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# CONFLICTS IN GEORGIA:

## Ongoing challenges and ways to solution



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## INTRODUCTION

Many developments taking place in the country over the course of past years have had direct or indirect effects on the conflicts in Georgia. Cardinal changes have been observed both on the international as well as on our regional level.

No profound discussions around these developments have taken place neither on public or expert level even though their existential importance for the Georgian statehood is quite obvious. Any discussions around the topic are often politicized to the extent that leaves very limited space for unbiased analysis.

The present documents provides an analysis of international and local contexts for the purpose to develop specific, new and effective instruments with regard to the conflicts in Georgia. The analysis has been compiled by a group of experts under the aegis of the Institute for the Study of Nationalism and Conflicts and the Caucasian House.

The approaches relayed in the document are viewed within a framework of irreversible process of European integration, and, therefore, are focused on the freedom, civic equality, security, socio-economic and cultural development for all citizens, and on creating conditions for the integration into the common European space.

The addressees of the document are the Georgian government, the Georgian civil society, and the international community. It is expected that this document will be of interest for both the expert circles and the general public, including the populations and political elites of the conflict regions.

The purpose of the document is not just to offer specific recommendations to relevant parties, but rather to suggest new approaches or to turn public attention to overlooked issues related to conflict resolution, and to initiate professional and public debates around such issues.

## POLITICAL BACKGROUND

The events in Ukraine of 2014 revealed anew the real causes of the August 2008 Russia-Georgia war. It has been confirmed that in both cases (Moldova case is to be also considered in the same context) Russia aimed at blocking the Euro-Atlantic aspirations of the countries that had been relatively advanced within the framework of the Eastern Partnership Programme, and returning these countries to its own “sphere of privileged interests” and that it applied military force to achieve this. The annexation of Crimea by the Russian Federation, and its obvious support to separatists in Eastern Ukraine, gave rise to a large scale military conflict in the immediate neighbourhood to the borders of the European Union/ NATO member states. This has shattered the European security architecture established after the end of the Cold War and therefore strengthening its foundations has become the main concern of the West. These developments have somewhat overshadowed the problems related to the conflict regions in Georgia

However, the period since the 2008 war has seen many important changes taking place in Georgia and its secessionist regions - Abkhazia and South Ossetia. Tbilisi, Sukhumi and Tskhinvali have changed governments, which to more or less extent has influenced their policies. Last year, the leadership was also changed in the European Union - including the heads of the structural units working on the conflicts in the South Caucasus, and on the Eastern Partnership. As a result of Russia’s occupation of Abkhazia and South Ossetia, and the deployment of its military bases and border guards, increased the degree of militarization of these regions and, consequently, the threat of destabilization in the South Caucasus. The so-called ‘borderization’ process, and the further tightening of the state’s already strict regime for crossing the dividing lines, dramatically worsened the living conditions of conflict-affected populations, restricted some of their rights; in the secessionist regions, discriminatory policies based on ethnicity have become even more visible. At the same time, over the course of the past years, the number of states that have recognized the sovereignty of Abkhazia and South Ossetia has decreased (from 6 to 4), while the number of supporters of the UN General Assembly resolution on the situation of refugees has grown significantly.

The change of government in Georgia as a result of the 2012 parliamentary elections brought about some corrections to the Tbilisi’s official approaches toward the conflicts. Confrontational rhetoric against Russia gave its way to more restrained, and several conciliatory steps have been made in the direction of Russia (for example, contribution to the provision of security at the Winter Olympic in Sochi, and the participation of the Georgian athletes in the Games), reciprocated in certain steps on the Russian part - return of the Georgian agricultural products to the Russian market, and the resumption of regular passenger flights between the countries. While the restoration of the bilateral political dialogue with Russia initiated by the Georgian side (Abashidze-Karasin format) is from the very start restricted in effective outcomes, it still contributed to the perception of reduced risk of Russia’s military intervention. However, once again the events in Ukraine, Putin’s anti-western revanchism and expansionism, as well as activation of the Russia’s “soft power” in Georgia, mean that Russia still remains the main threat for the country and its Euro-Atlantic choice.

