants in such programs. The refugees from Armenia in Azerbaijan and vice versa – and more so, the presence in Azerbaijan of hundreds of thousands of persons displaced from Karabakh and the surrounding districts – form a lobby that militates against reconciliation.

In Abkhazia, there has always been contact between the communities through ethnic Georgians in the areas under separatist control, such as the Gali region, but this contact is decidedly negative. The separatist authorities have rejected attempts to allow exchanges or other venues for social contact within the region. In the late 1990s, USAID developed a plan for summer camps in which young Abkhaz and Georgians would be taught values of tolerance by a mixed faculty. The Abkhaz authorities changed the plan to one of two separate summer camps, each teaching exclusionary nationalist values. As in Karabakh, the presence in Georgia of a large and

44 This story was told by a senior Armenian politician. Thomas de Waal, in his *Black Garden: Armenia and Azerbaijan through peace and War* (New York/London, 2003), carries a similar account of the same incident, sourced to Manucharyan himself (210-11).

well-organized group of IDPs from Abkhazia, led in the 1990s and early 2000s by strongly revanchist and nationalist elements, paired with the Abkhaz authorities' suspicion of any contact with Georgians to frustrate efforts at reconciliation; the war of 2008 has reinforced the separation.

South Ossetia has built walls between itself and its Georgian neighbors since 2008. Previously, ethnic Georgian and ethnic Ossetian villages were interspersed, providing for frequent contact between the communities. The Ergneti market provided social as well as economic opportunities until its closure by Georgian authorities in 2004. The process of "borderization" since 2008 has further reduced social contact. The 2015 treaty between South Ossetia and Russia incorporated most South Ossetian governmental functions into Russian government departments, and a promised 2017 referendum would, if approved, complete the annexation of the territory.

Transdniestria, as usual, provides a very different picture. Transdniestrian students attend universities in right-bank Moldova, Transdniestrians regularly visit Chişinău for shopping or pleasure, family and friend visits go back and forth across the boundary, sports competitions bring the societies together (the Tiraspol football team competes in the Moldovan national league), and numerous programs bring young leaders together to discuss politics.

4.2 Strengths and Limitations of Dialogue

The purpose of dialogue (by which we mean dialogue other than official negotiations) between societies in these conflicts is to reacquaint them with one another. They used to live together and saw themselves as neighbors; now they see themselves as enemies. Dialogue could in theory, as our authors Tamminen, Relitz, and Jüngling put it, "give space for transforming antagonistic identities into agonistic ones." Accomplishing that – reversing the unrelenting, generation-long trend toward greater separation and hostility – demands serious, sustained, long-term effort to overcome one overarching obstacle: the conflicts are seen as existential by all sides. Typically, while individual participants in a particular dialogue may eventually see other individual participants as "agonists," this does not erase their fundamental belief that the *purposes* of the societies as a whole are diametrically opposed: that the basic, driving purpose of the enemy is to destroy your people, your nation, your homeland; and that this purpose cannot change until the enemy polity disappears or its guiding personalities die. As Robert Legvold writes about the Cold War, "…[F]or both sides the Cold War was not merely over conflicting interests but, at root, over conflicting purposes…both countries operated with the assumption that the contest could end only with either a fundamental change in the other side or its collapse."[45]

As a result, attempts at dialogue have had mixed results, sometimes and in some places seen as valuable, and in others frustrating. Often, dialogue comes to resemble the "ping-pong" of diplomatic dialogue between such sides as Armenia and

45 Robert Legvold, *Return to Cold War*, Cambridge, 2016, p. 29

Azerbaijan, which dictates that an intervention by one side to a conflict must be met with an equally long, equally clichéd, and equally unhelpful intervention by the other.

That "ping-pong," while annoying to the international community, has served a particular purpose for the sides in conflict. As we described in the introduction, all participants see the conflicts as existential, and thus there is no way to erase the fundamental belief that the purposes of the sides are diametrically opposed: that the purpose of the enemy is to destroy your people, your nation, your homeland. If that is the basis of all argument, "ping-pong" is a way of showing that one is actively defending that homeland, as useless as the intervention may be for actually advancing that homeland's interests. Getting beyond "ping-pong" is one of the most significant hurdles in organizing productive dialogue.

