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The Georgian-South Ossetian Conflict

As late as autumn 2003, the discussions involving the parties to the Georgian-South Ossetian conflict and the OSCE Mission to Georgia were still dominated by the danger of growing alienation between the two ethnic groups, war-weariness among the Georgian and South Ossetian populations, and the counterproductive insistence of both sides on maintaining irreconcilable positions. Discussions of how to end the conflict were largely suppressed as a result of South Ossetian demands for economic aid to enable reconstruction, and the insistence of South Ossetian authorities that their primary goal was unification with North Ossetia-Alania, an Autonomous Republic in the Russian Federation. For its part, the Georgian side had never accepted the local rulers of South Ossetia as equal negotiating partners. Nor was the Georgian promise of “the broadest autonomy” for South Ossetia and other separatist regions ever put in writing.

Regime Change in Georgia

The lethargy affecting all sides in the Georgian-South Ossetian conflict-resolution process was finally overcome by the rapidly escalating events that took place in Tbilisi in November 2003. Ballot forging on a massive scale by the government of incumbent President Eduard Shevardnadze in the election of 2 November triggered what became known as the “Rose Revolution”. Thanks to Shevardnadze’s resignation on 23 November, this took place entirely without bloodshed. With the leaders of the “National Movement” (Mikhail Saakashvili) and the “Burjanadze Democrats” (Nino Burjanadze and Zurab Zhvania) electoral alliances in the vanguard – the groups denied victory in the November 2 poll by the official results – the Rose Revolution brought about a regime change that was watched with considerable concern by the separatist regions of Abkhazia and South Ossetia and the Autonomous Republic of Ajaria. The National Movement and the Burjanadze Democrats nominated Mikhail Saakashvili, considered a populist with nationalistic leanings, as their joint presidential candidate in the new elections called for 4 January, which he won with an overwhelming majority.

Shortly before the elections, Saakashvili paid an unannounced visit to the conflict region, which was intended to underline South Ossetia’s status as part of Georgia and was seen as a provocation by the South Ossetians.¹ As a

1 Cf. Prezident Juzhnoi Osetii nazval vizit M. Saakashvili provokatsiei [The President of South Ossetia Calls M. Saakashvili’s Visit a Provocation], in: *Kavkazkii Uzel*, 5 January 2004, at: <http://kavkaz.memo.ru/newstext/news/id/622291.html>.

result, Georgian-South Ossetian relations were at an all time low as the new Georgian president took office. Positions hardened as Saakashvili made blatantly clear that restoring Georgia's territorial integrity was the primary goal of the new Georgian government, i.e. reintegrating the separatist regions into the Georgian state. In his public speeches, Saakashvili announced that the fragmentation of Georgia could no longer be tolerated. Saakashvili's strategy was to unify the country by offering the separatist regions economic incentives, stability, and further guarantees of the "broadest autonomy".² New government departments were created and commissions set up dedicated exclusively to resolving the conflicts with the breakaway regions and working to eventually re-establish Georgia's territorial integrity. The recovery of Ajaria was the first item to be tackled.

Ajarian-Georgian relations had deteriorated considerably following Saakashvili's election. After Shevardnadze's resignation, Ajaria's ruler, Aslan Abashidze, felt his own position was under threat and called for a boycott of the elections to the Georgian parliament that were scheduled for 28 March. At the same time, in March 2004, South Ossetia's *de facto* government began holding military manoeuvres, OSCE observers were denied access to suspect installations and buildings, and unauthorized South Ossetian military exercises were observed.

Saakashvili appears to be following an agenda according to which the conflicts are resolved in ascending order of difficulty: starting with the one believed to be the easiest – the crisis in Ajaria – proceeding to resolve the "differences of opinion" between Georgia and South Ossetia (those are the terms in which the Saakashvili government views this conflict), and finally turning to the conflict with Abkhazia as the strategy's crowning glory.³ Following mass demonstrations by the Ajarian people in April and early May 2004, a loss of backing by his own supporters, and insistent attempts at mediation by Russia, Abashidze was forced to step down. New elections were called for Ajaria, and the Autonomous Republic became an integral part of Georgia. Although each side had threatened the other by carrying out military manoeuvres that could easily have led to armed confrontation, the resolution of the Ajarian crisis is considered the first great success of Saakashvili's government.