The change in the official Tbilisi’s approach toward conflicts can be also observed from another perspective: in contrast to the previous government, who would formally recognize the conflict with only one party – i.e. Russia - while the situation in the breakaway regions of Abkhazia and South Ossetia was considered as complimentary to this fundamental conflict, the new government acknowledge that they have to deal with the Georgian-Abkhaz and Georgian-Ossetian conflicts as well, and the problems of respective relations with these regions are not to be solved, even if the Russian factor is eliminated. The new government have been demonstrating a more differentiated approach to the conflicts in Abkhazia and in South Ossetia, in the knowledge that the Abkhazian and the Ossetian national projects are different: in the first case we are dealing with separatism, in the second - with irredentism; Sukhumi and Tskhinvali differ also with regards to available human, political and other resources.

The latter fact, which is often ignored by those who lack in-depth knowledge of the issue, was once again clearly demonstrated when recently the Russian Federation and Abkhazia signed the agreement on “alliance and strategic partnership”, while in the case of South Ossetia it became the one on “alliance and the integration”. Such initiatives originating in Moscow stirred very different emotions in Sukhumi and Tskhinvali, and the respective texts underwent varying degrees of changes during their review process and, despite the fact that the content of these agreements creates no doubts that Russia has acquired complete carte blanche in both regions, it is also clear that the Abkhaz try to preserve at least some illusion of sovereignty, however limited, while Ossetians see their future in merging into North Ossetia as a part of the Russian Federation. Accordingly, if Sukhumi ‘foreign policy’ activities

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are observed, including the cautious desire to deal with Europe (so that not to annoy Russia too much), in the case of Tskhinvali there are no signs of such interest.

It is noteworthy that by arranging above-mentioned ‘agreements’ (and not through a direct annexation as happened in Crimea, which would have been much welcomed in Tskhinvali,) Russia is trying to create the impression as if it leaves an open door to the parties in conflict for dialogue and seeking mutually acceptable solutions for contentious issues. In fact, this is just one more tool in the arsenal of the Russia’s soft power: it wants to convince the Georgian society that the Geneva negotiations taking place with international participation has no alternative and to push Georgia to seek the country’s reunification solely under Russia’s aegis. This will mean that at the cost of creating the illusion of resolving the conflicts Georgia should become an integral part of the Russian sphere of influence, where everything is “solved” as Moscow wants.

If this was not the case, the Russian Federation would have implemented more constructive approach at the Geneva negotiations, and contributed to finding a common language between Georgians, Abkhazians and Ossetians. Instead, Georgia is put under continuous pressure to conclude agreements with Abkhazia and South Ossetia on non-use of force, while:

- 1. Georgia has unilaterally assumed such commitment at the presidential and parliamentary levels;**
- 2. Russia in its turn categorically refuses to pledge such an obligation with regards to Georgia;**
- 3. It is obvious that after Russia’s recognition of Abkhazia and South Ossetia in 2008, and concluding the “Friendship, Cooperation and Mutual Assistance” agreements, which is now called ‘Alliance’ agreements, Georgia does not present any military threat to any of these entities, while Russia can easily use her territory as a springboard for military action against Georgia, or for destabilizing the situation there.**

Georgian authorities seem to have well recognized these dangers, and are not going to turn the country a hostage to unresolved conflicts. Still, the new government has failed to provide any adequate strategy in response to the old and new challenges in the field of conflict resolution. The “State Strategy on Occupied Territories” adopted in January 2010, and the subsequent Action Plan, approved in July the same year, are yet to be adapted, an outline of the new concept presented in the pre-election programme of the “Georgian Dream” coalition (2012) has not been developed further; introduction of amendments to the Law on Occupied Territories (adopted on October 23, 2008), based on the recommendations of the Venice Commission and of the European Union got stalled after the first parliamentary hearing (May 2013). All of this may surprise an observer as quite a few state agencies are working on the problems related to conflicts, forced migrants, and conflict-affected populations (see below). In fact, it is the overlap between the agencies working on the same issues that leads to dissipation of efforts and the existing situation

In addition to the aforementioned circumstances (events in Ukraine, the EU leadership), as well as to the resistance by Russia, and by de facto authorities in Sukhumi and, especially, in Tskhinvali, institutional inertia of the Georgian government has also contributed to the situation when only the first component of the EU’s “non-recognition and engagement policy” is implemented sustainably and effectively. Importantly, it is exactly this component which has the most critical potential to bring the societies of Abkhazia and South Ossetia in communion with the European values and lifestyle, make them interested in the European standards of protection of small nations minority rights. If during the process of Georgia’s Europeanization and integration into the Euro-Atlantic space Abkhazia and South Ossetia remain in the monopolistic Russian (illiberal) environment for unforeseeable future (over an extensive period of time) this will only create additional problems for the future achievement of strategic goals of mutual understanding, confidence-building and reconciliation between communities.