Dialogue, like other forms of engagement, is vulnerable to being held hostage to status issues. Separatists have tried to leverage their participation to advance the contention that they are "subjects of international law." Metropolitan states have tried to place contrary preconditions on dialogue. Moreover, the participants themselves, or at least their home authorities, may have divergent aims in engaging in dialogue. That is natural, but dialogue becomes politically unsustainable if it meets these diverging aims in an asymmetric way: if one side feels the dialogue is fulfilling its needs, but the other does not.

Dialogue between segments of civil society and the local organizations of persons (such as internally displaced persons) from affected regions has also been subject to "capture" by extremists and others with an agenda dictated by "protracted conflict syndrome," the dynamic that makes it politically profitable to take an aggressively nationalist position. As mentioned earlier, until around the middle of the last decade the "Abkhaz Government in Exile" was an aggressive state within the Georgian state, which had the authority to speak for the community of Georgian IDPs, and when it did it invariably rejected dialogue. Similarly, certain Moldovan NGOs have rejected problem-solving (e.g., securing the release of prisoners) in favor of creating martyrs to a nationalist cause. These are two examples from the metropolitan states, but many similar examples can be found among the separatist sides.

There have, of course, been dialogues that overcame these obstacles and were viewed as successful by both participants and international organizers. Perhaps the best sustained effort at dialogue in any of the conflicts was the Transdniestrian Dialogues program sponsored by the British Embassy in Chişinău with the co-operation of the Moldovan Foreign Policy Association, whose head at that time, Andrei Popov, was later Moldovan Ambassador to the OSCE and who participated in our workshop. Each year from 2006-2011, the program brought together a number of young leaders from both sides in events that included issue-oriented workshops, lectures, social events, and group educational travel. As the years went by, the alumni and current program participants formed a network of people for whom, by and large, "antagonistic identities" were transformed into "agonistic" – that is, the participants could see and appreciate the humanity in the other side's individuals, without necessarily giving up the view that the other side as a whole was an antagonist to be resisted. The establishment of such human connections– a glaring absence from the other conflicts – is important in two ways. First, it provides a kernel of society that views the other side in less black and white terms. Second, as these young leaders assume positions of responsibility, and

problems arise that can only be resolved through co-operation with the other side, those who participated have concrete acquaintances and relationships on which they can call to help resolve the issues. That process does not in itself make actual negotiations on a comprehensive settlement any less complex; but it does put in place conditions that may improve the atmosphere of negotiations.

There are, however, always limitations as obstacles reassert themselves: in even the most successful dialogues programs, participants return to their homes persuaded that their fellow participants in those programs are worthwhile interlocutors, but with unchanged convictions about the larger enemy society as a whole. Moreover, their position in their home societies requires them to be extremely careful not to demonstrate any softening in their own opinions, lest they be branded as traitors. The effects of bilateral dialogue therefore rarely extend beyond the participants themselves.

4.3 Historical Narrative

Each of the sides in the conflicts has its own narrative describing the history that led to the current situation and its own paradigm for ascertaining which events in the past are relevant and which are not. Often the sides in the conflicts will have narratives that start with different founding events. Sometimes the narratives agree, as in the blame both Azerbaijanis and Armenians place on Stalin for drawing borders allegedly designed to fuel dispute (in fact, however, any other borders would have fueled dispute to an equal degree).