Subsequently, Saakashvili concentrated above all on resolving the conflict with South Ossetia. As with Ajaria, his tactic was to appeal directly to the South Ossetian people. The Georgian government hoped that if it provided incentives, such as the reopening of the Georgian-South Ossetian railway link from Gori to Tskhinvali, paying pensions, establishing a free emergency medical service, and distributing agricultural fertilizer, the South Ossetian

2 Saakashvili Offers "Broadest Autonomy" for Abkhazia, in: *Civil Georgia – Online Magazine*, 11 February 2004.

3 Cf. Mikhail Saakashvili: „Juzhnoj Osetii net nikakogo konflikta“ [There is no Conflict in South Ossetia], in: *Kavkazkii Uzel*, 13 March 2004, at: <http://kavkaz.memo.ru/newstext/news/id/640952.html>.

population would come to recognize it as their own.⁴ The new Georgian government is keen to improve inter-ethnic relations while combating the continuing Russification of South Ossetia. This latter is described by the South Ossetian leadership as the “process of integration” into the Russian Federation and has been underscored by the introduction of the Russian rouble as the regular currency. Russification is also evident in the fact that thousands of South Ossetians are also Russian citizens in addition to their South Ossetian citizenship, which is not recognized abroad. Hence they are exempt from the visa requirements that Russia imposed on Georgian citizens on 5 December 2000. During the Russian presidential election of March 2004, the Russian government even officially declared that it wanted to take over payment of pensions to the South Ossetian population, and to do this at a rate four times as high as that paid by the Georgian government.⁵ Russian pensioners, who only receive their pensions irregularly, must also have found this announcement noteworthy.

Georgia’s rhetoric has since changed: Formerly rejected by the Georgian government in favour of “Tskhinvali region”, the name South Ossetia is now used in official statements, upgrading for the first time the status of the breakaway territory. News broadcasts have begun in the Ossetian language, and, on Georgian independence day, Saakashvili addressed the South Ossetian people in their own language. All of these measures are new, and all aim to satisfy sceptics who doubt the feasibility of Saakashvili’s attempts to win back South Ossetians and Abkhazians for Georgia, despite the fact that they, unlike Ajarians, are not ethnic Georgians.

The Ossetian People

The Ossetians, who refer to themselves as *Iron* and to Ossetia as *Iriston*, are considered indigenous to the region as the indirect descendents of the north-east Iranian Scythians and Sarmatians. They are also the direct descendents of the Iranian Alans, a nomadic tribe that ruled the North Caucasus in the first four centuries A.D. before intermixing with other tribes in the area. The modern Ossetian people came into existence between the 16th and the 18th centuries. There are four main groups of Ossetians: Adagi, Kurtats, Tagaurs, and Digors, some of whom have merged with other North Caucasian tribes, as in the case of the Digors, who merged with the Kabards, or have split into smaller tribes, leading to the development of many Ossetian dialects. The Ossetians are thus by no means a homogenous people. Despite close relations

4 Cf. Giorgi Sepashvili, Saakashvili Sends Reconciliatory Signals to South Ossetia, in: *Civil Georgia*, 1 June 2004.

5 Cf. Jugoosetinskie pensionery budut poluchat’ rossiiskie pensii [South Ossetian Pensioners Will Receive Russian Pensions], in: *Kavkazkii Uzel*, 16 March 2004, at: <http://kavkaz.memo.ru/newstext/news/id/642322.html>. The author was also informed of the same facts during interviews carried out in Tskhinvali in September 2003.

between North and South Ossetia based on kin, both sides stress ethnic and cultural differences. Within the South Ossetian population, there is greater support for territorial independence than for union with North Ossetia, which is the official goal of the South Ossetian government. One thing that this conflict lacks is a religious dimension, for the Ossetians, like the Georgians and unlike the superficially Islamized Ajaris and Abkhazians, are mostly Eastern Orthodox Christians. According to the last Soviet census in 1989, there were 164,000 Ossetians in Georgia, 65,000 of them in South Ossetia, whose multi-ethnic total population was 98,000. Georgian-South Ossetian marriages were quite common. For Georgians, the current territory of South Ossetia remains an important historical and spiritual centre, and its separation from Georgia is unthinkable. The claims to the territory made by the Ossetians, who first settled in the area around Tskhinvali in the 17th century, are dismissed as absurd.