The continuous efforts of Western institutions and local civil society organizations towards the Europeanization of the Georgian society have yield positive results demonstrated by the unanimous approval in the Parliament of the Anti-Discrimination Law (2 May 2014). Nationalist and militaristic rhetoric now fail to gain any significant support among the electorate, while the integration into Euro-Atlantic structures, on the contrary, remains sustainably favoured by the Georgia’s population. An opinion that the conflict resolution requires time and effort, and it is possible only through peaceful means has become engrained in the public. These sentiments contrast to what is observed in Abkhazia and South Ossetia where the image of Georgians as enemies is still being cultivated, while any information about the developments in Georgia is as a rule one-sided (only negative); Russian ideological and propaganda machine, maintaining unrivalled position in the local news media scene, actively works to deliberately discredit the Western liberal-democratic values.

## CONFLICT MANAGEMENT AND SUPPORT FOR CONFLICT-AFFECTED POPULATION GROUPS

There are two state agencies that routinely work specifically on the issues related to the conflicts in Abkhazia and South Ossetia, internally displaced persons, and conflict-affected communities: the Office of the State Minister on Reconciliation and Civic Equality; and the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees. However, each of existing 19 ministries deals with the above mentioned issues. By the Decree # 257 of October 4, 2013 the Government established 2013 “the Temporary State Commission on the Reaction to the Needs of the Affected Population Residing in the Villages Bordering the Dividing Line “, which includes one or more representatives from each of the ministries (chair - the Minister for Regional Development and Infrastructure, co-chair - State Minister on Reconciliation and Civic Equality).

Apart from the central Georgian government, there are other actors who are also engaged with Abkhazia issues. These are:

The Supreme Council of the Autonomous Republic of Abkhazia, where the following Commissions:

- **De-occupation, international relations, education and culture;**
- **Legal and procedural issues;**
- **Constitutional and Human Rights;**
- **Fiscal and sectoral issues;**

**The government of the Autonomous Republic of Abkhazia including:**

- **The head of the government**
- **The Minister of Education and Culture**
- **The Minister of Finance and Economy**
- **The Minister of health and Social Protection**
- **The Minister of Confidence Building and Reconciliation Measures**
- **Deputy Head of the Department of Justice**
- **Head of the Agriculture, Environment and Natural Resources Department**
- **Regional representatives of the Government of the Autonomous Republic of Abkhazia**

**The South Ossetian Administration deals with the issues pertaining to South Ossetia/Tskhinvali region with the following major scopes of activities:**

- **Education**
- **Health and Social Protection**
- **Culture and Sport**
- **Relations with internally displaced persons**

In addition, the Kurta and Eredvi Municipalities operate in Tbilisi, and the Municipality of Akhagori is located in Tserovani.

At the Georgian Parliament, there operates the Temporary Commission on the Issues of Reestablishing Territorial Integrity (created on June 25, 2004, by the parliamentary decree #253-RS). It aims to coordinate efforts aiming at the restoration of the Georgia’s territorial integrity and the settlement of the conflicts in Abkhazia and the Tskhinvali region, the provision of parliamentary oversight over such efforts, supporting the peace process, and the preparation of draft bills and conclusions, elaboration of recommendations and submissions.

Yet another autonomous agency, which deals with the protection of the rights of IDPs and conflict-affected communities is the office of the Public Defender.

Local governments and self-government structures also work on the issues related to the wellbeing of IDPs and conflict-affected populations, in particular in the areas located along the dividing lines to varying degree.

Finally, the National Security Council and Council for State Security and Crisis Management are also involved in related activities.

Under such conditions, when so many various agencies are working on closely related issues, overlapping functions, sluggish decision-making, flaws in planning of actions, and the fuzziness of the institutional responsibilities are inevitable.