Just as one example, we have alluded to the divide in Moldova/Transdniestria over the nature of World War II: many families in what is now Moldova, including Transdniestria, were persecuted by one side in that conflict, and many by the other (and some by both); and those persecutions have left their mark on the political and world views of their descendants today on both banks of the river. For example, education in Moldova is dominated by those on the pro-Romanian side of the divide, and this has perceptible consequences for Moldova today: Moldova has not solved the problem of how to make its children proud to be from Moldova. One video clip demonstrates this: in it, a Moldovan man asked boys at a playground whether they felt themselves to be Moldovan. "No!" they all answered: as far as they knew – as far as their education had taught them – they were Romanian; Moldova, according to one boy, was just "a piece of garbage." Such attitudes have real-world effects on the possibility of a settlement, let alone full reconciliation, between Chişinău and Tiraspol.

Transdniestria is unique among the four protracted conflicts in that throughout the society the divisions between the narrative-driven political forces – in this case the anti-"Soviet" and anti-"Romanian" forces – are not coterminous with the two sides of today's conflict: while most residents of Transdniestria identify with the Soviet side of their heritage, so also do a significant portion of those residing on the territory controlled by Chişinău – about half, judging by electoral results. This adds a complexity to the way in which Moldovans perceive the conflict, and makes unity in approaching a settlement problematic.

All the conflicts might benefit from a discussion of specific sensitive events by historians of the sides. Much work was done, for example, by Turkish and Armenian historians in the history of World War I as part of a 2000-2003 project and also in the context of the abortive Turkey-Armenia rapprochement of

2008-2010. Each side in each of the conflicts has its own paradigms based on history. That is not unique to these conflicts. To listen to citizens of various nations giving their versions of the last world war, for example, is to hear descriptions of several apparently unrelated conflicts that started and ended at different times and had entirely different causes and effects.[46] *The point of discussions on history is not to come to a unified view or evaluation of events.* Rather it is to give each side a more complete view of how the other side has interpreted events, and *how those interpretations have affected the other side's behavior over the years.* Such an understanding can help each side re-evaluate and broaden its own paradigm, and thus lessen the effects of small-group thinking and nationalistic education.

4.4 Strengths and Limitations of Reconciliation

Reconciliation, in the papers we received, means the rapprochement of societies that once lived together and have been increasingly estranged by a generation of conflict. It is a goal often pursued by the international community, and we have numerous examples of international engagement to promote reconciliation.[47] It is the logical continuation of dialogue. Ultimately, reconciliation is an absolute essential for the sustainability of any political settlement reached in these conflicts. To date, however, the sides in the conflicts under discussion have tended to view the term in a prosecutorial light, as part of a "truth and reconciliation" process that punishes combatants on the other side.[48] This severely limits the use of reconciliation processes in these conflicts for the present. Nonetheless, work should be carried out on the margins as it becomes feasible, and mediators should recognize that new efforts at reconciliation must begin in harmony with progress in negotiating comprehensive resolutions.

The international community, in pursuing reconciliation, must recognize one caveat: we cannot simply lecture these societies on the virtues of tolerance and multi-ethnic identities in the tone so often adopted in the literature of reconciliation. If the sides in these conflicts were tolerant and recognized the virtues of multi-ethnic identities, they would not be in need of formal reconciliation processes in the first place. Indeed, the conflicts are protracted specifically because the sides have rejected the possibility of tolerance and multi-ethnic identities. While reconciliation is an essential part of the ultimate solution, initial efforts at reconciliation between the people of the sides might do better to avoid publicizing themselves as a specific "reconciliation process" and instead make use of existing broader institutions.

46 An extremely interesting discussion of this phenomenon can be found in Norman Davies' *Europe at War* (London, 2006). Davies notes in his introduction (p. 11) that "It is …inevitable that a complex of conflicts as tangled as that subsumed by 'the Second World War' should have produced a mass of myths and legends…It is the historian's job to examine them, to explain their origins, and then to demonstrate the difference between events and perception of events."