Background to the Conflict

The origins of the Georgian-South Ossetian conflict go back to 1918 and the founding of the Democratic Republic of Georgia, whose territory included the area now known as South Ossetia. At the same time, the northern part of Ossetia was being incorporated into Russia. Georgian troops marched into South Ossetia to put down any possible attempts at securing independence, as these were seen as threatening Georgian territorial integrity. South Ossetia considered this an invasion, also claiming that acts of genocide took place. These events burden Georgian-South Ossetian relations to this day.⁶

On 12 March 1922, Georgia joined the Transcaucasian Soviet Federated Socialist Republic, and, on 20 April 1922, South Ossetia was renamed the South Ossetian Autonomous Region (*oblast*). On 30 December 1922, the Federation joined the Soviet Union. The new Soviet constitution of 5 December 1936 confirmed South Ossetia's autonomy within the newly founded Georgian Soviet Socialist Republic (SSR). On the same day, North Ossetia was recognized as an Autonomous Soviet Socialist Republic (ASSR) within the Russian Soviet Federated Socialist Republic (RSFSR), thus sealing the status of North and South Ossetia as parts of different Soviet Republics.

However, the differences between South Ossetians and Georgians remained. South Ossetia also felt that it was economically disadvantaged in comparison to the Georgian heartland. In the late 1980s, a national movement came together in South Ossetia, largely under the leadership of the *Adamon Nikhas* ("Voice of the People") group. In 1989, the South Ossetian Supreme Soviet announced its intention to turn the South Ossetian Autonomous Region into an Autonomous Republic. This was rejected by Tbilisi, and, in August 1990, the South Ossetians turned to Moscow – again without success.

6 Interviews carried out by the author in Tskhinvali, September 2003.

Following this, South Ossetia made a declaration of state sovereignty on 20 September 1990.⁷ The Georgian parliamentary elections of October 1990 were boycotted by South Ossetia, which held elections to its own parliament in December of the same year. The Georgian Supreme Soviet then voted to remove South Ossetia's status as an Autonomous Region.⁸ In January 1991, still prior to the break-up of the Soviet Union, the Georgian-South Ossetian conflict flared up into violence. Both sides suffered considerable military and civilian losses. Starting in February 1991, the South Ossetian capital, Tskhinvali, was blockaded by Georgian troops for several months. In April 1991, around 500 soldiers of the Soviet Interior Ministry were stationed in South Ossetia, where they more or less openly took the side of the South Ossetians before being withdrawn a year later during the break-up of the Soviet Union. Their withdrawal was a further cause of disagreement between the conflict parties, as the departing Soviet army had left the South Ossetian side various weapons, including large-calibre arms. Heavy fighting broke out once again in the spring of 1992, resulting in streams of refugees on both sides heading towards North Ossetia (Ossetians) and the Georgian cities of Gori and Tbilisi (Georgians).

On 17 March 1991, the entire Soviet Union voted on whether to retain a reformed Union. Unlike the Georgians, the population of South Ossetia voted in favour. On 9 April 1991, Georgia declared independence; Zviad Gamsakhurdia was elected the first president of Georgia. Gamsakhurdia failed dramatically to solve the Georgian-South Ossetian conflict by diplomatic means.

The conflict in South Ossetia cost around 1,000 people their lives and created some 60,000 displaced persons. Only when Gamsakhurdia fell and Shevardnadze became president in 1992 did the conflict parties find their way back to the negotiating table. On 10 June 1992, Shevardnadze met the then Russian president, Boris Yeltsin, in Kasbegi to discuss ways of solving the Georgian-South Ossetian conflict. They, along with representatives of South and North Ossetia, signed an agreement on the principles of settlement of the Georgian-Ossetian conflict in Sochi on 24 June of the same year. Known as the Sochi Agreement, this document also provided for the creation of Joint Peacekeeping Forces (JPKF), consisting of Georgian, Russian (including North Ossetian), and South Ossetian units. Russia has *de facto* overall command and assumed the role of chief mediator in the resulting conflict-resolution process. The key task of the tripartite peacekeeping force is to monitor