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**Information and communication.** Communication and information policy of the state is one of the main areas of operation through which the government establishes a two-way communication channels both with the public within country and with the outside world. Effective communication policy in such sensitive areas as conflict resolution (management, or transformation), and the problems of the conflict-affected populations are of dire importance.

Key objectives of the conflict-related communication policy include raising public awareness both among the country's population - including that of the conflict regions - as well as the external audiences, by providing reliable and objective information, explaining the state policies, and neutralizing the flows of biased information.

If conducive conditions are created, the mass media can bring about the most effective change in our societies, neutralize widespread harmful attitudes and debunk stereotypes within and without the country by offering adequate interpretations of facts. Well developed strategic cooperation between the civil society, the government and the media professionals, is the key to establishing more constructive attitude towards the political vision by the government, promoting public debate and raising public awareness.

**Civil society.** At present, civil discourse in Georgia with regards to conflicts is to some extent in a stand-by mode turning a blind eye to problems or awaits the government's initiatives to show up. However, many years of experience of being involved in different formats of dialogues, and available analytical potential, creates a possibility for the civil society to offer unorthodox, bold ideas, and propose new initiatives aimed at achieving strategic goals.

Conflict resolution process, and reconciliation as one of the main components of this process, require as a necessary condition acknowledging the other side's fears, aspirations, goals and interests, and understanding how the other side interprets security guarantees. One should realize that recognizing the existence of differing aspirations and perceptions does not mean their acceptance, but is a precondition for the start of a dialogue between the parties and of the convergence of conflicting aspirations.

The question of the future legal status of Abkhazia and South Ossetia poses a completely unique and special challenge. Development of an adequate response through developing a mutually acceptable model requires a certain level of interaction between the two sides.

In order to create the ground for future cooperation each and every stakeholder needs consider, reflect and agree on conflicting opinions and requirements, in a balanced manner.

Neither reconciliation-oriented conflict resolution policy and nor the possible consequences of implementing this policy will be sustainable if various groups representing both parties to the conflict are not involved in the conflict reconciliation and restoration of confidence within the framework of *Multi-Track diplomacy* or other processes. Thus, identification and use of the peacemaking capacities of the IDP community, and increasing its impact on the formation of the conflict-related policies, is critical.

It requires multi-layer coordination and effective and sustainable communication mechanisms for civil society to effectively implement this and other approaches. Consequently, it is important that civil society actors operate in the framework of the common strategic vision when maintaining civil dialogue with conflict parties in different formats, while they should not shy away from opposing the government and each other when the need be as they are engaged in dialogues ongoing in internal Georgian space.

## KEY FINDINGS AND RECOMMENDATIONS

### RECOMMENDATIONS TO THE GOVERNMENT OF GEORGIA

It is recommended to optimize and increase the efficiency of the work in areas of conflict resolution, IDPs and conflict-affected population by adequate allocation and separation, exclusion of duplication of functions between various ministries and agencies and improving the quality of coordination between them. In order to achieve this, consider ***the possibility of introducing the position of the “State Minister for Conflict and IDPs Issues” (conditional title) with the rank of Vice-Prime Minister***, to oversee the whole sphere related to these issues.

Implementation of this proposal will to put together the functions of accumulating and analysing all the data related to the conflicts and the problems tied to them, setting of the specific objectives, distribution of tasks between other agencies, providing a high degree of coordination between implementing agencies, fully activating the necessary system of referrals and reporting (that is why the rank of vice-premier is needed) in a single agency. It would be also possible to create, with the Office of the Minister for Conflict and IDPs Issues - Vice Prime Minister (*conditional title*), a permanent institutional structures that would work with non-governmental organizations, prepare legislative and other initiatives, concepts and strategies, provide expertise of respective ideas and proposals, communicate to the general public with the united position and organize effective feedback system, determine strategic priorities. IDPs and conflict-affected populations would know whom to address in order to solve their problems. No less important is for the international partners to know whom to address when needed, and where they would be able to obtain exhaustive information on any relevant issue. In fact this will be an extension of the “one stop shop” approach to the respective sphere.

Presumably, introduction of such a post in the government will require certain changes in the functions of individual agencies and their restructuring, however, the time and the reality demand this.

