

MITIGATING INTER-ETHNIC CONFLICT IN OSCE REGION

HEARING

BEFORE THE

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

ONE HUNDRED ELEVENTH CONGRESS

SECOND SESSION

MAY 4, 2010

Printed for the use of the
Commission on Security and Cooperation in Europe

[CSCE 111-2-5]



Available via <http://www.csce.gov>

U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 2012

75-229 PDF

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512-1800; DC area (202) 512-1800
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May 4, 2010

COMMISSION ON SECURITY AND COOPERATION IN EUROPE
WASHINGTON, DC

The hearing was held at 10 a.m. in room SVC 208/209 Capitol Visitor Center, Washington, DC, Hon. Benjamin L. Cardin, Chairman, Commission on Security and Cooperation in Europe, presiding.

Commissioner present: Hon. Benjamin L. Cardin, Chairman, Commission on Security and Cooperation in Europe.

Witnesses present: Heidi Tagliavini, Head of the European Union Investigation of the 2008 Russia-Georgia Conflict; Peter Semneby, Special Representative for the South Caucasus, European Union; and Soren Jessen-Petersen, Former Special Representative for Kosovo, United Nations.

HON. BENJAMIN L. CARDIN, CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Mr. CARDIN. Well, good morning. The Helsinki Commission will come to order and let me thank particularly our witnesses. I know they traveled a long distance to be with us and we thank them very much for appearing before the Helsinki Commission.

I can't think of a more important, fundamental role for the creation of the Helsinki process, for the U.S.-Helsinki Commission and for the OSCE today than the issue of trying to mitigate inter-ethnic conflicts in the OSCE region. When the organization was originally created, this was one of its primary functions. We had been through wars, we had been through ethnic episodes, and I think our hope was that by signing onto the fundamental principles within OSCE related to human rights, security, and economic issues that we would ease the ethnic problems in the region.

And in fact, I believe OSCE has been responsible for mitigating problems around the region and has been used as an example throughout the universe. So I think it has had its impact. But clearly, we are still being challenged today. And that is why we want to have regular hearings to bring us up to date as to what is happening as far as inter-ethnic conflict within the OSCE region. And that's why I'm particularly pleased that our three witnesses could be with us today. They are truly experts in the area that we examine today.

The witnesses' full bios are available outside the hearing room but, briefly, Ambassador Tagliavini led the European Union's in-

vestigation into the causes of the Russia-Georgia conflict in 2008 and prepared an excellent report which we have found to be extremely helpful. Ambassador Semneby is presently the E.U. Special Representative on the South Caucasus and has served as OSCE Head of Mission in Croatia. Ambassador Jessen-Petersen is a distinguished international diplomat with extensive experience in the Balkans. So we really do have with us today three individuals who can, I hope, help us understand the current status within the OSCE on this issue.

I do want to note that we did invite the OSCE High Commissioner on National Minorities to participate in this hearing and, while that was not possible, I did have the opportunity to meet with the High Commissioner when he visited Washington in March. Among other issues, we discussed the "Recommendations on National Minorities in Inter-State Relations," prepared under the auspices of the High Commissioner. These 19 guidelines provided greater clarity on how states can pursue their interests with regards to minorities without jeopardizing peace and good neighborly relations. They constitute yet another outstanding contribution of the High Commissioner's Office to the work of the OSCE and should serve as a foundation for the OSCE's efforts in this area.

Ethnic conflicts continue to break out within the OSCE region at great cost to the affected countries and populations. In this connection, we are closely watching developments in Kyrgyzstan, where amidst the turmoil and ouster of a government in the last few weeks, land grabs and following attacks were directed against Russians, Kazakhs, and other minorities.

Ethnic conflicts, combined with territorial disputes, have erupted in the Caucasus as well, causing many thousands of casualties with hundreds of thousands of civilians remaining displaced and unable to return to their homes. As a result, security within the region is seriously undermined, while economic development is stymied by the insecurity and unsettled legal issues, particularly where the conflicts are interstate in character.

The Crimea region of the Ukraine still bears the wounds of the 1944 mass deportation of thousands of Crimean Tatars and other ethnic minorities in Ukraine by Joseph Stalin. The Government of Ukraine and the affected population in Crimea continue to be challenged with finding mutually acceptable settlements on property rights, as well as the exercise of educational and language rights of the Ukrainians, Russians, Tatars, and other minorities in the region.

This July, we will commemorate the genocide which occurred at Srebrenica in Bosnia 15 years ago, the senseless slaughter of 8,000 Bosniak men and boys trapped by Serb militants in what the U.N. declared safe haven. This horrific event should be kept in mind as we proceed with today's hearing.

Srebrenica demonstrates, in our own time, the degree to which even relatively small ethnic differences can generate fears and prejudices that, in turn, can lead dangerously to hatred, violence and aggression, quite literally against innocent neighbors. Perhaps the most important lesson of Srebrenica, however, is that it made evi-

dent the folly of blaming ethnic differences themselves for the crime.

There was absolutely nothing inevitable about Srebrenica and the ethnic cleansing that occurred in Bosnia. It was orchestrated by individuals, not history, and was therefore preventable—had there been the political will to act.

While we insist, and do, on bringing those responsible like Ratko Mladic to justice, we must also acknowledge our own burden of having failed to intervene to stop him and his murderous minions. If we do not learn from this mistake, human rights violations, ethnic conflicts, and possibly even genocide will continue to occur. These are only some of the very good reasons for conducting today's hearing.

With that, we are going to turn to our witnesses and I look forward to a discussion. I can assure our witnesses that your entire statements will be made part of the record of the Commission and you may proceed as you would like. We'll start out with Ambassador Tagliavini.

**HEIDI TAGLIAVINI, HEAD OF THE EUROPEAN UNION
INVESTIGATION OF THE 2008 RUSSIA-GEORGIA CONFLICT**

Amb. TAGLIAVINI. Thank you, Mr. Chairman. Mr. Chairman, members of the Helsinki Commission, ladies and gentlemen, let me take this opportunity to express my gratitude for having been invited to address this eminent body on a topic which, contrary to many expectations, continues to be of top actuality whenever we talk about security and the current challenges to peace and stability in Europe.

I am honored to have this opportunity today to share with you some concentrations and findings which emanate from the report on the conflict in Georgia in August 2008. As you well know, the report which I will introduce today has been submitted to the Council of the European Union more than half a year ago. On the same occasion, the report has also been handed over to the parties to the conflict—the Georgia and the Russian Federations—to the OSCE and the U.N., as stipulated in the mission's mandate. The report has also been given to the conflicting parties, South Ossetia and Abkhazia. For a number of reasons, not the least to avoid misquotations and misinterpretation, the report has been made publicly available on the Internet immediately after its release.

The report has found wide international attention. The reaction in the press and in the public have almost always been positive or factual and neutral. The conflicting parties reacted in the overwhelming majority in a moderate way although we unfortunately could observe some rather selective reading. I mean, each party presenting those parts of the report which were to their liking.

Allow me to briefly record the origin and mandate of the report: By its decision of 2 December 2008, the E.U. Council commissioned an independent international fact-finding mission to investigate the August 2008 conflict in Georgia. The council appointed me as the head of the fact-finding mission, leaving to me all decisions as to its working methods and proceedings. The mandate's terms of reference request the commission to investigate the origins and the causes of the conflict of August 2008 in Georgia.

So the mandate was a threefold mandate: investigate the origins and the causes and the course of the August 2008 conflict in Georgia, including with regard to international law, including the Helsinki Final Act with regard to humanitarian law and human rights, and the accusations made in that context, including allegations of war crimes.

The geographical scope and the time span was to be sufficiently broad to determine all possible causes of the conflict—a very extensive task, for which the mission was assigned a relative timeframe of just about 9 months.

The report contains over 1,000 pages. This seems to be fairly voluminous. However, the main results of the report are summarized on some 25 pages at its very beginning under the heading of “The Conflict in Georgia in August 2008.” This summary includes the main events that occurred and their underlying reasons in terms of their political, historical, military, and legal relevance—and the latter both in the context of international law and international humanitarian law as well as human rights law. They include the most substantial elements, facts and findings of the report, followed by a dozen of the most important observations—sort of lessons learned—which have emerged in the course of the work.

Preceding this summary, there is also a short introduction explaining the context, the methods, and the purpose of the mission’s work. The summary is followed by an acknowledgment of the efforts of all those who contributed to the mission’s work. These chapters together with a few additional pages of a more technical context, such as maps and a list of the mission’s visit and meetings, represent most of volume one of the report, then followed by two additional volumes—two and three.

Volume two includes about 450 pages of expert opinions and analysis which were among the most important, but not the only foundations for the report’s facts and conclusions. These 450 pages contain all the relevant information which in one way or another has to do with the conflict in Georgia.

Volume three with around 650 pages contains mainly the unabridged and unaltered statements and answers to the mission’s questions as received from the different sides to the conflict and other sources. Hence, the total report comprises around 1,150 pages divided into three volumes, as just explained.

Let me point out some further elements related to the mission’s work and its report. First, among these is the political context. It needs to be recalled that the European Union played an important role in stopping the fighting in Georgia in August 2008, and in negotiating the agreements necessary for a cease-fire. This was largely due to the persistent efforts of the then-French E.U. presidency led by President Sarkozy.

Even now, the European Union continues to be actively engaged in stabilizing efforts such as the E.U. monitoring mission and in the Geneva talks. We understand that our mission was also part of this overall European Union policy which aims at securing a peaceful and lasting solution to the conflict in Georgia.

Another important point I would like to stress that our fact-finding mission was the first fact-finding mission of its kind in the history of the European Union. Our aim was to prepare a fair and

nonpartisan presentation of the events and an equally balanced evaluation in terms of international and humanitarian role.

Our hope was that the report will make a valid contribution to a negotiated solution of the conflict. Yet, it's not enough to approach this conflict in terms of its political, legal, and military aspects. It's even more so a matter of minds.

Those who were involved in the conflict are usually focusing only on their own truths. They were hardly ever sufficiently prepared to look at the truth of the others. It must be understood, however, that no solution to the conflict is possible unless it comes from the principals themselves and unless it reflects not only their own perceptions, but those of the other side as well. The report wishes to encourage this process of reorientation.

In this context, it needs to be underlined that the fact-finding mission was not leading an investigation relevant to judicial proceedings of any sort. It was a strictly fact-finding mission. In keeping with the mandate conferred by the E.U. Council, this report should not be seen as a tribunal and it was not preparing any legal action in favor or against any side or anyone.

The mission's task was to establish to the best of its knowledge, the facts and their relevance under international and humanitarian law. There is hardly any chance for a future peace without the facts being presented in a sober and impartial manner. This was the main purpose of the report.

Indeed, the objective, unbiased, and nonpartisan approach has been one of the most basic and most important guidelines of the mission's work. The impact of the mission's report and, with it, the contribution it can make toward peace and stability largely depends on its acceptance by the sides to the conflict. And this, again, is contingent upon the report's fairness. This is what the mission has tried to achieve.

If there is any basic message of the report apart from drawing attention to the human dimension of the conflict and all the tragedy of the events, then it is in the form of a renewed call upon all conflicting sides to comply with the basic rules of international law, such as the respect of sovereignty and territorial integrity, and the nonuse of force or the threat of force, as these principles are enshrined in the charter of the United Nations.

At the same level, there is a similar need for uncompromising observance of the guidelines for international interaction and behavior which is linked in a European context to the OSCE and its landmark documents, beginning with the Helsinki Final Act of 1975 through to the Charter for the European Security, as well as all of the relevant documents of the Council of Europe and, of course, the U.N. Charter. All of these have suffered as a result of the August 2008 fighting in Georgia, and all sides to the conflict must do their utmost to give these political and legal instruments their rightful places of decisiveness in international relations again.

At the same time, it derives from these observations that this conflict has not only a local or regional relevance, but that it has a direct bearing on the security architecture of Europe. While fairness and nonpartisan and even-handed approach are the pivots of the mission's working methods, a similar effort has been made to

provide clear-cut answers when it comes to the results of the mission's work.

Let me start with the answer to the question which in the past has been asked most frequently. In the mission's view, it was Georgia which triggered off the war when it attacked Tskhinvali with heavy artillery on the night of 7–8 August 2008.

None of the explanations given by the Georgian authorities in order to provide some form of legal justification for the attack lended [sic] to valid explanation. In particular, to the best of our knowledge, there was no massive Russian military invasion on the way which had to be stopped by Georgian military forces shelling Tskhinvali.

This said, it needs to be stressed that the Georgian attack against Tskhinvali on 7–8 August 2008, was by no means an isolated event. It was but the culminating point of months and years of mounting tension, of armed incidents and a steadily deteriorating situation. All sides to the conflict bear responsibility for these ever-more-serious developments. Indeed, the conflict has deep roots in the history of the region, in people's national traditions and aspirations as well as in age-old perceptions, or rather misperceptions, of each other which were never mended and sometimes exploited.