7 Declaration of State Sovereignty of the Soviet Democratic Republic of South Ossetia; Declaration of Independence of the Republic of South Ossetia (English versions), in: Tamaz Diasamidze (ed.), *Regional Conflicts in Georgia – the Autonomous Oblast of South Ossetia, the Autonomous SS Republic of Abkhazia (1989-2002); The Collection of Political-Legal Acts in English Language*, Tbilisi 2003, pp. 32 and 92, at: <http://www.rrc.ge/>.

8 Law of the Republic of Georgia on Abolition of the Autonomous Oblast of the South Ossetia; Decree Issued by the Presidium of the Supreme Council of the Republic of Georgia on Introduction of State of Emergency on the Territory of Town of Tskhinvali and the Java District (English versions), in: *ibid.*, pp. 39ff.

the ceasefire, to keep the conflict parties apart, and to guarantee security in the conflict zone. In addition, the ceasefire agreement provides for the creation of a security corridor along the main lines of confrontation, the pull-out of armed groups, and the disarmament of self-defence units.⁹

The OSCE Mission in Georgia

At the Prague meeting of the Ministerial Council of the CSCE (as it still was) in late January 1992, it was agreed to send a *rapporteur* mission to the conflict zone, which visited the region from 17-22 May. In reaction to the mission's report, an OSCE fact-finding mission was dispatched to South Ossetia from 25-30 July 1992. The report they produced was especially important given that Eduard Shevardnadze, Georgia's new head of state, had, on 13 May, just paid his first visit to the South Ossetian capital of Tskhinvali since the outbreak of the conflict. The fact-finding mission was also charged with considering the implementation of the Sochi Agreement. On 3 December 1992, an OSCE mission of long duration was finally established in Georgia. One aspect of its remit was to promote negotiations between the conflict parties, thereby contributing to the search for a speedy resolution.¹⁰ The Mission was also charged with monitoring the work of the JPKF in South Ossetia, and joint OSCE-JPKF projects were set up, e.g. for the collection of small arms and light weapons, or to fund local microprojects in return for the voluntary surrender of weapons. The aim here was to build confidence between the Georgian and South Ossetian populations. Any success, however, was completely undone by the events of summer 2004, which saw South Ossetia flooded with new weapons. A further co-operative project between the OSCE and the JPKF, the establishment of a joint Georgian-South Ossetian police centre in Tskhinvali, is also threatened by the current situation in South Ossetia.

On 29 March 1994, the OSCE's Permanent Council shifted the focus of the Mission's mandate to mediating in the Georgian-South Ossetian conflict.¹¹ In May 1994, the OSCE Mission's mediation activities made it possible to bring representatives of the Georgian and the South Ossetian conflict parties to the negotiating table for the first time.¹² The Mission presented a first draft plan for the future status of South Ossetia as early as September 1994. This proposal, which envisaged granting South Ossetia territorial

9 Cf. Agreement on Principles of Settlement of the Georgian-Ossetian Conflict (English Version), in: *ibid.*, pp. 94f.

10 Cf. 17th Committee of Senior Officials, Prague 1992, Journal No. 2, 6 November 1992, Annex 2.

11 Cf. CSCE, Permanent Committee, Journal No. 14/Corr., 29 March 1994, Annex 1, Modalities of the CSCE Mission to Georgia.

12 Cf. CSCE, Communication No. 41, *Report of the Personal Representative of the Chairman-in-Office of the CSCE in Georgia*, Prague, 2 February 1993; CSCE Mission to Georgia, *Activity Report*, 1-15 May 1994.

autonomy within the federal structure of the Georgian state, was, however, rejected by the South Ossetian side. In the spring of 1995, the Mission, with the support of the Russian Federation, produced a new paper on the federal distribution of powers, but this was also rejected by the South Ossetian representatives. Nonetheless, the Mission was not deterred from trying to persuade the conflict parties of the virtues of a federal solution. Both sides, however, criticized the Mission's plans: South Ossetia would not relent in demanding independence and/or union with North Ossetia and rejected all discussion of potential federal solutions within the Georgian state out of hand. In Georgia, sceptics objected that Georgia was too ethnically diverse for the establishment of a functioning federal system.