*The government should adopt a pro-active, long-term communication and information strategy* with clearly defined objectives and priorities of the state policies, also to provide targeted audiences with communication channels within the framework of a democratic state and freedom of speech. Although some of the necessary communication channels already exist, more need to be created anew. The latter primarily refers to the need for Russian-language electronic media. Such need is recognised in all of the Western as well as in other democratic countries.

In the present circumstances, when Georgia is exposed to the informational pressure originating in the north, establishment and operation of Russian-language TV (radio) broadcasting is an absolute necessity. Such channel would primarily aim at neutralizing the aggressive Russian propaganda, as the latter imposes serious threats over the Georgian statehood. It is equally important to create an alternative source of information for the residents of the conflict regions and Russian-speaking audiences in the neighbouring countries (including the Russia’s North Caucasus) to adequately reflect the life in Georgia, shutter an image of Georgia as an enemy and replace with more positive and realistic image. The respective TV and radio programs should be prepared in accordance to high professional and modern standards, be aesthetically attractive, easily accessible, including their online internet versions, and possesses effective means of feedback from the audiences. In addition to the function of adequate reflection of objective reality, the communication style should disseminate democratic, liberal, Western values, pluralism and openness in a sensitive but persistent manner. Close cooperation with the Western media is necessary with regards to exchanging information and programmes, as well as attracting professional experience and know-how. Provision of information and educational materials, training programs and the space for dialogue would create practical way of working with media professionals. This would benefit from engaging seasoned media theorists and administrators in such activities.

Adaptation of strategic documents and increasing the effectiveness of state programmes. In order to take into account the new realities the government should without delay update and revise the State Strategy on Occupied Territories and the respective Action Plan, along with increasing the effectiveness of the relevant state programmes, particularly in health and education spheres.

○ **In order to attract the residents of Abkhazia and South Ossetia to the educational space and provide them with an access to quality education, there is a need to tailor the existing educational programmes and develop special proposals adapted to existing needs. It is also important that the government develop special**



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arrangements for the students residing in Abkhazia and South Ossetia, as well as areas along the dividing line, in order to include them in the international exchange and specialised (re)training programmes.

- It is necessary to increase the accessibility of referral health care programmes and develop a flexible system, adapted to the current and local realities. In the light of the fact that crossing dividing lines is associated with difficulties, it is necessary to secure, within the existing state programmes, the full coverage of medical expenses for all groups of residents of the conflict regions, as well as provision of temporary accommodation in case of such need. At the same time, it is important that the IDPs and the people living along the dividing line have access to exactly the same amount of benefits of the state healthcare programmes and the same quality of services.

- **The Government must continue and intensify its dialogue with its international partners to clearly define the principles of “non-recognition and engagement policy” in order to act on these in a jointly agreed way; this in turn requires that the Government be ready to re-interpret/update these principles in accordance to the new realities. Within this process, it is important to demonstrate more flexibility (in particular, with regards to terminology and wording, etc.) in order to facilitate the acceptance of such initiatives by the population of the conflict regions while the principles of Georgian sovereignty are fully guaranteed.**

It is critical to intensify the collaboration with international organizations in the direction of improving the protection of human rights and security of the residents of the Gali and Akhgori districts, also intensify international mediation in establishing or maintaining direct dialogue with the Abkhaz and Ossetian elites. It is necessary to fully support international programmes aiming at social development in the conflict regions, such as various forms of technical assistance, rehabilitation and reconstruction of infrastructure, improvement of social conditions, and other related areas, with due account for the state interest and the need to provide accessibility to such programmes for the entire populations of the conflict regions, regardless of their ethnicity.

*The conflict-affected population living along the dividing lines* is subject to specific risks. This is especially relevant in the case of settlements located along the dividing line with South Ossetia. Most of the problems are related to the issues of security and free movement in these areas, as well as to severe social conditions and general vulnerability of the population. A special action plan needs to be developed in order to ensure that effective and realistic mechanisms are in place for voluntary engagement of the population residing on the other side of the dividing line. Any decisions concerning the conflict-affected population living along the dividing lines should take into account the specific needs, perceptions and attitudes that are quite specific to respective communities and depend on the combination of various factors (e.g. previous conflict-related experience, location, amount of damage, number of mixed families, etc.). It is important to elaborate special development plans for such areas and their effective implementation, with the provision of realistic mechanisms for voluntary and safe inclusion of the groups of population residing on the other side across the dividing lines.