The report on the conflict in Georgia has shown that any explanation of the origins of the conflict cannot focus solely on the artillery attack on Tskhinvali in the night of 7–8 August and on what then developed into a Georgian offensive against South Ossetia and the ensuing Russian military response. Such an evaluation needs always to take into account the run-up to the open hostilities during the years before and the mounting tension in the months and weeks immediately preceding the outbreak of hostilities.

It must also, as stressed earlier, take into consideration years of provocations, mutual accusations, military and political threats, and acts of violence both inside and outside the conflict zones. It has to consider, too, the impact of a great power's politics and diplomacy against a small and insubordinate neighbor, together with the small neighbor's penchant for acting in the heat of the moment without careful consideration of the final outcome; not to mention its fear that it might permanently lose an important part of its territory through what it used to call a creeping annexation.

While the onus of having actually triggered the war lies with the Georgian side, the Russian side, too, carries the blame for a substantial number of violations of international law. These include—even prior to the armed conflict—the mass conferral of Russian citizenship to a majority of the population living in South Ossetia and Abkhazia. It also includes, in terms of an additional violation of international law, the military action by the Russian armed forces on Georgian territory far beyond the needs of a proportionate defense of Russian peacekeepers in Tskhinvali who had come under Georgian attack.

In addition, the Russian recognition of both South Ossetia and Abkhazia as independent states must be considered as being not valid in the context of international law and as a violation of Georgia's territorial integrity and sovereignty.

As far as the contentious issues under international humanitarian law and human rights law are concerned, it is among the main conclusions of the fact-finding mission that Russian and Ossetian allegations claiming that Georgia was carrying out a genocide against the South Ossetian population are not substantiated.

On the other side, there are serious indications that ethnic cleansing did take place in many instances against ethnic Georgians and their religious settlements in South Ossetia as well as other violations of international humanitarian law which have been attributed to all sides.

Furthermore, there are serious question marks behind the attitude of the Russian armed forces who would not or could not stop atrocities committed by armed groups or even individual fighting on the South Ossetian side against the civilian population in those territories which were controlled by the Russian armed forces.

In our report, we noted with regret an erosion of the respect of established principles of international law such as territorial integrity, and at the same time, an increased willingness on all sides to accept the use of force as a means to reach one's political goals, and to act unilaterally instead of seeking a negotiated solution, as difficult and cumbersome as such a negotiation might be.

And finally, we have seen the long trail of human suffering and misery in the wake of armed action.

As our mission was created as a fact-finding mission and not as a political consultative body, the mission has abstained from laying out a political roadmap on how to handle and possibly to resolve the still-ongoing conflict.

While describing the events and their causes, the mission has noted, however, a number of elements which contributed to the steady escalation of tension and, finally, to the armed conflict of August 2008. The mission has tried to identify these elements in the report's chapter on observations, and it has added brief suggestions to each of them.

No. 1, first and foremost, I would recommend abstaining from assigning an overall responsibility for what has happened in Georgia in 2008. The conflicts in South Ossetia and Abkhazia are rooted in a profusion of causes comprising different layers in time and actions combined. While it is possible to identify the authorship of some important events and decisions marking its course, there is no way to assign an overall responsibility for the conflict to one side alone. All parties to the conflict have failed, and it should be their responsibility to make good for it.

Second, in the 2008 conflict in Georgia, preventive diplomacy and international conflict management was not successful, partly because of what I would call a gradual erosion of previously negotiated and agreed common parameters as well as an increasing disrespect of international commitment. In order to keep peace or even just the effectiveness of a cease-fire agreement, we don't need any new agreements or treaties apart from those existing already.

Another important point are the existing provisions when it comes to the supply of arms and military equipment as well as military training in a conflict region. Even when done within the limits established by international law or by commitments of a

nonbinding nature such as the relevant OSCE and U.N. principles of the [inaudible] arrangements, military support should stay within the limits set by common sense and due diligence. Upmost care should be taken by providers of military aid to refrain from giving their support even unintentionally to any actions or developments detrimental to the stability in the region.

Another point is the virtually passive and non-innovative approach to the peace processes adopted by the international community present in the area. I mean the OSCE in South Ossetia, and the U.N. in Abkhazia. They did not help to bring about a peaceful settlement of the conflict. When, in early spring 2008, the international community eventually realized the seriousness of the situation and deployed intense, high-diplomacy with U.S. State Secretary Condoleezza Rice, E.U. High Representative Javier Solana, and German Foreign Minister Frank-Walter Steinmeier presenting one diplomatic initiative after the other, it was too late and not enough to prevent the forthcoming crisis.

The international context in which the August 2008 events were unfolding was, without any doubt, complicated by decisions on Kosovo's independence and its international recognition. Together with the Bucharest NATO summit of April 2008, with its promise of Georgia's future NATO membership, these events complicated the international context in which the events were unfolding.

The decision by the Russian Federation to withdraw the 1996 CIS restrictions on Abkhazia and to authorize direct relations with the Abkhaz and the South Ossetian sides in a number of fields in spring 2008 added another dimension to an already-complex situation in the area. This added to the lack of timely and sufficiently determined action by the international community; and as already mentioned, to some degree, the non-innovative approach to the peace process in Abkhazia and South Ossetia adopted by the international organizations contributed to the unfolding of the crisis.

There is another important and a favorite topic of mine which I have experienced in many years of work in conflict zones. It concerns the arrangements made to end an open conflict. It is my deep belief that any cease-fire agreement as unsatisfactory as it may be for all sides is still better than a war or open hostilities.

However, it needs also to be said that all cease-fire arrangements sooner or later are worn out or overtaken by events. As in the case of the U.N. in Abkhazia or the OSCE in South Ossetia, mandates become inadequate or even instrumental in cementing uncompromising positions. What may have been an effective tool for ending the hostilities in, in our case, the conflict in the early '90s, may turn out to be obsolete 15 years later and even lead directly to open hostilities.

Finally, it must be noted that there are no winners in this conflict. Everyone has lost, if not in terms of life and property alone, at least in the fields of hopes and prospects for the future. This is true not only of the relations between Tbilisi on one side and Sukhumi and Tskhinvali on the other side where the August 2008 conflict has not settled any of the contentious issues.

The situation in the conflict region continues to remain tense. Relations between Georgia and Russia have come to an all-time low. And the international community is among the losers, too.

The political culture of cooperativeness that have developed in Europe since the 1970s on the basis of already-mentioned landmark documents of the CSCE and the OSCE has suffered. The threats and use of force have now returned to European politics. Established principles of international law such as the respect for sovereignty and territorial integrity of states were ignored. Violations of international humanitarian and human rights law such as ethnic cleansing have resurfaced as elements of political reality. And last but not least, the relations between the Western powers and Russia have suffered.

The international community as well as other regional or non-regional actors involved in the conflict should make every conceivable effort not only to bring the sides to the negotiating table but also to address the urgent political question on how to overcome the gap that was created by the conflict in Georgia in August 2008. The successful outcome of such negotiations should also do much to mend the relations between Western powers and Russia.

There is little hope, however—and here I’m quoting the conclusion of our report: “There is little hope, however, for a peaceful future in the conflict region unless the two main contenders, Russia and Georgia, make bilateral efforts themselves to solve their disputes. This needs to be done now.”

It is our sincere hope that the report may contribute to a better understanding and, most importantly, to a sober assessment of the situation by the conflicting sides and, through that, to be instrumental in creating peace and stability in the conflict region and beyond. I thank you for your attention.

Mr. CARDIN. Ambassador Tagliavini, first of all, thank you very much for that detailed explanation of the Russian-Georgia issues. I don’t think anyone has as much experience on this than you do, so we very much appreciate the personal presentation.

Ambassador Semneby?

**PETER SEMNEBY, SPECIAL REPRESENTATIVE FOR THE
SOUTH CAUCASUS, EUROPEAN UNION**

Amb. SEMNEBY. Thank you very much, Mr. Chairman. Ladies and gentlemen, I very much appreciate this opportunity to testify before the U.S. Helsinki Commission on this very timely topic.

I would like to start where my colleague Ambassador Tagliavini finished. And that is with the Russian-Georgian war. There was undoubtedly a war between two states, but where the foundations—the deeper foundations—lay in the fraught inter-ethnic relations between Georgians on the one hand and Abkhaz and South Ossetians on the other hand, which was a result of the wars of the 1990s. These inter-ethnic conflicts gradually became hijacked as part of a larger inter-state conflict, and I would even say, to some extent, a geostrategic conflict.

The European Union, as Ambassador Tagliavini mentioned, responded to this challenge in August 2008 by brokering the ceasefire between Russia and Georgia by deploying a monitoring mission, launching talks between the parties, hosting a donor’s conference and then sponsoring the independent commission that Ambassador Tagliavini led.

The European Union also responded at the more strategic level by launching the so-called Eastern Partnership in the spring of 2009. The purpose of this initiative, which covers not only the three countries in the South Caucasus but also Belarus, Moldova, and Ukraine, is to promote a prosperous and stable neighborhood to be able to better respond to specific concerns and aspirations of the Eastern neighbors through E.U. approximation, stronger political relationships, free trade, liberalization of travel and so on. And also as part of this relationship, promoting rule of law, human rights, good governance, which includes also minority rights that are the topic of our hearing today.

The war demonstrated that the status quo that we had seen emerge in the Caucasus was a dangerous one. A status quo can always delude policymakers outside a region like this, especially if it's a far-away region, to conclude that all is fine and attention can be paid elsewhere. If there was any lesson of the Russian-Georgia war, though, it was that frozen does not mean safe.

I would also mention another factor here and that is the closed borders of the South Caucasus that we have seen as a consequence of this status quo. There are obviously consequences of the conflict, but they are increasingly also becoming sources of conflict, as many of them have now been closed for more than a decade. People on each side of these borders are, at best, growing up in ignorance about each other, but at worst, with reinforced enemy images.

The new generation on each side of these borders, or, administrative boundaries, as they sometimes may be as well, will not only be divided by ethnicity, but also by a lack of knowledge about each other and often not even sharing a common language anymore.

I believe that the European Union and other partners of the countries in the region have a huge role to play in contributing to a culture of dialogue in the region, promoting regional cooperation and development opportunities across these borders and boundaries.

Let me mention a few words on each one of the conflicts that we are facing in the region. I would start briefly with the Turkey-Armenia conflict. The E.U. as well as the United States and Switzerland as well—in particular, Switzerland, I would mention as the mediator in this longstanding conflict—have focused a good deal of political and diplomatic attention on the rapprochement between Turkey and Armenia.

This is a conflict that has a long and difficult history. It is obviously much more than an inter-state conflict. It has strong historical roots going back to the very tragic history of the late Ottoman Empire. As I said, it is more than an inter-state conflict, but it also doesn't fall in the classical kin-state pattern. But as anybody here in Congress is aware, it very much involves the large Armenian diaspora residing both in the United States and in the European Union and elsewhere.

We find ourselves now at a critical moment in the efforts to normalize relations between the two states and open the common border. The protocols that were signed in October 2009 have been submitted to the Turkish and Armenian Parliaments, but have yet to be ratified. Both sides, given the charged background, history, apprehensions, will have to take courageous steps which will be, in-

deed, controversial among parts of their respective constituencies in order to move toward the ratification and the implementation of the protocol.

From the beginning here, the reaction of Azerbaijan was predictably negative, with many in Azerbaijan regarding this even as a step of betrayal by their brethren and ethnic kin in Turkey. The E.U. has made it clear that this process is not—we believe this process is not against the interests of Azerbaijan and that ultimately the stability of the region, with open borders, will be to the benefit of all, including Azerbaijan. It's important together with our partners including the United States that we continue to work with Azerbaijan to reassure the leadership of our continued commitment to Azerbaijan—to dialogue with Azerbaijan and our commitment to Azerbaijan as a strategically important partner.

On a positive note on the protocols, I would say that even in this difficult situation we're facing now, they may already have contributed positively to improved relations between Turks and Armenians. Although the border does remain closed, we have observed a dismantling of what I would call mental barriers, including an increasing number of visits in both directions by civil society representatives, journalists, together with an intensified exchange of ideas and opinions, something that makes me cautiously positive as to the future.

On Nagorno-Karabakh, this conflict is perhaps the most fraught in terms of inter-ethnic antagonism in the region. The war in the early 1990s was an exceptionally bloody one that left deep and painful wounds with many dead and hundreds of thousands driven from their homes. This conflict is also a classical example of the difficulty of reconciling the principles of the Helsinki Final Act with each other—in particular, territorial integrity with the right of self-determination.