On 22 April 1997, the Mission opened a new office in Tskhinvali, which aimed to improve the co-ordination of activities on the ground. The new office concentrated on observing and reporting on activities carried out jointly with the JPKF and on the security and humanitarian situation (working closely with the UNHCR). It also worked to establish communication channels on a variety of levels, and to encourage the development of the NGO and media sectors. As well as facilitating high-level official negotiations and accompanying guests on visits to South Ossetia, the Mission is intensively involved in forging links between the slowly developing civil societies of Georgia and South Ossetia. Representatives of various groups in society are regularly invited to meet to discuss divisive issues, and the Mission co-operates in this with ODIHR and other international organizations, including the UNHCR and the Council of Europe. Meetings between Georgian and South Ossetian journalists, for example, have been held since 1997 and are now a regular occurrence. Since dialogue remains possible between Georgian and South Ossetian civil societies (something that is not the case with regard to Georgian-Abkhazian relations), it is easier to arrange meetings and joint activities between representatives of different ethnic groups. There have been no inter-ethnic clashes since the 1992 ceasefire. Nonetheless, the terminology used by the South Ossetians does not differ from that used by other Caucasian peoples who complain of the casualties they have suffered in violent conflicts both before and after the collapse of the Soviet Union. Georgia is accused of "genocide" and "ethnic cleansing", described as a "fascist regime", whose "denazification" is demanded. These extreme words are chosen deliberately to present the South Ossetian situation to a Western audience in dramatic terms, using language tailored to a Western audience, and to justify the refusal to make compromises in the conflict-resolution process that would be seen as a betrayal of those on their side who have died.¹³ There can be no question but that giving these factors due consideration in the various conflict-resolution processes will improve their long-term prospects of success.

13 Interviews carried out by the author in Tskhinvali, September 2003.

From 1996 to 1998, regular meetings took place between Shevardnadze and Ludwig Chibirov, who had been elected president of South Ossetia in November 1996 in elections that did not receive international recognition, and the situation gradually improved. It became possible once again to travel between Georgia and South Ossetia by road. At the same time, South Ossetia, whose economy was in a state of collapse, built up a thriving business in smuggling goods through the Roki Tunnel, which connects South and North Ossetia. The majority of the South Ossetian population continues to profit from this illegal trade today. South Ossetia became a key node in the region's smuggling networks, and, after agriculture, the illegal trade in petrol and agricultural products is local population's second most important source of income. This encouraged the development of criminal structures and a full-blown conflict economy. Armed robbery and car theft are common and help to consolidate the status quo. Resolving the conflict is made considerably more difficult by the fact that actors on all sides gain from the unstable situation by participating in smuggling and corruption and thus have little interest in finding a solution.

On 15 December 1999, the mandate of the OSCE Mission to Georgia was expanded to include the task of monitoring the Georgian-Chechen border, and extra personnel were supplied to enable the performance of this task. The OSCE border monitors are unarmed and may not intervene in events on the ground. Their safety is guaranteed by the Georgian government. On 13 April 2001, the mandate was again expanded to include monitoring of the Georgian-Ingush border and, on 19 December 2002, monitoring of Georgia's border with Dagestan.¹⁴

Negotiating Mechanisms

Beside high-level meetings, two further negotiation mechanisms have a key role in the negotiating process that aims to end the conflict: the Joint Control Commission (JCC) and the Experts' Group on the Georgian-South Ossetian conflict-resolution process. Both generally meet on the initiative and under the *aegis* of the OSCE Mission to Georgia.