## RECOMMENDATIONS TO THE CIVIL SOCIETY

It is important to establish coordination of the activities and systematic exchange of information on part of civil society organizations working on the issues of conflict resolution and the populations affected by conflicts; improve accessibility and effective dissemination of documents prepared by them, including for international governmental and non-governmental organizations.

Interested organizations and experts should cooperatively prepare proposals for harmonisation of the “Law on occupied territories” with the Venice Commission’s recommendations, in particular to amend the clauses that are directed against the fact of occupation itself and not against the residents of the occupied territories, ensuring the realization of principles freedom, security, equality, prosperity and development for them.

In collaboration with interested organizations and experts, prepare alternative proposals regarding possible formats of travel documents for residents of the conflict regions, which will not contradict the European “engagement” policy, and be directed at the realization of freedom of movement for them and their de-isolation from the Western world. At the same time, there is a need to launch a broad public discussion around both the above proposal, as well as on the possible recognition of the validity on the whole territory of Georgia of identity documents issued by Abkhazian and South Ossetian de facto authorities.

Critical attitudes demonstrated by certain groups towards some of the articles of the recent agreements between the Russian Federation and Abkhazia “on alliance and strategic partnership”, as well as that between the

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Russian Federation and South Ossetia “on alliance and the integration”, revealed during the discussions around these agreements, create certain basis for the Georgian civil society and experts to develop and propose alternative approaches / concepts within the context of the common European future and Europeanisation process. This particularly refers to putting the real content into the European “engagement” component, providing new opportunities against the background of Georgia’s incorporation in the Deep and Comprehensive Free Trade Area (DCFTA) and ongoing process of visa liberalization.

It is necessary to carry out a realistic assessment of the peace potential of the IDP population, and to actively use this potential in different formats of civil diplomacy, so that the issues related to forced displacement are not left out of any negotiations agenda.

In the course of planning programmes and activities to be conducted along the dividing lines, it is necessary to take into account special sensitivities of the local population groups towards the conflict related issues, , as well as to properly analyse their attitudes and specific needs, so that the results of respective activities do not appear counterproductive for people on both sides of the dividing lines.

Public debate should be activated on the issues related to the wellbeing of IDPs as one of the main groups affected by the conflict, and in particular on the issue of the Georgian state’s responsibility, as well as on the possibility and the format of moral and financial compensation (a one-off tangible benefit) given to IDPs in order to acknowledge the losses suffered by them in the past, in accordance to the best international practices. It is necessary to ensure that such compensation is not to be perceived as an alternative to the right to return. At the same time, and in parallel to above process, it is time to start the public debate *on the possibility to acknowledge the damage suffered due to the conflict by the communities living in Abkhazia and South Ossetia*, and on the possible forms of issuing tangible moral and financial compensation in accordance to the existing international practice, seeking for the adequate ways of providing such compensations to their beneficiaries (a restitution law?)

*Initiate public debate aimed at re-thinking and re-evaluating of the common history, regardless of who, to what extent and when committed transgressions and mistakes.* It is important that this process be based on the results and be qualified scholarly research and directed at the search for possible ways to correct past mistakes and to eliminate the possibility of committing them again in the future;

In both the Abkhaz and the Ossetian communities there is cultivated fear of a resumption of military action by the Georgian state. Therefore, it is possible to consider in the civil format the *possibility of preparing a draft agreement of non-use of force by the parties of the Georgian-Abkhazian and Georgian-Ossetian conflicts*, and discuss the conditions of concluding such agreements with special conditions that would be realised under the supervision and monitoring by the international community.

## RECOMMENDATIONS TO THE INTERNATIONAL COMMUNITY

It is necessary that the international community devote more effort in the direction of mitigating the problems of the communities living along the dividing lines and the prevention of violations of human rights, and minimisation of the negative impact of the so-called “borderisation”, in particular detentions of persons charged by illegal border crossing.

It is important for the international community to intensify support to bilateral dialogues in different formats - civil, professional, grass-roots and other, and also support the initiation and implementation of new, innovative formats and approaches. It is equally important to support the Track 1,5 dialogue formats, notwithstanding the difficulties and the lack of immediate impact related to the realization of these formats as the prospects of long-term strategic approaches have little chance unless there are established dialogue channels and communication opportunities.