The E.U. does not have a direct role in the peace talks under the OSCE Minsk Group, but the increasing engagement of the European Union bilaterally with the countries in the region and collectively also with the E.U.'s eastern partners suggests that the E.U. could indeed play a larger and more assertive role. I believe that we can make important practical and political contributions in support of the resolution of the conflict and in support of the efforts of the Minsk Group.

There's a particular need here to work with the populations of the two countries, and this includes also Nagorno-Karabakh. There is a disconnect today between the highest levels—those conducting the negotiations—and the wider populations, which are still very much entrenched in their positions, relying on old stereotypes of the enemy. Without the shift in perspectives in these societies, it will be very difficult for the respective leaders to sell an eventual peace to their respective electorates. And the more time passes, the more difficult this will become.

As to the Georgia conflict, this needs to be analyzed, as I mentioned, at two levels: the inter-state conflict between Georgia and Russia and the inter-ethnic and inter-communal conflict between the Georgians and the Abkhaz. I will not go into any detail here. I believe you have received as good a presentation as one can get from Ambassador Tagliavini.

But I would just like to recall that Russia's recognition of Abkhazia and South Ossetia as independent states and the continued presence of significant Russian forces in Abkhazia and South Ossetia in areas where such forces were not present to August 2008, and which remain there in violation of the six-point ceasefire agreement, that all of this means that the prospect of normalization in the near and medium term between Russia and Georgia is unlikely.

I would also recall that the recognition by Russia of the independence of Abkhazia and South Ossetia followed upon a long history of increasing tensions, as has been described, including the controversial granting of citizenship to the populations of these—Russian citizenship to the populations of these regions.

There have, at the same time, been some positive steps between Russia and Georgia, notably the opening of a border crossing point in March of this year. This is now the only legal crossing point between the two countries, since other roads and the now-defunct rail link all run through either Abkhazia or South Ossetia. The opening of this border could have positive implications, not only for the Russian-Georgian relationship, but also regionally, beyond Georgia's borders, notably for Armenia.

As for the inter-community conflict, this conflict naturally was in the background—has been in the background since the Russian-Georgian war. But it needs to be recalled that, from the point of view of the population of the breakaway regions, there are serious concerns regarding, in particular, security in the broadest sense, including for language and culture. From the point of view of the Georgian side, the main issue is the right of return of the displaced Georgian population, and in particular, after the war, also the rights of the remaining Georgian population in the conflict regions, including their freedom of movement across the administrative boundary lines.

At the end of last year, the European Union adopted a policy vis-a-vis Georgia's breakaway regions based on two principles of non-recognition and engagement. And indeed, we consider these two principles to be indispensable parts of one integral policy. While it's imperative to remain unequivocally committed to the [inaudible] principle—the respect for Georgian integrity—it's also essential to be flexible and pragmatic in practice, for example by promoting contacts with the population of the breakaway regions.

It's only through engagement and establishing a footprint in the breakaway regions that the European Union can provide an alternative perspective for Abkhazia—could provide a perspective for the populations in Abkhazia and South Ossetia that is similar to the vision shared by the Georgians, and how the European Union in this way, also, can ensure that its soft power can function. All of this also requires that Georgia reaches out, and we are working closely with the Georgian Government in order to encourage such an approach, including through support for a state strategy—the implementation of a state strategy that was adopted to this effect some time ago.

I spent 3 years—more than 3 years also in the Balkans, as you mentioned, Mr. Chairman, in the beginning. And in conclusion, this leads me to make some reflections on parallels between the South

Caucasus and the Balkans. The conflicts in these two areas were both caused by the collapse of multiethnic super-states with a dominating metropolis.

Both the Soviet Union and the old Yugoslavia acknowledged and even supported ethnic identities as a kind of safety valve, but at the same time, they tried to keep the ethnic groups in check by carefully balancing their interests and suppressing any expression of ethnic interests that threaten the legitimacy of the super-state. In both cases, there were also attempts to artificially develop a common, non-ethnic and fairly ideological identity on the top of and as an eventual alternative to the ethnic identities—that is, the Soviet and Yugoslav identities.

These strategies ultimately imploded, and both in the Soviet Union and in the former Yugoslavia, the inter-ethnic conflicts were then hijacked as part of interstate conflicts between the countries that emerged—conflicts that were more about dividing up resources, revising maps and projecting power than anything else. Most of the conflicts in the Balkans were put to rest fairly rapidly because this region was located in the heart of Europe and was the subject of intensive attention from the European Union, NATO, United States and others.

The European accession agenda that was launched at the European Union summit at Thessaloniki in 2003 gave the countries in this region a vision to strive for, while it also underlined the attention of the European Union and its member states to this region and its problems, including the inter-ethnic conflicts. It paved the way for the re-establishment of economic relations and trade, cooperation on war crimes and symbolic acts of reconciliation.

The countries of the South Caucasus do not have a membership perspective, but it's also important to notice that the Eastern Partnership does not exclude the possibility of a membership perspective at some future—at some time in the future. The—I have focused this presentation on conflict management, but both regions contain further conflict potential, which makes prevention an indispensable priority, alongside the handling of the existing protracted conflicts.

There are many potential hotspots in the South Caucasus, in particular, that I'm dealing with at the moment—the Azerian and Armenian minorities in Georgia, where unemployment and social problems could acquire an ethnic conflict dimension if not handled correctly; some areas of Azerbaijan, where religious revival, both Sunni and Shiite, is creating concerns; the dangerous spillover from the increasingly precarious situation in the economically depressed and ethnically diverse Russian North Caucasus.

Many European Union programs are geared toward regional development in depressed minority areas, and we're also working on legislation, institution-building, education and other rights issues, together with the OSCE, including the High Commissioner on National Minorities and the Council of Europe. So in the longer run, how can we overcome these inter-ethnic divisions and avoid that they become instruments, again, in larger conflicts?

I would highlight two concepts here: shared identity and common interests. Ethnicity is very much about identity, and one of the visions closest at hand would therefore be to try to adjust the identi-

ties that have pitched people in these two regions against each other. As the Soviet Union and Yugoslavia waned, the superficial Soviet and Yugoslav identities rapidly disappeared, but only to be replaced by narrow and exclusive national, and I would even say nationalist, identities in the successor states.

Only with the gradually increasing role of the European Union has the prospect of a new, larger identity emerged that could ultimately contribute to a common purpose and become a compliment to the national identities, softening them and adding a layer to them, but without replacing them. We've already seen this in the Balkans, and I'm confident that this transformation will also take place, ultimately, in the South Caucasus, as long as the European Union has the will to deliver relevant benefits to the countries and engage with the conflict regions.

The other concept here would be to nurture common interests between the countries and areas populated by different ethnicities. This requires, first and foremost, open borders, not least since both the Balkans and the South Caucasus are located right on strategic communications roads for goods, energy and peoples. All the South Caucasus conflicts, in fact—Abkhazia, South Ossetia and Nagorno-Karabakh—are almost literally roadblocks sitting on and preventing traffic on important strategic communications routes.

With a renewed paradigm for the South Caucasus of—and I would say this paradigm would be a region of intersecting, strategic communications routes—it may be possible for the states in the region to focus on the benefits of cooperation as an alternative to the continuing practice of instrumentalizing differences among the inter-ethnic and holding these hostages to wider conflicts.

This paradigm would be similar to the rationale behind the functional integration that led to the decision, 50 years ago, to pool Europe's strategic resources to prevent further conflict—a momentous decision that soon led to the emergence of the European Communities, and later, to the European Union. Thank you very much for your attention.

Mr. CARDIN. Thank you, Mr. Ambassador. I particularly appreciated your observations on prevention. Once the conflicts become frozen or active, it's very difficult to deal with the displacements and all the problems that come with it. So thank you very much for that. We'll now turn to Mr. Jessen-Petersen.

**SOREN JESSEN-PETERSEN, FORMER SPECIAL
REPRESENTATIVE FOR KOSOVO, UNITED NATIONS**

Mr. JESSEN-PETERSEN. Thank you, Mr. Chairman, and thank you very much for convening this meeting. This is my third opportunity to appear before this Commission. I did it in 1996, when I was a Special Envoy of the U.N. High Commission for Refugees in what was then called the former Yugoslavia; then again in 2005, when I was the Special Representative of the U.N. Secretary-General and Administrator of Kosovo.

And now, I'm delighted to be back. I know the role that this Commission has been playing, is playing in its constant focus on not-the-least, the human dimensions of conflicts, which, over the last 7 or 8 years, we have tended, very often, to ignore or forget in our pursuit of what we call state security.

There were seven conflicts in the Western Balkans from 1991—excuse me—to 2001. They had, as their objective, the forcible displacement of other groups, be they political, ethnic, social, religious, or a community, or what we also call the ethnic cleansing of other groups. When the first of these conflicts erupted in 1991, there was the by-now-infamous statement by the Luxembourg Foreign Minister, then-chair of the E.U., that the hour of Europe is now. We know today that, that hour never came.

We know that, unfortunately, Europe failed to prevent and stop the conflicts that was done thanks to an initial hesitant involvement on the part of the United States, and then NATO leadership, also. And the role of the E.U. during the conflict was mainly relegated to humanitarian assistance, which, at the time, as a senior official in UNHCR, I, of course, appreciated, although, as many, were concerned that the humanitarian efforts during the war became a substitute for decisive political action.

Now, in the post-conflict rebuilding, Europe has, as it should indeed, taken the lead, and working very closely with the not only European Union and European Commission, but with the OSCE and the U.N. have played prominent roles in reverting the goals of what those seven conflicts were all about. That means focusing on rebuilding the physical and human scars of the destruction during the war, working on reverting the displacement by helping refugees displaced to return, or to relocate elsewhere, and then third, working on trying to heal the divisions through coexistence, reconciliation and judicial measures.

We have come a long way, over the last 10 years. I have always been convinced that the best way to address inter-ethnic tensions in that region has been by addressing the past through a forward-looking strategy by locking all the countries of the western Balkans into a future, larger Europe. As Ambassador Semneby just mentioned, that policy was confirmed at the summit of the European Union in Thessaloniki, Greece, in 2003, when the E.U. confirmed the European perspective of countries of the Western Balkans.

That means, in normal language, confirming that they will all 1 day be members of the European Union. Since then, Slovenia moved in, as we know, in 2004. Croatia is now in the final stages of its accession process. Macedonia has embarked on this process, but is being delayed by the continued dispute with Greece over the name issue. And the other countries in the region—Albania, Bosnia, Kosovo, Montenegro, and Serbia—are in various stages—rather early stages—of the accession process. But there must be no doubt, there is no doubt, that they will all 1 day be members of the European Union.

There are three major, outstanding issues in the way of progress. The first is the continued constitutional mess in Bosnia-Herzegovina that hampers progress and still leaves worrying questions of whether the forces of integration or the forces of separation in that country will prevail.

The second outstanding issue is Serbia's continued objections to the independence of Kosovo—an independence which is a reality, recognized, now, by 67 of the U.N. member states, but still not recognized by five member states of the European Union. Serbia, of course has a right to object to the independence of Kosovo, but in

my view, the European Union should not move forward with Serbia's progress into the European Union as long as there is this unresolved bilateral issue between Serbia and Kosovo, because that would risk E.U. unity, Western Balkan states' cooperation.

And as we have seen already, having made the mistake in the past inviting in countries involved in bilateral conflicts—for example, Cyprus, or the name issue over Macedonia and, until recently, also a bilateral issue between Slovenia and Croatia—these are all detrimental to the main focus on integrating the countries of Europe into E.U. And it delays the accession process. So E.U., I hope, would not make that mistake again.

Third, the third, last, I believe major outstanding issue is based on a very positive development. Over the last couple of years, E.U. has finally moved to liberalize visa procedures, allowing citizens from the countries of the Western Balkans to travel freely also into and around Europe. That is important because they need to see and learn and take back exactly what an E.U. perspective means. So it's a very welcome development.

Unfortunately, the citizens of Bosnia and Kosovo are still not benefiting from the visa liberalization. Those two countries are not considered ready. One could say that is quite strange, in view of the fact that we have a very heavy European Union involvement exactly in those two countries. And it is a pity, because leaving two countries behind in the very welcome liberalization of the visas does, to a certain extent, defeat the purpose, because if there are gaps in the areas of the freedom of movement, we will still fail in bringing states of the region together, and also together with the E.U.

And I hope that the leaving out of Bosnia and Kosovo will be rectified in the very early future. Let me just, then, sum up by addressing the need to mitigate those ethnic tensions that still remain. But I want to underline, I think we have come a considerable way in addressing those tensions. And also, I would like to agree with you, Mr. Chairman, in your opening remarks, that those ethnic tensions have mostly been those fed by the political leadership and not really cultivated by the citizens of the region.