The JCC was established on the basis of the Sochi Agreement. Its key tasks are to keep the peace and to prevent armed violence from flaring up again. It is also charged with facilitating joint activities involving both con-

14 Cf. OSCE, Permanent Council, PC.DEC/334 Decision No. 334, 15 December 1999; OSCE, Permanent Council, Decision No. 450, *Geographical Expansion of the Border Monitoring Operation of the OSCE Mission to Georgia*, PC.DEC/450 13 December 2001; OSCE, Permanent Council, Decision No. 523, *Border Monitoring Operation of the OSCE Mission to Georgia*, PC.DEC/523 19 December 2002. For further details, cf. also Volker Jacoby, *The OSCE Mission to Georgia*, in: Institute for Peace Research and Security Policy at the University of Hamburg/OSCE (ed.), *OSCE Yearbook 2003*, Baden-Baden 2004, pp. 163-170. Russia refused to agree to extend the mandate of the border-monitoring operation, which duly ended on 31 December 2004.

flict parties aimed at stabilizing the situation and enabling a political solution to be found, promoting economic reconstruction in the region, and supporting the return of refugees and efforts to secure them a basic standard of living. Leaving aside the question of South Ossetia's status, the JCC should serve as a forum for the conflict parties to discuss questions of current interest. The Russian Federation and North Ossetia are also included in the JCC, where their role is to mediate between the Georgian and South Ossetian sides; the OSCE also participates in this. In 2000, the European Commission was granted observer status in the JCC, and all sides were in favour of involving the Commission in the work of JCC's Economic Committee. Since 2001, the European Commission has taken part in all plenary sessions of the JCC and has been present at meetings of the Experts' Group. The Commission has become the main source of funds for reconstruction projects in the Georgian-South Ossetian conflict zone,¹⁵ although these are generally co-ordinated by the OSCE Mission in the field.¹⁶ On 7 July 2003, the Council of the European Union appointed the Finn Heikki Talvitie to the position of EU Special Representative for the South Caucasus, although his mandate was kept very general.¹⁷ The change of regime in Georgia had a positive effect on relations with the European Union as exemplified by the fact that the three South Caucasian countries were once more included in the EU "Wider Europe – Neighbourhood" initiative.

On the initiative of the OSCE Mission, the first of a series of Experts' Group meetings was held in March 1997. The meetings became a forum for constructive dialogue, with the long-term goal of drawing up a document on fundamental joint principles and guidelines for resolving the conflict. It remained, however, merely a demonstration of good will. There were no signs of significant progress being made in the form of concrete policy suggestions – and there was certainly no jointly drafted agreement between the conflict parties. It took until 31 May 1999 for the experts representing the two sides, who had been holding discussions in Dzhava with representatives of the Russian Federation, North Ossetia, and the OSCE Mission, to even agree on four basic principles in an "intermediary document" that has since formed the basis for the Georgian-South Ossetian conflict-resolution process: 1. Recognition of Georgian territorial integrity; 2. The right of peoples to self-determination and the special status of relations between South Ossetia and North Ossetia; 3. The future recognition of South Ossetia's special politico-territorial status, including a constitution, institutions and emblems; and 4. The establishment of international guarantees to safeguard the first three agreements

15 Interviews carried out by the author in Tbilisi, September/October 2003.

16 Cf. EU Allocates 28 million Euro to Assist Georgia, in: *Civil Georgia – Online Magazine*, 14 January 2004; OSCE Brokers Funds to Help Rehabilitate the Zone of the Georgian-Ossetian Conflict, Tbilisi, 2 February 2004, OSCE press release.

17 Cf. Official Journal of the European Union, L 169/74, 8 July 2003, Council Joint Action 2003/496/CFSP of 7 July 2003 concerning the appointment of an EU Special Representative for the South Caucasus; interviews carried out by the author in Tbilisi, September/October 2003.