47 For example, the EU has funded many programs designed to promote reconciliation between Turks and Armenians. See http://www.armenia-turkey.net/en/projects

48 Goda, 1-2

4.5 Approaches to Take

4.5.1 Dialogue

Tamminen, Relitz and Jüngling argue that "new multi-level corridors of dialogue, bringing together actors from different protracted conflicts, should be created and fostered."[49] By this they mean that instead of trying, as often in the past, to foster dialogue between the two sides of any particular conflict, the international community should create platforms through which people from the various sides of *all* the conflicts will have an opportunity to engage in dialogue. Making the dialogue multilateral instead of bilateral can mitigate some of the reflexively defensive positions in which the sides usually engage: the "ping-pong" we alluded to above. The purpose of a multilateral platform, then, is to "de-geopoliticize" the forum for dialogue and allow the participants – from civil society, localities, business, etc. – to get beyond the "ping-pong" to less stereotypical and less clichéd discussion.

In constructing "corridors of dialogue," one must take into account the phenomenon of "capture" described above, in which extreme elements speak for large groups affected by the conflicts, such as internally displaced persons. Structuring a dialogue and the selection of participants is a complex and difficult task: the international community cannot simply appropriate funds for dialogue and expect it to work out by itself.

However, a concerted effort to provide a platform for multilateral dialogue does provide the potential both for reducing the reflexive defensiveness of all dialogue and also for allowing residents on the separatist side of the divides – often isolated – to gain a more sophisticated and broad-based view of the world at large, and of their own place in that world. Given the relatively small political classes in all the sides in conflict, the participants in a dialogue platform today could be the negotiators of tomorrow – and they could bring to bear new approaches to conflict resolution.

4.5.2 Historical Narrative

Academics and practitioners alike are beginning to recognize the powerful way in which inherited historical narrative – the individual version of history as passed down through the generations of an ethnic group – has helped to keep the conflicts unresolved for such a long time. We have alluded to the divides caused in Moldova by differing experiences during World War II. For Armenians and Azerbaijanis, the discursive divide goes back at least to World War I: for many Armenians in the Diaspora and even in Armenia, the struggle against Azerbaijan is a continuation of the struggle against the Ottoman Turks.[50] Historians of all sides would benefit from listening to their opponents' versions of history and the narratives that underlie them – not to try to merge narratives, but to gain a deeper understanding of what drives the opponent.

At this stage, however, participating in a direct dialogue could have severe repercussions for a historian when he or she returns home. Perhaps only Moldovan and Transdniestrian historians could escape being branded as traitors merely for listening to the opponent. We would recommend that academic and other institutions in Europe try

49 Tamminen, Relitz and Jüngling, 9

50 There is a discussion of this phenomenon in Philip Remler, op. cit., 15-18.

to include historians from the conflict regions when they organize conferences at which the topic of historical narrative – not in particular the narratives from these conflicts – is discussed. This might be a topic for one of the multilateral platforms for dialogue discussed in the previous section.

4.5.3 Reconciliation

In efforts to promote reconciliation, the role of interfaith work has been underused.[51] For example, the Orthodox Church remains the most trusted institution in Georgia and Patriarch Ilia retains great influence. Georgia and South Ossetia are predominantly part of the Orthodox communion (though the large Armenian and Azerbaijani minorities in Georgia are not); the Abkhaz contain both Orthodox and Sunni Muslim communities. The Abkhazian and South Ossetian orthodox dioceses belong *de jure* to the canonical territory of the Georgian Orthodox Church, though ecclesiastical rule from Tbilisi has not been exercised for many years.[52] The Russian Orthodox Church recognizes the canonical territory of the Georgian Orthodox Church, including South Ossetia and Abkhazia. Ecclesiastical diplomacy – perhaps a joint visit of senior clerics from Moscow and Tbilisi – may be useful in promoting reconciliation at least among religious communities.

There is no equivalent institution that could play a similar role between Armenians and Azerbaijanis. Most (though not all) Azerbaijanis belong to the Shi'a branch of Islam, which has had no universally recognized leader since 941; relations between Azerbaijani Shi'ism and senior clerics in the holy places of Shi'ism in Iraq and Iran are not of a sort that might enable those figures to help. Armenians in the region generally belong to the Armenian Apostolic Church, which is not in communion with other Christian churches and whose leadership is seated in the Catholicos in Etchmiadzin, near Yerevan.