The first point that we need to continue paying very important attention to is the need for accountability for the crimes committed during the war. We have to continue doing it through the International Criminal Tribunal on Former Yugoslavia and through local judicial institutions. We know that a lot of work has been done very good; unfortunately, on three of the principal actors responsible for the crimes, we never got the sentencing of President Milosevic, Ratko Mladic, as you said, Mr. Chairman, is still at large, and the process of Mr. Karadzic is just underway. I think to complete that process, to send a clear message, it is very important that the work continues.

Second, in order to address still-remaining interethnic tensions, we need to focus much more on economic opportunities and jobs on the ground. We need to do that to move the people from an understandable focus that they still have on the past and, as Ambassador Semneby mentioned, to bring them together around common economic interest—not just shared identity, but shared, common interests in building the future. Too little attention has been paid

to the importance of economic development in interethnic reconciliation and coexistence.

The third point is, we need to continue promoting and consolidating all the key aspects of a modern democracy. That is the good governance, the rule of law, freedom of expression, freedom of media, continue in combating organized crime and corruption, respect for minorities, respect for human rights. These are all, or mostly all, the things that OSCE has been focusing on from the period during the conflicts.

And I have personally worked very closely with OSCE, both in Bosnia and as Administrator of Kosovo, and seen the work on the ground. This is why the role of the OSCE in mitigating and addressing these still-remaining tensions are absolutely crucial, not only in consolidating the still-fractured peace in certain areas, but turning that fragile peace into sustainable peace and prosperity in the region.

I believe we are moving in the right direction. There are still a few concerns there, but if we continue maintaining our focus and our attention on the region, working and locking all these formerly conflicting states into Europe, I believe that we may not have to need this again 5 years from now, and I may not need to be invited back, although, once again, I enjoy being here. Thank you, Mr. Chairman.

Mr. CARDIN. Well, thank you. I can assure you we will invite you back to celebrate all of the problems being solved. So you're—you'll get an invitation, in either case. We hope it's one to report progress. Let me tell you just how, I think, helpful all of your testimonies have been to the work of our Commission, and to the work of OSCE. I must tell you, I don't see a conflict between principle four, dealing with territorial integrity and the principle that deals with self-determination. To me, they're very compatible.

And I think the point made about the shared purpose and the shared identity is critically important. Georgia, in territorial integrity, should be maintained. But it's the responsibility of government leaders to instill a shared identity and pride in the country. I would add another point to that. To me, there's also a responsibility to protect the human rights and the ability to protect your ethnic identity within the state. And that has not been as strong as it needs to be.

We saw that not just in what happened between Russia and Georgia, but also in Bosnia. And it continues to this day. I mean, there's a real risk, in Bosnia, as to whether the state will succeed in its integration into Europe. And to me, the key is going to be whether there is this pride and a shared identity and a shared purpose, understanding the ethnic differences of the population, which is, to me, part of the richness of Bosnia, part of the richness of the United States.

So I think these are struggles that we're going to have to continue to figure out how to deal with. I want to talk about, I guess, one political side to OSCE, and then one substantive question on a policy that seems to be moving forward. Russia is obviously a critical player in many of these issues. Russia has been pretty open about its concern that OSCE seems to concentrate more on the Eastern Europe, east of Vienna, on the countries of the former So-

viet Union, than it does on the other members states of OSCE. That's certainly been its concern on election monitoring, on human rights issues.

But yet, most of the ethnic conflicts are taking place in countries of the former Soviet Union. So it would seem to me that Russia, which has a lot of minorities in these populations, has to be very interested in this issue. Does this present an opportunity, using the OSCE framework, to get Russia more engaged in dealing with the protection of minorities, or not? Or do they just see it as the conflict with Georgia, and therefore, can't get beyond that? That's the political question; I'll get on to substantive ones. Who wants to take a shot at that—the politics of Russia? You volunteered. [Laughter.] Ambassador Semneby?

Amb. SEMNEBY. Senator, I thank you very much. Well, as I mentioned in my testimony, unfortunately, the ethnic conflicts have been hijacked as part of other conflicts, including interstate conflicts. And I think we need to address the conflicts at all levels at the same time.

I think it's only natural—and I hope that this is a message, also, that will be—that is understood in Moscow—that, given the fact that we have had a momentous change happening in the former Soviet Union, as the republics of the Soviet Union became independent, had a momentous change that changed, also, the relationships between ethnic majority, ethnic minority. Many former minorities became majorities and vice versa.

And it's only natural that it is in this area, as you say, that we have most of the ethnic issues, ethnic conflicts taking place, because of the need to redefine relationships. Indeed, Russia has many issues of this kind, also, in its own territory, and some of which I believe that Russia itself is very concerned about.

I mentioned the North Caucasus, which is a case in point here. And we have seen some measures taken from Moscow that indicate a greater degree of awareness of the challenges, of the issues that Russia is facing in this area with obvious, also, spillover effects and mutual influences between the North and the South. And I do indeed believe that there could be considerable opportunities here to work.

Mr. CARDIN. Well, it will be a challenge, but I think it is a—we're looking for ways of getting a more effective participation of Russia within the OSCE. We thought the Corfu process, which came about at their request, would be an avenue to move forward, but to date, it's still—the jury's out, as to whether that process will be effective. I guess a related question is whether the Corfu process can work, in regards to mitigating the ethnic conflicts in regions using this type of effort. Any thought as to Russia—what the best strategy is? Ambassador?

Amb. TAGLIAVINI. Well, it's very difficult to compare this Corfu process, which is sort of a new approach, which has been, actually, convened by an initiative by one of the Presidents of these OSCE member states. I think the minority conflict and the ethnic tensions in the region—in the Southern Caucasus, but also in the Northern Caucasus—lay well beyond that layer.

The difficulty to tackle them is really this combination of factors that need to be taken into account—these wrong perceptions of his-

tory, these mythologies of my own history and it's incompatible with all the proposals that can be made from outside. And that, of course, embedded, first of all, in the country, and then in the OSCE or in any structure, makes it extremely difficult to get even cooperation from those who should cooperate, and that would be the conflicting parties.

We see these many layers of obstacles, and so I don't think that process will be able to tackle these things. Rather, I would turn it around, that I believe there is some homework to be done on the ground, and there, I think E.U. engagement—not recognition, but engagement at the civil society level, at any level that may not cut-off these minorities from the political course of the developments is very important.

As we have seen, there is a combination of—it's almost a fatal combination of simply lack of willingness to come to a solution which is not in line with what one ethnic group, ethnic minority wishes for itself, and where it has become totally fixed in an idea that this is independence, and nothing less than independence.

And that was, I think, one of the weak points of all the peace processes, peace initiatives, negotiation processes—that the parties that were negotiating did not really look at the possibility of a solution, but only at the aim of the fulfilling of their requests, be it independence, be it sovereignty, be it a request for a particular territory. And what was complicated this request was looking for outside support.

That was true for Abkhazia and the South Ossetians looking for Russian support for their strife for secession and for their strife for independence, and getting the support. The same goes with Georgia. Tbilisi also hoped that the outside world, not least NATO, Western Europe and the United States, would be in its support. And there, we get into this very, very complicated, complex game where you don't really distinguish where is actually the platform on which you can operate. It's always mixed.

Mr. CARDIN. Well, thank you for that. I want to—Mr. Jessen-Petersen, I'd like to ask you a question. I think your point about the ability to transition into Europe—into the E.U., perhaps NATO—is the carrot that is the—gives us the opportunity to really bring about change. You mentioned it in regards to Serbia. I could mention it also in regards to Bosnia—and not just the constitutional reform that's needed in that country, but the political leadership that's needed in that country to really represent a functioning state. It's certainly going to be critically important, I know, in the NATO discussions, that you have a state that there's confidence in that can speak for the integrity of the entire geographical area.

I want to talk about a development—if a country becomes a member of the E.U., of course, it gives them certain rights within all the E.U. states. There seems to be a trend, though, in many of these developing countries, to grant citizenship to ethnic communities outside of their territorial state. And I'm curious whether you know whether—how that is—is that a growing trend? Is Russia doing that, as far as ethnic minorities in other parts of Eastern Europe? And does that present an issue that, perhaps, could complicate full integration into Europe for some of the former states of the Soviet Union or the former Yugoslavia?

Mr. JESSEN-PETERSEN. I'm not aware that it applies to any of the states in the former Yugoslavia. And as to the former Soviet Union, I will sort of think Ambassador Tagliavini is in a better position.

Mr. CARDIN. Ambassador?

Amb. TAGLIAVINI. I think this is indeed a worrying—a worrisome tendency. And I'm very glad that in our report, we had a very detailed description of this practice of conferring citizenship to people living in another country. After the dissolution of the Soviet Union—being considered similar citizens of the Soviet Union, but the Soviet Union did not exist anymore. A similar example may be Crimea. And I don't have any figures about the situation in Crimea, but my guess is that the case of the—what we call the passport-ization issue in Georgia and the disastrous effects that it had has probably put the brake on this practice. We don't hear many more such distributions in Crimea, nor in Transnistria.

Another worrying tendency, I believe, for the European Union is, of course the massive distribution of Romanian passports to citizens of Moldova and Ukraine. And this goes exactly in this direction, and I think this is also a challenge for the European Union on how to handle such disrespect of international law. We have clearly said, in the case of Georgia, that the massive conferral of Russian citizenship to citizens in another country was a violation of the sovereignty and territorial integrity of Georgia.

So this applies, also, to these countries that are, by now, members of the European Union. I believe it is a very dangerous tendency, and it has the potential of creating many more conflicts on that kind of basis—creating liabilities for partners that actually do not want to be liable. Who wants to go to war in Moldova on Romanian passport to fight for Romanian citizens? It's certainly not the European Union's aims to be engaged in such a situation. So these are dangerous trends, and I believe utmost care should be taken to prevent such a thing.

Mr. CARDIN. It's an interesting development, and there are reasons for this to be done by countries, but it can cause the additional burdens or additional obstacles that you have mentioned toward ethnic harmony. I want to bring you in on this, Mr. Jessen-Petersen, but also, we'll just make an observation.

I was in Montenegro last year, was also in Bosnia and Croatia. And there's a great deal of interest in Croatia and Montenegro for Bosnia to work out its problems, because every time problems develop, there's more people who flee and go into Croatia [laughter] and Montenegro. And we talk about—and I like the way you put it—the forced displacement.

I think you're absolutely right. That's part of the ethnic conflict, is to cleanse. And yes, it may be through murder. But more likely, it's going to be through displacement, which not only is a human result in and of itself, but then causes another country or another state to have a burden that can lead to other types of human rights problems and instability in a country.

And Montenegro, which is a very young country, very small country—a few thousand people coming in from Bosnia can have a major impact on its economy, can have a major impact on its political system. So it's a major concern toward their integration and development. So I think the whole dimension here needs to be un-

derstood because prevention is clearly our chief objective. So I guess my question to you—and you can certainly respond more to the last question, if you like, is, are we seeing an impact among Montenegro and the other countries in the region, as a result of Bosnia being still unsettled?

Mr. JESSEN-PETERSEN. Well, I certainly think we are seeing an impact, because the very fact that, as I mentioned in my remarks, because of the constitutional situation—I called it a constitutional mess—in Bosnia, I think that there are still very worrying signs that what I call the forces of separation in Bosnia may prevail. And that is a risk that is very often reinforced by irresponsible statements from some of the neighboring states.

It has certainly also been linked to the independence of Kosovo in that, that has been used by both politicians inside Bosnia, or Republica Srpska, but also in some of the neighboring states, to sort of issue threats that they could go in the same direction. We know that during the war, or wars, rather, in the region, but also in the situation right after, and also during and after the very brief war in Macedonia, which was the seventh and last war—but there, we had finally learned our lessons and the E.U., NATO, United States intervened immediately to stop it and the war lasted only 30 days.

But both during the other conflicts and the war, in particular, in Macedonia and after, there was a lot of talk about greater Serbia and greater Albania. That, I think, is another reason why it's so important to lock these countries into a larger European Union. Because the moment that they are part of a larger community of states, of interests, then, in my view, all this talk about greater Albania—it doesn't really matter whether you are a Macedonian Albanian, whether you are Kosovar Albanian, or an Albanian in Albania.

The moment you are part of a larger community, the borders come down and you move. That's the whole idea. You move freely around. So—and the same—we have Serb populations, certainly a fairly large one in Bosnia, as you know, in Montenegro—I mean, Serb descent—in Kosovo, a very important minority and all that—again, bringing them into a larger community would, in my view, do away with this focus on bringing various groups together in a larger—be it Serbia, Albania, whatever.