after they have been successfully implemented.¹⁸ At the fourth Experts' Group meeting, held in Baden, near Vienna, from 11 to 13 July 2000, a draft version of the document (since then known as the Baden Document) was presented by the Georgian and South Ossetian delegations. It remains the most recent version and is the basis of ongoing discussions.¹⁹ To this day, there has still been no breakthrough in the negotiations. The main reason for this appears to be the presidential elections that were held in South Ossetia in November and December 2001. These elections, which did not receive international recognition, were won by Eduard Kokoev, who became the new *de facto* president of South Ossetia. Kokoev, a businessman with Russian citizenship, reintroduced an anti-Georgian policy and bolstered the trade in illegal goods that is endemic in South Ossetia. He explicitly supports what is called "reunification" with North Ossetia and accession to the Russian Federation. South Ossetia's new *de facto* government played up fear of Georgian military action, described the JPKF as the only protection from potential Georgian attacks, and openly supported military co-operation with the Russian Federation. Nor should the "Abkhaz factor" be underestimated. It plays a decisive role in the South Ossetian position. The South Ossetian side appears to be waiting for the Abkhazian conflict to be resolved before making any compromises as a means of ensuring that South Ossetia does not end up with an inferior status to Abkhazia. This position is appreciated by the South Ossetian population, who like to compare their position with that of the Abkhaz. Perhaps that is another reason why all subsequent Experts' Group meetings were largely unsuccessful, so that the only aspect that can be considered a success is the fact that a meeting was held at all. The 10th Experts' Group meeting, held from 14 to 17 October 2003 in The Hague, was the first to not even succeed in agreeing on a joint closing document. Nonetheless, both sides were quick to make assurances that they remain interested in seeking a peaceful resolution to the conflict.²⁰

Violence Breaks Out Once More

On 23 May 2004, parliamentary elections were held in South Ossetia, from which the Unity movement of *de facto* President Kokoev emerged the strongest party. The elections were not recognized by the international community. Once more, anti-Georgian resentment grew in volume and was ignored by Tbilisi. Instead, on 31 May 2004, President Saakashvili sent troops

18 Cf. Organization for Security and Co-operation in Europe, The Secretary General, *Annual Report 2000 on OSCE Activities* (1 November 1999 – 31 October 2000), Vienna 2000, p. 43.

19 Cf. CPC, SEC.FR/421/2000, OSCE Mission to Georgia, Activity Report No. 14/2000, 15-31 July, 2. August 2000 (restr.).

20 Cf. OSCE Chair Hosts Talks in The Hague on Georgian-Ossetian Conflict, The Hague, 16 October 2003, OSCE press release.

belonging to the Georgian Interior Ministry to South Ossetia to establish checkpoints and roadblocks at key road junctions to combat the widespread smuggling. This step was justified by the new Georgian government in terms of its aspiration to achieve regional stability and improve economic performance in the country. After all, South Ossetia may come to play a significant role as a transit region for energy transport (oil and gas). The Georgian manoeuvres led to serious friction with the South Ossetian leadership, who called the deployment of Georgian troops a "pure provocation" and a breach of earlier treaties. There was also a dispute between the Georgian government and General Sviatoslav Nabdzorov, the Russian commander of the peacekeeping force. He threatened to remove the Georgian roadblocks by force if necessary. The Georgian minister of the interior, Georgi Baramidze, warned that the Georgian reinforcements would return fire if attacked. Russia also condemned the Georgian move, and, in a statement made on 31 May, the Russian foreign ministry described it as a blow not only to Georgian-Russian relations, but also to the overall chances of peacefully resolving Georgia's conflicts. Nonetheless, there was no denying that Saakashvili's strategic operation had put a stop to South Ossetia's illegal cross-border trade, at least in the short term. The famous Ergneti smugglers' market, near the South Ossetian capital of Tskhinvali, has ceased to exist. Because the South Ossetian people live to a great extent from illegal trade, however, the Georgian interior ministry's coup also did major damage to the authority of South Ossetia's *de facto* President Kokoev. For his part, Kokoev, announced the mobilization of reserves for the "defence of the fatherland" and began to hold troop manoeuvres. In the late evening of 31 May, during a telephone discussion with the Russian president, Vladimir Putin, Saakashvili was finally persuaded to back down. He announced that the Georgian reinforcements were to be withdrawn from the checkpoints, and this was somewhat reluctantly carried out in August.