Clerical diplomacy may actually be counterproductive in the Transdniestria conflict. There is considerable dispute between the Russian Orthodox and Romanian Orthodox churches over ecclesiastical authority on the right bank of the Dniestr, and injecting the Left Bank into the argument is unlikely to improve the situation.

51 Jasutis, 11

52 Canon XII of the Council of Chalcedon (451 AD) essentially mandates that the territories of two bishops of the same communion may not overlap. This issue has caused controversy in Moldova: under a strict interpretation of Chalcedon, the Orthodox community in Moldova may be subject to the Orthodox Patriarch in Moscow or the Orthodox Patriarch in Bucharest, but not to both.

5

Conclusions

The protracted conflicts have over the years engaged a great deal of the international community's attention, especially when one considers the modest – some of them extremely modest – populations involved. They have engaged the world for different reasons at different times, and as a result many well-wishers have taken a crack at finding some new way to approach one or more of them. There is nothing new under the sun, as the Ecclesiast says, and approaches that have *never* been tried are few. Many of those approaches billed as new, while well-reasoned, repeat efforts that were tried many years ago; to extend the Ecclesiastical metaphor, there is no remembrance of things past. Many of the suggestions in our eleven papers – well researched though they were – have in fact been tried before; and others that fit in well with academic theory have been seen to fail in practice.

We have tried to distill here some approaches that are sufficiently different from what has been tried to warrant the term "innovative." But that comes with a caveat: just because an approach has not been tried does not mean no one thought of it; but the political, financial, and/or bureaucratic capital that such an approach demands may simply not have been available or deemed worth the tremendous effort and expense. No one should embark on our transport infrastructure recommendation, for example, without understanding how complex and expensive it will be.

The fighting in the Karabakh region in April 2016 reminds us that just because a situation is *static*, there is no guarantee that it is *stable*. The fighting in Karabakh from 1987 to 1994 took tens of thousands of lives and created hundreds of thousands of refugees and internally displaced persons. A full-scale renewal of that fighting could cause up to a further million people to lose their homes and disrupt major flows of petroleum and natural gas, with effects far beyond the region. In all the conflicts, a renewal of fighting today would potentially cause more deaths and disrupt more lives than the original hostilities. If the international community really intends to lessen the insecurity and misery in these conflict zones, it cannot escape the serious commitment of time, personnel, money and above all the hard work of peace.

Appendix I: **Papers Received**

Security

Schmidt, Hans-Joachim
Peace Research Institute Frankfurt
"Protracted Conflicts: International Engagement for Security and Welfare"

Tytarchuk, Oleksandr
East European Security Research Initiative Foundation, Ukraine
"Conventional Arms Control and Military Confidence- and Security-Building Measures in Handling Current Protracted Conflicts: the Transdniestrian Case"

Zellner, Wolfgang
Institut für Friedensforschung und Sicherheitspolitik an der Universität Hamburg
"Status-Neutral CSBMs"

Economics

Kemoklidze, Nino and Wolff, Stefan
Institute for Conflict, Co-operation and Security, University of Birmingham
"Trade as a Confidence-Building Measure"

Lebanidze, Bidzina
Georgian Institute of Politics
"Taking Preferences Seriously: on Economic Engagement as a Win-Win Option for Political Elites in Abkhazia and Georgia"

Van der Togt, Tony
Clingendael Institute, The Hague
"Economic Relations between the EU and Moldova/Transdniestria: a Chance for Closer Co-operation with the Russian Federation/Eurasian Economic Union?"