And if you speak to the people—because all this, as I said, is fed by irresponsible political leadership—but if you speak, as I know you have been doing, Mr. Chairman, in your travels, with citizens on the ground, what they want is, as they could do when Yugoslavia existed, travel around freely, get together again with people now in another country and in the larger Europe. That's what they want to do, and that's why it's so important that not only this European perspective is confirmed, but that Europe moves forward on it.

It's obvious that states need to be ready. There are, of course, many, many requirements to be met. But sometime, I would wish that one could maybe jump over a few of the obstacles, because the only safe way to address the risks in Bosnia, in my view, is to lock Bosnia into a larger European community. So a little bit risky, courageous policymaking, but at the same time, I recognize that there

are conditions to be met, there are requirements. But after all, that's how the European community started, with the European Coal and Steel Community.

That was to lock two countries that had been conflicting and in war many times over the last 100, 200 years—lock them into a larger community. We need that for Western Balkans. That's what the people want. You speak to citizens of Serbia—in particular, the young population—they are, frankly, not that interested in Kosovo. The political leadership of Serbia certainly is. They want to be European citizens. So I believe that is the best response to these concerns, and the concerns do exist.

Mr. CARDIN. Well, we strongly support that. We want to see Serbia part of the E.U.; we want to see Bosnia part of the E.U.; we want to see Kosovo recognized and its geographic territory respected. And we—our delegation met with students in Bosnia from all ethnic communities, and you would not have known what ethnic community they were from. I mean, that's—they have pride. And it takes political leadership. And yes, they need constitutional reform, as I've said before.

It's critical, I mean, considering the way it's currently organized, to have a functioning state. But they need political leadership, and that's something that I think the people are going to demand, and ultimately will be there, and we will see the full integration. To me, having a state that reflects what you're suggesting—that common identity—but still respects the individualities of the ethnic communities and the right to protect their identity is critical for mitigating the ethnic conflicts, in not only the OSCE region, but in the world.

And that's what we're going to work for, and that's what we're going to continue to do. This hearing has been extremely helpful in us filling in a lot of the blanks, particularly an update on what's happening in Georgia and what's happening in Bosnia. We very much appreciate that. I hope we're getting reliable information in Georgia without the mission being there.

We are concerned that we may not be getting the type of objective information on the condition of the populations, and we're—to the extent that we can get reliable information, feel free to continue to supply us with that. It's helpful to our Commission. Congressman Hastings, the Co-Chair of the Commission, has asked that his statement be made part of the record, and Congressman Smith, the Ranking Republican Member, has also asked for that. And those requests will be granted. And with that, the hearing will stand adjourned. Thank you all very much.

[Whereupon, at 12 p.m., the hearing was adjourned.]

APPENDICES

PREPARED STATEMENT OF HON. BENJAMIN L. CARDIN, CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Let me first welcome all of you and our witnesses, two of whom flew in from Europe for today's hearing. We are fortunate to have with us three European experts, each of whom has extensive experience working on inter-ethnic and minority issues in various multilateral institutions. The witnesses' full bios are available outside the hearing room, but briefly, Ambassador Heidi Tagliavini led the European Union's investigation into the causes of the Russia-Georgia conflict in 2008 and prepared an excellent report which we have found to be extremely insightful. Ambassador Peter Semneby is presently the EU's Special Representative on the South Caucasus, and also served as OSCE Head of Mission in Croatia. Ambassador Jessen-Petersen is a distinguished international diplomat with extensive experience in the Balkans.

I do want to note that we did invite the OSCE High Commissioner on National Minorities [Knut Vollebaek] to participate in this hearing and, while that was not possible, I did have the opportunity to meet with the High Commissioner when he visited Washington in March. Among other issues, we discussed the "Recommendations on National Minorities in Inter-State Relations" prepared under the auspices of the High Commissioner. These 19 guidelines provide greater clarity on how states can pursue their interests with regard to minorities without jeopardizing peace and good neighborly relations. They constitute yet another outstanding contribution of the High Commissioner's office to the work of the OSCE and should serve as a foundation for the OSCE's efforts in this area.

Ethnic conflict continues to break out within the OSCE region, at great cost to the affected countries and populations. In this connection, we are closely watching developments in Kyrgyzstan, where amidst the turmoil and ouster of the government in the last few weeks, land grabs and violent attacks were directed against Russians, Kazakhs, and other minorities.

Ethnic conflicts which have melded with territorial disputes have erupted in the Caucasus as well, causing many thousands of casualties. The loss of lives cannot be measured, and hundreds of thousands of civilians remain displaced and unable to return to their homes. As a result, security within the region is seriously undermined, while economic development is stymied by the insecurity and unsettled legal issues, particularly where the conflicts are inter-state in character.

The Crimea region of Ukraine still bears the wounds of the 1944 mass deportation of thousands of Crimean Tatars and other ethnic minorities in Ukraine by Joseph Stalin. The Government of Ukraine and the affected populations in Crimea continue to be challenged with finding mutually acceptable settlements on property rights, as well as the exercise of educational and language

rights of Ukrainians, Russians, Tatars, and other minorities in the region.

This July, we will commemorate the genocide which occurred at Srebrenica in Bosnia 15 years ago, the senseless slaughter of 8,000 Bosniak men and boys trapped by Serb militants in what was a UN-declared safe haven. That horrific event should be kept in mind as we proceed today with this hearing.

Srebrenica demonstrates, in our own time, the degree to which even relatively small ethnic differences can generate fears and prejudices that, in turn, can lead dangerously to hatred, violence and aggression quite literally against an innocent neighbor. Perhaps the most important lesson of Srebrenica, however, is that it made evident the folly of blaming ethnic differences themselves for the crime. There was absolutely nothing inevitable about Srebrenica and the ethnic cleansing that occurred in Bosnia. It was orchestrated by individuals, not history, and was therefore preventable—had there been the political will to act. While we insist, and I do, on bringing those responsible like Ratko Mladic to justice, we must also acknowledge our own burden of having failed to intervene to stop him and his murderous minions. If we do not learn from this mistake, human rights violations, ethnic conflicts and possibly even acts of genocide will continue to occur. These are only some of the very good reasons for having this hearing today.

PREPARED STATEMENT OF HON. ALCEE L. HASTINGS, CO-CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

I would also like to welcome our eminent witnesses to today's hearing. I am extremely pleased that we are able to have this distinguished panel of experts addressing such a timely and pressing subject. This is an extremely complex topic and I will be listening with an open mind.

The issue we're addressing today is of tremendous salience, really, throughout the OSCE region. Unfortunately, it is not possible in the course of a few hours to do justice to each and every country or region where inter-ethnic relations are of interest. I want to pay homage to the breadth of geographical expertise represented by our witnesses. At the same time, let's be clear that there are countries or minority groups or inter-ethnic issues we cannot cover today, simply for lack of time. Nevertheless, we are interested in how this issue plays out throughout the whole OSCE region—whether we manage to talk about every nook and cranny today or not.

I do want to flag one particular concern which, I believe, exacerbates tensions within, between and among participating States: the practice of one country extending its citizenship to citizens of another country. I hope this will be discussed in the course of our hearing today, especially considering that the leadership of the newly elected Hungarian government has suggested it may seek to extend Hungarian citizenship to hundreds of thousands of citizens of other countries. We recall that some other OSCE participating States have gone down this path—sometimes leading to or at least contributing violent outcomes.

The war between Russia and Georgia in August 2008 had many causes, proximate and longstanding, including ethnic tensions. However, the mass issuance of Russian citizenship to Georgian citizens exacerbated the tenuous relations between the two countries, as Ambassador Tagliavini makes clear in her report. . The High Commissioner on National Minorities has cautioned against the conferral of citizenship upon groups within another state, stressing that exercise of extra-territorial jurisdiction over populations in another state violates the principle of sovereignty.

The unresolved conflicts between Armenia and Azerbaijan, as well as the Transnistria region of Moldova, also continue to be fed by ethnic tensions. There is still pervasive fear and the threat of ethnically-based violent incidents in Kosovo and Bosnia-Herzegovina. While there is no uniform means of resolving these situations, a genuine commitment to OSCE principles and the exercise of political will on the part of the stakeholders would further efforts toward an acceptable resolution to each conflict.

I look forward to hearing your views on these issues and your perspectives as to whether the ongoing Corfu Security Dialogue in Vienna has affected progress toward resolving inter-ethnic conflict in the region. I would also appreciate your views on whether the OSCE field mission in Georgia could have done more to mitigate the 2008 conflict. Thank you.

**PREPARED STATEMENT OF HON. CHRISTOPHER H. SMITH,
RANKING MEMBER, COMMISSION ON SECURITY AND CO-
OPERATION IN EUROPE**

Thank you, Mr. Chairman, and welcome to our witnesses this morning.

Having traveled to both Vukovar, during the 1991 Serbian assault on that city, and the Caucasus, in the weeks following the 2008 Russian invasion of Georgia, I have seen the terrible burden borne by people caught in these conflicts. In Georgia other members and I visited an IDP camp and met people who had lost all of their possessions and had been separated from their families. Thousands of these people still live in precarious conditions, unable to return to their homes due to a lack of adequate security or the fact that their residences were sacked and burned to the ground. Sadly, this is an ongoing problem throughout the OSCE region—people, targeted because of their faith or ethnicity, have been forced to flee their homes and villages, and live as internally displaced persons or international refugees for months and even years.

While ethnic tensions played a role in the origins of these conflicts, Russia, whose actions are in clear violation of the UN Charter and OSCE principles, has been a big part of the problem, stoking conflict throughout the OSCE region—throughout the former Yugoslavia, in Georgia and in other regions of the Caucasus, in the breakaway region of Moldova and the Baltic states.

And although the OSCE, the US, and the European Union have been actively engaged in seeking a peaceful resolution of these conflicts, the disastrous outcome of so many of them, above all the genocide at Srebrenica, and the failure to resolve other conflicts, such as in Moldova and over the future constitutional status of Bosnia, forces us to ask whether a new approach to conflict mitigation is necessary thirty-five years after the Helsinki Final Act. Through the Corfu Security dialogue, the OSCE is engaged in a assessment of its comprehensive security concept and the tools available to address conflict.

Thank you once again, Mr. Chairman, and I look forward to hearing our witness's views on these critical concerns and their recommendations as to resolving the many protracted conflicts that destroy or threaten the lives of so many people living in OSCE states.

**PREPARED STATEMENT OF HEIDI TAGLIAVINI, HEAD OF THE
EUROPEAN UNION INVESTIGATION OF THE 2008 RUSSIA-
GEORGIA CONFLICT**

Mr. Chairman,
Members of the Helsinki Commission,
Ladies and gentlemen,

Let me take this opportunity to express my gratitude for having been invited to address this eminent body on a topic which, contrary to many expectations, continues to be of top actuality whenever we talk about security and the current challenges to peace and stability in the Europe. I am honored to have this opportunity today to share with you some considerations and findings which emanate from the Report on the Conflict of August 2008 in Georgia.

As you well know, the Report which I will introduce today has been submitted to the Council of the European Union more than half a year ago. On the same occasion, the Report has also been handed over to the parties to the conflict, i.e. Georgia and the Russian Federation, to the OSCE and the UN as stipulated in the mission's mandate. The Report has also been given to the conflicting parties South Ossetia and Abkhazia. For a number of reasons, not the least to avoid misquotations and misinterpretations, the Report has been made publicly available on internet immediately after its release.

The Report has found wide international attention. The reactions in the press and in public have almost always been positive or factual and neutral. The conflicting parties reacted in the overwhelming majority in a moderate way, although we unfortunately could observe some rather selective reading, i.e. each party presenting those parts of the Report which were to their liking.

Allow me to briefly recall the origins and the mandate of the Report. By its decision of 2 December 2008 the EU Council commissioned an Independent International Fact-Finding Mission to investigate the August 2008 conflict in Georgia. The Council appointed me as the Head of the Fact-Finding Mission, leaving to me all decisions as to its working methods and proceedings.

The mandate's terms of reference requested the mission to:

- Investigate the origins and the causes of the August 2008 conflict in Georgia
 - Including with regard to international law (including the Helsinki Final Act), humanitarian law and human rights, and the accusations made in this context (including allegations of war crimes)
 - The geographical scope and time span was to be sufficiently broad to determine all possible causes of the conflict

A very extensive task for which the mission was assigned a relatively short timeframe of just about nine months!

The Report contains over 1000 pages. This seems to be fairly voluminous. However, the main results of the Report are summarized on some 25 pages at its very beginning under the heading of "The Conflict in Georgia in August 2008". These include the most substantial elements, facts and findings of the Report followed by a dozen of the most important observations, sort of lessons learned which have emerged in the course of our work.