On 1 June, Tbilisi expressed its intention to strengthen the Georgian component of the JPKF from 100 to 500 troops, making it equal in size to the Russian and South Ossetian components. In contrast to Shevardnadze's regime, the new government paid considerably more attention to this matter. Following discussions between the Georgian and South Ossetian conflict parties, the Russian commander of the peacekeeping force was dismissed, but the situation remained tense. Regular reports of heavy military equipment being transported started to be made as of mid-June, most of it going by heavy truck through the Roki Tunnel into South Ossetia. At the same time, the number of border crossings rose sharply. The number of people going to Dagestan grew most rapidly, and many of them were armed. Shortly thereafter, large numbers of Cossack and Abkhazian mercenaries were recorded in the conflict zone. Finally, an increasing number of unregistered flights of helicopters, including military helicopters, were observed in the area around the Russian-South Ossetian-Georgian border. Despite this escalation, Russian

diplomatic efforts continued. On 24 June, Russia's first deputy foreign minister, Valeri Loshchinin, travelled to Tskhinvali to persuade Kokoev to resume discussions with the Georgian side within the JCC framework. A meeting of the JCC aimed at defusing the situation was finally held in Moscow on 30 June and 1 July. At the meeting, the Georgian side's main goal was the establishment of a joint checkpoint at the Roki Tunnel. Because arms smuggling had increased drastically in recent months, the Georgian side supported increasing the number of OSCE military observers in the region to enable the establishment of observation posts at the Roki Tunnel. The OSCE's status as a mere observer had been criticized by both the Georgian and the South Ossetian sides. According to the *de facto* South Ossetian government, the OSCE should have intervened when Georgia deployed troops in the area. Merely by observing and reporting to headquarters in Vienna, it was argued, the OSCE did not contribute to pacification on the ground. The recent military clashes in South Ossetia were repeatedly used by the South Ossetian side to call into question the OSCE's attempts at mediation, which it consistently rejected as pro-Georgian.²¹ At the same time, South Ossetia denied all responsibility for the deadlock in the conflict-resolution process and never accepted that it is not the Mission's role to solve the conflict, but rather to help the conflict parties to reach a joint settlement by themselves. Despite this, the Permanent Council resolved on 6 August 2004 to expand the OSCE Mission to Georgia by two further monitoring officers.

In South Ossetia, in the meantime, new ways have been found to acquire weapons. In early July, 50 members of the Georgian police were captured and relieved of their weapons by a 200-strong group of South Ossetians. There followed several outbreaks of fighting in a number of South Ossetian towns, with injuries reported on both sides. The situation escalated when Russian peacekeepers secretly imported unguided rockets into the conflict zone without authorization on several occasions. Georgian peacekeepers confiscated several heavy trucks loaded with rockets, removing them to Gori, the nearest Georgian town. Returning the confiscated rockets to Russia has so far proved impossible, as Russia has insisted they be brought to South Ossetian territory. Russian-Georgian relations reached another low when the Russian Duma released a draft proposal for resolving the situation in South Ossetia in which it made explicit its support for the South Ossetian people.²² In addition, Georgia accused Russia of deliberately disseminating anti-Georgian opinions in its media and of openly taking the side of the South Ossetian separatist government.

The situation deteriorated considerably on the night of 10-11 August, when Georgian and South Ossetian villages, especially in the area north of

21 Cf. Valery Dzutsev, South Ossetians fear war. Rebel province is tense as Tbilisi steps up pressure for reunification, in: IWPR's Caucasus Reporting Service No. 238, 16 June 2004.

22 Cf. *Caucasus Press*, Russian Parliamentarians Adopt Statement on South Ossetia, 8 May 2004.

Tskhinvali, came under fire and civilians were injured. Members of the Georgian and South Ossetian components of the JPK are also said to have been involved in the exchange of fire. On 13 August, Georgia's Prime Minister Zhvania and *de facto* South Ossetian President Kokoev agreed on a ceasefire, which has, however, already been breached multiple times by both sides. During July and August, 17 Georgians and five Ossetians were killed.²³ In emergency sessions of the JCC on 17 and 18 August in Tbilisi and Tskhinvali, both sides debated complex ceasefire proposals and demilitarization projects. At the same time, they expected fighting to break out again and used the truce to improve their military positions and strengthen defences. A ceasefire agreement signed on 19 August has for the most part been held, even if occasional exchanges of fire have been reported. This remains true at the time of writing. Whether the Georgian-South Ossetian conflict will once more become "frozen" twelve years after the Sochi Agreement or whether a solution can finally be found will become clear in the coming months.

23 During the night of 18-19 August alone, seven Georgian peacekeepers were killed and a further seven wounded, see *Caucasus Press*, 19 August 2004.