Human Dimension

Dimitrov, Atanas
Centre for Strategic Studies in Defence and Security, Department of National and Regional Security, University of National and World Economy, Sofia
"OSCE – Citizens Relations in the Areas of "Protracted" Conflicts as Non-Military Confidence and Security Building Measures"

Goda, Samuel
Slovak Foreign Policy Association
"Republic of Moldova and Reconciliation: Mission Possible"

Manton, Ida and Saner, Raymond
Diplomacy Dialogue, CSEND Geneva
"Multilateral Co-operation Revisited - Establishing the Way Forward by Reassessing the Realities"

Rastoltsev, Sergey
Primakov Institute of World Economy and International Relations (IMEMO) of the Russian Academy of Sciences, Moscow
"Russian Engagement in Transdniestria and Nagorno-Karabakh Conflict Resolution: Human Dimension"

Tamminen, Tanja, Relitz, Sebastian and Jüngling, Konstanze
Institut für Ost- und Südosteuropaforschung, Regensburg
"New Corridors of Dialogue: Strengthening Durable Formats for Engagement across the Protracted Conflict Zones"

Appendix II: **Workshop Participants**

Dina **Alborova**, Lecturer, Department of Politics and Sociology, South Ossetian State University, Tskhinvali

BG (ret.) Bernard **Aussedat**, Former Chief Military Representative, OSCE Mission to Moldova, Panelist/Discussant

Amb. Dr. Günther **Bächler**, Special Representative of the OSCE Chairmanship for the South Caucasus, Panelist/Discussant

Amb. Thierry **Béchet**, Head of the EU Delegation to the OSCE, Panel Chair

Atanas **Dimitrov**, Assistant Professor, Department of National and Regional Security, University of National and World Economy, Sofia, Drafter

Dr. Frank **Evers**, Deputy Head, Centre for OSCE Research (CORE), Institute for Peace Research and Security Policy at the University of Hamburg (IFSH)

Prof. Andrea **Gawrich**, Professor of International Integration, Justus-Liebig-University of Gießen, Panel Chair

Dr. Samuel **Goda**, Project Manager and Researcher, Slovak Foreign Policy Association (SFPA), Bratislava, Drafter

Avaz **Hasanov***, Chairman, Humanitarian Research Public Union, Baku; Azerbaijan National Coordinator of the Civil Society Platform of the EU's Eastern Partnership (*Mr. Hasanov was forced to cancel owing to circumstances beyond his control)

Mariko **Higuchi**, Desk Officer, Moldova and the Transdniestrian Settlement Process, German OSCE Chairmanship 2016

Dr Grazvydas J**asutis**, Researcher, Institute of International Relations and Political Science (IIRPS), Vilnius University, Drafter/Panelist

Giorgi **Kanashvili**, Executive Director, Centre for Cultural Relations, Caucasian House, Tbilisi

Dr. Nino **Kemoklidze**, Research Associate, Centre for Russian, European and Eurasian Studies, University of Birmingham, Drafter/Panelist

Amelie **Klußmann**, First Secretary, Southern Caucasus, Central Asia, German OSCE Chairmanship 2016

Dr. Bidzina **Lebanidze**, Research Fellow, Georgian Institute of Politics (GIP); Visiting Lecturer, Berlin School of Economics and Law; Researcher, Free University of Berlin, Drafter/Panelist

Ida **Manton**, Researcher, Diplomacy Dialogue Branch, Centre for Socio-Eco-Nomic Development (CSEND), Geneva, Drafter

Naida **Mehmedbegović Dreilich**, Researcher, Centre for OSCE Research (CORE), Institute for Peace Research and Security Policy at the University of Hamburg (IFSH)

Amb. Cord **Meier-Klodt**, Special Representative of the OSCE Chairmanship for the Transdniestrian Settlement Process, Panelist/Discussant

Dr. Claus **Neukirch**, Senior Political Adviser, Regional Issues and Conflict Cycle, Ukraine, Moldova, German OSCE Chairmanship 2016

James C. **O'Shea**, Senior Policy Support Officer, Caucasus, OSCE Conflict Prevention Centre (CPC)

Rasa **Ostrauskaite**, Deputy Director, Policy Support Service, OSCE Conflict Prevention Centre (CPC)

Dr. Georgy **Otyrba**, Senior Research Scholar, Abkhazian Institute of Humanitarian Research, Sokhumi/Sukhum

Amb. Marcel **Pesko**, Director, OSCE Conflict Prevention Centre (CPC); Deputy Head, OSCE Secretariat