Preceding this summary, there is also a short introduction explaining the context, the methods and the purpose of the Mission's work. The summary is followed by an acknowledgement of the efforts of all those who contributed to the Mission's work. These chapters, together with a few additional pages of a more technical content such as maps and a list of the Mission's main visits and meetings, represent most of Volume I of the Report, then followed by two additional Volumes II and III.

Volume II includes about 450 pages of expert opinions and analyses which were among the most important, but not the only foundations for the Report's facts and conclusions. These 450 pages contain all the relevant information which in one way or another has to do with the conflicts in Georgia. There is a chapter on the very important historical and political context and background of the conflicts and on related legal problems (such as the claim for secession and the "passportisation"). There is a part on the different peace processes in Georgia and the reasons why they eventually failed. There is a description of the military events around the August 2008 military conflict which is followed by a chapter on the use of force, but not less important in the count-down to the conflict, the threat of use of force. And there is an important part on humanitarian law and human rights in which many of the early findings of the Council of Europe as well as of other international and regional organizations and well respected international non-governmental organizations have been taken as a basis and first hand source for the fact-finding conducted by the mission. The Report ends with a chapter describing the situation after the two ceasefire agreements of 12 August and 8 September 2008 when the main developments were no longer taking place in the military sphere, but returned back to diplomacy. I therefore consider Volume II of the Report as a kind of reference book on all aspects relevant in the context of the August 2008 conflict in Georgia.

Volume III with around 650 pages contains mainly the unabridged and unaltered statements and answers to the Mission's questions, as received from the different sides to the conflict and other sources. Hence the total Report comprises around 1150 pages, divided into the three Volumes, as just explained.

Let me point out some further elements related to the Mission's work and its Report:

First among these is the political context. It needs to be recalled that the EU played an important role in stopping the fighting in Georgia in August 2008 and in negotiating the agreements necessary for a ceasefire. This was largely due to the persistent efforts of the then French EU Presidency, led by President Sarkozy. Even now, the EU continues to be actively engaged in stabilizing efforts such as the EU Monitoring Mission and in the Geneva talks. We understand that our Mission was also part of this overall European Union policy which aims at securing a peaceful and lasting solution to the conflicts in Georgia.

While the overall situation in the conflict region is still fragile and unsettled, the Report must be seen as part of the European Union's policy endeavoring to bring stability to the situation in the region, and the conflicts gradually nearer to a negotiated settlement.

Another important point: I would like to stress that our Fact-Finding Mission was the first fact-finding mission of its kind in the history of the EU. Our aim was to prepare a fair and non-partisan presentation of the events and an equally balanced evaluation in terms of international and humanitarian law. Our hope was that the Report will make a valid contribution to a negotiated solution of the conflict. Yet it is not enough to approach this conflict in terms of its political, legal and military aspects. It is even more so a matter of minds. Those who were involved in the conflict were usually focusing only on their own truth. They were hardly ever sufficiently prepared to look at the truth of the others.

It must be understood, however, that no solution to the conflict is possible unless it comes from the principals themselves and unless it reflects not only their own perceptions, but those of the other sides as well. The Report wishes to encourage this process of reorientation.

In this context it needs to be underlined that the IIFFMCG was not leading an investigation relevant to judicial proceedings of any sort. It was a strictly fact-finding mission. In keeping with the mandate conferred by the EU Council, this Report should not be seen as a Tribunal and it is not preparing any legal actions in favor of, or against any side or anyone. The Mission's task was to establish to the best of its knowledge facts and their relevance under international and humanitarian law. There is hardly any chance for future peace without the facts being presented in a sober and impartial manner. This is the main purpose of the Report.

Indeed, an objective, unbiased and non-partisan approach has been one of the most basic and important guidelines of the Mission's work. The impact of the Mission's Report, and with it the contribution it can make towards peace and stability, largely depend on its acceptance by the sides to the conflict, and this again is contingent upon the Report's fairness. This is what the Mission has tried to achieve.

If there is any basic message of the Report, apart from drawing attention to the human dimension of the conflict and all the tragedy of the events, then it is in the form of a renewed call upon all conflicting sides to comply with the basic rules of international law, such as the respect of sovereignty and territorial integrity, and the non-use of force or the threat of force, as these principles are enshrined in the Charter of the United Nations.

At the same level there is a similar need for uncompromising observance of the guidelines for international interaction and behavior, which is linked in a European context to the OSCE and its landmark documents, beginning with the Helsinki Final Act of 1975 through to the Charter for European Security adopted in Istanbul in 1999 as well as all the relevant documents of the Council of Europe and of course the UN Charter. All these have suffered as a result of the August 2008 fighting in Georgia, and all sides to the conflict must do their utmost to give these political and legal instruments their rightful places of decisiveness in international relations again.

At the same time, it derives from these observations, that this conflict has not only a local or regional relevance, but that it has a direct bearing on the security architecture of all Europe.

As was already mentioned, the Report is summarized and condensed in about 25 pages under the heading “The Conflict in Georgia in August 2008”, which immediately follows the Introduction at the beginning of Volume I. This summary includes the main events that occurred and their underlying reasons in terms of their political, historical, military and legal relevance, and the latter both in the contexts of international law and international humanitarian law as well as human rights law.

The crux of the Report is, however, not of a political, military or legal nature, but it is the human suffering and tragedy that is always and inevitably the result of armed confrontation. As a very first step in approaching its objectives, the Mission wishes with this Report to voice its deep sympathy to all those who have suffered losses in terms of human lives among their families and friends, with those who were injured, beaten and humiliated, and the thousands who lost their homes. While much of the political and military action that took place has been critically reviewed in the Report, nothing will touch upon the Mission’s respect for either individual fates or the aspirations of the peoples of the region, large or small.

While fairness, a non-partisan and even-handed approach are the pivots of the Mission’s work methods, a similar effort has been made to provide clear-cut answers when it comes to the results of the Mission’s work. Let me start with the answer to the question which in the past has been asked most frequently: In the Mission’s view, it was Georgia which triggered off the war when it attacked Tskhinvali with heavy artillery on the night of 7 to 8 August 2008. None of the explanations given by the Georgian authorities in order to provide some form of legal justification for the attack lend it a valid explanation. In particular, there was no massive Russian military invasion under way, which had to be stopped by Georgian military forces shelling Tskhinvali.

This said, it needs to be stressed that the Georgian attack against Tskhinvali on 7 to 8 August 2008, was by no means an isolated event. It was but the culminating point of months and years of mounting tensions, of armed incidents and a steadily deteriorating situation. All sides to the conflict bear responsibility for these ever more serious developments.

Indeed, the conflict has deep roots in the history of the region, in people’s national traditions and aspirations as well as in age-old perceptions or rather misperceptions of each other which were never mended and sometimes exploited. While the region had also known a long tradition of peaceful cohabitation of different nations and ethnic groups, there were among its smaller nations underlying feelings of frustration and of having been relegated to an inferior status. Soviet federalism deepened latent antagonisms, and the chaotic period that followed the break-up of the Soviet Union further added to mutual mistrust and even hostility in the region. The wave of newly-found self-consciousness that followed political changes in Georgia since the end of 2003 clashed with another wave of assertiveness emanating from the Russian Federation, which tried to establish a privileged zone of interest in its “near abroad”, where developments and events thought to be detrimental to Russia’s interests were not easily accepted. At the same time,

the peacekeeping arrangements that were established with the help of the international community were increasingly outrun by new and more threatening developments in the political and military situation. They had been set up in the 1990s after the armed clashes in Abkhazia and South Ossetia in the wake of Georgian independence and since then had remained more or less unchanged. Without the adjustments and political support that they would have needed, they finally lost their grip and were no longer effective.

The Report on the conflict in Georgia has shown that any explanation of the origins of the conflict cannot focus solely on the artillery attack on Tskhinvali in the night of 7/8 August and on what then developed into a Georgian offensive against South Ossetia and the ensuing Russian military response. Such an evaluation needs always to take into account the run-up to the open hostilities during the years before and the mounting tensions in the months and weeks immediately preceding the outbreak of hostilities. It must also, as stressed earlier, also take into consideration years of provocations, mutual accusations, military and political threats and acts of violence both inside and outside the conflict zones. It has to consider, too, the impact of a great power's politics and diplomacy against a small and insubordinate neighbour, together with the small neighbour's penchant for acting in the heat of the moment without careful consideration of the final outcome, not to mention its fear that it might permanently lose important parts of its territory through what it used to call a creeping annexation.

While the onus of having actually triggered off the war lies with the Georgian side, the Russian side, too, carries the blame for a substantial number of violations of international law. These include, even prior to the armed conflict, the mass conferral of Russian citizenship to a majority of the population living in South Ossetia and in Abkhazia. It also includes, in terms of an additional violation of international law, the military action by the Russian Armed Forces on Georgian territory, far beyond the needs of a proportionate defense of Russian Peace Keepers in Tskhinvali who had come under the Georgian attack.

In addition, the Russian recognition of both South Ossetia and Abkhazia as independent States must be considered as being not valid in the context of international law, and as violations of Georgia's territorial integrity and sovereignty.

As far as the contentious issues under International Humanitarian Law and Human Rights Law are concerned, it is among the main conclusions of the IFFMCG, that Russian and Ossetian allegations claiming that Georgia was carrying out a genocide against the South Ossetian population are not substantiated. On the other side, there are serious indications that ethnic cleansing did take place in many instances against ethnic Georgians and their villages and settlements in South Ossetia, as well as other violations of International Humanitarian Law which must be attributed to all sides.

Furthermore there are serious question marks behind the attitude of the Russian Armed Forces who would not or could not stop atrocities committed by armed groups or even individuals fighting

on the South Ossetian side against the civilian population in those territories which were controlled by the Russian Armed Forces.

In our Report we noticed with regret an erosion of the respect of established principles of international law such as territorial integrity, and at the same time an increased willingness on all sides to accept the use of force as a means to reach one's political goals and to act unilaterally instead of seeking a negotiated solution, as difficult and cumbersome as such a negotiation process might be. And finally, we have seen the long trail of human suffering and misery in the wake of armed action.

As the IIFFMCG was created as a fact-finding Mission and not as a political consultative body, the Mission has abstained from laying out a political road map on how to handle and possibly to resolve the still ongoing conflict. While describing the events and their causes, the Mission has noted, however, a number of elements which contributed to the steady escalation of tension and finally to the armed conflict of August 2008. The Mission has tried to identify these elements in the Report's chapter on observations, and it has added brief suggestions to each of them.

1. First and foremost, I would recommend abstaining from assigning an overall responsibility for what has happened in Georgia in 2008. The conflicts in South Ossetia and Abkhazia are rooted in a profusion of causes comprising different layers in time and actions combined. While it is possible to identify the authorship of some important events and decisions marking its course, there is no way to assign an overall responsibility for the conflict to one side alone. All parties to the conflict have failed, and it should be their responsibility to make good for it.

2. In the 2008 conflict in Georgia preventive diplomacy and international conflict management was not successful, partly because of what I would call a gradual erosion of previously negotiated and agreed common parameters as well as an increasing disrespect of international commitments. In order to keep peace or even just the effectiveness of a ceasefire agreement, we don't need any new agreements or provisions apart from those existing already. They need just to be respected. We seem to have forgotten the provisions of the UN Charter and the Helsinki Final Act. UN Charter's Article 2, Para 3 and 4 are the most relevant ones. Para 4 clearly states that all States should refrain from the use of force, but also from the threat of force. Para 3 states that all disputes should be settled exclusively by peaceful means. In the conflict in Georgia, all parties to the conflict, not only Georgians and Russians, but also South Ossetians and Abkhaz, all of them have violated the principles laid out in these provisions. The outbreak of hostilities was preceded by years of threat of force, biased and incendiary media reports and by verbal attacks intended to frighten and dissuade the other party to the conflict. This created an atmosphere of animosity and growing frustration and eventually the lack of readiness to address the conflict in a constructive way and search for a solution acceptable to all parties involved. Take Art. 51 of the UN Charter on legitimate self-defence: In the August 2008 conflict in Georgia all sides

have invoked this article to justify their action, but our inquiry has shown numerous inconsistencies of such declarations. Most of the military actions were far from “legitimate self-defence” and thus contrary to international law.

As for the Helsinki Final Act, Principle 1 gives a clear understanding about those principles that need to be respected in order to achieve a respectful and peaceful international environment. The 10 subheadings of Principle 1 lay out the rules for peaceful cohabitation and coexistence of the international community: these principles speak about refraining from the threat or use of force, (the) inviolability of frontiers, territorial integrity of States, peaceful settlements of disputes, non-intervention in internal affairs, equal rights and self-determination of peoples and fulfilment in good faith of obligations under international, etc.

3. Another important point are the existing provisions when it comes to the supply of arms and military equipments as well as military training in a conflict region. Even when done within the limits established by international law or by commitments of a non-binding nature, such as the relevant OSCE and UN principles or the Wassenaar arrangements, military support should stay within the limits set by common sense and due diligence. Utmost care should be taken by providers of military aid to refrain from giving their support, even unintentionally or indirectly, to any actions or developments detrimental to the stability the region.

4. In this context, it seems also important to stress the progressive disregard of one important guiding principle in international relations which I would call the *bona fide* principle. In the many years leading up to the tragic events of last year in Georgia, we can observe that this principle of good faith has progressively been eroded creating thus mistrust and diffidence on all sides. There is therefore a need for uncompromising observance of the guidelines for international interaction and behaviour in *bona fide*; otherwise the peaceful coexistence becomes more and more challenged.

5. The virtually passive and non-innovative approach to the peace processes adopted by the international community present in the area, i.e. the OSCE in South Ossetia and the UN in Abkhazia did not help to bring about a peaceful settlement of the conflicts. When in early spring 2008 the international community eventually realized the seriousness of the situation and deployed intense high-level diplomacy with US State’s Secretary Condoleezza Rice, EU High Representative Javier Solana and German Foreign Minister Frank Walter Steinmeier presenting one diplomatic initiative after the other, it was too late and not enough to prevent the forthcoming crisis. Thus a series of misperceptions, missed opportunities and mistakes on all sides accumulated to a point where the danger of an explosion of violence became real. Unlike in the conflicts in Georgia in the early 1990s, what was about to happen in August 2008 was no longer a localised conflict in a remote part of the world but a short, bitter armed confrontation between

two states, fought in the battlefield but also on live television, and carrying major international implications.

6. The international context in which the August 2008 events were unfolding was without any doubt complicated by decisions on Kosovo's independence and its international recognition. Together with the Bucharest NATO summit of April 2008, with its promise of Georgia's future NATO membership these events complicated the international context in which the events were unfolding. The decision by the Russian Federation to withdraw the 1996 CIS restrictions on Abkhazia (March 2008) and to authorise direct relations with the Abkhaz and South Ossetian sides in a number of fields (April 2008), added another dimension to an already complex situation in the area. This added to the lack of timely and sufficiently determined action by the international community, and—as already mentioned—to some degree the non-innovative approach to the peace process in Abkhazia and South Ossetia adopted by international organisations, contributed to the unfolding crisis.

7. There is another important point and a favourite topic of mine which I have experienced in the many years of work in conflict zones. It concerns the arrangements made to end an open conflict. It is my deep belief that any ceasefire agreement—as unsatisfactory as it may be for all sides—is still better than a war or open hostilities. However, it needs also to be said that all ceasefire arrangements sooner or later are worn out or overtaken by events; as in the case of the UN in Abkhazia and the OSCE in South Ossetia, mandates become inadequate or even instrumental in cementing uncompromising positions. What may have been an effective tool for ending the hostilities—in our case the conflicts in the early 90ies—may turn out to be obsolete 15 years later and even lead directly to open hostilities.

8. Another more personal observation refers to the core of any negotiation in order to achieve a peaceful and lasting settlement. What does it mean to achieve a negotiated settlement in a conflict? It means arguing, proposing suggesting, discussing, etc. It means hours and hours, days and days of negotiations until all basic issues are addressed in a more or less satisfactory way for all parties concerned. And this can only be achieved through concessions and compromise. Concessions, compromise and negotiations are not a sign of weakness. I come from a country where we have been brought up in a culture of compromise as the golden rule successful coexistence and cohabitation. Unfortunately, this seems not commonly accepted in war torn regions.

9. Finally, it must be noted that there are no winners in this conflict. Everyone has lost, if not in terms of life and property alone, at least in the field of hopes and prospects for the future. This is true not only of the relations between Tbilisi on one side and Sukhumi and Tskhinvali on the other where the August 2008 conflict has not settled any of the contentious issues. The situation in the conflict region continues to remain tense. Relations between Georgia and Russia have come to an all-time low and the international community among the los-

ers, too. The political culture of cooperativeness that developed in Europe since the 1970 on the basis of the already mentioned landmark documents of the CSCE/OSCE, the Council of Europe has suffered. The threat and use of force have now returned to European politics. Established principles of international law such as the respect for sovereignty and territorial integrity of states were ignored. Violations of International Humanitarian and Human rights Law such as ethnic cleansing have resurfaced as elements of political reality. And, last but not least, the relations between Western powers and Russia have suffered.

The international community as well as other regional or non-regional actors involved in the conflict should make every conceivable effort not only to bring the sides to the negotiating table, but also to address the urgent political question on how to overcome the gap that was created by the conflict in Georgia in August 2008. The successful outcome of such negotiations could also do much to mend the relations between Western powers and Russia. There is little hope, however, (and here I am quoting the conclusion of our Report), there is little hope for a peaceful future in the conflict region unless the two main contenders, Russia and Georgia, make bilateral efforts themselves to solve their disputes. This needs to be done now!

It is our sincere hope that the Report may contribute to a better understanding and most importantly to a sober assessment of the situation by the conflicting sides, and through this be instrumental to peace and stability in the conflict region and beyond.

PREPARED STATEMENT OF PETER SEMNEBY, SPECIAL REPRESENTATIVE FOR THE SOUTH CAUCASUS, EUROPEAN UNION

Thank you for this opportunity to testify before the U.S. Helsinki Commission.

INTRODUCTION

The topic of this hearing—Mitigating Inter-Ethnic conflicts in the OSCE Region—is sadly a pressing one. Although the Balkans wars of the 1990s are behind us, inter-ethnic tensions are rife in many parts of the OSCE region and the risk of violent conflict between different ethnic groups and communities cannot be excluded. We see this tension to various degrees from Central Asia, to the South Caucasus, and to the Balkans. But we have also found ways of mitigating many of the risks. I shall focus my presentation on the South Caucasus, given my current capacity as the EU's Special Representative for the South Caucasus, but also refer to the Balkans where I worked as Head of the OSCE Mission to Croatia.

It is clear that the EU has a fundamental interest in mitigating inter-ethnic conflicts in the South Caucasus. The South Caucasus region is of strategic importance to us. Since the last enlargement of the EU, which brought Bulgaria and Romania into the Union, the South Caucasus has become an immediate neighbour. What happens there today, in particular when Russia is involved, has a direct impact on the EU.

I think the best testament to the depth of this interest is the EU's decisive action in response to the war in Georgia in August 2008. The EU played the pivotal role in Georgia in the brokering of ceasefire agreements between Russia and Georgia, deploying in record time the EUMM, launching talks between the parties, hosting a successful donors' conference, and sponsoring the independent commission on the origins of the war led by Ambassador Tagliavini.

The Russian-Georgian war was undoubtedly a war between states, but its foundations lay in the fraught inter-ethnic relations between Georgians on the one hand and Abkhaz and South Ossetians on the other, as a result from the wars of the early 1990s. These inter-ethnic conflicts gradually became hijacked as part of the larger inter-state conflict and geo-strategic shifts. The multi-dimensionality of this conflict has required us to respond at many levels to seek its resolution.

At the strategic level, the EU's growing interest in a stable, secure, and prosperous Eastern neighbourhood was demonstrated by the launching of the Eastern Partnership in the spring of 2009. The purpose of this initiative, which covers not only the three South Caucasus countries, but also Belarus, Moldova, and Ukraine, was to promote a prosperous and stable region and to better respond to the specific concerns and aspirations of its eastern neighbours through EU approximation, including a stronger political relationship, free trade, and liberalisation of travel.

EU approximation is therefore a key feature of our strategy for the South Caucasus. This process requires all sides to deliver.

Close coordination among international organisations is necessary to effectively deal with inter-ethnic tension and conflict. The EU works closely with the OSCE and its various institutions, the Council of Europe (notably with the Venice Commission and the Human Rights Commissioner), and also with the UN in both the South Caucasus and the Balkans. Unfortunately, the roles of the OSCE and the UN were significantly weakened after the war in Georgia as their missions closed, but the two organisations continue to co-chair the so-called “Geneva talks” together with the EU.

REGIONAL STABILITY IN THE SOUTH CAUCASUS—THE CONFLICTS

Let me turn to the conflicts. The South Caucasus has a long, tragic history of conflict. The conflicts often follow ethnic and national lines, but the conflict lines are also drawn between states of the region. We are dealing with a region of inter-state and intra-state conflicts that often overlap and are inter-related. The South Caucasus—a region of great, unfulfilled potential—is today in many ways a broken region.

This complex web of unresolved conflicts is the most important obstacle to the region’s stability, security and prosperity. The current status quo concerning the conflicts in the region is unacceptable and unsustainable. The war in Georgia demonstrated that unresolved conflicts have the potential to escalate and to negatively affect the EU’s own security by spreading instability and negatively impacting our energy supplies and trade routes.

The status quo is dangerous because it may delude policy-makers outside the region to conclude that all is fine and that attention can be paid elsewhere. We could probably have done more to prevent the war in Georgia if we had invested more political capital, at least during the year preceding the war, and if we had been prepared to commit resources to a presence on the ground. If anything, the key lesson of the Russia-Georgia war was: frozen does not mean safe.

There is a real risk of precipitous escalation of tensions and a resumption of armed hostilities in the South Caucasus. The Georgia war showed that the status quo contains dangers of escalation. Also, along the Nagorno-Karabakh line of contact there are recurring deadly incidents, which could easily escalate into a larger armed confrontation.

The protracted conflicts also undermine our efforts to promote political reform and economic development in the eastern neighbourhood. Closed borders between Armenia and Azerbaijan, Armenia and Turkey severely hamper the full potential of the region. They are contributing to a nervous and charged political atmosphere, where the conflicts and their victims, in particular the displaced persons, are often instrumentalised in the political struggles.

The South Caucasus is a region of closed borders. These closed borders are not only a consequence of the conflicts, but are increasingly also becoming a source of conflict, as many of them have now been closed for more than a decade. People on each side of the borders are at best growing up in ignorance about each other, but at worst with reinforced enemy images. The new generation on each

side of the confrontation lines will therefore not only be divided by ethnicity, but also by lack of knowledge about each other, and often not even sharing a common language any more. The EU has an important role to play in contributing to a culture of dialogue in the region and in promoting regional cooperation and development opportunities.

TURKEY-ARMENIA

For the past year, the EU as well as the United States have focused a good deal of political and diplomatic attention and on the rapprochement between Turkey and Armenia. The conflict between the Turks and Armenians has a long and difficult history. This history is very much alive today and makes up part of today's political disputes between the two countries. Most recently, the issue was in the headlines as Armenians around the world commemorated the Armenians who perished in the late Ottoman Empire on April 24.

Today we find ourselves at a critical moment in the efforts to normalise relations between the two states and open their common border. The two protocols, which were signed in October 2009, have been submitted to the Turkish and Armenian parliaments, but have yet to be ratified. It is clear that both sides will have to take courageous steps—which will be controversial among parts of their respective constituencies—in order to move toward ratification and implementation.

The EU has supported this historic reconciliation from the outset. We have worked with the sides to ensure that the negotiations on the protocols, skilfully mediated by Switzerland, proceeded smoothly. The EU's High Representative at the time, Javier Solana, who was actively involved and attended the signing ceremony in Zurich between the Foreign Ministers of Turkey and Armenia in October 2009. The EU has also issued supportive statements urging the sides to remain committed to the normalisation.

The EU has publicly stated that it attaches great importance to rapid implementation of the two protocols without preconditions, since it is our conviction that the normalisation of relations and the opening of borders will result in greater stability and prosperity for the region. We continue to support the process politically and stand ready to offer any technical support for the implementation, in particular on the rehabilitation of the border crossings and border management. Momentum must be maintained despite recent setbacks.

From the beginning, the reaction in Azerbaijan was predictably negative, with many regarding this step as a betrayal by their brothers and ethnic kin in Turkey. Baku continues to see the opening of the border between Armenia and Turkey as likely to strengthen Yerevan's hand in the negotiations over the resolution of the Nagorno-Karabakh conflict and to reduce incentives for Armenia to leave the occupied territories surrounding the entity. President Aliyev has also linked normalisation with the possibility of Azerbaijan searching for 'new strategic options'.

The EU has made it clear that it believes the process is not against the interests of Azerbaijan and that ultimately, the stability of the region with open borders will be to the benefit of all.

It is important that—together with our partners—we continue to work with Azerbaijan to reassure the leadership of our continued commitment to Azerbaijan as a strategically important partner.

In a broader sense, the Protocols might already have positively contributed to improved relations between Turks and Armenians. Although the border remains closed, we have observed a dismantling of mental barriers, including an increasing number of visits in both directions by civil society representatives and journalists, together with an intensified exchange of ideas and opinions. The EU supports the facilitation of civil society dialogue between two countries, which in the longer term might serve to create a more positive atmosphere or even public demand for rapprochement.