Carolin **Poeschke**, Desk Officer, Ukraine and Belarus (PCU), German OSCE Chairmanship 2016

Andrei **Popov**, Former Deputy Minister of Foreign Affairs and European Integration, the Republic of Moldova

Sergey **Rastoltsev**, Junior Research Fellow, Russian Academy of Science, Primakov Institute of World Economy and International Relations (IMEMO), Moscow, Drafter/Panelist

Sebastian **Relitz**, Research Associate, Frozen and Unfrozen Conflicts Research Group Institute for East and Southeast European Studies (IOS), Regensburg, Drafter

Philip **Remler**, Project Leader; Program Manager, EASI-Hurford Next Generations Fellows Program, Carnegie Endowment for International Peace, Washington, D.C.

Armin **Rieser**, Political Adviser to the Special Representative for the South Caucasus, German OSCE Chairmanship 2016

Dr. Hans-Joachim **Schmidt**, Research Fellow, Peace Research Institute Frankfurt (PRIF), Drafter/Panelist

Jürgen **Schnappertz**, Senior Advisor, Task Force OSCE Chairmanship 2016, Federal Foreign Office

Amb. Dirk **Schuebel**, Head of Division, Eastern Partnership, European External Action Service; former EU Ambassador to Moldova, Panel Chair

Christina **Stenner**, Mediation Support Officer, Operations Service, OSCE Conflict Prevention Centre (CPC)

Dr. Tanja **Tamminen**, Leader, Frozen and Unfrozen Conflicts Research Group, Institute for East and Southeast European Studies (IOS), Regensburg, Drafter/Panelist

Amb. Fred **Tanner**, Senior Adviser, OSCE Secretariat

Dr. Oleksandr **Tytarchuk**, Co-Founder and Member of the Board, East European Security Research Initiative Foundation; Associate Research Fellow, Foreign Policy Research Institute (FPRI), Kyiv, Drafter/Panelist

Tony **Van der Togt**, Senior Research Fellow, Clingendael, Netherlands Institute of International Relations, The Hague, Drafter/Panelist

Prof. Stefan **Wolff**, Professor of International Security, Department of Political Science and International Studies, Director of Research and Knowledge Transfer, College of Social Sciences, University of Birmingham, Drafter

Dr. Oliver **Wolleh**, Programme Director, Caucasus, Berghof Foundation, Berlin, Panelist/Discussant

Vladimir **Yastrebchak**, Independent Expert; Chief Negotiator of Transdniestrian Side, 2008-2011

Dr. Wolfgang **Zellner**, Co-ordinator, OSCE Network of Think Tanks and Academic Institutions; Deputy Director, Institute for Peace Research and Security Policy at the University of Hamburg (IFSH); Head, Centre for OSCE Research (CORE), Hamburg, Drafter/Panelist

Mikayel **Zolyan**, Analyst, Regional Studies Center, Yerevan

This report is the joint production of a group of twelve institutes of the sixty current members of the OSCE Network of Think Tanks and Academic Institutions.

The OSCE Network is an autonomous OSCE-related track II initiative. It is not an OSCE structure or affiliated with the OSCE or its participating States. The Network's members are research institutions from across the OSCE area engaged in academic research and policy analysis on issues relevant to the OSCE's agenda. The Network is a flexible and informal format founded by more than a dozen research institutions on 18 June 2013 after discussions during the 2013 OSCE Security Days, inspired by a proposal made by OSCE Secretary General Lamberto Zannier in his inaugural speech in July 2011. It is open to think tanks and academic institutions willing and able to contribute academic expertise and policy analysis on OSCE-relevant issues. It provides expertise, stimulates discussion and raises awareness of the OSCE, and shares expertise and co-ordinates joint projects and activities among its members. Neither the Network nor its members represent the OSCE and the views expressed by network members are their personal opinions and do not reflect the views of the OSCE.

Hamburg
December 2016

ISBN 978-3-00-055097-3