NAGORNO-KARABAKH

The Nagorno-Karabakh conflict is perhaps the most fraught in terms of inter-ethnic antagonism. The war in the early 1990s was an exceptionally bloody one that left deep, painful wounds, with many dead, and hundreds of thousands driven from their homes. Today—more than 15 years after the conflict—we still do not have a final settlement.

Efforts to find a settlement for Nagorno-Karabakh intensified during 2009. The Presidents of Armenia and Azerbaijan met face-to-face a number of times last year, as did their Foreign Ministers. Russia took an active role, possibly driven by a desire to appear constructive after the Russian-Georgian war.

In July 2009, Presidents Obama, Medvedev, and Sarkozy issued a Declaration in L'Aquila setting out the main elements of the Basic Principles that the OSCE Minsk Group had been negotiating with the sides. These include: 1) return of the territories surrounding Nagorno-Karabakh to Azerbaijani control; 2) an interim status for Nagorno-Karabakh providing guarantees for security and self-governance; 3) a corridor linking Armenia to Nagorno-Karabakh; 4) future determination of the final legal status of Nagorno-Karabakh through a legally binding expression of will; 5) the right of all internally displaced persons and refugees to return to their former places of residence; and 6) international security guarantees that would include a peacekeeping operation.

Today, however, Turkey's linkage between Turkish-Armenian normalisation and Nagorno-Karabakh has made the quest for a solution more complex. In fact, Turkey's pressure on Armenia to make concessions on Nagorno-Karabakh may have been counter-productive, since Armenia is unlikely to accept any explicit or implicit role for Turkey as arbiter or facilitator in this conflict. It is now up to Armenia and Azerbaijan to demonstrate their commitment to the process.

Although the EU has currently no direct role in the peace talks under the OSCE Minsk Group, the EU's increased engagement in the region suggests that the EU could play a more assertive role. The EU can make important practical and political contributions in support of the resolution of the conflict and the efforts of the OSCE Minsk Group. The EU is funding people-to-people contacts, media development, and public awareness in Armenia and Azerbaijan, including Nagorno-Karabakh. These projects build on the EU's vast experience from peace-building in many other parts of the world.

The EU is in a unique position to make a contribution, and could do even more, provided that the two sides refrain from instrumentalising any offer of support to score points in the negotiations

There is a particular need to work with the populations of the two countries. We see a disconnect today between the highest levels—those conducting the negotiations—and the wider populations, which are still very much entrenched in their positions, relying on old stereotypes of the enemy. Without a shift in perspectives in these societies, it will be exceedingly difficult for the respective leaders to sell an eventual peace to their respective electorates. And the more time that passes, the more difficult it will become.

GEORGIA-RUSSIA AND ABKHAZIA/SOUTH OSSETIA

Let me now turn to Georgia. It is necessary to analyse this conflict at two levels: the inter-state conflict between Georgia and Russia and the inter-ethnic/communal conflict between the Georgians and the Abkhaz and South Ossetians.

Georgia's relations with Russia remain fraught. Diplomatic relations remain severed and there continue to be tense moments, including accusations by Moscow regarding Tbilisi's alleged involvement in the North Caucasus and Georgian apprehension about the high-profile visits by several opposition leaders to Moscow.

The continued presence of significant Russian forces in Abkhazia and South Ossetia, in particular in Akhgori, Upper Kodori, and Perevi—areas where Russian forces had not been present prior to the August 2008 war—means that the prospect of normalisation in the near to medium term is unlikely. The EU and international community partners will continue—in the “Geneva talks” and elsewhere—to press upon the noncompliant party the importance of implementing the commitments made in the Six-Point Plan and subsequent implementing modalities. It is important to remain firm on compliance because the EU's credibility depends on it, both in Moscow and in Tbilisi.

At the same time, there have also been some positive steps, notably the opening of a border crossing point between Georgia and Russia (Verkhni Lars—Dariali) in March 2010. This is the only legal crossing between the two countries since other roads and a now defunct rail link run through Abkhazia and South Ossetia. The EU welcomed the opening of the border since it would facilitate contacts and have positive implications for regional trade beyond Georgia's borders, notably for Armenia.

The EU has also provided practical assistance to support the opening of the border, in particular through the EU's Border Support Team. The Border Support Team in Georgia was established as a follow-up to the OSCE Border Monitoring Operation in Georgia when Russia vetoed the continuation of it in 2005.

The second level of the conflict—the inter-community one—has been in the background for some time, not least because the inter-state conflict between Russia and Georgia deflected attention and interest from the inter-community conflict. From the point of view of the population in the breakaway regions, the main concern is security in the broadest sense, including for language and culture. From the point of view of the Georgian side, the main issue is the

right of return of the displaced ethnic Georgian population and, particularly after the war, the rights of the remaining Georgian population in the conflict regions, including their freedom of movement across the administrative boundary lines.

The EU has sought to increase its engagement in the separatist regions while remaining firm on Georgia's territorial integrity. At the end of the last year, the EU adopted a policy vis-a-vis Georgia's breakaway regions based on the two principles of non-recognition and engagement. The EU has a strategic interest in engagement within the limits of its non-recognition policy. While it is imperative to remain unequivocally committed to the issues of principle—respect for Georgia's territorial integrity—it is also essential to be flexible and pragmatic in practice, for example by promoting contacts with the population of the breakaway regions. It is only through engagement and a footprint in the breakaway regions that the EU can provide an alternative perspective for Abkhazia and South Ossetia and ensure that its “soft power” can function.

This is also why the EU and other international actors are working with the Georgian authorities to ensure that the newly adopted State Strategy towards the conflict regions is firmly rooted in engagement and cooperation. Only through confidence-building measures between peoples and communities will it be possible to gradually build the foundation for a future settlement of the conflicts. The EU is funding several projects with this aim in mind.

In large part thanks to the EU, the overall security situation in Georgia has stabilised significantly since last year, but security remains fragile, especially along the administrative boundary lines. Although there have not been any killings since last year, incidents, such as the detention of civilians near the administrative boundaries, continue to occur. There is still a danger that a relatively small local incident can rapidly escalate into an armed confrontation.

The EU Monitoring Mission to Georgia (EUMM) has been operational for nearly 18 months and has played a key part in the stabilisation on the ground, especially near the administrative boundaries. The EUMM is the only international presence on the ground able to monitor the implementation of the ceasefire plan and its implementing measures. Yet it remains prevented from fulfilling its entire mandate. The lack of access to Abkhazia and South Ossetia remains one of the main challenges to the mission; this limits the available information about from the separatist entities, especially movement of military forces, and prevents the Mission from monitoring the situation of the population on the other side of the boundaries and securing the return of IDPs to their homes.

THE BALKANS—PARALLELS AND DIFFERENCES

I would like to take advantage of today's hearing to make some reflections on parallels between the South Caucasus and the Balkans and on some lessons from the Balkans that can be applied to the South Caucasus. As Head of the OSCE mission to Croatia, I spent more than three working years mostly on post-conflict reconciliation issues, in particular between Croats and Serbs.

The conflicts in the South Caucasus and the Balkans were both caused by the collapse of multi-ethnic super-states with a domi-

nating metropolis. Both the Soviet Union and the old Yugoslavia acknowledged and even supported ethnic identities as a safety valve. But at the same time, they tried to keep the ethnic groups in check by carefully balancing their interests and suppressing any expression of ethnic interests that threatened the legitimacy of the super-state. In both cases, there were also attempts to artificially develop a common, non-ethnic and fairly ideological identity on top of and as eventual alternatives to the ethnic identities, i.e., the Soviet and Yugoslav identities.

These strategies ultimately imploded. As in the former Soviet Union, the inter-ethnic conflicts in former Yugoslavia were hijacked as parts of inter-state conflicts that were more about dividing up resources, revising maps and projecting power. The Serb-Croat war ended by the restoration of Croatia's territorial integrity, but the military option carried a high price by causing massive displacement and delaying Croatia's European integration by a decade. By contrast, the peaceful reintegration of the Vukovar region—the location of serious atrocities against the Croat population at the outset of the war—still demonstrates the potential for peaceful resolution and reconciliation.

Most of the conflicts in the Balkans were put to rest fairly rapidly because this region is located in the heart of Europe and was the subject of intensive attention from the European Union, NATO and the United States. The European accession agenda that was launched at the European Union summit in Thessaloniki in 2003, gave the countries of the region a vision to strive for, while it also underlined the attention of the European Union and its member states to the region and its problems, including the inter-ethnic conflicts. It has paved the way for the reestablishment of economic relations and trade, cooperation on war crimes, and symbolic acts of reconciliation. Croatia is soon likely to become the next new member of the European Union, showing the way also for the other countries in the region. Croatia's and Albania's membership of NATO has had a similar effect.

The membership perspective for the Western Balkans stands in contrast to the lack of membership perspective for the countries of the South Caucasus. Armenia, Azerbaijan, and Georgia have to various degrees stated their commitment to EU approximation and eventual membership. But what is on offer from the EU is not membership but rather enhanced political relations, within the framework of the Eastern Partnership. It is important to note that the Eastern Partnership does not exclude the possibility of a membership perspective at some point in the future.

In the Balkans, many problems remain, such as the constitutional stalemate in Bosnia-Herzegovina, the relative fragility of the political setup in FYROM, Serb-Albanian relations, and war crimes issues. But the key Serb-Croat relationship, which was the one that caused the inter-ethnic tension to slide into war, seems to have developed, not least after two recent meetings between the presidents of the two countries, to the point where it can serve as an example in the region and perhaps beyond.

CONFLICT PREVENTION

The focus of this presentation has been conflict management. But both regions contain further conflict potential, which makes conflict prevention an indispensable priority alongside the handling of the existing protracted conflicts. Conflict prevention and mitigation require a human security approach in addition to the political approach of official negotiations and security-related deployments. This approach focuses on the role of individuals and requires a different set of instruments by the international community, such as support to civil society to allow for a strengthened civic culture and community dialogue.

In particular, there are many potential hotspots and flashpoints in the South Caucasus: the Azeri and Armenian minority areas in Georgia, where unemployment and social problems could acquire an ethnic conflict dimension if not handled correctly; some areas of Azerbaijan, where both Sunni and Shiite religious revival is creating concerns; the danger of spill-over from the increasingly precarious situation in the economically depressed and ethnically diverse Russian North Caucasus, etc. Many EU programmes are geared toward regional development in depressed minority areas, and we are also working on legislation, institution-building, education, and other rights issues together with the OSCE, including the High Commissioner on National Minorities, and the Council of Europe.

CONCLUSION

In the longer run, how can we overcome the inter-ethnic divisions and avoid that they become instruments in larger conflicts? I would focus on two key concepts—shared identity and common interests.

Since ethnicity is about identity, one of the visions closest at hand would be try to change the identities that have pitched peoples in these two regions against each other. As the Soviet Union and Yugoslavia waned, the superficial Soviet and Yugoslav identities rapidly disappeared, to be replaced by narrow and exclusive national and even nationalist identities in the successor states.

Only with the gradually increasing role of the European Union has the prospect of a new supra-ethnic identity emerged that could ultimately contribute to a common purpose and become a complement to the national identities, softening them and adding a layer to them without replacing them. We have already seen this in the Balkans, and I am confident that this transformation will ultimately also take place in the South Caucasus, as long as the EU has the will to deliver relevant benefits to the countries and engage with the conflict regions.

Another concept would be to nurture common interests between countries and ethnicities. This requires, first and foremost, open borders, not least since both the Balkans and the South Caucasus are located on strategic communications routes for goods, energy and people. These routes will require cooperation and a joint purpose if they are to function. In the Balkans this is largely taking place. By contrast, there are very few developments of this kind in the South Caucasus, apart from the recent cautious opening of a

Russian-Georgian border checkpoint. In fact, all the South Caucasus conflicts—Abkhazia, South Ossetia and Nagorno-Karabakh—are almost literally roadblocks preventing traffic on important strategic routes. Also the Turkish-Armenian conflict has kept the border between those two countries, with an enormous importance for the whole region, closed for more than 15 years. The war in Georgia demonstrated how closed borders make the existing communications routes vulnerable, but the sobering impact was short-lived.

With a renewed paradigm for the South Caucasus—a region of intersecting strategic communications routes—it may be possible for the states in the region to focus on the benefits of cooperation as an alternative to the continuing practice of instrumentalising inter-ethnic differences and holding inter-community and inter-ethnic relations hostage to wider conflicts. This paradigm is similar to the rationale behind the functional integration that led to the decision in the 1950s to pool Europe's strategic resources to prevent further conflict, a momentous decision that soon led to the emergence of the European Communities and later the European Union.

Thank you for your attention.



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